



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 05, 2016 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION OR MOMENT OF SILENCE:** Offered by Pastor Mike Olive, Common Ground, on behalf of Mayor Pam Triolo
- 3. PLEDGE OF ALLEGIANCE:** Led by Commissioner Christopher McVoy
- 4. AGENDA - Additions/Deletions/Reordering:**
- 5. PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Proclamation declaring January 18, 2016 as Martin Luther King, Jr. Day
 - B. Accept a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada
 - C. Sea Level Rise Conference
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. APPROVAL OF MINUTES:**
 - A. City Commission Meeting - December 8, 2015
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Resolution No. 01-2016 - oppose the Trans-Pacific Partnership
 - B. Resolution No. 02-2016 - support a statewide prohibition on fracking to explore and produce oil and natural gas in Florida

- C. Resolution No. 03-2016 - agreement with Palm Beach County for improvements to Tropical Drive and Barton Road
- D. Purchase Order to Garber Chevrolet, Pontiac, GMC Truck for two replacement vehicles for the Code Compliance Division
- E. Task Order with Keith & Schnars for a Traffic Calming Study & Associated GIS Base Map - Phase 1
- F. Second Amendment to an Agreement with D.S. Eakins Const. Corp. for crews with equipment for specialized underground utility repairs
- G. First Amendment to an Agreement with Sulphuric Acid Trading Company, Inc. to purchase bulk sulfuric acid for the Reverse Osmosis Water Treatment Plant
- H. First Amendment to an Agreement with Harcros Chemicals, Inc. to purchase caustic soda for water treatment and odor control
- I. Amendment to an Agreement with LHoist North America of Alabama, LLC to purchase bulk quicklime for the Water Treatment Plant
- J. Agreement with Odyssey Manufacturing Co. to purchase sodium hypochlorite (bleach)
- K. Agreement with Craven Thompson and Associates for engineering design, bid and construction phase services for the 2-Inch Watermain Replacement Program, Years 2 through 6
- L. Restrictive Covenant for Benzaiten Center for Creative Arts Grant (FEC Train Depot)
- M. Settlement on attorney's fees for City of Lake Worth v. C & E Holding of Palm Beach County, Inc.
- N. Agreement with Florida Railroad, LLC for acquisition of certain rights of way and an easement for the Boutwell Road Infrastructure Project

10. PUBLIC HEARINGS:

- A. Property located 200 feet west of the 10th Avenue North and Boutwell Road Intersection:
 - 1) Ordinance No. 2016-01 - Second Reading - voluntary annexation of 6.54 acres
 - 2) Ordinance No. 2016-02 - Second Reading - Small Scale Future Land Use Map Amendment
 - 3) Ordinance No. 2016-03 - Second Reading - rezone property
- B. Ordinance No. 2016-04 - Second Reading and Quasi-Judicial Public Hearing - rezone a portion of the Gulfstream Hotel
- C. Ordinance No. 2016-05 - Second Reading - amend the hours of sales for alcoholic beverages

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Ordinance No. 2016-06 - First Reading - provide regulations for "public property" and schedule the public hearing date for January 19, 2016
- B. Ordinance No. 2016-07 - First Reading - amend various ordinances to include sexual orientation and gender identity or expression and schedule the public hearing date for January 19, 2016
- C. Resolution No. 04-2016 - declare the City's intent to use the uniform method of collecting non-ad valorem assessment for certain nuisance abatements

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:

- 1) Florida Municipal Electric Association membership dues for Fiscal Year 2015-2016

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT:

- A. January 19, 2016 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: January 5, 2016 , Regular Meeting

DEPARTMENT: Commissioner McVoy

EXECUTIVE BRIEF

TITLE:

Resolution No. 01-2016 - oppose the Trans-Pacific Partnership

SUMMARY:

The Resolution calls upon the elected officials in the U.S. Senate and House of Representatives to oppose the Trans-Pacific Partnership (TPP) and any similar trade agreements. Commissioner McVoy requested this be placed on the agenda.

BACKGROUND AND JUSTIFICATION:

The TPP may have adverse impacts on job retention and creation s in the United States. Lake Worth currently has over a 12% unemployment rate.

MOTION:

I move to approve/not approve Resolution No. 01-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Commissioner Maier

EXECUTIVE BRIEF

TITLE:

Resolution No. 02-2016 - support a statewide prohibition on fracking to explore and produce oil and natural gas in Florida

SUMMARY:

The Resolution supports a statewide prohibition against the use of hydraulic fracturing, acid fracturing, and similar high pressure well stimulation practices, commonly called fracking, to extract underground oil and natural gas resources. Commissioner Maier requested this item be placed on the agenda.

BACKGROUND AND JUSTIFICATION:

Due to the geologic nature of the state of Florida and its sensitive water resources, there are concerns regarding the negative environmental impacts of fracking.

MOTION:

I move to approve/not approve Resolution No. 02-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 03-2016 - agreement with Palm Beach County for improvements to Tropical Drive and Barton Road.

SUMMARY:

The Resolution authorizes the City to enter into an agreement with Palm Beach County for \$513,343 in Community Development Block Grant (CDBG) funds to reconstruct Tropical Drive between Palmetto Avenue and South Road and of Barton Road between 12th Avenue South and Andrew Redding Road.

BACKGROUND AND JUSTIFICATION:

At its meeting of May 5, 2015, the City Commission approved Resolution No. 20-2015 authorizing the submission of an application to Palm Beach County Department of Economic Sustainability (DES) for Fiscal Year 2015-2016 CDBG Program funding for improvements to Tropical Drive and Barton Road. A total of \$513,343 in CDBG funding was requested for this purpose.

The project entails a complete reconstruction of Tropical Drive between Palmetto Avenue and South Road and to Barton Road between 12th Avenue South and Andrew Redding Road. Proposed improvements include clearing and grubbing of the site, reconstruction of the existing roadways, construction of curbing, concrete sidewalks and driveways, landscaping of the area, and other work associated with, and pertinent to, these improvements.

The estimated cost of these improvements is \$661,002. Funding for this project will be comprised of \$513,343 in CDBG funds and \$147,659 from the City's Roadway fund.

As a result of master planning efforts by the City and combining water, sewer, drainage and roadway projects, the reconstruction of these roadways will include drainage, water and sewer utilities work. These improvements will be installed prior to the reconstruction of the roadways, and will be funded through the City's Water Utilities Department.

MOTION:

I move to approve/ not approve Resolution No. 03-2016.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution
Cost Estimate
Agreement
Aerial

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	661,002		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	661,002	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:

An allocation of \$513,343 in FY 2015-2016 CDBG funds will be allocated to this project. The balance of \$147,659 will come from the City's Roadway Fund.

Public Services		Tropical & Barton					
Account Number (s)	Account Description	Project #	FY 2016 Budget	Agenda Expense	CDBG Grant	City Funds	Balance
170-5020-519-63-15	Infrastructure	Pending	669,282	661,002	(513,343)	(147,659)	8,280

C. Department Fiscal Review: _____JK_____



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Purchase Order to Garber Chevrolet, Pontiac, GMC Truck, Inc., for two replacement vehicles for the Code Compliance Division.

SUMMARY:

The Purchase Order authorizes the purchase of two (2) new vehicles (2016 GMC Terrain) for an amount not to exceed \$51,000.00.

BACKGROUND AND JUSTIFICATION:

The Code Compliance Division currently has two (2) vehicles scheduled for replacement in FY 2016. Due to the age, condition and safety concern, the following vehicles are being replaced:

- Truck #263---1999 Chevrolet S-10 pickup
- Truck #608---2001 Chevrolet S-10 pickup

These vehicles are currently being used by the Code Compliance Division as part of their daily operations and are past their useful life and no longer meet the daily needs of the Division. The new vehicles will have a 6 year 100,000 mile warranty on them.

The replacement vehicles are quoted by Garber Chevrolet, Pontiac, GMC Truck, Inc., under the State of Florida's Department of Management Services state term contract #25100000-16-1 "Motor Vehicles" for the 2016 GMC Terrain.

http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information/state_contracts_and_agreements/state_term_contracts/motor_vehicles2

MOTION:

I move to approve/not approve a Purchase Order for Garber Chevrolet, Pontiac, GMC Truck, Inc., under a cooperative purchase use of the State of Florida's Department of Management Services state term contract.

ATTACHMENT(S):

Fiscal Impact Analysis

Dealer Quote Sheet

Vehicle Specifications

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	50,781.50	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	50,781.50	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	Machinery and Equipment / Vehicles	960,000	N/A	681,631	50,781	640,850

C. Department Fiscal Review: _JB_
 Finance Review: CE



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Task Order with Keith & Schnars, P.A., for a Traffic Calming Study & Associated GIS Base Map - Phase 1.

SUMMARY:

This Task Order provides for professional consulting services to collect field data and make observations related to the first phase of a city-wide traffic calming program at a cost not to exceed \$44,600.

BACKGROUND AND JUSTIFICATION:

Public Services is beginning a multi-phased City-wide traffic calming effort. Keith & Schnars, a consultant under contract with the City (pursuant to an award under RFQ 12-13-302) will provide work product related to Phase 1. The scope of services include reviewing previous studies, collecting field data related to traffic control, posted speed and implemented measures; summarizing citizen complaints, crash data and police citations; developing GIS layers to represent all collected data in order to identify clusters of complaints, sign deficiencies and crashes; evaluating the effectiveness of previously implemented measures; and combining this information with field observations to identify two priority areas for further study. Further study will include traffic volumes and speed data collection. Deliverables include a draft report, GIS layers compatible with the city GIS mapping system and a final report recommending traffic calming measures for the two study areas.

Future Phases will involve public workshops and input based on the data developed in Phase 1 as well as discussions on funding scenarios.

The cost for Phase 1 was included in the Fiscal Year 2016 budget.

MOTION:

I move to approve/disapprove the Task Order with Keith & Schnars for a traffic calming study and associated GIS base map – Phase 1.

ATTACHMENT(S):

Fiscal Impact Analysis
Task Order

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	44,600	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	44,600	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		Traffic Calming Device			
Account Number (s)	Account Description	FY 2016 Budget	Current Balance	Agenda Expense	Balance
001-5010-519-34-50	Contractual Services (Calming Devices)	140,000	70,949	(44,600)	26,349

C. Department Fiscal Review: JB
 Finance Department Review: CE



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Water Utilities, Public Services

EXECUTIVE BRIEF

TITLE:

Second Amendment to the City agreement with D. S. Eakins Construction Corp.

SUMMARY:

The Amendment extends the term of the City's agreement with D.S. Eakins Const. Corp. for crews with equipment for specialized underground utility repairs until August 31, 2016.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Water Utilities and Public Services Departments have in-house capability to perform normal water, sewer and stormwater repairs. However, the Departments are in need of crews with specialized equipment to perform underground utility repairs that are exceptionally large or deep or with limited access.

In 2013, the City entered an agreement with D.S. Eakins Const. Corp., based on a piggy-back of a competitively awarded Palm Beach County contract (County solicitation #11-073/GC), and established a unit price contract for the rental of crews with equipment to be used by Water Utilities and Public Services on an "as needed" basis for planned and emergency repairs of underground water, sewer and stormwater utilities requiring specialized equipment.

The Palm Beach County contract has been extended through August 31, 2016 and D. S. Eakins Const. Corp. has agreed to continue to extend the terms and conditions of the Palm Beach County Contract to the City. Individual purchase orders will be issued for all services performed.

MOTION:

I move to approve/not approve the Second Amendment to the City agreement with D. S. Eakins Const. Corp. for crews with equipment.

Attachments

- 1) Fiscal Analysis – not applicable
- 2) 2013 Agreement
- 3) 2015 Renewal Letter
- 4) Palm Beach County Bid
- 5) Second Amendment to the Agreement
- 6) First Amendment to the Agreement



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

First Amendment to an Agreement with Sulphuric Acid Trading Company, Inc., to purchase bulk sulfuric acid for the Reverse Osmosis Water Treatment Plant.

SUMMARY:

This Amendment renews the term of a 2014 agreement through October 14, 2016, under the same terms, conditions, and pricing. Additionally, the Amendment provides for the City Manager to authorize the second one-year renewal term ending in 2017.

BACKGROUND AND JUSTIFICATION:

Sulfuric Acid is a necessary chemical used in the reverse osmosis treatment process for pH adjustment and odor control. On September 9, 2014 bids were received for the process chemicals needed for treatment of potable water at the City's reverse osmosis plant. These bids were evaluated by staff, taking into account unit costs, minimum quantities, and penalties for deliveries below minimum. Sulfuric Acid Trading Company, Inc., was the lowest responsive and responsible bidder. The agreement was approved on October 14, 2014, for a 12 month purchase contract with two optional 12 month extensions. This authorization is for the first 12 month extension which is anticipated not to exceed \$25,520.

MOTION:

I move to approve/disapprove the First Amendment to an Agreement with Sulphuric Acid Trading Company, Inc., for an amount not to exceed \$25,520.00 for Fiscal Year 2016.

Attachments

1. Fiscal Analysis
2. 2014 Agreement
3. Bid Tabulation
4. Invitation for Bid
5. First Amendment to Agreement

FISCAL IMPACT ANALYSIS

A. Three Year Summary of Fiscal Impact

Fiscal Years	2016	2017	2018
Capital Expenditures	0	0	0
Operating Expenditures	\$25,520.00	0	0
External Revenues	0	0	0
Program Income	0	0	0
In-Kind Match	0	0	0
Net Fiscal Impact	\$25,520.00	0	0

Our estimated annual usage is 22,000 gallons per year for fiscal year 2016. Sulfuric Acid Trading Company is the low bid at a price of \$1.16 per gallon. Staff is therefore requesting a Contract Extension for an amount not to exceed \$25,520.00 for FY 2016.

B. Recommended Source of Funds/Summary of Fiscal Impact

The funds have been identified in the 2016 Operations and Maintenance budget from account 402-7022-533.52-30.

Water Utilities/Water Production							
Account Number	Account Description	Project #	FY 2015 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.52-30	Chemicals	N/A	\$541,990	N/A	\$448,428	-\$25,520	\$422,908

C. Fiscal Review:

Monica Shaner – Assistant Utilities Director
Larry Johnson - Director
Corinne Elliott – Assistant Finance Director



AGENDA DATE: January 5, 2016, Regular Meeting **DEPARTMENT:** Water Utilities/Regional Sewer

EXECUTIVE BRIEF

TITLE:

First Amendment to the City agreement with Harcros Chemicals, Inc., to purchase caustic soda for water treatment and odor control.

SUMMARY:

This Amendment extends the term of a 2014 City agreement through October 14, 2016, under the same terms, conditions, and pricing as the original agreement and provides for the City Manager to authorize the second one-year renewal term ending in 2017.

BACKGROUND AND JUSTIFICATION:

Sodium Hydroxide, also commonly known as Caustic Soda, is a necessary chemical used in the reverse osmosis water treatment process for pH adjustment and odor control. In addition, Caustic Soda is used at the Master Pump Station for odor control.

On September 9, 2014, the City received bids for the purchase of bulk Caustic Soda. Harcros Chemical was the low bidder at a price of \$1.71 per gallon for full truck loads, and \$1.97 per gallon for partial truck loads (less than 1,800 gallons). The City awarded the agreement to Harcros Chemicals for a term of one year with two (2) one year extension options. This Amendment will extend the term through the first year extension for a not to exceed amount of \$96,872.17 for Fiscal Year 2016. This amount will be split between Water Utilities (\$76,950) and Regional Sewer (\$19,922.17). This Amendment will also authorize the City Manager to extend the agreement for the final one year extension (if needed and with the not to exceed amount set forth in the 2017 fiscal year budget).

MOTION:

I move to approve/disapprove the First Amendment to the City agreement with Harcros Chemicals, Inc., for an amount not to exceed \$96,872.17 for Fiscal Year 2016 and authorize the City Manager to extend the agreement for the final one year extension.

Attachments

- 1) Fiscal Analysis
- 2) 2014 Agreement
- 3) Bid Tabulation
- 4) Bid packet
- 5) First Amendment

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	\$96,872.17	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	96,872.17	0	0	\$0	\$0

No. of Additional Full-Time Employees	0	0	0	0	0
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B. Recommended Source of Funds/Summary of Fiscal Impact

The funds have been identified in the 2016 Operating budget.

For the Water Treatment Plant supply:

Water Utilities/Water Production							
Account Number	Account Description	Project #	FY 2016 Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.52-30	Chemicals	N/A	\$541,990.00	N/A	\$374,117.83	-\$76,950.00	\$297,167.83

For the Master Lift Station supply:

Water Utilities/Regional Pumping							
Account Number	Account Description	Project #	FY 2016 Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
405-7421-535.52-30	Chemicals	N/A	\$210,200.00	N/A	\$27,150.00	-\$19,922.17	\$7,227.83

C. Fiscal Review:

Larry Johnson - Director
 Monica Shaner – Asst. Director
 Clyde Johnson – Finance
 Corinne Elliot –Assistant Finance Director



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Amendment to Agreement with LHoist North America of Alabama, LLC, to purchase bulk quicklime for the Water Treatment Plant.

SUMMARY:

The Amendment authorizes the extension of a City agreement through December 15, 2016, under a cooperative purchasing agreement for an amount not to exceed \$135,014.60.

BACKGROUND AND JUSTIFICATION:

The City is a member of a local cooperative purchasing effort, which includes the cities of Delray Beach and Boynton Beach. The City of Boynton Beach is the lead agency on this cooperative bid. As a member of this cooperative purchase, the City of Lake Worth is able to leverage its purchasing power with its neighboring utilities to provide for the acquisition of a critical chemical, at a price point that would be otherwise unattainable.

Quicklime is a necessary chemical which, when added to the raw water supply, causes the coagulation and precipitation process necessary to remove hardness, color and iron content, as well as other contaminants. The approval of this purchase order will provide for the continued and uninterrupted delivery of Bulk Quicklime to the Water Treatment Plant.

The City of Boynton Beach bid the purchase under bid number 009-2821-13/JMA in November 2012. LHoist North America of Alabama, LLC, was the lowest responsive bidder. The purchase agreement was extended one year to December 15, 2016, by the City of Boynton Beach on October 20, 2015, with a price of \$275.24 per ton, which is an increase of \$1.20 per ton from 2015. Based on the cost effectiveness of this price, it is recommended the City extend its agreement with LHoist North America of Alabama, LLC, for 2016 for an amount not to exceed \$135,014.60 (for 490 tons).

MOTION:

I move to approve/disapprove the Amendment to a City agreement with LHoist North America of Alabama, LLC, for bulk quicklime in an amount not to exceed \$135,014.60.

Attachments

- 1) Fiscal Analysis
- 2) 2014 Agreement
- 3) Bid Proposal
- 4) Boynton Beach Renewal Letter
- 5) Amendment

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	\$135,014.60	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	135,014.60	0	0	\$0	\$0

No. of Additional Full-Time Employees	0	0	0	0	0
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B. Recommended Source of Funds/Summary of Fiscal Impact

The purchase of the quicklime is included as part of the annual budget for the Water Fund.

Water Utilities/Water Production							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.52-30	Chemicals	N/A	\$541,990	N/A	\$173,344	-\$135,014	\$38,330

C. Fiscal Review:

Larry Johnson - Director
 Monica Shaner – Assistant Utilities Director
 Corinne Elliott – Assistant Finance Director



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Agreement with Odyssey Manufacturing Co. to purchase Sodium Hypochlorite (bleach)

SUMMARY:

This Agreement authorizes the purchase of bulk sodium hypochlorite from Odyssey Manufacturing Co. to disinfect drinking water and control odor at the Reverse Osmosis Water Treatment Plant and Master Pump Station in an amount not to exceed \$113,901.25 for Fiscal Year 2016.

BACKGROUND AND JUSTIFICATION:

Sodium Hypochlorite is a necessary chemical which, when added to the finished water supply, is used for the disinfection of drinking water, killing germs, micro-organisms, algae, etc. Sodium Hypochlorite is also necessary for odor control at the Reverse Osmosis Water Treatment Plant and Master Pump Station.

The City of Lake Worth proposes to piggy-back the competitively bid City of Ocoee contract for purchase of Sodium Hypochlorite. The City of Ocoee awarded its Sodium Hypochlorite Invitation to Bid (#B13-01) to Odyssey Manufacturing Co. on November 6, 2012. The attached contract and bid package from Odyssey Manufacturing Co. make up the City of Ocoee Contract. The City of Ocoee Contract is valid through October 31, 2016.

The City of Ocoee Contract provides a price of \$0.61 per gallon for full and partial truckloads of Sodium Hypochlorite. The City of Lake Worth's estimated purchase of Sodium Hypochlorite for FY 2016 under the City of Ocoee Contract is estimated at \$113,901.25. This cost will be split as follows: \$103,901 from Water Fund; and, \$10,000 from Regional Sewer Fund.

MOTION:

I move to approve/disapprove a piggy-back agreement with Odyssey Manufacturing Co. at an amount not to exceed \$113,901.25 for Fiscal Year 2016.

Attachments

- 1) Fiscal Analysis
- 2) Ocoee Agreement
- 3) Agreement

FISCAL IMPACT ANALYSIS

A. FY2015 Summary of Fiscal Impact

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	0	0	0	0	0
Operating Expenditures	\$113,901.25	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	\$113,901.25	0	0	0	0

B. Recommended Source of Funds/Summary of Fiscal Impact

The funds have been identified in the 2016 Operations and Maintenance budget in the Water Fund and Regional Sewer Fund.

Water Utilities/Water Production							
Account Number	Account Description	Project #	FY 2016 Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.52-30	Chemicals	N/A	\$541,990	N/A	\$277,245	-\$103,901	\$173,344

Water Utilities/Regional Pumping							
Account Number	Account Description	Project #	FY 2016 Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
405-7421-535.52-30	Chemicals	N/A	\$210,200	N/A	\$27,150	-\$10,000	\$17,150

C. Fiscal Review:

Larry Johnson – Director
 Monica Shaner – Assistant Utilities Director
 Corinne Elliott – Assistant Finance Director



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Agreement with Craven Thompson and Associates for engineering design, bid and construction phase services for the 2-Inch Watermain Replacement Program, Years 2 through 6

SUMMARY:

The Agreement authorizes Craven Thompson and Associates to complete engineering services for the 2-Inch Watermain Replacement Program, Years 2 through 6.

BACKGROUND AND JUSTIFICATION:

The City Commission approved the FY2015-2019 Capital Improvement Plan, including a six year capital project to replace all existing 2-inch water distribution pipes in the alleys, easements and roadways of the city. The Commission also approved Resolution 21-2015 on May 5, 2015, authorizing the City to request a Water State Revolving Fund (SRF) loan for construction of this project. The City request for Phase 1 Construction funding was approved for inclusion on the state's priority list for funding, and an application for the loan has been submitted in December 2015.

The project includes installing new 4-inch PVC water distribution pipes, which will improve water quality and pressure to the customers, as well as reducing the occurrence of water pipe breaks. The identified 2-inch galvanized water pipes will primarily be replaced in alleys behind the homes. In some areas where the 2 inch galvanized steel water pipes are in easements that are not accessible, or in the roadway, they will be replaced in the roadway in front of the property. Refer to enclosed Craven Thompson agreement for a detailed project description.

Phase 1A and 1B of the project were designed in FY2015 by Mock Roos under the Consultant Continuing Services Agreement. Due to the size of the proposed project, the City issued a separate Request for Qualification (RFQ #15-303) for Engineering Services for Phases 2-6. The City's selection committee selected Craven Thompson & Associates as the highest qualified firm for a continuing services contract for Phases 2 through 6. The attached agreement is the master agreement with Exhibit "A" authorizing Craven Thompson and Associates to complete engineering design, permitting, and bid phase services for Phase 2 (only) for a price not to exceed \$312,100. The remaining design and construction phase services (Phases 3 – 6) will be presented to the Commission authorized under separate amendments to the agreement for each year of the 5 year program.

MOTION:

I move to approve/disapprove the agreement with Craven Thompson and Associates for engineering services for the 2-Inch Watermain Replacement Program, Phases 2 through 6, and for engineering design, permitting, and bid phase services for Phase 2 for a price not to exceed \$312,100.

Attachments

- 1) Fiscal Analysis
- 2) Craven Thompson Agreement to Furnish Professional Services to the City of Lake Worth

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

No fiscal impact for approval of this agreement. Fiscal impact of each task order will be addressed separately.

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	312,100	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	312,100	0	0	0	0

No. of Additional Full-Time Employees	0	0	0	0	0
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B. Recommended Source of Funds/Summary of Fiscal Impact

The funds have been identified in the FY2016 Water Distribution Capital budget from account 402-7034-533.63-15. The funds will be released under separate amendments to this agreement for the design and construction phases of each year of the 5 year program.

Utilities/Water Production							
Account Number	Account Description	Project #	FY 2016 Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7034-533.63-15	Water Distribution Capital	WT-1506	\$3,196,000	NA	\$3,168,460	312,100	\$2,856,360

C. Fiscal Review:

Larry Johnson – Director
 Monica Shaner –Assistant Director
 Corinne Elliott – Assistant Finance Director



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Economic Development

EXECUTIVE BRIEF

TITLE:

Restrictive Covenant for Benzaiten Center for Creative Arts, Inc. (Benzaiten)

SUMMARY:

The restrictive covenant is a requirement for Benzaiten to be awarded a \$141,000 cultural facilities grant from the Florida Department of State for the construction/build-out of the Metal Works Foundry and Flame Working Studio and requires Benzaiten to maintain the facility as a “cultural facility” for ten (10) years.

BACKGROUND AND JUSTIFICATION:

On November 6, 2013, the City entered a lease agreement with Benzaiten for the creation of a public creative arts center that would provide space to artists of various disciplines. The project includes, but is not limited to, metal works, glass works and ceramics. Also included is gallery space, education outreach, artist-in-residence, and internships. The lease is for the City owned property at 1105 2nd Avenue South (the former FEC train depot) and has a term of 19 years, 11 months, and 29 days.

Because the City owns the property, the Florida Department of State requires Benzaiten and the City to execute the 10-year restrictive covenant. Since the City’s lease agreement with Benzaiten extends past the ten year time frame of the restrictive covenant, City staff recommends approval of restrictive covenant.

MOTION:

I move to approve/disapprove the Restrictive Covenant for the Cultural Facilities Grant.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Restrictive Covenant



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

Settlement on attorney's fees for City of Lake Worth v. C & E Holding of Palm Beach County Inc.

SUMMARY:

This Settlement will resolve the award of attorney's fees to C & E Holding of Palm Beach County Inc.'s attorney.

BACKGROUND AND JUSTIFICATION:

In 2006, the City of Lake Worth initiated a foreclosure case against C & E Holding of Palm Beach County Inc. based on several code enforcement liens recorded against the real property generally located at 19th Avenue North and North "A" Street (adjacent to the northbound lane of I-95). The case was dismissed for fraud on the court due to a City affidavit which failed to identify one or more of the liens as having been released by the City. In 2012, the case resurfaced because the property owner alleged the City's remaining liens had to be released due to the dismissal of the case. The City Attorney's Office asserted on behalf of the City that the order of dismissal did not require the remaining liens to be released. The City's argument was essentially that the City lost the ability to foreclose the liens with the dismissal but that the liens remained valid liens of record. This argument is consistent with established case law on liens of mortgages. The Circuit Court disagreed with the City's argument and granted the property owner, C & E Holding of Palm Beach County Inc.'s, motion to release the remaining liens. Due to the fact that the remaining liens exceeded \$140,000 in fines; that C & E Holding was unwilling to pay any reduced amount on the liens (consistent with the City's code of ordinances); and, that there were continuing concerns with the condition of the property, the City Attorney's Office appealed the Circuit Court's ruling. In November, the Fourth District Court of Appeals issued an order affirming the Circuit Court's order to release the liens. The Fourth District Court of Appeals decision was without a written opinion which essentially ends the case. Pursuant to the Circuit Court's order (as affirmed by the appellate court), the City has issued a release of the liens.

Because the case evolved from a foreclosure under Chapter 162, Florida Statutes, the Fourth District Court of Appeals entered an order awarding attorney's fees to the property owner's attorney pursuant to statute. See section 162.10, Florida Statutes (prevailing party entitled to attorney's fees). We have come to an agreement with the attorney, John Jorgensen, on the amount of fees (in lieu of a hearing on the same and additional expense to both parties). Mr. Jorgensen has agreed to reduce his fees to \$17,000 from an initial request of over \$21,000.

MOTION:

I move to approve/not approve the settlement with payment of attorney's fees in the amount of \$17,000.

ATTACHMENT(S):

Fiscal Impact Analysis
Detail Transaction File List

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	17,000	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	17,000	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Legal Department		C & E Holdings of Palm Beach County				
Account Number (s)	Account Description	Project #	FY 2016 Budget	Current Balance	Agenda Expense	Balance
520-1331-513-31-10	Self Ins Fund -Legal	N/A	438,000	266,866	(17,000)	249,866

C. Department Fiscal Review: _____



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Agreement with Florida Railroad, LLC, for acquisition of certain rights of way and an easement for the Boutwell Road Infrastructure Project

SUMMARY:

This Agreement provides for the dedication of a ten foot (10') right of way and the granting of a ten foot (10') easement for a bio-swale and landscaping associated with the Boutwell Road Infrastructure project.

BACKGROUND AND JUSTIFICATION:

Over the past three years, the City has been working with its client representative, Mathews Consulting, and its design engineer, Mock Roos, to complete the necessary permit documents for the Boutwell Road Infrastructure Project. Now that the design work is 95% complete, the process to acquire and control the required rights of way to construct the project has begun. This agreement serves as the third formal, voluntary dedication of rights of way for property necessary for the roadway to be constructed. One (1) parcel is involved. The right of way dedication provides the required seventy foot (70') right of way for along Boutwell Road north of Fourth Avenue North and the required northwest corner clip for Boutwell Road and Fourth Avenue North. The agreement includes the granting of an easement for a ten foot (10') landscaped bioswale to run along the western side of the improved Boutwell Road.

MOTION:

I move to approve/disapprove an agreement with Florida Railroad, LLC, for acquisition by dedication of certain rights of way and an easement for the Boutwell Road Infrastructure Project.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Agreement w/exhibits



AGENDA DATE: January 5, 2016 , Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-01 - Second Reading - voluntary annexation of 6.54 acres

SUMMARY

The Ordinance provides for the voluntary annexation of approximately 6.54 acres pursuant to the Interlocal Service Boundary Agreement adopted by the City of Lake Worth on August 18, 2015, and subsequently adopted by Palm Beach County on October 6, 2015.

BACKGROUND AND JUSTIFICATION:

This is a companion item to Ordinance Nos. 2016-02 and 2016-03 approving the Small Scale Future Land Use Map Amendment and Rezoning.

The Applicant (property owner) proposes to voluntarily annex approximately a 6.54 acre parcel of land. The request for annexation falls within the scope of a small-scale comprehensive plan amendment. The parcel located in Palm Beach County fronts on 10th Avenue North and lies along the western border of the City's Mixed Use - West (MU-W) zoning district. Currently, the site has a Palm Beach County zoning designation of Multi Family Residential High Intensity (RH). It has a Palm Beach County Land use designation of Commercial High Intensity/ 8 dwelling units per acre.

The proposed Future Land Use designation of Mixed Use West (MU-W) is appropriate for the site and is consistent with adjacent properties along 10th Avenue North located within the City. The proposed zoning designation of Mixed Use - West (MU-W) is appropriate for the site and is consistent with surrounding properties which front 10th Avenue North within the City. The MU-W District allows for low and moderate intensity commercial uses including administrative and professional offices, medical offices, retail-type business services, low-intensity financial institutions, low-intensity convenience sales, personal services, and eating and drinking establishments.

The City forwarded the Annexation, FLUM and rezoning documents to Palm Beach County to allow opportunity for comment. No comments or objections have been received.

At its meeting of November 4, 2015, the City's Planning and Zoning Board voted unanimously to recommend approval to the City Commission PZB 15-02200001, which covers, the voluntary annexation of the 6.54 acre parcel of land into the City of Lake Worth.

At its meeting of December 8, 2015, the City Commission voted 5-0 to approve the ordinance on first reading and to schedule the public hearing.

MOTION:

I move to approve/not approve Ordinance No. 2016-01 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – Not applicable

Draft November 4, 2015 P&Z Board minutes

Universal Development Application

PZB Staff Report

Ordinance



AGENDA DATE: January 5, 2016

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-02 - Second Reading - Small Scale Future Land Use Map Amendment

SUMMARY:

The Ordinance amends the City's Future Land Use Map, including a small scale amendment to its Comprehensive Plan as part of a voluntary annexation of approximately 6.54 acres pursuant to the Interlocal Service Boundary Agreement adopted by the City of Lake Worth on August 18, 2015, and subsequently adopted by Palm Beach County on October 6, 2015.

BACKGROUND AND JUSTIFICATION:

This is a companion item to Ordinance Nos. 2016-01 and 2016-03 approving the Voluntary Annexation and Rezoning.

The Applicant (property owner) proposes to voluntarily annex an approximately 6.54 acre parcel of land. The request for annexation falls within the scope of a small-scale comprehensive plan amendment. The parcel located in Palm Beach County fronts on 10th Avenue North and lies along the western border of the City's Mixed Use - West (MU-W) zoning district. Currently, the site has a Palm Beach County zoning designation of Multi Family Residential High Intensity (RH). It has a Palm Beach County Land use designation of Commercial High Intensity/ 8 dwelling units per acre.

The proposed Future Land Use designation of Mixed Use West (MU-W) is appropriate for the site and is consistent with adjacent properties along 10th Avenue North located within the City. The proposed zoning designation of Mixed Use - West (MU-W) is appropriate for the site and is consistent with surrounding properties which front 10th Avenue North within the City. The MU-W District allows for low and moderate intensity commercial uses including administrative and professional offices, medical offices, retail-type business services, low-intensity financial institutions, low-intensity convenience sales, personal services, and eating and drinking establishments.

The City forwarded the Annexation, FLUM and rezoning documents to Palm Beach County to allow opportunity for comment. No comments or objections have been received.

At its meeting of November 4, 2015, the City's Planning and Zoning Board voted unanimously to recommend approval to the City Commission PZB 15-00300001, which covers amending the City's Future Land Use Map (FLUM) including a small scale amendment to the City's Comprehensive Plan.

At its meeting of December 8, 2015, the City Commission voted 4-1 to approve the Ordinance on first reading and to schedule the public hearing.

MOTION:

I move to approve/disapprove Ordinance No. 2016-02 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

Draft Minutes of the P&Z Board Meeting of November 4, 2015

Universal Development Application

Ordinance

PZB Staff Report



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-03 - Second Reading - rezone property

SUMMARY:

The Ordinance will rezone approximately 6.54 acres from County Multi Family Residential High Intensity (RH) to City of Lake Worth Mixed Use –West (MU-W) Zoning district as a result of a voluntary annexation.

BACKGROUND AND JUSTIFICATION:

This is a companion item to Ordinance Nos. 2016-01 and 2016-02 approving the Voluntary Annexation and Small Scale Future Land Use Map Amendment.

The Applicant (property owner) proposes to voluntarily annex an approximately 6.54 acre parcel of land. The request for annexation falls within the scope of a small-scale comprehensive plan amendment. The parcel located in Palm Beach County fronts on 10th Avenue North and lies along the western border of the City's Mixed Use - West (MU-W) zoning district. Currently, the site has a Palm Beach County zoning designation of Multi Family Residential High Intensity (RH). It has a Palm Beach County Land use designation of Commercial High Intensity/ 8 dwelling units per acre.

The proposed Future Land Use designation of Mixed Use West (MU-W) is appropriate for the site and is consistent with adjacent properties along 10th Avenue North located within the City. The proposed zoning designation of Mixed Use - West (MU-W) is appropriate for the site and is consistent with surrounding properties which front 10th Avenue North within the City. The MU-W District allows for low and moderate intensity commercial uses including administrative and professional offices, medical offices, retail-type business services, low-intensity financial institutions, low-intensity convenience sales, personal services, and eating and drinking establishments.

The City forwarded the Annexation, FLUM and rezoning documents to Palm Beach County to allow opportunity for comment. No comments or objections have been received.

At its meeting of November 4, 2015, the City's Planning and Zoning Board voted unanimously to recommend approval to the City Commission PZB 15-01300002, which covers changing the zoning from Palm Beach County zoning classification of Multi Family Residential High Intensity (RH) to a City zoning classification of Mixed-Use – West (MU-W).

At its meeting of December 8, 2015, the City Commission voted 4-1 to approve the Ordinance on first reading and to schedule the public hearing.

MOTION:

I move to approve/disapprove Ordinance No. 2016-03 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
P&Z November 4, 2015 draft minutes
Universal Development Application
Ordinance
P&Z Staff Report including location map



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-04 - Second Reading and Quasi-Judicial Public Hearing- rezone a portion of the Gulfstream Hotel

SUMMARY:

The Ordinance will rezone approximately 0.93 acres of the 1.82 acre site associated with the Gulfstream Hotel, situated on the east side of South Lakeside Drive and north of 1st Avenue South in the South Palm Park Historic District, from a zoning designation of Medium-Density Multi-Residential (MF-30) to Downtown (DT).

BACKGROUND AND JUSTIFICATION:

The Applicant (property owner) is preparing applications to renovate and redevelop the historic Gulfstream Hotel properties. The Applicant proposes to rezone seven (7) parcels for the proposed project, serving to revitalize the downtown corridor between the retail/restaurants uses and the Beach & Casino area.

For the project to move forward, the Applicant must first rezone the MF-30 portion of the property to DT. Next, the applicant must seek approval from the Historic Resources Preservation Board (HRPB) for a Certificate of Appropriateness (COA) for exterior alterations, an addition to the historic structure, and new construction of a hotel annex and parking garage as well as site plan approval and conditional land use permit consistent with the requirements of Land Development Regulations.

At its meeting of November 18, 2015, the City's HRPB voted unanimously (7-0) to recommend approval to the City Commission HRPB 15-01300001, which covers changing the zoning from MF-30 to DT including a condition to require the petitioner to implement a Unity of Title for the subject parcels in order to move forward with any development plans. Further, the HRPB expressed concerns about the design, height, bulk, mass, and visual compatibility of any development on the southernmost parcels, located at the northeast corner of South Lakeside Drive and 1st Avenue South. The HRPB also suggested a condition of approval stating any proposed development be compatible and harmonious with the historic integrity and character of the local historic district.

At its meeting of December 8, 2015, the City Commission voted 3-2 to approve the Ordinance on first reading and to schedule the public hearing. The dissenting votes were based on concerns regarding height, traffic generation and compatibility with the historic district of the future hotel project.

MOTION:

I move to approve/disapprove Ordinance No. 2015-04 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – Not applicable

Survey

Justification Statement

Letter of Objection – Malakates

Comparative Table

HRPB Staff Report November 18, 2015

Letter of Objection – Ona

HRPB Draft Minutes

Ordinance No. 2016-04



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-05 – Second Reading and Public Hearing – amend the hours of sales for alcoholic beverages

SUMMARY:

This Ordinance amends the current hours of sales for alcoholic beverages to allow sales on Sunday mornings and prohibit off-premise consumption after 10 p.m.

BACKGROUND AND JUSTIFICATION:

The proposed ordinance addresses two issues regarding sales of alcoholic beverages in the City: (1) remove the prohibition on Sunday morning sales; and, (2) create a prohibition on off-premise sales after 10 p.m.

The City of Lake Worth currently prohibits the sale of alcoholic beverages on Sunday mornings from 2:00 a.m. to 11:59 a.m. *See* section 5-4 of the City's code of ordinances. Consistent with Palm Beach County and other municipalities in Palm Beach County, City staff recommends the proposed ordinance which amends section 5-4 of the City's code of ordinances to permit alcohol sales on Sunday mornings.

The City of Lake Worth currently allows alcoholic beverage sales for off-premise consumption for the same length of time as sales for on-premise consumption. The City continues to have issues with public consumption of alcoholic beverages in its parks, parking lots and streets/alleys especially after 10 p.m. To assist the City and PBSO with curbing such public consumption, the proposed ordinance would prohibit sales for off-premise consumption after 10 p.m.

Section 562.45, Florida Statutes, specifically authorizes the City to regulate the hours of sales for alcoholic beverages. If the proposed ordinance is adopted, all establishments selling alcohol for off-premise consumption must immediately comply (i.e., existing establishments will not be grand-fathered in or treated as non-conforming).

MOTION:

I move to approve/not approve Ordinance No. 2016-05.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016 – 06 - First Reading - provide regulations for “public property” and schedule the public hearing date for January 19, 2016

SUMMARY:

The Ordinance provides regulations for property that is zoned “public” and owned by the City.

BACKGROUND AND JUSTIFICATION:

The Ordinance amends regulations regarding City parks to extend those regulations to “public property”. “Public property” is defined in the Ordinance as property zoned as “public” and owned by the City. Examples of “public property” include, but are not limited, to the Downtown Cultural Plaza, City Hall complex, shuffleboard court complex and water/electric utilities and public service complex. As currently provided for parks, the Ordinance will prohibit persons from being in or on “public property” after the posted closing hours. The closing hours are to be set by City resolution (to be provided at second reading). It is anticipated that the closing hours shall be from 10:00 p.m. to 6:00 a.m., seven days a week.

MOTION:

I move to approve/not approve the Ordinance No. 2016-06 on first reading and schedule the public hearing date for January 19, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-07 - First Reading – amend various ordinances to include sexual orientation and gender identity or expression within said provisions and schedule the public hearing date for January 19, 2016

SUMMARY:

The Ordinance amends various ordinances that did not specifically include the categories of sexual orientation and/or gender identity or expression as it relates to equal opportunity within the City. The proposed amendments include sexual orientation and/or gender identity or expression within said provisions.

BACKGROUND AND JUSTIFICATION:

The City has been interpreting and operating under the current code consistent with the intent of these changes. However, Rand Hoch, President and Founder of the Palm Beach Human Rights Council has requested that the City correct a typographical error in Chapter 20, Article I, Section 20-2, relating to “gender identity or expression” as well as to request the City include “sexual orientation” and “gender identity or expression” in the following provisions: Lake Worth Fair Housing Act, Merit Service, and Purchasing. While not required, it is recommended that the City adopt amended language to include sexual orientation and/or gender identity or expression within said provisions.

MOTION:

I move to approve / not approve Ordinance No. 2016- 07 on first reading and schedule the public hearing date for January 19, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Resolution No. 04-2016 – declare the City’s intent to use the uniform method of collecting non-ad valorem assessments for certain nuisance abatements

SUMMARY:

This Resolution declares the City’s intent to collect non-ad valorem assessments for costs spent to abate certain nuisance violations such as lot clearing, boarding and securing, and demolition services.

BACKGROUND AND JUSTIFICATION:

Section 197.3632, Florida Statutes, provides a uniform method for the levy, collection and enforcement of non-ad valorem assessments. To use the uniform method of levying and collecting non-ad valorem assessments for the first time, the statute requires the adoption of a resolution prior to January 1, 2016 or March 1, 2016, if the City, the Property Appraiser and the Tax Collector agree. All parties agreed to the March 1, 2016 deadline. The statute also requires the Notice of Intent to be published one time each week for four consecutive weeks prior to the adoption of the resolution. The Notice of Intent was published in the *Palm Beach Post* the weeks of December 7, 14, 21 and 28, 2015. Back in 2012, the City adopted the required resolutions to collect non-ad valorem assessments for chronic nuisance services and chronic nuisance services by abatement. These services are authorized under the Chronic Nuisance Services Property Code. By this current resolution, the City will be collecting non-ad valorem assessments for the abatement of nuisance violations in the form of lot clearings, board and secures and demolitions. These services are authorized under the Lot Clearing Ordinance, the Board and Secure Ordinance and the Unsafe Building Abatement Code. Adoption of this Resolution will allow the tax collector to bill and collect these lot clearing, board and secure, and demolition assessments in conjunction with the ad valorem taxes.

MOTION:

I move to approve / not approve Resolution No. 04-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



AGENDA DATE: January 5, 2016, Regular Meeting

DEPARTMENT: Electric Utilities

EXECUTIVE BRIEF

TITLE:

Florida Municipal Electric Association membership dues for Fiscal Year 2015-2016

SUMMARY:

This item will authorize the payment of the FMEA annual membership dues for October 2015 through September 2016 in an amount not to exceed \$33,345.

BACKGROUND AND JUSTIFICATION:

The Florida Municipal Electric Association (FMEA) represents the unified interests of 34 public power communities across Florida. FMEA is affiliated with and works closely with the American Public Power Association (APPA) on regulatory issues facing the electric industry. Together, FMEA staff and municipal utility members work to protect public power's legislative, regulatory and operational interests in Tallahassee and Washington, D.C. As a member of this association, the City of Lake Worth has legal, legislative, and regulatory representation that provides the ability to impact the outcome of important decisions that directly impact electric utility customers. Together, FMEA members represent 14% of Florida's market share of the electric utility industry.

Participation in membership of the FMEA benefits the City through the following committees:

- **Legislative and Regulatory:** This committee meets on an as-needed basis and oversees the legislative and regulatory activities that affect the electric industry. Staff receives emails and updates that track legislative issues facing not only the electric industry nationwide, but also local initiatives that may have wider reaching consequences. FMEA provides the avenue to communicate with legislators as well as the Public Service Commission. Through diligent efforts and coordination by FMEA staff, member cities are afforded the opportunity to testify before the PSC on items that can directly affect customers.
- **Member Services:** This committee meets once a year to discuss activities of the FMEA to ensure that services provided meet the needs of member cities. It is through this participation that members can request information-gathering services, which the FMEA staff oversees – writing, distributing, and compiling survey information. In addition to programmed services, FMEA staff is readily available to assist member cities. Lake Worth has benefited in the last year with communication training, PSC reporting, franchise agreement direction, and energy conservation information.
- **Safety and Training:** This committee meets quarterly and consists of member city representatives charged with safely operating their utility. This group coordinates training classes and the annual Lineman's Rodeo.

- Engineering and Operations: This committee meets once per year and includes representatives from member cities whose job responsibilities include transmission, distribution, generation, and fuels.
- Customer Connections Committee: Meets three times per year and offers participants the opportunity to interface with other utilities concerning customer service, key accounts, energy conservation, demand side management, and public relations.
- Mutual Aid: FMEA provides staff members that are available 24 hours per day, 7 days per week pre- and post-disaster events. They provide assistance scheduling and mobilizing work crews, equipment, and supplies. In addition, they are the City's liaison with the State Emergency Operation Center, the Office of the Governor, and State legislators.

This item was reviewed by the Electric Utility Advisory Board members on November 4, 2015.

MOTION:

I move to approve/ not approve the Florida Municipal Electric Association annual membership dues for Fiscal Year 2015-2016 in the amount of \$33,345.

ATTACHMENT(S):

1. Fiscal Impact Analysis
2. FMEA Membership Invoice

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	33,345	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	33,345	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:

Account Number	Account Description	Project #	FY 2016 Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
	Utilities-Electric					
401-6010-531.54-00	Book, Pubs, Subscriptions & Memberships	N/A	47,000	\$35,217	-\$33,345	\$1,872

C. Department Fiscal Review: John Borsch, Electric Utility Director