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AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, FEBRUARY 02, 2016 - 6:00 PM

1. **ROLL CALL:**

2. **INVOCATION OR MOMENT OF SILENCE:** Provided by Commissioner Christopher McVoy

3. **PLEDGE OF ALLEGIANCE:** Led by Commissioner Ryan Maier

4. **AGENDA - Additions/Deletions/Reordering:**

5. **PRESENTATIONS:** (there is no public comment on Presentation items)

   A. Proclamation declaring February 13, 2016 as Arbor Day

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 19, 2016

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

   A. Resolution No. 08-2016 - declare an intent to abandon a 40 ft. strip of land on 4th Avenue South

   B. Agreement with The Florida Division of Blind Services, Bureau of Business Enterprise to provide snack vending machine services

   C. Amendment to Agreement with Utility Services Co., Inc. for Water Tank Maintenance - North Elevated Tank

   D. Ratify Contract with Kaman Industrial Technologies Corporation for emergency sewer pump repair service

   E. Settlement Agreement with the Village of Palm Springs regarding Public Services Taxes and Franchise fees

F. Purchase two refuse collection vehicles from Palm Peterbilt Truck Centers

G. Crossing License Agreement with the Florida East Coast Railroad (FEC) regarding All Aboard Florida (AAF)

10. PUBLIC HEARINGS:

A. Ordinance No. 2016-08 - Second Reading and Public Hearing - revise the special assessment procedure and the collection of such assessments for the clearing of nuisance lots

B. Ordinance No. 2016-09 - Second Reading and Public Hearing - revise the special assessment procedure and the collection of such assessments for the boarding and securing of structures

C. Ordinance No. 2016-10 - Second Reading and Public Hearing - revise the special assessment procedure and the collection of such assessments for the demolition of unsafe structures

11. UNFINISHED BUSINESS:

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

12. NEW BUSINESS:

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 16, 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: February 2, 2016, Regular Meeting **DEPARTMENT:** Economic Development

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EXECUTIVE BRIEF

TITLE:
Resolution No. 08-2016 – declare intent to abandon a portion of 4th Avenue South Right-of-Way

SUMMARY:
This Resolution is the first of a two-step process to abandon a portion of 4th Avenue South Right-of-Way between the FEC railroad and S. East Coast Street and schedule a public hearing date for February 16, 2016 for the abandonment.

BACKGROUND AND JUSTIFICATION:

In 1912, a portion of the right-of-way for 4th Avenue South (known as "8th Avenue" at that time) was dedicated in Plat Book No. 2, page 37. Within the same Plat Book, to the west of the intersection of S. East Coast Street and the 4th Avenue South right-of-way, there is also a dedication of right-of-way to the Florida East Coast Railway Company (FEC). It is not clear from the original dedication whether the 4th Avenue South right-of-way extends from the western edge of S. East Coast Street to the eastern edge of the Florida East Coast right-of-way (a distance of approximately 112 ft.) ("Abandonment Area"). Over time, the City has entered agreements with FEC and the surrounding property owner (Wm. Thies) for the use of the Abandonment Area. In 2002, the City entered a revocable permit with the surrounding property owner for the property owner to use the Abandonment Area. The surrounding property owner built an open-air structure over the Abandonment Area in 2003 with said structure still existing today. The current owner of the surrounding property desires to sell the surrounding property, the Abandonment Area and the structure built over the Abandonment Area. The buyer desires to improve the property and has approached the City about whether the Abandonment Area is legally encumbered by the 4th Avenue South right-of-way.

The City Attorney has reviewed the recorded plat and re-plat for 4th Avenue South; the deeds of record; and, other recorded documents, and agrees that the original dedication is unclear. The City has no utilities in the Abandonment Area and the Abandonment Area has been closed since the construction of the 2003 structure. City staff recommends that the City abandon the Abandonment Area and terminate the revocable permit (as no longer applicable).

Pursuant to section 19-4, the City may abandon dedicated right-of-way through a two-step resolution process. The first step is to declare the intent to abandon right-of-way and the second step is to hold a public hearing to hear the abandonment request and grant or deny the abandonment.

Since the City has not utilized the Abandonment Area for the past 14 years and there are no utilities in the Abandonment Area, City staff is recommending that the City Commission declare its intent to abandon the Abandonment Area. If the City Commission agrees, a public hearing will be set for February 16, 2016 to hear the abandonment and grant or deny the same. If approved, City staff will also seek to terminate the revocable permit.

The property is zoned in the AI – Artisanal Industrial District with a Future Land Use of Transit Oriented Development.

MOTION:

I move to approve/not approve Resolution No. 08-2016 and schedule the public hearing date for February 16, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
2002 Revocable Permit
Resolution with Survey
PowerPoint

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Finance

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EXECUTIVE BRIEF

TITLE:
Agreement with The Florida Division of Blind Services, Bureau of Business Enterprise to provide snack vending machine services

SUMMARY:
The Agreement provides for snack vending machines at locations designated by the City on City property described in Appendix A of the Request for Proposal.

BACKGROUND AND JUSTIFICATION:
The City of Lake Worth issued a Request for Proposal (RFP) #15-200 in 2015 soliciting bids from vendors to provide snack vending machine services to various locations on city property. The Florida Division of Blind Services, Bureau of Business Enterprise was awarded the contract as they received the highest score on the Request for Proposal evaluation. No payment shall be made to either party, or by either party regarding the rendering of snack vending services.

MOTION:
I move to approve / not approve an agreement with The Florida Division of Blind Services, Bureau of Business Enterprise to provide snack vending machine services for a period of three (3) years, with a renewable option of one additional three year period.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Request for Proposal/Scope of work
Appendix A (Current City Vending Locations)
Agreement

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Water Utilities

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EXECUTIVE BRIEF

TITLE:
Amendment to Agreement with Utility Service Co., Inc. for Water Tank Maintenance – North Elevated Tank

SUMMARY:
The Amendment authorizes the five year renewal of the initial five year agreement with Utility Service Co., Inc. for maintenance of the North Elevated Tank, at a cost not to exceed $17,936.00 per year for years six through eight, and a cost not to exceed $18,832.80 per year for years nine and ten of the agreement.

BACKGROUND AND JUSTIFICATION:
The City of Lake Worth Utilities Department solicited proposals for contract maintenance, rehabilitation, repair, and repainting of the elevated water storage tanks in the system. This includes the North Elevated Tank located at the Southeast corner of 22nd Avenue North and D Street. On April 15, 2010, the Lake Worth City Commission awarded a five year contract to Utility Service Co., Inc. for the maintenance, rehabilitation, repair, and repainting of elevated water storage tanks.

The agreement for the services has an initial contract period of five years (5yrs), with the option to amend the agreement for an additional 5-year renewal. The standard maintenance cycle for an elevated tank is five years. The agreement stipulates that the execution of each year of the contract will still be dependent on annual budget approval.

MOTION:
I move to approve/not approve the Amendment to Agreement with Utility Service Co., Inc. for Water Tank Maintenance at a cost not to exceed $17,936.00 per year for years six through eight, and a cost not to exceed $18,832.80 per year for years nine and ten of the agreement.

Attachments
Fiscal Impact Analysis
North Tank Agreement for Maintenance
Amendment to Agreement for Water Tank Maintenance

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	$17,936.00	$17,936.00	$17,936.00	$18,832.80	$18,832.80
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	$17,936.00	$17,936.00	$17,936.00	$18,832.80	$18,832.80

No. of Additional Full-Time Employees	0	0	0	0	0

The North Tank Final Contract allows a five (5) % increase for year nine (9**)**

B. Recommended Source of Funds/Summary of Fiscal Impact

Water Utilities/ Water Treatment							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7022-533.3450	Contractual Services	N/A	$325,507.00	N/A	$178,449.79	-$17,936.00	$161,513.79

C. Fiscal Review:

Larry Johnson – Water Utility Director
Corinne Elliott – Assistant Finance Director

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Water Utilities

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EXECUTIVE BRIEF

TITLE:
Ratify contract with Kaman Industrial Technologies Corporation for emergency sewer pump repair service.

SUMMARY:
The Item ratifies a contract, signed by the City Manager on January 20, 2016, for the emergency repair to one of four required wastewater pumps at the Master Pump Station located in Bryant Park for a total amount of $59,620.

BACKGROUND AND JUSTIFICATION:
The Master Pump Station (MPS) provides wastewater pumping capacity for the City of Lake Worth and six sub-regional municipalities to pump wastewater to the East Central Region Wastewater Reclamation Facility in West Palm Beach. The MPS has 4 - 405 HP submersible pumps designed for a maximum capacity of 20 million gallons per day. The City experienced this peak flow last year during a storm event.

One pump was found to be damaged during routine maintenance and inspection of the pumps. An emergency Sewer Pump Repair Contract was authorized on 1/20/2016, to expedite the repair and reinstallation of the pump prior to the upcoming Hurricane season in June. Delivery of the repaired pump is scheduled in April 2016, due to the long lead times of repair parts for this large pump and motor. Replacement of the pump instead of the proposed repair is not recommended now due to estimated cost of $200,000, and longer delivery times.

MOTION:
I move to ratify/not ratify the emergency Sewer Pump Repair Contract with Kaman Industrial Technologies Corporation signed by City Manager Bornstein.

Attachments
1) Fiscal Analysis
2) Sewer Pump Repair Contract

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	$59,962.00	0	0	$0	$0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-Kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	$0	$0

No. of Additional Full-Time Employees	0	0	0	0	0

B. Recommended Source of Funds/Summary of Fiscal Impact

The funds have been identified in the 2016 Operating budget.

Water Utilities/Regional Pumping							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
405-7421-535-46.27	Heavy Equipment Repair	N/A	$60,000.00	N/A	$60,000.00	-$59,962.00	$38.00

C. Fiscal Review:

Larry Johnson - Director
Corinne Elliott – Acting Finance Director

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Water and Electric Utilities

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EXECUTIVE BRIEF

TITLE:
Settlement Agreement with the Village of Palm Springs regarding Public Services Taxes and Franchise fees

SUMMARY:
The Agreement provides credits for utility bills owed by the Village of Palm Springs over a 36 month period effective January 2016 through December 2019; in the total amount of $286,589.04 to offset the amount owed.

BACKGROUND AND JUSTIFICATION:
The Village of Palm Springs has claimed that the City of Lake Worth owes uncollected public services tax and franchise fees due on property annexed into Palm Springs during the period from 2010-2013. Staff requested direction regarding the claim at the August 4, 2015, Regular Commission meeting. The City engaged Manson Bolves Donaldson P.A. to resolve the claim, due to a stated conflict of interest of the City Attorney. The Settlement Agreement resolves the claim through credits over a three year period, instead of providing a cash settlement. Interest of 3% is included in the settlement amount.

MOTION:
I move to approve/not approve the settlement agreement regarding public services tax and franchise fees with the Village of Palm Springs in the total amount of $286,589.04 over a period of 36 months.

ATTACHMENT(S):
Fiscal Impact Analysis
Settlement 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	71,647	95,530	95,530	23,882	0
	9 mths	12 mths	12 mths	3 mths	
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	71,647	95,530	95,530	23,882	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact: Electric Utility- Funds 401.

Electric Utility	Palm Springs Inter Local Agreement/ Settlement					
Account Number (s)	Account Description	Project #	Pending Bud Adjust	Adjusted Balance	Agenda Expense	Balance
401-9010-531-98-10	Settlements	N/A	71,647	71,647	(71,647)	-

C. Department Fiscal Review: Corinne Elliott

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Public Services

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EXECUTIVE BRIEF

TITLE:
Purchase two refuse collection vehicles from Palm Peterbilt Truck Centers

SUMMARY:
The Item authorizes the purchase of two refuse collection vehicles through the Florida Sheriff's Association Cooperative Purchase Agreement at a cost of $246,810. These new vehicles will replace two refuse collection vehicles that are past their useful lives.

BACKGROUND AND JUSTIFICATION:
The Refuse Division actively engages in the collection and disposal of all residential and commercial garbage, trash, recycling and vegetation within the municipal limits of the City of Lake Worth. The equipment fleet is regularly serviced and maintained to keep up with the demands of the operation.

The two vehicles that are due for replacement are both past their useful lives and have become too costly to maintain and are unreliable to the operational needs of the Division. The two trucks to be replaced are:

1. 1996 Ford F800 Grapple Truck (#29)
2. 1991 GMC Trash Truck (#19)

The replacement heavy equipment trucks are:

1. 2016 Peterbilt Model 337 with a Peterson Model TL3 Base Loader = $143,149.00
2. 2016 Peterbilt Model 337 with an aluminum trash dump body = $103,661.00

Both trucks are being purchased off of the Florida Sheriff's Association cooperative purchase contract, through Palm Peterbilt Truck Centers authorized vendor.

MOTION:
I move to approve / not approve the purchase of two new refuse heavy equipment trucks from Palm Peterbilt Truck Centers through the Florida Sheriff's Association contract.

ATTACHMENT(S):
Fiscal Impact Analysis
Dealer quote and specifications – Grapple Truck
Dealer quote and specifications – Trash Truck
Florida Sheriff's Association Cooperative Purchase Agreement

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	246,810	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	246,810	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	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
410-5081-534-64-30	Machinery & Equip / Misc. Equip.	625,000	625,000	-246,810	378,190

C. Department Fiscal Review: ___FL___
Finance Review __CE___

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Public Services

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EXECUTIVE BRIEF

TITLE:
Crossing License Agreement with the Florida East Coast Railroad (FEC) regarding All Aboard Florida (AAF)

SUMMARY:
The Agreement allows the FEC to name AAF as a third party beneficiary to the City's existing license agreements with FEC.

BACKGROUND AND JUSTIFICATION:
Over the course of the last 24 months, the City has been working closely with the Metropolitan Planning Organization (MPO), Florida League of Cities, FEC, All Aboard Florida (AAF), and City legal counsel to review and provide feedback on the FEC's plan to create an express passenger rail service from Miami to Orlando, named All Aboard Florida (the "Project").

As part of the Project, all of the existing crossings in the proposed double track corridor must be upgraded with additional safety measures to allow for passenger rail service. AAF has agreed to fund 100% of these improvements (identified as "initial development costs" in the agreement) for the City, in return for being named as a third-party beneficiary to the existing license agreements between the City and FEC. AAF railway line is expected to increase the ongoing maintenance costs for each crossing by approximately 10% according to FEC officials.

The City Attorney requested that FEC consider updating the license agreements since some of the agreements are quite old and in need of revisions. FEC has refused to make any changes to the existing license agreements. In order for the City to have AAF fund 100% of the "initial development costs", the City must agree to name AAF as a third party beneficiary to the existing licenses without any changes.

The additional safety measures are inclusive of the addition of sidewalk crossings, sidewalk connections, signalization improvements, and most noticeably the creation of "quiet zones" through the entire corridor. These Quiet Zones will effectively allow for the silencing of the train horns and will have a direct impact on the quality of life for residents who live near the railway tracks.

MOTION:
I move to approve / not approve a Crossing License Agreement with the Florida East Coast Railroad.

ATTACHMENT(S):
Fiscal Impact Analysis – not applicable
Crossing License Agreement with FEC
Crossing License Agreement letter from FEC legal counsel

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

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EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-08 - Second Reading and Public Hearing - revise the special assessment procedure and the collection of such assessments for the clearing of nuisance lots

SUMMARY: This Ordinance revises the special assessment procedure and the collection of such assessments incurred for the clearing of nuisance lots by providing that the costs are 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.

At its meeting of January 19, 2016, the City Commission voted 4-0 to approve the ordinance on first reading and to schedule the public hearing.

MOTION:
I move to approve / not approve Ordinance No. 2016-08 on second reading.

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

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

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EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-09 - Second Reading and Public Hearing - revise the special assessment procedure and the collection of such assessments for the boarding and securing of structures

SUMMARY: This Ordinance revises the special assessment procedure and the collection of such assessments incurred for the boarding and securing of nuisance vacant structures by providing that the costs are 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.

At its meeting of January 19, 2016, the City Commission voted 4-0 to approve the ordinance on first reading and schedule the public hearing.

MOTION:
I move to approve / not approve Ordinance No. 2016-09 on second reading.

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

AGENDA DATE: February 2, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

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EXECUTIVE BRIEF

TITLE:
Ordinance No. 2016-10 - Second Reading and Public Hearing - revise the special assessment procedure and the collection of such assessments for the demolition of unsafe structures

SUMMARY: This Ordinance revises the special assessment procedure and the collection of such assessments incurred for the boarding and securing of nuisance vacant structures by providing that the costs are 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.

At its meeting of January 19, 2016, the City Commission vote 4-0 to approve the ordinance on first reading and to schedule the public hearing.

MOTION:
I move to approve / not approve Ordinance No. 2016- 10 on second reading.

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

AGENDA DATE: February 2, 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 opened/closed between the hours of 10:00 p.m. and 6:00 a.m. with certain exceptions.

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

During that same meeting there was a 2-2 tie vote on Resolution No. 06-2016 to establish the opening/closing hours between sunset and sunrise unless there was a City sponsored or approved special event, City approved meetings, or other City approved activities. In accordance with the Commission's Rules and Procedures, a tie vote shall constitute a continuance of the item to the next regular meeting.

Some of the concerns raised during the Resolution discussion were regarding use of the City Hall parking lot to patronage restaurants and shops or people cutting through the Cultural Plaza instead of using sidewalks between sunset and sunrise.

City staff's proposed solution to address these concerns is to establish the opening and closing hours between 10:00 p.m. and 6:00 a.m. when most restaurants and businesses in the downtown area are closed.

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 (as amended).

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