



**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 Andy Amoroso
- 4. AGENDA - Additions/Deletions/Reordering:**
- 5. PRESENTATIONS:** (there is no public comment on Presentation items)
  - A. Proclamation declaring October as Customer Service Month
  - B. Certificate of Appreciation for "Florida Food and Farm, LLC"
  - C. College Park Neighborhood Association update
  - D. 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:**
  - A. City Commission Special Meeting - September 29, 2015
  - B. City Commission Meeting - October 6, 2015
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
  - A. Maintenance Agreement with Kennedy Homes LLC to furnish and install landscaping and irrigation

- B. Variance Agreement to allow brick pavers on a driveway and City right-of-way on property located at 529 21st Avenue North
- C. Purchase Order for one new refuse heavy equipment vehicle through the Florida Sheriff's Bid
- D. Task Order #2 with ADA Engineering, Inc. for professional services for performance of the ADA Transitions Plan
- E. Ratify a board member to the Electric Utility Advisory Board
- F. Amendment to a Settlement Agreement for Pineapple Ridge

**10. PUBLIC HEARINGS:**

- A. Ordinance No. 2015-14 - Second Reading and Public Hearing - create valet parking regulations
- B. Ordinance No. 2015-15 - Second Reading and Public Hearing - amend the City's Sidewalk Cafe ordinance

**11. UNFINISHED BUSINESS:**

**12. NEW BUSINESS:**

- A. Ordinance No. 2015-16 - First Reading - amend the lien reductions and release of liens code and schedule the public hearing date for November 10, 2015
- B. Award the City's Roll-Off Services Request For Proposal (RFP) to Waste Management
- C. Designate delegates during the 2015 National League of Cities Congress of Cities on November 4-7, 2015 in Nashville, TN
- D. Community Redevelopment Agency member removal process
- E. Discuss fire hydrant coverage and pressure
- F. Review the Beach Fund budget since re-opening the Casino/Pool

**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.



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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**EXECUTIVE BRIEF**

**TITLE:**

College Park Neighborhood Association Update

**SUMMARY:**

Mr. John Pickett, College Park 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 College Park Neighborhood Association was on August 19, 2014.

**MOTION:**

Not applicable

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** City Clerk

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**EXECUTIVE BRIEF**

**TITLE:**

Tropical Ridge Neighborhood Association Update

**SUMMARY:**

Mr. Phil Materio, Tropical Ridge 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 Tropical Ridge Neighborhood Association was on March 18, 2014.

**MOTION:**

Not applicable

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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**EXECUTIVE BRIEF**

**TITLE:**

Maintenance Agreement with Kennedy Homes LLC to furnish and install landscaping and irrigation in and around the City maintained right-of-way

**SUMMARY:**

The Agreement provides for the owner of Lucente Townhome to furnish, install and maintain landscaping and irrigation in and around the right-of-way north of Lucerne Avenue between North J and K Streets.

**BACKGROUND AND JUSTIFICATION:**

As a condition of project approval, the City's Public Services Department required that Kennedy Homes LLC (owner) to improve the right-of-way that borders the southern property line of the site and across the right-of-way. The right-of-way lies between North J and North K Streets and is the first alleyway north of Lucerne Avenue. The Owner has proposed new landscaping and irrigation improvements that have been approved by the City. The Maintenance Agreement specifies the maintenance responsibilities of the owner. The Maintenance Agreement will be recorded in Official Records and will be binding on the current and future owner of the project. Since the City maintains the right-of-way, a revocable permit agreement is not appropriate for the mere maintenance of the adjacent landscaping and irrigation.

**MOTION:**

I motion to approve / disapprove the Maintenance Agreement with Kennedy Homes LLC.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Maintenance Agreement



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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**EXECUTIVE BRIEF**

**TITLE:**

Variance Agreement to allow brick pavers on a driveway and City right-of-way on property located at 529 21st Avenue North

**SUMMARY:**

The Agreement with owner's Amber Gordon and Shaun Cardoza will allow for the encroachment of brick pavers into the City right-of-way and protect the City from any future liability.

**BACKGROUND AND JUSTIFICATION:**

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

On October 2, 2015, the Public Services Director authorized the variance; however, in order to protect the City from any liability (or if the City needs to remove the pavers for future work or any other reason), a variance agreement will hold the City harmless and not require replacement of the pavers in the right-of-way. Upon completion of any improvements in the right-of-way, the City would then perform a repair with concrete or the pavers could be reinstalled at the owner's expense. There is currently no existing variance agreement for brick pavers on this property.

**MOTION:**

I move to approve/not approve a variance agreement with Amber Gordon and Shaun Cardoza.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Variance Agreement



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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**EXECUTIVE BRIEF**

**TITLE:**

Purchase Order for one new refuse heavy equipment vehicle through the Florida Sheriff's Bid

**SUMMARY:**

The Purchase Order will provide for the replacement of a front load commercial garbage truck that has reached the end of its useful life.

**BACKGROUND AND JUSTIFICATION:**

The Refuse Division currently operates 22 heavy equipment vehicles that collect the City's commercial and residential garbage, trash, vegetation, and recycling disposal materials.

The Division is actively engaged in the replacement process of high hour and high mileage vehicles to ensure all the equipment is up to the latest safety and operational standards. Downtime in the Refuse Division is not an option and the scheduled replacement of these vehicles is necessary to maintain an efficient operation. The costs to repair these vehicles is extremely high overall and replacement is the best option financially.

The Refuse Division will be replacing vehicle #63 (Front Load commercial truck). Vehicle #63 has over 10,000 hours on it, was purchased in 2004, and has reached the end of its useful life. This vehicle is being purchased through the Florida Sheriff's Bid #15-13-0904.

**MOTION:**

I move to approve / disapprove the purchase of one (1) new refuse heavy equipment vehicle.

**ATTACHMENT(S):**

Fiscal Impact Analysis

Nextran Dealer quote – Front Load Truck

Florida Sheriff's Bid Award

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	247,976.77	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	247,976.77	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Public Services						
Account Number	Account Description	FY2016 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
530-9010-549.64-30	City fleet / Machinery / Equip	960,000	RF1402	960,000	247,976.77	712,023.23

C. Department Fiscal Review:   FL



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Public Services

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**EXECUTIVE BRIEF**

**TITLE:**

Task Order #2 with ADA Engineering, Inc. for professional services for performance of the ADA Transitions Plan

**SUMMARY:**

The Task Order provides for the assessment of City-owned facilities and sidewalks for compliance the Federal ADA law and compile those assessments into an ADA Transition Plan.

**BACKGROUND AND JUSTIFICATION:**

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute (hereinafter referred to as the Act) that prohibits discrimination against people with disabilities. There are five separate Titles (sections) of the Act relating to different aspects of potential discrimination. Title II of the Act specifically addresses the subject of making public services and public transportation accessible to those with disabilities. With the advent of the Act, designing and constructing facilities for public use that are not accessible by people with disabilities may constitute discrimination under the Act.

The Act applies to all facilities, including both facilities built before and after 1990. As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities or agencies are required to perform self-evaluations of their current facilities, relative the accessibility requirements of the ADA. The agencies are then required to develop a Program Access Plan, which can be called a **Transition Plan**, to address any deficiencies.

The Plan is intended to achieve the following:

- (1) identify physical obstacles that limit the accessibility of facilities to individuals with disabilities,
- (2) describe the methods to be used to make the facilities accessible,
- (3) provide a schedule for making the access modifications, and
- (4) identify the public officials responsible for implementation of the Transition Plan.

The Plan is required to be updated periodically until all accessibility barriers are removed.

The Public Services Department is seeking the professional services of ADA Engineering, Inc. (professional firm from the City's approved CCNA list) to provide the following services:

- (1) To assess the compliance of 21 City owned facilities with the requirements of the ADA. To assess the sidewalk network within City owned right of way with respect to connectivity and accessibility at curb ramps.
- (2) To compile the assessments into an ADA Transition Plan document.

**MOTION:**

I motion to approve / disapprove Task Order #2 with ADA Engineering, Inc. for the performance of the ADA Transitions Plan.

**ATTACHMENT(S):**

Fiscal Impact Analysis

Example ADA Transitions Plan from PBC School District

Task Order #2

**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	65,962.00	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	65,962.00	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Public Services						
Account Number	Account Description	FY2016 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
001-5010-519.34-50	Contractual Services / Other Contr. Serv.	140,000.00		140,000	65,962.00	74,308.00

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



**AGENDA DATE:** October 20, 2015 – Regular Meeting

**DEPARTMENT:** City Commission

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**EXECUTIVE BRIEF**

**TITLE:**

Ratify a board member to the Electric Utility Advisory Board

**SUMMARY:**

This item is to ratify Commissioner McVoy's appointment of a member to the Electric Utility Advisory Board.

**BACKGROUND AND JUSTIFICATION:**

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

The following appointment is requested to be ratified:

Electric Utility Advisory Board  
Ibrahim Chalhoub to fill an unexpired term ending on July 31, 2018

**MOTION:**

I move to ratify Commissioner McVoy's appointment of Ibrahim Chalhoub to the Electric Utility Advisory Board to fill an unexpired term ending on July 31, 2018.

**ATTACHMENT(S):**

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



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Legal

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**EXECUTIVE BRIEF**

**TITLE:**

Amendment to Settlement Agreement with Pineapple Ridge

**SUMMARY:**

The Amendment addresses changes in timeframes associated with the settlement agreement and provides a conservation easement to be approved with a survey at a later date.

**BACKGROUND AND JUSTIFICATION:**

On or about April 7, 2015, the City approved the settlement agreement with the owners of the property generally known as "Pineapple Ridge" to resolve two (2) pending lawsuits related to the Champion Tree at the property. A copy of the executed settlement agreement is attached. The settlement in general terms required the parties to obtain a certified arborist; agree to prune the Tree (for both health and safety reasons); and, create a conservation easement to protect the Tree going forward. The City agreed it would then pay the property owners \$175,000 to dismiss both lawsuits once the conservation easement was executed and recorded. There were timeframes associated with the parties' actions in the settlement agreement that have now passed (e.g., pruning the tree shortly after approval of the settlement agreement and payment of the settlement amount) which need to be addressed.

The missed timeframes were due to information learned from the certified arborist regarding the Tree after approval of the settlement agreement. After entering the settlement agreement and agreeing on a certified arborist (Andy Tellier with Arbor Experts), Mr. Tellier informed the parties that it would be best to wait to prune the Tree until the weather cooled in order to limit the negative impacts on the Tree. Since that time, the City Attorney has been working with the Plaintiffs' attorney to create the conservation easement and amend the settlement agreement timeframes.

Attached is a proposed amendment to the settlement agreement and the draft conservation easement. The amendment to the settlement agreement changes the following:

1. Instead of requiring the parties to create a conservation easement, the conservation easement is attached as an exhibit. Once the Tree is pruned and a survey of the conservation area is created, the conservation easement can be executed and recorded. The new timeline for recording the conservation easement is December 1, 2015.
2. Within 20 days of executing the amendment to the settlement agreement, the City will pay ½ of the settlement amount (or \$87,500) and the remaining ½ will be paid upon recording the conservation easement.

3. Once the City makes the full payment of the settlement amount, the Plaintiffs will dismiss both lawsuits.

The draft conservation easement proposes the following:

1. It will create an easement area to protect the Tree (“Easement Property”). At this time, the Easement Property will be roughly about the pruned drip-line with room for fencing. A survey will follow to specifically describe the Easement Property. Costs of the pruning and survey are to be shared by the parties.
2. There are specific restrictions as to what can and cannot occur within the Easement Property (e.g., no heavy equipment placed; no construction; etc.).
3. From 4<sup>th</sup> Avenue North, the view to the Tree cannot be obstructed. If the property is developed, access to the Tree will be prohibited during construction; post-construction, the City may open limited access to the Tree from 4<sup>th</sup> Avenue North.
4. The City will be required to maintain the Tree and Easement Property – just as if it were a City park. The City is to pay for the fencing to be installed to protect the Tree.
5. The City and Plaintiffs will split the cost of installing an irrigation system to irrigate the Tree. Once installed, the City will take over the irrigation system and related costs.
6. The Conservation Easement will exist as long as the Tree exists. If the Tree dies, the Conservation Easement will terminate. However, if the Tree dies due to causes by the Plaintiffs (or subsequent property owner), the City may seek damages consistent with the penalties provided in the Code for damage to Champion Trees.

Once the survey is completed for the Easement Property, the City will be required to execute the conservation easement.

**MOTION:**

I move to approve/not approve the Amendment to the Settlement Agreement with Pineapple Ridge.

**ATTACHMENT(S):**

Fiscal Impact Analysis  
Approved Settlement Agreement  
Amendment to Settlement Agreement  
Conservation Easement

**FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	175,000	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	175,000	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:

**According to City Attorney this is to be paid from the self-insurance fund**

Self Insurance-Legal	PineApple Ridge Settlement					
Account Number (s)	Account Description	FY 2016 Budget	Budget Amend	Agenda Item Exp	Installment	Balance
520-1331-513-31-10	Self Ins Fund Legal	-	175,000	(87,500)	1st half	87,500
520-1331-513-31-10	Self Ins Fund Legal	N/A		(87,500)	2nd half	-

On May 19<sup>th</sup> 2015, the City Commission approve a budget amendment of \$175,000: for this case from the Self Insurance fund, and said amount was transferred to the Self Insurance Fund-Legal on May 22<sup>nd</sup> 2015.

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



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Legal

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**EXECUTIVE BRIEF**

**TITLE:**

Ordinance No. 2015-14 - Second Reading and Public Hearing - create valet parking regulations

**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 second reading.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Ordinance



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Legal

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**EXECUTIVE BRIEF**

**TITLE:**

Ordinance No. 2015-15 - Second Reading and Public Hearing - amend the City's Sidewalk Cafe ordinance

**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 second reading.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Ordinance



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Community Sustainability

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**EXECUTIVE BRIEF**

**TITLE:**

Ordinance No. 2015-16 - First Reading - amend the lien reductions and release of liens code and schedule the public hearing date for November 10, 2015

**SUMMARY:**

The Ordinance amends the lien reduction and release of liens provision of the City's Code and clarifies the role of the Special Magistrate as an ex officio appointee of the City and not an employee.

**BACKGROUND AND JUSTIFICATION:**

The City Commission adopted a lien reduction and release of liens provision in the Code of Ordinances in an effort to more systematically deal with Code Enforcement Liens that accrued against properties in the City of Lake Worth. This provision provides set guidelines and reduction parameters to follow when entertaining requests for lien reductions and releases. However, under section 162.09, Florida Statutes, a Code Enforcement Lien not only attaches to the property in the City where the violation(s) occurred, but also to any other property owned by the violator. At times, these "umbrella" type liens create issues because after the lien is established, ownership in the properties may change or a change in ownership is desired. The current provision does not provide a process for only reducing and/or releasing Code Enforcement Liens on property outside the City or other property owned in the City (i.e., issuing a partial release of lien on other property where the lien did not originate). With increased activity in the real estate market, the City is seeing more requests to partially reduce and release Code Enforcement Liens from property outside the City or other owned property in the City. To address such requests in a systematic fashion, the City must amend the current provision to release liens that encumber property outside the City or encumbers other property owned in the City. The proposed amendment requires a payment of \$2500 or 5% of the total amount of the lien, whichever is less, in order to complete the partial release. Also, if the property that is subject to the partial release request is in the City, the property must be in compliance with the City's Code of Ordinance before the request for partial release will be entertained. A partial release of lien cannot be requested under this provision for the property in which the violation(s) originated.

In addition, the amendment seeks to clarify the role of the City's Special Magistrate as an ex officio appointee of the City and not an officer of the City. If the City's Magistrate serves in the same or similar capacity for another local government, this clarification removes any ambiguity with the Florida Constitution's dual office holding prohibition.

**MOTION:**

I move to approve/not approve Ordinance No. 2015-16 on first reading and schedule the public hearing and second reading date for November 10, 2015.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Ordinance



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Public Services

**EXECUTIVE BRIEF**

**TITLE:**

Award of City Roll-Off Services for Construction and Demolition debris Request For Proposal (RFP) to Waste Management

**SUMMARY:**

The Award of the RFP will allow the City to begin the negotiation process with Waste Management after which a franchise agreement will be scheduled at a future Commission meeting for action. The RFP does not include household waste service currently provided by City Staff.

**BACKGROUND AND JUSTIFICATION:**

Currently, the Refuse Division provides all roll-off services within the City. It has been determined, however, that it would be in the best interest of the City to execute an exclusive contract with one provider for these services. As displayed in the chart below, the City has consistently run this operation at a loss since it began in 2011.

	ESTIMATED REVENUE	TOTAL ACTUAL REVENUE	AVG MTHLY REVENUE	BUDGET AMOUNT	TOTAL EXPENDITURES	PROFIT / LOSS
2015*	269,399	213,667	30,524	433,936	276,858	(63,191)
2014	220,000	361,737	30,145	473,225	390,970	(29,233)
2013	220,000	269,399	22,450	308,410	330,309	(60,910)
2012	220,000	280,477	23,373	562,437	432,001	(151,524)
2011	40,000	186,192	15,516	451,335	381,829	(195,637)

\*2015 NUMBERS ARE THRU 4/30/15 (7 MONTHS)

The City released a Request For Proposal (RFP) to licensed, qualified providers of roll-off services in the State to perform this service within the City limits. All of the submitted proposals were reviewed by a Selection Committee consisting of the Public Services, Assistant Public Services, and Finance Directors. Upon review and individual scoring of the attached Evaluation Matrix, it was found that Waste Management earned the highest ranking.

The Selection Committee members recommend the Commission approve the award of the RFP to Waste Management contingent upon an agreement of contract terms. A franchise agreement will be presented to the Commission for approval at a future public meeting.

It is the City's intention to afford the selected contractor an exclusive thirty-six (36) month contract (franchise agreement) with the option of renewal for two (2) additional twelve (12) month periods. While the intention is that the selected contractor shall be granted the right to be the sole contractor for roll-off services (residential and commercial) in the City, the City shall reserve the right to perform its own roll-off services. This being the case, one of the two roll-off vehicles and multiple containers of each size shall be retained by the City.

**MOTION:**

I move to approve / not approve the award of the Roll-off Services Request For Proposals to Waste Management

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable

RFP 15-203 Roll-Off Services

Evaluation Matrix

Proposal – Waste Management



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** City Commission

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**EXECUTIVE BRIEF**

**TITLE:**

Designate delegates during the 2015 National League of Cities Congress of Cities on November 4-7, 2015 in Nashville, TN

**SUMMARY:**

This item is to select a voting delegate and alternate voting delegate for the National League of Cities' Annual Business Meeting held during their annual Congress of Cities and Exposition in Nashville, Tennessee on November 4-7, 2015.

**BACKGROUND AND JUSTIFICATION:**

Annually, the National League of Cities holds a conference to provide opportunities for networking among officials from across the state as well as conducting the annual business meeting. Numerous presentations and panel discussions help officials stay current on important issues affecting local government. Attendees engage in discussing specific problems with their peers, identifying solutions and sharing ideas. This year, local officials from across the country will join to explore trends and insights to help them take their city forward. Conference topics cover the most pressing issues faced by local officials today, including: economic development, sustainability, public safety, community demographics, leadership relationships, technology and data uses, improving outcomes for youth in your community, and transportation and alternatives, which will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

A voting delegate and an alternate voting delegate need to be appointed to represent the City during the business meeting. Vice Mayor Scott Maxwell was designated as voting delegate and Commissioner Andy Amoroso as alternate voting delegate during the 2014 National League of Cities' Annual Business Meeting during the annual Congress of Cities and Exposition in Austin, Texas.

**MOTION:**

I move to appoint \_\_\_\_\_ as the voting delegate and \_\_\_\_\_ as alternate voting delegate for the National League of Cities Annual Business meeting.

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable  
Conference Information  
Voting Delegate Form



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** City Commission

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**EXECUTIVE BRIEF**

**TITLE:**

Community Redevelopment Agency member removal process

**SUMMARY:**

This Item is a request for City Commission action on whether to begin the removal process of Oswaldo Ona, as a member of the Community Redevelopment Agency.

**BACKGROUND AND JUSTIFICATION:**

Section 2-59.1 of the Code of Ordinances provides for the forfeiture of membership on a board for absenteeism. This Section defines the criteria for forfeiture as, "...if any member of the board shall fail 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 schedule the matter for hearing before the city commission."

The Community Redevelopment Agency; however, is a statutorily created board and subject to the regulations of Chapter 163, Part III. Specifically FS 163.356(4) which states, "the governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel."

During the 12-month period between October 1, 2014 and September 30, 2015, the Community Redevelopment Agency held the following meetings, the below information indicates Mr. Ona's attendance record:

<b>CRA Meetings</b>	<b>Meeting Type</b>	<b>Attendance</b>
October 14, 2014	Regular	Present
November 18, 2014	Regular	Absent
December 9, 2014	Regular	Present
January 13, 2015	Regular	Present
February 10, 2015	Regular	Present
March 17, 2015	Retreat	Not Applicable
April 14, 2015	Regular	Present
April 28, 2015	Regular	Absent
June 9, 2015	Regular	Present
August 11, 2015	Regular	Absent
September 8, 2015	Regular	Present

Based on the above information, the Community Redevelopment Agency held 10 regular meetings within a 12-month period. During that period of time, Mr. Ona was absent three times. This represents an absenteeism of 30%, which exceeds the 20% threshold.

In keeping with the Commission's request, the Clerk's Office mailed Mr. Ona a letter reminding him of the City's attendance policy on April 30, 2015. On September 28, 2015, a letter was mailed to Mr. Ona informing him that the matter was scheduled for discussion during the October 20, 2015 Commission meeting. Both letters are attached.

**MOTION:**

I move to begin / not begin the removal process of Mr. Ona from the Community Redevelopment Agency and schedule a hearing on December 8, 2015.

**ATTACHMENT(S):**

Fiscal Impact Analysis - Not Applicable  
Attendance policy reminder letters  
Attendance records provided by CRA



**AGENDA DATE:** October 20, 2015, Regular Meeting

**DEPARTMENT:** Finance

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**EXECUTIVE BRIEF**

**TITLE:**

Review the Beach Fund budget since re-opening the Casino/Pool

**SUMMARY:**

The Review of the Beach Fund is intended to provide a definitive understanding of the budget numbers since the Casino/Pool were reopened in Fiscal Year 13 through utilizing the Burton model.

**BACKGROUND AND JUSTIFICATION:**

The Beach Fund operations were discussed at multiple Fiscal Year 2016 budget workshops, and the two mandatory hearings on September 15, 2015 and September 22, 2015. There have been various numbers stated publically during the budget process as well as those reported in the press and in some cases they do not reflect the actual numbers. In order to move forward it is important to understand and agree upon what happened in prior years and what is projected for the coming year.

**MOTION:**

Not applicable

**ATTACHMENT(S):**

Fiscal Impact Analysis – not applicable