



## 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, JULY 14, 2015 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION:** Pastor Steve Wipperman, Our Savior Lutheran Church
3. **PLEDGE OF ALLEGIANCE:** Led by Commissioner Ryan Maier
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
  - A. Legislative update provided by Senator Jeff Clemens
  - B. Legislative update provided by Representative Bobby Powell
  - C. Recognize the retirement of Stephen Oneal for his years of service to the City
  - D. 14th Annual Rif Raft Race report provided by Jon Faust
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
  - A. City Commission Meeting - June 2, 2015
  - B. City Commission Budget Work Session - June 9, 2015
  - C. City Commission Meeting - June 16, 2015
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
  - A. Resolution 36-2015 - set the tentative Fiscal Year 2016 millage rate
  - B. Resolution No. 37-2015 - 5th amendment to the City's Fiscal Year 2015 budget

Agenda Date: July 14, 2015 Regular Meeting

- C. Resolution No. 38-2015 - declare the City's intent to issue a revocable permit for property located 1632 North K Street and schedule the public hearing date for August 4, 2015
- D. Resolution No. 39-2015 - authorize submission of the Fiscal Year 2015-2016 State Aid to Libraries Program application
- E. Lake Worth Public Library Annual Plan of Service for Fiscal Year 2015-2016
- F. Variance Agreement to allow brick pavers on a driveway and City right-of-way on property located at 1309 North Palmway
- G. Purchase 2 new vehicles for the Public Services and Water Utilities Departments
- H. Task Order No. 8 with Craven Thompson and Associates, Inc. for design and bid phase services for the Watermain Replacement Downtown project
- I. Task Order No. 15 with Mock Roos and Associates for design and bid phase services for the 11<sup>th</sup> Avenue North Sewer Rehabilitation project
- J. Task Order No. 6 with URS Corporation, a Division of AECOM, for engineering design, permitting, and bid phase services for the 8<sup>th</sup> Avenue South Watermain project
- K. Reappointment of members to various City advisory boards
- L. Agreement with Johnson, Anselmo, Murdoch et al for legal services

**10. PUBLIC HEARINGS:**

- A. Ordinance No. 2015-04 - First Reading and Public Hearing - amend various sections and tables in the Land Development Regulations and schedule the second reading and public hearing date for August 4, 2015

**11. UNFINISHED BUSINESS:**

**12. NEW BUSINESS:**

- A. Ordinance No. 2015-05 - First Reading - consider a major amendment to a Residential Planned Development (RPD) located at the northeast intersection of North Dixie Highway and 3rd Avenue North and schedule the public hearing date for August 4, 2015
- B. Ordinance No. 2015-06 - First Reading - increase Business Tax Receipt rates by five percent (5%) and schedule the public hearing date for August 18, 2015
- C. Ordinance No. 2015-07 - First Reading - Interlocal Service Area Boundary Agreement with the County and schedule the public hearing date for August 18, 2015

Agenda Date: July 14, 2015 Regular Meeting

- D. Resolution No. 40-2015 - affirm support for the Southeast Florida Regional Climate Action Plan
- E. Purchase Order with Mobile Modular for a new triple-wide modular trailer for the Public Services administration staff
- F. Tolling Agreement with REG Architects and The Morganti Group
- G. Designate a voting delegate for the business meeting during the 2015 Florida League of Cities 89th annual conference on August 13-15, 2015 in Orlando, Florida

**13. LAKE WORTH ELECTRIC UTILITY:**

- A. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
- B. **PUBLIC HEARING:**
- C. **NEW BUSINESS:**

**14. CITY ATTORNEY'S REPORT:**

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

- A. August 4, 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:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Finance Department

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Resolution No. 36-2015 - establish the Proposed Tentative Millage for Fiscal Year 2015-2016 and schedule the first public hearing date for September 15, 2015, and second public hearing date for September 22, 2015.

#### **SUMMARY:**

This Resolution will establish the Proposed Tentative Millage Rate of 5.4945, the same rate in the current Fiscal Year budget.

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

Pursuant to §200.065(2)(b), Florida Statutes, the City must advise the Palm Beach County Property Appraiser of the Tentative Operating Millage Rate, as well as the date of the City's first public budget hearing scheduled for September 15, 2015. The Tentative Operating Millage Rate approved at this public hearing establishes the *maximum millage rate* the City may consider and approve during the budget hearings in September. The Tentative Operating Millage Rate may be lowered by the Commission at the hearings, but it cannot be raised (*without additional notice being provided to each taxpayer at a cost of approximately \$15,500 for postage*).

Based on information from the Palm Beach County Property Appraiser's Office, the FY 2016 Operating Roll Back Millage is 5.0628. This Operating Roll-Back Millage is the millage rate that will generate the same property tax revenue that was generated in FY 2015.

With the inclusion of the County Fire MSTU millage 3.4581, the maximum available Operating Millage cannot exceed 6.5419 mills. This year continues a trend that began last year with an increase in the taxable value of real and personal property of approximately 10.47%. This rate will result in an increase in the actual tax revenues collected. The 10.47% is the total increase in taxable value (including CRA district). The increase attributable to the City (outside the CRA) is 8.32%.

The budget and property tax rate adoption process is governed by the State Statute known as Truth In Millage (TRIM). In Florida, properties are assessed by the county Property Appraiser and property taxes are collected by the county Tax Collector. All property is assessed at 100% of real value, which is approximately 85% of market value. The State Constitution restricts the annual increase in taxable value of homestead property to 3% or the increase in the CPI, whichever is less.

Property owners are eligible to receive a homestead exemption of \$25,000 on the first \$25,000 of value of their principal place of residence. In addition, homeowners can receive in whole or in part a second \$25,000 homestead exemption on the third \$25,000 of value of their principal place of residence. For instance, if a home's value is \$50,000 or under, the owner is only entitled to the first exemption. However, for example if the

home is worth \$67,000 or \$75,000, the owner would be eligible to receive the second exemption in the amount of \$17,000 or \$25,000, respectively.

The City is required to hold two public hearings for adoption of a property tax rate and budget. The first public hearing is advertised by the Property Appraiser mailing to each property owner on a TRIM notice. In addition to notification of this first public hearing, the TRIM notice contains the following information:

- The new and prior year's assessed value;
- The tax bill if the current property tax rate is changed for the new year;
- The tax bill if the roll-back rate is levied for the new year; and
- The property tax bill if the proposed budget is adopted.

**MOTION:**

I move to approve/disapprove Resolution No. 36-2015 and schedule the first public hearing date on September 15, 2015, at 6:00 PM at Lake Worth City Hall.

**ATTACHMENT(S):**

Fiscal Impact – not applicable

Resolution

Estimated Tax Value



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Resolution No. 37-2015 – 5<sup>th</sup> amendment to the City’s Fiscal Year 2015 budget

#### **SUMMARY:**

This Resolution amends the City of Lake Worth’s Fiscal Year (FY) 2014-15 budget by appropriating existing fund balances from the Self Insurance and Refuse Roll-Off Funds to meet unforeseen operational expenditures and appropriating Refuse roll-off fund revenues to meet increased tipping fee costs.

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

On September 23, 2014 the City Commission adopted the FY 2014-15 budget which contained projections for all expenditures. The budget did not anticipate the following expenditure:

##### **1. Self Insurance Fund:**

This request to transfer \$130,000 will be used for an emergency purchase of a modular trailer to replace the severely damaged existing office trailers for the Public Services Administrative staff.

##### **2. Refuse Roll-Off Fund:**

This request to transfer \$80,000 will be used to fund the projected shortage in roll-off “tipping fees” expenses generated by an increase in roll-off volume.

#### **MOTION:**

I move to approve / not approve Resolution No. 37-2015.

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

Fiscal Impact Analysis  
Resolution

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:  
See Statistical schedule below.

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

1

Self-Insurance Fund					
520-0000-395-00-00	Use of Fund Balance	N/A	130,000		
301-5060-513-62-20	Buildings/Structures	N/A		130,000	

2

Refuse Fund					
410-0000-343-40-70	Revenues	N/A	80,000		
410-5084-534.34-70	Contractual Services/Tipping Fees	N/A		80,000	

3. Department Fiscal Review:



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Resolution No. 38-2015 - declare the City's intent to issue a revocable permit for property located 1632 North K Street and schedule the public hearing date for August 4, 2015

#### **SUMMARY:**

The Resolution is the first of a two part process to consider a request for a revocable permit for the right of way adjacent to 1632 North K Street. If approved, a public hearing will be scheduled for the resolution granting the revocable permit.

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

There are many unimproved right of ways located within the city limits that are maintained on an annual basis but currently serve no public function or use. 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 Chapter 19, Article III of the City's Code of Ordinances.

City staff has reviewed the revocable permit application by the property owner, Lori Marszal, and issued comments in order for the application to be accepted. Ms. Marszal is seeking to fence the entire portion of the right of way including the northern half adjacent to 1702 N. K Street. The owner of 1702 N. K Street has consented to the revocable permit for Ms. Marszal. Ms. Marszal has accepted staff comments to her application and agreed to the terms. The terms will be formalized in a written agreement with Ms. Marszal which shall be recorded in official records (if approved).

#### **MOTION:**

I move to approve/disapprove Resolution No. 38-2015 and scheduled the public hearing date for August 4, 2015.

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

1. Fiscal Impact Analysis – not applicable
2. Revocable Permit Application – 1632 North K Street
3. Resolution



## CITY OF LAKE WORTH

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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Leisure Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Resolution No. 39-2015 - authorize submission of the Fiscal Year 2015-2016 State Aid to Libraries Program application

#### **SUMMARY:**

The Resolution authorizes the submission of an application for funding assistance under the FY 2015-2016 State Aid to Libraries Program to supplement the operating budget of the City's Public Library for the purpose of encouraging the development and provision of free public library service. The grant award for the City is estimated to be \$13,999.

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

The City of Lake Worth has recently been notified by the Florida Department of State, Division of Library and Information Services that it is eligible for a formula allocation award of an estimated \$13,999 under the State Aid to Libraries Program to assist with the operation and maintenance of its Public Library for Fiscal Year 2014-2015. These funds cannot supplant existing local funds budgeted for the operation of the City's Public Library during this period. The City intends to use these funds for a part-time staff member and other eligible purposes that include books, data bases, staff training, building maintenance, supplies, computers and printers, etc.

As an eligibility requirement, the City must have a single administrative head employed on a full-time basis with the responsibility of management and coordination of the operations of the library. The library must provide its services free to the public.

In order to receive these funds, the City must submit an application to the Florida Department of State, Division of Library and Information Services that certifies the expenditure of local funds under a single administrative head for the operation and maintenance of its Public Library during the preceding fiscal year. This application, together with its adopted annual plan of service and budget for Fiscal Year 2015-2016, must be submitted electronically on or before October 1, 2015. In addition, the City must submit its annual statistical report for Fiscal Year 2015-2016 by December 1, 2015.

#### **MOTION:**

I move to approve/not approve Resolution No. 39-2015.

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

Fiscal Impact Analysis  
Resolution

**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	0	0	0	0	0
External Revenues	0	13,999	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	13,999	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 requested action is for approval and authorization to submit the application for funding in the amount of \$13,999 under the FY 2015-2016 State Aid to Libraries Grant Program.

C. Department Fiscal Review: \_\_\_\_\_



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Leisure Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Lake Worth Public Library Annual Plan of Service for Fiscal Year 2015-2016

#### **SUMMARY:**

This Request is a requirement of the State Aid to Libraries Program grant application process for Fiscal Year 2015-2016, the City must submit an approved Annual Plan of Service for Fiscal Year 2015-2016 for the operation of and description of services to be provided by the Lake Worth Public Library.

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

As a condition of the City's application for \$13,999 in funding under the Fiscal Year 2015-2016 State Aid to Libraries Program, the City must submit an Annual Plan of Service for Fiscal Year 2015-2016 that includes the goals, objectives and activities that will be supported by the Lake Worth Public Library for the application year. This plan must be approved by the City Commission as the Library's governing body.

The funding received under the Fiscal Year 2015-2016 State Aid to Libraries Program will be used to assist with the operation and maintenance of the Lake Worth Public Library. The initial phase of this process includes submission of the City's application certifying the expenditure of local funds under a single administrative head for the operation and maintenance of its Public Library during previous fiscal years, along with the aforementioned annual plan of service and requisite forms and certifications to the Florida Department of State, Division of Libraries and Information Services by its prescribed deadline of October 1, 2015. No match is required from the City for the use of these funds.

#### **MOTION:**

I move to approve/not approve the Annual Plan of Service for Fiscal for Fiscal Year 2015-2016.

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

Fiscal Impact Analysis – not applicable  
Annual Plan of Service for Fiscal Year 2015-2016



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Variance Agreement to allow brick pavers on a driveway and City right-of-way on property located at 1309 North Palmway

#### **SUMMARY:**

The Agreement with the owner (*Josefine Heimerl Trust Agreement, dated January 29, 2004, Josefine Heimerl, Trustee*) 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 June 22, 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. There is currently no existing variance agreement for brick pavers on this property.

#### **MOTION:**

I move to approve/not approve a variance agreement with *Josefine Heimerl Trust Agreement, dated January 29, 2004, Josefine Heimerl Trustee*.

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

Fiscal Impact Analysis – not applicable  
Agreement



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Purchase two new vehicles for the Public Services and Water Utilities Departments from the FL Sheriff's Association Cooperative Purchase Agreement

#### **SUMMARY:**

The Purchases would replace one vehicle for the Public Services Department and add one vehicle for the Water Utilities Department.

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

The **Public Services Dept.** is replacing Vehicle #435 (2003 Ford Expedition) that has over 140,000 miles on it. The vehicle is currently driven primarily by the Public Services Director and is utilized daily throughout the City and also at various meetings locally throughout the tri-County area. The vehicle has reached the end of its useful life and has become too costly to repair. The replacement vehicle will be a 2015 Ford Expedition at a cost not to exceed \$30,394 and will also be utilized for City officials and management staff for out of town business trips for carpool. This cost includes a five-year/75K mile extended warranty.

The existing vehicle (#435) will be auctioned off once the new vehicle is delivered to the City.

The **Water Utilities Dept.** has added additional Administrative staff positions that require the usage of a vehicle to conduct City business and operational functions. The new vehicle will be shared between the Water Utilities Account Analyst, Water Plant Chief Operator, and Water Plant Supervisor who currently utilize their personal vehicles daily for City business affairs. The new vehicle will be a 2015 GMC Terrain at a cost not to exceed \$25,906. This cost includes a six-year/100K mile extended warranty. A compact SUV type vehicle was the best selection for the uses of the Dept. staff members and their daily duties inside and outside of the City.

The Water Utilities Dept. currently has only two vehicles for use by the Administrative staff of the Dept., however, there are five employees that utilize City vehicles on a daily basis at various times throughout the day.

#### **MOTION:**

I motion to approve / not approve the purchase of two new vehicles from the Florida Sheriff's Association Cooperative Purchase Agreement contract.

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

Fiscal Impact Analysis

2015 Ford Expedition – Dealer quote

2015 Ford Expedition – Florida Sheriff's Association cost summary

2015 GMC Terrain – Dealer quote

2015 GMC Terrain – Florida Sheriff's Association cost summary

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	56,300	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	56,300	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:

Public Services						
Account Number	Account Description	FY2015 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
530-9010-549.64-30	Machinery and Equipment / Vehicles	2,004,161	N/A	1,014,547.30	56,300	958,247.30

C. Department Fiscal Review:   FL



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Water/Sewer Utilities

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Task Order No. 8 with Craven Thompson and Associates, Inc. for design and bid phase services for the Watermain Replacement Downtown project

#### **SUMMARY:**

The Task Order authorizes Craven Thompson and Associates, Inc. to complete design and bid phase services for the Watermain Replacement Downtown project for a price not to exceed \$44,500.

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

This project has been identified by water distribution staff to replace several problem areas in the downtown corridor where there have been frequent water main breaks. The lines are undersized and lack Palm Beach County Health Department required minimum separation from other utilities, as well as ground depth. The new lines will be PVC, and will be sized in accordance with fire flow requirements. This project will also connect two 12inch mains that serve as a water distribution system backbone in the downtown area.

This project will reduce the water main breaks for the downtown area, thereby reducing the frequency of boil water notices, improving water service pressure and quality, and reducing maintenance costs, as well as bringing the system into compliance with Health Department requirements. The project will also remove two dead ends to the system, and improve water circulation, pressure, and help maintain chlorine residuals in this area.

Craven Thompson and Associates, Inc. was the Engineering Consulting firm selected by the City of Lake Worth as for a continuing services contract, Contract No. **RFQ 12-13-302**, through the Consultant's Competitive Negotiation Act (Florida State Statutes 287.055) procurement process. Under this Task Order, they have been selected to perform complete design and bid phase services for the Watermain Replacement Downtown project by the Lake Worth Water Utilities Department.

This project will be funded using a portion of the remaining balance of the 14<sup>th</sup> 15<sup>th</sup> and Crestwood Water main project, which is now complete

#### **MOTION:**

I move to approve/disapprove Task Order No. 8 with Craven Thompson and Associates, Inc. for design and bid phase services for the Watermain Replacement Downtown project for a price not to exceed \$44,500; and a \$44,500 budget balance transfer from the 14<sup>th</sup> 15<sup>th</sup> and Crestwood Watermain project.

#### Attachments

- 1) Fiscal Analysis
- 2) Task Order
- 3) CIP sheet
- 4) Replacement Map

## FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	\$44,500	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	\$44,500	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 FY2015 Water Distribution Capital Budget from account 402-7022-533.63-00. The funds will be transferred from project #WT1409 to number WT1410 in the same account. This account provides funding for all watermain improvement projects. This project will be funded using a portion of the remaining balance of the 14<sup>th</sup> 15<sup>th</sup> and Crestwood Watermain project which is now complete. The construction of this project is budgeted for next fiscal year.

Utilities/Water Production							
Account Number	Account Description	Project #	FY 2015 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.63-00	Water Distribution Capital	WT-1410	\$0	\$44,500	\$44,500	-\$44,500	\$0

### C. Fiscal Review:

Larry Johnson – Director  
 Monica Shaner –Assistant Utilities Director  
 Clyde Johnson - Finance



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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Water/Sewer Utilities

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Task Order No. 15 with Mock Roos and Associates for design and bid phase services for the 11<sup>th</sup> Avenue North Sewer Rehabilitation project

#### **SUMMARY:**

The Task Order authorizes Mock Roos and Associates to complete design and bid phase services for the 11<sup>th</sup> Avenue North Sewer Rehabilitation project for a price not to exceed \$49,600.

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

This work will involve replacing a badly deteriorated 10-inch to 12-inch vitrified clay trunk sewer line along 11th Avenue North that has created innumerable sewer backups in the area. The portion of the line from A street to the FEC right of way will be a complete tear up project. The portion of the line from the FEC railroad to Golfview Road will be rehabilitated using a cured in place liner, which is essentially a new pipe, restoring normal wastewater flow and correcting infiltration problems in this section of pipeline. The total length of the replacement & rehabilitation shall be approximately 4,900 feet.

Mock Roos & Associates was the Engineering Consulting firm selected by the City of Lake Worth as for a continuing services contract, Contract No. **RFQ 12-13-302**, through the Consultant's Competitive Negotiation Act (Florida State Statutes 287.055) procurement process.

Under this Task Order, they have been selected to perform complete design and bid phase services for the 11<sup>th</sup> Avenue North Sewer Rehabilitation project by the Lake Worth Water Utilities Department.

#### **MOTION:**

I move to approve/disapprove Task Order No. 15 with Mock Roos and Associates for design and bid phase services for the 11<sup>th</sup> Avenue North Sewer Rehabilitation project for a price not to exceed \$49,600.

#### Attachments

- 1) Fiscal Analysis
- 2) Task Order
- 3) CIP sheet

**FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact**

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	\$49,600	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	\$49,600	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 FY2015 Local Sewer Capital Budget from account 403-7231-535.63-15.

Utilities/Water Production							
Account Number	Account Description	Project #	FY 2015 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
403-7231-535.63-15	Local Sewer Capital	LS-1403	\$0	\$50,000	\$50,000	-\$49,600	\$400

**C. Fiscal Review:**

Larry Johnson – Director  
 Monica Shaner –Assistant Utilities Director  
 Clyde Johnson - Finance



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**AGENDA DATE:** July 14, 2015 Regular Meeting

**DEPARTMENT:** Water/Sewer Utilities

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Task Order No. 6 with URS Corporation, a Division of AECOM, for engineering design, permitting, and bid phase services for the 8<sup>th</sup> Avenue South Watermain project

#### **SUMMARY:**

The Task Order authorizes URS Corporation to complete engineering design, permitting, bid phase and construction phase services for the 8<sup>th</sup> Avenue South Watermain project for a price not to exceed \$43,352.

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

The 8<sup>th</sup> Avenue South corridor from South A Street to South H Street is currently being served by 2 inch steel watermain that run North-South in the alleys. There are currently no fire hydrants in the area, and there is not an existing watermain on 8<sup>th</sup> Avenue South. This project will improve water service pressure, and add fire protection coverage to the surrounding community.

This project will consist of the installation of a new 2,250 linear foot 8” Ductile Iron watermain along 8<sup>th</sup> Avenue South starting in the alley between South A Street and South B Street, and extending to South F Street. The watermain will then run north along F Street to 7<sup>th</sup> Avenue South. Fire hydrants will be installed as well. The project will be in coordination with the Public Services Department’s CDBG funded 8<sup>th</sup> Avenue South Greenway project.

URS Corporation was the Engineering Consulting firm selected by the City of Lake Worth as the number three ranked firm for a continuing services contract, per **RFQ 12-13-302**, through the Consultant’s Competitive Negotiation Act (Florida State Statutes 287.055) procurement process.

Under this Task Order, they have been selected to perform engineering design, permitting, bid phase and construction phase services for the 8<sup>th</sup> Avenue South Watermain project by the Lake Worth Water Utilities Department.

This project was initially budgeted for completion with the Roadway and Utilities Masterplan in FY 2018 and is being accelerated for completion in FY 2016 due to the time constraints of the CDBG funding for the Greenways portion. This project will be funded using a portion of the remaining budget balance of the 14<sup>th</sup> 15<sup>th</sup> and Crestwood Watermain project, which is now complete.

#### **MOTION:**

I move to approve/disapprove Task Order no. 3 URS Corporation, a Division of AECOM, for engineering design, permitting, bid phase and construction phase services for the 8<sup>th</sup> Avenue South Water Main project for a price not to exceed \$43,352; and a \$43,352 budget balance transfer from the 14<sup>th</sup> 15<sup>th</sup> and Crestwood Watermain project.

#### Attachments

- 1) Fiscal Analysis
- 2) URS Corporation Task Order 6 Proposal – 8<sup>th</sup> Avenue South Water Main
- 3) Capital Improvement Program

## FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	43,352	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	43,352	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 FY2015 Water Distribution Capital budget from account 402-7034-533.63-60. The funds will be transferred from project #WT1409 to #MP0401 in the same account. This account provides funding for all watermain improvement projects. This project will be funded using a portion of the remaining balance of the 14<sup>th</sup> 15<sup>th</sup> and Crestwood Watermain project, which is now complete. The remaining budget balance will be used for the construction of this project later this year.

Utilities/Water Production							
Account Number	Account Description	Project #	FY 2015 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533-63-00	Water Distribution Capital	MP-0401	\$0	\$43,352	\$43,352	-\$43,352	\$0

### C. Fiscal Review:

Larry Johnson – Director  
 Monica Shaner –Engineer  
 Clyde Johnson - Finance



## CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015 – Regular Meeting

**DEPARTMENT:** City Commission

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Reappointment of members to various City advisory boards

#### **SUMMARY:**

This item is to ratify the reappointments of members to the Historic Resources Preservation, Finance, Electric Utility, and Planning & Zoning Advisory Boards.

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

On February 5, 2013, the Commission adopted an ordinance amending the board member appointment process to allow for the selection of board members by individual elected officials. In accordance with the ordinance, the board appointments would be effective upon ratification by the Commission as a whole.

The following reappointments are requested to be ratified:

Historic Resources Preservation Board:

Mayor's reappointment of Herman Robinson for a term ending on July 31, 2018

Finance Advisory Board:

Vice Mayor's reappointment of Robert Lepa for a term ending on July 31, 2018

Electric Utility Advisory Board:

Commissioner Andy Amoroso's reappointment of Lisa Maxwell for a term ending on July 31, 2018

Planning and Zoning Board:

Commissioner Andy Amoroso's reappointment of Cynthia Brown for a term ending on July 31, 2018

#### **MOTION:**

I move to ratify the Mayor's reappointment of Herman Robinson to the Historic Resources Preservation Board for a term ending on July 31, 2018; the Vice Mayor's reappointment of Robert Lepa to the Finance Advisory Board for a term ending on July 31, 2018; and Commissioner Andy Amoroso's reappointments of Lisa Maxwell to the Electric Utility Advisory Board for term ending in July 31, 2018 and Cynthia Brown to the Planning & Zoning Board for a term ending in July 31, 2018.

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

Fiscal Impact Analysis – not applicable

Board Membership Applications

Board Logs



## CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Legal

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Agreement for Legal Services with Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

#### **SUMMARY:**

The City Attorney recommends entering an agreement for legal services with Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

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

For years, the City has been using the law firm of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A. ("Firm"), as outside counsel to defend lawsuits on behalf of the City. Most recently, the Firm has been defending the City against multiple cases/claims filed by Charlotte Taylor against the City and other local and state governmental entities. Originally, Ms. Taylor's cases were being handled by the Firm, another outside attorney (Andy DeGraffendreit) and by the City's prior City Attorney and Assistant City Attorney. In 2014, the City Attorney requested that the Firm take on all of Ms. Taylor's cases in order to more efficiently seek resolution. The Firm has been successful in having several of Ms. Taylor's cases dismissed at the trial level. However, Ms. Taylor appeals almost every ruling against her and succeeds in extending her litigation against the City. A summary of the cases being handled by the Firm is attached.

Due to the continuing nature of Ms. Taylor's cases and the Firm's increased caseload, the fees being paid to the Firm have been increasing. The Finance Department confirmed with the City Clerk's office that the City does not have an existing contract with the Firm. Past payment to the Firm may have been based on an initial contract with the City's insurance carrier and/or via approval by the City Commission within the legal budget or by separate motion.

The attached agreement for legal services establishes the Firm's hourly rate at \$195 per hour with the right of either party to terminate the agreement upon written notice. Pursuant to section 2-112(c)(4) of the City's procurement code, the City Attorney recommends the Firm as possessing the expertise and skill necessary to resolve the assigned cases.

At this time, the City has received invoices of \$36,240.47 from the Firm (which are budgeted) and it is conservatively anticipated that approximately \$50,000 should be reserved for the remainder of the fiscal year. The \$50,000 may be available within the overall legal budget or will be addressed in a future budget amendment.

#### **MOTION:**

I move to approve / not approve the legal services agreement with Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

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

Fiscal Impact Analysis  
Legal Services Agreement

Summary of Cases

**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	36,240.47	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	36,240.47	0	0	0	0

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

<u>Account Number</u>	<u>Amount</u>
001-1110-514-31-10:	\$7,500.00 (originally budgeted) + \$15,000 (from the change order) (A total of \$21,500)
401-6010-531-31-10:	\$7,500.00 (originally budgeted)
410-5081-534-31-10:	\$6,500.00 (originally budgeted)

Total from three accounts = \$36,500.00, which covers the current invoices.



## CITY OF LAKE WORTH

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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Ordinance No. 2015-04 - First Reading and Public Hearing - amend various sections and tables in the Land Development Regulations and schedule the second reading and public hearing date for August 4, 2015.

#### **SUMMARY:**

The Ordinance amends Chapter 23, Land Development Regulations, of the City's Code of Ordinances including four (4) articles of the Land Development Regulations: General Provisions, Zoning Districts, Development Standards, and Supplemental Regulations. The ordinance also revises the Land Development Regulation's permitted use table.

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

On August 6, 2013, the City of Lake Worth adopted Chapter 23, Land Development Regulations (LDRs), of the Code of Ordinances. The LDRs include six (6) articles governing all development within the City. As use of the adopted LDRs progress, some provisions require clarification and edits/additions to provide consistency, improve understanding and facilitate implementation as well as address issues that have arisen since adoption.

The proposed amendments provide clarification, edits and additions to the LDRs' definitions; zoning districts; permitted use tables; development standards; off-street parking; medium and high intensity conditional uses; portable storage units; sign code.

On June 3, 2015, the Planning & Zoning Board, at its regularly scheduled meeting, discussed the proposed amendments to the LDRs and voted 5-0 to recommend approval to the City Commission.

On June 10, 2015, the Historic Resources Preservation Board, at its regularly scheduled meeting, discussed the proposed amendments to the LDRs and voted 4-2 to recommend approval to the City Commission.

The proposed amendments were brought to the City Commission on June 16, 2015, where the Commission directed staff to postpone several of the amendments to be discussed at a future workshop. The remaining amendments related to definitions, portable storage units, non-conforming signs, permitted use table and several supplemental regulations are included in this reading. In addition, several proposed definitions were inconsistent with code provisions, those have been changed in this reading.

Due to the number of changes, this ordinance is being brought forward for another first reading and will proceed to second reading and adoption on August 4, 2015.

#### **MOTION:**

I move to approve/disapprove Ordinance No. 2015-04 on first reading and schedule the second reading and public hearing date for August 4, 2015.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
P&Z Board and HRPB Staff Reports  
Ordinance No. 2015-04



## CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### EXECUTIVE BRIEF

#### TITLE:

Ordinance No. 2015-05 - First Reading - consider a major amendment to a Residential Planned Development (RPD) located at northeast intersection of North Dixie and 3rd Avenue North and schedule the public hearing for August 4, 2015

#### SUMMARY:

This Ordinance will provide for a major amendment to the Residential Planned Development (RPD) known as Hammond Park.

#### BACKGROUND AND JUSTIFICATION:

The applicant, Brett Leone of Cotleur & Hearing, is proposing a Major RPD Amendment and to rename the project from Hammond Park to Bella Terra. The RPD is 3.78 acres in size. The proposed modifications include the addition of 36 dwelling units to the 13 already built for a total of 49 dwelling units and affect the northern portion of the RPD, which encompasses 1.26 acres. The southern portion of the RPD contains a Publix Grocery Store and parking area. No changes are proposed to the southern portion of the site.

The zoning code contains provisions for Planned Development Districts, which include Residential Planned Developments (RPD). The RPD designation allows site specific development regulations to be adopted, which in essence serve as a site specific zoning code.

The site plan was reviewed by the Site Plan Review Committee (SPRC) at its regular meeting on April 8, 2015. The SPRC recommended approval of the project subject to a number of conditions of approval.

With the project being located half within a historic district and half outside a district, both the Planning & Zoning Board and the Historic Resources Preservation Board had to review the proposal.

At their June 3, 2015 regular meeting, the Planning & Zoning Board unanimously approved the Major Site Plan Amendment subject to the recommended conditions of approval. The Board also voted 5-0 to forward a recommendation to the City Commission to APPROVE the RPD Amendment.

At their June 10, 2015 regular meeting, the Historic Resources Preservation Board voted 6-1 to approve the application subject to the recommended conditions of approval. The Board also voted 6-1 to forward a recommendation to the City Commission to APPROVE the RPD Amendment.

#### MOTION:

I move to approve/not approve Ordinance No. 2015-05 on first reading and schedule the public hearing date for August 4, 2015.

#### ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

Application Materials

June 3, 2015 PZB Staff Report

June 3, 2015 PZB draft Meeting Minutes

June 10, 2015 HRPB Staff Report

June 10, 2015 HRPB draft Meeting Minutes

Ordinance



## CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

**TITLE:**

Ordinance No. 2015-06 - First Reading - increase Business Tax Receipt Rates by Five Percent (5%) and schedule the public hearing date for August 18, 2015

**SUMMARY:**

The Ordinance provides for a five percent (5%) increase to Local Business Taxes effective October 1, 2015.

**BACKGROUND AND JUSTIFICATION:**

The City of Lake Worth's last increase for its Business Tax Receipts was in 2013. Under Florida Statutes, the City can raise the rates as much as five percent (5%) every other year as long as the City has adopted an Equitable Rate Study. The City did adopt such a study in 1995 and can effectively raise the established Business Tax Receipt rates by five percent (5%). Based on collections during Fiscal Year 2014 and 2015, it is projected that the change will increase revenues by at least \$50,000. In addition, the increase maintains our competitiveness with regard to adjacent municipalities as the City's rates remain lower in most categories.

**MOTION:**

I move to approve/disapprove Ordinance No. 2015-06 on First Reading and schedule the Public Hearing and Second Reading on August 18, 2015.

**ATTACHMENT(S):**

Fiscal Impact Analysis  
Ordinance

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
Additional Revenues	50,000	65,000	80,000	95,000	105,000
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	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:

Community Sustainability	Increase in Business Tax Receipts				
Account Number (s)	Account Description	FY 2015 Budget	Acct Balance	Revenue Increase FY2016	Remaining Balance
001-0000-321-42-00	Cert of Use License Fees			\$ 50,000	N/A

C. Department Fiscal Review: \_\_\_\_\_



## CITY OF LAKE WORTH

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**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Ordinance No. 2015-07 - First Reading - Interlocal Service Area Boundary Agreement with the County and schedule the public hearing date for August 18, 2015

#### **SUMMARY:**

The Ordinance authorizes execution of an Interlocal Service Area Boundary Agreement with the County to facilitate the provisions of services and future annexations in the City. The Agreement will lead to Comprehensive Plan amendments for both the County and City.

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

On December 3, 2013, the city approved Resolution No. 69-2013, the first step toward coordinating with Palm Beach County to establish a study, which serves as a means to coordinate future land use, public facilities and services in advance of orderly annexations. This study is the basis of the Interlocal Agreement and establishes an annexation area, which will facilitate individual parcels being annexed into the City. Once the Agreement is in place, individual County parcel owners will be able to apply for appropriate land use and zoning changes and be annexed into the City on an individual basis. The entire process includes amendments to both the City and County's Comprehensive Plans and appropriate notice to affected and adjacent property owners. Numerous public hearings at both the City and County levels will be required. The process will take roughly eighteen (18) months to two (2) years to complete. As part of the process, the City has conducted two community public meetings since the approval of the Resolution, specifically held on March 27, 2014 and on June 11, 2015. In addition, once the Interlocal Agreement is in place, the formal process to amend the City's Comprehensive Plan will entail hearings before the Planning & Zoning Board and the Historic Resources Preservation Board as well as two (2) hearings before the City Commission.

The benefits of an Interlocal Service Area Boundary Agreement are many but foremost is the ability for owners of individual parcels in the area to be annexed into the City from the County on an individual basis without the issues of creating enclaves or service area disruptions. Several cities in Palm Beach County already have agreements in place including the Village of Palm Springs.

#### **MOTION:**

I move to approve/not approve Ordinance No. 2015-07 and scheduling the public hearing date for August 18, 2015.

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

Fiscal Impact Analysis – not applicable  
Interlocal Service Boundary Agreement Study Report  
Ordinance



## CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** City Commission

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Resolution No. 40-2015 - affirm support for the Southeast Florida Regional Climate Action Plan

#### **SUMMARY:**

This Resolution affirms the City's support for the Southeast Florida Regional Climate Action Plan and to consider incorporating it into the City's Comprehensive Plan, ordinances and master plan.

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

In 2010, Palm Beach, Broward, Miami-Dade and Monroe Counties entered into a Southeast Florida Regional Climate Change Compact (Compact) in recognition of the need for immediate, coordinated and visionary action to address the impacts of a changing climate and provide economic and environmental resilience in Southeast Florida.

In accordance with their commitment, the Compact Partners developed the Regional Climate Action Plan (RCAP). The RCAP contained many recommended actions for local government to take in support of the RCAP. Municipalities individually have been working to achieve sustainability, and the RCAP presents an opportunity to align these individual local efforts with the regional framework and vision.

The purpose of this resolution is to affirm the City's support of the RCAP and agree to consider integration of its goals and action items into the City's Comprehensive Plan, master plans and ordinances where and when appropriate and financially feasible.

#### **MOTION:**

I move to approve Resolution No. 40-2015.

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

Fiscal Impact Analysis – not applicable  
Resolution



# CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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## EXECUTIVE BRIEF

### TITLE:

Emergency Purchase of a new triple-wide modular trailer for the Public Services administration staff

### SUMMARY:

The Purchase Order will provide for an emergency purchase of modular trailer to replace the severely damaged existing office trailers from Mobile Modular.

### BACKGROUND AND JUSTIFICATION:

During the 2005 hurricane season, the Public Services Administration offices were severely damaged and deemed to be condemned due to mold issues. The Department proceeded to obtain office trailers to temporarily house the staff while a more permanent solution was finalized. Since this time, staff has worked diligently to come up with creative solutions to the office space issues, but due to financial constraints all have been determined to be infeasible given current and future budget allocations.

The Public Services Administration staff currently operates out of three (3) separate single wide office trailers (12'x56') connected by a central catwalk. One trailer houses the Director and a conference room, the second trailer houses the Assistant Director and Project Manager, and the third trailer houses the Coordinator, a front desk/welcome area, and the copy machine/small kitchen area. The City owns one trailer (2005) and has been renting the other two trailers since 2005. The trailers have reached the end of their useful lives and have become both a safety and a health issue. Photographs of the existing safety issues are attached.

The Public Services Dept. is seeking approval for the purchase of a new triple-wide modular trailer that will accommodate 6 offices (one or possibly two shall serve as a conference room), a copy/common area, 2 bathrooms, and proper ADA accommodations. The Department will be utilizing the existing catwalk, canopy, and ADA ramps for the new trailer unit. The existing owned trailer will remain in place and be used as storage and filing area for Department purposes. The two rental units will be returned to the rental vendor. The square footage of the triple wide unit allows for future growth in the Department and greater efficiency of Administration staff working under one roof. Funds for this purchase will be taken from the insurance proceeds the City received as a result of the 2005 hurricane damage. The amount of this project shall not exceed \$130,000, which is inclusive of the purchase of the unit, delivery and installation, skirting, associated permit fees, any necessary interior modification/furniture, and utility connection material costs (City staff will be performing utility connections of the water, sewer, electric, and communications lines).

Pursuant to section 2-112(i) of the City's procurement code, the City Commission may authorize an emergency purchase if the delay incident to competitive selection would cause an immediate threat or danger to the public health, safety or welfare or to a loss of public or private property, or interruption in the delivery of an essential government service. The continued use of the trailers creates a safety issue for City employees; may result in damage to other City property; and, may interrupt the delivery of essential public services. Accordingly, the City Manager and Director of Public Services support the purchase of the trailer as a valid emergency purchase.

A companion item approving the funding source is scheduled at this same meeting as a resolution for a budget amendment.

### MOTION:

I move to approve / disapprove a Purchase Order with Mobile Modular for a new modular trailer for the Public Services Administration staff.

### ATTACHMENT(S):

Fiscal Impact Analysis

Comparison of the three quotes

Vendor quotation

Mobile Modular Floor Layout

Existing condition pictures

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	130,000	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	130,000	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:

Public Services						
Account Number	Account Description	FY2015 Bud Amend	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
301-5060-513-62-20	Buildings/Structures	130,000		130,000	-130,000	0.00

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:** July 14, 2015, Regular Meeting

**DEPARTMENT:** Legal

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Tolling Agreement with REG Architects and The Morganti Group

#### **SUMMARY:**

The proposed Tolling Agreement will toll the statute of limitations and parties' rights in order for the disputes arising out of the Casino Building design and construction to be resolved.

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

The City entered two contracts for the design and construction of the Casino Building: a design and construction phase services contract with REG Architects, Inc. (REG); and, a construction manager at risk contract with The Morganti Group, Inc. (Morganti). Subsequent to the construction, disputes arose between the City, REG and Morganti as to the City's issues with the design and/or construction of the building. Specifically, the City claims that there is defective work and/or design error or omissions that involve several components of the building including the operable doors on the second floor; the balcony on the second floor; and, certain other defects causing leaking, water intrusion and premature degradation of certain architectural features. These claims by the City resulted in the City withholding final payment from REG and Morganti.

For a period of time after construction, the City attempted to work with REG and Morganti to amicably resolve the City's claims; however, the parties could not agree on a resolution. In furtherance of an amicable resolution without filing litigation, the City requested, and REG and Morganti agreed, to attend pre-suit mediation. On May 5, 2015, the parties attended pre-suit mediation and tentatively agreed to work together with an independent, impartial third party for the design and repair of the disputed work, errors and/or omissions. In order to allow the process with the third party to progress, the parties also agreed to enter a tolling agreement to preserve their rights as they existed as of May 5, 2015.

Attached is the proposed Tolling Agreement. The Tolling Agreement continues in place until one of the parties gives notice to the other parties of its intent to initiate litigation. The tolling agreement will also expire January 5, 2016 unless further extended by the parties.

City staff is hopeful that the parties can resolve the disputes without the cost and expense of litigation.

#### **MOTION:**

I move to approve / not approve the Tolling Agreement with REG Architects, Inc., and The Morganti Group, Inc.

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

Fiscal Impact Analysis – not applicable  
Tolling Agreement



## CITY OF LAKE WORTH

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

**AGENDA DATE:** July 14, 2015, Regular Meeting

**DEPARTMENT:** City Commission

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Designate a voting delegate for the business meeting during the 2015 Florida League of Cities 89th annual conference on August 13-15, 2015 in Orlando, Florida

#### **SUMMARY:**

This item is to select a voting delegate for the Florida League of Cities' Annual Business Meeting held during their annual conference in Orlando, Florida on August 13-15, 2015.

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

Annually, the Florida League of Cities holds a conference to provide opportunities for networking among officials from across the state as well as conducting the annual business meeting. Numerous presentations and panel discussions help officials stay current on important issues affecting local government. Especially important is staying familiar with activities and actions of the Florida State government. Attendees engage in discussing specific problems with their peers, identifying solutions and sharing ideas. This year, the Florida League of Cities will be celebrating "Florida Cities, a Public Conversation," which will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively. A voting delegate needs to be appointed to represent the City during the business meeting. On July 1<sup>st</sup>, 2014, the City Commission appointed Vice Mayor Scott Maxwell to serve as the voting delegate. The funding for one delegate was approved in the Fiscal Year 2015 budget.

#### **MOTION:**

I move to appoint \_\_\_\_\_ as the voting delegate for the Florida League of Cities Annual Business Meeting at the Florida League of Cities annual conference on August 13-15, 2015 in Orlando, Florida.

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

Fiscal Impact Analysis

Florida League of Cities 89<sup>th</sup> Annual Conference information

**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	5,565.00	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	5,565.00	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:

<b>City Commission</b>		<b>FY 2015 Florida League of City Annual Conference</b>			
<b>Account Number (s)</b>	<b>Account Description (s)</b>	<b>FY 2015 Budget</b>	<b>Current Balance</b>	<b>Agenda Expenses</b>	<b>Remaining Balance</b>
<b>001-1010-511-40-10</b>	Training & Registration	8,000	1,891	(1,785)	106
<b>001-1010-511-40-20</b>	Lodging & Transportation	19,500	11,831	(3,780)	8,051

C. Department Fiscal Review: SD