



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, FEBRUARY 16, 2016 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION OR MOMENT OF SILENCE:** Provided by Commissioner Andy Amoroso
- 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. Rotary of Lake Worth to present a plaque to the City for its participation in the Peace Pole project
 - B. Firefighter Pension Trust Fund update
 - C. Firefighters Pension Board, Division II update
 - D. Neighborhood Association President's Council update
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. APPROVAL OF MINUTES:**
 - A. Commission Meeting Minutes - February 2, 2016
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. First Amendment to an Agreement with U.S. Peroxide, LLC for odor control chemicals

- B. Management Contract with Mildly Delirious Design, Inc. dba Lake Worth Farmers Market

10. PUBLIC HEARINGS:

- A. Resolution No. 09-2016 - declare one property as surplus and directing the method of disposition
- B. Resolution No. 10-2016 - abandon a 40 ft. strip of land on 4th Avenue South

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Declare REG Architects, Inc., The Morganti Group, Inc., and The Insurance Company of the State of Pennsylvania in default

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. March 1, 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 16, 2016, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Firefighter Pension Trust Fund update

SUMMARY:

Mark Lamb, Chair, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The board members shall administer the Relief and Pension Fund and decide all claims to relief. Members serve two-year terms. The last update provided by the Firefighter's Pension Trust Fund was on December 2, 2014.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



AGENDA DATE: February 16, 2016, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Board of Trustees, Firefighters Pension Board, Division II update update

SUMMARY:

Scott Conley, Board Chair, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The Board members shall implement the provisions of Florida State Statutes, Chapter 175. The members serve three-year terms. The last update provided by the Firefighter's Pension Trust Fund- Division 2 was on December 2, 2014.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



AGENDA DATE: February 16, 2016, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Neighborhood Association President's Council (NAPC) update

SUMMARY:

Mr. Jon Faust, Neighborhood Association President, will advise the Commission on activities in the neighborhoods.

BACKGROUND AND JUSTIFICATION:

At the City Commission meeting on July 20, 2010, the City Commission requested that all neighborhood associations provide an update. The last update from the NAPC was March 24, 2015.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



CITY OF LAKE WORTH

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

AGENDA DATE: February 16, 2016, Regular Meeting

DEPARTMENT: Water/Sewer Utilities

EXECUTIVE BRIEF

TITLE:

First Amendment to an Agreement with U.S. Peroxide, LLC for odor control chemicals

SUMMARY:

The Amendment provides for a one year renewal to an existing agreement at an annual cost of \$92,500.

BACKGROUND AND JUSTIFICATION:

On September 20, 2013, the City Commission approved a three year Contractor Agreement with two one-year renewal options for peroxide chemical supply used in odor control treatment in the City Sub Regional Sewer Collection System.

Hydrogen Sulfide (H₂S) gas forms in the sanitary sewer system, and is the primary source of wastewater odor. It also is toxic and corrosive, and over time, causes damage to manholes and gravity pipes in the system.

Ferrous sulfate (ODOPHOS) has been used by the City since 1989 to mitigate H₂S. However, due to the cost increases over the past few years in ferrous based additives, as well as the maintenance problems caused by iron deposits clogging the system as a result of using this chemical, the City of Lake Worth approved a contract with US Peroxide, LLC, on September 20, 2013, for an alternate chemical supply. Experience with the use of peroxide over the last two years has been positive for reducing hydrogen sulfide gas levels, and reducing resident complaints due to odors. The City therefore desires to renew the agreement for an additional year to September 20, 2017, and allow the City Manager to authorize future renewals, subject to budget availability.

This performance based contract included a city wide study in which strategic sites were sampled for H₂S levels and dosing sites were selected. The primary dosing site is at the Master Pump Station located in Bryant Park, with additional dosing sites at lift station 10, lift station 15 and the Lantana pump station.

US peroxide was the lowest responsive bid, with a 50% Hydrogen Peroxide Solution at \$3.90/gallon. The estimated dosing will be 65 gallons/day, or approximately \$92,500 per year.

MOTION:

I move to approve/disapprove the First Amendment to an Agreement with U.S. Peroxide, LLC at a cost of \$92,500 which will be included in the upcoming FY 2017 budget.

Attachments

- 1) Fiscal Analysis
- 2) 2013 Contractor Agreement
- 3) 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	0	\$92,500	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	\$92,500	\$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

Upon approval of this item by the City Commission, this contract expenditure of \$92,500: will be included in the upcoming FY 2017 budget

Utilities/Water Production							
Account Number	Account Description	Project #	FY 2016 Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
405-7421-535.52-30	Regional Sewer	N/A	N/A	N/A	N/A	N/A	N/A

C. Fiscal Review:

Larry Johnson – Director
Corinne Elliott - Finance



AGENDA DATE: February 16, 2016, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Management Contract with Mildly Delirious Design, Inc. dba Lake Worth Farmers Market

SUMMARY:

The Contract provides for the renewal of the Lake Worth Farmers Market held at the Old Bridge Park from October 2016 through April 29, 2017 with two additional one year terms.

BACKGROUND AND JUSTIFICATION:

The Lake Worth Farmer's Market is a signature event for the City of Lake Worth that is entering its 10th year of operation. The farmer's market supports local agriculture and brings local, just harvested produce to the local community. The market also functions as venue for local businesses to showcase their products. Local businesses are and have been incubated in the market.

At the market, the consumer has the opportunity to talk to the grower and learn their growing practices and also talk to an experienced, passionate vendor about his/her products. Local businesses also participate in special events that are held at the market. Local not-for-profit organizations are given complementary space to help promote their mission in the Lake Worth community. Many local not-for-profits have fund raised in the market over the past ten seasons.

The market traffic has generated over the past three years an average of \$2,500 in additional parking revenue for the beach complex fund. The market will pay to the city a monthly lease of \$500 per month for the duration of the contract.

MOTION:

I move to approve/not approve a Market Contract with Mildly Delirious Design, Inc. dba Lake Worth Farmers Market.

ATTACHMENT(S):

Fiscal Impact Analysis
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	0	0	0	0	0
External Revenues (parking)	0	0	0	0	0
Program Income	\$3500	\$3500	\$3500	\$3500	\$3500
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

C. Department Fiscal Review: CE



AGENDA DATE: February 16, 2016, Public Hearing

DEPARTMENT: City Manager's Office

EXECUTIVE BRIEF

TITLE:

Resolution No. 09-2016 - declare one property as surplus and directing the method of disposition

SUMMARY:

The Resolution authorizes the review of a city-owned property and determination if it is appropriate for affordable housing, needed for city purposes, or to be offered for sale.

BACKGROUND AND JUSTIFICATION:

State statute and City ordinance require the City Commission to review the list of all real property within the City limits to which the city holds fee simple title. The City Commission must review such property at a public hearing and make a determination if the property is appropriate for affordable housing. If the property is not appropriate for affordable housing, the Commission must determine if the property is unusable or not needed for city purposes. Any property that is not appropriate for affordable housing and not usable or needed for city purposes, may be sold by competitive sealed bids or by request for proposal.

Staff has identified one property to be reviewed. On August 18, 2015, the unimproved parcel located at 128 South E Street was conveyed to the City of Lake Worth by the Palm Beach County Board of County Commissioners (BCC) via Resolution R2015-1019 with the understanding that the City would transfer ownership to the Lake Worth Community Redevelopment Agency (CRA) for the development of affordable housing.

Pursuant to Florida Statutes Section 270.592(3), the County must convey surplus property acquired by Tax Deed directly to the municipality in which it is located. Accordingly, the property has been conveyed to the City by the County Deed that was approved by the BCC via Resolution R2015-1020 on this date. The City in turn must determine the best use of the property and provide for its maintenance.

The parcel is currently vacant and is located in the Single Family/Two Family 14 dwelling units per acre (SF TF-14) zoning district. It also is located in the CRA Neighborhood Stabilization Program 2 (NSP-2) target area. Under the approved Action Plan for its NSP-2 Program, the CRA and its consortium partners are tasked with the acquisition, rehabilitation and construction of 100 affordable housing units.

According to Chapter 2, Section 2-1 of the Code of Ordinances, properties identified as appropriate for use as affordable housing may be offered for sale at City Commission direction and the proceeds may be either used to increase the City fund earmarked for the development of affordable housing, offered for sale with a restriction

that requires the development of property as permanent affordable housing, or donated to a non-profit housing organization for the construction or rehabilitation for permanent affordable housing.

Alternatively, the City Commission by a simple majority vote at a scheduled public meeting may waive the requirements regarding minimum bid amount, method of sale and sale of surplus property and convey property to the CRA provided such property is located in a residentially zoned area. The City Commission also has the option of conveying said real property to a 501(c) 3 organization with a proven track record in the production of affordable housing. This is defined by the City as three (3) completed affordable housing projects.

To further the efforts in providing attainable affordable housing to qualified residents of the Lake Worth community, the CRA is partnering with Neighborhood Renaissance, Inc. to develop infill housing opportunities. Neighborhood Renaissance was established twenty-three years ago as a non-profit community-based organization dedicated to the production of affordable housing, management of affordable rental housing, and the provision of housing and credit counseling. Neighborhood Renaissance is recognized for their positive affordable housing efforts throughout Palm Beach County and specifically in the City of Lake Worth as a partner in the CRA NSP-2 Consortium.

At its meeting of November 4, 2015, the City's Planning and Zoning Board supporting the recommendation to the City Commission that the property located at 128 South E Street is suitable for affordable housing and that the appropriate method of disposition will be at the discretion of the City Commission. The Resolution finds that this property is suitable for affordable housing and recommends conveyance of said property to the Lake Worth Community Redevelopment Agency for the development of appropriate affordable housing.

MOTION:

I move to approve/not approve Resolution No. 09-2016

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

Resolution

County Resolution R2015-1019

County Deed R2015-1020

Location Map

NSP-2 Target Area Map

Development Proposal Rendering

BCC Agenda Item Summary



AGENDA DATE: February 16, 2016, Regular Meeting

DEPARTMENT: Economic Development

EXECUTIVE BRIEF

TITLE:

Resolution No. 10-2016 - abandonment of a portion of 4th Avenue South Right-of-Way.

SUMMARY:

This Resolution is the second 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.

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 abandon the Abandonment Area and

termination of the revocable permit. With the abandonment of the Abandonment Area, the revocable permit issued in 2002 is no longer necessary and the City should terminate the same.

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, abandoning the Abandonment Area and terminating the revocable permit.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

2002 Revocable Permit

Resolution with Survey



AGENDA DATE: February 16, 2016

DEPARTMENT:

EXECUTIVE BRIEF

TITLE:

Declare REG Architects, Inc., The Morganti Group, Inc., and The Insurance Company of the State of Pennsylvania in default

SUMMARY:

This item seeks to declare the design and construction firms and the construction firm's surety in default of their respective contracts with the City regarding the Casino Building.

BACKGROUND AND JUSTIFICATION:

In June 2010, the City entered a professional services agreement with REG Architects, Inc. (REG) to design the new Casino Building. In November 2010 (and as amended in June 2011), the City entered into a construction agreement with The Morganti Group, Inc. (Morganti) to construct the new Casino Building. Morganti secured a Public Construction Bond for its work with The Insurance Company of the State of Pennsylvania (Surety).

During construction, the City notified REG and Morganti of various issues occurring at the Casino Building including, but not limited to, water intrusion through and/or around the doors on the second story (east elevation); water pooling on the second story deck; and, rusting surfaces. While some efforts were made to correct these issues, the City continued to experience the same and additional issues at the Casino.

In 2013, after both REG and Morganti applied for final payment (which was withheld), the City retained construction attorney Michael Kennedy of Ciklin, Lubitz, Martens & O'Connell, P.A., to assist in resolving the issues. After further attempts to resolve some of the issues failed, in November 2013, Mr. Kennedy notified REG, Morganti and the Surety of the continued issues. After a request by Morganti for more time, the City, REG and Morganti again attempted to amicably resolve the issues. The City met with representatives of REG and Morganti in August 2014 at the Casino to discuss solutions to the continued issues and some new issues. In September 2014, the City put REG and Morganti on notice that their proposed solutions to-date were unacceptable. In another effort to amicably resolve the issues, the City attended pre-suit mediation with representatives of REG and Morganti in May 2015. The mediation resulted in a Tolling Agreement to stay any applicable statute of limitations and to allow the parties one more attempt to resolve the issues without litigation.

In late 2015, the parties again discussed resolution of the issues. When the City (and two hired consultants) pushed back on the latest proposed solutions, the City received little response from representatives of REG and Morganti. At this time, the issues at the Casino Building include, but are not be limited to:

- Water intrusion through the windows and operable doors along the east elevation;

- Failure of the second floor deck to drain;
- Water intrusion behind the stucco on the elevations of the building;
- Improper drainage design or construction which allows water to cascade off of the roof causing hazardous conditions on the paver deck below or mold growth on canopies;
- Rusting on arch supports; and
- Premature degradation of external surfaces.

The City along with Mr. Kennedy have worked for an extended period of time with representatives of REG and Morganti in an effort to resolve the issues without litigation. Since the tolling agreement expired in January 2016; REG and Morganti appear non-responsive to the City; and, the uncorrected issues with the Casino are a breach of REG's, Morganti's and the Surety's respective contracts/bonds, Mr. Kennedy recommends placing REG, Morganti and the Surety in default and proceeding with litigation without further delay. The City Attorney concurs with this recommendation.

If REG, Morganti and the Surety are declared in default, Mr. Kennedy and the City Attorney will notify them of the same and immediately proceed with filing a lawsuit.

MOTION:

I move to declare REG Architects, Inc., The Morganti Group, Inc., and The Insurance Company of the State of Pennsylvania in default.

ATTACHMENT(S):

None

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	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

C. Department Fiscal Review: _____