



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, MARCH 04, 2014 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION:** Offered by Ted Brownstein of the BAHA'I Faith of Lake Worth
3. **PLEDGE OF ALLEGIANCE:** Led by Commissioner John Szerdi
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Proclamation declaring March 2014 as LGBTQ Pride Month
 - B. Present the gift of "Feels Like Home to Me" song to the City
 - C. Update provided by the Pineapple Beach Neighborhood Association
 - D. Update provided by the City Tree Board
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
 - A. City Commission Meeting - February 11, 2014
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Contract with Mathews Consulting, Inc. for engineering services for the 7th Avenue South roadway improvements project
 - B. Appoint the Finance Director to the Employees and Police Retirement Systems Pension Boards

- C. Resolution No. 08-2014 - declare the City's intent to issue a revocable permit for property located at 1501 North L Street and schedule the public hearing date for March 18, 2014
- D. Resolution No. 09-2014 - create a domestic partnership tax equity program
- E. Resolution No. 10-2014 - support a major league baseball training camp at John Prince Park

10. PUBLIC HEARINGS:

- A. Ordinance No. 2014-08 - First Reading and First Public Hearing - amend conditional uses in the Mixed Use-Federal Highway (MU-FH) zoning district and schedule the second public hearing date for March 18, 2014

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Ordinance No. 2014-09 - First Reading - create Registered Domestic Partnerships and schedule the public hearing date for March 18, 2014

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:**

14. CITY ATTORNEY'S REPORT:

- A. Mediated Settlement Agreement in the case of the City of Lake Worth versus Board of Trustees of the Lake Worth Firefighters' Pension Trust Fund

15. CITY MANAGER'S REPORT:

- A. March 18, 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: March 4, 2014, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Update provided by the Pineapple Beach Neighborhood Association

SUMMARY:

Ms. Pam Bergsma, Pineapple Beach President, 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. This will be the first update from the Pineapple Beach Neighborhood Association.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Update provided by the City Tree Board

SUMMARY:

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

BACKGROUND AND JUSTIFICATION:

The Board members establish policy and provide standards within the City landscape ordinance for tree preservation and protection, both public and private. The policy would include, but not be limited to providing educational materials on proper planting, pruning techniques and insect and disease control; planting native species; inventory existing trees; permit guidelines, including rules for tree removal; opportunities for citizen involvement; and City tree sales. The members should recommend the planting of trees, which would provide a continuing shade canopy into the future. The last update from the City Tree Board was on March 5, 2013.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Contract with Mathews Consulting, Inc. engineering services for the 7th Avenue South roadway improvements project

SUMMARY:

The Contract would provide design services to create plans and specifications for the construction of roadway improvements on 7th Avenue South between South A and South F Streets.

BACKGROUND AND JUSTIFICATION:

On October 22, 2013, the City of Lake Worth and Palm Beach County entered into an Interlocal Agreement to utilize an allocation of \$450,750 in Community Development Block Grant funds for the design and construction of roadway improvements on 7th Avenue South between South A Street and South F Street. The infrastructure improvements, as amended, include conversion of the unimproved 40 foot right of way section into a full roadway, construction of new concrete sidewalks and curbs, installation of a new 8-inch water main and appurtenances, development of a swale area, roadway striping and signage, minor stormwater improvements, installation of dry small conduit for future electric lines and restoration of areas affected by the reconstruction activity. All improvements will be compliant with Americans with Disabilities Act regulations and will meet all applicable code requirements.

On December 13, 2013, the City issued RFP #13-14-200 for the procurement of an engineering consultant to provide design services to create plans and specifications for the construction of the aforementioned improvements. The consultant shall also be responsible for public outreach, data collection, bidding assistance, permitting services, construction administration services, construction inspections of work in progress, recommending payment to contractors and providing other professional services customarily provided by similar professionals for this type of project.

Opening of all proposals was conducted on January 9, 2014. A total of thirteen proposals were received. An evaluation committee comprised of five (5) City staff members met on January 16, 2014 to evaluate and rank the proposals. As a result of the evaluation and ranking process, a Notice of Recommendation of Award was issued on January 22, 2014, with the recommendation that the award be made to Mathews Consulting, Inc. as the most responsive and responsible proposer, representing the best overall value to the City. A contract amount of \$53,713 has been negotiated for these services.

In accordance with the process contained in the Interlocal Agreement, Palm Beach County has reviewed and approved the City's solicitation process and recommendation to award the engineering services contract to Mathews Consulting, Inc. The terms and conditions of this award are set forth in the Contract for Engineering Services between the City and Mathews Consulting, Inc.

MOTION:

I move to approve/disapprove a contract with Mathews Consulting, Inc. in the amount of \$53,713.

ATTACHMENT(S):

Fiscal Impact Analysis

Evaluation Matrix

Notice of Recommendation to Award

Agreement for Professional Services

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

\$53,713 will be paid to vendor from (180-9710-539-6315) until reimbursement from County.

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	53,713	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	53,713	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: Community Development Block Grant funding is being provided by Palm Beach County Department of Economic Sustainability for this project.

CDBG/Inter Local PBC		Mathews Consultings			
Account Number (s)	Account Description (s)	FY 2014 Budget	Current Balance	Agenda Expenses	Remaining Balance
180-9710-539-63-15	Improv other than Bldg	450,750	450,750	(53,713)	397,037

C. Department Fiscal Review: _JK_



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Appoint the Finance Director to the Employees and Police Retirement Systems Pension Boards

SUMMARY:

This appointment would replace the former Finance Director as the senior management staff voting member on both the Employees and Police Retirement Pension Boards.

BACKGROUND AND JUSTIFICATION:

In accordance with City Code Section 16-18 of the Employee Retirement System and Section 16-129 of the Police Retirement System, the Board of Trustee will consist of five members each. One of the five Trustees on each board is to be a member of the senior management staff appointed by the City Commission. With the retirement of the former Finance Director on January 3, 2014, there is a need to appoint his replacement.

MOTION:

I move to appoint the Finance Director as the senior management staff member to both the Employees and Police Retirement Systems.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 08-2014 – declare the City’s intent to issue a revocable permit for property located at 1501 North L Street and schedule the public hearing date for March 18, 2014

SUMMARY:

The Resolution sets the date for a public hearing to consider a request for a revocable permit on the northern half of an unimproved right-of-way which is currently 15th Avenue North between North L and North K Streets.

BACKGROUND AND JUSTIFICATION:

There are many unimproved right of ways located within the municipal city limits that are maintained on an annual basis but serve no public function or use currently. Some of the unimproved right of ways contain utilities or storm water facilities within them but are not paved and create more maintenance work for City Grounds staff. The City allows for issuance of Revocable Permits to residents meeting certain criteria as identified in the Ordinance.

City staff has reviewed the revocable permit application and issued comments in order for the application to be accepted. The owner has accepted the comments and agreed to the terms. The terms will be formalized in a written agreement with the owner which shall be recorded in official records (if approved).

MOTION:

I move to approve/disapprove Resolution No. 08-2014 and scheduled the public hearing date for March 18, 2014.

ATTACHMENT(S):

1. Fiscal Impact Analysis – not applicable
2. Revocable Permit Application – 1501 North L Street
3. City Staff Conditions for Approval
4. Resolution



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Resolution No. 09-2014 – create a domestic partnership tax equity program

SUMMARY:

The Resolution creates a tax equity reimbursement payable to employees who elect City domestic partnership health insurance benefits to reduce the impact of increased federal taxes to said employees.

BACKGROUND AND JUSTIFICATION:

Currently, the City provides health benefits to City employees and their qualified domestic partners whether of the same or opposite sex. The City seeks to expand this recognition of domestic partnerships by creating a tax equity program. The program will provide a \$500 reimbursement for City employees who elect domestic partnership health insurance benefits. The reimbursement will offset the increase in federal income tax associated with domestic partnership health benefits.

The Program will not have an immediate fiscal impact as the City currently does not have any employees who have elected domestic partnership health insurance benefits.

MOTION:

I move to approve/not approve Resolution No. 09-2014 creating a domestic partnership tax equity program.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Resolution No. 10-2014 - support a major league baseball training camp at John Prince Park

SUMMARY:

The Resolution supports the City's continued exploration and development of John Prince Park as a location for a major league baseball franchise spring training camp.

BACKGROUND AND JUSTIFICATION:

Palm Beach County and municipalities in and around John Prince Park would reap significant economic development by locating a spring training camp at John Prince Park. Additionally, the City finds that this location would provide a significant benefit to Palm Beach County, nearby municipalities, the City, and its residents.

MOTION:

I move to approve/not approve Resolution No. 10-2014.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-08 - First Reading and First Public Hearing - amend conditional uses in the Mixed Use-Federal Highway (MU-FH) zoning district and schedule the second public hearing date for March 18, 2014

SUMMARY:

The Ordinance amends the Mixed Use – Federal Highway (MU-FH) zoning district to allow medical office and related uses such as day spas to be located on North Federal Highway north of 13th Avenue North.

BACKGROUND AND JUSTIFICATION:

Prior to the August 16, 2013 implementation of the City's new Land Development Regulations (LDRs), medical office uses were permitted by right on North Federal Highway north of 13th Avenue North and related uses such as day spas were subject to the location exception. The proposed amendment will allow medical offices and related uses such as day spas as a Conditional Use in the MU-FH zoning district regardless of the property location within the MU-FH zoning district. As such, a request to either open a new or expand a current medical office or day spa will be required to request Conditional Use approval from the decision making board (either the Planning and Zoning Board or the Historic Resources Preservation Board depending upon the location of the subject property), which process is discretionary and requires a public hearing.

On February 5, 2014, the Planning & Zoning Board discussed the text amendment to the LDRs and voted 4-0 to recommend approval to the City Commission.

On February 12, 2014, the Historic Resources Preservation Board reviewed the text amendment to the LDRs, found the amendments consistent with the Comprehensive Plan, and voted 6-0 to recommend approval to the City Commission.

MOTION:

I move to approve/disapprove Ordinance No. 2014-08 on first reading and first public hearing and schedule the second reading and second public hearing on March 18, 2014.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
P&Z and HRPB Boards Staff Report and Minutes
Ordinance



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2014-09 – First Reading – create Registered Domestic Partnerships and schedule the public hearing date for March 18, 2014

SUMMARY:

The Ordinance recognizes long-term, committed relationships and provides certain rights to domestic partnerships which register with the City of Lake Worth.

BACKGROUND AND JUSTIFICATION:

Currently, the City provides health benefits to City employees and their qualified domestic partners whether of the same or opposite sex. The City seeks to expand this recognition of domestic partnerships by offering a registration process with certain rights. While the rights provided upon registration cannot conflict with state or federal law, the rights are intended to provide domestic partners with equal rights afforded to married couples in the City of Lake Worth for health care visitation; health care decisions; funeral/burial decisions; family member notifications; and, preneed guardian designations.

A registration fee will be established in the City-wide fee resolution to cover the City Clerk's office administration of the registration process. The fiscal impact to the City should be covered by the fees set for the program (i.e., registration fee; amendment fee; and, termination fee).

MOTION:

I move to approve/not approve Ordinance No. 2014-09 on first reading and schedule the public hearing date for March 18, 2014.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



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AGENDA DATE: March 4, 2014, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Mediated Settlement Agreement in the case of the City of Lake Worth versus Board of Trustees of the Lake Worth Firefighters' Pension Trust Fund

SUMMARY:

The Agreement will settle litigation with the Board of Trustees of the Firefighters' Pension Trust Fund and their unknown members and beneficiaries regarding their calculation benefits.

BACKGROUND AND JUSTIFICATION:

As you are aware, the City has been involved with litigation with the Board of Trustees of the Lake Worth Firefighters' Pension Trust Fund and the Unknown Members and Beneficiaries of the Lake Worth Firefighters' Pension Trust Fund regarding the calculation of benefits. The Pension Board interpreted a provision of the pension ordinance in such a manner that it increased the City's expenditures by approximately \$270,000.00 a year for the next 30 years. After mediation, we reached the proposed Settlement Agreement which reduces the expenditures by approximately 50%. It is anticipated that contributions will be reduced by approximately \$135,000.00 a year for the next 30 years, which should reduce the City's unfunded liability accordingly. We request your approval of the attached Settlement Agreement.

MOTION:

I move to approve/not approve a Mediated Settlement Agreement.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Agreement