



**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**August 24, 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:

PRESENTATION AND AWARDS OF MERIT (1):

1. **Tribute Presentation to Laurel Robinson in recognition of her service as Executive Director of the West Palm Beach Housing Authority from 01/04/1999 to 07/31/2020.**
Agenda Cover Memorandum No.: 23011

COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:

FY21 PROPOSED BUDGET PRESENTATION:

CONSENT CALENDAR (2-6):

2. **Minutes of the Regular City Commission Meeting of July 27, 2020.**
Agenda Cover Memorandum No.: 23012

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of July 27, 2020.

3. **Minutes of the Regular City Commission Meeting of August 10, 2020.**
Agenda Cover Memorandum No.: 23013

Staff Recommended Motion:

Approve the Minutes of the Regular City Commission Meeting of August 10, 2020.

4. **Resolution No. 221-20(F) authorizes the appropriation of funds in the amount of \$2,000 for Census 2020 promotion and activities for the Mandel Public Library of West Palm Beach.**

RESOLUTION NO. 221-20(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 “LIBRARY CENSUS EQUITY FUND” AWARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23014

Staff Recommended Motion:

Approve Resolution No. 221-20(F).

Background:

The Mandel Public Library applied for the Library Census Equity Fund mini-grant from the American Library Association (ALA) in November of 2019 for Census awareness and activities. The application was not awarded at that time.

A recent change in ALA funding has provided new available funds, and ALA is now able to award a \$2,000 mini-grant to support 2020 Census outreach activities for the Mandel Public Library. ALA has also noted, "Your library does not need to be physically open to users in order to undertake census outreach. In addition, your library does not need to undertake the activities proposed in your original November 2019 application."

Fiscal Note:

Approval will recognize grant proceeds of \$2,000 and provide appropriations for 2020 Census Outreach.

5. **Resolution No. 225-20 approving submittal of an application to the Florida Department of State, Division of Library and Information Services for the State Aid to Libraries Grant in the estimated amount of \$106,000 to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during FY 2020-21.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF STATE FOR A STATE AID TO LIBRARIES GRANT FOR OPERATION AND MAINTENANCE OF THE MANDEL PUBLIC LIBRARY; AUTHORIZING EXECUTION OF A GRANT AGREEMENT AND OTHER DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23015

Staff Recommended Motion:

Approve Resolution. No. 225-20.

Background:

Florida's State Aid to Libraries Program is administered by the Florida Department of State, Division of Library and Information Services. In 2003, the Legislature revised the law to allow independent municipal libraries to participate in the State Aid to Libraries Program. This was done in recognition that the provision of state aid to independent municipal libraries is a valuable contribution to the extension of the state's public library development plan. The State provides a match of up to 25 cents on each dollar of local funds expended centrally for the operation and maintenance of the library. The Mandel Public Library of West Palm Beach has received State Aid funding since 2003.

The Mandel Public Library meets the following requirements to receive the State Aid to Libraries Grant: 1) provides free library services; 2) maintains an established interlocal agreement to jointly support each participating library; 3) retains a single administrative head employed full-time to manage or coordinate the operations of the library; 4) expends funds centrally; 5) maintains a reciprocal borrowing agreement; 6) provides access to materials, information and services for all residents of the area served; 7) library is open 40 hours or more each week; and 8) has established a long-range plan, annual plan of service, and annual budget.

Funding from the state may only be used for operating costs and will supplement the Mandel Public Library's operating costs for goods and services as defined by the Uniform Accounting System Manual for Local Governments, 2008 Edition, prepared by the Florida Department of Financial Services, Bureau of Local Government.

The State will determine the amount of grant to be awarded to the City however, it is estimated to be up to \$106,000.

Resolution No. 225-20 approves submittal of the grant application.

6. **Resolution No. 229-20(F) transferring funds from the Building Permitting Fund to the Information Technology Replacement Fund to provide appropriations for the capitalization of the Tyler EnerGov Software project for the Development Services Department.**

RESOLUTION NO. 229-20(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 BUILDING PERMITTING FUND AND THE INFORMATION TECHNOLOGY REPLACEMENT FUND TO PROVIDE APPROPRIATIONS FOR THE CAPITALIZATION OF THE TYLER ENERGOV SOFTWARE PROJECT FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23016

Staff Recommended Motion:

Approve Resolution No. 229-20(F).

Background:

The Tyler EnerGov Software Project is to replace the current Sungard CommunityPlus and eGovPlus Land Management Applications systems. The CommunityPlus/eGovPlus applications were initially procured thru an RFP Process with the CommunityPlus/eGovPlus application selected in 1997 to consolidate Permitting, Business Licenses, Code Enforcement and Alarm Licenses into one integrated platform. Go Live for CommunityPlus was in November of 1998. Since 1998, there have been several customizations and upgrades to the system; however, the application and platform have become outdated and is no longer supported by the vendor. In August 2017, the city entered into a Consulting and Project Management contract with Plante & Moran PLLC who was the selected vendor of RFP No. 16-17-205. Since that date, Plante & Moran has provided consulting and project management services in the development of RFP No. 17-18-218, assistance in the vendor selection process of RFP No. 17-18-218 Development Services System and continues to provide project management services thru the implementation of the Tyler Technologies EnerGov Land Management Application.

Tyler Technologies, Inc. is the selected vendor from RFP No. 12-18-218 and EnerGov is the application software that is being implemented to replace the CommunityPLUS/eGovPlus application software. This new system will seamlessly integrate with the City GIS and support Planning, Permitting, Business Tax, Code Enforcement and Engineering activities. Subsequently to the selection of the Tyler Technologies/EnerGov Application, it was determined that an additional consultant would need to be hired to support the CommunityPlus/eGovPlus platform and to assist in the data clean up and data conversion to the Tyler EnerGov Database. City RFP No. 19-20-210 was issued to identify the vendor to provide support of the CommunityPlus/eGovPlus platform and facilitate the conversion of CommunityPlus data for the Tyler EnerGov

implementation. DH Public Sector Consulting, LLC is the vendor selected from City RFP No. 19-20-210 and is now working with the City and Tyler Technologies in support of the Tyler EnerGov implementation. It has been determined that due to the scope, future impact and funding involved, it is necessary to capitalize this project which will entail certain budget transfers and an associated resolution to be adopted by the City Commission.

In accordance with the Government Accounting Rules (GASB 54), The Building Permitting Fund, being a special revenue fund, is used to account for and report proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects. Therefore, expenditures for the capitalization of the Tyler EnerGov Software Project in the amount of \$7,425,128 will be accounted for in the Information Technology Replacement Fund, a Capital Project Fund.

Fiscal Note:

No fiscal impact.

COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:

RESOLUTIONS (7-10):

- 7. Resolution No. 172-20 approving a right-of-way maintenance agreement for the development at 300 Palm Beach Lakes Boulevard.**

RESOLUTION NO. 172-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A RIGHT OF WAY MAINTENANCE AGREEMENT WITH 300 PBL DEVELOPMENT, LLC, FOR MAINTENANCE OF THE LANDSCAPE AND HARDSCAPE WITHIN A PORTION OF THE RIGHT OF WAY ALONG PALM BEACH LAKES BOULEVARD AND NORTH OLIVE AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23017

Staff Recommended Motion:

Approve Resolution No. 172-20.

Background:

On July 9, 2018, Alfonso Hernandez, on behalf of 300 PBL Development, LLC, submitted a site plan application for a 5-story medical office building at the southwest corner of Palm Beach Lakes Boulevard and North Olive Avenue. The building has since been constructed and received its Certificate of Occupancy on June 30, 2020. As a condition of building permit approval, the property owner must record a maintenance agreement for the hardscape and landscape installed by the project within City right-of-way, in this case, along a portion of Palm Beach Lakes Boulevard and a portion of North Olive Avenue adjacent to the property.

The maintenance agreement transfers the maintenance of the trees, landscaping, pavers, benches, planters, and landscape lighting in the public right-of-way along the project's boundaries on Palm Beach Lakes Boulevard and North Olive Avenue to the property owner.

COMMISSION DISTRICT: The property is located in Commission District 3: Commissioner Christy Fox.

Fiscal Note:

No fiscal impact.

8. **Resolution No. 191-20 approving an agreement between the City of West Palm Beach and Townhomes at Conniston, LLC for the water main replacement on Lambert Avenue for a not-to-exceed amount of \$80,000; and**

Resolution No. 202-20(F) appropriating \$80,000 for utility work within the City's right-of-way on Lambert Avenue in accordance with the agreement between Townhomes at Conniston, LLC and the City of West Palm Beach.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A PROJECT PARTICIPATION AGREEMENT BETWEEN TOWNHOMES AT CONNISTON, LLC AND THE CITY OF WEST PALM BEACH REGARDING THE WATER MAIN REPLACEMENT ON LAMBERT AVENUE FOR CITY UTILITY WORK FOR AN AMOUNT NOT TO EXCEED \$80,000.00; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 202-20(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 WATER AND SEWER RENEWAL AND REPLACEMENT FUND BUDGET TO PROVIDE APPROPRIATIONS FOR UTILITY WORK WITHIN THE CITY'S RIGHT OF WAY ON LAMBERT AVENUE IN ACCORDANCE WITH THE AGREEMENT BETWEEN TOWNHOMES AT CONNISTON, LLC AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23018

Staff Recommended Motion:

Approve Resolution No. 191-20 and Resolution No. 202-20(F).

Background:

Townhomes at Conniston, LLC (the "Developer") is developing The Townhomes at Conniston (the "Project") located at 403 Conniston Road, which is on the northeast corner of Lambert Avenue and Conniston Road. The Project consists of eleven (11) new townhomes and roadway and utility (water and sewer) work in the Lambert Avenue right-of-way fronting the property.

The existing City-owned water main on Lambert Avenue is undersized and exceeded its useful life. The City desires to replace the water main on Lambert Avenue, and the City and Developer wish to coordinate their efforts while Lambert Avenue is under construction to perform the City water main replacement work.

The City and Developer agree that coordination of their utility work within the City's right-of-way is more practical, expeditious and economical approach to simultaneously perform all the necessary utility work. The Developer has agreed to perform the City water main work in conjunction with the Project, provided that the City pay for the shared cost related to the City's water main work. The City's shared cost is estimated not-to-exceed eighty thousand dollars (\$80,000). The work involves installation of approximately 40 linear feet of 8-inch water main; 265 linear feet of 4-inch water main, abandonment of the existing water main, and milling and resurfacing.

Resolution No. 191-20 approves an agreement with the Developer for Developer's performance of the City's utility work to be reimbursed by the City and Resolution No. 202-20(F) approves appropriation of \$80,000 funding to reimburse the Developer for the utility work.

COMMISSION DISTRICT: This project is located in Commission District No. 5: Commissioner Christina Lambert.

Fiscal Note:

Post approval, the Water & Sewer Renewal and Replacement Fund 454 reserve for future projects balance will be approximately \$1.8 million.

9. **Resolution No. 218-20 conditionally waiving City liens and authorizing the Mayor to execute a release of code enforcement liens encumbering 813--39th Street.**

A RESOLUTION OF THE CITY COMMISSION OF 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 813--39TH STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES
Agenda Cover Memorandum No.: 23019

Staff Recommended Motion:

Approve Resolution No. 218-20.

Background:

The property located at 813--39th Street has been cited numerous times for code violations and was declared a chronic nuisance. In 2015, the historical house on the property, a contributing structure built in the 1920's, was demolished without approval or a permit. The sidewalk was also damaged during the demolition. Fines have accrued to approximately \$340,000, including a \$30,000 fine for an irreparable or irreversible violation. The violator has sold the property to a new owner who wishes to rehabilitate the property and construct a new house that complies with historic preservation guidelines. This Resolution would provide for the release of the code enforcement liens if all conditions are met, including: payment of an administrative fine of \$35,000 within 90 days, submission of a Certificate of Appropriateness for new construction within 120 days for review by the Historic Preservation Board, and completion of the property's rehabilitation by August 24, 2021, including finalization of all permitting and inspections.

10. **Resolution No. 227-20 amending the contract with Moonfest related to the 500 Block event to modify terms due to the COVID-19 pandemic.**

RESOLUTION NO. 227-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE GRANT AGREEMENT BETWEEN MOONFEST WPB, INC., AND THE CITY OF WEST PALM BEACH REGARDING MODIFICATIONS TO THE GRANT TERMS DUE TO COVID-19; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23020

Staff Recommended Motion:

Approve Resolution No. 227-20.

Background:

The City of West Palm Beach has initiated the final phase of the Clematis Streetscape. Each year, the City has been working with businesses to better understand the impact of the street scape project. This includes improvement with the overall street design, how people will use the public space once it is complete, minimizing the impact to business while the street is under construction, and collecting data that can help inform other street projects in the City.

Pursuant to Resolution No. 61-20, the City Commission approved an economic development incentive Grant Agreement with Moonfest WPB, LLC to partially sponsor the 500 Block of Clematis Street event series. The approved sponsorship agreement provided for the following:

- Twelve (12) weekend closures beginning January 2020 ending April 2020;
- Waiver of the parking fees in the amount of \$14,400 associated with closing the 500 block;
- \$22,000 sponsorship for the project;
- The street will remain open to the public each weekend; and
- Street will be activated with games, seating, music, entertainment, shade, and lighting at no cost to the public.

The purpose and goals for the weekend block closure was to test activities and pedestrian habits of residents and visitors when a street is closed to vehicular traffic regularly. Data was collected by the merchants, Downtown Development Authority, and the City, measuring the impact to the businesses, general public activities, visits, and qualitative data on what is liked and disliked.

Due to the COVID-19 pandemic, the event was stopped prior to the completion of 12 weekend closures, and Moonfest was only able to conduct eight (8) block closures. City staff has evaluated the events that were held and believes they were successful and in compliance with the terms of the Grant Agreement. Based on the fulfilled commitment by Moonfest, the popularity of the project, clear positive impact of the closure, and cancellation beyond the control of the businesses, City staff recommends that the City provide the sponsorship payment of up to \$22,000 to reimburse for expenses incurred. In order to fulfill the commitment for funding, the City must amend the terms of the contract.

The amended terms include:

- The Event shall be held each weekend beginning on January 17, 2020 and ending March 8, 2020 for a period of 8 weekends;
- City grants a waiver of parking fees in the amount of \$9,600.00 associated with the closing; and
- Moonfest shall submit a complete request for reimbursement to the City no later than September 15, 2020.

Resolution No. 227-20 amends the agreement to reduce the number of weekend closures required and provides additional time for submission of the reimbursement request and all related backup.

COMMISSION DISTRICT: Commission District 3: Christy Fox.

Fiscal Note:

No fiscal impact.

PUBLIC HEARINGS (11-13):

- 11. Second 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 Second 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.: 23021

Staff Recommended Motion:

Approve Ordinance No. 4907-20 and Ordinance No. 4910-20 on second 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.

Fiscal Note:

No fiscal impact.

12. **Public Hearing of Resolution No. 231-20 adopting the assessment roll for the Chronic Nuisance Assessment for fiscal year 2020/21, which includes properties with unpaid charges for the abatement of code violations and chronic nuisance.**

RESOLUTION NO. 231-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT MOWING AND DEBRIS REMOVAL SERVICES, BOARDING AND SECURING OF VACANT OR UNSAFE STRUCTURES, DEMOLITION AND REMOVAL OF UNSAFE STRUCTURES, CALLS FOR SERVICE AND INSPECTIONS TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY, AND OTHER PROPERTY MAINTENANCE SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2020/21; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23022

Staff Recommended Motion:

Approve Resolution No. 231-20.

Background:

In September 2011, the City of West Palm Beach adopted a series of new Ordinances intended to change the way the City deals with chronic nuisance properties and chronic nuisances in general. These ordinances were intended to recognize that the work that City staff provides to chronic nuisance properties is of direct benefit to the affected property. Through the adoption of Ordinance Nos. 4350-11, 4361-11, and 4362-11, the City Commission declared that any unpaid chronic nuisance service charges, unpaid Code Enforcement re-inspection assessment charges, or unpaid costs incurred for the abatement of code violations that remained delinquent and unpaid should become a special assessment against these properties as a non-ad valorem assessment equal in rank and dignity to a lien for ad valorem taxes.

In order to satisfy the statutory requirements for the implementation of special assessments contained in Section 197.3632 Florida Statutes, the City Commission also adopted Resolution No. 17-13, which declared the City's intent to utilize the uniform method of collecting these non-ad valorem assessments.

By Resolution No. 199-20, the City Commission directed the Finance Director to prepare an assessment roll for the chronic nuisance service assessments for fiscal year 2019/20 and set August 24, 2020 as the date for the public hearing to adopt a final assessment roll as required by statute. Written notification by first class mail was sent to each affected property owner advising of the total amount to be levied against each parcel of assessed real property; that failure to pay the assessment will cause a tax certificate to be issued against the property; that the property owners have a right to appear at the public hearing and to file written objections with the City Commission within twenty days of the date of the notice; and providing the date, time, and place of the public hearing. Notice of the assessment was also published in the Palm Beach Post.

Fiscal Note:

No fiscal impact, as revenue generated from the Chronic Nuisance Program is a reimbursement of expenditures incurred by the City to abate the nuisance.

13. Public Hearing of Resolution No. 232-20 establishing the rates for the Fire Service Assessment Fee for fiscal year 2020/2021 and approving the assessment roll.

RESOLUTION NO. 232-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RATES FOR THE FIRE SERVICE SPECIAL ASSESSMENT AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020; APPROVING THE RATES OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23023

Staff Recommended Motion:

Approve Resolution No. 232-20 with no increase in the Fire Service Assessment Fee.

Background:

Fire suppression, prevention, and other fire services provide a special benefit to properties by protecting the value and integrity of improvements to real property and protecting the use and enjoyment of such property. The availability of comprehensive fire services reduces the cost of fire insurance and enhances the market perception and property values.

In 2008, the City Commission adopted Ordinance No. 4141-08, Resolution No. 212-08, and Resolution No. 332-08, establishing an annual recurring Fire Services special assessment program for properties within the City to fund the assessable costs of providing fire services, excluding Emergency Medical Services. The City Commission approved a rate increase for the Fire Service Assessment August 27, 2018 for the first time since initially adopted in 2008. In fiscal year 2019/20, it was determined that a further increase in the Fire Assessment rates was necessary to help offset the increase in the operating costs of the Fire Department. Accordingly, by Resolution No. 228-19 on July 15, 2019, the City Commission adopted the Preliminary Rate for 2019/20 which increases the fire assessment rates. The City contracts with Government Services Group (GSG) Inc., for annual Fire

Assessment Program services. Studies conducted by GSG Inc. revealed significant increases in firefighters' pensions, building renovations for additional personnel, acquisition and maintenance of fire trucks, equipment, hoses and apparatus, and operating costs over the period 2008 to 2019 justifying the two rate increases.

By Resolution No. 200-20, the City Commission adopted the Preliminary Rate Resolution directing the matters specified in Section 2.08 of the Ordinance, including the updating of the Assessment Roll, the mailing and publication of notice, and the scheduling of a public hearing. The Preliminary Rate Resolution made no change to the assessment rates.

The preliminary Assessment Roll was updated and made available for inspection by the public, as required by the Ordinance. Notice of this public hearing was published in the Palm Beach Post on August 3, 2020 and was also mailed to each affected property owner.

Based on the discussion at the Commission Meeting held on July 13, 2020, the Fire Service Assessment will remain the same as fiscal year 2019/20. The current rates are:

RESIDENTIAL:

- \$100

NON-RESIDENTIAL PROPERTY:

(Rate Per Building Square Foot)

- Commercial \$0.103
- Industrial/Warehouse \$0.018
- Institutional \$0.123
- Nursing Home \$0.372

No Fire Services Assessment will be imposed upon Governmental Property. The City will buy down this exemption with non-assessment funds.

Institutional Property whose use is wholly exempt from taxation under Florida law shall be assessed but shall be required to pay only twenty percent (20%) of the Fire Services Assessment imposed against each parcel. The City will buy down this eighty percent (80%) exemption with non-assessment funds.

The Fire Service Special Assessment will be collected by the County Tax Collector through the property tax bill.

Resolution No. 232-20 approves the Fire Service Special Assessment for FY20/21.

**PUBLIC HEARING – QUASI JUDICIAL (14):
DISCLOSURE OF EX PARTE COMMUNICATIONS, IF ANY*
SWEARING IN OF WITNESSES**

14. **Public Hearing of Resolution No. 167-20 regarding a request by Charles Millar of Kimley-Horn & Associates, Inc., on behalf of Community Hospital of the Palm Beaches, Inc., for the approval of a Subdivision (Minor – Plat) to plat the existing JFK Medical Center North Campus located at 2201--45th Street.**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A SUBDIVISION OF REAL PROPERTY TO CREATE THE PLAT ENTITLED “JFK NORTH” CONSISTING OF APPROXIMATELY 27.03 ACRES WITH TWO DEVELOPMENT PARCELS LOCATED GENERALLY AT 2201--45TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23024

Staff Recommended Motion:

Approve Resolution No. 167-20, a Subdivision (Minor – Plat), to plat the existing JFK Medical Center North Campus. This motion is based upon the factual testimony presented, the application submitted, and the findings that the amendment is consistent with the Comprehensive Plan and complies with the subdivision design standards set forth in Section 94-342 of the City’s Zoning and Land Development Regulations.

Background:

City Commission adopted Resolution No. 297-19 approving a major planned development amendment to the JFK Medical Center North Campus Community Service Planned Development (CSPD), which included development regulations to permit the anticipated subdivision of the campus.

Resolution No. 167-20 approves the Plat and authorizes the Mayor the sign the City of West Palm Beach Approval on the Plat.

PLANNING BOARD: As a Subdivision (Minor – Plat), the subject plat was not required to be reviewed by the City's Planning Board.

NOTICE: Individual notices were mailed to all property owners within 500 feet of the JFK Medical Center North Campus. Signs for the Subdivision (Minor – Plat) were posted on the property prior to August 9, 2020.

COMMISSION DISTRICT: The subject property is located within Commission District No. 1: Commissioner Kelly Shoaf.

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.