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AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 19, 2016 - 6:00 PM

1. **ROLL CALL:**

2. **INVOCATION OR MOMENT OF SILENCE:** Offered by Reverend Elie Louissant, Salem Haitian Evangelical Lutheran Church, on behalf of Vice Mayor Scott Maxwell

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. City-Wide Wayfinding Plan: Update from KMA Design Consulting

   B. Certificates of Appreciation for contributions to the Picture My World program

6. **COMMISSION LIAISON REPORTS AND COMMENTS:**

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

8. **APPROVAL OF MINUTES:**

   A. City Commission Meeting - January 5, 2016

9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)

   A. Resolution No. 05-2016 - City Support for Enterprise Florida and the Creation of the Florida Enterprise Fund

   B. Enterprise Licensing Agreement with ESRI for Geographic Information Systems (GIS)

C. First Amendment to an Agreement with Online Information Services, Inc. for collection services

D. Utility easement by and between Woodspring Suites West Palm Beach Florida South Lake Worth LLC and the City

E. Appoint a member to the Police and Employee Retirement Pension Boards

F. First Amendment to Retail Lease with Shore Restaurants of Lake Worth, LLC (Mulligans)

G. Franchise Agreement with Waste Management, Inc. for roll-off refuse services

10. <u>PUBLIC HEARINGS:</u>

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. 2016-06 - Second Reading - provide regulations for "public property"

C. Ordinance No. 2016-07 - Second Reading - amend various ordinances to include sexual orientation and gender identity or expression

11. <u>UNFINISHED BUSINESS:</u>

12. <u>NEW BUSINESS:</u>

A. Ordinance No. 2016-08 - First Reading - revise the special assessment procedure and the collection of such assessments for the clearing of nuisance lots and schedule the public hearing date for February 2, 2016

B. Ordinance No. 2016-09 - First Reading - revise the special assessment procedure and the collection of such assessments for the boarding and securing of structures and schedule the public hearing date for February 2, 2016

C. Ordinance No. 2016-10 - First Reading - revise the special assessment procedure and the collection of such assessments for the demolition of unsafe structures and schedule the public hearing date for February 2, 2016

D. Resolution No. 06-2016 - establish opening/closing hours for "public property" owned by the City

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. February 2, 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 19, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

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EXECUTIVE BRIEF

TITLE:
Resolution No. 05-2016 - City Support for Enterprise Florida and the Creation of the Florida Enterprise Fund and other changes to Enterprise Florida

SUMMARY:
The Resolution provides for the City's support for Governor Scott's proposed changes to the Enterprise Florida program and the creation of the Florida Enterprise Fund as well as other improvements to encourage economic investment.

BACKGROUND AND JUSTIFICATION:
Enterprise Florida, Inc., is a public-private partnership between Florida's business and government leaders and is the principal economic development organization for Florida. Enterprise Florida has been integral to creating jobs in Florida; fostering diversification in the state's economy; and, empowering small businesses to invest and grow. Governor Scott has proposed a series of changes and improvements to Enterprise Florida including the creation of a Florida Enterprise Fund to further encourage economic investment in the state.

The Governor's proposals endorsed by Enterprise Florida include:

- Creating a new $250 million competitive fund called the "Florida Enterprise Fund"
- Making the Florida Enterprise Fund a state trust fund to replace the existing escrow account to allow the state's investment to accrue more interest
- Increasing the Legislature's role in competing for job creation projects by requiring that any deal over $1 million have the approval of the Speaker of the House and the Senate President, as well as the Governor
- Reforming the return on investment requirements by eliminating the use of waivers and requiring a 10 percent annualized return on top of the original amount invested in a company.
- Streamlining the state's approval process while continuing to ensure that NO tax dollars leave the state trust fund until a company meets specific job creation goals spelled out in their contract.

MOTION:
I move to approve/disapprove Resolution No. 05-2016

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Resolution

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Information Technology

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EXECUTIVE BRIEF

TITLE:
Enterprise Licensing Agreement with ESRI for Geographic Information Systems (GIS)

SUMMARY:
This Agreement (including Amendment No. 1) authorizes the purchase of an enterprise agreement over a three year period through ESRI, the sole source supplier for ArcGIS Software in an amount not to exceed $105,000.

BACKGROUND AND JUSTIFICATION:
The City currently uses ESRI for GIS citywide and is limited to 6 licenses total, 4 concurrent and 2 standalone. The current server needs to be upgraded and an additional server is required to meet the needs of the Electric Utilities and all other City Departments presently using the software such as Community Sustainability, Water Utilities and Public Services.

The enterprise license agreement allows the City to purchase the licenses over a three year period at the best available pricing with the following added benefits: Unlimited licenses for the products listed on the ESRI enterprise licensing agreement; a lower cost per unit for licensed software; substantially reduced administrative and procurement expenses; maintenance on all ESRI software deployed under the agreement; complete flexibility to deploy software products when and where needed; and, training and support.

Furthermore, this upgrade will facilitate the City improving its interface between GIS and the SunGard Naviline system, which will eventually allow the public to access much of the City's data directly from the city website. The goal is that within two (2) years there will be a mapping interface from the website to access all properties in the city either via an address or a map location to obtain City information. Data to be associated with each address or map location will include but not be limited to utility billing, zoning, future land use, historic designation, business licenses, building permits, code compliance, electoral districts, and City work orders for delivery of service. Additional benefits will be greater productivity and information sharing among departments and improved mapping services.

ESRI utilizes a standard template agreement as its enterprise licensing agreement. The City's Attorney requested two provisions to be added to the standard template (regarding the Palm Beach County IG and the Public Records law). To accommodate the City's Attorney request, ESRI prepared an Amendment No. 1 to its standard template agreement. The Agreement with Amendment No. 1 is attached.

MOTION:
I move to approve/disapprove a three year agreement with ESRI (including Amendment No. 1) for an amount not to exceed $105,000.

ATTACHMENT(S):
Fiscal Impact Analysis
Sole Source Letter
Agreement with Amendment No. 1
Quote

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018
Capital Expenditures	$35,000	$35,000	$35,000
Operating Expenditures	0	0	0
External Revenues	0	0	0
Program Income	0	0	0
In-kind Match	0	0	0
Net Fiscal Impact	$35,000	$35,000	$35,000

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

Information Tech	Microsoft Enterprise Agreement					
Account Number (s)	**Account Description**	**FY 2016 Budget**	**Available Project Balance**	**Budget Transfer**	**Agenda Expenses**	**Remaining Project Balance**
510-1520-519.64-15	Capital - Information Tech	$306,000	$238,334	N/A	($30,000)	$208,334
510-1520-519.52-65	Operating Supplies – Computer Software	$328,765	$116,970	N/A	(5,000)	$111,970

C. Department Fiscal Review: ____NP____
Finance Review: ___CE____

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Leisure Services

EXECUTIVE BRIEF

TITLE:
First Amendment to an Agreement with Online Information Services, Inc. for collection services

SUMMARY:
This Amendment allows parking citations, due over 90 days, to be sent to Online Information Services, Inc. to collect outstanding parking fees owed the City.

BACKGROUND AND JUSTIFICATION:
Parking citations that are not paid within 90 days per ordinance, may be turned over to a collection agency. This accomplishes this by having Online Information Services, Inc. (which currently collects Utility fees for the City) collect fees for outstanding parking citations.

MOTION:
I move to approve/not approve the First Amendment to an Agreement with Online Information Services.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Amendment

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Water Utilities

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EXECUTIVE BRIEF

TITLE:
Dedication of Utility Easement by Woodspring Suites West Palm Beach Florida South Lake Worth LLC to the City

SUMMARY:
Pursuant to the conditions of approval for the Value Place Hotel project, Woodspring Suites West Palm Beach Florida South Lake Worth LLC is dedicating a utility easement to the City.

BACKGROUND AND JUSTIFICATION:
Woodspring Suites West Palm Beach Florida South Lake Worth LLC recently constructed the Value Place Hotel project located at 2171 10th Avenue North. The City of Lake Worth currently owns and maintains public utilities that traverse the property, and is requiring a fifteen foot wide Utility Easement be dedicated to provide unrestricted access to the City of Lake Worth for all associated utility maintenance, repair and new installations.

MOTION:
I move to approve/disapprove the Utility Easement by and between Woodspring Suites West Palm Beach Florida South Lake Worth LLC and the City of Lake Worth

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Easement Agreement

AGENDA DATE: January 19, 2016 Regular Meeting **DEPARTMENT:** City Clerk

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EXECUTIVE BRIEF

TITLE:
Appoint a member to the Police and Employee Retirement Pension Boards

SUMMARY:
This item is to appoint Acting Finance Director Corrinne Elliott to the Police and Employee Retirement Pension Boards as the senior management staff board member.

BACKGROUND AND JUSTIFICATION:
On December 1, 2010, the City Commission adopted Ordinance No. 2010-20 which amended the Police Retirement Pension Board and Employee Retirement Pension Board composition to replace the Finance Director as a member to a senior management staff appointed by the City Commission. This member has no term expiration and continues to serve at the pleasure of the City Commission.

MOTION:
I move to appoint Corrinne Elliott to the Police Retirement Pension Board and to the Employee Retirement Pension Board as the senior management staff board member.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** City Attorney

EXECUTIVE BRIEF

TITLE:
First Amendment to Retail Lease with Shore Restaurants of Lake Worth, LLC (Mulligans)

SUMMARY:
This First Amendment to the Retail Lease is to provide the City's consent to an assignment to a new corporate entity (Mulligans Lake Worth Acquisition, LLC) with George Hart remaining as manager, operator and guarantor.

BACKGROUND AND JUSTIFICATION:
The City and Shore Restaurants of Lake Worth, LLC (Mulligans Beach House Bar & Grill) entered a retail lease on March 19, 2012 for the operation of a restaurant at the City's Casino Building (units #7 and #8). Since the effective date of the retail lease, George Hart, the managing member of Shore Restaurants of Lake Worth, LLC, has been managing and operating the restaurant. Mr. Hart has also been the original Guarantor under the retail lease for all obligations related to the lease. In December 2015, Mr. Hart's attorney, Cynthia Angelos, approached the City Attorney about an assignment of the retail lease to a new corporate entity involving Mr. Hart and JPB Capital Partners, L.P. The proposed assignment would have the new corporate entity, Mulligans Lake Worth Acquisition, LLC, a Delaware Corporation registered to conduct business in the State of Florida, become the Tenant with Mr. Hart continuing to manage and operate the restaurant and remain as the Guarantor for all obligations under the lease. Ms. Angelos has submitted documentation as required under the lease for the proposed assignment. The documentation includes:

1. A cover letter providing the name and address of the proposed assignee;
2. A copy of the executed assignment agreement and acknowledgement as to no additional amounts received by the Mulligans (as the assignor) for the assignment;
3. A statement as to the continued use of the space as Mulligans Beach House Bar & Grill (i.e., not changing the character or use of space);
4. A statement as to the corporate entities involved and financial information on JPB Capital Partners; and,
5. The $1,000 administrative fee required to be paid to the City for the consideration of the assignment.

In order to document the proposed assignment, the City Attorney with Ms. Angelos has prepared the attached First Amendment to the Retail Lease. The proposed First Amendment includes the City's consent to the assignment but notes that Shore Restaurants of Lake Worth, LLC, and Mr. Hart, remain as obligated parties to the lease. The First Amendment also addresses further administrative matters related to the assignment (new notice provision; new tenant name; and, the requirement for new certificates of insurance and letter of credit).

While the City retains the absolute discretion as to whether to consent to the assignment under the lease, City staff is supportive of the assignment in view of its good working relationship with Mulligans and its continued success at the Casino.

MOTION:
I move to approve the First Amendment to the Retail Lease with Shore Restaurants of Lake Worth, LLC (Mulligans).

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
First Amendment to Retail Lease
Financial Statements
Acknowledgement of Parties
Assignment and Assumption
Cover Letter from Cynthia Angelos, attorney for Mulligans

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Public Services

EXECUTIVE BRIEF

TITLE:
Franchise Agreement with Waste Management, Inc. for roll-off refuse services

SUMMARY:
The Agreement allows Waste Management to provide roll-off services beginning in February 2016 with a 20% of gross receipts being paid to the City. This Agreement does not include household waste, recycling services, or commercial refuse service, which will still be 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 franchise agreement 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	349,399	341,046	28,420	513,936	452,447	(111,401)
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)

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.

On October 20, 2015, the Commission approved the award of the RFP to Waste Management contingent upon an agreement of contract terms. This exclusive thirty-six (36) month contract (franchise agreement) with the option of renewal for two (2) additional twelve (12) month periods is now being presented to the Commission for approval.

While 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.

The current staffing and budget allocations will be transferred into the other Refuse enterprise funds. The City's stock of roll off containers will be sold per the City's procurement process. The City's Refuse Division will be keeping a small inventory of roll-off containers to service internal City needs and events.

MOTION:
I move to approve / not approve a Franchise Agreement for roll-off services with Waste Management.

ATTACHMENT(S):
Fiscal Impact Analysis
Request for Proposal
Proposal – Waste Management
Evaluation Matrix
Franchise Agreement

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues (20%)	47,000	72,000	74,000	76,000	78,000
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	47,000	72,000	74,000	76,000	78,000
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Revenues will be deposited into the Refuse Fees – Roll Offs account # 410-0000-343-40.70

C. Department Fiscal Review: __JB__
Finance Review: __CE__

AGENDA DATE: January 19, 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 on January 5, 2016. Due to an advertisement error, the public hearing was rescheduled to this meeting date and the required advertisements published.

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 19, 2016, Regular Meeting **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 5-0 to approve the ordinance on first reading and to schedule the public hearing on January 5, 2016. Due to an advertisement error, the public hearing was rescheduled to this meeting date and the required advertisements published.

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 19, 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 5-0 to approve the ordinance on first reading and to schedule the public hearing on January 5, 2016. Due to an advertisement error, the public hearing was rescheduled to this meeting date and the required advertisements published.

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 19, 2016, Regular Meeting **DEPARTMENT:** City Attorney

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EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-06 - Second Reading - provide regulations for "public property"

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 second reading.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Ordinance

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** City Attorney

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EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-07 - Second Reading – amend various ordinances to include sexual orientation and gender identity or expression within said provisions

SUMMARY:
This 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:
Rand Hoch, President and Founder of the Palm Beach Human Rights Council 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 second reading

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Ordinance

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-08 - First Reading – revise the special assessment procedure and the collection of such assessments incurred for the clearing of nuisance lots and schedule the public hearing date for February 2, 2016

SUMMARY:
This Ordinance provides for the costs to be assessed at the time the services are provided and to allow for subsequent costs incurred by the City to be added to the special assessment.

BACKGROUND AND JUSTIFICATION:
Pursuant to the provisions of sections 12-38 through 12-42 of the Code of Ordinances (the "Lot Clearing Ordinance"), the owners of certain parcels of real property are notified of the existence of debris and/or overgrown vegetation on the property. Certain owners fail to correct the problem, and the City abates these nuisances by clearing the offending lots. In accordance with section 12-42, the costs incurred by the City to abate said nuisances are assessed against each property as a special assessment lien. Under the current ordinance, the costs incurred become a special assessment lien at the time the Commission adopts and records a resolution that makes all outstanding costs, special assessments. The proposed Ordinance provides that the costs incurred by the City to comply these properties will automatically become a special assessment at the time the services are provided rather than at the time a resolution is adopted and recorded by the Commission. The City will continue to routinely document these special assessments through its existing resolution process whereby all outstanding special assessments are included in a resolution that is presented to the Commission for its review and approval, and then such resolution will be recorded in the public records. This change in the process is anticipated to more effectively address the situation where the nuisance on the property is abated by the City, but the property is sold before the special assessment resolution is adopted and recorded in the public records.

MOTION:
I move to approve / not approve Ordinance No. 2016-08 on first reading and to schedule the public hearing date for February 2, 2016.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Ordinance

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-09 - First Reading – revise the special assessment procedure and the collection of such assessments incurred for the boarding and securing of structures and schedule the public hearing date for February 2, 2016

SUMMARY:

This Ordinance provides for the costs to be assessed at the time the services are provided and to allow for subsequent costs incurred by the City to be added to the special assessment. The Ordinance also provides for an annual notice so that residents are made aware of the penalties associated with this type of violation.

BACKGROUND AND JUSTIFICATION:

Pursuant to the provisions of sections 2-75.2 through 2-75.2.7 of the Code of Ordinances (the "Board and Secure Ordinance"), the owners of certain parcels of real property are notified that a structure on their property is a nuisance in that it is abandoned or unoccupied and it is missing a door or window or which otherwise allows access to the interior of the structure. Certain owners fail to correct the problem, and the City abates these nuisances by boarding and securing the structure. In accordance with section 2-75.2.7, the costs incurred by the City to abate said nuisances are assessed against each property as a special assessment lien. Under the current ordinance, the costs incurred become a special assessment lien at the time the Commission adopts and records a resolution that makes all outstanding costs, special assessments. The proposed Ordinance provides that the costs incurred by the City to comply these properties will automatically become a special assessment at the time the services are provided rather than at the time a resolution is adopted and recorded by the Commission. The City will continue to routinely document these special assessments through its existing resolution process whereby all outstanding special assessments are included in a resolution that is presented to the Commission for its review and approval, and then such resolution will be recorded in the public records. This change in the process is anticipated to more effectively address the situation where the nuisance on the property is abated by the City, but the property is sold before the special assessment resolution is adopted and recorded in the public records. The Ordinance also provides for the publication of an annual notice to ensure that residents are aware that this type of violation, if not corrected, may result in a special assessment against the property and a failure to pay such lien may result in a loss of title to their property.

MOTION:

I move to approve / not approve Ordinance No. 2016- 09 on first reading and schedule the public hearing date for February 2, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-10 - First Reading – revise the special assessment procedure and the collection of such assessments incurred for the demolition of unsafe structures and schedule the public hearing date for February 2, 2016

SUMMARY:
This Ordinance provides for the costs assessed at the time the services are provided and to allow for subsequent costs incurred by the City to be added to the special assessment. The Ordinance also provides for an annual notice so that residents are made aware of the penalties associated with this type of violation.

BACKGROUND AND JUSTIFICATION:
Pursuant to the provisions of section 9-2.2 of the Code of Ordinances (the "Unsafe Building Abatement Code"), the owners of certain parcels of real property are notified that a structure on their property is unsafe. Certain owners fail to correct the problem, and the City abates these nuisances by demolishing the nuisance structure. In accordance with section 9-2.2(p), the costs incurred by the City to abate said nuisances are assessed against each property as a special assessment lien. Under the current ordinance, the costs incurred become a special assessment lien at the time the Commission adopts and records a resolution that makes all outstanding costs, special assessments. The proposed Ordinance provides that the costs incurred by the City to demolish these structures will automatically become a special assessment at the time the services are provided rather than at the time a resolution is adopted and recorded by the Commission. The City will continue to routinely document these special assessments through its existing resolution process whereby all outstanding special assessments are included in a resolution that is presented to the Commission for its review and approval, and then such resolution will be recorded in the public records. This change in the process is anticipated to more effectively address the situation where the nuisance on the property is abated by the City, but the property is sold before the special assessment resolution is adopted and recorded in the public records. The Ordinance also provides for the publication of an annual notice to ensure that residents are aware that this type of violation, if not corrected, may result in a special assessment against the property and a failure to pay such lien may result in a loss of title to their property.

MOTION:
I move to approve / not approve Ordinance No. 2016-10 on first reading and to schedule the public hearing date for February 2, 2016.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Ordinance

AGENDA DATE: January 19, 2016, Regular Meeting **DEPARTMENT:** City Attorney

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EXECUTIVE BRIEF

TITLE:
Resolution No. 06-2016 - establish opening/closing hours for "public property" owned by the City

SUMMARY:
The Resolution provides that City-owned public property shall be closed between the hours of sunset to sunrise with certain exceptions.

BACKGROUND AND JUSTIFICATION:
The Commission, at its January 5, 2016 meeting, approved Ordinance No. 2016-06 on first reading, which provides for certain rules and regulations regarding City-owned "public property". Ordinance No. 2016-06 authorizes the Commission to establish the opening and closing times of "public property" by City resolution. Ordinance No. 2016-06 is scheduled for second reading on January 19, 2016.

The Resolution provides that City-owned "public property" shall be closed between sunset and sunrise unless there is a City sponsored or approved special event; City approved meetings; or, other City approved activities. Upon the conclusion of the event, meeting or other activity, the sunset to sunrise closing times shall apply.

Staff is also working on revisions to the 2008 resolution that governs City recreational facilities including the hours of operation for City parks. It is anticipated that when the revisions to the 2008 resolution are completed by staff, staff will present the Commission with a combined resolution for both parks and public property hours of operations.

MOTION:
I move to approve/not approve Resolution No. 06-2016.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Resolution