



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**August 10, 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:

FY21 PRELIMINARY BUDGET PRESENTATION:

FY21 PROPOSED BUDGET PRESENTATION:

CONSENT CALENDAR (1-4):

1. **Minutes of the Regular City Commission Meeting of July 13, 2020.**
Agenda Cover Memorandum No.: 22999
2. **Resolution No. 217-20(F) accepting grant funding in the amount of \$2,000 under the Libraries Lead with Digital Skills program sponsored by Google, to provide continued career programming and the purchase of supplies and equipment for the Mandel Public Library of West Palm Beach.**

RESOLUTION NO. 217-20(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 APPROPRIATIONS FOR THE “LIBRARIES LEAD WITH DIGITAL SKILLS” AWARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23000

Staff Recommended Motion:

Approve Resolution No. 217-20(F).

Background:

The “Grow with Google” initiative places a specific emphasis on helping job seekers and small businesses acquire new digital skills for the purpose of job attainment, enrichment and increasing business. “Libraries Lead with Digital Skills is an initiative of the American Library Association and the Public Library Association, sponsored by Google, to ensure that public libraries across the nation receive ongoing access to free tools and resources to help everyone across America grow their skills, careers, and businesses.”*

With the recent shutdown of the economy, job loss has increased dramatically, and patrons have lost the ability to utilize resources such as Microsoft Word for resume building. During June-July 2020, the Mandel Public Library adult education and employment center, Square One, developed and published a series of short recorded videos that were shared via YouTube called “Quick Tips from Square One”. These videos cover free alternatives for resume creation and sharing through Google Suite along with other topics pertaining to unemployment, time management, etc.

This grant met the requirements of a small grant under City policy and the Library submitted a grant application. Because these programs met the criteria of the "Libraries Lead with Digital Skills" initiative, the Mandel Public Library will receive an award of \$2,000 to support future digital literacy programs developed by the Library. Funding from this award will be used to purchase additional equipment such as Chromebooks with direct access to the Quick Tip videos and other Digital Literacy tools available through “Grow with Google” for use by job seekers.

No City match is required for this grant.

Resolution No. 217-20(F) accepts the grant funds.

*"Libraries Lead with Digital Skills", American Library Association, January 16, 2019.

<http://www.ala.org/pla/initiatives/google> (Accessed June 23, 2020)

Document ID: c81568ec-9fc1-471c-ac56-1df684f62d93

Fiscal Note:

Approval will recognize grant proceeds of \$2,000 and provide appropriations for the Libraries Lead with Digital Skills Initiative.

3. **Resolution No. 222-20(F) amends the personnel detail by moving 6 FTEs from the General Fund Public Works department to the Local Gas Tax Revenue Fund Engineering department; and**

Resolution No. 223-20(F) provides appropriations for the personnel expenditures moving into the Local Gas Tax Revenue fund.

RESOLUTION NO. 222-20(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE GENERAL FUND AND GAS TAX FUND FY 2019/2020 ADOPTED BUDGET FOR THE PUBLIC WORKS AND ENGINEERING DEPARTMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 223-20(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 2019/20 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 FOR THE ENGINEERING DEPARTMENT TO PROVIDE APPROPRIATIONS FOR THE ADDITION OF SIX FULL-TIME POSITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23001

Staff Recommended Motion:

Approve Resolution No. 222-20(F) and Resolution No. 223-20(F).

Background:

Due to the economic challenges caused by the COVID-19 pandemic the City has been actively searching for ways to reduce general fund expenditures. An opportunity to transfer a Street Maintenance team of 6 FTEs to the Local Gas Tax Revenue fund for the remainder of FY20 and beyond will save approximately \$40,000 in FY20 and \$500,000 in FY21.

The Local Option Gas Tax is a revenue source authorized by the State of Florida Legislature. The City receives a portion of local sales on Motor & Diesel Fuel. The funds are set aside in a Special Revenue Fund (101) because the revenue must be used for roadway and sidewalk improvements and repairs to insure transportation safety for the public. Budget appropriations identify such eligible projects, repairs, and improvements, and the funding is authorized for the personnel necessary to insure asphalt and other maintenance of the roadways and sidewalks. Funds come forward each year to continue projects, and Commission approval is required for budgeted appropriations that request use of reserves for future projects.

Fiscal Note:

Approval reduces FY20 General Fund by approximately \$40,000 and reallocates expenses within the Local Gas Tax Revenue Fund to cover personnel expenditures for 6 FTEs for the remainder of FY20.

4. **Resolution No. 224-20(F) authorizing the transfer of funds in the amount of \$2,000,000 within the One-Cent Sales Tax Fund to move reserves to the Citywide Roadway improvements project.**

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 ONE-CENT SALES TAX CAPITAL IMPROVEMENTS FUND TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE CITYWIDE ROADWAY IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 23002

Staff Recommended Motion:

Approve Resolution No. 224-20(F).

Background:

In November 2016, the Palm Beach County voters approved by referendum the a One-Cent Sales Surtax to pay for needed improvements to public infrastructure. The City Commission supported that referendum via Resolution No. 168-16 which was passed on May 23, 2016. The City Commission also passed Resolution No. 309-16 on September 26, 2016 approving the list of projects to be funded from the Surtax proceeds if the voters approved the referendum. Included in the list of approved projects is Citywide Roadway Improvements.

The overall One-Cent Sales Surtax program is to be effective for ten years and to a maximum of \$60M in sales tax revenue towards the specific projects.

Citywide Roadway Improvements is to be allotted a total of \$12.3M out of the expected \$60M sales tax revenue. Allocations from this revenue have been made to the Citywide Roadway Improvements project account each year starting in FY 2018 with a current cumulative total of \$6.4M of the \$12.3M limit. This fiscal year, FY20, there has been \$3.8M of encumbrances and expenditures towards multiple Roadway Improvement projects. Although another allocation of funds toward Citywide Roadway Improvements will be made as part of the FY21 budget, there is a need to allocate more funds into this account now to cover the commitments towards other projects ahead of the FY21 budget establishment. There is currently \$3.8M in the reserves account for the One Cent Sales Tax Capital Improvement fund. Increasing the current remaining budget in the Citywide Roadway Improvements project account to \$2.5M will facilitate funding for several projects for which we need to encumber funds before the end of September.

Historically, Gas Tax revenue has been used to provide funding for many of these roadway projects. However, due to diminished Local Gas Tax revenues this year, there is a need to pay for some of the other currently planned projects from the One Cent Sales Tax Citywide Roadway Improvements budget instead.

Fiscal Note:

Approval will provide \$2,000,000 of funding from One Cent Sales Tax Capital reserves for Citywide roadway improvement projects. The remaining FY 20 balance of reserves in the One-Cent Sales Tax Capital Improvements Fund will then be \$1,813,899.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (5-6)

5. **Resolution No. 215-20 approving submittal of an application for the 2020 Urban and Community Forestry Grant in the amount of \$20,000 to perform a tree inventory on City property.**

A RESOLUTION OF THE CITY COMMISSION OF CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE STATE OF FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR AN URBAN AND COMMUNITY FORESTRY PROGRAM GRANT ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23003

Staff Recommended Motion:

Approve Resolution No. 215-20.

Background:

The purpose of Florida's Urban and Community Forestry (UCF) Grant Program is to provide financial assistance to local governments, Native American tribal governments, volunteer groups, nonprofit organizations, and educational institutions to initiate or enhance local urban and community forestry programs and improve the urban environment within the State of Florida. The State of Florida anticipates an allocation of \$200,000 for fiscal year 2020. The primary purpose of this UCF grant program is to mitigate the effect to the urban forest component of community infrastructures throughout the State of Florida impacted by recent hurricane and other weather-related events.

The Office of Sustainability wishes to apply to conduct inventories of trees in public areas and assess the condition of individual trees, and desires to apply for a grant in the amount of \$20,000. The maximum grant request for the tree inventory is \$20,000 with a required 100% match.

The Office of Sustainability, working in conjunction with the Department of Parks and Recreation, purchased a tree inventory software and has conducted preliminary assessments in the downtown core, the Northwest neighborhood, and in several other locations within the City of West Palm Beach. The Department of Parks and Recreation currently has grant funds to inventory trees in specified parks. These grant awards would be applied toward inventorying street trees. This inventory will compliment a tree canopy assessment, which was completed in January of 2019, and will provide a baseline for tree health and species diversity within the City of West Palm Beach. It will further encourage a monitoring program, which will strengthen care for the City of West Palm Beach's prized assets, trees.

Resolution No. 215-20 authorizes submittal of the grant application.

Fiscal Note:

Cost Sharing (Matching) Requirements: The match requirements for this Funding Opportunity is 50% (1:1 match), estimated at \$20,000. The required equal match will come from the Office of Sustainability 2021 budget.

6. **Resolution No. 220-20 finding that City-owned property located at 8111 South Dixie Highway is not needed for City purposes, declaring the property surplus, and providing the method of disposition.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT THE REAL PROPERTY LOCATED AT 8111 SO. DIXIE HIGHWAY IS NOT NEEDED FOR CITY PURPOSES AND IS DECLARED TO BE SURPLUS; DIRECTING THE METHOD OF DISPOSITION BY COMPETITIVE INVITATION TO NEGOTIATE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23004

Staff Recommended Motion:

Approve Resolution No. 220-20.

Background:

The City hereby desires to make a determination of surplus of property located at 8111 South Dixie Highway, consisting of approximately 6.51 acres, as shown on Exhibit A attached. Given the significant interest for development of the property, City staff seeks authorization to issue a competitive invitation to negotiate with interested parties. This method of disposition will allow City staff to evaluate and negotiate proposals that will result in obtaining the best value and use for the Parcel. Highest and best use proposals will be presented to the City Commission for with a recommendation for final approval.

Section 2-31(27)(b) of the Code of Ordinances of the City of West Palm Beach, Florida, requires that prior to the disposition of City property, the City Commission shall: (i) make a legislative finding that the City property is not needed for City purposes and declaring the property surplus; and (ii) select the method of disposition. City staff seeks authorization to issue a competitive invitation to negotiate with interested parties and bring one or more best value proposals to the City Commission for consideration.

Commission District: The subject Property is located within Commission District No. 5: Commissioner Christina Lambert.

PUBLIC HEARINGS (7-10):

- 7. Public Hearing and Second Reading of Ordinance No. 4905-20 amending City Code Section 42-32, defining "Employers" at a lower threshold number of employees needed to bring employers within the ambit of City's equal opportunity laws.**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 42 (HUMAN RELATIONS), ARTICLE II (EQUAL OPPORTUNITY), SECTION 42-32 (DEFINITIONS) OF THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, TO EXPAND THE DEFINITION OF EMPLOYERS SUBJECT TO THE CITY'S EQUAL OPPORTUNITY LAW PROHIBITING DISCRIMINATION BASED ON PROTECTED STATUS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23005

Staff Recommended Motion:

Approve Ordinance No. 4905-20 at Second Reading and enact into law.

Background:

Counties in and around the City of West Palm Beach, including but not limited to Broward, Leon, Miami-Dade, Orange, and Pinellas counties, have equal opportunity laws that generally define "employer" to include those with five or more employees for between four and 20 or more calendar weeks per year (the years calculated variously), whereas currently, the City's Code, at Sec. 42-32, defines employers subject to the City's equal opportunity laws as those employing "15 or more employees . . . in each of the four or more calendar weeks in the current calendar year." In order to maintain its commitment to and leadership in the area of equal opportunities in employment, housing, and public accommodations, and particularly on the heels of the Supreme Court's June 15, 2020 decision extending federal law protection to gay and transgender persons in employment matters, City Administration seeks, through the mayor's initiative, to lower the number of threshold employees, which will make employers subject to the City's equal opportunity law to more closely align with its like-minded counterparts in the state.

Ordinance No. 4905-20 unanimously passed at First Reading on July 27, 2020. There was no public comment, commission inquiries or requested follow up at First Reading. The case cite for the recent Supreme Court decision was added to the second "Whereas" clause, and the second reading and final passage date was added to Section 5; those constitute the only changes since First Reading.

8. Public Hearing and Second Reading of Ordinance No. 4892-20 amending the Utilities Element of the City's Comprehensive Plan to update the 10-Year Water Supply Facility Work Plan Sub Element and other sections of the Utilities Element as required by Chapter 163.3177 of the Florida Statutes.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE UTILITIES ELEMENT OF THE COMPREHENSIVE PLAN TO UPDATE THE 10 YEAR WATER SUPPLY FACILITY WORK PLAN SUB ELEMENT AND OTHER SECTIONS OF THE UTILITIES ELEMENT AS REQUIRED BY CHAPTER 163.3177 OF FLORIDA STATUTES; DECLARING THE PROPOSED AMENDMENTS TO BE CONSISTENT WITH ALL OTHER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
Agenda Cover Memorandum No.: 23006

Staff Recommended Motion:

Approve Ordinance No. 4892-20 based on the finding that the Ordinance meets the requirements of Section 163.3177, Florida Statutes, and is consistent with the other elements of the Comprehensive Plan.

Background:

Ordinance No. 4892-20 is a proposed amendment to the Utilities Element of the Comprehensive Plan to update the 10-year Water Supply Facility Work Plan Sub Element and other sections of the Utilities Element as required by Section 163.3177(6)(c), Florida Statutes.

The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses, while meeting the needs of the environment. This process identifies areas where historically used sources of water will not be adequate to meet future demands and evaluates several water source options to meet those demands.

Section 163.3177(6)(c), Florida Statutes, requires the City of West Palm Beach and all municipalities in the State to revise the 10-year Water Supply Work Plan within its comprehensive plan no later than 18 months after the water management district approves a regional water supply plan or its update. This deadline was extended as a result of current circumstances. The South Florida Water Management District (SFWMD) adopted its most recent update to the Lower East Coast Water Supply Plan in November 2018 (2018 LEC Plan Update).

There are several reasons why the Florida Statutes require local governments to update the 10 Year Water Supply Facilities Work Plan (Work Plan):

- Ensure adequate water supply for current and future residents;
- Strengthen position to compete for funding assistance;
- Plan for alternative sources that take time to develop and finance; and
- Ensure local needs are considered by regional water suppliers and the South Florida Water Management District (SFWMD).

The City is proposing the following revisions to the Work Plan:

- Population estimates and projections are updated to reflect the most recent available data. This includes several of the tables in the Work Plan.
- New Objective 1.3 and related policies are added to the Solid Waste Sub Element of the Utilities Element. This new language relates to the transporting and pretreatment of Fats, Oils, and Grease (FOG) from restaurants and food service establishments and septage according to State Regulations for disposal at the East Central Regional Water Reclamation Facility (ECRWF).
- Water demand estimates and projections are being revised for consistency with the 2018 LEC Plan update.
- Technical specifications for the Eastern wellfield are updated.
- Revised dates are incorporated in the document to stay consistent with the 2018 LEC Plan update.
- Capital improvement needs to meet existing and future demands are being revised.
- The section on the City's water conservation efforts, including the Alternative Water Supply Projects/Reuse portion of the Work Plan, is being updated.
- Planning time frames are updated to reflect the 10-year planning horizon of the Work Plan.
- Other changes to reflect changed conditions and new practices and policies are being incorporated.
- Amended the section of the Work Plan dealing with the Water Treatment Plant Process to better reflect current practices.

Notification of the proposed Comprehensive Plan text amendments was sent to IPARC on February 13, 2020, and to date, the City has not received any objections or comments.

The Planning Board recommended approval (7-0) of this proposed amendment after a Public Hearing on February 18, 2020.

The City Commission reviewed the proposed amendment during its April 6, 2020 Transmittal Public Hearing, and recommended approval 4-0. The proposed amendments were transmitted to the Florida Department of Economic Opportunity (DEO) and other state and regional agencies for their review.

On May 5, 2020, the South Florida Water Management District (SFWMD) or the "District", which is one of the agencies that reviewed the proposed amendments, provided a series of comments that "need to be addressed before the final adoption of this amendment." The SFWMD also indicated that: "If these comments are not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment". Since that date, City Staff has been in regular communication with SFWMD staff in order to ensure that the City appropriately addressed the District's comments. On June 8, 2020, the City sent to the SFWMD, for their informal review, revised language that incorporated the SFWMD's comments to the original proposed amendment language. On July 7, 2020, the SFWMD indicated that, after completing their informal review of the revised language, they had only one comment regarding the use of a specific technical term in one section of the Plan. The revised language in the Water Supply Plan update that is now proposed for adoption incorporates changes that address the SFWMD's comments from June 8, 2020 and the sole comment from July 7, 2020.

All of the proposed changes are consistent with the requirements of the State Statutes, the SFWMD 2018 LEC Plan Update, and with other elements of the Comprehensive Plan.

Therefore, staff is recommending approval of Ordinance No. 4892-20.

9. First Reading of Ordinance No. 4907-20 amending the City's Deferred Compensation Plan (457(b)) to implement the provisions under the CARES Act to allow coronavirus related loans and distributions to plan participants; and

First Reading of Ordinance No. 4910-20 amending the City's Defined Contribution Retirement Plan (401(a)) to clarify authorized loan purposes.

ORDINANCE NO. 4907-20: 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 AT CHAPTER 62 – PERSONNEL AND RETIREMENT, ARTICLE III - PENSIONS AND RETIREMENT, DIVISION 4 – DEFERRED COMPENSATION PLAN, SECTION 62-157 – DEFINITIONS; SECTION 62-159 – CONTRIBUTIONS; AMENDING SECTION 62-161 – BENEFITS; AMENDING SECTION 62-162 –LOANS TO

PARTICIPANTS; AND SECTION 62-163 – ADMINISTRATION, TO PROVIDE FOR LOANS AND DISTRIBUTIONS UNDER THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT AND TO ALLOW FOR MORE THAN ONE-LOAN IN A ONE-YEAR PERIOD WHEN THE IRS GRANTS RELIEF FROM SUCH RESTRICTIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 4910-20: 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 AT CHAPTER 62 – PERSONNEL AND RETIREMENT, ARTICLE III - PENSIONS AND RETIREMENT, DIVISION 3 – DEFINED CONTRIBUTION RETIREMENT SYSTEM, SECTION 62-137 – LOANS TO PARTICIPANTS; TO CLARIFY PERMISSIBLE PURPOSES FOR LOANS WHEN THE IRS GRANTS RELIEF FROM SUCH RESTRICTIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23007

Staff Recommended Motion:

Approve Ordinance No. 4907-20 and Ordinance No. 4910-20 on first reading.

Background:

ORDINANCE NO. 4907-20:

The 457(b) Deferred Compensation Plan ("Plan") consists of employee contributions to their retirement. The City does not contribute to the employee's Plan, and employee's contributions in this Plan are optional. The CARES Act, adopted by congress in response to COVID-19, established provisions allowing employees to take loans or distributions from a retirement plan without penalties if the request was due to a coronavirus related hardship; however, the act requires the Plan to adopt the CARES Act provisions. Employees have requested the ability to take loans and distributions from the Plan to alleviate financial hardships caused by COVID-19. The Ordinance implements the CARES Act provisions and allows employees to take loans and distributions in accordance with the CARES Act. Consistent with the 401(a) plan, participants may have no more than five loans outstanding at any given time.

ORDINANCE NO. 4910-20:

The 401(a) Defined Contribution Retirement System consists of employee contributions to their retirement. The City contributes to the employee's plan. The Administrative Committee of the 401(a) plan routinely reviews the plan and has recommended that the City clarify the permissible purposes for loans. The Ordinance clarifies that loans provided under the plan to alleviate significant hardships, such as damage to residences or vehicles, caused by declared emergencies and disasters for which the Internal Revenue Service grants relief shall be made in accordance with FEMA Guidelines and Safe Harbor rules.

10. **Resolution No. 179-20: A request by Jon Schmidt of Schmidt Nichols, on behalf of Jeff Greene, for the abandonment of a 50-foot wide by approximately 131-foot long portion of Biscayne Drive, located just west of the Florida East Coast (F.E.C.) railroad tracks and consisting of approximately 0.15 acres (6,574 square feet).**

RESOLUTION NO. 179-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, VACATING AND ABANDONING AN APPROXIMATELY 0.15 ACRE (6,574 SQUARE FEET) PORTION OF BISCAYNE DRIVE, JUST WEST OF THE FLORIDA EAST COAST (F.E.C.) RAILROAD TRACKS; RESERVING A UTILITY EASEMENT; AUTHORIZING EXECUTION OF A DISCLAIMER OF INTEREST IN THE AFORESAID RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22980

Staff Recommended Motion:

Approve Resolution No. 179-20.

Background:

The subject public right-of-way considered for the abandonment is a 50-foot wide by approximately 131-foot long portion of Biscayne Drive, just west of the Florida East Coast (F.E.C.) railroad tracks, where Biscayne Drive dead-ends. The applicant, Jeff Greene, who is the property owner of the tracts of land immediately north and south, is requesting approval for the vacation of the subject right-of-way for the assemblage of parcels in the future development of a 32,857 square foot private health club. The location map, and sketch and legal description of the subject right of way is provided in ATTACHMENTS A and B, and the approved site plan for the private health club is provided in ATTACHMENT C.

The abandonment of the subject right-of-way will not result in any negative impact to the surrounding area, since the subject portion of Biscayne Drive dead-ends into the Florida East Coast (F.E.C.) railroad, and it is not functional for any sidewalks or vehicular access. Due to its size and width, the subject right-of-way has very little (if any) development potential or use to anyone other than the adjacent property owner as part of an assemblage into their property.

The right-of-way is encumbered by underground water and sewer mains and a utility easement reservation will be required if the abandonment is approved.

An appraisal for the abandonment of the subject property was prepared by Anderson & Carr, Inc., on January 29, 2020 and submitted to the City. According to the appraisal report (EXHIBIT D), the market value for the subject area with a utility easement reservation is \$82,500. The applicant has agreed to pay the City the appraised value for the abandonment.

STANDARDS: Staff has found the requested abandonment complies with the abandonment criteria in Section 78-217 of the City's Code of Ordinances.

NOTICES: Pursuant to the requirements of Sec. 78-215(b) of the City's Code of Ordinances, individual notices were mailed to all property owners within 400 feet of the subject property, the site was posted, and the Resolution was advertised in the Palm Beach Post. To date, the City has not received any inquiry regarding the general nature of this request.

COMMISSION DISTRICT: The subject area is located within Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

The City will receive payment in the amount of \$82,500.

PUBLIC HEARING – QUASI JUDICIAL (11):

**DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

11. Resolution No. 173-20 approving the plat entitled "2001 S. Dixie Private School."

RESOLUTION NO. 173-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MINOR SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED "2001 S. DIXIE PRIVATE SCHOOL", BY COMBINING THIRTEEN PLATTED PARCELS IN THE PLAT OF FLAMINGO PARK INTO THREE SEPARATE PARCELS, CONTAINING A TOTAL OF APPROXIMATELY 1.80 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF SOUTH DIXIE HIGHWAY, BETWEEN FLAMINGO DRIVE AND CLAREMORE DRIVE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 22979

Staff Recommended Motion:

Approve Resolution No. 173-20.

Background:

The subject property is comprised of 1.80 acres and is located on the west side of South Dixie Highway, between Flamingo Drive and Claremore Drive. The subject property is comprised of thirteen (13) platted parcels in the Plat of Flamingo Park (Plat Book 8, Page 30, Public Records of Palm Beach County) and is owned by Tobias Partners, L.P. (the “Applicant”). An existing private school use (The Greene School at 2001 South Dixie Highway) is currently located on the property . An aerial location map of the subject property is provided in ATTACHMENT A and the survey of the property is provided in ATTACHMENT B.

The applicant is requesting approval to replat the parcels that comprise the subject property into a separate plat of three (3) parcels for the school use. The proposed plat document is provided in ATTACHMENT C.

STANDARDS: The plat complies with all the subdivision general design standards of Sec. 94-342 of the Zoning and Land Development Regulations.

PLANNING BOARD: As a Minor Subdivision, the subject plat was not required to be reviewed by the City’s Planning Board.

PUBLIC NOTICE: Resolution No. 173-20 was advertised in the Palm Beach Post on July 3, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 5: Commissioner Christina Lambert.

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.