



## 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, AUGUST 18, 2015 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION:** Father Quesnel Delvard, Sacred Heart Catholic 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. Downtown Jewel Neighborhood Association update
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
  - A. City Commission Work Session - July 30, 2015
  - B. City Commission Meeting - August 4, 2015
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
  - A. Amendment #7 to Contract with Hy-Byrd, Inc. for building plans review and inspections services for Fiscal Year 2016
10. **PUBLIC HEARINGS:**
  - A. Ordinance No. 2015-06 - Second Reading and Public Hearing - increase Business Tax Receipt rates by five percent (5%)
  - B. Ordinance No. 2015-07 - Second Reading and Public Hearing - Interlocal Service Area Boundary Agreement with the County

Agenda Date: August 18, 2015 Regular Meeting

- C. Ordinance No. 2015-08 - Second Reading and Public Hearing - allow future municipal election date changes in the event of any countywide or statewide election in March

**11. UNFINISHED BUSINESS:**

**12. NEW BUSINESS:**

- A. Program to provide Health, Vision, Dental, Life Insurance, Short Term Disability, and Long Term Disability program coverage for Fiscal Year 2016
- B. Agreement with Manson Bolves Donaldson PA for legal services

**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. September 1, 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:** August 18, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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### **EXECUTIVE BRIEF**

**TITLE:**

Downtown Jewel Neighborhood Association update

**SUMMARY:**

Mr. Jon Faust, Downtown Jewel Neighborhood Association 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. The last update from the Downtown Jewel Neighborhood Association was on February 11, 2014.

**MOTION:**

Not applicable

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable



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**AGENDA DATE:** August 18, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Amendment #7 to Contract with Hy-Byrd, Inc. for building plans review and inspections services for Fiscal Year 2016

#### **SUMMARY:**

The Amendment authorizes Hy-Byrd Inspection Services, Inc., to continue to provide plans review and inspection services through September 30, 2016. The amount of the amended agreement is not to exceed \$70,000.

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

Since August of 2012, the City has been recruiting for a Plans Reviewer/Inspector for the Building Division. The Plans Reviewer/Inspector position remains open as no applicant with the required experience and certifications to meet the minimum qualifications for the position has been successfully recruited.

For the City to maintain levels of service, the contract with Hy-Byrd requires an amendment to allow for an expenditure of up to \$70,000 for plans review and inspection services for Fiscal Year 2016.

The City originally conducted a good faith review and analysis of local firms offering Building Division services before entering the agreement with Hy-Byrd. The City obtained three (3) quotes from such firms and found Hy-Byrd to be well qualified, responsible, responsive, and the most affordable firm.

Consistent with section 2-112(j) of the City's Procurement Code, the City Commission may authorize the waiver of procurement procedures upon the recommendation of the City Manager that it is not practicable or advantageous for the City to do so because the goods or services cannot reasonably be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services or other factors. Purchases authorized by waiver process shall be acquired after conducting a good faith review of available sources and negotiations as to price, delivery and terms. Accordingly, based on the foregoing, the City Manager recommends a waiver of the procurement procedures for the amendment to the agreement with Hy-Byrd.

#### **MOTION:**

I move to approve/disapprove an amended agreement with Hy-Byrd Inspection Services for an additional amount not to exceed \$70,000 through September 30, 2016 pending the approval of the Fiscal Year 2016 Annual Operating Budget.

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

Fiscal Impact Analysis  
Original contract for Hy-Byrd Inspection Services  
Seventh Amendment to contract

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

| <b>Fiscal Years</b>      | <b>2016</b>     | <b>2017</b> | <b>2018</b> | <b>2019</b> | <b>2020</b> |
|--------------------------|-----------------|-------------|-------------|-------------|-------------|
| Capital Expenditures     | 0               | 0           | 0           | 0           | 0           |
| Operating Expenditures   | \$70,000        | 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           |
| <b>Net Fiscal Impact</b> | <b>\$70,000</b> | <b>0</b>    | <b>0</b>    | <b>0</b>    | <b>0</b>    |

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

B. Recommended Sources of Funds/Summary of Fiscal Impact: \$75,000 is budgeted in FY 2016 for outside contractual services to provide Plans Reviewer/Inspector services in Account No. 103-2020-515.34.50 (contractual services).

This agenda item will require \$70,000 from contractual services account 103-2020-515.34.50. Should the proposed FY 2016 Operating Budget be approved, this request will leave a \$5,000 cushion of funds in the other contractual services account.

| <b>Hy-Byrd Inc</b>        |                            | <b>Building Division Services</b> |                                      |                            |                                |                          |
|---------------------------|----------------------------|-----------------------------------|--------------------------------------|----------------------------|--------------------------------|--------------------------|
| <b>Account Number</b>     | <b>Account Description</b> | <b>FY16 Budget</b>                | <b>Budget Transfer from Salaries</b> | <b>Net Available Funds</b> | <b>Agenda Item Expenditure</b> | <b>Remaining Balance</b> |
| <b>103-2020-515.34-50</b> | Contractual Services       | 75,000                            | 0                                    | 75,000                     | 70,000                         | 5,000                    |

C. Department Fiscal Review: \_CS/WW\_



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**AGENDA DATE:** August 18, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Ordinance No. 2015-06 - Second Reading and Public Hearing - increase Business Tax Receipt rates by five percent (5%)

#### **SUMMARY:**

The Ordinance provides for a five percent (5%) increase to the Local Business Tax Receipt 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 Statute, 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.\

At its meeting of July 15, 2015, the City Commission unanimously approved Ordinance No. 2015-22 on First Reading and scheduled the public hearing.

#### **MOTION:**

I move to approve/disapprove Ordinance No. 2015-06 on Second Reading.

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

Fiscal Impact Analysis  
Ordinance

## **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                             | 500,000 | 550,000 | 565,000 | 580,000 | 595,000 |
| 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<br>Employee Positions | 0       | 0       | 0       | 0       | 0       |

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

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



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**AGENDA DATE:** August 18, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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### **EXECUTIVE BRIEF**

#### **TITLE:**

Ordinance No. 2015-07 - Second Reading and Public Hearing - Interlocal Service Area Boundary Agreement with the County

#### **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. 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 (ISBA) 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.

At its meeting of July 14, 2015, the City Commission unanimously approved the ISBA, which was forwarded to the Palm Beach County Board of Commissioners (Board), which approved the ISBA for advertising at its meeting of July 30, 2015. The Board will hold its adoption hearing on September 22, 2015.

#### **MOTION:**

I move to approve/not approve Ordinance No. 2015-07 on Second Reading.

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

Fiscal Impact Analysis – not applicable

Ordinance

Interlocal Service boundary Agreement Study Report



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**AGENDA DATE:** August 18, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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### **EXECUTIVE BRIEF**

**TITLE:** Ordinance No. 2015-08 – Second Reading and Public Hearing – allow future municipal election date changes in the event of any countywide or statewide election in March

**SUMMARY:**

This Ordinance will provide for the City's Municipal General Election date to be changed, as provided by state law, in the event of any countywide or statewide election.

**BACKGROUND:**

State law was recently amended to change the State's presidential preference primary from "...the first Tuesday that the rules of the major political parties provide..." to the third Tuesday in March of each presidential election year. In 2016, this date will be March 15, 2016.

As a result of this new legislation, the Palm Beach County Supervisor of Elections (SOE) has notified all Palm Beach County municipalities that the voting equipment currently used only allows input on one election cycle at a time. For 2016, this election cycle begins on December 11, 2015 through March 15, 2016. Because of this, the SOE has informed all County municipalities that the voting system will not be available to conduct Municipal Elections on the usual second Tuesday in March (March 8, 2016). Instead, the municipal elections will be held on March 15, 2016 concurrently with the presidential preference primary.

State law allows a municipality, by ordinance, to move the date of any municipal election and the term of any elected municipal official to a date concurrent with any statewide or countywide election, as provided by municipal charter or ordinance.

The attached ordinance will allow the 2016 and other future municipal election dates to be changed to be consistent with a statewide or countywide election.

**MOTION:**

I move to approve/disapprove Ordinance No. 2015-08.

Attachments:

Fiscal Impact Analysis – not applicable

House Bill 7035

County Supervisor of Elections Memorandum

Ordinance



# CITY OF LAKE WORTH

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**AGENDA DATE:** August 18, 2015, Regular Meeting

**DEPARTMENT:** Human Resources

## EXECUTIVE BRIEF

### TITLE:

Program to provide Health, Vision, Dental, Life Insurance, Short Term Disability and Long Term Disability coverage for Fiscal Year 2015/16

### SUMMARY:

This Program will authorize:

1. United Healthcare to provide medical health insurance
2. MetLife to provide dental insurance
3. MetLife through VSP (Vision Service Plan) to provide vision insurance
4. Prudential to offer life, short-term disability, and long-term disability
5. CMS (Cobra Management Services) to provide COBRA coverage
6. BenefitsWorkshop to provide FSA coverage

| <b>Program Coverage</b> | <b>Gross Cost (Total Premium)</b> | <b>Anticipated Increase Due Enrollment</b> | <b>Total Premium Costs</b> |
|-------------------------|-----------------------------------|--|----------------------------|
| <b>Health</b>           | 2,709,143                         | 209,963                                    | 2,919,106                  |
| <b>Life/AD&amp;D</b>    | 33,549                            |  | 33,549                     |
| <b>STD</b>              | 10,052*                           |  | 10,052*                    |
| <b>LTD</b>              | 9,631*                            |  | 9,631*                     |
| <b>Vision</b>           | 30,364**                          | 33,000                                     | 63,364**                   |
| <b>Dental</b>           | 114,864**                         | 178,000                                    | 292,864**                  |
| <b>COBRA/FSA</b>        | 7,429                             |  | 7,429                      |
| <b>Total</b>            | <b>2,915,032</b>                  | <b>420,963</b>                             | <b>3,335,995</b>           |

\*Paid by Employee

\*\* Includes Employee Only Coverage paid by Employer

## BACKGROUND AND JUSTIFICATION

The City solicited bids for its health, life, short-term disability (STD), long-term disability (LTD), vision, and dental programs via a Request For Proposal (RFP) during the spring of 2014. Aetna, Cigna, United Healthcare, Blue Cross & Blue Shield, and Humana were either requested to submit a bid proposal or voluntarily submitted bid proposals in response to the RFP. All health providers responded to the proposal and have submitted the following bids in comparison to the current plan cost.

| <b>Providers</b>        | <b>Humana Current</b> | <b>Humana Renewal</b> | <b>Aetna</b> | <b>UHC</b>  | <b>Cigna</b> | <b>Florida Blue</b> |
|-------------------------|-----------------------|-----------------------|--------------|-------------|--------------|---------------------|
| Medical Premiums        | \$2,609,646           | \$2,720,950           | \$2,732,824  | \$2,508,100 | \$2,670,627  | \$2,978,933         |
| HSA Funding             | \$198,800             | \$198,800             | \$198,800    | \$198,800   | \$198,800    | \$198,800           |
| Premium Waiver          | NA                    | NA                    | \$227,735    | NA          | \$75,000     | NA                  |
| Total                   | \$2,808,446           | \$2,919,750           | \$2,703,889  | \$2,706,900 | \$2,794,427  | \$3,177,733         |
| Difference from current |                       | \$111,304             | -\$104,557   | -\$101,546  | -\$14,019    | \$257,983           |
|                         |                       | 3.96%                 | -3.72%       | -3.62%      | -0.50%       | 13.15%              |

While Aetna came in with the best proposed bid, there are concerns about Aetna customer service over the next fiscal year as they are in the process of acquiring Humana. Based upon the submitted proposals and the changes in Humana’s coverage it is recommended that the changes be implement for the upcoming fiscal year.

With a decrease in cost associated with the medical plan, Human Resources is recommending that the City absorb the cost of employee only coverage for dental and vision for the upcoming fiscal year. This cost is line with the current philosophy of creating an environment where our employees feel appreciated while putting the City on track to become an employer of choice.

The overall impact on the City’s budget for FY 15/16 is a 0% increase as related to the benefit cost. Human Resources had budgeted \$4,212,038 for FY16 (which represented a 20% increase in cost). This anticipated increase was in-line with current industry trends related to benefit costs. HR is now reducing the budget request for FY 15/16 to \$3,335,995.

There will be no change in employee contribution for the FY 15/16 other than the City will offer Vision/Dental at no cost to the employee.

**MOTION**

I move to approve/not approve engaging United Healthcare for medical insurance; Metlife for Dental; VSP though Metlife for Vision; Prudential to provide life, long-term disability, and short-term disability coverage to employees of the City for a one year term beginning October 1, 2015, and authorize the Mayor to execute the necessary documents.

**ATTACHMENT(S)**

Fiscal Impact Analysis  
City of Lake Worth Health Plan Proposal and Cost Summary

## Fiscal Impact Analysis

| <b>Fiscal Years</b>                       | <b>2015</b> | <b>2016</b> | <b>2017</b> | <b>2018</b> | <b>2019</b> |
|---|-------------|-------------|-------------|-------------|-------------|
| <b>Capital Expenditures</b>               | 0           | 0           | 0           | 0           | 0           |
| <b>Operating Expenditures</b>             | 3,335,995   | 3,335,995   | 0           | 0           | 0           |
| <b>External Revenues</b>                  | 0           | 0           | 0           | 0           | 0           |
| <b>Program Income</b>                     | 0           | 0           | 0           | 0           | 0           |
| <b>In-Kind Match</b>                      | 0           | 0           | 0           | 0           | 0           |
| <b>Net Fiscal Impact</b>                  | 3,335,995   | 3,335,995   | 0           | 0           | 0           |
| <b>No. Additional Full-Time Employees</b> | 0           | 0           | 0           | 0           | 0           |

### Recommended Sources of Funds / Summary of Fiscal Impact

| <b>Account Number</b> | <b>Account Description</b>     | <b>Budget (Pending)</b> | <b>Agenda Item Expenditure</b> |
|-----------------------|--------------------------------|-------------------------|--------------------------------|
| 540-1320-513-23-XX    | United Healthcare Medical Plan | 3,335,995               | 3,335,995                      |

**Department Fiscal Review:** \_\_\_\_\_



## CITY OF LAKE WORTH

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**AGENDA DATE:** August 18, 2015, Regular Meeting

**DEPARTMENT:** Legal

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### **EXECUTIVE BRIEF**

**TITLE:** Agreement for Legal Services with Manson Bolves Donaldson P.A.

**SUMMARY:** The City Attorney recommends entering an agreement for legal services with Manson Bolves Donaldson P.A.

### **BACKGROUND AND JUSTIFICATION:**

Several months ago the City Manager entered into an agreement not to exceed \$25,000 with Manson Bolves Donaldson PA (“Firm”) to defend the City against a lawsuit filed by Lake Osborne Waterworks, Inc. (“Plaintiff”). The claim relates to the City’s provision of potable water to Plaintiff (formerly known as Lake Osborne Utilities Company), a regulated utility company under Florida law. On or about 1974, the City entered into an agreement with Lake Osborne Utilities Company to furnish potable water from the City so that Lake Osborne Utilities Company could provide water services to its retail customers, all of whom lie outside the City limits. Plaintiff subsequently acquired Lake Osborne Utilities Company. Plaintiff claims that the agreement with the City expired in 2008 and since that time the City has charged and collected excessive rates. The Plaintiff asks the court to invalidate the City’s fees, rates and charges and award it damages for all overcharges dating back to October 9, 2008, along with all attorney’s fees and costs to bring the claim. Currently, the case is scheduled to go to trial beginning on August 31<sup>st</sup>.

Due to the specialized nature of Plaintiff’s claim against the City, the Firm was retained to provide its expertise in utility rate cases involving a regulated utility. The attached agreement for legal services establishes the Firm’s hourly rate at \$250 per hour for partners and \$200 for associates 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 approximately \$22,800 from the Firm and it is conservatively anticipated that approximately \$100,000 should be reserved for the remainder of the fiscal year.

### **MOTION:**

I move to approve / not approve the legal services agreement with Manson Bolves Donaldson P.A.

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

Fiscal Impact Analysis  
Legal Services 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                        | 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                             | 0    | 0    | 0    | 0    | 0    |
| No. of Addn'l Full-Time<br>Employee Positions | 0    | 0    | 0    | 0    | 0    |

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

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