



WEST PALM BEACH

**City of West Palm Beach
City Commission**

**DRAFT
AGENDA**

**September 7, 2021
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 JOSEPH A. PEDUZZI**

**COMMISSIONER KELLY SHOAF
COMMISSIONER CHRISTY FOX**

**COMMISSIONER SHALONDA WARREN
COMMISSIONER CHRISTINA LAMBERT**

**ADMINISTRATION
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:

CONSENT CALENDAR (1-7):

1. **Resolution No. 191-21 authorizing the Mayor to execute a release of code enforcement liens encumbering 624 32nd Street.**

RESOLUTION NO. 191-21: 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 624 32ND STREET, WEST PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES
Agenda Cover Memorandum No.: 23465

Staff Recommended Motion:

Approve Resolution No. 191-21.

Background:

The previous owner of 624 32nd Street was cited numerous times for code violations on the property, including violations involving roof replacement, boarding permit, unpermitted fence, driveway repairs, and the painting of the structure. As a result of the previous owner's failure to repair the property, a fine has accrued to approximately \$165,200. A new owner has recently purchased the property and has begun obtaining permits to rehabilitate the property. The rehabilitation of the property will eliminate unpleasant conditions and improve the area. This resolution would allow the release of the \$165,200 fine/lien, if certain conditions are met, including payment of an \$8,000 administrative fine, payment of any outstanding utility liens or taxes, and completion of the property rehabilitation by February 7, 2022.

Fiscal Note:

Approval will conditionally release the \$165,200 fine/lien in exchange for, among other conditions, an \$8,000 administrative fee, payment of any outstanding debt owed to the City, and payment of any outstanding taxes.

2. **Resolution No. 217-21 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 \$28,982.17 for the reimbursement of overtime costs incurred for the public education and enforcement of bicycle and pedestrian safety; and**

Resolution No. 218-21(F) providing for the receipt and appropriation of Twenty Eight Thousand Nine Hundred Eighty Two Dollars and seventeen cents (\$28,982.17) in grant funding.

RESOLUTION NO. 217-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A GRANT IN THE AMOUNT OF \$28,982.17 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. 218-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2021/2022 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE 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.: 23466

Staff Recommended Motion:

Approve Resolution No. 217-21 and Resolution No. 218-21(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 July 2021 providing \$28,982.17 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 13, 2022. 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 City meets the terms set forth in the agreement, additional grant funds may be awarded. 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:

Approval will provide funding for reimbursement of police overtime for traffic education and enforcement.

3. Resolution No. 208-21 approving a fifth amendment to the Trolley Operating Agreement with Hoffmann PB Trolley's, LLC.

RESOLUTION NO. 208-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIFTH AMENDMENT TO THE TROLLEY OPERATING AGREEMENT BETWEEN HOFFMANN PB TROLLEY'S, LLC AND THE CITY OF WEST PALM BEACH TO EXTEND THE AGREEMENT FOR ONE (1) YEAR AND ESTABLISH FEES FOR THE RENEWAL TERM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Agenda Cover Memorandum No.: 23467

Staff Recommended Motion:

Approve Resolution No. 208-21.

Background:

The City entered into a Trolley Operating Agreement with Hoffmann PB Trolley's, LLC (the "Operator") for operation of the City's trolley system. The Agreement expires on September 30, 2021 and has no renewal options. Prior to COVID-19, the City had completed the mobility study and was in the process of developing a request for proposals to solicit a new contract, which would have included expansion of the trolley system and modified routes. The solicitation was scheduled to be released during the pandemic after trolley operations had stopped within the city.

Due to uncertainties of COVID-19 and uncertainties related to the future operation of the trolley system, the parties desire to extend the current trolley operations agreement for an additional year, to September 30, 2022 to allow the City further time to re-establish the trolley operating system and to prepare a solicitation.

This amendment modifies the contract as follows:

1. For the renewal term commencing October 1, 2021, the Hourly Rates for operation of the Yellow Line, Green Line and Blue Line shall be increased by 2%. The City shall pay Operator an hourly rate of \$68.85 per hour. There shall be an hourly surcharge of \$15.00 per hour for services provided on the holidays set forth in the Agreement.

Commission District 3: Commissioner Christy Fox.

4. Resolution No. 239-21 requesting FDOT to convey surplus property to the City for use as part of the City's public Golf Course.

RESOLUTION NO. 239-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONVEY SURPLUS PROPERTY TO THE CITY OF WEST PALM BEACH FOR USE AS PART OF THE CITY'S PUBLIC GOLF COURSE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23468

Staff Recommended Motion:

Approve Resolution No. 239-21.

Background:

The State of Florida Department of Transportation ("FDOT") acquires properties for transportation facilities for the citizens of the State of Florida. FDOT is permitted by law to release and convey real property that FDOT no longer needs for roadway purposes, and determines to be surplus, to other public entities to further the public needs of the State of Florida.

The City of West Palm Beach owns an approximately 172-acre area within the City, which has been used since 1947 as the City's public golf course.

The State of Florida was granted approximately 2.1-acres for roadway/right-of-way purposes by the City of West Palm Beach, adjacent to the City's public golf course and the Interstate-95 right-of-way. FDOT has now declared this 2.1-acre parcel as surplus.

Pursuant to Sec. 337.25(4)(b), Florida Statutes, FDOT may convey surplus property to another government agency, at no cost, provided that the property will be used for public purpose.

The City, and its lessee, West Palm Golf Community Trust, desire to incorporate these 2.1-acres into the redeveloped public Golf Course, and request that the surplus property be conveyed back to the City by FDOT. Conveyance to the City will serve a public purpose by providing outdoor recreational use, as such property will be incorporated into the City's public golf course for the use and enjoyment of the general public.

The deed from FDOT will contain a reverter clause that provides that the property will revert back to FDOT if it is no longer used for a public purpose.

Resolution No. 239-21 is the City's formal request to FDOT to convey the 2.1-acre surplus property to the City for use as part of the public Golf Course.

Fiscal Note:

No fiscal impact.

5. **Resolution No. 188-21 approving an Agreement between the City of West Palm Beach and the Historical Society of Palm Beach County to host a series of traveling history exhibits in the Urban Living Room of the Mandel Public Library.**

RESOLUTION NO. 188-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE HISTORICAL SOCIETY OF PALM BEACH COUNTY AND THE CITY OF WEST PALM BEACH TO HOST A SERIES OF TRAVELING HISTORY EXHIBITS IN THE URBAN LIVING ROOM OF THE MANDEL PUBLIC LIBRARY OF WEST PALM BEACH DURING THE MONTHS OF SEPTEMBER 2021, FEBRUARY 2022, AND MARCH 2022; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23476

Staff Recommended Motion:

Approve Resolution No. 188-21.

Background:

The Mandel Public Library of West Palm Beach is dedicated to making local history available and accessible to the local community, library patrons, and visitors. A series of traveling history exhibits will be a way for the Library, through a partnership with the Historical Society of Palm Beach County, to bring local history to the forefront for our patrons. The Library will host the exhibits in the Urban Living Room of the Mandel Public Library of West Palm Beach for all of our patrons and visitors to enjoy. The Library will host an exhibit titled "Greetings from the Palm Beaches" from September 1-30, 2021. The Library will host an exhibit titled "City of Hope" in celebration of Black History Month from February 1-28, 2022. The Library will host an exhibit titled "Women's Suffrage" in celebration of Women's History Month from March 1-31, 2022. These exhibits will be provided to the Mandel Public Library of West Palm Beach free of charge.

Resolution No. 188-21 approves the Exhibit Agreement with the Historical Society of Palm Beach County.

Fiscal Note:

No fiscal impact.

6. **Resolution No. 206-21 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 \$91,179 to assist the Mandel Public Library of West Palm Beach in maintaining and developing vital services during FY 2021-22.**

RESOLUTION NO. 206-21: 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.: 23477

Staff Recommended Motion:

Approve Resolution No. 206-21.

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 \$91,179.

Resolution No. 206-21 approves submittal of the grant application.

7. **Resolution No. 211-21(F) amending the Water and Sewer Operating Fund budget to provide appropriations in the amount of \$14,450 to provide funding for Personnel Detail; and**

Resolution No. 212-21(F) adding one (1) full time Laboratory Technician position in the Public Utilities Water and Sewer Laboratory Services division.

RESOLUTION NO. 211-21(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 WATER AND SEWAGE SYSTEM REVENUE FUND BUDGET TO PROVIDE APPROPRIATION OF FUNDS FOR PERSONNEL IN THE LABORATORY SERVICES DIVISION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 212-21(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, TO AMEND THE FULL TIME EQUIVALENT (F.T.E.) PERSONNEL DETAIL OF THE WATER AND SEWER OPERATING FUND BUDGET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23478

Staff Recommended Motion:

Approve Resolution No. 211-21(F) and Resolution No. 212-21(F).

Background:

The workload at the Water Treatment Plant (WTP) lab has increased substantially over the last six (6) months due to the increased demand for water quality data related to algae and algal toxins. This increased demand is expected to remain high for the foreseeable future. The work on algae is high profile for the City and has required that the lab provide a greater level of sampling, analysis, documentation, and reporting than in the past.

Fiscal Note:

Post approval, Water and Sewer Operating Contingency balance will be approximately \$2.7M.

RESOLUTIONS (8 – 13):

8. **Resolution No. 219-21 deferring the three percent rate increase for stormwater service fees scheduled for October 1, 2021, so that there is no stormwater rate increase this fiscal year.**

RESOLUTION NO. 219-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DEFERRING THE RATE INCREASE FOR STORMWATER SERVICE FEES ESTABLISHED BY RESOLUTION NO. 277-16; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23471

Staff Recommended Motion:

Approve Resolution No. 219-21.

Background:

Pursuant to Resolution No. 277-16, which was adopted on August 29, 2016, the City automatically increases the fees and charges of the Stormwater Management Utility by three percent (3%) on October 1st of each respective fiscal year. The purpose of the adjustment is to provide a cost recovery mechanism associated with the estimated effects of inflation and to maintain operating margins (revenues after the payment of operating expenses) for capital reinvestment and payment of debt service on outstanding bonds.

Public Utilities staff and its rate consultant, Raftelis Financial Consultants, Inc., are currently conducting a stormwater rate study, which is anticipated to be complete in the next several months. It has been determined that the stormwater rate increase of three percent (3%) scheduled to be effective October 1, 2021, can be deferred until October 1, 2022. Raftelis has provided a letter confirming the revenue sufficiency of the Stormwater Utility for fiscal year 2022. Upon completion of the stormwater rate study, the recommendations and findings will be brought before the City Commission for review and approval.

It is recommended the City Commission approve Resolution No. 219-21 deferring the three percent (3%) scheduled stormwater rate increase scheduled for October 1, 2021.

Fiscal year to date through July 30, the stormwater utility has collected \$12.7M in stormwater fees. The total projected fiscal year 2021 stormwater fee revenue is approximately \$15.3M.

Fiscal Note:

Three percent (3%) of the projected fiscal year 2021 stormwater fee revenue represents approximately \$459,000.

9. **Resolution No. 222-21 approving a Conditional Settlement Agreement in the amount of \$200,000 in the matter of Maria Di Bartolo, as Personal Representative of the Estate of Michael Di Bartolo and Maria Di Bartolo v. City of West Palm Beach.**

Resolution No. 241-21(F) appropriating funds for the settlement payment.

RESOLUTION NO. 222-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A CONDITIONAL SETTLEMENT AGREEMENT FOR \$200,000 IN THE MATTER OF MARIA DI BARTOLO, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF MICHAEL DI BARTOLO AND MARIA DI BARTOLO v. CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 241-21(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 AND SELF INSURANCE FUND BUDGETS TO PROVIDE APPROPRIATIONS FOR ADDITIONAL CLAIMS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23469

Staff Recommended Motion:

Approve Resolution No. 222-21 and Resolution No. 241-21(F).

Background:

A claim has been brought by Maria Di Bartolo, as Personal Representative of the Estate of Michael Di Bartolo and Maria Di Bartolo, individually, against the City of West Palm Beach for damages stemming from an accident on September 20, 2019. A Conditional Settlement Agreement has been reached with Ms. Di Bartolo on behalf of herself, the Estate, and all beneficiaries to resolve the matter for \$200,000. Ms. Di Bartolo has signed a general release that releases the City from all claims arising from this accident, which ends all of the claims for damages, including all attorneys' fees and costs, against the City of West Palm Beach.

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 over \$30,000 shall require the approval of the City Commission by formal resolution. Resolution No. 222-21 approves the Conditional Settlement Agreement.

Fiscal Note:

Approval provides appropriations for settlement payout.

10. **Resolution No. 223-21 relating to the ratification of a Memorandum of Agreement (MOA) between the City and the Professional Managers and Supervisors Association (PMSA) Certified Unit #1073 modifying Article 27, Compensation Section 1. A. of the parties' October 1, 2020 to September 30, 2023 Collective Bargaining Agreement (CBA), which was ratified by the City on September 21, 2020.**

RESOLUTION NO. 223-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RATIFYING A MEMORANDUM OF AGREEMENT MODIFYING ARTICLE 27 OF THE OCTOBER 1, 2020 – SEPTEMBER 30, 2023, COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PROFESSIONAL MANAGERS AND SUPERVISORS ASSOCIATION CERTIFIED UNIT #1073 (PMSA) AND THE CITY OF WEST PALM BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23479

Staff Recommended Motion:

Approve Resolution No. 223-21.

Background:

The City and the Professional Managers and Supervisors Association Certified Unit #1073 (PMSA) have reached a tentative Memorandum of Agreement (MOA) modifying Article 27, Compensation, Section 1. A. of the parties' October 1, 2020 to September 30, 2023 Collective Bargaining Agreement (CBA), which was ratified by the City Commission on September 21, 2020. The proposed MOA would be a two (2) fiscal year (FY22 & FY23) MOA. If ratified, the MOA would provide a 5% across the board Cost of Living Adjustment (COLA) in FY22 and a 5% across the board COLA increase in FY23 for all employees holding PMSA represented job classifications as set forth in the MOA.

PMSA represented employees ratified this MOA on August 25, 2021 by a vote of 39 to 1.

Fiscal Note:

FY22 Costs for this MOA have been fully budgeted in the proposed FY22 balanced budget.

11. **Resolution No. 234-21 providing for an across the board retroactive 3% cost of living (COLA) increase for Fiscal Year 2021 for City job classifications designated as non-represented confidential employees and the job classification of Executive Administrative Assistant.**

RESOLUTION NO. 234-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, PROVIDING FOR A COST OF LIVING (COLA) INCREASE DURING FISCAL YEAR 2021 FOR CITY JOB CLASSIFICATIONS CLASSIFIED AS NON-REPRESENTED CONFIDENTIAL EMPLOYEES AND THE JOB CLASSIFICATION OF EXECUTIVE ADMINISTRATIVE ASSISTANT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23470

Staff Recommended Motion:

Approve Resolution No. 234-21.

Background:

Due to the challenges faced by the City in developing a balanced FY21 budget, non-represented employees did not receive a 3% cost of living (COLA) increase during FY21. This resolution, if approved, would provide non-represented confidential employees and employees in the job classification of Executive Administrative Assistant, a 3% COLA during this fiscal year 2021, retroactively effective to the pay period beginning on April 4, 2021.

The FY21 estimated cost is \$46,000 in General Fund; \$4,400 in Utilities Fund; and \$1,800 to Internal Service Funds.

Fiscal Note:

Estimated costs related to this pay increase can be funded from vacant position cost savings realized in FY21.

12. **Resolution No. 220-21 modifying the COVID-19 Recovery Assistance Program.**

RESOLUTION NO. 220-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE ECONOMIC DEVELOPMENT COVID-19 RECOVERY ASSISTANCE PROGRAM TO PROVIDE FOR LOAN FORGIVENESS FOR RECIPIENTS THAT PAY FIFTY PERCENT (50%) OF THE ORIGINAL PRINCIPAL ON OR BEFORE DECEMBER 31, 2021 AND TO AUTHORIZE PAYMENT DEFERMENT FOR BUSINESSES EXPERIENCING FINANCIAL REPAYMENT HARDSHIPS; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS AND INSTRUMENTS NECESSARY FOR MODIFICATION OF THE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23472

Staff Recommended Motion:

Approve Resolution No. 220-21.

Background:

Due to the initial severe economic impact of the COVID-19 pandemic, the City established the COVID-19 Recovery Assistance Program through Resolution No. 100-20 that was approved by the City Commission on March 23, 2020. The program created micro-loans of up to \$10,000 for local businesses impacted by the COVID-19 economic downturn. The loans were funded through a general fund allocation of \$259,000 along with companion funding from the City Community Redevelopment Agency (CRA) and the Downtown Development Authority (DDA). The loans were underwritten and serviced through a partnership with the Urban League of Palm Beach County and Valley National Bank. A total of 47 loans received funding from the three (3) funding sources.

The terms of the loans allowed for the first 12 months to be interest only payments with principal and interest payments beginning on the 13th month with a total repayment term of five (5) years. Several of the borrowers have reached out to the City requesting that the principal balances be forgiven or reduced given the substantial impacts of the initial economic downturn and the uncertainty surrounding new COVID-19 variants that could again limit economic activity. City staff met with Valley National Bank, CRA, and the DDA to discuss principal forgiveness options and are recommending that borrowers who are able to pay 50% of the initial principal loan balances in full on or before December 31, 2021 be granted forgiveness of their remaining principal balance equaling an amount not-to-exceed 50% of the initial principal. It should be noted that none of the loans are delinquent.

Due to the financial hardships incurred by the businesses that were assisted, the uncertainty of the economic impacts that COVID-19 variants may have and that the City will partially recoup nearly half of its investment immediately, staff recommends that the COVID-19 Recovery Assistance Program be modified to allow for a partial forgiveness of principal equaling 50%. Additionally, due to COVID-19 and its variants, some businesses are experiencing financial hardships that are making it difficult for the business to repay the loan at the present time. The City desires to further amend the loan program to allow a business experiencing a financial hardship to request a principal payment deferment for a period not to exceed six (6) months. If the deferment is granted, the business will still be required to make interest payments during the deferment. Additionally, due to the structure of the City's loan program, the loan maturity date for any loan granted a deferment shall remain unchanged. When the deferment period expires and the loan is placed back into repayment status, Valley National Bank will advise the business of the updated monthly payment amount. Providing for an optional six (6) month deferment will allow businesses that are struggling to continue to recover and re-enter repayment in hopefully a stronger financial position.

13. **Resolution No. 145-21 finding that City-owned property located at 1100 Okeechobee Road is not needed for City purposes, declaring the property surplus, and authorizing the conveyance of the property through negotiation of the sale with Marto Rentals 2, LLC.**

RESOLUTION NO. 145-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, FINDING THAT CITY-OWNED PROPERTY LOCATED AT 1100 OKEECHOBEE ROAD IS NOT NEEDED FOR CITY PURPOSES; DECLARING SAID PROPERTY SURPLUS; AUTHORIZING THE METHOD OF DISPOSITION TO BE CONVEYANCE TO MARTO RENTALS 2, LLC; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23473

Staff Recommended Motion:

Approve Resolution No. 145-21.

Background:

The City of West Palm Beach owns property located at 1100 Okeechobee Road (PCN: 74-43-43-28-09-008-0010). Pursuant to the Florida Contraband Forfeiture Act under Sections 932.701-704 of the Florida Statutes (1989), the City was awarded ownership of the property on the December 20, 1990. Final judgement and order of forfeiture is included in this agenda item. The property has been vacant for over three (3) decades and is not being utilized for any special purposes in accordance with the requirements set forth in the Florida Statutes.

On April 5, 2021, the City received a letter of intent to purchase the property from Marto Rentals 2, LLC. The interested party intends to utilize the site for expansion of Property Works, a minority owned small business located at a neighboring site and intends to create 10 - 15 local jobs to be offered to West Palm Beach residents.

The registered agents for Marto Rentals 2, LLC are also the owners of Property Works, a current vendor of the City, who provides landscape and maintenance services to various Departments. An ethics opinion was provided by the City's Ethics Officer, which determined that transaction does not present a prohibited conflict. A copy of email communication between Housing and Community Development staff and the Ethics Officer is available for this agenda item.

In accordance with Section 2-31 of the City's Code of Ordinances, the City Commission must make a determination that the property is not needed for City purpose and must declare the property as surplus and select a method of disposition. The method of disposition may be formal negotiations with an interested party, in this case, Marto Rentals 2, LLC.

Resolution No. 145-21 finding that City-owned property located at 1100 Okeechobee Road is not needed for City purposes, declares the property as surplus, and authorizes the negotiation of the sale with Marto Rentals 2, LLC.

Commission District 5: Commissioner Christina Lambert.

Fiscal Note:

No fiscal impact.

PUBLIC HEARINGS (14-15):

14. **Public Hearing and First Reading of Ordinance No. 4965-21 amending the water and wastewater rates, fees and charges and deferring the scheduled water and wastewater rate increase scheduled for October 1, 2021.**

ORDINANCE NO. 4965-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CURRENT WATER AND WASTEWATER RATES, FEES AND CHARGES; DEFERRING THE SCHEDULED OCTOBER 1, 2021 RATE INCREASE FOR WATER AND WASTEWATER; REPEALING AND REPLACING ORDINANCE NO. 4890-20; PROVIDING A CONFLICTS CLAUSE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23474

Staff Recommended Motion:

Approve Ordinance No. 4965-21 at First Reading and schedule a Second Reading on September 20, 2021.

Background:

The City engaged Raftelis Financial Consultants, Inc. to conduct a Water and Wastewater Rate Study and a Miscellaneous Fee Study. The single most important objective of a rate study is to determine if the existing monthly retail rates for service meet the projected expenditure requirements of the Utility to ensure and maintain sound financial operations and fund anticipated capital needs of the utility system. The Miscellaneous Fee study is a detailed review of each service provided to customers of the Utility in order to determine the actual cost to the Utility of providing the service.

Based on the findings of the Water and Wastewater Rate Study dated August 5, 2021, it is recommended the City:

1. Suspend the automatic rate increases scheduled to become effective October 1, 2021. The current Ordinance No. 4890-20 for Water and Wastewater rates, fees and charges were approved by City Commission on February 24, 2020. The Ordinance has a provision that on each October 1st all rates and fees, except system capacity charges, late payment fees, deposits and returned item fees, will automatically be increased by two and one-half percent (2.5%) for water, and four percent (4%) for wastewater. Public Utilities staff and its rate consultant, Raftelis Financial Consultants, Inc., have determined that a delay in implementing rate increases on October 1, 2021 will not affect the Utilities' ability to maintain its required Debt Service Coverage for FY2021/2022.
2. Revise Section 24 of the Rate Ordinance to reduce the automatic increases from two and one-half percent (2.5%) to one percent (1%) for water rates and maintain the four percent (4%) adjustment for wastewater rates, effective October 1, 2022.
3. Reduce the water and wastewater service charge for multi-family residential dwelling units to 80% of the existing single-family dwelling unit charge.

Rate per Dwelling Unit:

	<u>Existing</u>	<u>Proposed</u>
Water Service Charge:	\$23.66	\$18.93
Wastewater Service Charge:	\$14.32	\$11.46

Reduce the amount billed in each commodity tier by 20% to reflect the lower level of service demand (80%); reduce the wastewater cap from 16 to 14 units. Wastewater above the cap is not billed to the residential customer. The commodity charge is per unit. A unit is one hundred (100) cubic feet (CCF) or 748 gallons. The commodity charge for each tier will not change and will remain the same as the single family dwelling unit.

Water Commodity Charge	Wastewater Commodity Charge	Commodity Tier in CCFs per Dwelling Unit	
		Existing	Proposed
\$2.74	\$4.22	0-8	0-7
\$3.43	\$4.22	9-16	8-14
The wastewater cap of 16 units will be reduced to 14 units.			
\$4.04	N/A	17-36	15-30
\$4.73	N/A	37-76	31-62
\$5.45	N/A	77-200	63-162
\$6.13	N/A	201 and above	163 and above

The adjustment to the multi-family residential dwelling unit service charges, commodity tiers, and wastewater cap is estimated to reduce the average monthly bill for a multi-family residential dwelling unit by \$7.59 and reduce the annual water and wastewater revenues by approximately \$3.2M.

The Miscellaneous Fee Study dated August 5, 2021 proposes revising the existing rates for each of the fees as specified on Table 3 of the study. Based on frequency of services performed in fiscal year 2019, three (3) services represent roughly 74% of the services performed.

	Existing Fee	Proposed Fee
Service initiation for a meter less than one inch (28%)	\$43	\$45
Collections disconnection for a meter less than one (1) inch (26%)	\$56	\$35
Annual backflow test reports (20%)	\$10	\$15

It is estimated there will be an overall decrease in revenue of approximately \$50,000 based on the proposed changes to the miscellaneous fees.

Fiscal Note:

The adjustment to the multi-family residential dwelling unit service charges, commodity tiers, and wastewater cap is estimated to reduce the annual water and wastewater revenues by approximately \$3.2M. It is estimated there will be an overall decrease in revenue of approximately \$50,000 based on the proposed changes to the miscellaneous fees.

The automatic water and wastewater rate increases were not included in the preparation of the fiscal year 2022 Water and Wastewater Operating Budget. The rates, fees and charges proposed in Ordinance No. 4965-21 are anticipated to provide for the recovery of the total revenue requirements of the City's Water and Wastewater Utility.

- 15. Public Hearing and First Reading of Ordinance No. 4966-21 amending the floodplain management standards for manufactured homes and providing for elevation standards which FEMA announced as prerequisites for communities to maintain a Community Rating System Class 8 or better for flood insurance rate discount purposes. The City of West Palm Beach is currently a Community Rating System Class 5 community, which is better than a Class 8 and secures up to 25% discount on flood insurance rates for West Palm Beach property owners.**

ORDINANCE NO. 4966-21: AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE WEST PALM BEACH CODE OF ORDINANCES RELATED TO FLOODPLAIN MANAGEMENT STANDARDS FOR MANUFACTURED HOMES AND PROVIDING FOR ELEVATION STANDARDS; CODIFYING ADOPTION OF WIND MAP AMENDMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, A CODIFICATION CLAUSE, AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Agenda Cover Memorandum No.: 23475

Staff Recommended Motion:

Approve Ordinance No. 4966-21 at First Reading and schedule a Second Reading on September 20, 2021.

Background:

The National Flood Insurance Program (NFIP) is a Federal Emergency Management Agency (FEMA) program, which makes flood insurance available for owners of property located in a Special Flood Hazard Area, sometimes referred to as a Flood Zone. The program includes a rating system called the Community Rating System (CRS) under which the effectiveness of a community's floodplain management standards, and the community's enforcement of those standards, are assessed. The Community Rating System is administered by Insurance Services Office (ISO) on behalf of FEMA.

The Community Rating System ranks communities from a Class 10 up to a Class 1, with Class 1 being the highest class and securing up to 45% discount on flood insurance rates for property owners.

FEMA has announced floodplain management standards for manufactured homes and set elevation standards as prerequisites for communities to maintain a Community Rating System Class 8 or better for flood insurance rate discount purposes.

The City of West Palm Beach is currently classified as a Community Rating System Class 5 community, which is better than a Class 8, so the prerequisite announced by FEMA is applicable to the City. The proposed amendments to the City of West Palm Beach floodplain management standards will meet the prerequisite and allow the City to maintain its classification as a Community Rating System Class 5 community. That will enable West Palm Beach property owners to continue to benefit from flood insurance rate discounts of 25% for properties that are in a special flood hazard area and 10% for properties that are not in a special flood hazard area.

Fiscal Note:

No fiscal impact.

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.