



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 07, 2014 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION:** Offered by Pastor Tony Cato of New Hope Baptist Church
3. **PLEDGE OF ALLEGIANCE:** Led by Vice Mayor Scott Maxwell
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Proclamation recognizing January 2014 as Stalking Awareness Month
 - B. Proclamation recognizing January 18, 2014 as Arbor Day
 - C. City recognition of Scott Althouse for his years of service and contributions
 - D. Living Shoreline Planters by the Dept. of Environmental Resources Management
 - E. Update provided by the Planning & Zoning Board
 - F. Update provided by the Neighborhood Association Presidents' Council
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
 - A. City Commission Meeting - December 3, 2013
 - B. Special City Commission Meeting - December 10, 2013
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Resolution No. 01-2014 - not renew an agreement with Street Outdoors, LLC formerly known as City Solutions, Inc. for placement of modular newsracks
 - B. Resolution No. 02-2014 - authorize CDBG Interlocal Agreement with Palm Beach County for the 9th Avenue South greenway

Agenda Date: January 7, 2014 Regular Meeting

- C. Resolution No. 03-2014 - authorize the City Manager to execute standard mural removal agreements
- D. Revise Interlocal Agreement with the County for the City's Youth Empowerment Centers
- E. Amendment 2 to the DW501700 State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant
- F. Amendment 1 to the DW051701 State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant
- G. Amended Contract and Purchase Order with Burton & Associates, Inc. for master plan financial impact analysis and Fiscal Year 2015 water and sewer revenue sufficiency analysis
- H. Purchase and Sale Contract with Trojan House, Inc. for property located at 1702 Lake Worth Road to establish a construction lab for Lake Worth students

10. PUBLIC HEARINGS:

- A. Ordinance No. 2014-01 - Second Reading and Public Hearing - amend alcoholic beverage regulations regarding proximity waivers
- B. Ordinance No. 2014-02 - Second Reading and Second Public Hearing - amend various sections and tables in the Land Development Regulations
- C. Ordinance No. 2014-03 - Second Reading and Public Hearing - designate the FEC Railway Freight Depot at 1105 Second Avenue South as a local Lake Worth Historic Landmark
- D. Ordinance No. 2014-04 - Second Reading and Public Hearing - regulate the hours of construction activities
- E. Ordinance No. 2014-05 Second Reading and Public Hearing - establish restrictions, requirements and penalties for use of public rights of way, sidewalks, and properties
- F. Ordinance No. 2014-06 - Second Reading and Public Hearing - amend Business Tax Receipts and Business Regulations by creating a two-part City Business License

11. UNFINISHED BUSINESS:

- A. Discuss Park of Commerce and Boutwell Road Project - Owner's Representation, Engineering and Design, and Right of Way Ownership
 - 1) Professional Services Agreement with Mock Roos & Associates for Engineering, Design and Construction Phase Services for the Park of Commerce Project Phase I - Boutwell Road from 2nd Avenue North to 10th Avenue North
 - 2) Professional Services Agreement with Mathews Consulting, Inc. for Owner's Representation Services for the Park of Commerce Project Phase I - Boutwell Road from 2nd Avenue North to 10th Avenue North
 - 3) Discuss right of way ownership for Boutwell Road and the Park of Commerce Project

Agenda Date: January 7, 2014 Regular Meeting

12. NEW BUSINESS:

- A. Resolution No. 04-2014 - Fiscal Year 2014 first quarter budget amendment
- B. Resolution No. 05-2014 - amend the Fiscal Year 2014 Comprehensive Fee Schedule to include special events at the Beach Complex and permit and review fees for right of way usage
- C. Lease Agreement with the County to create and maintain a nature preserve

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION: (There is no public comment on Presentation items)

- 1) Update on the electric utility system

B. CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

C. PUBLIC HEARING:

D. NEW BUSINESS:

- 1) Contractor Agreements with Davey Tree Experts for line clearance and easement/right of way alley clearing services

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT:

- A. January 28, 2014 draft Commission agenda

16. ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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. (F.S. 286.0105)

NOTE: ONE OR MORE MEMBERS OF ANY BOARD, AUTHORITY OR COMMISSION MAY ATTEND AND SPEAK AT ANY MEETING OF ANOTHER CITY BOARD, AUTHORITY OR COMMISSION.



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Update provided by the Update provided by the Planning & Zoning Board

SUMMARY:

Mr. John Rinaldi, Board Chair, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The Board members review and approve site plans for three-units or more of residential development and all commercial development. The members also review community appearance and have the ability to grant variances from the Lake Worth Zoning Code. The members also serve as the Board of Sign Appeals and Nuisance Abatement Board. The members serve three-year terms. Last update from the Planning and Zoning board was on May 7, 2013.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Update provided by the Neighborhood Association Presidents' Council

SUMMARY:

Ms. Mary Lindsey, Council Chair, will advise the Commission on activities in the neighborhoods.

BACKGROUND AND JUSTIFICATION:

At the City Commission meeting on July 20, 2010, the City Commission requested that all neighborhood associations provide an update. The last update from the Neighborhood Association Presidents' Council was on March 5, 2013.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Resolution No. 01-2014 - not to renew an agreement with Street Outdoors, LLC, formerly known as City Solutions, Inc., for placement of modular newsracks within the City.

SUMMARY:

The Resolution authorizes the City Manager to exercise the City's option not to renew a professional services agreement for modular newsracks within the City's boundaries.

BACKGROUND AND JUSTIFICATION:

On or about May 18, 2004, the City entered into a Professional Services Agreement with Street Outdoors, LLC, f/k/a City Solutions, Inc., for the provision of modular newsracks within the City's boundaries (the "Agreement"). The initial term of the Agreement was for ten (10) years with two consecutive five (5) year extensions, unless the Contractor or City gives written notice at least one hundred and twenty (120) days prior to the expiration of the initial term that it desires to discontinue the Agreement. The initial term is currently set to expire on May 17, 2014. Based on the agreement, there is no fiscal impact to the City if the agreement is not renewed.

In accordance with Article 1, Term; Extension; Termination, Section 1.02 Extension of the Agreement, the City wishes to provide Street Outdoors, LLC f/k/a City Solutions, Inc., written notice of its intention not to extend or renew the subject Agreement after its expiration on May 17, 2014.

MOTION:

I move to approve/not approve Resolution No. 01-2014.

ATTACHMENT(S):

Fiscal Impact Analysis – Not Applicable

2004 Agreement

Resolution



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 02-2014 - authorize CDBG Interlocal Agreement with Palm Beach County for the 9th Avenue South greenway

SUMMARY:

The Resolution authorizes \$212,396 in Fiscal Year 2013-2014 Community Development Block Grant (CDBG) funds for the development of a pedestrian friendly greenway in the unimproved public right-of-way of 9th Avenue South between South B and South F Streets.

BACKGROUND AND JUSTIFICATION:

At its meeting of April 16, 2013, the City Commission approved Resolution No. 23-2013 authorizing the submission of an application to Palm Beach County Department of Economic Sustainability (DES) for Fiscal Year 2013-2014 Community Development Block Grant Program funding for infrastructure improvements to develop a pedestrian friendly greenway in the unimproved right-of way of 9th Avenue South from South B Street to South F Street. The actual amount of funding available was initially estimated to be \$194,859, subject to final determination by the U.S. Department of Housing and Urban Development (HUD). The amount of funding available has since been announced by HUD to be \$212,396.

Specific improvements for the project will consist of clearing and grubbing, fine grading to provide positive surface drainage, sidewalk construction, installation of sod, landscaping, and an irrigation system, and certain site amenities, including fixed trash receptacles and benches. All improvements will be ADA compliant.

It is estimated that the cost for the improvements will be \$194,160.75. The project budget provides for a project contingency amount of \$18,235.25 (8.6%). There are no matching funds required from the City. An amendment to the Fiscal Year 2014 Budget in this amount is included in the budget amendment agenda item being adopted at this meeting to reflect this grant.

MOTION:

I move to approve/not approve Resolution No. 02-2014

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution
Interlocal Agreement

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2017
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	212,396	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	212,396	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The Interlocal Agreement sets forth the terms and conditions for the use and reimbursement of these CDBG funds. The City FY 2014 budget is being amended to include this grant.

C. Department Fiscal Review: _____



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AGENDA DATE: January 7, 2014, Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Resolution No. 03-2014 - authorize the City Manager to execute standard mural removal agreements

SUMMARY:

The Resolution authorizes the City Manager to execute standard mural removal agreements.

BACKGROUND AND JUSTIFICATION:

The City Land Development Regulations (LDRs) require that when a mural is approved to be placed on private property, the property owner must agree to remove that mural at the owners sole expense in the event that it becomes deteriorated and no longer satisfies the terms of its approval.

The standard agreement that has been approved by the City Commission many times, allows, but does not require the City to go on the property and remove the mural in the event that the property owner fails to do so, upon notification and an appropriate time

The Planning and Zoning Board or the Historic Resources Preservation Board have the sole responsibility to give final approval to paint a mural. The Mural Removal Agreement is only approved by the City Commission because the code states that the Agreement must be approved by the City. Authorizing the City Manager to sign the Agreement will create a more efficient and timely process.

In the event that a property owner requires provisions in an agreement that are different than the standard agreement that has been approved, the staff will bring that to the City Commission for approval.

MOTION:

I move to approve/not approve Resolution No. 03-2014.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Standard Mural Removal Agreement
Resolution



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Revise Interlocal Agreement with the County for the City's Youth Empowerment Centers

SUMMARY:

The Revised Interlocal Agreement includes insurance provisions as part of the terms and conditions for the use of grant funds and to correct a scrivener's error contained in the original document.

BACKGROUND AND JUSTIFICATION:

At its meeting of December 3, 2013, the City Commission approved Resolution No. 62-2013 approving an award of \$150,000 from Palm Beach County Criminal Justice Commission (CJC) to expand the after school education, recreation and crime prevention programs for at-risk youth at the City's Youth Empowerment Centers located at the Osborne Center and Wimbley Gymnasium. The Resolution further authorized the Mayor to execute an Interlocal Agreement between the County and the City that sets forth the terms and conditions for the use of these funds.

The CJC has since notified the City that the original Interlocal Agreement failed to include the City's Insurance requirements for this award. These requirements are set forth in the revised Interlocal Agreement at "ARTICLE 30 – INSURANCE". The revised Interlocal Agreement also corrects scrivener's errors originally contained in "ARTICLE 8 – SUBCONTRACTING", as re-titled.

MOTION:

I move to approve/disapprove the revised Interlocal Agreement.

ATTACHMENT(S):

Fiscal Impact Analysis – Not Applicable
Revised Interlocal Agreement



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Water Utility

EXECUTIVE BRIEF

TITLE:

Amendment 2 to the DW501700 State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant

SUMMARY:

The Amendment adjusts the project costs and the semiannual loan payments for the low interest loan agreement between the State of Florida and the City of Lake Worth to offset expenses incurred during the construction of the Reverse Osmosis (RO) water treatment plant. The total amount for the agreement is:

Amendment 2 to Loan Agreement DW501700, Unpaid Principal Balance \$ 433,859.57

BACKGROUND AND JUSTIFICATION:

On October 12, 2009, the Florida Department of Environmental Protection awarded the City of Lake Worth a Drinking Water State Revolving Fund (SRF) Loan Agreement of \$3,000,000. This agreement, DW501700, included a Principal Forgiveness grant of \$2,550,000, which resulted in a principal amount to be repaid of \$450,000 and \$13,000 capitalized interest. On June 4, 2013, the City Commission authorized Amendment 1 to Agreement DW501700 to accept excess grant funds of \$245,722, resulting in a loan amount of 3,245,722, and unpaid principal balance of \$433,859.57. Amendment 2 adjusts the semiannual loan payment of \$19,251.84 to reflect adjustment of capitalized interest and payment of four semiannual payments. The interest rate is 2.82 percent per annum.

MOTION:

I move to approve/disapprove Amendment 2 to State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant, Agreement Number DW501700 and authorize the City Manager to execute the amendment.

ATTACHMENT(S):

- 1) Fiscal Impact Analysis – Not Applicable
- 2) Amendment 2 to SRF Loan Agreement
- 3) Amortization Schedule
- 4) Amendment 1 to SRF Loan Agreement dated June 4, 2013



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Water Utility

EXECUTIVE BRIEF

TITLE:

Amendment 1 to the DW051701 State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant

SUMMARY:

The Amendment adjusts the project costs and the semiannual loan payments for the low interest loan agreement between the State of Florida and the City of Lake Worth to offset expenses incurred during the construction of the Reverse Osmosis (RO) water treatment plant. The total amount for the agreement is:

Amendment 1 to Loan Agreement DW501701, Unpaid Principal Balance \$ 6,233,321.53

BACKGROUND AND JUSTIFICATION:

On September 21, 2010, the City Commission authorized a Florida Department of Environmental Protection Drinking Water State Revolving Fund (SRF) Loan Agreement of \$6,579,700. This agreement, DW501701, included \$6,500,000 to be disbursed to the City and capitalized interest of \$79,700. The interest rate on this loan is 2.61 percent per annum. Amendment 1 adjusts the semiannual loan payment of \$218,100.21 to reflect adjustment of capitalized interest and payment of four semiannual payments.

MOTION:

I move to approve/disapprove Amendment 1 to State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant, Agreement Number DW501701 and authorize the City Manager to execute the amendment.

ATTACHMENT(S):

- 1) Fiscal Impact Analysis – Not Applicable
- 2) Amendment 1 to SRF Loan Agreement
- 3) Amortization Schedule
- 4) State Revolving Loan Agreement DW501701, approved September 21, 2010



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Water Utility

EXECUTIVE BRIEF

TITLE:

Amended Contract and Purchase Order with Burton & Associates, Inc. for master plan financial impact analysis and Fiscal Year 2015 water and sewer revenue sufficiency analysis

SUMMARY:

The Amended Contract and Purchase Order will authorize the purchase of specialized financial analysis services to conduct a Lake Worth 2020 Master Plan Financial Impact Analysis and Fiscal Year 2015 Water and Sewer Revenue Sufficiency Analysis. The Fiscal Year 2014 Not-to-Exceed fees for these professional services are \$25,893.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth approved a contract with Burton & Associates, Inc. on August 5, 2008, for financial services to perform a rate study for the water and sewer utility funds. The agreement allows for annual renewals for additional services.

The amended agreement and purchase order authorizes Burton & Associates, Inc. to perform additional financial modeling and rate studies showing the potential impact of the proposed Lake Worth 2020 Master Plan capital projects, and a Fiscal Year 2015 Water and Sewer Revenue Sufficiency Analysis. The analysis is needed annually as part of the budget process to assure that water and sewer rates are sufficient to fund budgeted expenditures.

MOTION:

I move to approve/disapprove the contract amendment and purchase order with Burton & Associates, Inc. for Master Plan Financial Impact Analysis and Fiscal Year 2015 Water and Sewer Revenue Sufficiency Analysis for a Not-to-Exceed price of \$25,893 during Fiscal Year 2014.

ATTACHMENT(S):

- 1) Fiscal Analysis
- 2) Amended contract including Burton & Associates, Inc's. proposal
- 3) City of Lake Worth contract with Burton & Associates, Inc. dated 8/5/2008

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	0	0	0	0	0
Operating Expenditures	\$25,893	\$0	\$0	\$0	\$0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-Kind Match	0	0	0	0	0
Net Fiscal Impact	\$25,893	0	0	0	0

No. of Additional Full-Time Employees	0	0	0	0	0
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B. Recommended Source of Funds/Summary of Fiscal Impact

The funds have been identified in the FY2014 Operations and Maintenance Budget from account 402-7034-533.34-50.

Utilities/Water Production							
Account Number	Account Description	Project #	FY 2014 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Proposed Remaining Balance
402-7034-533.34-50	Other Contractual Services	N/A	\$50,300	N/A	\$63,171	-\$25,893	\$37,278

C. Department Fiscal Review:

Larry Johnson - Director
Christy Goddeau –Asst. City Attorney



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Purchase real property located at 1702 Lake Worth Road from Trojan House, Inc., for \$30,500 Plus up to \$10,000 for demolition, document recording and lot improvement.

SUMMARY:

The Purchase and Sale Contract, will result in the City acquiring the property at 1702 Lake Worth Road and Trojan House, Inc., receiving approximately \$30,000 to be used to establish a construction lab for Lake Worth students. Additionally, up to \$10,000 for demolition, document recording and lot improvement.

BACKGROUND AND JUSTIFICATION:

On October 5, 2004, the City donated the property and the structure at 1702 Lake Worth Road to Trojan House, Inc. in exchange for four residential properties. The properties were subsequently quit claimed to the Community Development Corporation (CDC) who then sold them to the City CRA. The intent of the donation to Trojan House, Inc. was to provide a construction project to teach students at Lake Worth High School construction skills. Due to the type construction used in the structure located on the property, its usefulness as a lab to teach relevant and marketable construction skills was limited. Additionally, the founder of the Trojan House, Inc., passed away. At this time, the Trojan House, Inc. a Florida non-profit corporation, believes it would best be served by selling the property back to the City for \$30,000 and that the proceeds from the sale be used in conjunction with other community partners to establish a construction lab for Lake Worth students. The lab will allow the School to teach modern construction techniques and skills sets to our local students.

On November 13, 2013, Callaway & Price, Inc., prepared an appraisal report of the property. According to the report, the property is worth \$35,000 (as a vacant parcel). At this time, the structure remains on the property but is in a significant state of deterioration. The pecky cypress paneling on the interior as well as the exterior siding has been removed from the walls. Years of exposure to the elements has severely damaged the structure rendering it unsafe. It is the City's intent that upon closing, the City will commence demolition.

There is also a pending code enforcement case on the property (which commenced this year). As part of the contract, the City will assume any and all fines that have or will accrue related to the pending code case and ultimately resolve any lien that may be recorded against the property. The code case cannot be closed until compliance is achieved. Compliance will be achieved with the demolition of the structure.

Pursuant to the attached purchase and sale contract, the City will also have to pay for the owner's title policy and some minor expenses related to the closing. Thus, the City will need approximately \$30,500 for this purchase. The City and Trojan House anticipate having the closing on the property in January. Accordingly, authorization is also sought for the Mayor to sign any and all documents necessary to effectuate the purchase on behalf of the City. No realtor fees will be charged as the services are being donated

MOTION:

I move to approve/not approve a Purchase and Sale Contract with Trojan House, Inc., for 1702 Lake Worth Road, for \$30,500, authorize the Mayor to sign any and all necessary documents to effectuate the purchase on behalf of the City and authorize expenditure of up to \$10,000 for demolition, document recording and lot improvement.

ATTACHMENT(S):

Fiscal Impact Analysis

Appraisal

Purchase and Sale contract

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Personal Services	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
Capital Expenditures	\$40,500	0	0	0	0
Net Fiscal Impact	\$40,500	0	0	0	0

No. of Addn'l Full-Time Employee Positions	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact: General Capital Projects, general ledger account # 301-8019-519.65-62 (currently contains \$140,543).

City Attorney	Trojan House Inc. re: Property at 1702 Lake Worth Road.				
Account Number (s)	Account Description (s)	FY 2014 Budget	Current Balance	Agenda Expenses	Remaining Balance
301-8019-519-65-62	General Capital Projects	140,543	140,543	(40,500)	100,043

C. Finance Fiscal Review: SC



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-01 - Second Reading and Public Hearing - amend alcoholic beverage regulations regarding proximity waivers

SUMMARY:

The Ordinance amends three sections of Chapter 5 *Alcoholic Beverages* to allow the Planning and Zoning and Historic Preservation Boards to approve proximity waivers for consumption on premises and for the City Commission to have final approval for package alcohol sales.

BACKGROUND AND JUSTIFICATION:

On October 2, 2012 the City of Lake Worth amended Chapter 5 – Alcoholic Beverage Regulations of the Code of Ordinances. The Code of Ordinances includes three (3) sections governing the issuance of proximity waivers within the city. They include Section 5-5 *Zoning Regulations and limitations; exceptions*, Section 5-6 *Minimum Distances and other required mitigation*, and Section 5-7 *Special Exception*. Cumulatively these sections allow a proximity waiver to be issued with a separation of four hundred (400) feet, does not allow an exception for licensed restaurants which derive at least fifty one (51) percent of their gross revenue from the sale of food and non alcoholic beverages, nor an exception for premises licensed on or before July 1, 1999. Florida Statute 562.45 requires a minimum separation requirement of five hundred (500) feet, an exception for licensed restaurants, and an exception for premises licensed on or before July 1, 1999. This Ordinance will amend Chapter 5 to be in compliance with Florida Statutes. Additionally, Section 5-7 *Special Exception* is being deleted as there is no special exception process, just a waiver process.

The City Commission will have final review authority of licenses being requested for all package sales while either the Planning & Zoning Board or the Historic Resources Preservation Board will have final review authority for consumption on premises license requests.

MOTION:

I move to approve/disapprove Ordinance No. 2014-01 on second reading

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance No. 2014-01



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-02 - Second Reading and Second Public Hearing - amend various sections and tables in the Land Development Regulations

SUMMARY:

The Ordinance amends Chapter 23 – Land Development Regulations including five (5) articles of the Code of Ordinances General Provisions, Administration, Zoning Districts, Development Standards, and Supplemental Regulations as well as revises the permitted use table, public noticing table and review authority table.

BACKGROUND AND JUSTIFICATION:

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. The LDRs include six (6) articles governing all development within the city. As implementation of the new code progresses, several definitions, review authority table, notice requirements, permitted uses and the sign code needed to be clarified and edited to provide consistency and improve clarity.

On November 6, 2013 the Planning & Zoning Board at its regularly scheduled meeting discussed the amendments to the LDRs and voted 4-0 to recommend approval to the City Commission.

The Historic Resources Preservation Board at its regularly scheduled meeting of November 13, 2013 reviewed the amendments to the LDRs and also voted 4-0 to recommend approval to the City Commission.

MOTION:

I move to approve/disapprove Ordinance No. 2014-02 on second reading

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
P&Z and HRPB Boards Staff Report and Minutes
Ordinance No. 2014-02



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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-03 - Second Reading and Public Hearing - designate the FEC Railway Freight Depot at 1105 Second Avenue South as a local Lake Worth Historic Landmark

SUMMARY:

The Ordinance will designate the FEC Railway Freight Depot, located at 1105 Second Avenue South, as a local historic landmark.

BACKGROUND AND JUSTIFICATION:

1105 2nd Avenue South, a.k.a the Florida East Coast (FEC) Railway Freight Depot, is located west of the FEC railway corridor in west Lake Worth. The property is bounded to the east by the FEC railway, to the north by 2st Avenue South, to the west by the alley east of South F Street, and to the south by 3rd Avenue South. The area is characterized by a mix of industrial uses along the railway corridor that directly abuts a multi-family residential area to the west, with little transition between these two land uses. The property is currently zoned Artisanal Industrial (AI), with a Future Land Use of Artisanal Mixed Use (AMU.)

The FEC Freight Depot was constructed in 1926 in the Mission Revival Style. The building has been nominated as a local historic landmark for its association with the Florida Boom Period and the economic growth of Lake Worth during the 1920s, as well as for its architecture, which is a representative example of early 20th century railroad construction. The building has a high degree of integrity, having been altered little since its construction.

In July 2013, the City of Lake Worth published a request for proposal (RFP#12-13-208) to convert the property from an industrial warehouse into a multi-use arts center. The City has incorporated language in the lease of the building to ensure the lessee respects the historic nature of the property. If the property were a historic landmark, then all future work on the exterior of the property will be reviewed pursuant to the Certificate of Appropriateness (COA) process, which evaluates alterations to the building to ensure they are appropriate and respect the historic integrity of the property.

Approval of the designation will authorize the Development Review Official to amend the City's Official Zoning Map to provide for an historic overlay for the property.

On November 13, 2013 the Historic Resources Preservation Board voted 4-0 to recommend designation of the FEC Railway Freight Depot as a local historic landmark.

As part of the designation process, a deed restriction is required to be placed on the property. The restriction is provided here and requires a separate motion from the Commission to authorize its being placed on the property.

MOTION:

I move to approve/disapprove Ordinance No. 2014-03 on second reading
and

I move to approve/disapprove Notice of Designation and Historic Preservation Restriction

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

Ordinance No. 2014-03

HRPB Project Number 13-00100228 Staff Report

Excerpt of Meeting Minutes from HRPB Meeting of November 13, 2013

Notice of Designation and Historic Preservation Restriction

ATTACHMENT 1 – LOCATION MAP

ATTACHMENT 4 – EXCERPT FROM *ON LAKE WORTH*, HISTORIC PHOTOGRAPH OF FEC PASSENGER DEPOT
WITH FREIGHT DEPOT IN BACKGROUND

ATTACHMENT 6 – ARCHITECTURAL DRAWINGS PREPARED BY 2011 BAKER INTERNS



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-04 - Second Reading and Public Hearing - regulate the hours of construction activities

SUMMARY:

The Ordinance amends Section 9-2.3 *Hours for Construction* to create construction activities regulations between 8 AM and 7 PM on weekdays and 8 AM to 6 PM on Saturday.

BACKGROUND AND JUSTIFICATION:

Currently, the City does not regulate hours of construction activities, which has resulted in constant complaints being made to staff from adjacent property owners and businesses. After reviewing the issue, staff has determined that, in order to preserve residents' and businesses health, safety, and welfare, there was a need to create regulations for hours of construction activities.

At the regular commission meeting of December 3, 2013, the Commission voted to have the construction hours amended to be 8 am to 7 pm on weekdays and 8 am to 6 pm on Saturday. The attached ordinance reflects that change in hours.

MOTION:

I move to approve/disapprove Ordinance No. 2014-04 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance No. 2014-04



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-05 Second Reading and Public Hearing - establish restrictions, requirements and penalties for use of public rights of way, sidewalks, and properties

SUMMARY:

The Ordinance creates regulations for the use of the City's public right of ways, parking lots and other public properties. Specifically, the public right of ways and public properties adjacent to the City's major thoroughfares and in downtown areas are addressed.

BACKGROUND AND JUSTIFICATION:

During the past year, the City has experienced a number of instances where its public right of ways, including vehicular and pedestrian right of ways, and/or other public properties were utilized for commercial activities by unlicensed or unregulated vendors. The commercial activities of these vendors pose a threat to public safety and general welfare and have been identified as activities that the City does not wish to encourage or facilitate. By working in tandem with the Palm Beach County Sheriff's Office (PBSO) and the City Attorney's Office as well as the Department of Public Services, regulations and restrictions for the public right of ways and other public properties were developed. The regulations include application requirements for the conditioned use of pedestrian right of ways as well as penalties for use of the public right of ways and other public properties without City approval. The regulations and restrictions contained in this Ordinance are in addition to those regulations and restrictions applicable to sidewalk cafes; newsracks and newsstands; and, revocable permits authorized under Chapter 19 of the City's code of ordinances.

MOTION:

I move to approve/disapprove Ordinance No. 2014-05 on second reading

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance No. 2014-05



CITY OF LAKE WORTH

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AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-06 - Second Reading and Public Hearing - amend Business Tax Receipts and Business Regulations by creating a two-part City Business License

SUMMARY:

The Ordinance will significantly update the Business Tax Receipts and Use & Occupancy Certificates programs to create a unified Lake Worth Business License that includes both activities on one license. The Ordinance will also clarify the application process, review procedures, enforcement, penalties, and revocation of licenses.

BACKGROUND AND JUSTIFICATION:

In September of 2011, the City drastically overhauled its Use & Occupancy Program affording an annual inspection process for commercial properties and a biennial inspection for residential rentals. Implementation over the past two (2) years has not been as successful as originally desired and there are many issues being raised as to what is the difference between a Business Tax Receipt, which is a tax, and the Use & Occupancy, which is vehicle to document land use and establish appropriate business operations in the City. During this same period, the Palm Beach Sheriff's Office (PBSO) and the City Attorney's Office have been collaborating on how to address inappropriate business operations, illegal rentals, and nuisance activities. The ordinance provided here addresses all of these issues raised including a mechanism to revoke a business license making it illegal for the business entity to continue operations.

Furthermore, the changes creating the Lake Worth Business License will combine the notices, renewals, applications, and receipts for both the City's Business Tax Receipts and Use & Occupancy Certificates. Combining them will afford a single receipt to be displayed in places of business and a single renewal mailer, saving the City at least \$5,000 annually in printing and mailing costs. The combination also will ensure that the City collects both the tax and the certificate fee, which should generate increased revenues and improve compliance with the programs. At this time the additional revenue to be generated is difficult to estimate but Staff will come back to the Commission during the Fiscal Year 2015 budget cycle with an update on the generated revenue stream.

Following approval on First Reading, the City Attorney's Office and Staff reviewed the ordinance and made a few grammatical edits and one (1) addition for clarification. Those changes are shown at lines 838-881.

MOTION:

I move to approve/disapprove amended Ordinance No. 2014-06 on second reading

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance No. 2014-06



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Discuss Park of Commerce and Boutwell Road Project - Owner's Representation, Engineering and Design, and Right of Way Ownership

SUMMARY:

Discussion of three (3) issues related to moving the Park of Commerce forward as the County's premier light industrial, research and development park.

BACKGROUND AND JUSTIFICATION:

Over the past 15 years, the City of Lake Worth in collaboration with a variety of governing entities has been working toward establishing the Park of Commerce (Park) as a shovel ready light industrial, research and development park to serve not only Palm Beach County but also the Gold Coast Region. To achieve this goal, the city is embarking on a multi-phase infrastructure improvement plan for the Park and an Annexation Inter Service Boundary Agreement to facilitate annexing the remaining County parcels in the Park. In addition, the City and Palm Beach County are collaborating on the future of Boutwell Road and the intersection at Tenth Avenue North. Moving all of these issues forward is critical to establishing the Park of Commerce as a premier development location and to facilitate shovel ready sites ready for investment.



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Professional Services Agreement with Mock Roos & Associates for Engineering, Design and Construction Phase Services for the Park of Commerce Project Phase 1 - Boutwell Road from 2nd Avenue North to 10th Avenue North

SUMMARY:

A Professional Services Agreement has been negotiated with Mock Roos & Associates to provide Engineering, Design and Construction Phase Services for Phase I of the Boutwell Road Infrastructure Project (Project) in an amount not to exceed of \$644,120 for a term of thirty (30) months.

BACKGROUND AND JUSTIFICATION:

In order to move forward on the infrastructure improvements for Boutwell Road in the City's Park of Commerce, the City prepared a formal Request for Proposals and initiated a competitive solicitation process to select a Engineering and Design Firm for the initial phase of the Project. Following a review of the submitted proposals and an interview panel discussion with three (3) of the short listed firms, Mock Roos was selected as the top candidate to serve in this capacity. Subsequently, City Staff negotiated a Professional Services Agreement in an amount not to exceed \$644,120 for a term of thirty (30) months on an anticipated overall construction value of \$5 to \$5.5 million for the Project. The services to be provided under the agreement include eight (8) tasks outlined as follows (a detailed presentation of these tasks is attached):

1. Surveying
2. Preliminary Engineering/Master Plan Development
3. Construction Contract Drawings and Specifications
4. Regulatory Agency Permitting
5. Geotechnical Engineering Services
6. Coordination with Owner's Representative, City Staff and Other Entities
7. Bidding Phase Services
8. Construction Phase Services

This array of services will ensure a professional level of engineering and design services including construction phase services and timely delivery of the shovel ready designs to undertake construction of the Project.

The funding for this project is housed in multiple utility funds as shown in schedule below; Water Fund, Stormwater Fund, Road & Street Facility, and Sewer Fund. Said funds will be transferred into the Park of Commerce Fund by way of the 1st Budget Amendment to be presented to the Commission in January 2014.

MOTION:

I move to approve/not approve a Professional Services Agreement with Mock Roos & Associates in an amount not to exceed \$644,120 for a term of thirty (30) months.

ATTACHMENT(S):

Fiscal Impact Analysis

Signed Professional Services Agreement including exhibits

Compensation Fee Breakdown

Mock Roos Presentation on Tasks, Responsibilities, Deliverables and Schedule

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2017
Capital Expenditures	644,120	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	644,120	0	0	0	0

No. of Addn'l Full-Time Employee Positions	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

Park of Commerce		Mock Roos Engineering, Design & Construction Contract			
Account Number (s)	Account Description (s)	FY 2014 Budget	Current Balance	Agenda Expenses	Remaining Balance
402-9010-581-91-80	Water Fund	6,151,297	6,071,297	(63,317)	6,007,981
305-5020-541-63-15	Road & Street Facility	5,330,669	5,317,549	(400,256)	4,917,293
305-5090-538-63-15	Storm Water Fund	2,106,960	2,106,960	(83,777)	2,023,183
305-7231-535-63-15	Sewer Fund	4,225,014	4,225,014	(63,317)	4,161,698
301-9010-581-91-80	P.O.C Capital Project	700,000	350,070	(33,454)	316,616
				(644,120)	

C. Department Fiscal Review: _____



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Professional Services Agreement with Mathews Consulting, Inc. for Owner's Representation Services for the Park of Commerce Project Phase 1 - Boutwell Road from 2nd Avenue North to 10th Avenue North

SUMMARY:

A Professional Services Agreement has been negotiated with Mathews Consulting to serve as the owner's representative for Phase I of the Boutwell Road Infrastructure Project (Project) in an amount not to exceed of \$349,930 for a term of thirty (30) months.

BACKGROUND AND JUSTIFICATION:

In order to move forward on the infrastructure improvements for Boutwell Road in the City's Park of Commerce, the City prepared a formal Request for Proposals and initiated a competitive solicitation process to select an Owner's Representative for the initial phase of the Project. Following a review of the submitted proposals and an interview panel discussion with three (3) of the short listed firms, Mathews Consulting was selected as the top candidate to serve in this capacity. Subsequently, City Staff negotiated a Professional Services Agreement in an amount not to exceed \$349,930 for a term of thirty (30) months on an anticipated overall construction value of \$5 to \$5.5 million for the Project. The services to be provided under the agreement include eight (8) tasks outlined as follows (a detailed presentation of these tasks is attached):

1. Overall Project Management
2. Right of Way Needs Analysis
3. Land Acquisition Services/Relocation Plan
4. Public Outreach Services
5. Engineering Design Review
6. Bidding/Permitting Services
7. Services During Construction
8. Resident Project Representative Services

This array of services will ensure a professional level of coordination and over site between the City Staff and the provider of the Design and Engineering services for the Project. Currently, the City does not have sufficient staff capacity to undertake all of these tasks as required of the Project. Additionally, the costs to bring hire under contract all the professional individuals necessary to undertake these services exceeds the anticipated costs of this proposed agreement with an owner's representative.

MOTION:

I move to approve/not approve a Professional Services Agreement with Mathews Consulting in an amount not to exceed \$349,930 for a term of thirty (30) months.

ATTACHMENT(S):

Fiscal Impact Analysis

Signed Professional Services Agreement including exhibits

Mathews Presentation of Tasks, Responsibilities, Deliverables and Schedule

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2017
Capital Expenditures	349,930	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	349,930	0	0	0	0

No. of Addn'l Full-Time Employee Positions	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

Park of Commerce		Mathews Consulting			
Account Number (s)	Account Description (s)	FY 2014 Budget	Current Balance	Agenda Expenses	Remaining Balance
301-9010-581-91-80	P.O.C Capital Project	700,000	700,000	(349,930)	350,070

C. Department Fiscal Review: _____



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Discuss right of way ownership for Boutwell Road and the Park of Commerce Project

SUMMARY:

The ownership and future maintenance of Boutwell Road through the Park of Commerce is an issue to be considered as the infrastructure improvement moves forward.

BACKGROUND AND JUSTIFICATION:

In working with Palm Beach County on the overall approach to undertaking the infrastructure improvements along Boutwell Road and the intersection at Tenth Avenue North, the County has not included the intersection improvements within the soon to be adopted Five (5) Year County Capital Improvement Plan (Plan) for roadways. However, there will be an opportunity to approach the County to amend the Plan next spring 2014. One avenue to gain support and encourage the inclusion of the intersection in the Plan is for the City to be open to taking over the ownership and maintenance of Boutwell Road, once it is completed. City ownership of the roadway not only will help facilitate funding for the intersection but also allow for an aesthetically pleasing design to be developed commensurate the importance of the Park. County standard roadway requirements would not allow the City the luxury of providing for a signature roadway. The City's ownership of Boutwell Road would allow for more flexibility in the design and a more expeditious design, permitting and construction phasing. The County Engineering Office also has agreed to work with the City on the development of the plans and will participate in design review at regular intervals as well as assist with coordinating the intersection improvements if included as part of the County Plan.

Since the Park of Commerce is such a high profile endeavor with support from the Business Development Board (BDB) of Palm Beach County, the Treasure Coast Regional Planning Commission (TCRPC) and other economic development entities, the inclusion of the intersection improvements at Tenth Avenue North in the County's Plan is realistic and achievable. In addition, the transfer of roadway ownership will ensure a seamless project that meets all of the expectations of the City and establishes the Park of Commerce as a shovel ready investment opportunity

MOTION:

I move to direct City Staff to continue the feasibility efforts in coordination with Palm Beach County to facilitate the transfer of ownership and maintenance of Boutwell Road to the City of Lake Worth.

ATTACHMENT(S):

Fiscal Impact Analysis – To Be Determined



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600· Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Finance

EXECUTIVE BRIEF

TITLE:

Resolution No. 04-2014 - Fiscal Year 2014 first quarter budget amendment

SUMMARY:

This Resolution amends the City of Lake Worth FY 2013/2014 budget by appropriating existing fund balances in several funds:

General Fund –Expense- providing funding for additional staff for pot hole patching(as authorized by the Commission 10/15/2013), termination pay and implementation of the right of way permitting function, correcting the omission of a portion of the payment required for the Fire Pension plan.

Grants Fund Revenue and expense – putting in place appropriations for the CDBG grant for 9th Avenue South Greenway that is being considered at the same meeting.

Casino Construction Fund - Expense- reimbursement to the Capital fund for amounts spent from that fund on the building these amounts were within the adopted budget for the Casino Construction Fund

Electric Fund – Revenue - Putting in place the anticipated receipt of insurance proceeds for the transformer repair and amounts paid by developments for utility work. Expense – providing for inventory expenses and capital carry forward projects

Water Fund - Expense – providing for capital carry forward projects and accelerating other capital projects.

Local Sewer Fund - Expense – providing for capital carry forward projects and accelerating other capital projects.

Regional Sewer Fund - Expense – providing for capital carry forward projects and accelerating other capital projects.

Stormwater Fund - Expense – providing for capital carry forward projects.

Refuse Fund - Expense – providing for accelerating vehicle replacement.

Information Technology Fund- Expense – providing for capital carry forward projects.

Self Insurance Fund - Expense – providing for additional projected legal costs and loss prevention training for employees.

Fleet Management Fund- Revenue and Expense – providing for purchase of an additional refuse truck other side of the refuse item above.

Minor changes to other funds are also included.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth FY 2013/2014 budget as adopted (in September 2013) and contained estimates for all expenditures and in particular a number of ongoing capital projects. This budget amendment re-budgets those that were not completed prior to the end of the fiscal year.

This amendment also contains corrections to the amounts originally adopted based on a further review of the original budget and adjusts other accounts for current trends/costs.

The funds for all these adjustments are available within each of funds either through the transfer of appropriations among departments or through the use of available fund balance (based on the current unaudited FY 2013 results of operations).

MOTION:

I move to approve/disapprove Resolution No. 04-2014 to amend the Fiscal Year 2014 budget.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution including Fund Summaries



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Finance

EXECUTIVE BRIEF

TITLE:

Resolution No. 05-2014 - amend the Fiscal Year 2014 Comprehensive Fee Schedule to include special events at the Beach Complex and permit and review fees for right of way usage

SUMMARY:

The Resolution provides for new right of way usage fees and special events at Beach Complex.

BACKGROUND AND JUSTIFICATION:

On September 12, 2013, the City Commission adopted Resolution No. 41-2013 establishing the fees for City services and other charges for Fiscal Year 2013-2014. The effective date of the charges was October 1, 2013. After adoption, it was discovered, that:

- The admission fees for Community Dance Night, Sand Sculpting Event vendor fees, and all other event related fees were inadvertently omitted from the Beach Complex Special Events Fees section.

These corrections however minor, do impact the fees and charges originally authorized by Commission on September 12th, 2013; and said corrections are hereby submitted for Commission approval.

- Sale of merchandise, including percentage markups and discounts for all items sold at the Golf Pro Shop.

Additionally, on January 7, 2014, the City Commission will take action on Ordinance No. 2014-05 to regulate right-of-way usage and establish permitting and review fees by resolution. If the ordinance is approved, this resolution will establish those fees. The effective date of this resolution will be the same as Ordinance No. 2014-05.

MOTION:

I move to approve/disapprove Resolution No. 05-2014.

ATTACHMENT(S):

Resolution



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: City Manager

EXECUTIVE BRIEF

TITLE:

Lease Agreement with the County to create and maintain a nature preserve

SUMMARY:

The Agreement allows the County to create and maintain a nature preserve on a 13 acre parcel of submerged and upland land, which is owned by the City. The property is generally bounded on the east by State Road A1A, on the south at a point roughly 800 feet north of the City's southern municipal boundary, on the west by the bulkhead line, and on the north by State Road 802 (Lake Avenue).

BACKGROUND AND JUSTIFICATION:

In June, 2012, Gulf Stream Plaza, Inc. surrendered its long term lease back to the City with the intent that the property be used for a natural/conservation area. It was anticipated that Palm Beach County Environmental Resources Management would restore and manage the property.

The surrender of the lease provided that the name designation of the property acknowledge the Steinhardt family.

This lease agreement with Palm Beach County provides, that subject to funding, the County will restore and manage the property as a nature preserve for future generations. The agreement provides that the upland area will be reserved for future public amenities, including parking. Before anything is restored or constructed on the property, the County will submit plans and get approval from the City.

The property will be open to the public and the City agrees to assume responsibility for public safety and law enforcement on the property.

The City also agrees to use its best efforts to initiate and seek approval on a referendum to allow the County to lease and maintain the property for 99 years, as a nature preserve. Presently, the property has a Future Land Use Designation of Conservation and a zoning of Conservation.

MOTION:

I move to approve/disapprove the lease agreement between Palm Beach County and the City of Lake Worth.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Lease Agreement



CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

AGENDA DATE: January 7, 2014, Regular Meeting

DEPARTMENT: Electric

EXECUTIVE BRIEF

TITLE:

Contractor Agreements with Davey Tree Experts for line clearance and easement/right of way alley clearing services

SUMMARY:

The Agreements will continue the utility line clearance and easement/right of way clearing (tree trimming) program for electric utility reliability and safety as well as associated alley mowing for access.

BACKGROUND AND JUSTIFICATION:

Sealed bids were opened December 3, 2013, for Utility Line Clearance Services and Utility Easement/ Right of Way Clearance Services (separate Invitation for Bids). Three bids were received for Line Clearance and two bids were received for Right of Way Clearance. The Davey Tree Expert Company is recommended as the low cost preferred contractor for both services. The agreements are for an initial term of three years with one (1) 2-year renewal. These agreements will maintain the current services. Said services are essential to allow for continued line clearance and easement/right of way and alley clearing services that will not interrupt nor potentially disrupt City operations.

The Electric Utility Advisory Board reviewed the agreement proposals on December 4, 2013, and recommended the award to the Davey Tree Expert Company.

MOTION:

I move to approve/disapprove the Contractor Agreements with Davey Tree Expert Company for line clearance and easement/right of way clearance.

ATTACHMENT(S):

- 1) Fiscal Impact Analysis
- 2) Bid Analysis Tabulation
- 3) Davey Tree Expert Contractor Agreements

4) **FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	0	0	0	0	0
(Line Clearance)	(361,080)	(355,680)	(360,000)		
(ROW Clearance)	<u>(205,946)</u>	<u>(222,643)</u>	<u>(225,000)</u>		
Operating Expenditures	567,026	578,323	585,000		
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	567,026	578,323	585,000	0	0

No. of Addn'l Full-Time Employee Positions 0 0 0 0 0

Funding for old contract – 10-1-13 to 1-31-14 = \$188,892.00

Funding for new contract – 2-3-14 to 9-30-14 = \$378,134.00

Total for FY14 \$567,026.00

B. Recommended Source of Funds/Summary of Fiscal Impact:

The funds have been budgeted in the 2014 operational accounts:

- 401-6034-531.34-10 – Maintenance / Labor

Utilities/Electric T&D							
Account Number	Account Description		FY 2014 Acct Level Budget	FY 2014 Davey Tree Budget	Agenda Item 1 st tier contract	Agenda Item 2 nd tier contract	Remaining Balance
401-6034-531.34-10	Contractual Service / Maintenance		641,000	600,000	-188,892	-378,134	32,974

C. Fiscal Review:

Debra Jackson – T&D Utilities Coordinator