



**City of West Palm Beach  
City Commission**

**PASS/FAIL AGENDA**

**October 19, 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:**

**PROCLAMATION (1):**

1. **Tribute Presentation to the Fanjul Family on behalf of Florida Crystals Corporation, in celebration of Florida Crystals' 60th Anniversary. PRESENTED**  
*Agenda Cover Memorandum No.: 23077*

**CONSENT CALENDAR (2-7): ALL CONSENT ITEMS (2-7) APPROVED**

2. **Resolution No. 276-20 accepting a grant agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management for a grant not to exceed \$36,087 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety; and**

**Resolution No. 289-20(F) providing for the receipt and appropriation of Thirty Six Thousand Eighty Seven Dollars (\$36,087) in grant funding.**

**RESOLUTION NO. 276-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT IN THE AMOUNT OF \$36,087 FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT FOR REIMBURSEMENT OF OVERTIME EXPENSES INCURRED FOR THE PUBLIC EDUCATION AND ENFORCEMENT OF PEDESTRIAN AND BICYCLE SAFETY LAWS;**

**AUTHORIZING THE MAYOR TO EXECUTE THE LETTER OF AGREEMENT AND CONTRACT BETWEEN THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 289-20(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 2020/2021 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 BUDGET TO RECOGNIZE RECEIPT OF FUNDS FROM THE INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT (IPTM) FOR REIMBURSEMENT OF OVERTIME COSTS FOR TRAFFIC EDUCATION AND ENFORCEMENT AND TO PROVIDE APPROPRIATIONS FOR THE EXPENDITURES; PROVIDING AN EFFECTIVE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23069*

**Staff Recommended Motion:**

Approve Resolution No. 276-20 and Resolution No. 289-20(F).

**Background:**

The University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") is the recipient of a grant from the Florida Department of Transportation (FDOT) for the education and enforcement of Pedestrian and Bicycle safety laws. The funding is intended to support activities that should reduce pedestrian and bicycle crashes as they are more likely than any other types of crashes to produce serious injuries or fatalities. West Palm Beach was awarded a portion of the funding allocated to the University of North Florida for the administration of the FDOT grant.

The award notification was received September 10, 2020 providing \$36,087 to the City through a Vendor agreement with the University of North Florida Training and Services Institute, Inc., d/b/a Institute of Police Technology and Management ("IPTM") for the purpose of providing reimbursement for overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety.

This Pedestrian and Bicycle Safety Enforcement Campaign is approved for overtime hourly costs plus benefits for operations to be completed with sworn Police Officers at locations identified by the grantor and are to be carried out between the date of document execution and May 14, 2021. The approved intersections/corridors to conduct operations are identified within the scope of this grant as:

1. US-1, 42nd Street – 51st Street
2. 45th Street, Military Trail to I-95
3. 45th Street, 300 feet east and west of Congress Avenue
4. 45th Street, Australian Avenue to Greenwood Avenue
5. Palm Beach Lakes Boulevard, Congress Avenue to Flagler Drive
6. Okeechobee Boulevard, I-95 to US-1

Each year, if the vendor meets the terms set forth in the agreement, the grantor may award additional funds. Those funds are accepted through an amendment to the grant documents and must be executed by all parties before the additional overtime is performed.

**Fiscal Note:**

The FY 21 adopted budget includes the anticipated revenue of \$32,000 for this ongoing, year 3 of this grant. Resolution No. 289-20(F) provides for the additional budget appropriations of \$4,087 in revenue and expense to match the grant maximum agreement amount.

3. **Resolution No. 279-20 approving a Conditional Settlement Agreement dated September 18, 2020 totaling \$75,000 in the matter of Maurice Sims v. City of West Palm Beach, et al.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT IN THE AMOUNT OF \$75,000 IN THE MATTER OF MAURICE SIMS v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23070*

**Staff Recommended Motion:**

Approve Resolution No. 279-20.

**Background:**

Maurice Sims filed a complaint for damages based on an incident that occurred on July 12, 2017, to wit: Maurice Sims v. City of West Palm Beach, filed in the Fifteenth Judicial Circuit of Palm Beach County, Florida, Case No. 50 2019 CA005807XXXXMB AD. An agreement has been reached with Mr. Sims to resolve all claims against the City of West Palm Beach and its agents and employees, including all attorney's fees and costs, for \$75,000. In exchange for compensation, Mr. Sims has signed a general release releasing the City from all claims arising from the incident.

Section 2-268(g)(4) of the Code of Ordinances of the City of West Palm Beach, Florida, provides that the authority for settlement of all claims in excess of \$30,000 shall require approval of the City Commission by formal resolution. Resolution No. 4-19 approves the conditional settlement agreement.

4. **Resolution No. 280-20 accepting the grant award of \$65,782 in grant funding from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program to be used to fund an Officer Wellness Program and for compliance with uniform crime reporting requirements, and Resolution No. 281-20(F) appropriating the funds.**

**RESOLUTION NO. 280-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT IN THE AMOUNT OF \$65,782 TO FUND THE WEST PALM BEACH POLICE DEPARTMENT OFFICER WELLNESS PROGRAM AND FOR COMPLIANCE WITH UNIFORM CRIME REPORTING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**RESOLUTION NO. 281-20(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 2020/2021 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 THE 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT (JAG) PROCEEDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23071*

**Staff Recommended Motion:**

Approve Resolution No. 280-20 and Resolution No. 281-20(F).

**Background:**

On August 10, 2020, Resolution No. 234-20 was approved by the City Commission authorizing the City's application for the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program from the U.S. Department of Justice to purchase technology services to enhance law enforcement officer wellness. The grant requires a three percent set aside to help fund the Department's transition to the National Incident Based Reporting methods from the current summary based reporting system for crime data collection.

On September 21, 2020, the City was notified that the grant was awarded in the amount of \$65,782. Grant award number 2020-DJ-BX-0216 for the project titled Officer Wellness Program. The funds requested in the application are for the purchase of technology services to enhance law enforcement officer wellness. The grant requires a three percent set aside to help fund the Department's transition to the National Incident Based Reporting methods from the current summary-based reporting system for crime data collection. The set aside funds will be used for training officers, supervisors, and support staff.

Resolution No. 280-20 provides for acceptance of the grant.

Resolution No. 280-21(F) provides budget appropriations in the amount of \$65,782.

**Fiscal Note:**

Approval will recognize JAG proceeds and provide appropriations for the enhancement of law enforcement officer wellness.

5. **Resolution No. 283-20(F) appropriating funds in the initial amount of \$283,427 under the Coronavirus Relief Fund program from the Florida Housing Finance Coalition.**

**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 2020/2021 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 FOR THE RECEIPT OF THE 2020 CORONAVIRUS RELIEF FUND (CRF) PROCEEDS TO PROVIDE APPROPRIATIONS FOR ACTIVITIES RELATED TO COVID-19 RESPONSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23072*

**Staff Recommended Motion:**

Approve Resolution No. 283-20(F).

**Background:**

The State of Florida has been awarded funding through the Coronavirus Relief Funds (CRF), which was established by the CARES Act, and which will be administered Florida Housing Finance Corporation. The City of West Palm Beach has been awarded an additional \$283,427 of Coronavirus Relief Funds by the State through a First Amendment to Agreement Number 145-2020. The First Amendment was approved by the City Commission by Resolution No. 235-20 on September 21, 2020.

Resolution No. 283-20(F) accepts and appropriates the grant funds.

**Fiscal Note:**

Approval will recognize and appropriate grant proceeds for Coronavirus Relief activities.

6. **Resolution No. 284-20 establishing and appointing members to a nine (9) member Affordable Housing Advisory Committee, establishing the term of office and waiving conflicts of interest.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA ESTABLISHING AND APPOINTING MEMBERS TO A NINE (9) MEMBER AFFORDABLE HOUSING ADVISORY COMMITTEE FOR THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (“SHIP”) PROGRAM; ESTABLISHING THE TERM OF OFFICE; WAIVING CONFLICTS OF INTEREST; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23073*

**Staff Recommended Motion:**

Approve Resolution No. 284-20.

**Background:**

The City of West Palm Beach receives annual allocations of State Housing Initiatives Partnership (SHIP) Program funds from the State of Florida for the creation and/or preservation of affordable housing.

As a condition of receiving the funds and in accordance with Florida Statutes, the governing board of the city is required to establish an Affordable Housing Advisory Committee (AHAC). The primary objective of the AHAC is to review established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and recommend specific actions or initiatives to encourage or facilitate affordable housing.

Section 420.9076 (2), Florida Statutes, provides details on the AHAC committee composition. The AHAC must have at least eight (8) members representing at least six (6) categories identified in the statute.

The City proposes to create a nine (9) member committee and the following persons are recommended to serve in the designated categories:

- An elected official (Kelly Shoaf);
- Citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing (Thais R. Sullivan);
- Citizen who is actively engaged as an advocate for low income persons in connection with affordable housing (Suzanne Cabrera);
- Citizen who is actively engaged as an advocate for low income persons in connection with affordable housing (Shakeita Walker);

- Citizen who is actively engaged as an advocate for low income persons in connection with affordable housing (Craig Glover);
- Citizen who is actively engaged as a for-profit provider of affordable housing (Andrew Velo-Arias);
- Citizen who is actively engaged as a for-profit provider of affordable housing (Alfonso Costa, Jr.);
- Citizen who is actively engaged as a not-for-profit provider of affordable housing (Terri Murray);
- Citizen who is actively engaged as a real estate professional in connection with affordable housing (Julian Cover); and
- Citizen who is residing within the jurisdiction of the local governing body making the appointments (Jeremy Morse).

The term of the committee is three (3) years, and each member will serve for the three-year period.

The three proposed members above have business relationships with the City and may have a conflict of interest. They are:

- a. Thais R. Sullivan: The First Vice President of Valley National Bank is presently doing business with the City as a partner assisting with the City's COVID-19 Business Loan Program;
- b. Jeremy Morse: The Executive Director of Mental Health America presently doing business with the City as a social service provider and recipient of federal Community Development Block Grant (CDBG) funds assisting with on-street mental health services; and
- c. Terri Murray: The Executive Director of Neighborhood Renaissance Inc. presently doing business with the City as a non-profit developer receiving federal funds for the development of affordable housing.

Norman Ostrau, the City's Ethics Official, has advised that both state and county law provide that no member or their outside employer can sell goods or services to the city or have any employment or contractual relationship with any business entity doing business or regulated with the city or any contractual or employment relationship that will be a continuing or frequently recurring conflict between their private interest and public duty or impede their public duties. He is of the opinion that the relationships described above violate this law thereby creating a conflict of interest. He further advises, however, that both state and county law provide that the conflict can be waived by the city commission at a public hearing where the proposed member disclose the conflict and the commission



waives the conflict by a vote of a majority plus one.

Ms. Sullivan, Mr. Morse, and Ms. Murray have made the disclosure on the required state ethics commission form 4A, and the commission is requested to waive the conflicts by approving Resolution No. 284-20.

7. **Resolution No. 291-20 correcting Resolution No. 253-20 by replacing the attached fee schedule with the correct Comprehensive Fee Schedule for 2020/2021.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING AND CORRECTING AN ERROR REGARDING THE ATTACHMENT TO RESOLUTION NO. 253-20 THAT APPROVED THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2020-2021; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23074*

**Staff Recommended Motion:**

Approve Resolution No. 291-20.

**Background:**

On September 21, 2020, the City Commission of the City of West Palm Beach passed and adopted Resolution No. 253-20, amending and replacing the Comprehensive Fee Schedule; providing for an effective date; and for other purposes.

The agenda cover memo for Resolution No. 253-20 was accurate and described revisions to the Comprehensive Fee Schedule.

However, the fee schedule attached to the agenda cover memo and Resolution No. 253-20 was labeled as the 2020-2021 fee schedule, but, in fact and by mistake, was the current fee schedule for 2019-2020, that did not include the revisions described in the agenda cover memo.

The City desires to correct and clarify the adoption of the Comprehensive Fee Schedule for fiscal year 2020-2021.

**Fiscal Note:**

The estimated revenues generated from fees is included in the FY 2020/21 budget.

**RESOLUTIONS (8-9):**

8. **Resolution No. 259-20 **APPROVED** declaring properties on the City's real property list to be surplus and authorizing conveyance of the properties under the City's Housing Assistance Incentives Program.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CERTAIN CITY OWNED PROPERTIES**

**ARE NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTIES TO BE SURPLUS; APPROVING DISPOSITION UNDER THE CITY'S HOUSING ASSISTANCE INCENTIVES PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23052*

**Staff Recommended Motion:**

Approve Resolution No. 259-20.

**Background:**

The Department of Housing and Community Development is responsible for overall asset management of real property owned by the City of West Palm Beach.

As required by Florida Statute 166.04151, the Department of Housing and Community Development maintains a listing of City-owned properties that are appropriate for use as affordable housing. City staff and Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, reviewed the inventory to determine best use for the parcels and whether they are needed for public purposes and/or economic or residential development. In addition, City staff assesses the history of each property to determine whether the parcels are subject to grant or deed restrictions or other circumstances or conditions which may prohibit, restrict or affect the sale or transfer of the properties.

As result of this review, the Department of Housing and Community Development recommends that the following four (4) properties be declared as surplus and disposed of under the City's Housing Assistance Incentives Program:

1. Spruce Avenue
2. 818--8th Street
3. 813--6th Street
4. 3506 Westview Avenue

The properties are all vacant land. The zoning designation, lot size, and assessed value of each property is shown on Exhibit A.

The City's Housing Assistance Incentives Program was approved by Resolution No. 83-16. Under the Program, properties identified as appropriate for development as affordable/workforce housing may be eligible for development incentives, which may include one or more of the following: reduced engineering construction administration fees, reduced parking requirements, along with additional incentives for multi-family developments. The methods of disposition of properties identified for the Housing Assistance Incentive Program may include: sale of the properties with the proceeds going to the Housing Trust Fund; sale to non-profits or private parties with a provision that the property be used for an affordable or workforce housing projects; or the City may retain the properties to build or preserve affordable or workforce housing.

Section 2-31(27)(b) of the Code 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.

The four (4) properties identified are residential-zoned properties, which have not been used for City purposes and have been identified as appropriate for use as affordable housing.

Resolution No. 259-20 declares these properties as surplus, authorizing the listing of the properties for sale with a real estate broker, with the sale proceeds going to the Housing Trust Fund.

Each contract for the sale of the identified properties will be presented to the City Commission for approval. Pursuant to Section 2-31(27)(g)(7) of the Code of Ordinances, the sale of properties under the City's Housing Assistance Incentives Program may be approved by resolution of the Commission.

Commission Districts: Properties are located in Commission District 1 (Commissioner Kelly Shoaf) and District 3 (Commissioner Christy Fox).

**Fiscal Note:**

Total assessed value of the four (4) properties is \$203,676. Value for each parcel is shown in Exhibit A.

9. **Resolution No. 260-20 APPROVED declaring six (6) properties on the City's property list to be surplus and directing disposition by negotiation and sale.**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA FINDING THAT CERTAIN CITY OWNED PROPERTIES ARE NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTIES TO BE SURPLUS; APPROVING DISPOSITION BY NEGOTIATION AND SALE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23053*

**Staff Recommended Motion:**

Approve Resolution No. 260-20.

**Background:**

The Department of Housing and Community Development is responsible for overall asset management of real property owned by the City of West Palm Beach.

City staff and Real Estate Asset Disposition Corp, a contractor who currently provides real estate services to the City, reviewed the inventory to determine best use for the parcels and whether they are needed for public purposes and/or economic or residential development. In addition, City staff assesses the history of each property to determine whether the parcels

are subject to grant or deed restrictions or other circumstances or conditions which may prohibit, restrict or affect the sale or transfer of the properties.

As result of this review, the Department of Housing and Community Development recommends that the following six (6) properties be declared as surplus and disposed through negotiations and sale to interested parties:

1. 627--11th Street
2. 629--11th Street
3. 600--14th Street
4. 944--McIntosh Street
5. 937--39th Street
6. 225--Monroe Drive

All of the six (6) properties are vacant land. The zoning designation, lot size, and appraised value of each parcel is shown in Exhibit A. All properties are zoned for residential uses.

In order to generate the greatest return, the City intends to utilize brokerage services provided by Real Estate Asset Disposition Corp. and list the properties for sale. Contracts for the sale of properties will be presented for approval by the Commission in accordance with Section 2-31 of the Code of Ordinances.

Resolution No. 260-20 declares the six (6) listed properties as surplus and authorizes them to be listed for sale with the real estate broker.

Commission Districts: Properties are located in Commission District 1 (Commissioner Kelly Shoaf), District 3 (Commissioner Christy Fox), and District 5 (Commissioner Christina Lambert).

**Fiscal Note:**

The total assessed value of all six properties totals \$635,819. The appraised value of each parcel is listed in Exhibit A.

**PUBLIC HEARING (10-11):**

- 10. Waiver of conflict for two advisory board members of the Mayor's Task Force on Racial and Ethnic Equity. **APPROVED****  
*Agenda Cover Memorandum No.: 23075*

**Background:**

On July 7, 2020, the Mayor executed Executive Order 2020-13, establishing the Mayor's Task Force on Racial and Ethnic Equity and has appointed its members. Mr. Bradley Alexander Hurbert who is also the President of The Community Foundation for Palm Beach and Martin County, (Community Foundation), and Ms. Julie Fisher Cummings who is the Community Foundation's Board Chair are two of the Mayor's appointees. The City of West Palm Beach has entered into an agreement with the Community Foundation to

create a new fund known as WPB Together Fund wherein the Community Foundation assists those suffering from losses due to COVID-19 by administering donated funds. In addition, the City of West Palm Beach has executed Grant Agreements with the Community Foundation, wherein, the Foundation awarded funding to the City for projects like the Dance Into the Sunset Project and the Gehl Architects Project. The described relationship creates a conflict pursuant to both the Florida and Palm Beach County Code of Ethics. However, pursuant to the Florida Code of Ethics, the Mayor may waive the conflict after a public hearing and subject to his determination and the appointee's full disclosure of the transaction or relationship. Both task force members have made full disclosures and have filed Form 4A, which are attached to this item. The Mayor, therefore, finds that all statutory conditions for the waiver have been met, and is waiving all conflicts created by the Community Foundation serving as an administrator of donated funds and providing philanthropic services and grant funds to the City.

11. **Public Hearing of Resolution No. 149-20 APPROVED authorizing acceptance of federal entitlement grants, approving and authorizing submission of the City's Five-Year Consolidated Plan (2020-2024), the One-Year Action Plan for Fiscal Year 2020-2021, and the Citizen Participation Plan and authorizing execution of all related documents.**

**RESOLUTION NO. 149-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING ACCEPTANCE OF FEDERAL ENTITLEMENT GRANTS FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; APPROVING THE CITY'S FIVE YEAR CONSOLIDATED PLAN FOR FISCAL YEARS 2020-2024; APPROVING THE CITY'S ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-2021; AUTHORIZING THE MAYOR TO EXECUTE CERTIFICATIONS OF CONSISTENCY WITH THE CONSOLIDATED PLAN; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS NECESSARY TO RECEIVE THE GRANT FUNDS; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND RELATED DOCUMENTS NECESSARY TO AWARD THE GRANT FUNDS TO SUBRECIPIENTS; AUTHORIZING AND DIRECTING THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO SUBMIT THE CONSOLIDATED PLAN, THE ONE-YEAR ACTION PLAN, AND THE CITIZEN PARTICIPATION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

*Agenda Cover Memorandum No.: 23076*

**Staff Recommended Motion:**

Approve Resolution No. 149-20.

**Background:**

As an entitlement community receiving U.S. Department of Housing and Urban Development (HUD) formula program funds, the City of West Palm Beach is required to submit a Five-Year Consolidated Plan that serves as the planning tool outlining the

jurisdiction's housing and community development needs. The Consolidated Plan is carried out through annual Action Plans which provide a concise summary of the actions, activities, and specific federal and non-federal resources that will be used each year to develop strong, sustainable, and inclusive communities.

The City has established a Citizen Participation Plan to provide opportunities for citizen involvement in the process of developing and implementing the HUD-assisted programs.

For Fiscal Year (FY) 2020-21, the City anticipates receiving a total of \$4,707,736 as follows:

- CDBG: \$1,015,028;
- HOME: \$ 478,340; and
- HOPWA: \$3,214,368.

As a part of developing the Plans, federal regulations require the City to hold public meetings to receive public input on the use of the funds. In addition to this public hearing, the City held a public meeting on April 15, 2020. Public comments received have been incorporated into the Plans.

The submission deadline of the Consolidated Plan, Annual Action Plan, and other planning documents to HUD has been extended from August 16, 2020 to August 16, 2021.

**Fiscal Note:**

For Fiscal Year (FY) 2020-21, the City anticipates receiving a total of \$4,707,736.

**COMMENTS FROM THE PUBLIC FOR NON-AGENDA ITEMS:**

**COMMENTS BY THE MAYOR AND CITY COMMISSIONERS:**

**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.**