



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, OCTOBER 06, 2015 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION:** Pastor Ray Stenersen, Lake Worth Apostolic Lutheran Church
- 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. Apprenticeship / Lineman Program Graduation for Marcus Neal
 - B. Certificate of Recognition to Florida Food and Farm, LLC for volunteerism
 - C. Southern Golf Central Magazine's framed article presented to the City
 - D. Parrot Cove 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 Meeting - September 15, 2015
 - B. City Commission Special Meeting - September 22, 2015
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Resolution No. 55-2015 - amend the list of observed legal holidays to add Columbus Day
 - B. Resolution No. 56-2015 - amended agreement with the Supervisor of Elections Office for equipment use and election services and designate the Municipal Canvassing Board

- C. Resolution No. 57-2015 - Amendment 001 to the Interlocal Agreement for the CDBG-funded 11th Avenue South Right-of-Way Improvements project
- D. First Amendment to the Legal Services Agreement with the Law firm of Caldwell Pacetti Edwards Schoech & Viator LLP
- E. Ratify appointment of a board member to the Electric Utility Advisory Board
- F. Ratify the appointment of a board member to the Historic Resources Preservation Board

10. PUBLIC HEARINGS:

- A. Ordinance No. 2015-12 - Second Reading and Public Hearing - amend various sections in the City's Land Development Regulations

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Ordinance No. 2015-14 - First Reading - create valet parking regulations and schedule the public hearing date for October 20, 2015
- B. Ordinance No. 2015-15 - First Reading - amend the City's Sidewalk Cafe ordinance and schedule the public hearing date for October 20, 2015
- C. Discuss the Lake Worth Beach Complex, Casino Building Vacant Space and Municipal Pool Invitation to Negotiate (ITN)

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. October 20, 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.

CITY OF LAKE WORTH, FLORIDA

Certificate of Recognition Presented To

Florida Food and Farm, LLC

The City is extremely grateful for the time and effort volunteered by Florida Food and Farm LLC.
Its efforts will assist the City's Grounds Division in the overall maintenance program
at Palm Beach Sheriff's Office's District 14 Office and Palm Beach County Fire Rescue Station 91.
Awarded this day, October 6, 2015 for outstanding and commendable service.

Michael Bornstein, City Manager

Pam Triolo, Mayor



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Parrot Cove Neighborhood Association update

SUMMARY:

Mr. Anthony Marotta, Parrot Cove 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 Parrot Cove Neighborhood Association was on June 3, 2014.

MOTION:

Not applicable

ATTACHMENT(S):

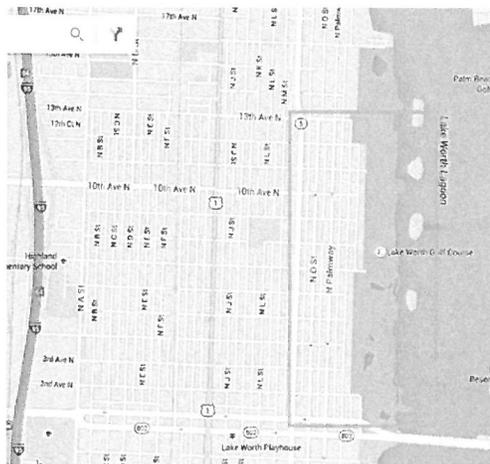
Fiscal Impact Analysis – not applicable

PARROT COVE NEIGHBORHOOD ASSOCIATION

UPDATE TO CITY COMMISSION OCTOBER 6TH, 2015

By The Numbers

- Approximately 600 homes.
- Borders are Lucerne Ave on the South, Federal Hwy on the West, 13th Ave N. on the North, the Intracoastal Waterway on the East.
- Streets Included: Golfview, N. Lakeside, N. Palmway, N. O St., Federal, Lucerne and Streets 2nd Ave N. through 13th Ave N.
- Founded in 2001
- Annual membership fees are \$10 or \$20 per household. Social memberships available to non-residents.
- 3 churches, 2 bed and breakfasts
- Businesses: Gas station/convenience store, The Beach Club Restaurant, Lake Worth Golf Course, PBC Credit Union.



Board of Directors

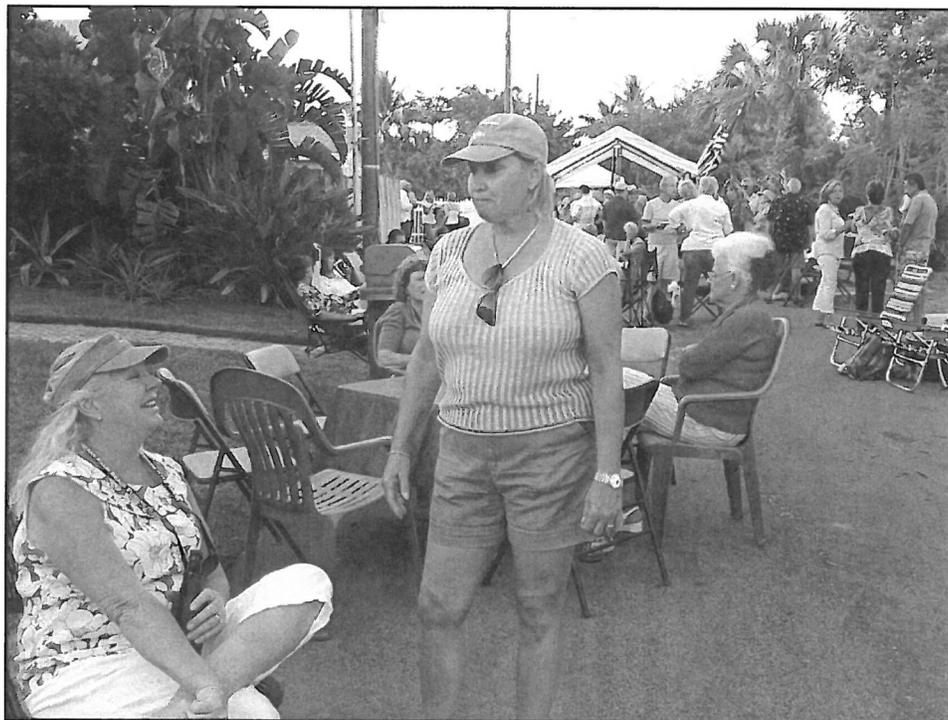
Anthony Marotta - President
Janice Sneider - Vice President
Judith Just - Treasurer
Richard Stowe - Secretary

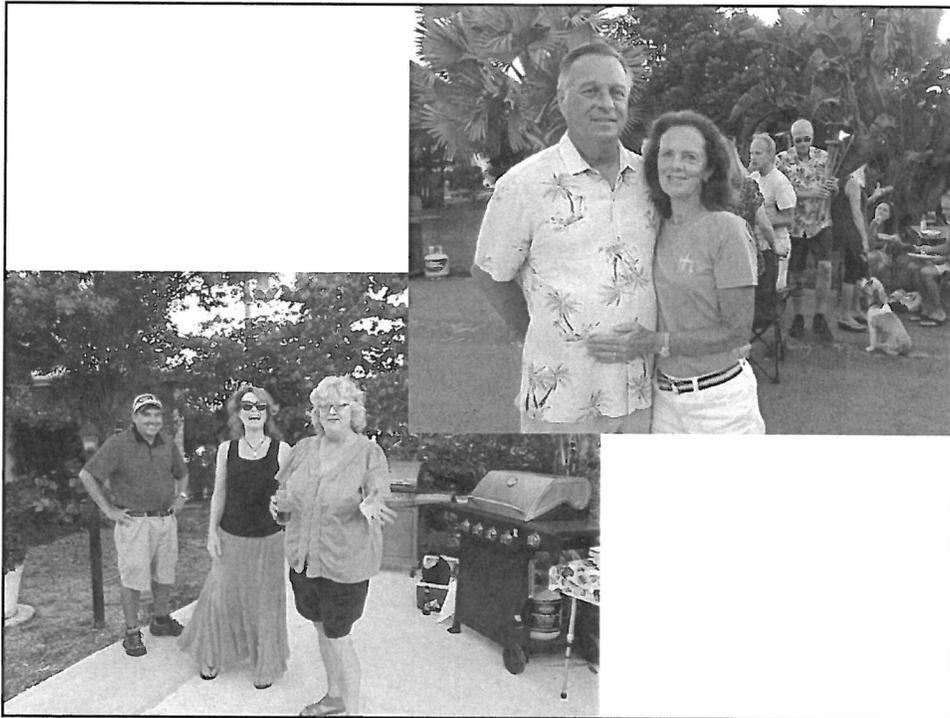
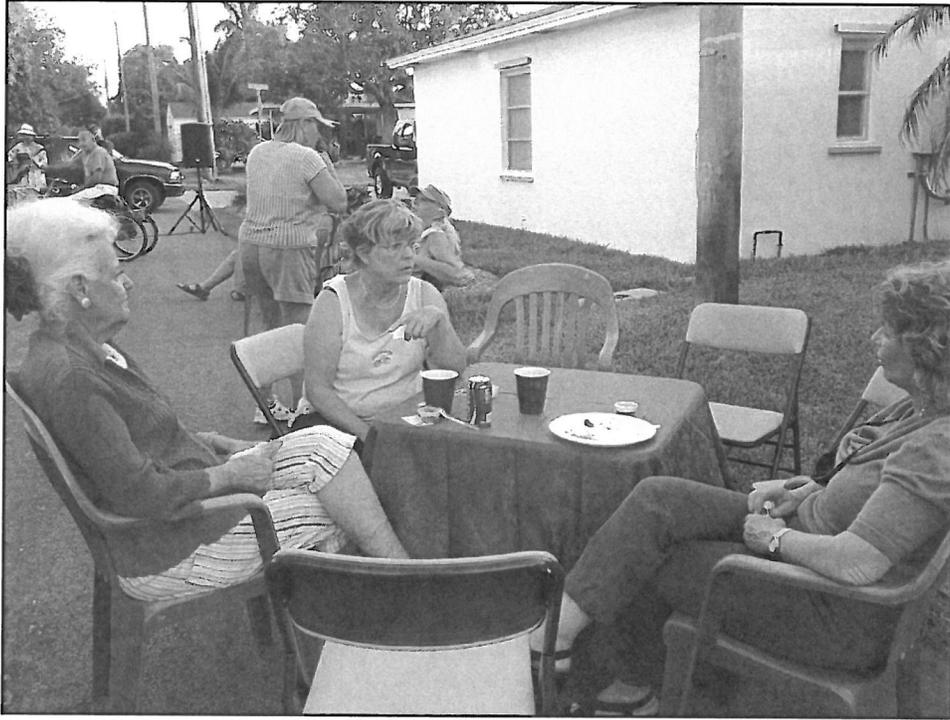
Brian Gleason - Director
Orlando Fernandez - Director
Walter Harper - Director



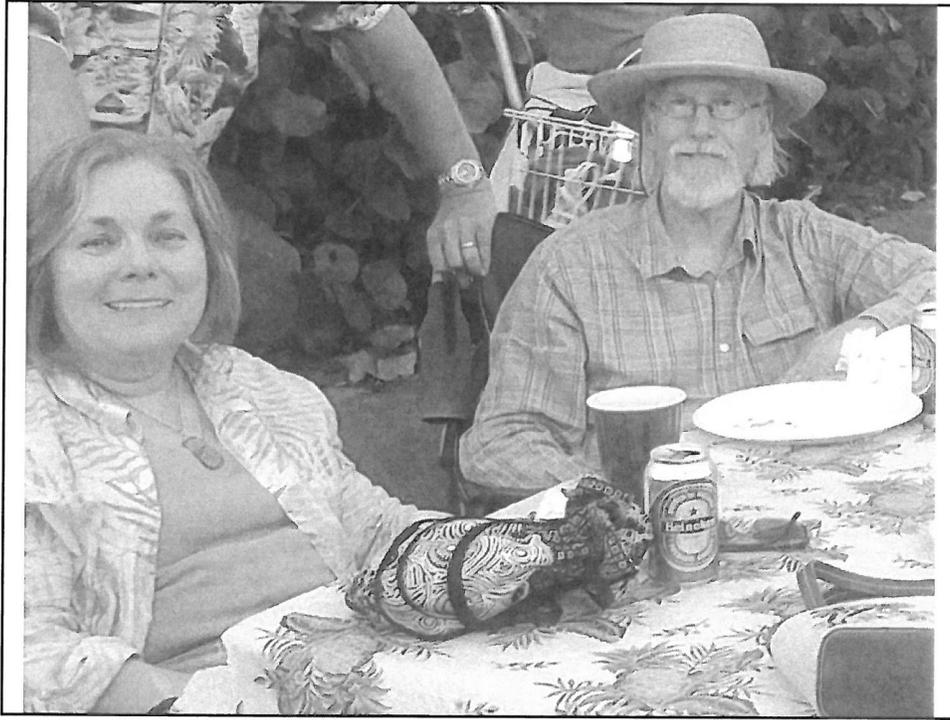
EVENTS AND ACTIVITIES

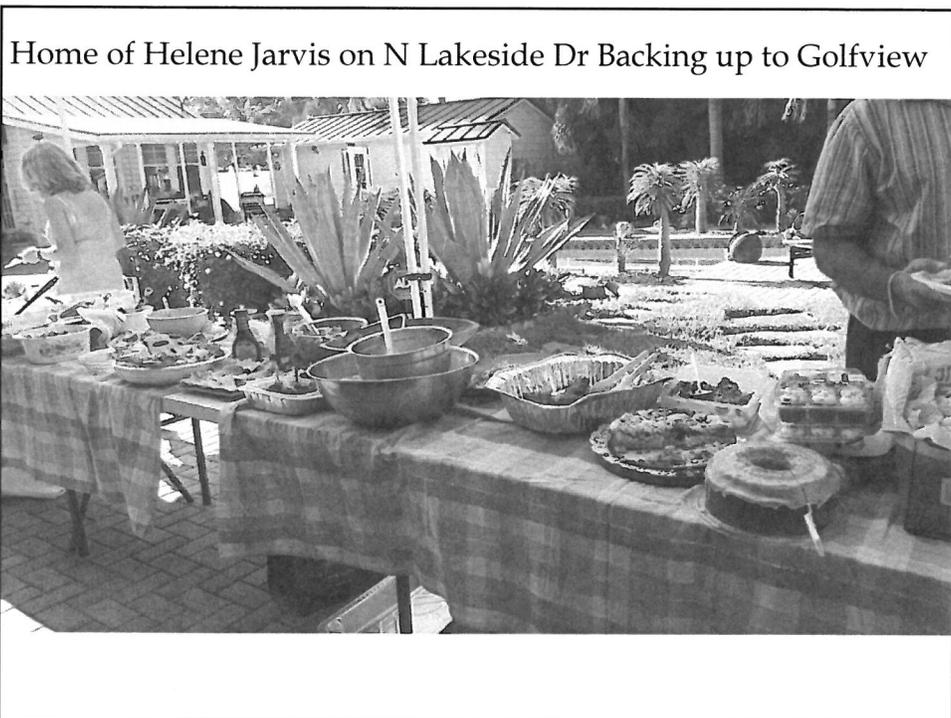
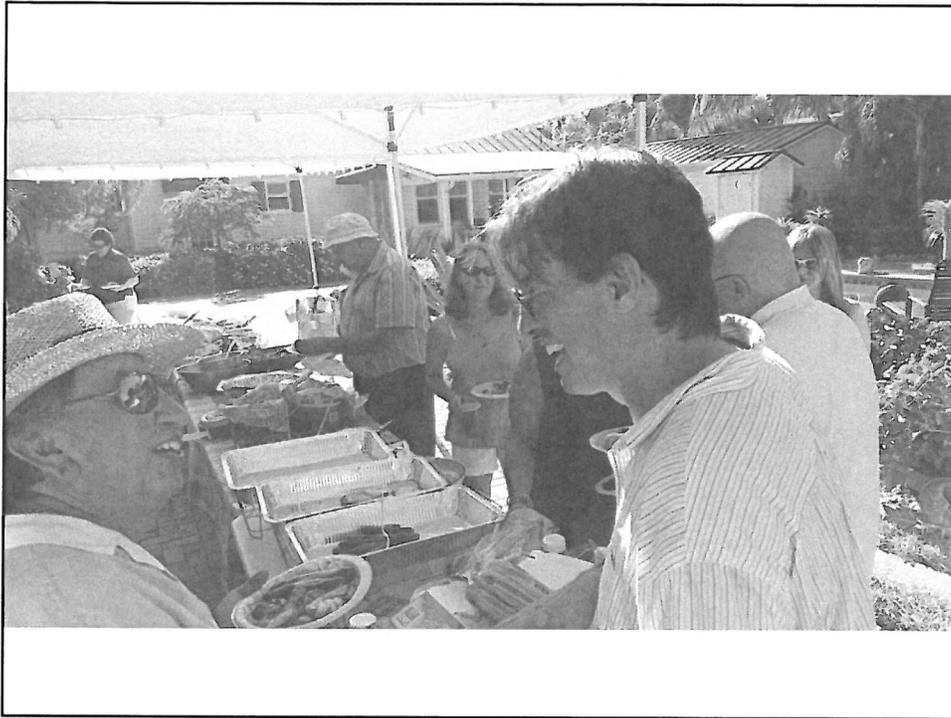
Block Parties - 2014 & 2015



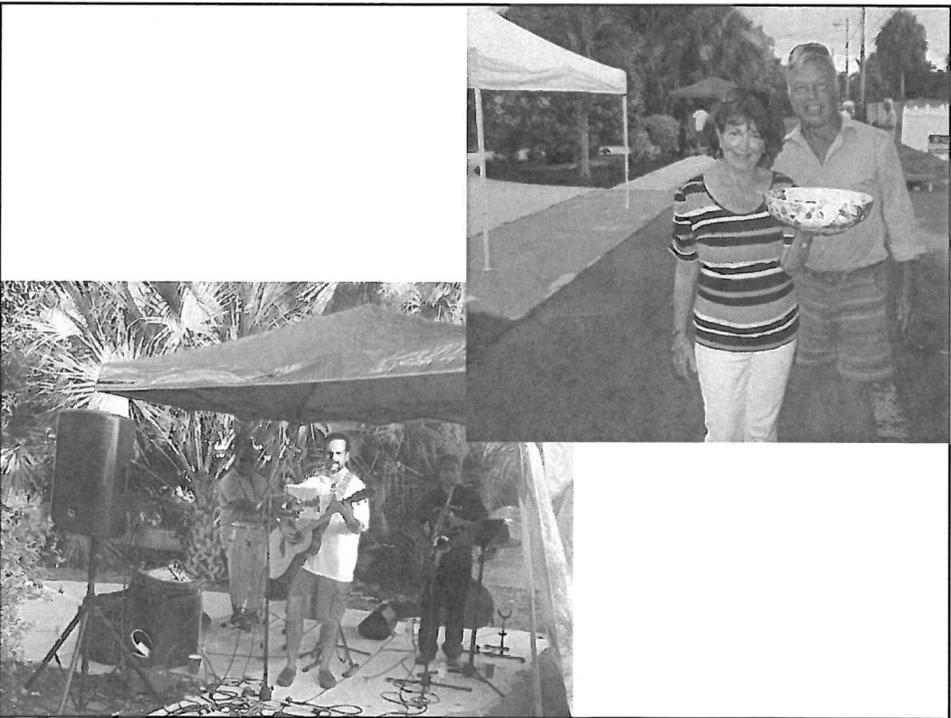












Home & Garden Tour

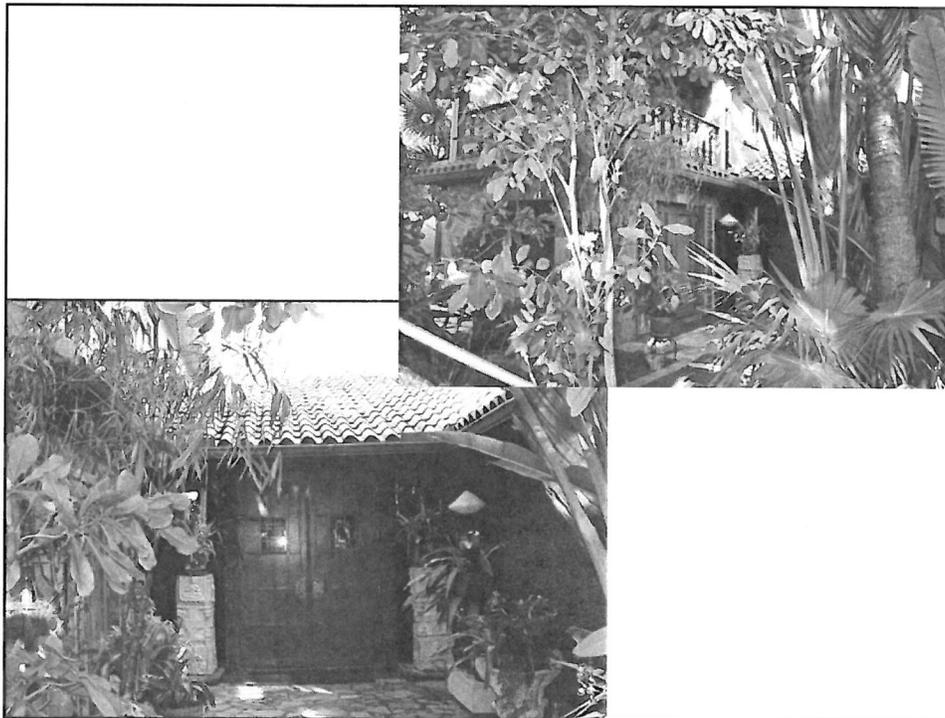
Save the Date

Sunday
March 6th
2016



Parrot Cove Home Tour

Committee Chair: Walter Harper





Volunteering

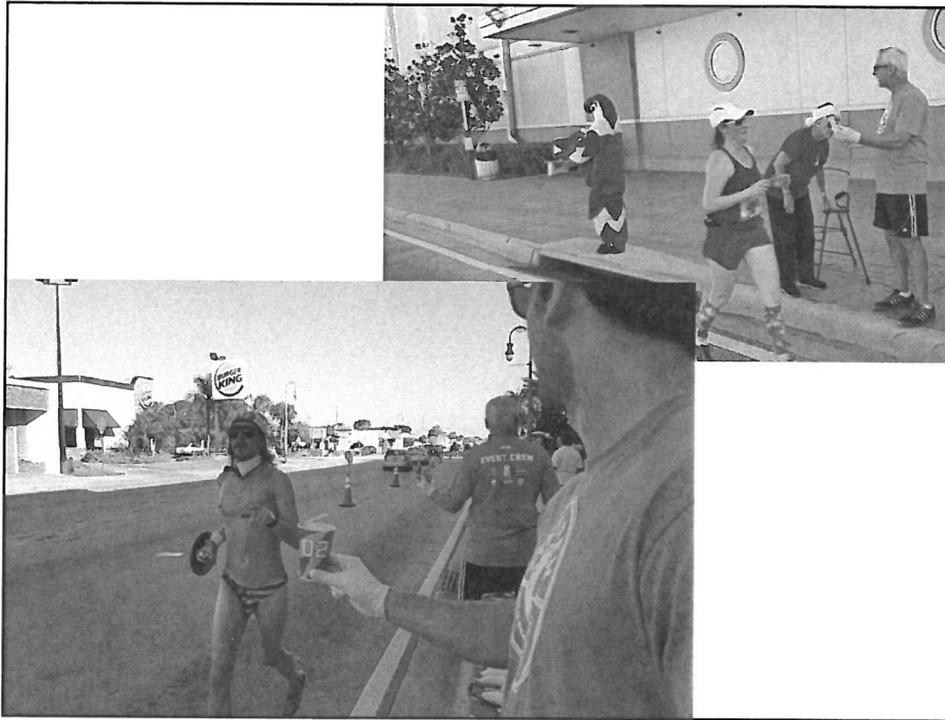
Parrot Cove residents are well known for regularly and continually volunteering throughout the City.

Dec 2014 - Palm Beaches Marathon

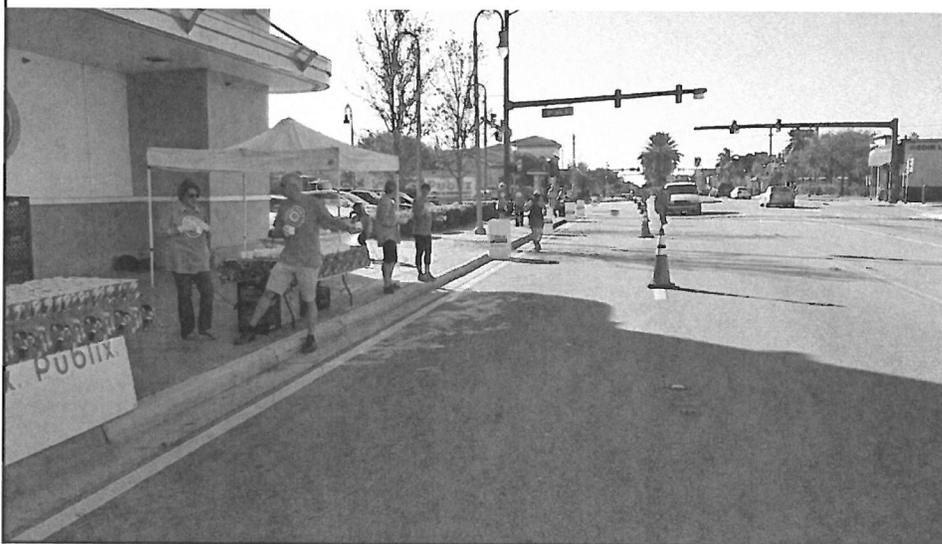


2 Years in a Row Parrot Cove Won Best Cheer Zone & Received
Accompanying Prize Money





Volunteers: Ozzie Ona, Steve Carr, Bob Lepa, Crystal Felch, Ken Badaracco, Janet Kanai, Patricia Hazelton, Susan Storms, Janice Sneider, Richard Stowe, Anthony Marotta and Terry Ralston as our parrot.



Street Painting Festival

2015:

- 16 Volunteers, 47 hours
- Sponsored a Painting



Parrot Cove Residents Volunteering

Bernie Schuttler
Walter Harper
Rose Bear

Teresa Miller
Ozzi Ona

Diana Scheiner
Susan Ona

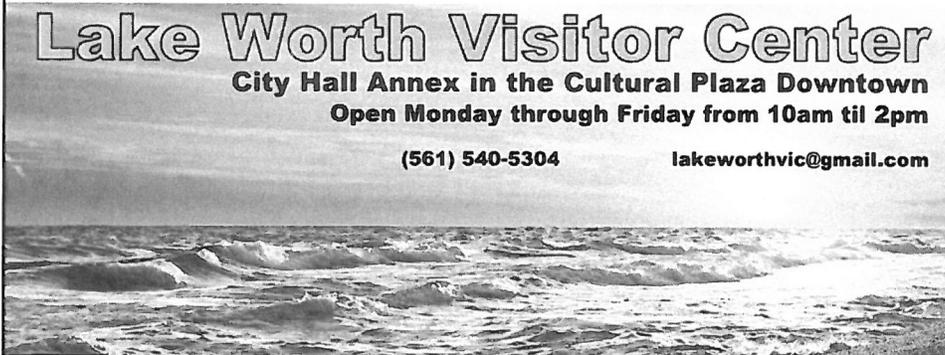
Lake Worth Visitor Center

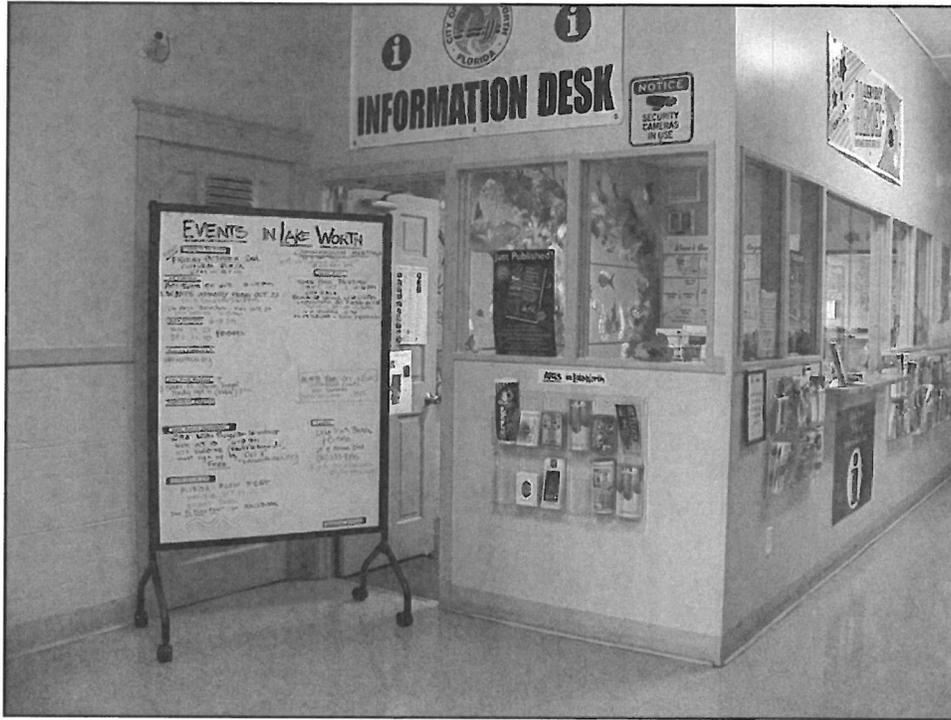
City Hall Annex in the Cultural Plaza Downtown

Open Monday through Friday from 10am til 2pm

(561) 540-5304

lakeworthvic@gmail.com





Cottages of Lake Worth



The Cottages of Lake Worth
Home Tour
Living Large in Small Places

Sunday January 24, 2016 from 1pm - 6pm
Visit a number of our unique Cottages in the Mango Grove
and Downtown Jewel areas located North and South of Downtown Lake Worth.

Trolley provided, Food and Refreshments
Tickets in advance \$30 and if available \$35 at the door
Pay by Paypal on line www.cottagesoflakeworth.com
Limited to 350 tickets please purchase early No refunds Event held Rain or Shine.
Sorry event not appropriate for children or pets.
Information 615-330-1819
Tickets available at Paws on the Avenue and Studio 205
[Facebook.com/CottagesofLakeworth](https://www.facebook.com/CottagesofLakeworth)
After event VIP cocktail party at a featured Cottage at 6pm \$25.00

Parrot Cove Volunteers:

- Teresa Miller
- Janice Sneider
- Judith Just
- Kate Weissling
- Janice Venderjak
- Deb Null
- Helene Jervis
- Michael Abrams
- Peggy Donahoe

Book By Walter Harper & Marion Cone



Lake Worth's Oldest Home???

How do I research the history of my house?

A Tour of
Historic
Lake Worth ;
its Cottages
&
Architectural
Treasures

All Proceeds of the Book Donated to Friends of
Lake Worth Library and the Lake Worth Historical
Museum.



Pam Triolo, Mayor of the City of Lake Worth (center) congratulates writer, Marion B. Cone and book designer, Walter Harper, at their first book signing on August 24. The event was held at the Beach Club at the Lake Worth Golf Course. The book is available at the Information Center located at the City Hall Annex and the Lake Worth Library.

PC Pride Parade Driver



HOMES OF THE MONTH





**Conclusion & Other Things I
Thought of Between the Time I
Prepared This and Now**



**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
SEPTEMBER 15, 2015 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso, and Ryan Maier. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by City Manager Michael Bornstein.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Andy Amoroso.

4. AGENDA - Additions/Deletions/Reordering:

Comments/requests summaries:

1. Commissioner Amoroso requested discussion regarding the Casino Building's Invitation To Negotiate be added to the agenda for discussion.

Lengthy discussion ensued regarding the Commission's Rules of Procedures on adding items to the agenda at the last minute.

2. Commissioner Amoroso requested discussion regarding the Casino Building's Invitation To Negotiate be added to the next Commission meeting agenda for discussion to put the issue "to bed" and to hire someone to rent the second floor of the Casino Building.

5. PRESENTATIONS:

A. PBSO Community Policing Update

Captain Todd Baer spoke about manpower and street changes made during his two-month tenure as Captain of District 14, crime trends, board and securing structures, community partnerships, and the Citizen Observer Patrol (COP) program. He said the Palm Beach Sheriff Office's (PBSO) COP representative attends neighborhood association meetings

and asked everyone to get more involved.

Comments/requests summaries:

1. Commissioner McVoy commented that he had heard a lot of complaints from people seeing prostitution and drug deals in the City. He said he would set up a meeting with the PBSO, individuals, and himself to hear more about what could be done.
2. Commissioner McVoy commented that the community was concerned about the number of sober homes in the City.
3. Commissioner McVoy requested either a Town Hall meeting or schedule an item on the agenda to talk about community's thinking that the City could shut down sober homes.

Commissioner Amoroso suggested inviting staff from the Code Compliance Division, Senator Clemens, Congresswoman Frankel, and Representative Hager to the Town Hall meeting.

B. Royal Poinciana Neighborhood Association update

Sarah Parr, President, and Yolanda Sanchez provided an update on street illumination to prevent crimes, Citizen Observer Patrol in their neighborhoods and the need for volunteers, banners being installed, and signs announcing their meetings written in three languages. They announced their monthly clean-up events and educating their neighbors on cleaning up their properties; said eight new Community Development Agency (CRA) home dedications were held; street lights, purchased from a CRA grant, would be installed; announced the Mayan Festival and next clean-up event scheduled on South D Street were both on September 19, 2015.

C. Community Redevelopment Agency update

Joan Oliva, Executive Director, provided an update on their neighborhood stabilization program, West Village residential development, average sales price of homes sold in the target area between 2010 and 2014, sample property value increases, Wayfinding signage project, 5th Avenue South bikeway and pedestrian trail, Tropical Ridge Fitness Park and 211 playground, NeighborWorks Catalytic grant, small business loan and micro loan programs, creative corridor grant, and business attraction program on Dixie Highway. She announced the next community clean-up was on September 19, 2015, and the Peace Initiative Day event on September 20, 2015.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: announced the next clean-up event was on September 19, 2015; announced the Tropical Triathlon event on September 20, 2015, and said volunteers were still needed; commented that he coordinated a meeting with religious leaders in the Osborne community and that Mayor Triolo, Commission McVoy, and City Manager Bornstein attended, there was good conversation, and the need to have more people step up and speak on crime they witnessed; said people wanted to speak about homelessness and asked for a town hall or work session meeting to discuss programs that were available for the homeless and to invite all interested parties.

Commissioner Maier: commented that he was exploring the homeless issue and contacted Homeless Coalition of Palm Beach County. He said it was a difficult issue for municipalities and sympathized with businesses who wanted to feel safe and comfortable. Homelessness was a challenging issue for a city to address and was nationwide. He said there was a 2-1-1 service for individuals in need to call. Services were placed into one central access called the Senator Philip D. Lewis Center in West Palm Beach. Municipalities could partner with those agencies and homelessness was being addressed on a larger scale. He proposed Lake Worth partner with Homeless Coalition of Palm Beach County to host one of their events.

Commissioner McVoy: said he supported partnering with the Homeless Coalition of Palm Beach County, suggested a community event to have dialogue, and said City Hall was not the best place to have the dialogue; and said he continued to be involved with Good Government Initiative, he and other elected officials met on September 12, 2015, and that he was picking up ideas from others.

Commissioner Amoroso: commented that since he became an elected officials, he was trying to put together all issues; said two homeless individuals were taken off the streets with the help of Homeless Coalition of Palm Beach County; commented that individuals were transported to the Senator Philip D. Lewis Center daily, and if people living on the streets truly wanted help it was there. He said Lake Worth would be host of a 2-1-1 event and people were getting help. There was a lot of working pieces to the homelessness issue and suggested people help find a solution to get the homeless off the streets instead of complaining about it. He announced a new Lord's Place and Goodwill were located in Lake Worth.

Mayor Triolo: commented that the County did not do a good job in helping their people. Lake Worth was the first municipality to sign an ordinance

which allowed the Palm Beach Sheriff Office to transport anyone who needed help to the Senator Philip D. Lewis Center in West Palm Beach at no cost. She said the City was not insensitive to the homeless issue, and the Commission never took action to remove a damaged water fountain in Bryant Park. She announced her attendance at the Metropolitan Planning Organization meeting and attended an Osborne community meeting with Pastor Cato.

City Attorney Torcivia responded that he was involved with Homeless Coalition of Palm Beach County and cited locations for their upcoming events. He said they could have an event in Lake Worth in January or February and that several organizations attended these events and worked together.

7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

The following individuals spoke on various issues; however, they did not write anything on their comment cards:

Niko Segal-Wright said he spoke at the last Commission meeting and that it was great to hear the Commission was compassionate about the homeless issue. He said he did not feel that the issues were resolved and asked about two other water fountains removed from Bryant Park and not replaced. He said benches were also removed in Bryant Park. He commented that he would attend the next town hall meeting.

Ryan Hartman commented that he appreciated the Commission making an effort to help the homeless people, but never saw the Commission outside of the Commission Chamber. The number one problem was police harassment. He said he and his friends were not homeless, they dressed dirty, and were stopped by the PBSO. Until police harassment stopped, he said he would attend every Commission meeting. He said he heard from the homeless that they were being robbed.

Sugar Bear, on behalf of the Lake Worth Catholic Worker Cottage, thanked the City for restoring the water fountain at Bryant Park. He asked who authorized the fountain and benches to be removed from Bryant Park and who was behind this organization if the Commission were just puppets. He said citizens cared less about homeless veterans.

Samuel Neimeiser said he represented the Public Employees and Professional Manager's & Supervisor's Association Unions and wanted to be heard. He said he came to this meeting looking for the City to honor its employees and to bring them back to respectability. Every time he said he met with the City's Labor Attorney and staff he was met with "no". Today's meeting was the biggest insult, and the City waited until today to

give him a study that he requested two months ago. He said it was not fair, right, and an unfair labor practice. The employees deserved the 4% salary increase, but it should not come from their dignity or their pension.

Juan Chevere commented that the Commission said the Senator Philip D. Lewis Center would not take people if they used alcohol or drugs, the publics' comments were about harassment of the homeless and not about aid for them. He asked for the harassment of the homeless to stop.

Lynn Anderson asked why a 1984 worker's compensation claim was now being settled and about the issues.

Mayor Triolo recessed the meeting at 7:22 PM and reconvened at 7:45 PM.

8. PUBLIC HEARINGS:

A. Resolution No. 52-2015 – First Public Hearing – establish the Fiscal Year 2015-2016 tentative general City millage rate and schedule the second public hearing date for September 22, 2015

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 52-2015 OF THE CITY OF LAKE WORTH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; LEVYING MUNICIPAL TAXES ON ALL TAXABLE PROPERTY WITHIN THE CITY OF LAKE WORTH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Resolution No. 52-2015 which adopted a tentative operating millage of 5.4945 for the 2015-2016 Fiscal Year and schedule the second public hearing date for 6:00 PM on September 22, 2015.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioners McVoy, Amoroso, and Maier. NAYS: Vice Mayor Maxwell.

B. Resolution No. 53-2015 – First Public Hearing – adopt the Fiscal Year 2015-16 proposed City budget and schedule the second public hearing date for September 22, 2015

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 53-2015, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Action: Motion made by Commissioner Amoroso to approve Resolution No. 53-2015 on first public hearing to adopt the proposed Fiscal Year 2015-2016 annual operating budget of the City of Lake Worth and schedule the second public hearing date at 6:00 PM on September 22, 2015. Motion died for lack of a second.

Vice Mayor Maxwell left the meeting at 7:48 PM.

Comments/requests summaries:

1. Commissioner McVoy asked for clarity on the beach parking fees and Casino Building debt loan repayment in the Beach Fund.

City Manager Bornstein replied that the seasonal beach parking fees were included in the proposed budget and the \$500,000 loan to the Water and Self-Insurance Funds would be repaid over a 14 year term.

Vice Mayor Maxwell returned to the meeting at 7:50 PM.

2. Commissioner McVoy asked if the repayment monies were going to just the Water and Self-Insurance Funds or was there another fund.

Nerahoo Hemraj, Finance Director, replied that, over the 14 year term, some of the funds would go into the Water, Capital Project, and Self-Insurance Funds.

Commissioner Amoroso left the meeting at 7:57 PM and returned at 8:00 PM.

3. Commissioner McVoy asked why the Self-Insurance Fund had \$12 million in the proposed budget when there was \$2-3 million in previous years. He asked where the \$8 million came from and added to the Use of Fund Balance.

Mr. Hemraj replied that \$8 million accumulated over years and sat in

the Self-Insurance Fund Balance. The money was appropriated into the Use of Fund Balance to cover the City's liabilities.

4. Commissioner McVoy asked for the balances, sitting in funds, be shown over a longer period of time because he said he had a big problem with this issue and did not hear an explanation that made sense to him.
5. Commissioner McVoy commented that Burton and Associates had made a presentation earlier in the year and it was suggested that the City use the Burton and Associates tool to do the City's budget planning to make the budget process more transparent and efficient. He said the key part of that process, in addition to adding transparency, was projections and looking forward. There was a projected target and that it was prudent to have a reserve. He said he was concerned about the City currently operating at a 2.5-month reserve in the Electric Fund. With this budget, the City was moving down towards a two-month reserve. There was a need to increase electric rates. He announced that he could not support a budget that drew down the Electric Fund reserves. He said no one spoke to him about it being a bad idea to raise electric rates, based on the numbers of the utility. If the Commission choose not to increase the rates then, he said his only explanation was that it had no technical explanation, but a political explanation which bothered him a great deal.

Jack Borsch, Electric Utility Director, replied that Mark Beauchamp from Utility Financial Solutions and Burton and Associates worked together on the Electric Fund process. He said \$8 million was in the reserve, which was about 2.5 months. A three-month reserve was chosen because of bond rates, should the City need a loan. He said the Burton and Associates numbers were not correct because he found \$500,000 that was added back into the Electric Fund.

6. Commissioner McVoy commented about the many times he sat through budget work sessions, made a conclusion, then was told the numbers presented were incorrect. He said he had to make a decision based on correct numbers.

Mr. Borsch replied that he found money not spent in Fiscal Year 2015. The Burton and Associates model was based on old numbers from Fiscal Year 2013 and he did not know where they came from.

7. Commissioner McVoy commented that he heard over again that Burton and Associates was not given the right numbers, which left him to conclude that the numbers were changed to favor others. He said that left him very suspicious, which was why he had a problem

and was upset.

8. Mayor Triolo said the City had an electric rate parity ordinance and there was two more years to come into parity with Florida Power & Light.

City Manager Bornstein responded that the budget process began in March or April with staff's best guesses, which explained why the numbers were moving. The Burton and Associates model could be manipulated as the numbers continued to change. Staff was trying to shake those numbers and there was a change in Electric Utility Director that resulted in the City's favor. There was nothing behind the numbers to assume that staff did not know what they were doing. He said he wanted the Commission to have confidence in the budget numbers and not be uncomfortable with staff.

9. Mayor Triolo asked what the City's deadline was to adopt a budget.

City Attorney Torcivia advised that the Commission had to adopt the budget on first public hearing tonight, advertise for the second public hearing within two to five days prior to that public hearing, and approve the budget by October 1, 2015.

Action: Motion made by Commissioner Amoroso to approve Resolution No. 53-2015 on first public hearing to adopt the proposed Fiscal Year 2015-2016 annual operating budget of the City of Lake Worth and schedule the second public hearing date at 6:00 PM on September 22, 2015. Mayor Triolo passed the gavel to Vice Mayor Maxwell and seconded the motion.

Comments/requests summaries:

10. Vice Mayor Maxwell commented that he was disappointed that this current and past Commission had tried to fight some of the City's issues with finances and processes in order to move the City forward, but there was inconsistency particularly the repayment of the Casino Complex debt. He said the Commission took a bad business plan, which was failed from the beginning, and now said his fears came to fruition. The City was now in the aftermath of that decision. He said he voted against the business plan; however, even though he voted against it, it was his responsibility, as a member of the Commission to uphold the obligation of the Commission to pay the debt within a specific period of time. Candidates tell people they would do something on the election trail then do something different once elected. This was a simple commitment to be kept for the people. The City was starting down the same path as it did with the old Casino Complex by not properly maintaining the building and subsidizing the tenants. The Commission would continue to have

this same discussion five years from now because of the maintenance. It would be easy to increase the parking rates to cover a bad business plan or to cover the pool. He proposed that there was enough money in the Beach Fund Balance to get through another year so that an adult decision on what to do with the beach could be made. The Casino Complex was losing \$300-400,000 if the debt was paid as originally scheduled. The pool may be fixed or the Commission may decide to close the pool. There were options for the pool, but the Commission could not raise beach parking fees to fund the Casino Complex. He proposed taking away the \$2.50 increased beach parking fee and using the Fund Balance to make up the difference. If these changes were done, then he said he would vote to approve the budget. He said he would not vote to increase water rates. If the Commission wanted to increase the electric rates, then they could do it.

Vice Mayor Maxwell announced that it was time for public comment.

Peggy Fisher said she did not know how many budget work sessions were held; however, there was 15 days from when a budget needed to be approved. With the grandstanding going on, this discussion went on longer than 30 minutes. She said she heard "I want" from one of the Commissioners; however, elected officials did not get an "I want." The Commission could have an opinion, but there should be "We want." She said she was ashamed to be at this point and ashamed of the Commission's tones. She asked the Commission to grow up and do their job.

Comments/requests summaries:

11. Commissioner McVoy commented that he recollected Commission consensus on what to do at the beach. The Commission decided to invest in maintenance, have additional lifeguards and increase their hours, and a number of items that needed to be done. A consensus was reached on how the Commission wanted to do it. The shortfall in the Electric Fund was in the millions of dollars while the consensus for the Beach Fund was in the hundreds of thousands. Information provided by Burton and Associates showed that the City was not on course with the electric rate. He said he would not vote to approve the budget without an electric rate increase.
12. Mayor Triolo asked if the Electric Department's business model was bad. She commented that there was a need to approve the budget and, every year, everyone stood on their budget "soap box."

Mr. Borsch replied the Electric Department's business model was not bad.

13. Vice Mayor Maxwell asked if the City would meet the 3-month Electric Fund reserve.

Mr. Borsch replied "yes", the City could meet the 3-month reserve.

14. Mayor Triolo commented that she did research on the Beach Fund when there was a motion made by former Commissioner Jennings and seconded by former Commissioner Mulvehill to require the Casino Complex debt be switched to a traditional conventional loan. She asked when that decision was changed.

City Manager Bornstein replied the decision came later when it was learned that it would be cheaper for the City to loan itself the money rather than get a conventional loan.

15. Commissioner Amoroso commented that the Commission had to approve the budget. There was consensus that the budget would move forward, but tonight the budget was not moving forward. There was plenty of time for the Commission to educate themselves and to ask staff about the \$8 million Self-Insurance Fund.

16. Commissioner Maier commented that Vice Mayor Maxwell had stated that he would not approve the budget because of the rate increase in the Water Fund; however, the Water Utility Director said that it barely made a difference in the water rate if the Casino Complex debt payment schedule was extended. He asked if there was a Casino Complex debt payment going into the Capital Project Fund.

Mr. Hemraj replied that \$494,000 was borrowed from the Capital Project Fund.

17. Commissioner Maier commented that there was Commission consensus about the Beach Fund. The Commission exhausted every opportunity to discuss the Beach Fund while other funds were barely or not discussed at all. He said he understood that, while there would still be questions, it appeared at one point that the Electric Fund was in a bad situation then, at the next budget work session, the numbers showed the Electric Fund was not. He said he was looking for a clear answer from the Finance Director about the \$8 million in the Self-Insurance Fund and that he still felt uncomfortable with the answer.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioner Amoroso.
NAYS: Vice Mayor Maxwell and Commissioners McVoy and Maier.

Mayor Triolo left the meeting at 8:54 PM.

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to have discussion about the budget where the public was allowed to comment.

Vote: Voice vote showed: AYES: Commissioners McVoy and Maier. NAYS: Vice Mayor Maxwell and Commissioner Amoroso. Motion failed in a tie vote.

Comments/requests summaries:

18. Vice Mayor Maxwell said Commissioner Maier's comments were worthy of discussion, but there was a need for a motion to approve the budget tonight.

19. Commissioner Amoroso requested moving forward with the other agenda items without taking action on the budget item at this time.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to reorder the agenda and defer action on Resolution No. 53-2015 to the end agenda.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

C. Ordinance No. 2015-09 – Second Reading and Public Hearing – amend the City's rights-of-way regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-09 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 19, "STREETS AND SIDEWALKS", BY DELETING SECTION 19-7, "PERMIT REQUIRED FOR EXCAVATIONS IN, UPON, UNDER OR THROUGH PUBLIC WAYS", SECTION 19-8, "EXCAVATION PERMIT FEES", SECTION 19-9, "REFILLING, WATER TEMPING BY EXCAVATOR; RESURFACING BY CITY", SECTION 19-10, "PERMISSION REQUIRED FOR CONSTRUCTION IN, UPON OR OVER PUBLIC WAYS", AND ARTICLE II, "CONSTRUCTION", AS THESE SECTIONS ARE OUTDATED; ENACTING A NEW ARTICLE II, "UTILITIES IN THE RIGHTS OF WAY" AND ARTICLE VII, "COMMUNICATION FACILITIES IN THE RIGHTS OF WAY", TO PROMULGATE REGULATIONS REGARDING THE ADMINISTRATION OF THE CITY'S RIGHTS OF WAY; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2015-09 on second reading.

Vice Mayor Maxwell announced that this was the time for public comments. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

D. Ordinance No. 2015-10 – Second Reading and Public Hearing – amend the City’s Health and Sanitation Code

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-10 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 12 “HEALTH AND SANITATION”, ARTICLE II, “SOLID WASTE COLLECTION AND DISPOSAL”, TO REMOVE OUTDATED LANGUAGE AND TO MODIFY THE REQUIREMENTS FOR THE COLLECTION OF CONSTRUCTION AND DEMOLITION DEBRIS AND THE USE OF DUMPSTERS AND ROLL-OFF CONTAINERS; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2015-10 on second reading.

Vice Mayor Maxwell announced that this was the time for public comments. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

E. Ordinance No. 2015-11 – Second Reading and Public Hearing – amend the Unsafe Building Abatement Code

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-11 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9 “BUILDINGS AND STRUCTURAL REGULATIONS”, ARTICLE I “IN GENERAL”, SUBSECTION 9-2.2(G) TO CLARIFY NOTICE AND THE PROCEDURE FOR AN EMERGENCY DEMOLITION HEARING REQUEST; AMENDING SUBSECTION 9-2.2(I) TO REDUCE THE PUBLICATION REQUIREMENTS; AMENDING SUBSECTION 9-2.2(L) TO CLARIFY THE SPECIAL MAGISTRATE’S AUTHORITY TO ISSUE ORDERS AND TO ADDRESS CONFLICTS BETWEEN TIMES SET FOR COMPLIANCE AND PERMIT TIMELINES; AMENDING SUBSECTION 9-2.2(Q) TO REMOVE THE MANDATORY

RECORDING REQUIREMENT FOR LIENS AND TO CLARIFY THE CITY'S REMEDIES; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Maier and seconded by Commissioner Amoroso to approve Ordinance No. 2015-11 on second reading.

Vice Mayor Maxwell announced that this was the time for public comments. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

F. Ordinance No. 2015-12 – Second Reading and Public Hearing – amend various sections in the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-12 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 2 DIVISION 2, SECTION 23.2-36, REZONING OF LAND AND FUTURE LAND USE MAP (FLUM); ARTICLE 3, DIVISION 2, SECTION 23.3-7, RESIDENTIAL DISTRICTS; ARTICLE 3 DIVISION 6, SECTION 23.3-25(e), MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner Amoroso to approve Ordinance No. 2015-12 on second reading. Motion died for lack of a second.

NOTE: Under City Attorney's Report a motion was approved to reorder Ordinance No. 2015-12 to the end of the agenda.

9. APPROVAL OF MINUTES:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve the following minutes, as submitted:

- A. City Commission Budget Work Session – August 11, 2015**
- B. City Commission Budget Work Session – August 25, 2015**
- C. City Commission Meeting – September 1, 2015**

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None

10. CONSENT AGENDA:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the Consent Agenda.

A. First Amendment to Professional Services Agreement with NZ Consultants for Fiscal Year 2016

B. Authorize a Worker's Compensation payment for Richard A. Vignola

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

11. UNFNISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Ordinance No. 2015-13 – First Reading – designate the restricted/committed/assigned fund balances for Fiscal Year 2015 in accordance with GASB 54 and schedule the public hearing date for September 22, 2015

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-13 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING COMMITTED FUND BALANCES; DESIGNATING THE CITY MANAGER TO ASSIGN FUND BALANCES IN ACCORDANCE WITH THE CITY OF LAKE WORTH CODE; AND PROVIDING FOR THE EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2015-13 on first reading and schedule the public hearing date for September 22, 2015.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

B. Resolution No. 45-2015 – establish the Fiscal Year 2016 fees and charges for City general government

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 45-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING REASONABLE FEES FOR CITY SERVICES AND OTHER CHARGES FOR THE 2015-2016 FISCAL YEAR, AND PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Resolution No. 45-2015 establishing certain Fiscal Year 2016 fees and charges for City general government.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

NOTE: A motion was made and seconded to reconsider Resolution No. 45-2015 later in the meeting.

C. Resolution No. 51-2015 – establish the Fiscal Year 2016 rates and charges for the City electric utility

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 51-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR RATES, FEES AND CHARGES, AND REGULATIONS FOR ALL ELECTRICITY SOLD BY THE CITY OF LAKE WORTH FLORIDA FOR USE OF ELECTRIC LIGHT AND POWER SYSTEM; ADJUSTING THE GENERAL SERVICE AND ENERGY CHARGE RATES; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso to approve Resolution No. 51-2015 establishing the Fiscal Year 2016 rates and charges for the City electric utility. Motion died for lack of a second.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to reorder the agenda and defer action on Resolution No. 51-2015 to the end of the agenda after the Fiscal Year 2016 proposed budget resolution.

Vice Mayor Maxwell announced that it was time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

D. Adopt the Fiscal Year 2016-2020 Capital Improvement Plan

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adopt Fiscal Year 2016-2020 Capital Improvement Plan, subject to changes based on the adoption of the Fiscal Year 2016 Annual Operating Budget on September 22, 2015.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy and Amoroso. NAYS: Commissioner Maier.

13. LAKE WORTH ELECTRIC UTILITY:

A. CONSENT AGENDA:

There were no Lake Worth Electric Utility Consent Agenda items on the agenda.

B. PUBLIC HEARING:

There were no Lake Worth Electric Utility Public Hearing items on the agenda.

C. NEW BUSINESS:

There were no Lake Worth Electric Utility New Business items on the agenda.

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

Comment/request summary:

1. Commissioner Amoroso asked if Ordinance No. 2015-12 amending various sections in the City's Land Development Regulations could be discussed since the motion to approve died for lack of a second.

City Attorney Torcivia replied that the Ordinance could be brought back up.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to reorder Ordinance No. 2015-12 to the end of the meeting for further conversation.

Vice Mayor Maxwell announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

Mayor Triolo returned to the meeting at 9:07 PM and resumed the gavel.

Commissioner Amoroso left the meeting at 9:07 PM and returned at 9:09 PM.

Commissioner McVoy left the meeting at 9:08 PM.

8. PUBLIC HEARINGS:

B. (Reordered) Resolution No. 53-2015 – First Public Hearing – adopt the Fiscal Year 2015-2016 proposed City budget and schedule the second public hearing date for September 22, 2015.

Mayor Triolo announced that the Commission could talk about this issue; however, the budget needed to be approved on first public hearing.

Commissioner McVoy returned to the meeting at 9:10 PM.

City Attorney Torcivia advised that the millage and budget was usually discussed then adopted at the same time. The Fiscal Year 2016 millage was approved, but not the budget. He said he never researched the issue about what would happen if the millage rate was approved to levy taxes without adopting the budget. If the budget was not adopted tonight on first public hearing and the Commission decided to recess this issue to another meeting date then the calendar to set the second public hearing date would be thrown off. The County had their budget public hearing scheduled on September 21, 2015, so that date was not available to the Commission. There was a need to find a compromise because of the need to adopt the budget on first public hearing.

City Manager Bornstein explained that the budget process was difficult and the Commission had a most difficult job to do. The Commission was bombarded with a huge budget and some funds being highly regulated while others were not. This organization was not healthy, there were staff turnovers, and trying to find numbers that the Commission could trust. The budget should reflect a commonality. He said he did not want the Commission to think that these were bad numbers. There were disagreements about the Electric Utility Fund. At the Commission's direction there was an investment in employees with a 4% salary increase. There was a sewer and water rate increase, which was an

investment in the City's infrastructure. The Commission and staff did more at the Park of Commerce than the previous 20 years and it was something to be proud of. Lake Worth was going back to the State Legislators for more money. He said this budget was not bad. A public discussion was needed on issues, besides the electric rate and beach parking fees, that could be discussed right now. He asked what needed to be done to reach a compromise on the Beach Fund.

Comments/requests summaries:

1. Mayor Triolo commented that she did not want the beach parking fees increased. She said she did not vote for it and was not comfortable with it. There was a need to find other revenues and needed to figure out how long the Commission wanted to subsidize the Beach Fund.
2. City Manager Bornstein suggested increasing the beach parking fees and having a study done in six months to see how the rates were doing and bring the results back to the Commission in mid-year.
3. Commissioner Maier commented that Burton and Associates recommended increasing the electric rate in Fiscal Year 2016. Unless the Commission increase the rate, the Electric Fund would be in serious trouble with its reserve. The Electric Utility Director provided creativity to put the City in a position to not have to raise the electric rate this year. He asked for a guarantee that the Electric Fund reserve would not drop below four months.

Jack Borsch, Electric Utility Director, replied that he could not give a guarantee because the City was never to be at a four-month reserve.

4. Commissioner Maier asked if the Electric Fund reserve would continue to decrease.

Mr. Borsch replied that, according to Burton and Associates, the reserve would stay flat, but then the rates needed to be increased. He said he could not tell the Commission that there was a need for a rate increase until he cleaned out "his house" and until he could get his budget to a real place without "fluff." Afterwards, he said he could say to the Commission "with a straight face" that there was a need for a rate increase. He said he had only been with the City for five weeks. He commented that he could not "fluff" his budget with a rate increase, then look good to the Commission at the end of the fiscal year and give back money.

5. Commissioner Maier commented that Mr. Borsch was asking the Commission to take him at his word that he was finding chunks of

money all over the place.

Mr. Borsch replied that the City was sitting on money to upgrade for eight years while having line losses. This meant that it was dragging down the electric system. This was a sample of the savings that could be found.

6. Mayor Triolo commented that in 2011 there was discussion about the budget and \$2 million was found from various funds. There was padding in every enterprise fund.
7. Commissioner McVoy said he spoke to Burton and Associates and looked at their model. Mr. Borsch had indicated that there would not be a four or six-month reserve. The Commission agreed to a three-month reserve. He asked if the Electric Fund reserve would increase from 2.5 to 3 months if the budget was approved without an electric rate increase.

Mr. Borsch replied that Burton and Associates recommended a three-month reserve. The Burton and Associates graphs showed that the reserve would be flat this year.

8. Commissioner McVoy asked if the budget was approved without an electric rate adjustment would that action continue a downward slope until the rates were increased.

Mr. Borsch replied that his budget and rate numbers were flat, but his expenditures and rates evened out. He said he would hold his budget. He explained that the reserve gap did not reflect his operating budget. He would not use a rate increase to increase his operating budget.

9. Commissioner McVoy asked if the City's Electric Fund reserve would be looked at if the City went out and borrowed money.

Commissioner Amoroso replied that the City would look at Fiscal Year 2018 or 2019 before it went out for a bond.

10. Commissioner McVoy commented that it sounded like the Commission had already made a decision about the electric supply purchase.

Commissioner Amoroso replied the Commission had not already made a decision about the electric supply purchase; but if the Commission wanted to retool the Power Plant, then a bond would not be needed until Fiscal Year 2018 or 2019.

11. Commissioner McVoy commented that he heard about the Electric Utility Advisory Board's urgency to consider building the Power Plant.

City Manager Bornstein replied that he would ask the Electric Utility Advisory Board members about their deadline.

12. Mayor Triolo commented that the Commission should be passionate about the budget and needed to constantly review the funds. There was a need to be consistent and cover expenses in all funds.
13. Vice Mayor Maxwell commented that he heard that there was enough in the Fund Balance for one year while the Commission discussed the Casino Complex debt and pool. He suggested filling up the second floor space. He said he could not see increasing the beach parking rates and risk hurting the beach businesses. There was a need to do something different from what the City had been doing. If the Commission did nothing, then the City would have to subsidize the Casino Complex.
14. Vice Mayor Maxwell requested the beach parking rate not be changed.
15. Commissioner McVoy supported increasing the electric rate this year and commented that the Commission, during a budget work session, had already agreed on what to do with the Beach Fund.
16. Vice Mayor Maxwell commented that he and Mayor Triolo did not agree to increase the beach parking rate. The issue was not a unanimous consensus.

City Manager Bornstein replied that the Commission could have discussion on what it would mean to the budget if the rates were not increased.

17. Commissioner Amoroso commented that the budget would not work if the beach parking rates were not increased because of the capital improvements needed. He said Commissioner McVoy could not support an increase in the electric rates for the Electric Fund reserve while not supporting increasing the Beach Fund's reserve. Even if the second floor in the Casino Complex was rented, the Casino Complex still could not pay for itself. He said he voted to increase the beach parking rates this year and readdress the issue in one year.
18. City Manager Bornstein suggested, as a compromise, to increase the beach parking fee and review the Beach and Electric Funds in six months to see where they were going.

19. Commissioner Amoroso suggested giving the Electric Utility Director time to review his budget and review the Electric Fund in six months. He said people did not want the pool to close. If that issue was to be discussed, then it needed to be done in an open forum with the pros and cons discussed.
20. Vice Mayor Maxwell commented that taxes were being raised because of the rolled-back rate and the water rate was already increased. Now there was discussion about raising the electric rate and beach parking fees. He said he was not about this. None of the Commission was about this. The Commission was here to be fiscally responsible. There were new staff “sets of eyes” looking at the budget and what they were finding was poor past management. The experts said that it was not critical to raise the rates. The Commission made a commitment to be at electric rate parity. The Commission needed to be consistent, and if not, then they needed to agree on that inconsistency and provide their reasons why. As a body, the Commission had refused to acknowledge that the Beach Fund was bleeding even if the Casino Complex debt loan was not paid back. Rather than govern properly, the Commission raised the rates. In the past, 50% of the General Fund’s revenue was coming from the Utility Funds.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to extend the meeting past 10:00 PM one hour.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

Comments/requests summaries:

21. Commissioner McVoy commented that the Commission had already agreed to extend the lifeguard hours and the importance of investing \$100,000 per year for the Casino Complex for renewal and replacement. He said the Commission came to a reluctant agreement to keep the pool open 29 hours and agreed on the need for a Parking Technician. Some things the Commission accepted and some things the Commission said “it was a luxury” and the City could not afford. The Commission came up with a scheme to finance the items. There was discussion and no one would know if the beach parking rate would affect the number of people going to the beach. There was a reasonable plan to raise the beach parking and deal with the Casino Complex loan. He said he thought they were close on the electric and did not hear from anyone that they had a problem with raising the electric rate 1% in 2017, 2018, and 2019. He said he heard from the Water Utility Director that average

expenses across the nation would go up around 3% and those expenses needed to be financed. The City was artificially putting its hand in the Electric Fund's "cookie jar." He said he supported a 0.5% electric rate increase and maybe the 1% increase for 2017 could also be reduced.

Commissioner Maier left the meeting at 9:53 PM.

22. Mayor Triolo asked where the "cookie jar" and passion for the Beach Fund was. The City still did not have enough money to get "out of the red" even with the Casino Complex second floor completely leased at a decent rate. She asked, "Where was the consistency"? If the Commission was going to be good leaders, then they needed to create good business models.

Commissioner Maier returned to the meeting at 9:56 PM.

23. Commissioner McVoy commented that there was a prior agreement to increase the beach parking fees. He proposed raising the fees to \$2.25 year round, change the lifeguards from full-time to part-time, keep the extended lifeguard hours, and increase the electric rate by 0.5% in Fiscal Year 2016.
24. Vice Mayor Maxwell commented that compromises were already made by extending the Casino Complex loan payment term, now there was discussion about lifeguards, etc. Over the past several years, this staff had cobbled together a bare minimum Beach Fund budget. The purpose of the discussion at the beginning of the budget season was how to properly maintain and operate the beach. The first compromise was to extend the Casino Complex loan payment term and the second compromise was that the Commission did not get all of the things needed. Now the third compromise was to reduce the parking rate from \$2.50 for seasonal to \$2.25 year round. He said he would guarantee that there would be a need to increase the parking rate next year to cover the expenses at the beach. This was not discussion about the problems at the beach, but "kicking the can down the road." The Casino Complex was to pay for itself. The increase in beach parking rates was never intended to subsidize the Casino Complex or the pool. He asked when all five elected officials would admit that the entire business plan needed to be thrown out the window because it was flawed and did not work. He also asked when they would act like adults and figure out a way to fix the problem and move forward in a way that was fiscally responsible and not bearing the cost on the shoulders of the tax payers and visitors of the City. That was how the City got into the problem of increasing the electric rates. The City was able to reduce or keep the electric rates stable over the past five years

because of the excess reserves. The City did nothing more than rebate back to its customers what they paid into for many years because it was not managed properly. He said he would not compromise anymore and the whole process was bastardized.

25. Mayor Triolo and Commissioner Amoroso both commented that they would not vote in support of an electric rate increase.

Action: Motion made by Commissioner Amoroso to approve the budget with a beach parking fee increase; and to look at the Beach and Electric Funds in six months. Mayor Triolo passed the gavel to Vice Mayor Maxwell and seconded the motion.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioner Amoroso. NAYS: Vice Mayor Maxwell and Commissioners McVoy and Maier.

Action: Motion made by Mayor Triolo and seconded by Commissioner Amoroso to approve the budget without increasing the beach parking fee or electric rate; and review the Beach and Electric Funds in April 2016.

Comments/requests summaries:

26. Vice Mayor Maxwell asked what would happen to the Beach Fund next year.

City Manager Bornstein replied that there would be conversations about finding a tenant for the Casino Complex's second floor.

27. Commissioner McVoy commented that everyone was required to hook up to the electric system and that affected everyone. Not everyone went to the beach. There was a difference of thousands of dollars for the Beach Fund versus millions of dollars for the Electric Fund. He said he supported increasing the electric rate 0.5%. He also said that the City may not have to raise the rate another 0.5% in six months. He asked the Commission to stop taking from the Electric Fund reserve.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioner Amoroso. NAYS: Vice Mayor Maxwell and Commissioners McVoy and Maier.

Mayor Triolo resumed the gavel.

Comments/requests summaries:

28. Vice Mayor Maxwell commented that Mr. Borsch found \$3 million in the five weeks that he was with the City. He said he would be surprised if he did not see a savings trend and would not need a rate

increase in Fiscal Year 2017. He commented that staff was not concerned about adopting the Electric Fund budget.

Mayor Triolo passed the gavel to Vice Mayor Maxwell.

Action: Motion made by Mayor Triolo and seconded by Commissioner Amoroso to approve the budget without increasing the beach parking fee and revisiting the Beach Fund in six months.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso. NAYS: Commissioners McVoy and Maier.

12. NEW BUSINESS:

B. (Reconsider) Resolution No. 45-2015 – establish the Fiscal Year 2016 fees and charges for City general government

Action: Motion made by Mayor Triolo and seconded by Commissioner Amoroso to reconsider Resolution No. 45-2015.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso. NAYS: Commissioners McVoy and Maier.

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 45-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING REASONABLE FEES FOR CITY SERVICES AND OTHER CHARGES FOR THE 2015-2016 FISCAL YEAR, AND PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Mayor Triolo and seconded by Commissioner Amoroso to repeal the beach parking rate increase in Exhibit A of Resolution No. 45-2015; and approve amended Resolution No. 45-2015 establishing certain Fiscal Year 2016 fees and charges for City general government.

No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso. NAYS: Commissioner McVoy and Maier.

C. (Reordered) Resolution No. 51-2015 – establish the Fiscal Year 2016 rates and charges for the City electric utility

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 51-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR RATES, FEES AND CHARGES, AND

REGULATIONS FOR ALL ELECTRICITY SOLD BY THE CITY OF LAKE WORTH FLORIDA FOR USE OF ELECTRIC LIGHT AND POWER SYSTEM; ADJUSTING THE GENERAL SERVICE AND ENERGY CHARGE RATES; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Mayor Triolo and seconded by Commissioner Amoroso to approve Resolution No. 51-2015 establishing the Fiscal Year 2016 rates and charges for the City electric utility.

No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso. NAYS: Commissioners McVoy and Maier.

Mayor Triolo resumed the gavel.

8. PUBLIC HEARINGS:

F. (Reordered) Ordinance No. 2015-12 – Second Reading and Public Hearing – amend various sections in the City’s Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-12 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 2 DIVISION 2, SECTION 23.2-36, REZONING OF LAND AND FUTURE LAND USE MAP (FLUM); ARTICLE 3, DIVISION 2, SECTION 23.3-7, RESIDENTIAL DISTRICTS; ARTICLE 3 DIVISION 6, SECTION 23.3-25(e), MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to schedule a work shop meeting on this item as previously and unanimously voted on to do.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Commissioners McVoy and Maier. NAYS: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2015-12 on second reading.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso.

The voting process was interrupted by a request from Commissioners Maier and McVoy to comment.

Comments/requests summaries:

1. Commissioner Mainer asked about the intent of the ordinance and why there was a need for the Planned Unit Development (PUD) language.

William Waters, Community Sustainability Director, replied that one of the pieces was to address a provision in the code to request a rezoning, modification to the Comprehensive Plan, or a combination of both. Another piece was a mixed-use urban development provision that allowed a PUD in a mixed use district east of I-95, and another piece was to provide an incentive for single-story homes in single family zoning districts. He explained the requirements of a PUD.

2. Commissioner Maier asked if this ordinance could allow for the demolition of historical contributing structures and if losing a contributing structure took away the historical value in the neighborhood.

Mr. Waters replied that the Gulfstream Hotel's Certificate of Appropriateness to demolish a contributing structure was in 2007 or 2008. That approval ran out. Since then the buildings were not taken care of by the previous or current owners. He said it would be unlikely that the Historic Resource Preservation Board members would not support a demolish when the structures were in better condition in 2007. He said there was no language in the ordinance to prevent down zoning.

3. Commissioner Maier commented that when a PUD was being proposed a legal notice had to be published in a newspaper of general circulation. He asked why the notice was published in the Lake Worth Herald instead of the Palm Beach Post, which had a greater circulation.

Mr. Williams replied that the Palm Beach Post had a shorter deadline period and the Lake Worth Herald worked with staff to meet their deadline. The Lake Worth Herald cost one-third the price of the Palm Beach Post and, trying to be economically prudent with the City's money, staff chose to advertise in the Lake Worth Herald. In addition to the newspaper notice, staff was required to post a notice on the property, and send a certified letter to all property owners within 400 feet.

NOTE: After the meeting it was discovered that three members of the City Commission voted to approve the ordinance. However, due to procedural issues, a notice would be re-advertised and a public hearing conducted again on October 6, 2015.

15. CITY MANAGER'S REPORT

A. October 6, 2015 – draft Commission agenda

City Manager Bornstein did not provide a report.

16. ADJOURNMENT:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 10:35 PM.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: October 6, 2015

A digital audio recording of this meeting will be available in the Office of the City Clerk.

**MINUTES
CITY OF LAKE WORTH
SPECIAL MEETING OF THE CITY COMMISSION
SEPTEMBER 22, 2015 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso, and Ryan Maier. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Ryan Maier.

3. PUBLIC HEARINGS:

A. Resolution No. 52-2015 – Second Public Hearing – establish the Fiscal Year 2015-2016 tentative general City millage rate

Mayor Triolo announced the purpose of this meeting was to convene the second mandatory public hearing on the Fiscal Year 2015-2016 proposed millage rate and proposed operating budget as required by and pursuant to Sections 166 and 200.065 of the Florida Statutes.

She announced that on July 14, 2015, the Commission set a tentative millage rate of 5.4945 mils and was advertised in the Truth-in-Millage (TRIM) notices sent to property owners by the Palm Beach County Appraiser. On September 15, 2015, the Commission adopted a tentative millage rate of 5.4945 mils for Fiscal Year 2015-2016. On September 18, 2015, the second mandatory hearing was published in the Palm Beach Post announcing a proposed rate increase over the roll back rate and included the budget appropriation summary. She said the City had received proof of publication.

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 52-2015 OF THE CITY OF LAKE WORTH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; LEVYING MUNICIPAL TAXES ON ALL TAXABLE PROPERTY WITHIN THE CITY OF LAKE WORTH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

City Manager Bornstein announced that one of the requirements of the TRIM legislation was to provide information about why a proposed millage rate could be higher than the rolled back millage rate. He said the proposed tentative millage adopted by the City in July for TRIM purposes was 5.4945 mills, which was 8.53% more than the rolled back rate of 5.0628 mills.

He announced that the millage proposed to fund the Fiscal Year 2015-2016 budget was the same as last year's 5.4945 mills and that the current year proposed aggregate millage rate would generate approximately \$6,886,193 after a 5% collection allowance.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Resolution No. 52-2015 which adopted the final operating millage of 5.4945 for the 2015-2016 Fiscal Year.

Mayor Triolo announced that it was time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

B. Resolution No. 53-2015 – Second Public Hearing – adopt the Fiscal Year 2015-2016 proposed City budget

Comments/requests summaries:

1. Commissioner McVoy commented that the City had additional information that was not made available to the Commission prior to this meeting.

City Manager Bornstein replied that information was emailed to the Commission either last night or this morning. He said the graph was presented by Burton and Associates and the comments and red mark additions were written by Commissioner McVoy.

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 53-2015, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Resolution No. 53-2015 on second public hearing to adopt the final Fiscal Year 2015-2016 annual operating budget of the City of Lake Worth.

City Manager Bornstein announced that expenditures for the Fiscal Year 2016 annual operating budget totaled \$178,862,128 for all City funds. Highlights to the budget included no change in the General Fund millage rate of 5.4945 mils; no change in the County Fire Municipal Services Taxing Unit (MSTU) rate of 3.4581 mils; use of \$66,889 of General Fund available fund balance; 4% increase in salaries across the board; increase in ad valorem revenues of approximately \$458,000; additional State Shared Revenues of approximately \$383,000 over Fiscal Year 2015; increase in local sewer rates of 3%; increase in water rates of 3.5%; and no rate increases for electric, sanitation, or stormwater operations.

Mayor Triolo announced that this was the time for public comment.

Jo-Ann Golden said this was the first time the public was allowed to comment; however, there was a problem with the lack of participation in the budget process because the public meetings were work sessions. She said there was difficulty in adopting a budget which did not allow public comment.

Peggy Fisher said public comments were heard on September 15, 2015. She commented that it was unfortunate that the public spoke before she heard the Commission's discussions. She asked where the public's input would have been allowed if the electric rate was raised. She said she opposed any electric rate increase. She asked if Commissioner McVoy's distributed material was uploaded to the City's website.

Comments/requests summaries:

2. Vice Mayor Maxwell commented that he had a concern about a distributed document because it was altered by Commissioner McVoy. Only the graph portion should be made available to the public.
3. Commissioner McVoy agreed that the issue was important and it not being on the web and available at this late time. The City had Burton and Associates and Utility Financial Solutions working on the electric rates. In prior years, Utility Financial Solutions presented the electric rates during a public meeting, but not this year. He said he raised his concerns about the numbers because they were different between Burton and Associates and Utility Financial Solutions. He commented that he raised this issue with Burton and Associates at the last budget work session. He said he did not know that the Electric Utility Director spoke to Burton and Associates and that the City was whittling down

its reserve, which was not a responsible thing to do. He said it concerned him that Burton and Associates presented three options about the declining reserve in an email sent to the Electric Utility Director on September 15, 2015, but that information was not presented during the Commission's meeting.

4. Commissioner McVoy commented that the graph he distributed was a caption of options sent by Burton and Associates. He said he added his text about the options. A 76 cent per month increase to customers would raise the Electric Fund reserve. He said this information should have been presented at the Commission's September 15, 2015, meeting.
5. Mayor Triolo commented that she and Vice Mayor Maxwell did not vote to raise the electric rate.
6. Vice Mayor Maxwell commented that, when the budget process began several months ago, it looked like the electric rate needed to be raised. He said he told the City Manager that something needed to be done. Then a new Electric Utility Director was hired and he found \$2.8 million that was not being used. He said he objected to Commissioner McVoy's distributed document and asked that it be marked as being Commissioner McVoy's opinion before it was uploaded to the City's website. He said he could live with the graph and asked why it was not made available on September 15, 2015.

City Manager Bornstein replied that the Burton and Associates model was interactive, several scenarios were presented to the Commission, and it was not a static screen shot. The Commission played with the different rates and structures. He said he was not sure if the graph distributed was a screen shot of one of the scenarios.

7. Commissioner McVoy commented that the Electric Fund numbers moved from plus \$20 million to negative \$10 million. He asked how the fund could swing \$30 million. He said he spoke with Burton and Associates, and the City should have a minimum of three-months in reserve. He asked that the graph and email sent to the Electric Utility Director be placed in the record. He said he was concerned that, for 76 cents a month, the City could start turning its electric utility back to where it should go.
8. Mayor Triolo commented that the document needed to be put back into its original graph form without any additional embellishments. Commissioner McVoy's comments were duly noted and in the record.
9. Vice Mayor Maxwell commented that the distributed document showed the source as being from Burton and Associates. The added text was

inappropriate.

City Manager Bornstein replied that discussion about the added graph text would be noted in the minutes.

10. Commissioner McVoy commented that all of the text, with the exception of the word "healthy", came straight from Burton and Associates. He said he added the three options.
11. Vice Mayor Maxwell asked the City Clerk to note that the red marks and the option narratives were from Commissioner McVoy and not from Burton and Associates.

City Manager Bornstein asked that the full data be added because there were a lot of moving parts. The City could take the full scenarios and place them on one sheet. There were a lot of assumptions and someone needed to look at the entire study when looking at one piece. The whole sheet could be added along with the scenarios.

12. Commissioner McVoy commented that it was his job to make sure the City was operating in accordance with acceptable standard business practices. Based on what he saw, he said the City was not. He said he had no argument that an explicit rate study should have been done this year, like every other year. He was only made aware of the information last week and received it yesterday. The Commission now have the information and the City had it. It would be irresponsible not to correct the electric rate at once since the Commission were aware of the information.
13. Mayor Triolo commented that the Commission approved a law to be at electric rate parity with Florida Power & Light. She asked how the Commission would go about being at rate parity while raising the rate.
14. Commissioner McVoy said rate parity was the City's own rule. It was the Commission's responsibility to manage the City. The Commission created a business model, which stated that the City would not look at its revenues and expenses and just set a rate. That was not a business model that would stand up in any Master of Business Administration program anywhere. It would be incumbent upon the Commission to look at whether the City would still be in compliance with the law if 76 cents per month was added to the average bill since rate parity had not yet been reached. The bigger law would be whether it was wise to operate the Electric Fund below its reserve. Increasing the rate would fix the reserve or the Commission could choose not to.
15. Mayor Triolo commented that every budget cycle was a moving target, and the Commission could always make budget amendments. This

was a strong issue, and the Commission was trying to create an atmosphere to be consistent. In Fiscal Year 2009, Burton and Associates did a rate study and their recommendation was to raise the water rates 13%. The following year, the Commission did not raise the water rates that much. Even though Burton and Associates recommended increasing the rate 13%, the Commission increased it by 11%. She said this was an example of what the Commission did to be fiscally responsible. The budget was a moving document that had a lot of things factored in. Commissioner McVoy was talking about a 1% electric rate increase, while the Commission was addressing a 13% increase in 2009 and did not listen to Burton and Associates.

16. Vice Mayor Maxwell commented that the City borrowed at least \$6 million to construct the Casino Complex and borrowed an untold number of dollars for the beachfront property infrastructure. Not only did the Commission continue to find ways to keep things solvent and stable, but found millions of dollars to throw at a beach project. This Commission and the previous Commission worked hard with staff to find efficiencies and mistakes. The process worked and was working for the people. Staff was doing their job, saving money, and coming up with ideas. The Commission was taking staff's advice and thinking outside the box. He said that when he was elected back into office, he was exasperated to learn that 50% of the General Fund was funded through utility-related revenues, which was discovered in 2010. At that time he said he was on the minority side of the Commission, but persuaded the Commission to reduce the electric rate. The Commission reduced the rate without raising the millage and did what they set out to do, which was to remove the disincentives in the community. As property values rise, the City would reduce its dependence on the utility funds. He said he was committed to going in a different direction for the people to live in paradise.
17. Commissioner McVoy asked when Vice Mayor convinced the Commission not to raise the electric rate.

Vice Mayor Maxwell replied that it was in the Fiscal Year 2010-2011 budget when the 50% contribution to the General Fund was uncovered, and the electric rate was reduced in Fiscal Year 2012.

18. Commissioner McVoy commented that the Comprehensive Annual Financial Report (CAFR) listed, for the past 10 years, the average monthly residential electric bill was flat and did not do much. The policy of reducing the rate was wonderful but did nothing to affect customers' residential bills. The rate had little influence on people's actual bills and on the community. He said the rate had an influence on the health and wellbeing of the utility. The Commission was making choices that did nothing for residents in terms of their real bill, but were

doing unhealthy things to the Electric Utility Fund.

19. Mayor Triolo commented that one of the biggest disincentive to moving to Lake Worth was its electric rate and lowering it was important. A new Electric Utility Director said there were a lot of good working parts that would put the City in a positive direction. In addition, the Director did not recommend a rate increase. She said the Commission created a policy and law and she asked the City Attorney what needed to be done to increase the electric rate against the parity law.

City Attorney Torcivia replied that the Commission would have to repeal or amend its parity rate ordinance. The ordinance required rate parity within five years, and the City was currently in its third year. He said the City had not yet reached parity.

20. Vice Mayor Maxwell said he was disappointed that, with Commissioner McVoy's expertise and education, he did not understand the relationship with a rate. It was a choice that people made. If the customer's bill had not changed, then it was because of a lifestyle change. It was not just rate, but reducing consumption. There were people today who could turn on their air conditioner and could not five years ago because of the cost of electricity.

Commissioner Amoroso called the question.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso. NAYS: Commissioners McVoy and Maier.

C. Ordinance No. 2015-13 – Second Reading and Public Hearing – designate the restricted/committed/assigned fund balance for Fiscal Year 2015 in accordance with GASB 54

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-13 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING COMMITTED FUND BALANCES; DESIGNATING THE CITY MANAGER TO ASSIGN FUND BALANCES IN ACCORDANCE WITH THE CITY OF LAKE WORTH CODE; AND PROVIDING FOR THE EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-13 to designate the Committed Fund Balances for Fiscal Year 2015 in accordance with GASB-54.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

4. NEW BUSINESS:

A. Resolution No. 54-2015 – establish the rates and charges for the City sub-regional sewer utility for Fiscal Year 2016

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 54-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR RATES, FEES AND CHARGES FOR USE OF THE REGIONAL SEWAGE DISPOSAL SYSTEM OF THE CITY OF LAKE WORTH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS OR CONFLICTING PARTS OF RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to repeal Resolution No. 48-2015 and approve Resolution No. 54-2015 to establish the Fiscal Year 2016 rates and charges for the City sub-regional sewer utility.

Mayor Triolo announced that this was the time for public comment. No one from the public commented.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

5. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to adjourn the meeting at 6:50 PM.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: October 6, 2015

A digital audio recording of this meeting will be available in the Office of the City Clerk.



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: Human Resources

EXECUTIVE BRIEF

TITLE:

Resolution No. 55-2015 – amend the list of observed legal holidays to add Columbus Day

SUMMARY:

This Resolution will add Columbus Day as an observed legal holiday for City employees.

BACKGROUND AND JUSTIFICATION:

On September 29, 2015, the City Commission approved ratification of a collective bargaining agreement with the International Brotherhood of Electrical Workers (IBEW), which included adding Columbus Day to their list of observed legal holidays. Staff and representatives of the Public Employees Union (PEU) and Professional Manager's & Supervisor's Association Union (PMSA) continue to be in ongoing negotiations.

Since Columbus Day is observed this year on October 12, 2015, which will occur prior to conclusion of negotiations or ratification of these two union agreements, a resolution to include this holiday is being requested.

MOTION:

I move to approve/not approve Resolution No. 55-2015.

ATTACHMENT(S):

Fiscal Impact Analysis – Not Applicable
Resolution

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RESOLUTION NO. 55-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING THE SECOND MONDAY IN OCTOBER AS A LEGAL HOLIDAY FOR ALL CITY EMPLOYEES; AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO ESTABLISH RULES FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the second Monday in October is observed as a national holiday; and

WHEREAS, in recognition of this national holiday, the City desires to add to the list of observed City employee legal holidays Columbus Day; designated this year as October 12, 2015; and

WHEREAS, the City finds approving the second Monday in October as a holiday day off for all City employees serves a valid public purpose.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing recitals are incorporated into this Resolution by reference as true and correct statements.

Section 2. The City Commission approves the second Monday in October as a holiday day off for all City employees.

Section 3. The Human Resources Director is authorized to establish rules for all employees to take part in the second Monday in October, designated this year as October 12, 2015, holiday day off to address shift scheduling and/or particular or unique circumstances.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

The adoption of this Resolution was moved by Commissioner _____ and seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Scott Maxwell
- Commissioner Christopher McVoy
- Commissioner Andy Amoroso
- Commissioner Ryan Maier

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The Mayor thereupon declared this Resolution duly passed and adopted this 6th day of October, 2015.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk



AGENDA DATE: October 06, 2015, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Resolution No. 56-2015 - amended agreement with the Supervisor of Elections Office for equipment use and election services and designate the Municipal Canvassing Board and designate the Municipal Canvassing Board.

SUMMARY:

The Resolution amends the 2015 agreement with the County Supervisor of Elections and appoints three members to the Municipal Canvassing Board.

BACKGROUND AND JUSTIFICATION:

Every year, the City approves a one-year agreement with the County Supervisor of Elections (SOE) for equipment use and election services. This agreement outlines all duties, responsibilities, and fees associated with the SOE assisting local municipal elections. Changes, shown in red in the attached agreement, include adding the General Election date, specifying the minimum number of Municipal Canvassing Board members, and increasing the number of days to designate early voting sites. The term of the agreement is from January 1 through December 31, 2016, and the cost for this service remains the same as in 2015. The City Clerk's Office has budgeted \$36,400 in Fiscal Year 2016 to conduct municipal elections.

The Resolution also designates the City Clerk, Internal Auditor, and retired judge or attorney having Constitutional knowledge to serve as the City's Canvassing Board.

MOTION:

I move to approve/disapprove Resolution No. 56-2015.

ATTACHMENT(S):

Fiscal Impact Analysis
Agreement – showing changes
Agreement
Resolution

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	\$36,400	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	\$36,400	0	0	0	0

No. of Addn'l Full-Time Employee Positions	0	0	0	0	0
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B. Recommended Sources of Funds/Summary of Fiscal Impact: Funding for the election is from accounts 001-1030-511-13-10 (Other Salaries/Part Time), 001-1030-511-49-10 (Other Current Charges /Obligations /Advertising) and 001-1030-511-49-50 (Other Current Charges/Obligations/Elections)

City Clerk		Municipal General Elections			
Account Number (s)	Account Description (s)	FY 2016 Budget	Current Balance	Agenda Expenses	Remaining Balance
001-1030-511-13-10	Other Salaries/ Part Time	40,144	Pending Bud Apprv	(20,000)	20,144
001-1030-511-49-10	Other Current Charges/Advertising	1,392	Pending Bud Apprv	(1,392)	1,392
001-1030-511-49-50	Other Current Charges/Elections	15,000	Pending Bud Apprv	(15,000)	15,000
Total				(36,392)	

C. Department Fiscal Review: pjl

**AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES
BY AND BETWEEN
THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE
CITY OF LAKE WORTH**

THIS AGREEMENT, is made and entered into this day of _____, 2015, effective January 1, 2016, by and between the Palm Beach County Supervisor of Elections, an elected county officer pursuant to Article VIII, Sec.1(d) of the *Florida Constitution*, hereinafter referred to as the “**SOE**”, and the City of Lake Worth, a municipal corporation, chartered and organized in accordance with the laws of the State of Florida, hereinafter referred to as the “Municipality”.

WITNESSETH:

WHEREAS, Chapters 97 to 106, *Florida Statutes*, constitute the Florida Election Code (the “Code”) which applies to municipalities where expressly so stated; and

WHEREAS, Sec 100.3605, *Florida Statutes*, states that “[T]he Florida Election Code, chapters 97-106 shall govern the conduct of a municipality’s election in the absence of an applicable special act, charter, or ordinance provision”; and

WHEREAS, the Municipality and the SOE desire to work together to provide for municipal elections and to allocate certain responsibilities and expenses between the two parties to ensure that the provisions of the Code are followed during municipal elections; and

WHEREAS, the SOE and the Municipality wish to enter into this Agreement to set out the terms of this coordinated program.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of the Municipality, its constituents and the SOE, it is agreed as follows:

1. **PURPOSE:**

The purpose of this Agreement is to set forth the terms and conditions under which services will be provided by the SOE and staff to the Municipality for municipal elections and to set forth the responsibilities of both parties so that there is a clear understanding of the rights and responsibilities of all parties. Such rights and responsibilities shall apply to the General, Run-Off, Special and Recount elections as necessary as well as the Post Election Audit, unless otherwise stated hereinbelow.

2. **DATE OF GENERAL MUNICIPAL ELECTION:**

The date of City of Lake Worth’s General Municipal election is **March 15, 2016**. It is hereby acknowledged and agreed that if the date listed is the same as most other municipalities in March or November, there will be a cost sharing among municipalities for costs incurred by the SOE. Such costs shall be allocated on a pro-rata share basis; otherwise,

it is hereby acknowledged and agreed upon by the municipality that it is responsible for all costs of the election, incurred by the office of the SOE.

3. FEES AND CHARGES TO BE PAID BY THE MUNICIPALITY:

The SOE hereby agrees not to charge Municipalities for taxpayer purchased equipment and supplies; (i.e. voting machines, tables, chairs, etc.) and associated maintenance and contract fees related to such equipment in return for which the Municipality hereby agrees not to charge the SOE for polling places or poll worker training facilities within its dominion and control. Examples of municipal elections charges related to certain services performed by the SOE to be passed through to the Municipality on a shared pro rata basis for all municipalities holding elections on a general election day (i.e. 2nd Tuesday in March or November) are attached here as Exhibit A. All items to be paid or reimbursed to the SOE will be paid by the Municipality within thirty (30) days of receipt of an invoice from the SOE with documentation verifying the charges.

Examples of total costs to small, medium and large municipalities are attached hereto as Exhibit B.

4. RESPONSIBILITIES OF BOTH THE MUNICIPALITY AND THE SOE FOR MUNICIPAL ELECTIONS:

A. Notice and Advertisement

(1) Municipality

- (a) Properly call and advertise the election according to statutes and charter at its own expense.
- (b) Issue a resolution or ordinance to the SOE requesting that the Supervisor of Elections conduct the municipality's election, provide ballot language for any ballot questions within the resolution if applicable and appoint **at least 3** members of the Municipality's Canvassing Board, which may or may not include the SOE, at the SOE's discretion.
- (c) certify that the registered voter information provided by the SOE to the municipality reflects the proper boundaries of the city and notify the SOE of any changes.

(2) SOE

- (a) Publish legal notices for Logic & Accuracy testing, absentee ballot canvass, Post Election Audit and news releases on book closing.

B. Qualifying Candidates and Petition Initiatives

(1) Municipality

- (a) Provide qualifying packets to candidates and accept and process all qualifying papers and fees.
- (b) Collect Name and Pronunciation Guides from the candidates at the time of qualifying and submit to SOE.
- (c) Respond to all candidate inquiries and questions.
- (d) Respond to all legal inquiries and questions.
- (e) Respond to all media inquiries.
- (f) Provide all necessary information and materials for petition initiative process

(2) **SOE**

- (a) Verify signatures on any qualifying petitions submitted by candidates or for petition initiatives and notify the municipality of such results upon the close of the candidate qualifying or petition initiative deadlines as applicable.

C. Ballots

(1) **Municipality**

- (a) Review, amend (if necessary) and approve ballot proof prepared by SOE.
- (b) Place an order with the SOE for a sufficient quantity of ballots as applicable.
- (c) Pay ballot design costs to the SOE as incurred.
- (d) Pay the ballot printer directly for the cost of said ballots.
- (e) Reimburse the SOE for costs incurred for translation and audio recording of ballot.
- (f) Reimburse SOE for preparation of Absentee Ballot, Edge layout and Sample Ballot.

(2) **SOE**

- (a) Layout, check, proof and deliver ballot layout to the printer.
- (b) Receive, securely store and account for all ballots until disbursed to polling places.
- (c) Contract to have audio recorded for Touch Screen ballot.
- (d) Control all access to unvoted ballots while in the possession of the SOE.

D. Equipment Testing

(1) **Municipality**

- (a) Provide that a representative will be present during the Logic and Accuracy testing as noticed by SOE.

(2) **SOE**

- (a) Develop a unique test script and manually mark ballots to be used in public Logic & Accuracy test.
- (b) Conduct public Logic & Accuracy test.

E. Early Voting – Optional

(1) **Municipality**

- (a) Reimburse the SOE for staff overtime hours due to weekend and/or evening hours for Early Voting.
- (b) Pay SOE for Early Voting supplies.
- (c) Contract with, schedule and pay poll workers directly.
- (d) Deliver voted ballots to SOE daily at a location designated by SOE.
- (e) Designate Early Voting sites ~~thirty (30)~~ 120 days prior to each Election and notify SOE in writing of locations.

(2) SOE

- (a) Prepare and provide all supplies needed for each Early Voting site.
- (b) Provide the Municipality with a list of poll workers.
- (c) Train poll workers.
- (d) Provide staffing to accept voted ballots daily at a location designated by SOE.

F. Absentee Voting

(1) Municipality

- (a) Reimburse SOE for all postage costs incurred at the current postal rate.
- (b) Pay SOE for materials and handling of each absentee ballot.
- (c) Pay SOE \$.10 per absentee ballot for verifying signatures on returned voted ballot certificates.
- (d) Refer all requests for absentee ballots to SOE.

(2) SOE

- (a) Determine eligibility and compile Absentee Ballot file.
- (b) Accept all requests for Absentee Ballots by telephone, mail or in person.
- (c) Prepare and mail Absentee Ballots.
- (d) Deliver Absentee Ballots to the Post Office.
- (e) Receive voted Absentee Ballots.
- (f) Verify signatures on returned voted Absentee Ballot certificates.
- (g) Prepare and open Absentee Ballots for tabulation.
- (h) Account for all Absentee Ballots.
- (i) Notify Absentee Ballot voter and provisional voters of the disposition of the Canvassing Board as required by law.
- (j) Record Absentee Ballot returns to voter history.
- (k) Conduct public testing of Logic and Accuracy for Absentee Ballot tabulating equipment.
- (l) Provide qualified staff to operate tabulation equipment to count Absentee Ballots.

G. Polling Places

(1) Municipality

- (a) Arrange for the use of an adequate number of polling places.
- (b) Confirm polling place accessibility and ADA compliance.
- (c) Notify SOE in writing thirty (30) days prior to election of the need for tables and chairs if necessary.
- (d) Notify SOE of polling locations to be used no later than noon the Friday after the municipal candidate qualifying deadline.
- (e) Notify the SOE not less than 30 days prior to the election that a polling place will be moved to another site.
- (f) Notify voters, as required by law, if their regular polling place is to be temporarily relocated.

(2) SOE

- (a) Provide the Municipality with a list of polling places and SOE contract.
- (b) Provide tables and chairs upon written notice from the Municipality when required.
- (c) Provide polling place supplies, i.e. signs, cones, etc.
- (d) Notify voters and the Municipality of permanent polling place change(s).

H. Precinct Supplies

(1) Municipality

- (a) Pay SOE for precinct supplies provided.
- (b) Provide a secure place for precinct clerks to return supplies and voted ballots on election night.
- (c) Pay SOE for the production of Precinct Registers or for programming electronic poll books and related communication fees.
- (d) Pay directly to the SOE's contracted moving company to have voting equipment delivered and picked up from polling place no later than the day before the election and returned after the election.

(2) SOE

- (a) Provide Precinct Registers or electronic poll books for each polling place location.
- (b) Provide Master CD compilation of registered voters for precinct advisors or provide up to date electronic poll books.
- (c) Provide certification of registered voters after book closing.
- (d) Prepare equipment, cabinets and routing of voting equipment delivery.
- (e) Provide laptop computer at each polling place or electronic poll books.
- (f) Provide CD of voter file database for each polling place or up to date electronic poll books.
- (g) Provide poll worker Clerks with cell phones.
- (h) Provide Provisional Ballot envelopes and affidavit forms for each polling place.
- (i) Provide secrecy sleeves in a number and amount appropriate for each polling place.

I. Poll Workers

(1) Municipality

- (a) Contact, contract with and pay poll workers directly (using only poll workers who are currently on the SOE list, or individuals who have successfully completed required training).
- (b) Schedule and notify poll workers of training classes.
- (c) Reimburse SOE for expenses incurred for delivery and pick up of equipment to training locations.
- (d) Reimburse SOE for expenses incurred in printing training material.
- (e) Reimburse SOE for expenses incurred for trainers to train poll workers.
- (f) Reimburse SOE for expenses incurred for contracted training locations.

(2) **SOE**

- (a) Provide the Municipality with a list of current poll workers.
- (b) Develop poll worker training schedule.
- (c) Plan and contract for training classes and locations.
- (d) Contract with and pay trainers to train poll workers.
- (e) Provide printed training materials for poll workers.

J. Election Day Support

(1) **Municipality**

- (a) Verify that all polling places are available to poll workers no later than 6:00 a.m. and open for voting promptly at 7:00 a.m. on Election Day.
- (b) Ensure that all polling places remain open until 7:00 p.m. or until all voters who are in line to vote at 7:00 p.m. have completed voting.
- (c) Reimburse SOE for all phone bank costs.

(2) **SOE**

- (a) Provide an additional list of poll worker replacements if needed.
- (b) Provide technical support personnel as needed.
- (c) Provide phone bank support to respond to poll workers and voters on Election Day.

K. Ballot Tabulation/Counting of Election Results

(1) **Municipality**

- (a) Deliver all voted ballots and other necessary election related items to a place designated by the SOE after the polling places have closed on Election Day.
- (b) Deliver **all** voting machine cartridges to a place designated by the SOE after the polling places have closed on Election Day.
- (c) Reimburse the SOE for any staff overtime and other expenses in relation to the tabulation and processing of ballots on Election Day.
- (d) Act as member of Canvassing Board.

(2) **SOE**

- (a) Provide technical staff and required equipment to administer tabulation and election results.
- (b) Assist and act, or appoint a designee to assist and act on the SOE's behalf, as a member of the Municipality's Canvassing Board if desired by the municipality and approved by the SOE or act as a member of the County Canvassing Board if it canvasses the municipality's election, if allowed by law.
- (c) Post election results on SOE WEB site and provide the same to Channel 20.
- (d) Provide the Municipal Clerk with unofficial election results upon conclusion of tabulation and canvassing of ballots cast on Election Day.

L. Post Election Day

(1) **Municipality**

(2) SOE

- (a) Provide the Municipal Clerk with an official certification of election results if allowed by law.
- (b) Store all necessary election records and ballots until the expiration of retention period prescribed by statutes.
- (c) Process polling place affirmation forms.
- (d) Sort, inventory, pack and store all election materials for retention and disposition.
- (e) Notify voters of the disposition of their Absentee or Provisional Ballots after the determination by the Canvassing Board, as required by law.
- (f) Respond to public records requests regarding records kept on behalf of the Municipality.
- (g) Record voting history for each voter who voted on Election Day.

M. Audit

(1) Municipality

- (a) Provide that the Municipal Clerk will be responsible for the administration of the audit.
- (b) Reimburse SOE for any staff time or other related expenses as may result from conducting the manual audit.

(2) SOE

- (a) Organize precinct information to allow the Municipal Clerk to randomly select the race and precinct(s) that shall be audited.
- (b) Organize and prepare ballots for manual audit.
- (c) Provide SOE staff to conduct manual audit.
- (d) Ascertain and publically post manual audit result to SOE WEB site.

N. Recount

(1) Municipality

- (a) Provide that the Municipal Clerk will be responsible for the administration of the Recount, with support and guidance from the SOE.
- (b) Act as a member of the Canvassing Board.
- (c) Notify the candidates of the time and date of the Recount.
- (d) Post public notice(s) of the Recount with the time and location.
- (e) Cause to have the Recount recorded and minutes kept and approved by the Canvassing Board.
- (f) Review with the Canvassing Board and the counting teams the statutes and rules of the Division of Elections, specifically Rule 1S-2.031. Recount Procedures; and Rule 1S-2.027. Standards for Determining Voter's Choice on a Ballot.
- (g) Reimburse the SOE for all staff salaries/overtime, facility and other expenses required to conduct the Recount.

(2) **SOE**

- (a) Post public notice(s) of the Recount with the time and location.
- (b) Test tabulating equipment as required by Sec. 101.5612, *Florida Statutes*.
- (c) Provide counting teams for examining out stacked ballots.
- (d) Prepare and organize ballots for Recount processing.
- (e) Tabulate ballots and provide professional staff for equipment operations.
- (f) Provide official certification as determined by the Canvassing Board.

5. **INDEMNITY:**

Each party to this agreement shall be liable for its own actions and negligence. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless SOE against any actions, claims or damages arising out of the Municipality's negligence in connection with performance under this Agreement; and the SOE shall indemnify, defend and hold harmless the Municipality against any actions, claims or damages arising out of the negligence of SOE in connection with its performance under this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes*. In no case shall such limits for the Municipality extend beyond \$200,000 for any one person or beyond \$300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions. In the event of litigation, trial or appellate, between the Municipality and the SOE relating to a municipal election governed by this Agreement, or otherwise in connection with the interpretation or application of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Notwithstanding the above, the municipality shall defend legal challenges relating to its municipal election and shall be fully responsible for all legal costs including attorneys' fees for such defense of the Municipality and the SOE. The municipality shall be responsible for damages, if any, assessed by virtue of such lawsuit, up to the monetary limits provided for hereinabove without recourse to the SOE.

6. In the event of a Special Election, the municipality shall receive the approval of the Supervisor of Elections for the actual election date no later than 90 days prior to a Special Election unless otherwise provided in law. The expense of any Special Election shall include all actual costs incurred by the Supervisor of Elections, including hourly and salaried staff costs and other related election expenses as documented.

7. **TERM:**

This Agreement shall begin on the effective date January 1, 2015~~6~~ and continue for a term of one year in order to cover Special Elections, if any, and may be modified by mutual agreement of the parties. Any proposed changes to this Agreement shall be provided to the municipalities no later than August 1 of the applicable year, or as soon as practicable.

8. **CHANGE IN LAW:**

In the event any change in law abrogates or modifies any provisions or applications of this Agreement, the parties hereto agree to enter into good faith negotiations and use their best efforts to reach a mutually acceptable modification of this Agreement.

9. **NOTICES:**

All formal notices affecting the provisions of this Agreement may be delivered in person or be sent by facsimile, registered mail, or by a recognized overnight courier such as FedEx, to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For the SOE:	City of Lake Worth:
Supervisor of Elections 240 S. Military Trail West Palm Beach, Florida 33415 Attention: Susan Bucher	City Clerk 7 North Dixie Highway Lake Worth, FL 33460 Attention: Pamela J. Lopez

10. **SEVERABILITY:**

If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid or unenforceable for any cause or reason, or is abrogated or negated by a change in law, the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been incorporated herein.

11. By signing this contract, you and your municipality approve the contract as a form of legal sufficiency and certify that this contract has met all of the legal requirements of your Municipal Charter and all other related laws.

12. **NO MODIFICATION EXCEPT IN WRITING:**

This is the complete and final agreement between the parties. No representations other than those set forth herein shall be binding upon the parties. No modification of this agreement shall be effective unless submitted in writing and signed by both parties, or their duly authorized representatives.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective January 1, 2015/6.

As to the SOE:

WITNESSES:

SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY

Susan Bucher

Date: _____

As to the MUNICIPALITY:

ATTEST:

CITY OF LAKE WORTH

Pamela J. Lopez, Municipal Clerk

Pam Triolo, Mayor

(Affix Municipal Seal)

Date: _____

Approved as to form and legal sufficiency:

Glen J. Torcivia, City Attorney

Exhibit A

	A	B	C	D	E	F	G
2	Supervisor of Elections 2015 Municipal Elections Cost Details						
3							
4				Single Election			Uniform Elections
5	ABSENTEE BALLOTS						
6	Set up fee		0.40			0.03	
7	On Call Support - Pitney Bowes Prepare and mail absentee ballots (machine use, voter file, postage) -					0.16	
8	materials and postage		2.20			2.20	
9	Provide absentee voting - prep and mailing; staff time		1.66			0.90	
10	Process absentee ballot requests; staff time		0.96			0.96	
11	Recording/verification of Absentee Ballot returns - staff time		0.96			0.96	
12	Notification to voters of Absentee Ballots on the disposition of Canvassing Board		0.10			0.10	
13	TOTAL ABSENTEE BALLOT SERVICES		6.29	Cost per AB Ballot processed		5.31	Cost per AB Ballot processed
14							
15	MUNICIPAL PACKAGE						
16	Arrange for translating, printing and recording of audio ballot		TBD	<i>Actual charges to munis that require translation service, plus IT time to be added</i>		TBD	<i>Actual charges to munis that require translation service, plus IT time to be added</i>
17	Provide polling place supplies – signs, cones, tables, chairs, etc.		25.00			25.00	
18	Publish legal notices (L&A testing, AB canvassing)		532.09			82.14	
19	L&A test development (unique test script, manual ballot marking, pretesting for comparisons and pulling equipment for public tests)		143.58			207.76	
20	Election Day support (all staff available & phone bank for voters)		1,151.73	no phone bank		483.97	phone bank included
21	Election Morning and Night OT staff		2,753.01			556.86	
24	Assist the municipality with canvass of Absentee Ballots		314.16			314.16	
28	Post election results on SOE website and Channel 20		97.27			97.27	
27	Interface with candidates, press, city staff, city attorneys regarding Election Law		171.58			171.58	
28	Assist in finding poll worker replacements		51.59			51.59	
29	Conduct mandatory audit days after election		141.52			141.52	
30	Provide certification of registered voters after book closing		64.18			64.18	
31	Prepare voter data for e-pollbook (EPB) upload		79.41			79.41	

	A	B	C	D	E	F	G
2	Supervisor of Elections 2015 Municipal Elections Cost Details						
3							
4			Single Election			Uniform Elections	
32	Prepare Absentee Ballot, Edge layout and Sample Ballot		128.35			128.35	
33	Prepare Absentee Ballot, Edge layout and Sample Ballot		158.81			158.81	
34							
35	TOTAL MUNICIPAL PACKAGE SERVICES		5,812.28	Municipal Package Cost excluding translation services		2,562.60	Municipal Package Cost excluding translation services
36							
37	PRECINCT SERVICES						
38	Prepare Clerk bags incl Ipad, cell phones and election materials - IT and PW Staff time		12.83			12.83	
39	Delivery and Pick up of voting equipment to training locations		12.53			3.91	
40	Prepare equipment cabinets and routing plan for voting equipment		21.49			21.49	
41	Prepare precinct scanners and ADA Touch screen equipment		21.49			21.49	
42	Post Election_Voting history requirements		31.92			31.92	
43	Plan training class locations/trainers payroll/printed training materials		58.65			58.65	
44	iPAD programming and prep time _IT staff		9.59			9.59	
45	iPADs Data Service		144.00			144.00	
46	Notification to provisional voters re: the disposition of Canvassing Board		5.81			5.81	
47	Copy of current polling place contract		0.15			0.15	
48	List of precinct poll workers		0.15			0.15	
49							
50	TOTAL PRECINCT SERVICES		318.61	Cost per precinct		310.00	Cost per precinct

**PALM BEACH COUNTY SUPERVISOR OF ELECTIONS
Municipal Elections Charges**

Cost Examples - Small, Medium, Large Municipalities

Uniform Election Costs *

MUNICIPALITY	MUNICIPAL PACKAGE	ABSENTEE BALLOTS	PRECINCTS	TOTAL COST
HAVERRHILL	\$2,563	40 @ \$5.31	4 @ \$310.00	\$4,015
RIVIERA BEACH	\$2,563	1,209 @ \$5.31	17 @ \$310.00	\$14,252
BOCA RATON	\$2,563	3,304 @ \$5.31	47 @ \$310.00	\$34,677

Single Election *

MUNICIPALITY	MUNICIPAL PACKAGE	ABSENTEE BALLOTS	PRECINCTS	TOTAL COST
HAVERRHILL	\$5,812	40 @ \$6.29	4 @ \$318.61	\$7,338
RIVIERA BEACH	\$5,812	1,209 @ \$6.29	17 @ \$318.61	\$18,833
BOCA RATON	\$5,812	3,304 @ \$6.29	47 @ \$318.61	\$41,569

* Costs exclude expenses absorbed by municipalities i.e.; poll worker payroll, precinct rentals, ballot translations, ballot printing, advertising, precinct security and election day equipment delivery

**AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES
BY AND BETWEEN
THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE
CITY OF LAKE WORTH**

THIS AGREEMENT, is made and entered into this ____ day of _____, 2015, effective January 1, 2016, by and between the Palm Beach County Supervisor of Elections, an elected county officer pursuant to Article VIII, Sec.1(d) of the *Florida Constitution*, hereinafter referred to as the “SOE”, and the City of Lake Worth, a municipal corporation, chartered and organized in accordance with the laws of the State of Florida, hereinafter referred to as the “Municipality”.

WITNESSETH:

WHEREAS, Chapters 97 to 106, *Florida Statutes*, constitute the Florida Election Code (the “Code”) which applies to municipalities where expressly so stated; and

WHEREAS, Sec 100.3605, *Florida Statutes*, states that “[T]he Florida Election Code, chapters 97-106 shall govern the conduct of a municipality’s election in the absence of an applicable special act, charter, or ordinance provision”; and

WHEREAS, the Municipality and the SOE desire to work together to provide for municipal elections and to allocate certain responsibilities and expenses between the two parties to ensure that the provisions of the Code are followed during municipal elections; and

WHEREAS, the SOE and the Municipality wish to enter into this Agreement to set out the terms of this coordinated program.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter contained to be kept and performed by the parties hereto, and for the mutual benefit of the Municipality, its constituents and the SOE, it is agreed as follows:

1. **PURPOSE:**

The purpose of this Agreement is to set forth the terms and conditions under which services will be provided by the SOE and staff to the Municipality for municipal elections and to set forth the responsibilities of both parties so that there is a clear understanding of the rights and responsibilities of all parties. Such rights and responsibilities shall apply to the General, Run-Off, Special and Recount elections as necessary as well as the Post Election Audit, unless otherwise stated hereinbelow.

2. **DATE OF GENERAL MUNICIPAL ELECTION:**

The date of City of Lake Worth’s General Municipal election is March 15, 2016. It is hereby acknowledged and agreed that if the date listed is the same as most other municipalities in March or November, there will be a cost sharing among municipalities for costs incurred by the SOE. Such costs shall be allocated on a pro-rata share basis; otherwise,

it is hereby acknowledged and agreed upon by the municipality that it is responsible for all costs of the election, incurred by the office of the SOE.

3. FEES AND CHARGES TO BE PAID BY THE MUNICIPALITY:

The SOE hereby agrees not to charge Municipalities for taxpayer purchased equipment and supplies; (i.e. voting machines, tables, chairs, etc.) and associated maintenance and contract fees related to such equipment in return for which the Municipality hereby agrees not to charge the SOE for polling places or poll worker training facilities within its dominion and control. Examples of municipal elections charges related to certain services performed by the SOE to be passed through to the Municipality on a shared pro rata basis for all municipalities holding elections on a general election day (i.e. 2nd Tuesday in March or November) are attached here as Exhibit A. All items to be paid or reimbursed to the SOE will be paid by the Municipality within thirty (30) days of receipt of an invoice from the SOE with documentation verifying the charges.

Examples of total costs to small, medium and large municipalities are attached hereto as Exhibit B.

4. RESPONSIBILITIES OF BOTH THE MUNICIPALITY AND THE SOE FOR MUNICIPAL ELECTIONS:

A. Notice and Advertisement

(1) Municipality

- (a) Properly call and advertise the election according to statutes and charter at its own expense.
- (b) Issue a resolution or ordinance to the SOE requesting that the Supervisor of Elections conduct the municipality's election, provide ballot language for any ballot questions within the resolution if applicable and appoint at least 3 members of the Municipality's Canvassing Board, which may or may not include the SOE, at the SOE's discretion.
- (c) certify that the registered voter information provided by the SOE to the municipality reflects the proper boundaries of the city and notify the SOE of any changes.

(2) SOE

- (a) Publish legal notices for Logic & Accuracy testing, absentee ballot canvass, Post Election Audit and news releases on book closing.

B. Qualifying Candidates and Petition Initiatives

(1) Municipality

- (a) Provide qualifying packets to candidates and accept and process all qualifying papers and fees.
- (b) Collect Name and Pronunciation Guides from the candidates at the time of qualifying and submit to SOE.
- (c) Respond to all candidate inquiries and questions.
- (d) Respond to all legal inquiries and questions.
- (e) Respond to all media inquiries.
- (f) Provide all necessary information and materials for petition initiative process

(2) SOE

- (a) Verify signatures on any qualifying petitions submitted by candidates or for petition initiatives and notify the municipality of such results upon the close of the candidate qualifying or petition initiative deadlines as applicable.

C. Ballots

(1) Municipality

- (a) Review, amend (if necessary) and approve ballot proof prepared by SOE.
- (b) Place an order with the SOE for a sufficient quantity of ballots as applicable.
- (c) Pay ballot design costs to the SOE as incurred.
- (d) Pay the ballot printer directly for the cost of said ballots.
- (e) Reimburse the SOE for costs incurred for translation and audio recording of ballot.
- (f) Reimburse SOE for preparation of Absentee Ballot, Edge layout and Sample Ballot.

(2) SOE

- (a) Layout, check, proof and deliver ballot layout to the printer.
- (b) Receive, securely store and account for all ballots until disbursed to polling places.
- (c) Contract to have audio recorded for Touch Screen ballot.
- (d) Control all access to unvoted ballots while in the possession of the SOE.

D. Equipment Testing

(1) Municipality

- (a) Provide that a representative will be present during the Logic and Accuracy testing as noticed by SOE.

(2) SOE

- (a) Develop a unique test script and manually mark ballots to be used in public Logic & Accuracy test.
- (b) Conduct public Logic & Accuracy test.

E. Early Voting – Optional

(1) Municipality

- (a) Reimburse the SOE for staff overtime hours due to weekend and/or evening hours for Early Voting.
- (b) Pay SOE for Early Voting supplies.
- (c) Contract with, schedule and pay poll workers directly.
- (d) Deliver voted ballots to SOE daily at a location designated by SOE.
- (e) Designate Early Voting sites 120 days prior to each Election and notify SOE in writing of locations.

(2) SOE

- (a) Prepare and provide all supplies needed for each Early Voting site.
- (b) Provide the Municipality with a list of poll workers.
- (c) Train poll workers.
- (d) Provide staffing to accept voted ballots daily at a location designated by SOE.

F. Absentee Voting

(1) Municipality

- (a) Reimburse SOE for all postage costs incurred at the current postal rate.
- (b) Pay SOE for materials and handling of each absentee ballot.
- (c) Pay SOE \$.10 per absentee ballot for verifying signatures on returned voted ballot certificates.
- (d) Refer all requests for absentee ballots to SOE.

(2) SOE

- (a) Determine eligibility and compile Absentee Ballot file.
- (b) Accept all requests for Absentee Ballots by telephone, mail or in person.
- (c) Prepare and mail Absentee Ballots.
- (d) Deliver Absentee Ballots to the Post Office.
- (e) Receive voted Absentee Ballots.
- (f) Verify signatures on returned voted Absentee Ballot certificates.
- (g) Prepare and open Absentee Ballots for tabulation.
- (h) Account for all Absentee Ballots.
- (i) Notify Absentee Ballot voter and provisional voters of the disposition of the Canvassing Board as required by law.
- (j) Record Absentee Ballot returns to voter history.
- (k) Conduct public testing of Logic and Accuracy for Absentee Ballot tabulating equipment.
- (l) Provide qualified staff to operate tabulation equipment to count Absentee Ballots.

G. Polling Places

(1) Municipality

- (a) Arrange for the use of an adequate number of polling places.
- (b) Confirm polling place accessibility and ADA compliance.
- (c) Notify SOE in writing thirty (30) days prior to election of the need for tables and chairs if necessary.
- (d) Notify SOE of polling locations to be used no later than noon the Friday after the municipal candidate qualifying deadline.
- (e) Notify the SOE not less than 30 days prior to the election that a polling place will be moved to another site.
- (f) Notify voters, as required by law, if their regular polling place is to be temporarily relocated.

(2) SOE

- (a) Provide the Municipality with a list of polling places and SOE contract.
- (b) Provide tables and chairs upon written notice from the Municipality when required.
- (c) Provide polling place supplies, i.e. signs, cones, etc.
- (d) Notify voters and the Municipality of permanent polling place change(s).

H. Precinct Supplies

(1) Municipality

- (a) Pay SOE for precinct supplies provided.
- (b) Provide a secure place for precinct clerks to return supplies and voted ballots on election night.
- (c) Pay SOE for the production of Precinct Registers or for programming electronic poll books and related communication fees.
- (d) Pay directly to the SOE's contracted moving company to have voting equipment delivered and picked up from polling place no later than the day before the election and returned after the election.

(2) SOE

- (a) Provide Precinct Registers or electronic poll books for each polling place location.
- (b) Provide Master CD compilation of registered voters for precinct advisors or provide up to date electronic poll books.
- (c) Provide certification of registered voters after book closing.
- (d) Prepare equipment, cabinets and routing of voting equipment delivery.
- (e) Provide laptop computer at each polling place or electronic poll books.
- (f) Provide CD of voter file database for each polling place or up to date electronic poll books.
- (g) Provide poll worker Clerks with cell phones.
- (h) Provide Provisional Ballot envelopes and affidavit forms for each polling place.
- (i) Provide secrecy sleeves in a number and amount appropriate for each polling place.

I. Poll Workers

(1) Municipality

- (a) Contact, contract with and pay poll workers directly (using only poll workers who are currently on the SOE list, or individuals who have successfully completed required training).
- (b) Schedule and notify poll workers of training classes.
- (c) Reimburse SOE for expenses incurred for delivery and pick up of equipment to training locations.
- (d) Reimburse SOE for expenses incurred in printing training material.
- (e) Reimburse SOE for expenses incurred for trainers to train poll workers.
- (f) Reimburse SOE for expenses incurred for contracted training locations.

(2) SOE

- (a) Provide the Municipality with a list of current poll workers.
- (b) Develop poll worker training schedule.
- (c) Plan and contract for training classes and locations.
- (d) Contract with and pay trainers to train poll workers.
- (e) Provide printed training materials for poll workers.

J. Election Day Support

(1) Municipality

- (a) Verify that all polling places are available to poll workers no later than 6:00 a.m. and open for voting promptly at 7:00 a.m. on Election Day.
- (b) Ensure that all polling places remain open until 7:00 p.m. or until all voters who are in line to vote at 7:00 p.m. have completed voting.
- (c) Reimburse SOE for all phone bank costs.

(2) SOE

- (a) Provide an additional list of poll worker replacements if needed.
- (b) Provide technical support personnel as needed.
- (c) Provide phone bank support to respond to poll workers and voters on Election Day.

K. Ballot Tabulation/Counting of Election Results

(1) Municipality

- (a) Deliver all voted ballots and other necessary election related items to a place designated by the SOE after the polling places have closed on Election Day.
- (b) Deliver **all** voting machine cartridges to a place designated by the SOE after the polling places have closed on Election Day.
- (c) Reimburse the SOE for any staff overtime and other expenses in relation to the tabulation and processing of ballots on Election Day.
- (d) Act as member of Canvassing Board.

(2) SOE

- (a) Provide technical staff and required equipment to administer tabulation and election results.
- (b) Assist and act, or appoint a designee to assist and act on the SOE's behalf, as a member of the Municipality's Canvassing Board if desired by the municipality and approved by the SOE or act as a member of the County Canvassing Board if it canvasses the municipality's election, if allowed by law.
- (c) Post election results on SOE WEB site and provide the same to Channel 20.
- (d) Provide the Municipal Clerk with unofficial election results upon conclusion of tabulation and canvassing of ballots cast on Election Day.

L. Post Election Day

(1) Municipality

(2) SOE

- (a) Provide the Municipal Clerk with an official certification of election results if allowed by law.
- (b) Store all necessary election records and ballots until the expiration of retention period prescribed by statutes.
- (c) Process polling place affirmation forms.
- (d) Sort, inventory, pack and store all election materials for retention and disposition.
- (e) Notify voters of the disposition of their Absentee or Provisional Ballots after the determination by the Canvassing Board, as required by law.
- (f) Respond to public records requests regarding records kept on behalf of the Municipality.
- (g) Record voting history for each voter who voted on Election Day.

M. Audit

(1) Municipality

- (a) Provide that the Municipal Clerk will be responsible for the administration of the audit.
- (b) Reimburse SOE for any staff time or other related expenses as may result from conducting the manual audit.

(2) SOE

- (a) Organize precinct information to allow the Municipal Clerk to randomly select the race and precinct(s) that shall be audited.
- (b) Organize and prepare ballots for manual audit.
- (c) Provide SOE staff to conduct manual audit.
- (d) Ascertain and publically post manual audit result to SOE WEB site.

N. Recount

(1) Municipality

- (a) Provide that the Municipal Clerk will be responsible for the administration of the Recount, with support and guidance from the SOE.
- (b) Act as a member of the Canvassing Board.
- (c) Notify the candidates of the time and date of the Recount.
- (d) Post public notice(s) of the Recount with the time and location.
- (e) Cause to have the Recount recorded and minutes kept and approved by the Canvassing Board.
- (f) Review with the Canvassing Board and the counting teams the statutes and rules of the Division of Elections, specifically Rule 1S-2.031. Recount Procedures; and Rule 1S-2.027. Standards for Determining Voter's Choice on a Ballot.
- (g) Reimburse the SOE for all staff salaries/overtime, facility and other expenses required to conduct the Recount.

(2) SOE

- (a) Post public notice(s) of the Recount with the time and location.
- (b) Test tabulating equipment as required by Sec. 101.5612, *Florida Statutes*.
- (c) Provide counting teams for examining out stacked ballots.
- (d) Prepare and organize ballots for Recount processing.
- (e) Tabulate ballots and provide professional staff for equipment operations.
- (f) Provide official certification as determined by the Canvassing Board.

5. **INDEMNITY:**

Each party to this agreement shall be liable for its own actions and negligence. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless SOE against any actions, claims or damages arising out of the Municipality's negligence in connection with performance under this Agreement; and the SOE shall indemnify, defend and hold harmless the Municipality against any actions, claims or damages arising out of the negligence of SOE in connection with its performance under this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes*. In no case shall such limits for the Municipality extend beyond \$200,000 for any one person or beyond \$300,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions. In the event of litigation, trial or appellate, between the Municipality and the SOE relating to a municipal election governed by this Agreement, or otherwise in connection with the interpretation or application of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Notwithstanding the above, the municipality shall defend legal challenges relating to its municipal election and shall be fully responsible for all legal costs including attorneys' fees for such defense of the Municipality and the SOE. The municipality shall be responsible for damages, if any, assessed by virtue of such lawsuit, up to the monetary limits provided for hereinabove without recourse to the SOE.

6. In the event of a Special Election, the municipality shall receive the approval of the Supervisor of Elections for the actual election date no later than 90 days prior to a Special Election unless otherwise provided in law. The expense of any Special Election shall include all actual costs incurred by the Supervisor of Elections, including hourly and salaried staff costs and other related election expenses as documented.

7. **TERM:**

This Agreement shall begin on the effective date January 1, 2016 and continue for a term of one year in order to cover Special Elections, if any, and may be modified by mutual agreement of the parties. Any proposed changes to this Agreement shall be provided to the municipalities no later than August 1 of the applicable year, or as soon as practicable.

8. **CHANGE IN LAW:**

In the event any change in law abrogates or modifies any provisions or applications of this Agreement, the parties hereto agree to enter into good faith negotiations and use their best efforts to reach a mutually acceptable modification of this Agreement.

9. **NOTICES:**

All formal notices affecting the provisions of this Agreement may be delivered in person or be sent by facsimile, registered mail, or by a recognized overnight courier such as FedEx, to the individual designated below, until such time as either party furnishes the other party written instructions to contact another individual.

For the SOE:	City of Lake Worth:
Supervisor of Elections 240 S. Military Trail West Palm Beach, Florida 33415 Attention: Susan Bucher	City Clerk 7 North Dixie Highway Lake Worth, FL 33460 Attention: Pamela J. Lopez

10. **SEVERABILITY:**

If any clause, section, or provision of this Agreement shall be declared to be unconstitutional, invalid or unenforceable for any cause or reason, or is abrogated or negated by a change in law, the same shall be eliminated from this Agreement, and the remaining portion of this Agreement shall be in full force and effect and be valid as if such invalid portions thereof had not been incorporated herein.

11. By signing this contract, you and your municipality approve the contract as a form of legal sufficiency and certify that this contract has met all of the legal requirements of your Municipal Charter and all other related laws.

12. **NO MODIFICATION EXCEPT IN WRITING:**

This is the complete and final agreement between the parties. No representations other than those set forth herein shall be binding upon the parties. No modification of this agreement shall be effective unless submitted in writing and signed by both parties, or their duly authorized representatives.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement effective January 1, 2016.

As to the SOE:

WITNESSES:

SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY

Susan Bucher

Date: _____

As to the MUNICIPALITY:

ATTEST:

CITY OF LAKE WORTH

Pamela J. Lopez, Municipal Clerk

Pam Triolo, Mayor

(Affix Municipal Seal)

Date: _____

Approved as to form and legal sufficiency:



Glen J. Torcivia, City Attorney

Exhibit A

	A	B	C	D	E	F	G
2	Supervisor of Elections 2015 Municipal Elections Cost Details						
3							
4			Single Election			Uniform Elections	
5	ABSENTEE BALLOTS						
6	Set up fee		0.40			0.03	
7	On Call Support - Pitney Bowes Prepare and mail absentee ballots (machine use, voter file, postage) -					0.16	
8	materials and postage		2.20			2.20	
9	Provide absentee voting - prep and mailing; staff time		1.66			0.90	
10	Process absentee ballot requests; staff time		0.96			0.96	
11	Recording/verification of Absentee Ballot returns - staff time		0.96			0.96	
12	Notification to voters of Absentee Ballots on the disposition of Canvassing Board		0.10			0.10	
13	TOTAL ABSENTEE BALLOT SERVICES		6.29	Cost per AB Ballot processed		5.31	Cost per AB Ballot processed
14							
15	MUNICIPAL PACKAGE						
16	Arrange for translating, printing and recording of audio ballot		TBD	<i>Actual charges to munis that require translation service, plus IT time to be added</i>		TBD	<i>Actual charges to munis that require translation service, plus IT time to be added</i>
17	Provide polling place supplies – signs, cones, tables, chairs, etc.		25.00			25.00	
18	Publish legal notices (L&A testing, AB canvassing)		532.09			82.14	
19	L&A test development (unique test script, manual ballot marking, pretesting for comparisons and pulling equipment for public tests)		143.58			207.76	
20	Election Day support (all staff available & phone bank for voters)		1,151.73	no phone bank		483.97	phone bank included
21	Election Morning and Night OT staff		2,753.01			556.86	
24	Assist the municipality with canvass of Absentee Ballots		314.16			314.16	
26	Post election results on SOE website and Channel 20		97.27			97.27	
27	Interface with candidates, press, city staff, city attorneys regarding Election Law		171.58			171.58	
28	Assist in finding poll worker replacements		51.59			51.59	
29	Conduct mandatory audit days after election		141.52			141.52	
30	Provide certification of registered voters after book closing		64.18			64.18	
31	Prepare voter data for e-pollbook (EPB) upload		79.41			79.41	

	A	B	C	D	E	F	G
2	Supervisor of Elections 2015 Municipal Elections Cost Details						
3							
4			Single Election			Uniform Elections	
32	Prepare Absentee Ballot, Edge layout and Sample Ballot		128.35			128.35	
33	Prepare Absentee Ballot, Edge layout and Sample Ballot		158.81			158.81	
34							
35	TOTAL MUNICIPAL PACKAGE SERVICES		5,812.28	Municipal Package Cost excluding translation services		2,562.60	Municipal Package Cost excluding translation services
36							
37	<u>PRECINCT SERVICES</u>						
38	Prepare Clerk bags incl Ipad, cell phones and election materials - IT and PW Staff time		12.83			12.83	
39	Delivery and Pick up of voting equipment to training locations		12.53			3.91	
40	Prepare equipment cabinets and routing plan for voting equipment		21.49			21.49	
41	Prepare precinct scanners and ADA Touch screen equipment		21.49			21.49	
42	Post Election_Voting history requirements		31.92			31.92	
43	Plan training class locations/trainers payroll/printed training materials		58.65			58.65	
44	iPAD programming and prep time _IT staff		9.59			9.59	
45	iPADs Data Service		144.00			144.00	
46	Notification to provisional voters re: the disposition of Canvassing Board		5.81			5.81	
47	Copy of current polling place contract		0.15			0.15	
48	List of precinct poll workers		0.15			0.15	
49							
50	TOTAL PRECINCT SERVICES		318.61	Cost per precinct		310.00	Cost per precinct

**PALM BEACH COUNTY SUPERVISOR OF ELECTIONS
Municipal Elections Charges**

Cost Examples - Small, Medium, Large Municipalities

Uniform Election Costs *

MUNICIPALITY	MUNICIPAL PACKAGE	ABSENTEE BALLOTS	PRECINCTS	TOTAL COST
		# ballots @5.31	# precincts @ \$310.00	
HAVERHILL	\$2,563	40	4	\$4,015
RIVIERA BEACH	\$2,563	1,209	17	\$14,252
BOCA RATON	\$2,563	3,304	47	\$34,677

Single Election *

MUNICIPALITY	MUNICIPAL PACKAGE	ABSENTEE BALLOTS	PRECINCTS	TOTAL COST
		# ballots @6.29	# precincts @ \$318.61	
HAVERHILL	\$5,812	40	4	\$7,338
RIVIERA BEACH	\$5,812	1,209	17	\$18,833
BOCA RATON	\$5,812	3,304	47	\$41,569

* Costs exclude expenses absorbed by municipalities i.e., pollworker payroll, precinct rentals, ballot translations, ballot printing, advertising, precinct security and election day equipment delivery

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RESOLUTION NO. 56-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AN AMENDED AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF LAKE WORTH; DESIGNATING THE CITY'S CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 6, 2015, the City of Lake Worth approved an amended agreement with the Palm Beach County Supervisor of Elections for vote processing equipment use and election services; and

WHEREAS, the Palm Beach County Supervisor of Elections requests all municipalities provide additional language to the agreement; and

WHEREAS, the City of Lake Worth shall conduct its annual Municipal General Election to coincide with the date for the countywide or statewide election, on Tuesday, March 15, 2016, pursuant to the City Charter, Article III, Section 2; and

WHEREAS, if necessary, the City of Lake Worth shall conduct its Run-Off Election on Tuesday, March 29, 2016, pursuant to the City Charter, Article V, Section 4; and

WHEREAS, Section 2, *Date of General Municipal Elections* of the agreement is revised to include the City's General Municipal election date; and

WHEREAS, Section 4, *Responsibilities of Both the Municipality and the SOE for Municipal Elections*, subsection A, *Notice and Advertisement*, of the agreement is revised to add language regarding the minimum number of members to serve on a Municipality's Canvassing Board; and subsection B, *Qualifying Candidates*, is revised to increase the number of days needed to designate early voting sites; and

WHEREAS, Section 7, *Term*, of the agreement is revised to provide for an effective date of January 1, 2016; and

WHEREAS, the City Commission hereby appoints the City Clerk, Internal Auditor, and either a retired judge or attorney with Constitutional knowledge to serve as members of the City's Canvassing Board; and

WHEREAS, the needed changes have been included in a new amended agreement between the City of Lake Worth and the Palm Beach County Supervisor of Elections.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that

51 Section 1. The foregoing recitals are hereby ratified and confirmed as being
52 true and correct and are hereby made a specific part of this specific part of this
53 Resolution.
54

55 Section 2. The new amended agreement for vote processing equipment use
56 and election services by and between the Palm Beach County Supervisor of
57 Elections and the City of Lake Worth is hereby approved and confirmed.
58

59 Section 3. The City Commission hereby appoints the City Clerk, Internal Auditor,
60 and either a retired judge or attorney with Constitutional knowledge to serve as
61 members of the City's Canvassing Board for the Municipal General Election
62 scheduled for Tuesday, March 15, 2016, Run-Off Election, if necessary,
63 scheduled for Tuesday, March 29, 2016, and all Special Elections during the
64 2016 calendar year.
65

66 Section 4. This resolution shall become effective upon its adoption
67

68 The passage of this Resolution was moved by Commissioner _____
69 seconded by Commissioner _____, and upon being put to a vote, the vote was
70 as follows:
71

- 72 Mayor Pam Triolo
- 73 Vice Mayor Scott Maxwell
- 74 Commissioner Christopher McVoy
- 75 Commissioner Andy Amoroso
- 76 Commissioner Ryan Maier
- 77

78 The Mayor thereupon declared this Resolution duly passed and adopted
79 this 6th day of October, 2015.
80

LAKE WORTH CITY COMMISSION

84 By: _____
85 Pam Triolo, Mayor

86 ATTEST:

87 _____
88 Pamela J. Lopez, City Clerk
89



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 57-2015 - Amendment 001 to the Interlocal Agreement for the CDBG-funded 11th Avenue South Right-of-Way Improvements project

SUMMARY:

The Resolution extends the 11th Avenue South Right-of-Way Improvements Project's completion date from September 30, 2016 to March 31, 2017.

BACKGROUND AND JUSTIFICATION:

On May 19, 2015, Palm Beach County and the City entered into an Interlocal Agreement for the 11th Avenue South Right-of-Way Improvements Project (Project Interlocal Agreement) that sets forth the terms and conditions for the expenditure of \$267,396 in Community Development Block Grant funds for the development of a pedestrian friendly greenway in the unimproved public right-of-way of 11th Avenue South between South A and South G Streets. Specific improvements for the project will consist of clearing and grubbing of the site, construction of concrete sidewalks and driveways, landscaping of the area, and other work associated with, and pertinent to, the installation of the greenway. All improvements will be ADA compliant.

As a result of master planning efforts by the City and combining water, sewer, drainage and roadway projects, the City will be installing a new water main along the public right of way of 11th Avenue South between South A Street and South G Street. The additional utility infrastructure work will necessarily delay the start of the greenway construction, thereby affecting the time of performance as originally set forth in the Interlocal Agreement.

MOTION:

I move to approve/not approve Resolution No. 57-2015.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution
Amendment 001

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RESOLUTION NO. 57-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AMENDMENT 001 TO THE 11TH AVENUE SOUTH RIGHT-OF-WAY IMPROVEMENTS PROJECT INTERLOCAL AGREEMENT TO EXTEND THE TIME OF PERFORMANCE; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 001 TO THE PROJECT INTERLOCAL AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on May 19, 2015, Palm Beach County and the City entered into an Interlocal Agreement for the 11th Avenue South Right-of-Way Improvements Project (“Project Interlocal Agreement”) that sets forth the terms and conditions for the expenditure of \$257,396 in Community Development Block Grant (CDBG) funds for this purpose; and

WHEREAS, the original Project Interlocal Agreement established September 30, 2016 as the deadline for completion for all project activities; and

WHEREAS, the City will be installing new water mains in the project site beneath the road bed prior to the construction of the new greenway; and

WHEREAS, the installation of the utility infrastructure improvements will necessarily delay the start of the greenway construction; and

WHEREAS, both parties desire to amend the original Project Interlocal Agreement to establish March 31, 2017 as the revised completion date for all project activities as stated in Amendment 001 to the Project Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WORTH, FLORIDA, that:

SECTION 1: The City Commission of the City of Lake Worth, Florida, hereby approves Amendment 001 to the 11th Avenue South Right-of-Way Improvements Project Interlocal Agreement to establish March 31, 2017 as the revised completion date for all project activities, and authorizes the Mayor to execute Amendment 001 to the Project Interlocal Agreement.

SECTION 2: Upon execution of the Resolution and three (3) originals of Amendment 001 to the 11th Avenue South Right-of-Way Project Interlocal Agreement (Amendment), a copy of the Resolution and the three originals of the Amendment shall be forwarded to Palm Beach County Department of Economic Sustainability for presentation to the Board of County Commissioners for its approval. One copy of the executed Resolution shall be forwarded to the Public Services Director. The fully executed original Resolution shall be maintained by the City Clerk as a public record of the City.

SECTION 3: This Resolution shall become effective upon adoption.

**AMENDMENT 001 TO THE AGREEMENT
WITH
CITY OF LAKE WORTH**

Amendment 001 entered into on _____ by and between Palm Beach County and the City of Lake Worth.

WITNESSETH:

WHEREAS, Palm Beach County entered into an Agreement (R2015-0630) with the City of Lake Worth on May 19, 2015, to provide \$267,396 of Community Development Block Grant (CDBG) funds for the construction of a greenway along 11th Avenue South from South A Street to South G Street; and

WHEREAS, the parties wish to modify both the project completion date and the performance requirements associated with the project; and

WHEREAS, both parties desire to amend the original Agreement in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

A. INCORPORATION OF RECITALS

The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

B. SECTION 6: MAXIMUM COMPENSATION

Replace "September 30, 2016" with "March 31, 2017".

C. SECTION 7: TIME OF PERFORMANCE

Replace "September 30, 2016" with "March 31, 2017".

D. EXHIBIT A – WORK PROGRAM NARRATIVE: SECTION I.H – PERFORMANCE REQUIREMENTS

Replace "September 30, 2016" with "March 31, 2017" and

Delete the Monthly Performance Requirements and dates and replace them with the following:

Advertise and Accept bids by	January 15, 2016
Start Construction by	April 1, 2016
Complete Construction by	September 1, 2016
Submit Final Reimbursement Request by	November 1, 2016

Except as modified by this Amendment 001, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof. This Amendment 001 is expressly contingent upon the approval of the County and shall become effective only when signed by all parties.

IN WITNESS WHEREOF, the Municipality and the County have caused this Amendment 001 to be executed on the date first above written.

(MUNICIPALITY SEAL BELOW)

CITY OF LAKE WORTH

By: _____
Pam Triolo, Mayor

By: _____
Pamela J. Lopez, City Clerk

By: CPA _____
Attorney for Municipality (Optional)

(COUNTY SEAL BELOW)

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of
Florida**

BOARD OF COUNTY COMMISSIONERS

ATTEST: Sharon R. Bock,
Clerk & Comptroller

By: _____
Shelley Vana, Mayor
Palm Beach County

By: _____
Deputy Clerk

Document No.: _____

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Department of Economic Sustainability

By: _____
James Brako
Assistant County Attorney

By: _____
Sherry Howard
Deputy Director



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

First Amendment to the Legal Services Agreement with the law firm of Caldwell Pacetti Edwards Schoech & Viator LLP.

SUMMARY:

The City Attorney recommends amending the agreement for legal services with the law firm of Caldwell Pacetti Edwards Schoech & Viator LLP (the "Firm").

BACKGROUND AND JUSTIFICATION:

The City entered into a legal services agreement with the Firm on February 5, 2015 to provide certain legal services to the City concerning land acquisition and potential eminent domain proceedings pertaining to the proposed Boutwell Road improvement project. Due to the continuing nature of this project, the City and the Firm desire to amend the agreement to revise the term of the agreement from a one year term to an open-ended agreement without a term, with the parties retaining the right to termination upon notice to the other party. In addition, the amendment will delete the not to exceed amount of Twenty-Five Thousand Dollars to provide that compensation to the Firm will be in accordance with the fees and expenses set forth in the Agreement conditioned upon the appropriation of sufficient funds for said fees and expenses.

MOTION:

I move to approve / not approve the First Amendment to the Legal Services Agreement with the law firm of Caldwell Pacetti Edwards Schoech & Viator LLP.

ATTACHMENT(S):

Fiscal Impact Analysis
Amended Agreement
Statement of Cases

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	30,000	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	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: 304-5020-541-31-10

Legal Services		Law Office of Caldwell Pacetti Edwards Schoech & Viator LLP			
Account Number (s)	Account Description	FY 2016 Budget	Available Balance	Agenda Expenses	Remaining Balance
304-5020-541-31-10	Legal Services	30,000	\$30,000	\$	30,000

C.

D. Department Fiscal Review: _____

FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT
(Caldwell Pacetti Edwards Schoech & Viator LLP)

THIS FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT ("Amendment" hereinafter) is made this _____ day of _____, 2015 between the City of Lake Worth, Florida, a municipal corporation ("City" hereinafter), with its principle office located at 7 North Dixie Highway, Lake Worth, Florida 33460, and, Caldwell Pacetti Edwards Schoech & Viator LLP, whose mailing address is 250 S. Australian Ave., Suite 600, West Palm Beach, FL 33401. ("Firm" hereinafter).

WHEREAS, on February 5, 2015, the City and Firm entered a legal services agreement for the Firm to provide certain legal services to the City ("Agreement" hereafter);

WHEREAS, the City has a continuing need for the Firm's legal services; and,

WHEREAS, the City and Firm desire to amend the Agreement to provide for the continuation of legal services by the Firm.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, the City and Firm agree to amend the Agreement as follows:

1: **AMENDMENT TO AGREEMENT.** The Agreement is amended as follows:

- a. Paragraph 10.1 is amended to delete the one year term. The Agreement shall be open-ended without a term with the parties retaining the right to terminate upon notice to the other party.
- b. Paragraphs 14.2 and 14.5 are amended to delete the not to exceed amount of Twenty-Five Thousand Dollars. The City shall compensate the Firm in accordance with the fees and expenses set forth in the Agreement conditioned upon the appropriation of sufficient funds for said fees and expenses.

2: **ENTIRETY OF AGREEMENT.** The City and the Firm agree that the Agreement including this Amendment set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in the Agreement including this Amendment may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

3: **LEGAL EFFECT.** This Amendment shall not become binding and effective until approved by the City Commission.

4: **COUNTERPARTS.** This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Amendment.

5: **AMENDMENT.** Except for the provisions of the Agreement specifically modified by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment on the day and year first above written.

CITY OF LAKE WORTH, FLORIDA

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk

Approved as to form and legal sufficiency:



Glen J. Torcivia, City Attorney

Firm: CALDWELL PACETTI EDWARDS SCHOECH &
VIATOR LLP

By: 

William P. Doney

STATEMENT OF THE CASE

The Firm will perform legal services on behalf of the City concerning land acquisition and potential eminent domain proceedings pertaining to the proposed Boutwell Road improvement project.



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Ratify appointment of a board member to the Electric Utility Advisory Board

SUMMARY:

This item is to ratify the City Commission's appointment of Roger St. Martin as an at-large utility service area representative for a term ending on July 31, 2016.

BACKGROUND AND JUSTIFICATION:

On September 10, 2015 the Village of Palms Springs Council selected Roger St. Martin to represent them as a member of the City's Electric Utility Advisory Board.

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.

MOTION:

I move to ratify the City Commission's appointment of Roger St. Martin to the Electric Utility Advisory Board for a term ending on July 31, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Board Membership Application
Electric Utility Advisory Membership Board Log

VILLAGE OF PALM SPRINGS
APPLICATION FOR APPOINTMENT
TO VILLAGE COUNCIL ADVISORY BOARDS

NAME: Roger R. St. Martin HOME PHONE: (561) 967-6104

ADDRESS: 3760 Kenyon Rd Lake Worth, FL 33461

EMAIL ADDRESS: daddysaint@comcast.net CELL PHONE: (561) 312-6035

OCCUPATION: Retired

BUSINESS: _____ PHONE: _____

BUSINESS ADDRESS: _____

BRIEF DESCRIPTION OF EDUCATION/EXPERIENCE: Former Painting & Paperhanging Contr.

Have served in various Military, Social, Fraternal organizations as Secretary, Treasurer, Finance Officer, Adjutant, Trustee, Chaplain.

One (1)yr College. Six (6) yrs - Army. Former Sgt Major.

Arc you a registered voter? Yes X No _____

Do you currently serve on a board? Yes _____ No X

If yes, which one?

Please indicate on which board you wish to serve. If more than one, number for preference.

- Library Board
- Land Development Board
- Leisure Services Board
- Police Employees Pension Board of Trustees
- General Employees' Pension Board of Trustees
- Construction Board of Adjustment and Appeals
- Grievance Board
- Lake Worth Utilities Board

Why are you interested in serving on this board? Having viewed this aging service as a subscriber for forty (40) yrs, a new (?) set of eyes could help.

Signature Roger R. St. Martin Date: 9-2-15

For further information call the Village Clerk at 965-4010. Fax 965-0899

ELECTRIC UTILITY ADVISORY BOARD
ONE, TWO, AND THREE-YEAR TERMS

MEMBERS	APPOINTED	ETHICS TRAINING	EXPIRES
<p>Lisa Maxwell (Chair) 24 Yale Drive Lobbyist1@aol.com (3-year term) (Commissioner District 3 Appointee)</p>	05/15/2012	C: 954 830-3466	YES 07/31/2018
<p>Peggy Fisher (Secretary) 508 N. A St. Gt72089@ymail.com (3-year term) (Vice Mayor / Commissioner District 1 Appointee)</p>	05/15/2012	H: 582-0125 W: 357-4106 C: 385-1130	YES 07/31/2018
<p>Noah Tennyson 28 Wellesley Drive ntennyson@nasonyeager.com (2-year term) (At-large member) (Mayor's Appointee)</p>	05/05/15	W: 561-471-3523	YES 07/31/2016
<p>Ibrahim Chalhoub 2 Lakeside Palms Court (3-year term) (Commissioner District 2 Appointee)</p>	05/15/2012	H: 588-5417 W: 588-4088 C: 762-9178	YES 07/31/2015
<p>Sander Schrantz 210 South M Street sschrantz@gmail.com (3-year term) (Commissioner District 4 Appointee)</p>	12/02/2014	C: 571-274-3038	NA 07/31/2015
<p>Caroline Clore 6570 High Ridge Rd. 33462 Cbc6570@yahoo.com (2-year term) (At-large business owner) (Commission's Appointee)</p>	05/15/2012	H: 586-4042 W: 588-6533 C: 801-2304	YES 07/31/2016
<p>VACANT (1-year term) (At-large utility service area) (Commission's Appointee)</p>		W:	NA 07/31/2015
<p>BOARD LIAISON Walt Gill (Assistant Electric Utility Director) 1900 2nd Avenue North wgill@lakeworth.org</p>		W: 561-586-1706	YES

The purpose is to advise the City Commission, on behalf of and for the benefit of the citizens and residents of the City of Lake Worth, on electric utilities policies, plans and programs. The Board will advise the City Commission on the establishment of fair and equitable policies, plans and programs that are consistent with customer needs, legal mandates, public policy, operational requirements and the long-term financial stability and viability of the electric utilities.

Ord. No. 2012-22 – effective May 25, 2012, created a seven member board composed of at-large appointments by each of the four District Commissioners, for a term of 3 years; two at-large members, one appointed by the Mayor and one business owner, whose business is located in the City, appointed by the City Commission, for a term of 2 years; one at-large member appointed by the City Commission representing the utility service areas of or in a portion of the Village of Palm Springs and unincorporated Palm Beach County, for a term of 1 year.

The powers and duties shall include the following:

(a) Serve as a channel of communications between the City Commission, utility department staff, and the citizens of the City of Lake Worth and the business owners of Lake Worth, in order to understand and solve the many complex problems relating to water, sewer and electric utilities;

(b) Promote public access to information on the city facilities, services, policies and programs concerning the future energy needs of the community with respect to the electric utilities;

(c) To review:

(1) existing and proposed policies, plans and programs of the City of Lake Worth Utilities Department for electric utilities;

(2) proposed capital improvement plans and programs of the Utilities Department for the electric utilities and electric power plant;

(3) existing or proposed electric rate changes, electric rate structures, and the electric utilities portion of the annual budget of the Utilities Department;

(d) Assist utility staff by suggesting and reviewing policies affecting programs and services that affect acquisition, delivery or utilization of electric utility resources within the community;

(e) Perform any other duties which may be within the purview of the committee which may be assigned by the City Commission.

The City Commission shall appoint the chairperson of the initial board for a one year term; thereafter, the members shall select its own chairperson for a one year term at an election held at the first meeting of the board and annually thereafter.

The board shall meet at least once a month. The chair shall have the power to schedule special meetings or cancel regularly scheduled meetings as the workload of the board requires.

If any member fails to be present at three (3) consecutive regularly scheduled meetings or at twenty (20) percent of the regularly scheduled meetings of the Board held within any 12-month period, the city clerk shall declare the member's office vacant, and the City Commission shall promptly fill such vacancy.

FINANCIAL DISCLOSURE FORMS ARE NOT REQUIRED.

Meetings: First Wednesday every month in City Hall Conference Room

Secretary: Board member



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Ratify the appointment of a board member to the Historic Resources Preservation Board

SUMMARY:

This item is to ratify Commissioner Andy Amoroso's appointment of Erin Fitzhugh Sita to the Historic Resources Preservation Board to fill an unexpired term ending in July 31, 2017.

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.

MOTION:

I move to ratify Commissioner Amoroso's appointment of Erin Fitzhugh Sita to the Historic Resources Preservation Board to fill an unexpired term ending in July 31, 2017.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Board Membership Application
Historic Resources Preservation Board Log

Erin 10/6/16



APPLICANT'S NAME: Erin Fitzhugh Sita
(Print name)

VOLUNTEER ADVISORY BOARD APPLICATION

THIS APPLICATION IS VALID FOR ONLY ONE (1) YEAR FROM THE DATE ENTERED ON PAGE 5.

Thank you for your interest in serving the City of Lake Worth. The City Commission recognizes that volunteering is important, and your contribution is what makes Lake Worth a great community. Completion of this application is necessary so that the members of the City Commission can thoroughly review each application as part of their consideration for your appointment.

If applying for more than one Board/Committee, please number in order of preference. If you have previously submitted an application, it will be removed from our files unless you mark the board(s) previously applied for on this application. Please choose no more than three Boards/Committees for which you wish to apply. When selecting, indicate your first, second, and third preference. **You may not serve on two of the following boards/committees at one time: Construction Board of Adjustments and Appeals, Community Redevelopment Agency, Historic Resources Preservation, or Planning & Zoning Boards.**

- Board of Trustees Employees' Retirement System *
- Board of Trustees Police Retirement System *
- Board of Trustees Firefighters' Pension Trust Fund *
- Board of Trustees Firefighters' Pension Trust Fund – Division II *
- City Recreation Advisory Board
- City Tree Board
- Community Redevelopment Agency *
- Construction Board of Adjustments and Appeals **
- Electric Utility Advisory Board
- Finance Advisory Board
- 1 Historic Resources Preservation Board **
- Library Board
- Planning & Zoning Board * **
- Sister City Board



* Requires that appointee fill out an annual financial disclosure form to be filed with the Supervisor of Elections Office

** Certain skill-set disciplines required

ALL BOARD/COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW

1. **PERSONAL**

Name: Mr./Mrs./Ms. (circle one) Erin Fitzhugh Sita _____
(print)

Residence: 807 North O Street _____

City: Lake Worth State: FL ZIP Code: 33460

Proof of residency attached: _____

Mailing Address: (if different from residence)

City: _____ State: _____ ZIP Code: _____

Home Phone: (____) _____ Business Phone: (____) _____

Cell Phone: (561) 596-4378 Email Address: erinf27@hotmail.com

Are you a citizen of the United States? Yes

Are you a registered Palm Beach County voter? Yes

Are you a registered Lake Worth voter? Yes

How long have you been a resident of Lake Worth? 13 years

List all properties owned and/or business interests in Lake Worth? 807 North O Street

What is your occupation? Urban Planner

Employer? PBC

Business Address: (CRA board only) _____

Are you currently serving on any City advisory Board? _____

If so, which board? _____

Have you ever served on a City of Lake Worth board? Yes

If so, when and which board(s)? P&Z in Lake Worth, I served a 1 year alternate term.

I believe it was in 2009/2010

Do you serve on any boards in Florida, or are you an elected or appointed state, county, or municipal office holder, or Palm Beach County employee? Yes

If yes, please name the board, position, etc. Senior Planner for PBC

2. **EDUCATION**
High School: Vicenza American High Date of Graduation: 1994
College: FSU Degree: MSP Date of Graduation: 2003
Resume attached? yes no

3. **WORK EXPERIENCE**

See Resume

4. **INTEREST/ACTIVITIES**

5. **COMMUNITY INVOLVEMENT**

PBC Planning Congress Board Member since 2009

6. Why do you desire to serve on this board (first preference)

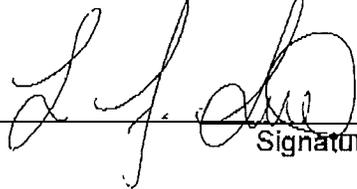
I believe my planning education and work will benefit
the City by offering a professional planning perspective on the City's
Historic resources board.

6. Why do you desire to serve on this board (second preference)

6. Why do you desire to serve on this board (third preference)

I understand the responsibilities associated with being a board/committee member, and I have adequate time to serve if appointed.

I have read Ordinance No. 2010-29 and Article XIII (Palm Beach County) Code of Ethics attached hereto, and understand the policy on the City of Lake Worth's Code of Ethics. Within 30 days after appointment, I understand that I am required to participate in Ethics Training and submit an Acknowledgement of Receipt form to the City Clerk's Office in order to continue to serve on my appointed board.


Signature

PLEASE INITIAL
8/6/15
Date

THIS APPLICATION IS VALID FOR ONLY ONE (1) YEAR FROM THE DATE SIGNED ABOVE.

NOTE: Information regarding the duties and responsibilities of any board/committee can be found by visiting our website at www.lakeworth.org then select Residents/Volunteer and select the Volunteer Advisory Board application. If you need additional information, please contact the Volunteer Coordinator at sdonaldson@lakeworth.org or by calling 561-586-1730.

EMAIL APPLICATION TO: sdonaldson@lakeworth.org (preferred method)

or

FAX APPLICATION TO: Volunteer Coordinator (561) 586-1750

or

RETURN APPLICATION TO: Volunteer Coordinator
Lake Worth City Hall
7 North Dixie Highway
Lake Worth, FL 33460

SUNSHINE LAW: The primary purpose of government in the Sunshine Law is to assure public access to the decision making processes of public boards and committees. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and committees.

2014 NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR ADOPTED NON-AD VALOREM ASSESSMENTS

Full Parcel ID: 38-43-44-21-15-234-0150 Legal Description: TOWN OF LAKE WORTH LT 15 BLK 234			DO NOT PAY THIS IS NOT A BILL			The taxing authorities which levy taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year. The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION. Each taxing authority may AMEND or ALTER its proposals at the hearing.				
Taxing Authority *Dependent Special Districts	COLUMN 1 Your Property Taxes Last Year			COLUMN 2 Your Taxes This Year If proposed budget change is made			COLUMN 3 Your Taxes This Year if no budget change is made			A public hearing on the proposed taxes and budget will be held at the locations and dates below
	Taxable Value	Millage Rate	Tax Amount	Taxable Value	Millage Rate	Tax Amount	Taxable Value	Millage Rate	Tax Amount	
COUNTY County Operating County Debt * Fire/Rescue	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	9/08 6:00 PM (561) 355-3996 301 N Olive Ave 6th Fl WPB 33401
PUBLIC SCHOOLS By State Law By Local Board	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	9/10 5:05 PM (561) 434-8837 3300 Forest Hill Blvd WPB 33406
MUNICIPALITY Lake Worth Operating	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	9/09 6:00 PM (561)586-1654 7 North Dixie Hwy Lake Worth 33460
INDEPENDENT SPECIAL DISTRICTS So. Fla. Water Mgmt. Basin So. Fla. Water Mgmt. Dist. Everglades Construction Fl. Inland Navigation District Children's Services Council Health Care District	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	9/11 5:15 PM (561) 686-8800 3301 Gun Club Rd WPB 33406 9/12 5:30 PM (561) 627-3386 210 Military Trail, Jupiter, 33458 9/11 6:00 PM (561) 740-7000 2300 High Ridge Rd ByntnBch 33426 9/04 5:15 PM (561) 659-1270 2601 10th Ave N Palm Springs 33461
Total Millage Rate & Tax Amount										SEE REVERSE SIDE FOR EXPLANATION

NON-AD VALOREM ASSESSMENT

LEVYING AUTHORITY	PURPOSE OF ASSESSMENT	UNITS	RATE	ASSESSMENT	CONTACT INFO.
SOLID WASTE AUTHORITY OF PBC LAKE WORTH-REFUSE COLLECTION LAKE WORTH - STORMWATER	GARBAGE SERVICES SOLID WASTE ASSESSMENT STORM WATER ASSESSMENT		[REDACTED]	[REDACTED]	(561) 697-2700 (561) 586-1720 (561) 586-1720
Total Non-Ad Valorem Assessment				496.36	

Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental service and facilities which may be levied by your county, city, or any special district.

VALUE INFORMATION

If you feel that the market value of your property is inaccurate or does not reflect fair market value, or you are entitled to an exemption or classification that is not reflected above, contact your County Property Appraiser at the numbers listed on the reverse side of this page.

If the Property Appraiser's office is unable to resolve the matter as to market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the County Property Appraiser's office. Your petition must be filed with the Clerk of Value Adjustment Board on or before: **5:00 PM September 15, 2014** at 301 N Olive Ave, West Palm Beach, FL 33401.

Market Value	Last Year (2013)	This Year (2014)	Market (also called "Just") value is the most probable sale price for your property in a competitive, open market on Jan. 1, 2014. It is based on a willing buyer and a willing seller.
	[REDACTED]	[REDACTED]	

Taxing Authority	Assessed Value		Exemptions		Taxable Value	
	Last Year	This Year	Last Year	This Year	Last Year	This Year
County Operating	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
County Debt	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
County Dependent Dists	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Public Schools	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Municipality Operating	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Independent Special Dists	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Assessed Value is the market value minus any assessment reductions.
Exemptions are specific dollar or percentage amounts that reduce your assessed value.
Taxable Value is the value used to calculate the tax due on your property (Assessed Value minus Exemptions).

Assessment Reductions	Applies To	Value
Save our Homes Assessment Cap-1.5 percent in 2014	All Taxing Authorities	[REDACTED]

Properties can receive an assessment reduction for a number of reasons including the Save our Homes Benefit and the 10% non-homestead property assessment limitation.

Exemptions Applied	Applies To	Exempt Value
Homestead	All Taxing Authorities	[REDACTED]
Additional Homestead	Non-School Taxing Authorities	[REDACTED]

Any exemption that impacts your property is listed in this section along with its corresponding exempt value. Specific dollar or percentage reductions in assessed value may be applicable to a property based upon certain qualifications of the property or property owner. In some cases, an exemption's value may vary depending on the taxing authority. The tax impact of an exempt value may also vary for the same taxing authority, depending on the levy (i.e., operating millage vs debt service millage).

2014 NOTICE OF PROPOSED PROPERTY TAXES AND PROPOSED OR ADOPTED NON-AD VALOREM ASSESSMENTS

38-43-44-21-15-234-0150 38453 HOMESTEAD
SITA ERIN FITZTHUGH &
SITA ALESSANDRO
807 N O ST
LAKE WORTH FL 33460-2743

HISTORIC RESOURCES PRESERVATION BOARD
THREE-YEAR TERMS

MEMBERS	APPOINTED		ETHICS TRAINING	EXPIRES
Herman Robinson (Chair) 114 Ocean Breeze (Related Field) Hcrfla99@yahoo.com (Mayor's Appointment)	06/30/10	H: 561-586-4913 W: 561-352-4252 C: 561-352-4252	YES	7/31/2018
VACANT (Commissioner District 3 Appointee)		C:	NA	7/31/2017
Darrin Engel (Vice-Chair) 313 South Lakeside Drive (Professional/Architecture) (Commissioner District 4 Appointee)	07/01/14	C: 414-403-2608	YES	7/31/2017
Judith Just 306 N. Lakeside Dr. Judithjust01@hotmail.com (Law) (Vice Mayor's District 1 Appointee)	07/23/12	H: 561-202-8081 W: 561-547-0549 C: 561-379-5372	YES	7/31/2016
Thomas Norris 302 North K Street norrist@bellsouth.net (Architecture) (Commissioner District 2 Appointee)	12/02/14	C: 561-329-1798	YES	7/31/2016
Loretta Sharpe 1311 South Palmway IRD LTD@aol.com (Real Estate Sales) (Mayor's Appointee)	08/19/2014	C: 561-818-6277	YES	7/31/2017
Jimmy Zoellner 731 North "K" St. jimmyzoellner@hotmail.com (Citizen at large) (Vice Mayor's District 1 Appointee)	07/23/12	C: 585 748-2308	YES	7/31/2017

Meetings: Second Wednesday at 6:00 PM on an as-needed basis

The Board's function is to consider historic preservation issues.

Board shall consist of five resident members plus two alternates appointed by the City Commission. Four members constitute a quorum. Initial appointments: one member to serve three years; two members to serve one year; two members for a term of two years; thereafter, all regular terms three years and alternate terms one year.

Ord. 2013-34 - Section 23.2, effective August 16, 2013 deletes alternate members and increases membership to seven (7) board members and amends absentee policy to three (3) consecutive regularly scheduled meetings or at twenty five percent (25%) of the public meetings of the Board held within any 12-month period, the City clerk shall declare the member's office vacant and the City Commission shall promptly fill such vacancy.

Ord. No. 2012-17, effective 04/27/12, changed qualifications to include disciplines of architecture, architectural history, planning, archaeology, or related fields. At least (2) members shall be experienced in the areas of real estate sales, land development, banking or law. One (1) alternate shall be from a professional discipline, and one (1) alternate member shall be a citizen at large.

Ord. No. 2010-16, HRPB was created.

Secretary: Sandi DuBose, 586-1687



CITY OF LAKE WORTH

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

AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2015-12 - Second Reading - amend various sections in the City's Land Development Regulations

SUMMARY:

The Ordinance amends Chapter 23, Land Development Regulations, of the City's Code of Ordinances including two (2) articles of the Land Development Regulations: Administration, and Zoning Districts.

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 following sections of the LDRs: Article 2 - Division 1: Administration, Section 23.2-36 – Rezoning of Land and Future Land Use Map (FLUM); Article 3 - Division 2: Zoning Districts, Residential Districts, Section 23.3-7 – SF-R – Single-Family Residential; Article 3 – Division 6: Planned Development, Section 23.3-25(e) – Mixed Use Urban Planned Development..

On August 5, 2015, the Planning & Zoning Board, at its regularly scheduled meeting, discussed the proposed amendments to the LDRs and voted 7-0 to recommend approval to the City Commission.

On August 12, 2015, the Historic Resources Preservation Board, at its regularly scheduled meeting, discussed the proposed amendments to the LDRs and voted 6-0 to recommend approval to the City Commission.

At its meeting of September 1, 2015, the City Commission voted 3-2 to approve the ordinance on first reading and to schedule the public hearing for September 15, 2015.

At its meeting on September 15, 2015, three members of the City Commission voted to approve the ordinance. However, due to procedural issues, staff has recommended that the public hearing be re-advertised and conducted again.

MOTION:

I move to approve/disapprove Ordinance No. 2015-12 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance

P&Z Board Staff Reports

HRPB Staff Reports

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ORDINANCE NO. 2015-12 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 2 DIVISION 2, SECTION 23.2-36, REZONING OF LAND AND FUTURE LAND USE MAP (FLUM); ARTICLE 3, DIVISION 2, SECTION 23.3-7, RESIDENTIAL DISTRICTS; ARTICLE 3 DIVISION 6, SECTION 23.3-25(e), MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City adopted a new Chapter 23 Land Development Regulations of the code of ordinances on August 6, 2013; and

WHEREAS, as use of the new Chapter 23 proceeds, items are identified that need clarification or revision in order to refine and implement the code; and

WHEREAS, the City periodically amends and updates the Land Development Regulations; and

WHEREAS, on August 5 2015 this amendment was reviewed by the Lake Worth Planning and Zoning Board at a public hearing and the Board found the amendment to be consistent with the Comprehensive Plan and made a recommendation to the City Commission to adopt the amendment; and

WHEREAS, on August 12 2015 this amendment was reviewed by the Historic Resources Preservation Board which made a recommendation to the City Commission to adopt the amendment; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that it is in the best interest of the public health, safety and general welfare of the City, its residents and visitors to adopt these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. Chapter 23 Article 2 Division 2, Section 23.2-36, Rezoning of Land and Future Land Use Map (FLUM) Amendments is amended by adding new section as indicated in exhibit A.

49 Section 3. Chapter 23 Article 3. Division 2, Section 23.3-7, Single-Family
50 Residential is amended by adding the words and letters shown in underline and
51 deleting the words and letters struck through as indicated in exhibit B.

52

53 Section 4. Chapter 23 Article 3. Division 6 Section 23.3-25(e), Mixed Use Urban
54 Planned Development District is added as indicated in exhibit C.

55

56 Section 5. Severability. If any section, subsection, sentence, clause, phrase or
57 portion of this Ordinance is for any reason held invalid or unconstitutional by any
58 court of competent jurisdiction, such portion shall be deemed a separate, distinct,
59 and independent provision, and such holding shall not affect the validity of the
60 remaining portions thereof.

61

62 Section 6. Repeal of Laws in Conflict. All ordinances or parts of ordinances in
63 conflict herewith are repealed to the extent of such conflict.

64

65 Section 7. Codification. All exhibits of the ordinance shall be made a part of the
66 City code of ordinances and may be re-numbered or re-lettered to accomplish
67 such, and the word "ordinance" may be changed to "section", "division", or any
68 other appropriate word.

69

70 Section 8. Effective Date. This Ordinance shall take effect ten days after its
71 adoption.

72

73

74 The passage of this Ordinance on first reading was moved by Vice Mayor
75 Maxwell, seconded by Commissioner Amoroso, and upon being put to a vote, the
76 vote was as follows:

77

78	Mayor Pam Triolo	AYE
79	Vice Mayor Scott Maxwell	AYE
80	Commissioner Christopher McVoy	NAY
81	Commissioner Andy Amoroso	AYE
82	Commissioner Ryan Maier	NAY

83

84 The Mayor thereupon declared this Ordinance duly passed on first reading
85 on the 1st day of September, 2015.

86

87 The passage of this Ordinance on second reading was moved by
88 Commissioner _____, seconded by Commissioner _____, and upon being put
89 to a vote, the vote was as follows:

90

91	Mayor Pam Triolo
92	Vice Mayor Scott Maxwell
93	Commissioner Christopher McVoy
94	Commissioner Andy Amoroso
95	Commissioner Ryan Maier

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The Mayor thereupon declared this Ordinance duly passed and enacted on the 6th day of October, 2015.

LAKE WORTH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Pamela J. Lopez, City Clerk

EXHIBIT A

Chapter 23

ZONING

ARTICLE 2 ADMINISTRATION, DIVISION 2, SECTION 23.2-36 Rezoning of Land and Future Land Use Map (FLUM) Amendments.
Amended by adding the a new section 23.2-36

Section 23.2.36. Rezoning of land and Future Land Use Map (FLUM) amendments.

A request for rezoning and Future Land Use Map (FLUM) amendment that changes the actual zoning map designation of a parcel or parcels of land shall be considered pursuant to the following procedure:

(1) Application.

- a. Petitioner must complete an application for rezoning and Future Land Use Map (FLUM) using a form provided by the Department for Community Sustainability.
- b. The completed application shall be submitted to the Development Review Official together with the application fee established by resolution of the City Commission. The application fee is intended to cover any administrative costs associated with review and processing of the application as set forth in fee schedule adopted by resolution of the City Commission.
- c. If the application is determined to be complete and technically sufficient by the Development Review Official, the Department for Community Sustainability shall schedule the rezoning request for hearing before the Planning and Zoning Board or Historic Resources Preservation Board or both.
- d. At the hearing on the application, the Planning and Zoning Board or Historic Resources Preservation Board shall consider the rezoning/FLUM Amendment application and request, the staff report including recommendations of staff, and shall receive testimony and information from the petitioner, the owner, City staff, and public comment. At the conclusion of the hearing, the Planning and Zoning Board and or Historic Resources Preservation Board shall make a recommendation on the rezoning/FLUM Amendment request to the City Commission. The City shall provide notice of the Planning and

161 Zoning Board or Historic Resources Preservation Board meeting or
162 both.

163
164 e. The City Commission shall conduct a public hearing. The City
165 Commission shall consider the petitioner's requests, the
166 recommendations of the Planning and Zoning Board or Historic
167 Resources Preservation Board, the staff report and the
168 recommendations of City staff, as well as public comment and other
169 documentary evidence and testimony deemed relevant by the City
170 Commission.

171
172 (2) Public Notice. Notice of the proposed ordinance must be published in a
173 newspaper of general circulation in the city at least ten days prior to
174 adoption of the ordinance. Public notice shall be provided as required by
175 these LDRs for zoning or Future Land Use Map application and as
176 provided for in Florida Statutes Chapters 163 and 166.

177
178 (3) Review Criteria. An amendment to the official zoning map processed
179 without the FLUM amendment shall be reviewed based on the following
180 factors:

181
182 a. Consistency. Whether the proposed rezoning amendment would be
183 consistent with the purpose and intent of the applicable Comprehensive
184 Plan policies, Redevelopment Plans, and Land Development
185 Regulations. Approvals of a request to rezone to a planned zoning district
186 may include limitations or requirements imposed on the master plan in
187 order to maintain such consistency.

188
189 b. Land Use Pattern. Whether the proposed rezoning amendment would
190 be contrary to the established land use pattern, or would create an
191 isolated zoning district unrelated to adjacent and nearby classifications,
192 or would constitute a grant of special privilege to an individual property
193 owner as contrasted with the protection of the public welfare. This factor
194 is not intended to exclude rezoning that would result in more desirable
195 and sustainable growth for the community.

196
197 c. Sustainability. Whether the proposed rezoning would support the
198 integration of a mix of land uses consistent with smart growth or
199 sustainability initiatives, with an emphasis on 1) complementary land
200 uses; 2) access to alternative modes of transportation; and 3)
201 interconnectivity within the project and between adjacent properties.

202
203 d. Availability of Public Services/Infrastructure. Requests for rezoning to
204 planned zoning districts shall be subject to review pursuant to Section
205 23.5-2.

206 e. Compatibility. The application shall consider the following compatibility
207 factors:

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(1) Whether the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties.

(2) Whether the proposed rezoning is of a scale which is reasonably related to the needs of the neighborhood and the city as a whole.

f. Direct Community Sustainability and Economic Development Benefits. For rezoning involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:

(1) Further implementation of the City's Economic Development (CED) Program;

(2) Contribute to the enhancement and diversification of the City's tax base;

(3) Respond to the current market demand or community needs or provide services or retail choices not locally available;

(4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage;

(5) Represent innovative methods/technologies, especially those promoting sustainability;

(6) Support more efficient and sustainable use of land resources in furtherance of overall community health, safety and general welfare;

(7) Be complementary to existing uses, thus fostering synergy effects; and

(8) Alleviate blight/economic obsolescence of the subject area.

g. Economic Development Impact Determination for Conventional Zoning Districts. For rezoning involving rezoning to a conventional zoning district, the review shall consider whether the proposal would further the Economic Development Program, and also determine whether the proposal would:

(1) Represent a potential decrease in the possible intensity of development, given the uses permitted in the proposed land use category and/or zoning district; and

254 (2) Represent a potential decrease in the number of uses with high
255 probable economic development benefits.

256
257 h. Master Plan and Site Plan Compliance with Land Development
258 Regulations. When master plan and site plan review are required
259 pursuant to Section 2.D.1.e. above, both shall comply with the
260 requirements of the respective zoning district regulations of Article III and
261 the site development standards of Section 23.2-32

262
263 (4) Review Criteria. An amendment to the official zoning map processed with
264 the FLUM amendment shall be reviewed based on the following factors:

265
266 a. Consistency. Whether the proposed FLUM amendment would be
267 consistent with the purpose and intent of the applicable Comprehensive
268 Plan policies, Redevelopment Plans, and Land Development
269 Regulations. Approvals of a request to rezone to a planned zoning district
270 may include limitations or requirements imposed on the master plan in
271 order to maintain such consistency.

272
273 b. Land Use Pattern. Whether the proposed FLUM amendment would be
274 contrary to the established land use pattern, or would create an isolated
275 land use classification unrelated to adjacent and nearby classifications,
276 or would constitute a grant of special privilege to an individual property
277 owner as contrasted with the protection of the public welfare. This factor
278 is not intended to exclude FLUM amendments that would result in more
279 desirable and sustainable growth for the community.

280
281 c. Sustainability. Whether the proposed FLUM amendment would
282 support the integration of a mix of land uses consistent with smart growth
283 or sustainability initiatives, with an emphasis on 1) complementary land
284 uses; 2) access to alternative modes of transportation; and 3)
285 interconnectivity within the project and between adjacent properties.

286
287 d. Availability of Public Services/Infrastructure. Requests for rezoning to
288 planned zoning districts shall be subject to review pursuant to Section
289 23.5-2.

290
291 e. Compatibility. The application shall consider the following compatibility
292 factors:

293
294 (1) Whether the proposed FLUM amendment would be compatible with
295 the current and future use of adjacent and nearby properties, or would
296 negatively affect the property values of adjacent and nearby properties.

297
298 f. Direct Community Sustainability and Economic Development Benefits.
299 For FLUM-amendments involving rezoning to a planned zoning district,

300 the review shall consider the economic benefits of the proposed
301 amendment, specifically, whether the proposal would:

302

303 (1) Further implementation of the City's Economic Development (CED)
304 Program;

305

306 (2) Contribute to the enhancement and diversification of the City's tax
307 base;

308

309 (3) Respond to the current market demand or community needs or
310 provide services or retail choices not locally available;

311

312 (4) Create new employment opportunities for the residents, with pay at
313 or above the county average hourly wage;

314

315 (5) Represent innovative methods/technologies, especially those
316 promoting sustainability;

317

318 (6) Support more efficient and sustainable use of land resources in
319 furtherance of overall community health, safety and general welfare;

320

321 (7) Be complementary to existing uses, thus fostering synergy effects;
322 and

323

324 (8) Alleviate blight/economic obsolescence of the subject area.

325

326 g. Economic Development Impact Determination for Conventional
327 Zoning Districts. For FLUM amendments involving rezoning to a
328 conventional zoning district, the review shall consider whether the
329 proposal would further the City's Economic Development Program, and
330 also determine whether the proposal would:

331 (1) Represent a potential decrease in the possible intensity of
332 development, given the uses permitted in the proposed land use
333 category; and

334

335 (2) Represent a potential decrease in the number of uses with high
336 probable economic development benefits.

337

338 h. Commercial and Industrial Land Supply. The review shall consider
339 whether the proposed FLUM amendment would reduce the amount of
340 land available for commercial/industrial development. If such
341 determination is made, the approval can be recommended under the
342 following conditions:

343

344 (1) The size, shape, and/or location of the property makes it unsuitable
345 for commercial/industrial development; or

346

347 (2) The proposed FLUM amendment provides substantiated evidence of
348 satisfying at least four (4) of the Direct Economic Development Benefits
349 listed in subparagraph "g" above; and
350

351 (3) The proposed FLUM amendment would result in comparable or
352 higher employment numbers, building size and valuation than the
353 potential of existing land use designation.
354

355 i. Alternative Sites. Whether there are sites available elsewhere in the
356 city in zoning districts which already allow the desired use.
357

358 j. Master Plan and Site Plan Compliance with Land Development
359 Regulations. When master plan and site plan review are required
360 pursuant to Section 2.D.1.e. above, both shall comply with the
361 requirements of the respective zoning district regulations of Article III and
362 the site development standards of Section 23.2-32
363

364 5. Denial. Should the request be denied by the City Commission, no
365 application for substantially the same zoning may be submitted, within one
366 (1) year from the date of denial.
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Exhibit B

Chapter 23

ZONING

ARTICLE 3 ZONING DISTRICTS, DIVISION 2, SECTION 23.3-7 Single-Family Residential.

Amended by adding the words and figures shown in underlined type and deleting the words struck through.

6. *Maximum impermeable surface for all structures.* The maximum impermeable surface shall be:

A. Forty (40) percent for lots up to four thousand nine hundred ninety-nine (4,999) square feet;

B. Thirty-five (35) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and

C. Thirty (30) percent for lots seven thousand five hundred (7,500) square feet and greater.

Medium and large lots, may qualify for an additional five (5) percent impermeable surface for all structures with the construction of a single family, single story house not to exceed 15'-0" in height and must include the incorporation of additional sustainable features or improvements including but not limited to those listed under Section 23.2-33 – City of Lake Worth Sustainable Bonus Incentive Program. ~~Florida Green Building designation.~~

Exhibit C

Chapter 23

ZONING

ARTICLE 3 ZONING DISTRICTS, DIVISION 6, SECTION 23.3-25(e) Mixed Use Urban Planned Development District.

Amended by adding the a new section 23.3-25(e)

e) Mixed use urban planned development district.

1. Location. Urban planned developments may be located in any mixed use district east of Interstate 95, such as Mixed Use - East, Mixed Use - West, Mixed Use - Dixie Highway, Mixed Use – Federal Highway, Transit Oriented Development - East, and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

2. Minimum area required. The minimum area required for an urban planned development district shall be one-half (.5) acres

3. Permitted uses. Permitted uses within a mixed use urban development are shown in Article 3 of these LDRs. An urban planned development may be residential alone or may be any mixture of residential, retail, commercial, office, personal services, institutional, and cultural & artisanal arts or other uses specifically listed with the Use tables of section 23.3-6 for the districts where the planned development is to be located.

4. Required setbacks. Required setbacks shall be as provided in these LDRs for the zoning district in which the planned development is to be located.

5. Parking and loading space requirements. Parking and loading spaces shall be provided pursuant to Article 4 of these LDRs.

6. Landscaping/buffering. Landscaping and buffering shall be provided as required by section 23.6-1

7. Illumination. Any source of illumination located within a commercial or industrial planned development district shall not exceed one (1) foot candle at or beyond the boundaries of such development.

8. Outdoor storage. All outdoor storage facilities are prohibited in any mixed use urban planned development district.

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9. Sustainability. All mixed use urban planned development districts shall include provisions for sustainability features such as those listed in section 23.2-33 City of Lake Worth Sustainable Bonus Incentive Program.

e) f) Amendments to approved planned development master plans. Minor amendments to existing planned development master plan may be approved by the planning and preservation manager. Minor changes shall not include the following:

1. An increase in the total square footage of any building by more than five (5) percent the number of residential dwelling units, or the densities as specified by the adopted master plan. However, a decrease in the total square footage of any building, or reduction of the number of structures, stories or units as specified by the master plan may be approved as minor amendments.
2. Any boundary change of the planned development.
3. Any change, except as provided herein, in the adopted master plan that increases the use in intensity or density. Rearrangement of uses or locations on a property may be permitted unless they conflict with a specific provision or the adopted planned development ordinance.
4. The relocation of more than five (5) percent of the total square footage indicated as being covered by structures.
5. Any increase in the traffic impact above that established in the master plan approved by the city commission.



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North- Lake Worth, Florida 33461 · Phone: 561-586-1687

MEMORANDUM DATE: July 30, 2015

AGENDA DATE: August 5, 2015

TO: Members of the Planning & Zoning Board

RE: Land Development Regulations (LDRs)

FROM: William Waters, Director
Maxime Ducoste, Planning and Preservation Manager
Department for Community Sustainability

TITLE: PZB/HRPB Project Number 15-02900001: Consideration of recommendation to the City Commission concerning a proposed amendment to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

BACKGROUND AND JUSTIFICATION:

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. The LDRs include six (6) articles governing all development within the city. They are Article I – General Provisions, Article II – Administration, Article III – Zoning Districts, Article IV – Development Standards, Article V – Supplemental Regulations, and Article VI – Environmental Regulations.

As the code progresses, staff acknowledges that some aspects require clarification and edits/additions to provide consistency, improve understanding and facilitate implementation as well as address issues that have arisen over the past year. Attachment 1 of this report includes the proposed ordinance and a highlight/strike-thru version of those sections of the code which are proposed to be amended.

In this round of amendments, following the joint Planning and Zoning Board and Historic Resources Preservation Board workshop conducted on July 15, 2015 we are proposing to amend the following sections: Article 2 - Division 1: Administration, Section 23.2-36 – Rezoning of Land and Future Land Use Map (FLUM); Article 3 - Division 2: Zoning Districts, Residential Districts, Section 23.3-7 – SF-R – Single-Family Residential; Article 3 – Division 6: Planned Development, Section 23.3-25(e) – Mixed Use Urban Planned Development.

As such, Staff is proposing these amendments as a solution to some of the aspects confronted during last year and are a solution to items discussed in the joint workshop held on July 15, 2015. The proposed amendments also will go before the Historic Resources Preservation Board (HRPB) next week at its regularly scheduled meeting of August 12, 2015. The first hearing of the ordinance before the City Commission is tentatively scheduled for the regularly scheduled meeting on August 18, 2015.



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North- Lake Worth, Florida 33461 · Phone: 561-586-1687

POTENTIAL MOTION:

I MOVE TO RECOMMEND/NOT RECOMMEND DENY PZB/HRPB 15-02900001: Proposed amendments to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

ATTACHMENTS:

Proposed Ordinance No. 2015-XX Amendments to Chapter 23 (Land Development Regulations) – Inclusive of Attachments A through C.



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North- Lake Worth, Florida 33461 · Phone: 561-586-1687

MEMORANDUM DATE: August 6, 2015

AGENDA DATE: August 12, 2015

TO: Members of the Historic Resources Preservation Board

RE: Land Development Regulations (LDRs)

FROM: William Waters, Director
Maxime Ducoste, Planning and Preservation Manager
Department for Community Sustainability

TITLE: PZB/HRPB Project Number 15-02900001: Consideration of recommendation to the City Commission concerning a proposed amendment to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

BACKGROUND AND JUSTIFICATION:

On August 6, 2013 the City of Lake Worth adopted Chapter 23 – Land Development Regulations of the Code of Ordinances. The LDRs include six (6) articles governing all development within the city. They are Article I – General Provisions, Article II – Administration, Article III – Zoning Districts, Article IV – Development Standards, Article V – Supplemental Regulations, and Article VI – Environmental Regulations.

As the code progresses, staff acknowledges that some aspects require clarification and edits/additions to provide consistency, improve understanding and facilitate implementation as well as address issues that have arisen over the past year. Attachment 1 of this report includes the proposed ordinance and a highlight/strike-thru version of those sections of the code which are proposed to be amended.

In this round of amendments, following the joint Planning and Zoning Board and Historic Resources Preservation Board workshop conducted on July 15, 2015 we are proposing to amend the following sections: Article 2 - Division 1: Administration, Section 23.2-36 – Rezoning of Land and Future Land Use Map (FLUM); Article 3 - Division 2: Zoning Districts, Residential Districts, Section 23.3-7 – SF-R – Single-Family Residential; Article 3 – Division 6: Planned Development, Section 23.3-25(e) – Mixed Use Urban Planned Development.

As such, Staff is proposing these amendments as a solution to some of the aspects confronted during last year and are a solution to items discussed in the joint workshop held on July 15, 2015. The proposed amendments was reviewed by the Planning and Zoning Board (PZBB) at its regularly scheduled meeting of August 5, 2015 with a recommendation related to the Mixed Use Urban Planned Development to specifically enumerate the mixed use districts affected. The first hearing of the ordinance before the City Commission is tentatively scheduled for the regularly scheduled meeting on August 18, 2015.



City of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North- Lake Worth, Florida 33461 · Phone: 561-586-1687

POTENTIAL MOTION:

I MOVE TO RECOMMEND/NOT RECOMMEND DENY PZB/HRPB 15-02900001: Proposed amendments to Chapter 23 (Land Development Regulations) of the Lake Worth Code of Ordinances.

ATTACHMENTS:

Proposed Ordinance No. 2015-XX Amendments to Chapter 23 (Land Development Regulations) – Inclusive of Attachments A through C.



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2015-14 - First Reading - create valet parking regulations and schedule the public hearing date for October 20, 2015

SUMMARY:

The Ordinance regulates the operation of valet parking within the city and requires property owners to secure a valet parking permit prior to engaging in the services.

BACKGROUND AND JUSTIFICATION:

Valet parking is a convenient way for residents and visitors to access the City's businesses; however, valet parking has the potential to disrupt vehicular and pedestrian traffic if not regulated. The Valet Parking Ordinance requires property owners to secure a permit prior to providing valet parking services. The application process requires, in part, that valet parking operators are licensed and insured and that operators have secured sufficient accessible private off-street parking spaces. On-street parking spaces and city owned or operated parking facilities may not be used by permittees to park vehicles. The Ordinance's permit criteria ensure, among other safeguards, that permits will not be issued where the drop-off or pick-up of vehicles will interfere with the safe operation of traffic or result in the delay of traffic. No more than one valet parking operation per City block may be authorized. Among other restrictions, the Ordinance requires that valet parking stands not interfere with pedestrian traffic and that they be maintained in a clean and attractive appearance. The Ordinance also ensures that the City always maintains the priority of use of the public right-of-way and the discretion to temporarily suspend a permit for any of its special events. The Ordinance provides for the ongoing regulation of valet parking operations; the authority of the City to revoke or suspend a permit; and the use of code enforcement procedures if certain violations exist. Further, the FDOT is requiring the City to enter into a Lease Agreement that will govern the use of the sidewalks lying within the existing right-of-way of eastbound and westbound State Road S-802 a/k/a Lake Avenue (eastbound) and Lucerne Avenue (westbound) between Dixie Highway to the west and Federal Highway to the east (collectively, the "Sidewalks"). The Valet Parking Ordinance addresses the FDOT Lease; ensures that permittees are made subject to the FDOT Lease Agreement; and requires their compliance with the Lease Agreement's terms and conditions which include, but are not limited to, insurance and indemnification requirements, the payment of rent, maintenance of the right-of-way, inspections and termination provisions.

MOTION:

I move to approve/not approve Ordinance No. 2015-14 on first reading and schedule the public hearing date for October 20, 2015.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance

1
2
3 ORDINANCE NO. 2015-14 OF THE CITY OF LAKE WORTH, FLORIDA,
4 AMENDING THE CODE OF ORDINANCES, CHAPTER 19, STREETS AND
5 SIDEWALKS, BY ADOPTING ARTICLE VII "VALET PARKING" TO REQUIRE
6 A PERMIT FOR COMMERCIAL BUSINESSES THAT PROVIDE VALET
7 PARKING SERVICES; PROVIDING FOR DEFINITIONS, APPLICATION
8 CRITERIA AND PROCESS, PERMIT CONDITIONS AND RESTRICTIONS,
9 INDEMNIFICATION AND INSURANCE, ENFORCEMENT AND APPEALS AND
10 FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, REPEAL
11 OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.
12

13 WHEREAS, the City of Lake Worth, Florida (the "City") is a duly
14 constituted municipality having such power and authority conferred upon it by
15 the Florida Constitution and Chapter 166, Florida Statutes; and
16

17 WHEREAS, to reduce the disruption of vehicular and pedestrian traffic
18 that valet parking service operations may create; and
19

20 WHEREAS, to promote the safe and legal operation of valet parking
21 services for the use and convenience of businesses and the general public, the
22 City Commission wishes to adopt regulations that address valet parking
23 services within the City; and
24

25 WHEREAS, the City Commission has reviewed the recommended
26 ordinance and has determined that it is in the best interest of the public health,
27 safety and general welfare of the City, its residents and visitors to adopt this
28 ordinance.
29

30 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
31 OF THE CITY OF LAKE WORTH, FLORIDA, that:
32

33 Section 1. The foregoing "WHEREAS" clauses are true and correct and are
34 hereby ratified and confirmed by the City Commission.
35

36 Section 2. The City Commission amends Chapter 19, "Streets and Sidewalks",
37 by adopting Article VII "Valet Parking", as follows (additional language
38 underlined and deleted language ~~stricken through~~):
39

40 **ARTICLE VII. – VALET PARKING**

41 **Sec. 19-100. – Definitions.**

42 The following words when used in this article shall, for the purposes of
43 this article, have the following meanings:
44

45 Public right-of-way shall mean a public roadway, highway, street,
46 sidewalk, or alley.

47 Valet parking service area shall mean the space located in a public right-
48 of-way and approved by the city for the loading and unloading of passengers to
49 and from motor vehicles and for the valet stand.

50 Valet stand shall mean the mobile stand, table, chair, umbrella, key box
51 and any other objects or equipment necessary for the operation of the valet
52 parking service.

53
54 **Sec. 19-101. – Permit required; application process; FDOT rights-of-way.**

55 (a) Permit required. A person operating a business establishment may not
56 provide on-street valet parking services unless the person has a valet
57 parking permit issued under this article.

58 (b) Application process.

59 (1) A completed application for a valet parking permit and all
60 applicable fees shall be submitted to the office of community
61 sustainability on a form provided by the city. No fee shall be
62 prorated or refunded. The application must be made by the owner
63 or lessee of the premises benefitting from the proposed valet
64 parking service. If the application is made by a lessee, such
65 application shall include the written consent of the property owner.

66 (2) Within thirty (30) days of receipt of a completed application, the
67 public services department director shall either approve or deny
68 the permit. If the permit is approved, the permittee shall be subject
69 to a permit fee and annual permit renewal fees each year
70 thereafter. Fees shall be established by resolution of the city
71 commission. The permit fee and annual permit renewal fees shall
72 include the city's fee and any rent due under a FDOT right-of-way
73 lease.

74 (3) The following standards and criteria shall be used in reviewing the
75 application:

76 a. Permits shall be issued only for public rights-of-way owned
77 or leased by the city.

78 b. Valet parking services shall be operated only by
79 commercially licensed and insured vendors holding a valid
80 occupational license.

81 c. Permits shall be issued only to applicants that provide
82 documentation that they have procured sufficient
83 accessible private off-street parking spaces for their valet
84 parking services. On-street parking spaces and parking
85 spaces otherwise located on property owned or maintained
86 by the city shall not be used by the permittee to park
87 vehicles.

88 d. The valet parking service area shall be located on the
89 public right-of-way abutting the boundary lines of the
90 property on which the permittee's business or property is
91 located. The location of the valet parking queue is
92 restricted to existing designated on-street parking spaces.
93 No more than two on-street parking spaces shall be used
94 as part of the valet parking queue. Except as otherwise set
95 forth herein, the valet parking service area shall not be
96 established or extended in front of another property unless

97 the applicant secures the written consent of the affected
98 property owner. If an on-street parking space abuts two
99 separate properties, the permit for the use of such space
100 for a valet parking queue shall be awarded on a first come,
101 first served basis.

102 e. Permits will not be issued where the drop-off and pick-up of
103 vehicles will interfere with the safe operation of driveways,
104 street intersections, crosswalks or other prohibited areas.

105 f. Permits will not be issued where the stacking of drop-off
106 and/or pick up of vehicles will interfere with the safe traffic
107 operation on adjacent streets or unduly delay or interfere
108 with normal traffic operations.

109 g. Permits will not be issued where there is another permitted
110 valet parking service area located one block away or less.
111 A "block" will be considered the distance from one street to
112 the next, north, south, east and west.

113 h. If any of the above criteria is not met, the city may deny the
114 permit application.

115 If a permit is issued and any of the above criteria cease to be met, the
116 same shall be a violation of this article and may be cause for the city to
117 revoke or suspend a permit.

118 (c) FDOT rights-of-way.

119 (1) City lease. If the valet parking service operates in whole or in part
120 on any right-of-way owned or maintained by the Florida
121 Department of Transportation (FDOT) and such right-of-way is
122 leased to the city, the applicant shall be required to abide by and
123 be subject to all terms and conditions of such lease which may
124 include, but are not limited to, the following:

- 125 1. Payment of rent plus applicable taxes.
- 126 2. Indemnification and insurance requirements.
- 127 3. Maintenance of right-of-way requirement.
- 128 4. Termination provision, even if prior to
129 expiration of valet parking permit.
- 130 5. Periodic governmental inspections.
- 131 6. Waiver of legal rights, monetary claims, and
132 damages of any sort for the loss of occupancy
133 of the leased property.
- 134 7. Prohibition of any portable or temporary
135 advertising signs in leased right-of-way.

136 It is the responsibility of each applicant to review any applicable
137 lease and to be fully apprised of all the terms and conditions of
138 such lease. Applicants may request a copy of any applicable
139 lease from the office of the city clerk. The permittee shall also be
140 subject to all other permit requirements, conditions and
141 restrictions set forth in this article.

142 (2) Application documentation. Before a valet parking permit may be
143 issued, the applicant shall provide the city with all requested

144 documents required for compliance with the subject lease or as
145 otherwise required by the city.

146 (3) Termination of lease; waiver of damages. By accepting a permit
147 issued under this article, the permittee agrees to and
148 acknowledges the following: If the subject lease is terminated for
149 any reason, the permit shall be simultaneously revoked; and the
150 permittee waives any claim for damages due to such termination
151 and revocation. A revocation pursuant to this subsection is not
152 appealable to the city commission.

153 (d) Permits shall be valid from October 1 to September 30, unless revoked
154 or suspended earlier. No fee shall be prorated or refunded. The city
155 shall begin to process renewal permit applications on July 1 of each
156 year. To renew a permit, the permittee shall comply with the application
157 procedures set forth under this article and pay all applicable fees and
158 taxes. The permittee shall apply for and secure the renewal permit on or
159 before September 30 of each year. The failure to secure a renewal
160 permit on or before September 30 shall result in a penalty of 25% of the
161 renewal fee and may be cited as a violation of this article. If a permit is
162 not timely renewed or a renewal application is denied, the valet parking
163 service shall cease to operate.

164 (e) A valet parking service, permitted and operated in accordance with this
165 article, shall not be an obstruction of a sidewalk as provided in section
166 19-11 of this Code.

167

168 **Sec. 19-102. – Permit conditions and restrictions.**

169 (a) Passengers shall not be loaded or unloaded within traffic lanes that are
170 open to through traffic.

171 (b) The valet parking service shall not interfere with the regular flow of
172 vehicular and pedestrian traffic. The vendor shall not park vehicles in the
173 queue or allow stacking of vehicles or blocking of the travel ways of any
174 street, alley, parking lot or sidewalk.

175 (c) The permit issued shall be personal to the permittee only and shall not
176 be transferable in any manner.

177 (d) The subject permit or a copy of the permit must be at the valet parking
178 service area at all times.

179 (e) The valet stand shall be located on the sidewalk in such a manner that a
180 clear pedestrian path is maintained at all times. The city is authorized to
181 require a mandatory minimum pedestrian path, as circumstances dictate.
182 Under no circumstances shall permanent structures or equipment be
183 permitted.

184 (f) The permittee shall conduct valet parking services only during the hours
185 of operation of the permittee's business.

186 (g) The valet stand shall be of quality design, materials, and workmanship;
187 safe and convenient for patrons; compatible with the use in the
188 immediate vicinity; maintained with a clean, attractive appearance and in
189 good repair at all times; and removed at the close of business each day.

- 190 (h) Valet parking service areas shall be maintained in a neat and orderly
191 condition at all times and shall be kept clear of all trash and debris.
- 192 (i) The city shall have priority of use of the public right-of-way and the
193 discretion to temporarily suspend a permit for any of its special events or
194 other community events.
- 195 (j) The city may require the temporary removal or relocation of valet parking
196 service when street, sidewalk, or utility repairs necessitate such action.
197 Under no circumstances shall the city be deemed responsible or liable in
198 any way for any damage or loss resulting from the removal of or a failure
199 to remove the valet parking service area or valet stand.
- 200 (k) If found to be necessary for the protection of the health, safety and
201 welfare of the public, the department of public services, police and fire
202 departments or emergency service providers may require the permittee
203 to immediately remove or relocate all or parts of the valet parking service
204 and valet stand, and, if necessary, the city may remove or relocate the
205 same in emergency situations. Law enforcement personnel are
206 authorized to direct traffic, including drop-off and pick-up vehicles, as
207 conditions may require. Under no circumstances shall the city be
208 deemed responsible or liable in any way for any damage or loss resulting
209 from the removal of or the failure to remove the valet parking service
210 area or valet stand.
- 211 (l) All valet parking service areas are subject to periodic inspections by the
212 city to ensure compliance with this article.
- 213 (m) All valet parking permits are subject to discontinuance due to the
214 expiration or revocation of any and all utility permits and access permits
215 that have been issued to the city.
- 216 (n) If a permittee closes its business for ninety (90) days or more, the permit
217 shall automatically expire.
- 218 (o) No advertising signs or business identification signs shall be permitted in
219 the valet parking service area unless approved by the city.
- 220 (p) Permittees shall ensure that the valet parking service area is adequately
221 staffed to ensure that the valet service is operated in a manner that will
222 not result in illegal parking in the queue or stacking and/or blocking of the
223 travel ways of any street, alley, parking lot or sidewalk. The valet parking
224 service area shall be staffed by a minimum of two (2) people, with one
225 (1) person dedicated to oversee the queue.
- 226 (q) All valet parking service employees or independent contractors who
227 operate motor vehicles shall have in their possession a valid Florida
228 Driver's License in good standing.
- 229 (r) All valet parking service employees or independent contractors shall
230 comply with this article and all applicable city, county, and state traffic
231 laws and regulations.
- 232 (s) All valet parking service employees or independent contractors shall
233 perform their duties in a courteous and professional manner.

234
235 **Sec. 19-103. – Indemnification; insurance.**

- 236 (a) Prior to the issuance of a permit, the applicant shall furnish the city with a
237 signed statement that the permittee shall hold-harmless, indemnify and
238 defend the city, its officers, agents and employees and, if applicable, the
239 FDOT, its officers, agents, and employees, for any claims for damages to
240 property or injury to persons, including death, which may be occasioned
241 by any activity carried on under the terms of the permit or in connection
242 therewith. The statement shall also include that the permittee shall be
243 responsible for the performance of and payment for any environmental
244 remediation that may be necessary, as determined by the FDOT or other
245 agency with jurisdiction, within the valet parking service area, and that
246 the permittee shall indemnify, defend, and hold harmless the city, its
247 officers, agents and employees and, if applicable, the FDOT and its
248 officers, agents, and employees, from any claim, loss, damage, cost,
249 charge, or expense arising out of any such contamination.
- 250 (b) Permittee shall furnish and maintain public liability and property damage
251 insurance for the benefit of the city, its officers, agents and employees
252 and, if applicable, the FDOT, its officers, agents and employees, to
253 protect from all claims and damage to property or bodily injury, including
254 death, which may arise from operations under the permit or in connection
255 therewith. Such insurance shall be without prejudice to coverage
256 otherwise existing therein and shall name the "City of Lake Worth" and
257 the "Florida Department of Transportation", if applicable, as additional
258 insureds. The insurance required hereunder shall be in amounts
259 approved by the city and in accordance with any other requirements
260 established by the city. The applicant shall provide proof of all required
261 insurance prior to receiving the permit.
- 262 (c) The inclusion of the FDOT language set forth in (a) and (b) above is
263 applicable and required if the permittee is operating the valet parking
264 services area anywhere on property owned or maintained by the FDOT
265 or on property that is otherwise subject to an FDOT lease with the city.

266
267 **Sec. 19-104. – Denial, revocation or suspension; appeals.**

- 268 (a) The city may deny, revoke or suspend a valet parking permit if it is found
269 that:
- 270
- 271 (1) Any required business permit has been suspended, revoked or
272 canceled;
- 273 (2) The permittee does not have a current business tax receipt issued
274 by the city;
- 275 (3) The permittee does not have insurance as required under this
276 article or as otherwise required by the city;
- 277 (4) Changing conditions of pedestrian or vehicular traffic that cause
278 congestion necessitating the removal of the valet parking
279 services. Such decision shall be based upon a finding of the city
280 that the minimum pedestrian path is insufficient under existing
281 circumstances or the valet parking services are unreasonably
282 impeding the flow of traffic and such conditions represent a

283 danger to the health, safety or general welfare of pedestrians or
284 vehicular traffic.

285 (5) The permittee has failed to correct a violation of this article or
286 condition of its permit or the permittee has failed to pay a violation
287 or citation fine imposed for a violation of this article or condition of
288 its permit;

289 (6) The permittee has received two (2) citations or notices of violation
290 within a six-month period, whether corrected or not; or

291 (b) Upon denial, revocation or suspension, city shall provide notice of such
292 action to the applicant or the permittee in writing, stating the action which
293 has been taken and the reason therefor. If the action of the city is based
294 on subsection (a)(3) or (4) of this section, the action shall be effective
295 twenty-four (24) hours after the city's postmarked date of mailing of
296 notice to permittee. Otherwise, such notice shall become effective within
297 ten (10) days after the city's postmarked date of mailing of such notice to
298 the permittee. Notice shall be hand-delivered or sent by certified mail,
299 return receipt requested.

300 (c) Appeals shall be handled as follows:

301 (1) An appeal shall be initiated within ten (10) days of the city's
302 postmarked date of mailing of the written notice of the denial,
303 revocation or suspension of a valet parking permit by delivering a
304 written notice of appeal with the city manager. If the appeal is not
305 timely delivered by the permittee, the permittee shall be deemed
306 to have waived his or her right to challenge the denial, revocation
307 or suspension, whichever is applicable.

308 (2) If the appeal is timely delivered, the city manager shall place the
309 appeal on the next available regular city commission agenda. At
310 the hearing upon appeal, the city commission shall either uphold
311 the denial, revocation or suspension of the permit or reverse the
312 denial, revocation or suspension of the permit, with or without
313 conditions. The decision of the city commission shall be final and
314 effective immediately.

315 (3) The filing of a notice of appeal by a permittee shall not stay a
316 denial, revocation or suspension of a permit.

317
318 **Sec. 19-105. – Enforcement of violations.** In addition to the remedies
319 provided in 19-104, the city may enforce violations of this article in accordance
320 with chapter 2, article VI “Code Compliance” or article X “Supplemental Code
321 Compliance Procedures” of this code.

322
323 Section 3. Severability. If any section, subsection, sentence, clause, phrase or
324 portion of this Ordinance is for any reason held invalid or unconstitutional by
325 any court of competent jurisdiction, such portion shall be deemed a separate,
326 distinct, and independent provision, and such holding shall not affect the validity
327 of the remaining portions thereof.

328

329 Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in
330 conflict herewith are repealed to the extent of such conflict.

331

332 Section 5. Codification. The sections of the ordinance shall be made a part of
333 the City code of ordinances and may be re-numbered or re-lettered to
334 accomplish such, and the word "ordinance" may be changed to "section",
335 "division", or any other appropriate word.

336

337 Section 6. Effective Date. This Ordinance shall take effect ten days after its
338 adoption.

339

340 The passage of this Ordinance on first reading was moved by
341 _____, seconded by _____, and
342 upon being put to a vote, the vote was as follows:

343

344

Mayor Pam Triolo
Vice Mayor Scott Maxwell
Commissioner Christopher McVoy
Commissioner Andy Amoroso
Commissioner Ryan Maier

345

346

347

348

349

350 The Mayor thereupon declared this Ordinance duly passed on first
351 reading on the 6th day of October, 2015.

352

353 The passage of this Ordinance on second reading was moved by
354 _____, seconded by _____, and upon being put to
355 a vote, the vote was as follows:

356

357

Mayor Pam Triolo
Vice Mayor Scott Maxwell
Commissioner Christopher McVoy
Commissioner Andy Amoroso
Commissioner Ryan Maier

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361

362

363 The Mayor thereupon declared this Ordinance duly passed and enacted
364 on the 20th day of October, 2015.

365

366

LAKE WORTH CITY COMMISSION

367

368

369

By: _____
Pam Triolo, Mayor

370

371

372

ATTEST:

373

374

375

Pamela J. Lopez, City Clerk

376



AGENDA DATE: October 6, 2015, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2015-15 - First Reading - amend the City's Sidewalk Cafe ordinance and schedule the public hearing date for October 20, 2015

SUMMARY:

This Ordinance addresses the Florida Department of Transportation's (FDOT) proposed lease agreement terms and conditions and to make the City's sidewalk café permittees aware of and subject to them.

BACKGROUND AND JUSTIFICATION:

The City Commission adopted a Sidewalk Café Ordinance to require sidewalk cafes to be permitted and regulated by the City. The FDOT is requiring the City to enter into a Lease Agreement that will govern the use of the sidewalks lying within the existing right-of-way of eastbound and westbound State Road S-802 a/k/a Lake Avenue (eastbound) and Lucerne Avenue (westbound) between Dixie Highway to the west and Federal Highway to the east (collectively, the "Sidewalks"). The Sidewalk Café Ordinance requires amending to address the FDOT Lease; to ensure that permittees are made subject to the FDOT Lease Agreement; and to require their compliance with the Lease Agreement's terms and conditions which include, but are not limited to, insurance and indemnification requirements, the payment of rent, maintenance of the right-of-way, inspections and termination provisions.

MOTION:

I move to approve / not approve Ordinance No. 2015-15 on first reading and schedule the public hearing date for October 20, 2015.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance

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ORDINANCE NO. 2015-15 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 19, STREETS AND SIDEWALKS, ARTICLE IV, SIDEWALK CAFES, BY AMENDING SECTION 19-52, PERMIT REQUIREMENTS AND FEE, TO ADDRESS RIGHTS-OF-WAY THAT ARE SUBJECT TO A CITY LEASE; PROVIDING FOR COMPLIANCE OF PERMITTEES WITH SUCH LEASE REQUIREMENTS; AMENDING SECTION 19-53, PERMIT APPLICATION, TO ADDRESS FEES; AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth, Florida (the "City") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City has adopted regulations in chapter 19, "Streets and Sidewalks", article IV, "Sidewalk Cafes", addressing sidewalk cafes that operate in whole or in part on City rights-of-way or other City property; and

WHEREAS, some sidewalk cafes operate on rights-of-way that are leased by the Florida Department of Transportation (FDOT) to the City; and

WHEREAS, sidewalk café permittees must operate in accordance with the terms of the lease between the FDOT and the City; and

WHEREAS, article IV, "Sidewalk Cafes" requires amending to address such FDOT rights-of-way leases; and

WHEREAS, the ordinance also requires amendments to address renewals of such permits and associated fees; and

WHEREAS, the City Commission has reviewed the recommended amendments and has determined that the amendments are in the best interest of the public health, safety and general welfare of the City, its residents and visitors to adopt these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. The foregoing "WHEREAS" clauses are true and correct and are hereby ratified and confirmed by the City Commission.

Section 2. The City Commission amends Chapter 19, "Streets and Sidewalks", Section 19-52, "Permit requirements and fee", as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 19-52. – Permit requirements, and fees and renewals; FDOT rights-of-way.

50 (a) Permit requirements. A permit to operate a sidewalk café shall only be
51 issued to a legally licensed and operating restaurant who wishes to
52 provide seating for its patrons, on the sidewalk, that is immediately
53 adjacent to the subject restaurant.

54 (b) Permit fees. The permit fee and annual permit renewal fee, business tax
55 receipt and use and occupancy certificate fees for establishing and
56 maintaining a sidewalk café shall be determined by the city commission
57 and set forth by resolution or ordinance as required by law. The permit
58 fee and annual permit renewal fee shall include the city's fee and any
59 rent due under a FDOT right-of-way lease. No fee shall be prorated or
60 refunded.

61 (c) Permit validity; renewals. Permits shall be valid from October 1 to
62 September 30, unless revoked or suspended earlier. The city shall
63 begin to process renewal permit applications on July 1 of each year. To
64 renew a permit, the operator shall complete the application procedure set
65 forth under this article and pay all applicable fees and taxes. The
66 operator shall apply for and secure the renewal permit on or before
67 September 30 of each year. The failure to renew a permit on or before
68 September 30 shall result in a penalty of 25% of the renewal fee and
69 may be cited as a violation of this article. If a permit is not timely
70 renewed or a renewal application is denied, the operator shall not
71 operate the sidewalk café.

72 (d) FDOT right-of-way.

73 (1) City lease. If the sidewalk cafe operates in whole or in part on any
74 right-of-way owned or maintained by the Florida Department of
75 Transportation (FDOT) and such right-of-way is leased to the city,
76 the applicant shall be required to abide by and be subject to all
77 terms and conditions of such lease which may include, but are not
78 limited to, the following:

- 79 1. Payment of rent plus applicable taxes.
- 80 2. Indemnification and insurance requirements.
- 81 3. Maintenance of right-of-way requirement.
- 82 4. Termination provision, even if prior to
83 expiration of sidewalk café permit.
- 84 5. Periodic governmental inspections.
- 85 6. Waiver of legal rights, monetary claims, and
86 damages of any sort for the loss of occupancy
87 of the leased property.
- 88 7. Prohibition of any portable or temporary
89 advertising signs in leased right-of-way.

90 It is the responsibility of each applicant to review any applicable
91 lease and to be fully apprised of all the terms and conditions of
92 such lease. Applicants may request a copy of any applicable
93 lease from the office of the city clerk.

94 (2) Application documentation. In addition to complying with all other
95 applicable provisions of this article, before a sidewalk café permit
96 may be issued, the applicant shall provide the city with all

97 requested documents required for compliance with the subject
98 lease or as otherwise required by the city.

99 (3) Termination; waiver of damages. By accepting a permit issued
100 under this article, the permittee agrees to and acknowledges the
101 following: If the subject lease is terminated for any reason, the
102 permit shall be simultaneously revoked; and the permittee waives
103 any claim for damages due to such termination and revocation. A
104 revocation pursuant to this subsection is not appealable to the city
105 commission.
106

107 Section 3. The City Commission amends Chapter 19, "Streets and Sidewalks",
108 Section 19-53, "Permit application", as follows (additional language underlined
109 and deleted language ~~stricken through~~):
110

111
112 **Sec. 19-53. – Permit application.**

113 * * *

114
115
116 (d) *Permit application fee.* Completed applications shall be accompanied by
117 all applicable fees ~~non-refundable administrative fee of twenty-five~~
118 ~~dollars (\$25.00) for processing. No fee shall be prorated or refunded.~~
119 Once approved, a one-time non-refundable permit fee and an annual
120 permit renewal fee each year thereafter, as established by resolution of
121 the city commission, shall be required to obtain a sidewalk cafe permit.
122 ~~The initial permit fee shall be credited toward the first year's annual~~
123 ~~business tax receipt fee and sidewalk cafe permit fee.~~

124 (e) *Fees and taxes to be obtained.* Upon confirmation of the sidewalk cafe
125 application approval, the applicant shall obtain a separate business tax
126 receipt for the sidewalk cafe operation. Issuance of the business tax
127 receipt and use and occupancy certificate shall serve as the final
128 component of the sidewalk cafe application process. All outstanding city
129 fees and taxes required by law relative to the business establishment
130 with which the proposed sidewalk cafe is associated and the property on
131 which the establishment is located shall be paid in full and all required
132 city licenses shall be current prior to approval of a sidewalk cafe permit.
133 ~~Each sidewalk cafe shall pay the requisite business tax receipt each year~~
134 ~~to maintain its sidewalk cafe permit. Failure to do so will subject the~~
135 ~~business to reapplication for a sidewalk cafe permit.~~
136

137 Section 4. Severability. If any section, subsection, sentence, clause, phrase or
138 portion of this Ordinance is for any reason held invalid or unconstitutional by
139 any court of competent jurisdiction, such portion shall be deemed a separate,
140 distinct, and independent provision, and such holding shall not affect the validity
141 of the remaining portions thereof.
142

143 Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in
144 conflict herewith are repealed to the extent of such conflict.

145
146 Section 6. Codification. The sections of the ordinance shall be made a part of
147 the City code of ordinances and may be re-numbered or re-lettered to
148 accomplish such, and the word "ordinance" may be changed to "section",
149 "division", or any other appropriate word.

150
151 Section 7. Effective Date. This Ordinance shall take effect ten days after its
152 adoption.

153
154 The passage of this Ordinance on first reading was moved by
155 _____, seconded by _____, and
156 upon being put to a vote, the vote was as follows:

- 157
- 158 Mayor Pam Triolo
- 159 Vice Mayor Scott Maxwell
- 160 Commissioner Christopher McVoy
- 161 Commissioner Andy Amoroso
- 162 Commissioner Ryan Maier
- 163

164 The Mayor thereupon declared this Ordinance duly passed on first
165 reading on the 6th day of October, 2015.

166
167 The passage of this Ordinance on second reading was moved by
168 _____, seconded by _____, and upon being put to
169 a vote, the vote was as follows:

- 170
- 171 Mayor Pam Triolo
- 172 Vice Mayor Scott Maxwell
- 173 Commissioner Christopher McVoy
- 174 Commissioner Andy Amoroso
- 175 Commissioner Ryan Maier
- 176

177 The Mayor thereupon declared this Ordinance duly passed and enacted
178 on the 20th day of October, 2015.

179
180 LAKE WORTH CITY COMMISSION

181
182
183 By: _____
184 Pam Triolo, Mayor

185
186 ATTEST:

187
188 _____
189 Pamela J. Lopez, City Clerk
190



AGENDA DATE: June 16, 2015, Regular Meeting

DEPARTMENT: Commissioner Amoroso

EXECUTIVE BRIEF

TITLE:

Discuss the Lake Worth Beach Complex, Casino Building Vacant Space and Municipal Pool Invitation to Negotiate (ITN)

SUMMARY:

This item is to discuss the ITN Evaluation Committee's recommendations and provide direction to staff.

BACKGROUND:

Since the Casino Building re-opened in the fall of 2012, the City has been grappling with how to fill the vacant commercial space remaining in the building. The City has also had other numerous challenges at the beach including, but not limited to, challenges with the adjacent old pool building; the operation and maintenance of the pool; shortfalls in the Beach Fund; and, operations at the Casino Ballroom. City staff identified utilizing the ITN process as a way to provide the Commission with viable alternatives to address these issues. Unlike other selection processes allowed under state law, the ITN encourages creative proposals, incorporates a negotiation process, and allows for the comparison of 'apples and oranges' proposals. Based upon the previous experience with the other commercially leased spaces in the Casino Building, the intent was to vet the proposals to a feasible and permissible project(s) for consideration by the Commission. Along with the parameters set forth in the ITN document, there are restrictions contained in the Comprehensive Plan and the Zoning Code for the Beach and Casino Zoning District (BAC) (all approved in 2007). Additionally, the City Charter, Article 2, Section 3 states:

“City-owned property east of A1A roadway shall not be declared surplus property and shall not be sold, hypothecated, conveyed, or leased, except for a lease of less than 20 years, without the affirmative vote of a majority of the electors of the City of Lake Worth at a properly noticed and scheduled referendum.”

On September 2, 2014, the City issued the ITN to seek replies for one or more commercial ventures with the following available options (including management and/or development of surrounding areas):

- For the upstairs vacant tenant space at the Casino Building.
- For meeting space (ballroom) and kitchen at the Casino Building.
- For the municipal pool area.

On October 14, 2014, the City received replies from Hudson Holdings; Anderson Carr (on behalf of Oceanside Bar and Grill); and, Wave House Miami. The Evaluation Committee decided in a public meeting to commence negotiations with all three (3) offerors.

The Evaluation Committee conducted several internal negotiation strategy meetings and one meeting to meet with the offerors on their proposed projects. On two occasions, the Evaluation Committee sought additional information from the offerors. Wave House Miami did not submit the requested information on the first occasion, and the Evaluation Committee decided to move forward with the other two offerors (Hudson Holdings and Anderson Carr). The City received final replies on March 2, 2015 from Hudson Holdings and Anderson Carr. The Evaluation Committee conducted further fact finding on the final replies and, on April 28, 2015, conducted a public meeting to determine its next step(s) in the process. At the April 28, 2015 meeting, the Evaluation Committee made three recommendations to the City Commission:

1. That the City Commission direct City staff (William Waters) to develop a request for qualifications (RFQ) for a qualified firm to prepare a traffic/development impact study with related evaluations in order to discern viable levels of development and intensity of uses at the beach.
2. That during the budget process, the City Commission hold a separate workshop on the Beach Fund in order to address policy decisions that must be made for the FY 2016 Beach Fund budget.
3. That the City Commission continue negotiations with Anderson Carr (on behalf of Oceanside Bar & Grill) for the lease of the upstairs vacant space at the Casino Building and management/lease of the ballroom.

The Evaluation Committee also recommended that the foregoing be concluded within six (6) months. As of April 28, 2015, the Evaluation Committee is dissolved.

Pursuant to the ITN, the City Commission is to consider the recommendations of the City's Evaluation Committee. The City Commission has broad discretion to do the following:

- o Determine which offeror(s) should be awarded a contract(s) with the City (with or without further negotiations);
- o Request presentations from any and all offerors;
- o Request further fact-finding by City staff or other appointee(s) with any and all offerors;
- o Reject any and all of the replies;
- o Cancel the ITN; and/or,
- o Re-issue the ITN.

As to the Evaluation Committee's recommendations related to an RFQ and Beach Fund workshop, it is within the City Commission's discretion to approve or reject such recommendations.

As a summary of each offeror's proposed project, the following information is provided:

For Wavehouse Miami, it proposed utilizing the existing pool area to install a wave-house/wave-pool and similar water recreational features with a surrounding tiki/restaurant facility.

For Hudson Holdings, it proposed a convention/event facility (to compliment the Gulfstream Hotel) with associated retail/restaurant locations, spa, club, pools and a parking structure. Hudson Holdings made revisions to its project during the course of the ITN process.

For Anderson Carr (on behalf of Oceanside Bar & Grill), it proposed building out the upstairs vacant space for a restaurant and taking over the management of the ballroom. Oceanside Bar & Grill made revisions to its project during the course of the ITN process.

On July 23, 2015, Wavehouse Miami notified the City that they were moving in another direction and were no longer interested in pursuing this ITN because of the uncertainty with their submittal, the lengthy process the ITN took, and not having the ability to use the larger site plan that would have allowed them to incorporate the surf pool into the project.

On July 30, 2015, the City Commission held a Work Session to hear Hudson Holdings and Anderson Carr's proposals and for the public to ask questions to the presenters; however no further direction was provided.

On September 15, 2015, Hudson Holdings notified the City of their intent to withdraw from the ITN.



20 South Swinton Ave | Delray Beach, FL 33444

www.hudsonholdings.com

September 15, 2015

Mr. Michael Bornstein
City Manager
City of Lake Worth
7 North Dixie Highway
Lake Worth, FL 33460

Dear Mr. Bornstein,

Please consider this notice of our intent to withdraw from the Invitation to Negotiate (ITN) as it relates to the Lake Worth Beach Casino Complex.

We remain committed to the City's progress through our significant commercial and residential holdings in Lake Worth, as well as our continuing support of community initiatives. Unfortunately, the current ITN process has been derailed by a lack of clear direction and structure. Additionally in our estimation the misinformation that has been propagated in recent months – specifically as it relates to the reality of the precarious financial stability of the beach complex, and ongoing questions about funding of the previous complex renovation which has raised the cost of water to every resident of Lake Worth. Further exacerbating the problem is the number of times the “goalposts have been moved” by staff regarding the size and scope of the project making it impossible for the ITN to be completed in a fair and responsible way.

The positive results from our recent open community meeting on August 24th attended by over 250 residents, as well as our ongoing neighborhood and small business outreach program have made it clear that stabilizing the current budget shortfall of the beach casino complex and responsible, reasonable and sustainable upgrades to the facility though a partnership with the private sector is desired by a large component of the public. We are hopeful the financial needs of the city, as well as the now well-documented desire of the residents to have an improved pool and casino property, can be addressed in a more structured, responsive way, and in a more timely manner.

Sincerely,

Steven Michael
Hudson Holdings



**DRAFT
AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, OCTOBER 20, 2015 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION:** Pastor Peggy Heald, Believer's Victory 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. College Park Neighborhood Association update
 - B. Tropical Ridge Neighborhood Association update
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. APPROVAL OF MINUTES:**
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Approval of the Maintenance Agreement for the Lucente Townhome project between the City and Kennedy Homes LLC
 - B. Variance Agreement to allow brick pavers on a driveway and City right-of-way on property located at 529 21st Avenue North
- 10. PUBLIC HEARINGS:**
- 11. UNFINISHED BUSINESS:**

12. NEW BUSINESS:

- A. Purchase Chamber building

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. November 10, 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.