



## 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, FEBRUARY 03, 2015 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION:** Pastor Ray Stenersen, Apostolic Lutheran Church of Lake Worth
3. **PLEDGE OF ALLEGIANCE:** Led by Commissioner Christopher McVoy
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
  - A. Proclamation declaring March 2015 as Ethics Awareness Month
  - B. Planning and Zoning Board update
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
  - A. City Commission Meeting - January 20, 2015
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
  - A. Resolution No. 07-2015 amend the City's Canvassing Board
  - B. Variance Agreement with Michael Paul Lewis to allow brick pavers on a driveway, walkway and City right-of-way at 516 North L Street
  - C. Contract with the Florida Department of Corrections for use of inmate labor to provide landscape duty service
  - D. Restrictive Covenant for the Community Redevelopment Agency's Cultural facilities grant

Agenda Date: February 3, 2015 Regular Meeting

E. General Release Agreement with Jaclyn Wagman and Jason Shultz

**10. PUBLIC HEARINGS:**

A. Ordinance No. 2015-02 - First Reading and First Public Hearing - amend the Comprehensive Plan to include a water supply plan and amend various elements and schedule the second public hearing date for March 17, 2015

**11. UNFINISHED BUSINESS:**

**12. NEW BUSINESS:**

A. Ordinance 2015-03 - First Reading - amend Chapter 18 to address all City utilities with specific provisions for water, sewer and stormwater and schedule the public hearing date for February 17, 2015

**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:**

**15. CITY MANAGER'S REPORT:**

A. February 17, 2015 - 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:** February 3, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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### **EXECUTIVE BRIEF**

**TITLE:** Planning and Zoning Board update

**SUMMARY:**

Mr. Greg Rice, 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 August 19, 2014.

**MOTION:**

Not applicable

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable



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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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### **EXECUTIVE BRIEF**

**TITLE:**

Resolution No. 07-2015 amend the City's Canvassing Board

**SUMMARY:**

The Resolution appoints new members to serve on the City's 2015 Municipal Election Canvassing Board.

**BACKGROUND AND JUSTIFICATION:**

On January 6, 2015, the City Commission approved Resolution No. 02-2015 designating the City's Canvassing Board and amended agreement with the Palm Beach County Supervisor of Elections for vote processing equipment use and election services. Shortly thereafter, the County Supervisor of Elections notified the City that she is declining to serve on the City's Canvassing Board. It was also learned that a Palm Beach County Commissioner does not serve on municipal canvassing boards.

Responsibilities of a Municipal Canvassing Board include: comparing the number of write-in ballots with the votes cast on the ballot, count the number of absentee and provisional ballots, compare the signature of the elector to determine the legality of an absentee or provisional ballot, examine the tabulation of the ballots cast and determine whether the returns correctly reflect the votes cast, and conduct a recount.

This Resolution appoints the City Clerk or her designee, Community Redevelopment Agency Chairperson or his designee, and an attorney practicing law in Palm Beach County or his/her designee to serve as members of the City's Canvassing board for the Municipal General Election scheduled on Tuesday, March 10, 2015, Run-Off Election, if necessary, scheduled on Tuesday, March 24, 2015, and all Special Elections during the 2015 calendar year.

**MOTION:**

I move to approve/disapprove Resolution No. 07-2015.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Resolution



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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Variance Agreement with Michael Paul Lewis to allow brick pavers on a driveway, walkway and City right-of-way at 516 North L Street

#### **SUMMARY:**

The Agreement will allow for the encroachment of brick pavers into the City right-of-way and protect the City from any future liability.

#### **BACKGROUND AND JUSTIFICATION:**

Per the City Code, Section 19-26(d), all driveway approaches and walkways are to be constructed of six inch concrete unless a variance stating otherwise is allowed by the Building Official. Based on the requirements, Public Services Staff does not recommend approval of pavers because it is not financially beneficial to the City due to the required maintenance over the life of the paver section.

On January 12 2015, the Building Official authorized the variance; however, in order to protect the City from any liability (or if the City needs to remove the pavers for future work or any other reason), a variance agreement will hold the City harmless and not require replacement of the pavers in the right-of-way. Upon completion of any improvements in the right-of-way, the City would then perform a repair with concrete or the pavers could be reinstalled at the owner's expense.

#### **MOTION:**

I move to approve/not approve a Variance Agreement for Michael Paul Lewis.

#### **ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Agreement



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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Contract with the Florida Department of Corrections for use of inmate labor to provide landscape duty service

#### **SUMMARY:**

The Contract will provide landscape duty assistance to the Grounds Division throughout the city. The City has been in contract with the Florida Department of Corrections since 2001.

#### **BACKGROUND AND JUSTIFICATION:**

At the City Commission Meeting on March 5, 2013, the Commission approved the current contract between the City of Lake Worth and the Florida Department of Corrections (DOC) to provide for the use of inmate labor in work programs under the supervision of the Department's staff.

- Florida Department of Corrections is the sole source of inmate labor.
- New one (1) year contract (WS965) would begin on April 20, 2015 in the amount of \$57,497.00. It may be renewed for one (1) additional one (1) year period after the initial Contract period upon the same terms and conditions contained herein. The Contract renewal is at the Agency's initiative with the concurrence of the Department.
- The Inmate work squad consists of up to seven inmates plus a Florida DOC Guard/Supervisor. Their scope of services consists of:
  - Ø City Alley/utility Right of Way's
  - Ø I-95 interchanges at both 10<sup>th</sup> Avenue North and 6<sup>th</sup> Avenue South
  - Ø Roadway clearing at the North Landfill, perimeter trimming at the South Landfill, and ancillary ball fields
  - Ø Assist during storms and other emergencies if requested by the Grounds Division
  - Ø Assist in other projects as needed by the Grounds Division

The work squad will be available five days per week throughout the year, except when DOC guard is on vacation or sick and would continue to be overseen by the City's Grounds Maintenance Division.

#### **MOTION:**

I move to approve/disapprove Contract #WS965 in an amount not to exceed \$57,497.00 between the Florida Department of Corrections and the City of Lake Worth.

#### **ATTACHMENT(S):**

Fiscal Impact Analysis

Florida Department Contract # WS965

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	0	0	0	0	0
Operating Expenditures	28,748.50	28,748.50	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	28,748.50	28,748.50	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:

<b>Account #</b>	<b>Account Name</b>	<b>FY2015 Budget</b>	<b>Current Balance</b>	<b>Agenda Item Expenditure</b>	<b>Balance Remaining</b>
001-5040-519.34-50	Grounds Maintenance Contractual Services	\$180,000	\$41,868.65	\$28,748.50	\$13,120.15
<b>Account #</b>	<b>Account Name</b>	<b>FY2016 Budget</b>	<b>Current Balance</b>	<b>Agenda Item Expenditure</b>	<b>Balance Remaining</b>
001-5040-519.34-50	Grounds Maintenance Contractual Services	\$180,000 Estimated	Not Avail	\$28,748.50	Not Avail

C. Department Fiscal Review: \_JB/Pub Serv\_



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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** City Attorney

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Restrictive Covenant for CRA Cultural Facilities Grant (Shuffleboard Courts facility)

#### **SUMMARY:**

CRA's Cultural Facilities Grant Agreement with the Florida Department of State requires the City to approve a 10-year restrictive covenant for the Shuffleboard Courts facility to ensure the facility will be used as a "cultural facility" under the Agreement.

#### **BACKGROUND AND JUSTIFICATION:**

On June 11, 2013, the City approved a lease agreement with the CRA for use of the Shuffleboard Courts Community Center as an arts and cultural center. The lease was based on the CRA's application for a Cultural Facilities grant from the Florida Department of State, Division of Cultural Affairs, for a \$150,000. If awarded, the grant funds are to be used by the CRA to renovate the Shuffleboard Courts facility. The City Commission approved the lease for a period of 10 years from the date of the grant award. On November 18, 2014, the CRA approved the Cultural Facilities Grant Agreement; however, the grant agreement requires the property owner to agree to a 10-year restrictive covenant on the facility to ensure it is used as a "cultural facility" under the Agreement. Since the lease to the CRA is for the same time frame, City staff recommends approval of the restrictive covenant.

#### **MOTION:**

I move to approve/not approve the Restrictive Covenant for the Cultural Facilities Grant and direct the Mayor, two witnesses and a notary to execute the same.

#### **ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
CRA agenda memo and Cultural Facilities Grant



## CITY OF LAKE WORTH

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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** Human Resources

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**Title:**

General Release Agreement with Jaclyn Wagman and Jason Shultz

**SUMMARY:**

The General Release is to settle an automobile accident claim made by Jaclyn Wagman against the City.

**BAGROUND AND JUSTIFICATION:**

Jaclyn Wagman, by and through her attorney, has asserted a claim against the City for personal injuries as a result of an automobile accident. Ms. Wagman claims on October 25, 2013, she was rear-ended by a city employee driving a city vehicle near the 2900<sup>th</sup> block of 10 Avenue North (just east of Congress Avenue).

The City's insurance carrier, York Risk Services Group, has reviewed Ms. Wagman's claim and her relevant medical bills. Ms. Wagman's medical bills are approximately \$26,868. York Risk Services Group recommended settling the claim for no more than \$40,000. Ms. Wagman's attorney has agreed to this amount as full settlement of Ms. Wagman's claim. Ms. Wagman's husband, Jason Schultz, is included in the settlement to settle all claims related to the accident.

City staff with knowledge of this matter and review of the relevant records concurs with the settlement amount of \$40,000 payable to Jaclyn Wagman

**MOTION:**

I move to approve/not approve payment of \$40,000 in exchange for the General Release from Jaclyn Wagman and Jason Schultz.

**ATTACHMENT(S):**

Fiscal Impact Analysis  
General Release Agreement

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	0	0	0	0	0
Operating Expenditures	40,000	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	40,000	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

<b>City Attorney</b>	<b>General Release Agreement</b>					
<b>Account Number (s)</b>	<b>Account Description</b>	<b>FY 2015 Budget</b>	<b>Available Balance</b>	<b>Budget Transfer</b>	<b>Agenda Expenses</b>	<b>Remaining Balance</b>
<b>520-1331-513-31-10</b>	Prof & Legal Services	191,000	56,000	-	(40,000)	16,000

Recommended Sources of Funds/Summary



## CITY OF LAKE WORTH

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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Ordinance No. 2015-02 - First Reading and First Public Hearing - Amend the Comprehensive Plan to include a water supply plan and amend various elements and schedule the second public hearing date for March 17, 2015

#### **SUMMARY:**

The Ordinance amends the Comprehensive Plan text to incorporate a water supply plan and amending the future land use element, infrastructure element, coastal management element, conservation element, intergovernmental coordination element and capital improvements element

#### **BACKGROUND AND JUSTIFICATION:**

Adopted by the 1985 Florida Legislature, the “*Local Government Comprehensive Planning and Land Development Regulation Act*” (reference Chapter 163, Part II, F.S., also known as Florida's “*Growth Management Act*”) requires all of Florida's 67 counties and 410 municipalities to adopt Local Government Comprehensive Plans that guide future growth and development. Comprehensive plans contain chapters or “elements” that address future land use, housing, transportation, infrastructure, coastal management, conservation, recreation and open space, intergovernmental coordination, and capital improvements.

The City of Lake Worth’s Comprehensive Plan was last adopted October 20, 2009 (with amendments approved August 7, 2012). At that time, a 10-Year Water Supply Facilities Work Plan was adopted to coordinate with South Florida Water Management District’s (SFWMD) Lower East Coast (LEC) Water Supply Plan. Work Plans are required to be updated every five (5) years to coordinate with 5-year updates to the LEC. The purpose of this report is to update the City’s 10-Year Water Supply Facilities Work Plan in order to keep the City current with overall planning strategies and projection data. The City’s updated Work Plan will be used to coordinate with SFWMD and their recent update to the LEC Water Supply Plan, which was adopted by the SFWMD governing board on September 12, 2013. The City has 18 months from the date of adoption of the LEC, or by March 2015, to revise their Comprehensive Plan to incorporate the updated 10-Year Water Supply Facilities Work Plan. Work Plan details are included in Sections 2 through 4 of this report, and recommended Comprehensive Plan updates are included in Section 5.

On January 7, 2015 the Planning & Zoning Board at its regularly scheduled meeting discussed the amendments to the Comprehensive Plan and voted 7-0 to recommend approval to the City Commission.

The Historic Resources Preservation Board at its regularly scheduled meeting of January 14, 2015 reviewed the amendments to the Comprehensive Plan and voted 7-0 to recommend approval to the City Commission.

#### **MOTION:**

I move to approve/disapprove Ordinance No. 2015-02 on first reading and schedule the public hearing date for March 17, 2015.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable

P&ZB Staff Report

HRPB & P&ZB Draft Minutes

Exhibit A to Ordinance

Ordinance No. 2015-02



## CITY OF LAKE WORTH

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**AGENDA DATE:** February 3, 2015, Regular Meeting

**DEPARTMENT:** Water Utilities

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Ordinance 2015-03 – First Reading - amend Chapter 18 to address all city utilities with specific provisions for water, sewer and stormwater.

#### **SUMMARY:**

This ordinance will consolidate the city utility systems into Chapter 18 (except solid waste) and provide provisions for water, sewer and stormwater. Many of the provisions currently exist in the city's code, city resolutions or in policies/practice. This ordinance also authorizes the implementation of Policies and Procedures Manuals for Water Utilities and Stormwater.

#### **BACKGROUND AND JUSTIFICATION:**

The city currently has ordinances, resolutions and policies/practices for the operations, management and maintenance of its water, sewer, electric and stormwater utilities. City staff desires to consolidate the primary legal requirements of these utilities in Chapter 18 and to create and adopt policies and procedural manuals (PPMs) to supplement the legal requirements and set forth particular specifications, procedures and policies. This ordinance specifically addresses the water, sewer and stormwater utilities. Solid Waste will remain in Chapter 12 (Health and Sanitation) and the electric utility system will updated in Chapter 18 in the near future. The PPMs for water, sewer and stormwater will be presented to the City Commission on second reading of this ordinance (or shortly thereafter) for adoption by the Commission. Once adopted, the PPMs may be modified by the applicable utility director with the approval of the City Manager. All fees and charges are removed from Chapter 18 and will be set forth in the city-wide fee resolution (or may be separated into their own resolution).

#### **MOTION:**

I move to approve/not approve Ordinance No. 2015-03 on first reading and schedule the public hearing date for February 17, 2015.

#### **ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable

Ordinance

Presentation – Commission Workshop dated 12/9/2014