



CITY OF LAKE WORTH

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

**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JUNE 07, 2016 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION OR MOMENT OF SILENCE:** on behalf of Commission McVoy
3. **PLEDGE OF ALLEGIANCE:** Led by Commissioner Amoroso
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Eden Place Neighborhood Association
 - B. Employee Pension Plan
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
 - A. May 3, 2016 RM
 - B. May 10, 2016 WS
 - C. May 17, 2016 RM
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Two year Renewal Contract with Oceanside Beach Services for beach equipment concession rentals at the municipal beach.
 - B. Agreement with Aquifer Maintenance & Performance Systems, Inc. for Wellfield Performance Maintenance & Rehabilitation Services.

Agenda Date: _____ “Regular Meeting” or “Work Session” or “Special Meeting”

- C. Purchase of compact rear loader Refuse truck
- D. Interlocal Agreement with Palm Beach County regarding the one cent sales tax.
- E. First amendments to the contracts for Annual Paving, Concrete Work, Striping and Signage, and Related Services
- F. Purchase of okonite copper underground cable from Stuart Irby
- G. Purchase of four (4) new 55' Material Handling Bucket Trucks for the Electric Utility
- H. Settlements with Pierre-Rich Jeudy, Michele Leger Jeudy and Progressive Insurance Company
- I. Settlement with Roman and Elyssa Torres
- J. Contract with Foster Marine Contractors, Inc. for the Water & Sewer Improvements in the alley from 5th to 6th Avenue South between E & F Street
- K. Utility Easement Amendment by and between Palm Beach County and the City of Lake Worth
- L. Pineapple Ridge Settlement Agreement
- M. Resolution 31-2016 Repealing Resolution No. 67-2015 to correctly abandon six utility easements

10. PUBLIC HEARINGS:

- A. Ordinance No. 2016-18 Second Reading for Changes to Parking Regulations.

11. NEW BUSINESS:

- A. Resolution 30-2016 to approve new fee schedule for Lake Worth Beach Parking

12. LAKE WORTH ELECTRIC UTILITY:

- A. **PRESENTATION:** (there is no public comment on Presentation items)
- B. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)

Agenda Date: _____ “Regular Meeting” or “Work Session” or “Special Meeting”

C. PUBLIC HEARING:

D. NEW BUSINESS:

13. CITY ATTORNEY'S REPORT:

A. Discussion about The REG Tolling Agreement

14. CITY MANAGER'S REPORT:

A. Draft Agenda for June 21, 2016

15. ADJOURNMENT:

16. 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: June 7, 2016 Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Eden Place Neighborhood Association Update

SUMMARY:

Mr. Mark Pickering, Eden Place 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 Eden Place Neighborhood Association was on May 5, 2015.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



AGENDA DATE: June 7, 2016 Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Board of Trustees for Employees' Retirement System update

SUMMARY:

Mr. Robert Kahant, Board Chair, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The Board members shall administer, manage and be responsible for the proper operation of the Employees' Retirement System. The last update from the Employees' Retirement System was on March 24, 2015.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
May 3, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo, Vice Mayor Scott Maxwell and Commissioners Christopher McVoy, Andy Amoroso and Ryan Maier. Also present were Acting City Manager John Borsch; City Attorney Glen Torcivia, and Records and Information Manager Deborah Andrea.

2. INVOCATION OR MOMENT OF SILENCE:

Moment of Silence on behalf of Commissioner Maier.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Mayor Maxwell.

4. AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda as presented.

5. PRESENTATIONS:

- A.** Introduction of Commission on Ethics Executive Director Mark Bannon, who introduced Anthony C. Bennett as a Senior Investigator; he wants to tell everyone that they offer training anytime you need it when it is convenient for you. They are paid by ad valorem taxes and they will not bill us, they are already being paid and they want to help us in any way they can. Prevention is important he has watched a change in the last few years as people have been doing the right things. His office has been giving advisory opinions and have done just under 400 opinions in the last five years. Commissioner McVoy stated that he believed the intent of the Commission on Ethics is to raise public trust. Mr. Bannon talks about the appearance of impropriety and believes the standard has to be “how does this look to the public”. Attorney Torcivia speaks with him on a regular basis for the trust in government.

B. Bryant Park Neighborhood Update

Mr. Darrin Engel, Bryant Park Neighborhood Association President, provided the Commission with an update on activities in the neighborhoods. They are a small but diverse neighborhood, with residents from all around the world and he showed a map of the neighborhood, it is in the South Palm Park Association and they are home to Fanny James home and the Gulfstream hotel. It is a vacation destination with 50-foot lots and various architecture. They originated the raft race and they participate every year, one of the biggest events is the Derby day celebration at the Beach Club at golf course. Members of this neighborhood like to volunteer especially to clean up the park. They do a lot of activities with the NAPC with the little free libraries, have lots of activities for children and they all enjoy the park. Commissioner McVoy asked about the shoreline near the Intracoastal by Michael Singer.

- C. Sheriff's office update by Captain Todd Baer.** He and Lieutenant David Groover presented the crime data and the uniform crime report for the period of July 1, 2015 through December 31, 2015. Captain Baer spoke about various issues, they are working on reducing crime but robberies are up and some are due to lifestyle issues such as drugs, prostitution and alcohol, overall burglaries are down this year, city wide we are in line with county numbers, auto burglaries are up and residential burglaries are down, unlocked cars are a problem. Violent crimes are due to drugs and prostitution and individuals fighting for territory. Sober Homes, drugs, prostitution and homeless issues are perceived as causes but sober homes and homelessness are not illegal. Arrests are up 15% and officer encounters are up 42% and the officers on the street are working hard. They are doing arrests every day on prostitution and the frustrating thing is they are out in days and the Sheriff's office is working with the State Attorney to try to stop this revolving door. They are looking at sober homes for fraud and they are checking where the overdoses are coming from as they have seen a high number of fatal overdoses especially with Heroin. Calls for service are shown on a map, they are aware that you are not always going to see cops on the streets as they are proactive. They have been working with Code Enforcement and they have had some success. Commissioner Maier is interested in sober homes and what cities can do to address the sober home issues one thing is to report the overdoses, is wondering if we could, Captain Baer is checking on what can be done, but he doesn't want to get into lawsuits. We need the good sober homes but we need to get rid of the fraudulent ones. PBSO is looking for grant money for sober homes issues. The other thing that can be done is to ask for applications to make sure they are living within the codes of our city. Commissioner Maier would like to have a workshop about this. Commissioner McVoy has met and is pushing to get rid of sober homes and bring on the lawsuits, we could start keeping track of the

homes and we need to up our game. Captain Baer would like to get volunteers from all neighborhoods for the COP program. Commissioner McVoy likes the joint ride along with Sheriff Department and Code and meetings with the State Attorney. He would also like to see the statistic numbers for a longer period of time to get a general consensus to see if crime is going down. Commissioner Amoroso wanted to thank him for meeting with him and the State Attorney and he attended a seminar about sober homes, he doesn't want lawsuits because of targeting them. Director of HUD said within 90 days they will have something for us but at the end of the day these people have rights. Mayor agrees with Commissioner Maier and wants to workshop this issue and work with other cities to work together as cities to help solve the problems. Vice Mayor wants to know if the Sheriff's Department meets weekly with code and yes they do, he asked about the balloons on the map and he showed that the officers are going where the crime is. Vice Mayor Maxwell wants to know if we can have a conversation about cameras at various intersections, Captain Baer and the City Manager had this discussion and we are in the process of getting them installed and they should be working this year. They are tracking the homes where they are going and we will be able to call them nuisance homes. Vice Mayor Maxwell wants to somehow get a legal approach to citing the landlords if there are reports coming from one property.

- D.** Historic Resources Preservation Board Update: Herman Robinson gave a report about the decision making process of the HRPB, they have had joint meetings with Planning and Zoning. They have reviewed plans for various issues and they have applied for grants in the historic districts. The Gulfstream Hotel will add to our tax base and other new construction downtown but some are in the process and there is some new construction in the historic district. He showed the before and after pictures. They meet monthly and have public comments after their meetings, the staff helps work with standards and guidelines, some of the issues are roofs, windows and fences and demolitions. On May 18th they are going to have a workshop that is open to the public and he wants an open and frank discussion. Board members are volunteers who honor the past but make improvements for the future and community pride. Mayor Triolo wants to look at best policies in various cities, wants to know what legalities are used to make decisions about these properties. The board uses standards and guidelines and the workshop should communicate with the public. Commissioner Amoroso believes that the Workshop should be open to the public and he wants to be hearing from the public. William Waters said that not all issues will be addressed at the workshop on the 18th. We will be working with the neighborhoods in June and July as each neighborhood has different issues and then come back and have a workshop with the Commission, it may require Comprehensive Plan Amendments and/or LDR changes and guideline changes. It is a very complicated topic. We are doing public outreach first and then we will

come back to a workshop for policy changes and we will open up the floor to get public comment. Vice Mayor Maxwell wants to hear from the public and he wants to make sure that everyone is told about the meetings. He voted against the establishment of the Historic Preservation back in the day because it is a difficult issue because he saw the eventual problems with the concept of the historic district. He wants to make sure the word gets out that these meetings are going to be held. Is there a responsibility to let realtors know that the property is in a historic district? There are two grants that have been applied for one is for a survey about a historic district west of Dixie Highway if it is viable and appropriate and if the neighborhoods request it. It will not be established like the last time and Vice Mayor Maxwell wants to know how much of a financial windfall has had on the City and he doesn't think the property values have gone up. Herman Robinson said the cottages of Lake Worth have brought up the values and the Vice Mayor doesn't think so. The Mayor wants to bring up this at the workshop.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy went to a follow-up workshop for elected officials helping to educate officials about various issues including ethics and a meeting with Enterprise Florida, where they talked about public-private partnerships and he noticed that the New York Times article about resettling the climate refugees due to climate issues in Louisiana and sea level rise and the Federal Government is going to move the entire neighborhood. The challenge is that we could have to move millions due to climate changes and he wants to know how to plan.

Commissioner Amoroso thanked everyone who participated on the Old Bridge cleanup and he talked about the homeless luncheon we attended today, where he met with Lois Frankel. He announced that the Mango Festival is on June 11th, they are going to do a cleanup on May 21st H Street park cleanup behind Compass, penny sales tax will bring in added revenue to Lake Worth and he thinks it's a good thing. He mentioned the artistic utility wraps over the electric boxes around the city and by the beach. Sally Welsh has been hired by the pool, next week the CRA is going to meet with PalmTran to try to bring the bus service back to the beach. Beware of scammers as the City of Lake Worth will not call you to ask for credit card payments over the phone.

Commissioner Maier advised that the Sister City Board now has a quorum and is going to have its first meeting in a long time on Monday May 9th at 6:00 pm.

Vice Mayor Maxwell has received a call from a resident who received a call from someone saying they are with FPL asking for payment of the

utility bill and that FPL just purchased our utility company so beware of scams. He informed everyone that the City Manager's father is not well and Mike is in Tallahassee this week.

The Mayor wants staff to know that the MPO sets aside money for various projects, local initiatives and transportation alternatives programs, she would like us to put projects together that we have already completed and she would like to see them on the list next year. Cities who win the grants get a lot of money for these projects. She wants Jamie Brown, Director of Public Services to get the projects on the list for next year. The Mayor attended the Brian Kirsh Arbor Day celebration and presented a proclamation, was a wonderful celebration as was the Presbyterian Church that celebrated 100 years in the community. Proclamation was brought to the water department and she got to go to the soccer program, a program she loves. The program has grown from 38 kids to 200 kids. The volunteer breakfast was wonderful and congratulations on the receipt of a grant. The Mayor wants to challenge everyone to come out to play pickleball.

Commissioner Maier left at 7:44 p.m. and returned at 7:46 p.m.

Mayor called a 5 minute break at 7:50 p.m.

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

Joann Golden is concerned about the lobbying for baseball, she does not think we should lobby. She mentioned the hurricane preparedness workshop and she thinks the City should get involved and try to put it out for folks especially the new residents and she wants to do more about sea level rising.

Richard Stowe wants attention to an article in Broward Palm Beach New Times entitled 19 best environmentalists, where number 19th was Commissioner McVoy and it was about eco hydraulics in the Everglades and his environmental efforts, he received a call from Elizabeth Colbert, an environmental writer and asked Commissioner McVoy to give her a tour of the everglades.

Ted Johnson talked about a house in his neighborhood and the historic board is telling them the stucco on the house is not right and they have to remove the stucco and he is upset about his new neighbors getting the run-around with staff. He has been proud to live in Lake Worth but now he thinks the City has gone too far.

Maryann Polizzi thanked the City for the new lights as she made calls to dispatch about problems in her neighborhood, and she is excited about

the new lights and with Jack Borsch. She drives her neighborhood and is glad that there are new lights for safety.

Katie McGiveron handed out a handout and she is against the baseball stadium. Spring training stadiums are a bad investment. If she asks a commissioner to pull an item, please pull the item.

8. APPROVAL OF MINUTES:

April 5, 2016 RM, April 19, 2016 RM and April 19, 2016 Closed door session.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve the Minutes

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell and Commissioners McVoy, Amoroso and Maier. NAYS: None.

9. CONSENT AGENDA:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the Consent Agenda.

- A. Approval of one year extension for the Debris Removal contracts for Ashbritt and Ceres Environmental**
- B. Change Order No. 001-Final for Potable Well No. 12 Replacement**
- C. Approval of the purchase of two new Refuse heavy equipment vehicles, an automated side load truck and a container carrier truck**
- D. Approval of the purchase of a new 5 cubic yard dump truck for the Water Utilities Department**
- E. Contract with B&B Underground Construction, Inc. for the North Booster Pump and Elevated Tank Piping Modifications project**
- F. Approve purchase of a new sewer bypass pump for use by the Sewer Pumping Division**
- G. Resolution No. 24-2016 to authorize the submission of a grant application to South Florida Water Management District**
- H. Resolution No. 25-2016 - to authorize the submission of a grant application to the National Endowment for the Arts**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell and

Commissioners McVoy, Amoroso and Maier. NAYS: None.

10. PUBLIC HEARINGS:

A. Ordinance No. 2016-13 - First Reading and First Public Hearing - amend various sections and tables of the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-13 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 DIVISION 2, SECTION 23.2-12, DEFINITIONS; ARTICLE 2, DIVISION 3, SECTIONS 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.2-15, NOTICE REQUIREMENTS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3 DIVISION 2, SECTION 23.3-17, MU-DH – MIXED USE DIXIE HIGHWAY; ARTICLE 4, DEVELOPMENT STANDARDS, SECTION 23.4-3, EXTERIOR LIGHTING; SECTION 23.4-6, HOME OCCUPATIONS; SECTION 23.4-10, OFF-STREET PARKING; ARTICLE 5, SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, SIGNS; ARTICLE 6, ENVIRONMENTAL REGULATIONS, SECTION 23.6-1, LANDSCAPE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell called the question to approve Ordinance No. 2016-13 on first reading, Commissioner Amoroso seconded the motion.

Mark Rickards asked that the commission approve this item. He has a client with a code amendment in the mix and he is asking that if they have a certain section of the Ordinance they don't want if they can pull just that section and approve the rest of the Ordinance. He is also asking that all commissioners attend the second reading.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell and Commissioner Amoroso. NAYS: Commissioners McVoy and Maier.

B. Ordinance No. 2016-15 - First Reading and First Public Hearing - amend Downtown (DT) zoning district, permitted uses table and amend various sections of the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only,

ORDINANCE NO. 2016-15 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 3 DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3, DIVISION 3, SECTION 23.3-14, DT – DOWNTOWN; ARTICLE 4, SECTION

23.4-13 MEDIUM AND HIGH INTENSITY CONDITIONAL USES; PROVIDING FOR SEVERABILITY; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; AND EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-15 on first reading, Commissioner Amoroso seconded the motion, but he wants a slight change.

Commissioner McVoy thinks this will allow drive-thrus throughout the City and wants to know if it is “spot” zoning, he said there has been quite a bit of discussion about being a bike place and why do we want more drivability. William Waters spoke about the drive thru, the first Ordinance just passed allows drive-thrus for financial institutions in the Downtown Zoning District. The proposed ordinance would allow drive-thrus west of Dixie Highway for commercial uses. Based on an applicant’s request and justification for commercial drive-thrus excluding restaurants in this western area, staff is recommending it be approved. Commissioner McVoy thinks this is going to affect traffic. William Waters said the area in question is distinctly different than the eastern section of the downtown. Commissioner Maier heard it is going to be a Starbucks. William Waters said that was not a restaurant and if we approve this request as recommended by the HRPB, then the project advocated by Mr. Rickards cannot go forward. Vice Mayor Maxwell wants to know how we can fix this. Mayor wants to look at investments in the Dixie Highway corridor, we will have possibly 4 non-conforming properties. Mayor is for making the change excluding restaurants. Vice Mayor Maxwell amends the motion.

Tammy Panza thinks there would be a traffic jam if there are restaurants, she agrees for banks but not for restaurants. She does not think it is in the interest of the city and should limit it to banks only.

Commissioner McVoy wants us to think about the unintended consequences, doesn’t want Dixie Highway to have more traffic nor thinks it is in the best interest of the city. Commissioner McVoy thinks we don’t want lawsuits and he thinks it is foolish to approve this now instead of at the project approval.

Question has been called by Vice Mayor Maxwell but after discussion the Vice Mayor called it back. The Motion was amended by Vice Mayor Maxwell to approve with this language out “Commercial Drive Through (excluding all restaurant uses) west of Dixie Highway.”

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner Amoroso and. NAYS: Commissioners McVoy and Maier.

11. **UNFINISHED BUSINESS**

There were no unfinished business items.

12. **NEW BUSINESS:**

A. Ordinance No. 2016-16 - Adopt Florida Building Code 2014 Edition and Administrative Amendments

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016-16 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-2.1, "CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED", BY ADOPTING BY REFERENCE THE CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2014 EDITION; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-16 on first reading, Commissioner Amoroso seconded the motion.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioners McVoy, Amoroso and Maier. NAYS: None.

B. Ordinance No. 2016-17 - Adopt Floodplain Management Provisions to continue participation in the National Flood Insurance Program.

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016 – 17 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-3, "SPECIAL FLOOD HAZARD AREA PROVISIONS" TO PROVIDE FOR AMENDMENTS TO THE FLORIDA BUILDING CODE REGARDING FLOOD ELEVATIONS; AMENDING CHAPTER 23, LAND DEVELOPMENT REGULATIONS, ARTICLE 5, "SUPPLEMENTAL REGULATIONS", SECTION 23.5-2, "SUBDIVISION REGULATIONS" TO REFERENCE THE NEW FLOODPLAIN MANAGEMENT ARTICLE; AMENDING ARTICLE 6, "ENVIRONMENTAL REGULATIONS", SECTION 23.6-3, "FLOODPLAIN MANAGEMENT" BY REPEALING THIS SECTION AND ENACTING ARTICLE 7, "FLOODPLAIN MANAGEMENT" TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-17 on first reading, Commissioner Amoroso seconded the motion.

Discussion was held about a certain resident in the College Park area who is doing renovations to his home and is concerned about building up the base level to his house and not being able to build up the total height of the house. The maximum elevation has not changed. It is how we measure it. There is a one foot freeboard height requirement above minimum flood for all slabs. The height of a building is measured from this elevation point or 12" above the crown of the road, whichever is less. William Waters explained that residents can seek a variance if their property does not meet the current standards. The new flood plain map is not in effect yet. William said there are lots of issues with insurance and FEMA issues and we will be holding a workshop later this year to address the issues with the new FEMA maps and how it will affect construction.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell and Commissioners McVoy, Amoroso and Maier. NAYS: None.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION: (there is no public comment on Presentation items)

- a. Update on the Siemens project. Jack Borsch gave a presentation about the 18-month construction project, and a payment is due in 2017. He said the project is 2 months ahead of schedule and he went over the savings we have seen for our buildings. They are installing 100 meters a day and 12 quadrants have been completed in the South end of the city. They have to order the decorative lighting and it will take 10 weeks, light poles will be green and the old poles will be repainted. Solar site will be started and it will go before Planning and Zoning and they have held community workshops and there will be more. Commissioner Amoroso said the FDOT poles are all rusted while we are doing these renovations we should reach out to them. Commissioner McVoy said they talked about shields, but Jack said they did not speak about individual shields. Jack will go back and look. Commissioner McVoy said provisions were made in the contract to make sure the lighting is correct and wants to know if there is a procedure for setting the lights as he was told it was field settable. Jack said there was no procedure. Commissioner Maier said he also remembers meeting prior to the signing of the contract where he was told the lighting was adjustable. Vice Mayor Maxwell said we cannot go out and get the approval of everyone in the city. Commissioner Amoroso said the reason we looked at this lighting was because people said they wanted more lights and safer streets. We need to keep going with this and not pick and choose what goes on. Commissioner McVoy said the research shows that crime happens during the day and when you measure the lighting it does not reduce crime. It is not backed up by data. There is measureable data that shows more lighting causes cancer. Issue of color temperature and they asked for 2700 LEDs and he spoke with Siemens and they told him it can be done. He wants us to look at the shielding. Mayor asked that the clerk find the minutes of the meeting

where shields were discussed.

- b. Update on the electric utility system, John Borsch reported that in anticipation of hurricane season they have ordered new poles.

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

C. PUBLIC HEARING:

D. NEW BUSINESS:

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT

- A. May 17, 2016 draft Commission agenda

16. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to adjourn the meeting at 9:26 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

Deborah Andrea

Minutes Approved: May 17, 2016

A digital audio recording of this meeting will be available in the Office of the City Clerk.

**MINUTES
CITY OF LAKE WORTH
CITY COMMISSION
WORK SESSION
MAY 10, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber, located at 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo, Vice Mayor Scott Maxwell, and Commissioners Andy Amoroso Christopher McVoy (arrived at 6:22 p.m.) and Ryan Maier. Also present were Interim City Manager John Borsch, City Attorney Glen Torcivia, and Records and Information Manager Deborah Andrea

2. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Amoroso.

3. UPDATES/FUTURE ACTION/DIRECTION:

- A. **Code Enforcement update:** Mark Woods gave an update on Code Compliance and what they do and to give performance measures. He showed maps that will show their efforts. He went over the staff of Community Sustainability and showed that they have a full staff except one position. They are guided by statute 162 FS. He showed programs and responsibility, nuisance abatement, criminal activity based on calls to service, chronic nuisance gives notice to owners and they have to reply, nuisance remediation demolitions, board and secure, lot clearing and abandoned vehicles. He went over the daily activities, code officers are out in the office from 8-9 and out in the field from 9-4 each day and they come back to the office and return calls. Seven zones in the city each with their own officers who are moving away from data collection and getting the performance issues. Ultimate goal is to bring properties into compliance. They don't believe they will have as many vacant buildings this year as in the past. They are not revenue generating. They want the cases to be legally enforceable. Going forward they want to increase staff training, they are using standardized operating procedures.

Code Department states they have no silver bullet. They would like a 70% rate and right now they are at 48% educate, communicate, initiate and further the code compliance initiatives. William Waters showed the maps of the area of where all the code issues are in the City. There are 1,200 open cases for various violations of the zoning code. Not on the map yet are the nuisance abatement properties that are handled by Palm Beach Sheriff's Office. There are vacant properties, abandoned and foreclosed properties or unimproved

vacant lots enforcement is not where he wants it to be but it is better than before. The Remedial Services Map shows where we have spent money to remediate these properties. Most properties have not paid and the money owed for remediation is now going on the tax bills. We have spent more than \$200,000.00 so far this year.

Martin Welfeld, He is interested in the types of calls and a breakdown of revenues within each district

Theresa Miller, asking about sober homes and use and occupancy. How can we find out how many people can live in each property? Would like to know how many code cases are based on complaints vs. inspectors finding issues by driving through the neighborhood.

Brendan Lynch, he left the CRA meeting the code division has gotten better but behind his house there was a needle and we need a higher levels of code enforcement.

Chip Guthrie, he is targeted, code has been better than they have been but it seems to him that code acted quickly, seems in other municipalities they would have stuff removed immediately. It doesn't seem to happen fast enough.

Aino Lautsio she has been a homeowners for 28 years and she got a notice because her grass has dried, and now has until July. She doesn't want to hire someone but she doesn't want to be cited. She can't sleep because of this.

Eric Fischer owns and manages units. He speaks about codes there is a sense of targeting, areas where areas are enforced and some where they are not enforced. It starts with crime and he does not see patrol cars, he believes that landlords will sell off their property perhaps to sober homes if Code Enforcement doesn't stop the harassment of landlords in the City.

Edwin Arocho, We have to do something, they drink and urinate in front of stores, selling food that is not inspected. He would like to volunteer, it is filthy it looks like Central America. Selling liquor to minors.

Anna Maria Windisch-Hunt, she in in an area with the other side of the tracks, has a problem with a neighbor, termite problems, new windows, what is going to happen, the place is a dump, she has called there is no roof, she feels it is a fire hazard. Code has come each time she called. She has attended the Magistrate meetings.

Mayor thinks we have been asking for this meeting for a long time, she has seen some successful situations and some others not so successful. She wants us to remain respectful and to have honesty. We are asking people to

cut their lawns while we don't keep our properties and whatever message we are sending we want consistency. The second thing is hearing from people that the department is not answering properly to the people. She wants better customer service. Change the culture of the code experience, she wants consistency. Different areas have different problems, worst first. Life endangerment, public safety. Where are we at and how do we handle it? We have to come up with a policy and what does the commission need to do to reach the goals.

William said they always have to deal with citizen complaints, sometimes they deal with chronic complainers, they can't always get to the most chronic cases, our city writes a combined case per property instead of each issue as done in West Palm. Some have come into voluntary compliance, there needs to be a better understanding with the sheriff's office as to who has to deal with what issue. Mark said it is the same in every city some complain that we do too much and some that we do too little.

Commissioner McVoy doesn't want people doing bad things in the neighborhoods but he would like to propose a solution in terms of process. If we are not doing worst first, it looks bad to the public. He wants to deal with citizen's complaints and he wants them to give him a list of the complaints and the commissions get to prioritize the list. The commissioners give it back to Code and code lists it on the website and if calls come in, they are shown to not be a top priority to the commissions. He doesn't know if it is legal to have different priorities throughout the city.

Vice Mayor when he thinks about priorities, he wants our priorities based on curb appeal. Everyone who gets cited thinks they are getting selected we have even code inspectors going out to chase the complainers, maybe we could get the code inspectors to have a specialty, more experienced, for two months have them respond according to their specialty. He would like to change posting a property after 5 days after the certified letter see it posted at the same time as it was before 2013. He wants to know if we can move nuisance abatement properties based on calls for service. William is proposing changes to nuisance calls, 3 calls or 7 calls over 6 months with crime activity. Sheriff's office if they find no activity they are using the address of the place where the call comes in instead of the address of the property being addressed. Vice Mayor wants to do more about chronic nuisances. He wants us to do whatever we can do legally but Mr. Torcivia said it has to be chronic and wants it more than three times a month. William responded that if we have a vacant registry we have to have a point of contact. William had a change of staff in 2015, but they are up now.

We need to reinvest the money back into the community. All money is general fund money. All the Code officers have level one training and more. Couple of funding for neighborhood program to educate and he is looking to for best policies-compliance ratio he has cases cited vs cases closed. They

have a new way to document a case and how to keep following up based on SOPs, helps with citizens understanding. William attended a meeting with Lois Frankel about sober homes about what cities can do. If the sober homes can show that this is changing the character of the neighborhoods, there is some direction coming out in August but William wasn't overly thrilled. The Vice Mayor said he thought there were not going after people for dry grass, Mark said they don't cite for dry grass but they cite for no grass. Vice Mayor Maxwell wants to know if we can get the landlords to do background checks for their tenants. Some landlords have tenants that are bad and we have to come together, Mr. Torcivia thinks we have to have voluntary compliance. What are we doing to pinpoint the properties that keep changing names, is it possible to research addresses to see if there are code violations, by owner and/or case number? The Vice Mayor wants to have a process how cases are being handled. He wants some type of tribunal or some type of mediation. They are governed by 162 FS but he is talking about personnel issues and Mark said they are trying to get more training for staff about customer service.

Commissioner Maier spoke about Florida yards and neighborhoods, it strikes him as strange that some of the same issues they want we have a code against it. Our code doesn't have a provision for zero landscape. William would like to look at changes to xeriscape, he would like to make the changes.

Discussion was held about fees for vacant registrations, abandoned cars and why are we different from West Palm, various applications in other cities and we are not doing it here for tracking overdoses. William wants to know if they can get calls from the Fire Dept. but he is not sure this can be done. The LDR changes made last year allowed an application through the whole application process, Reasonable accommodations, catching and documenting is difficult for overcrowding. Getting witnesses is difficult but people are afraid.

Commissioner Amoroso thanked Yolanda Robinson, Code Compliance Officer he tries to attend the Special Magistrates meeting and he is seeing houses being sold so they are being brought into compliance. He wants it looked at with different eyes, wants training, he also likes special jobs for certain officers. William said it sometimes overwhelms the officer. He agrees with Commissioner Maier, he wants Florida landscape. He doesn't want it overgrown but if it is just brown grass, we should just do curb appeal. Commissioner Amoroso sees lots of bad players at the Magistrate hearings and he wants to see what can be done about foreclosures, it is hard to explain to residents that there is nothing that can be done about compliance. Mr. Torcivia said the number one issue is a bank ahead of us and we will have to buy a property and be second to the bank. Vice Mayor is it possible to use other people's money to foreclose on these properties, the question becomes can we sell our liens. Mr. Torcivia is not sure this is a good idea as we will give up our lien rights and they might not comply the property.

Commissioner McVoy fears that homeowners are concerned and people are putting their property up for sale and leaving and we are not doing our jobs due to sober homes and vacation rentals, he wants to know what we hear from neighbors and PBSO and he knows there are limitations. He doesn't want the complainant's address in the database and wants to be able to have anonymous information to protect the safety of residents. He would like to give good landlords kudos.

Commissioner Amoroso wants the maps and we cannot target and we have to be consistent. Mayor wants to be cautious about talking about sober homes. There are different levels of medical staffs. She wants discussion about vacation rentals and she wants to talk about it. We should give workshop in various languages, we are not doing a good job getting information out in a positive way. William said not an accepted definition yet of what a sober home is, he hopes the paper being put out in August, will give the clarification.

Mr. Torcivia will give out the handout staff was given at the meeting with Lois Frankel. Commissioner Amoroso wants HUD to give a definition and stand behind the municipalities.

Vice Mayor Maxwell wants to get a report from Code about this meeting.

4. ADJOURNMENT:

Consensus: To adjourn the meeting at 8:25 PM.

PAM TRIOLO, MAYOR

ATTEST:

DEBORAH ANDREA, RECORDS AND
INFORMATION MANAGER

Minutes Approved: June 7, 2016

A digital audio recording of this meeting will be available in the Office of the City Clerk.

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSIONERISSION
May 17, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:04 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo, Vice Mayor Scott Maxwell and Commissioners Christopher McVoy, Andy Amoroso (missed roll but still arrived at 6:04 P.M.) and Ryan Maier. Also present were City Manager Michael Bornstein; City Attorney Glen Torcivia, and Records and Information Manager Deborah Andrea.

2. INVOCATION OR MOMENT OF SILENCE:

Invocation by Patrick Livingston of Grace Fellowship on behalf of Vice Mayor Maxwell.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Mayor Maxwell.

4. AGENDA - Additions/Deletions/Reordering:

Item 5 (D) was deleted.

Item 9 (J) was moved to New Business Item (D)

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the Agenda as changed.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell and Commissioners McVoy, Amoroso and Maier. NAYS: None.

5. PRESENTATIONS:

- A.** Presentation by Palm Beach County Animal Care and Control on Feral Cats Ordinance given by Diane Sauve, went through a PowerPoint presentation about unwanted animals, told us about a Community problem, There is a connection between animal abuse go on to domestic abuse. Cats and square headed dogs are the most at risk in our Community. Feral cats are now Community cats, Tipped ears reflect a sterilized. They live among us vaccinated and spread of. People want cats trapped neutered and returned in to the community. Are we doing the same thing over and over and expecting a different result. Cats are not claimed at a shelter, people will not ask about a stray cat as they will

about a dog. 66% of lost cats are found after they are lost. Cats stock and kill but this is not the only problem, unlawful to feed unsterilized cats. It is unlawful to put out a lot of food, unlawful to feed raccoons, get a scarecrow available on Amazon, LW has one of the highest stray cat populations in PBC. Free sterilization is available. Humans have created the problem. Sterilization is mandatory not optional anymore. Proving intent is the hardest part of hitting an animal .How do you enforce the feeding of cats and or raccoons, they send someone out to educate them, they respond to calls by sending out someone they will start citing people, opossum should be left alone they don't get rabies and they don't bother anyone, leave them alone. Deterrent do work to keep cats out of yards but we don't want anyone to do harm to the animals.

- B.** Mayor Triolo read a Proclamation declaring May 15-21, 2016 as National Public Works Week.
- C.** Mayor Triolo read a Proclamation declaring May 21-27, 2016 as National Safe Boating Week.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maier said that the Sister City Board met but did not have quorum, he would like everyone come to the meeting. The Treasure coast regional will meet Friday.

Commissioner Amoroso has a cleanup on Saturday at H St Park and the mango festival is June 11.

Commissioner McVoy wants to request of the City Manager meet with the train man about the quiet zone. He was happy to go today to the opening of Sixth Avenue South and he is pleased with the results. He gets concerned citizens calling about slowing traffic.

Vice Mayor wants to go to more ribbon cuttings and he wants to know when we are going to get the roads fixes. The one cent sales tax will help but wants to know how to get a revenue source and thinks we need to have an answer about this. He is going to the graduation ceremony at the Lake Worth High school on Friday. In the proclamation about safe boating he talked about od's and 650 boating deaths he would like to do something about sending loved ones down from up north and people are dying and he thinks the Federal government needs to help.

Mayor said we are ground zero for these problems, she thinks there should be some way to get our voice as a county. Michael said David Aronberg is working on this and the Mayor thinks we need to get everyone involved. Thank you for the Derby Day celebration, MPO meets Thursday we wanted them to come in and talk about complete streets, in September and also we need to start getting together all the projects, we need to apply for MPO funding. 6th Ave South was awesome and we had the Haitian event earlier.

McVoy forgot to mention about the Downtown jewel Assn. plaques to remind people they have to maintain alleyways.

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

Maryann Polici wants to thank Jamie for his work at South Palm Park. She wants to thank Captain Baer for helping with sober homes and prostitution thanks for the help with the passive,

Michael Fox wants to talk about code issues. He wants to let everyone know that he and his husband closed on another property. He discovered issues in his research of code compliance. He wants to thank the Mayor for her help with the

department. He showed a map that seem to be in disproportion areas.

Kathleen McGiveron is happy to say that many people applied for a Reap Grant to foster a better quality of life, Lake Osborne got a check for \$2,000 and are purchasing crime watch signs. The met about sober homes with Senator Clemens and Captain Silva and it was a good meeting, she likes to hear about the trap neutered and release program as reported earlier.

Mark Easton talked about a recent Greenacres meeting where a man visited Louisiana and Texas and saw billboards to send your addicted children to Florida for treatment.

Tammy Panza heard an ad that says California does a better job than Florida in treating addicted children. She supports Peggy Adams and they are making a difference. Support for workshop for the Code, wants the city to revamp some of the code issues, she would rather have the cars removed than a resident cited for having brown grass.

8. **APPROVAL OF MINUTES:** No Minutes to approve

9. **CONSENT AGENDA:**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve the Consent Agenda.

- A. Ratify board members to the various City advisory boards
- B. Contract Award for IFB 16-105 for Electric Meter Retirement Services to Vision Metering, LLC
- C. Approval of the Addendum and Lease Agreement with the Florida Department of Transportation (FDOT) for rental of state right of way along Lake and Lucerne
- D. Approval of Change Order 1 for Rosso Site Development for 6th Ave South - Dixie to Federal construction project
- E. Resolution No. 26-2016 - to authorize the submission of a grant application to the South Florida Water Management District
- F. Amendment to agreement with Pace Analytical Services to extend Laboratory Testing Services for the Water and Electric Utilities Departments
- G. Amendment to agreement with PJ's Land Clearing & Excavating, Inc. for removal and disposal of lime sludge
- H. Authorization to exceed \$25,000 purchasing limit for heavy equipment outside

repair vendors for maintenance of fleet

I. Resolution No. 27-2016 - Third amendment to the Fiscal Year 2015-2016 Budget

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell and Commissioners McVoy, Amoroso and Maier. NAYS: None.

10. PUBLIC HEARINGS:

A. Ordinance No. 2016-13 - Second Reading and Second Public Hearing - amend various sections and tables of the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-13 OF THE CITY COMMISSIONERISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 DIVISION 2, SECTION 23.2-12, DEFINITIONS; ARTICLE 2, DIVISION 3, SECTIONS 23.2-30 SITE PLAN REVIEW; ARTICLE 3, DIVISION 1, SECTION 23.2-15, NOTICE REQUIREMENTS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3 DIVISION 2, SECTION 23.3-17, MU-DH – MIXED USE DIXIE HIGHWAY; ARTICLE 4, DEVELOPMENT STANDARDS, SECTION 23.4-3, EXTERIOR LIGHTING; SECTION 23.4-6, HOME OCCUPATIONS; SECTION 23.4-10, OFF-STREET PARKING; ARTICLE 5, SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, SIGNS; ARTICLE 6, ENVIRONMENTAL REGULATIONS, SECTION 23.6-1, LANDSCAPE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell on second reading Commissioner Amoroso seconded the motion.

Commissioner McVoy is voting against it because of the home occupations section, we pride ourselves as the place where are it made, he thinks we should come up with ways to put our money where our mouths are for arties. Vice Mayor Maxwell called the question and the vote was taken.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner Amoroso. NAYS: Commissioners McVoy and Maier

B. Ordinance No. 2016-15 - Second Reading and Second Public Hearing - amend Downtown (DT) zoning district, permitted uses table and amend various sections of the City's Land Development Regulations

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016-15 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 3 DIVISION 1, SECTION 23.3-6, PERMITTED USE TABLE; ARTICLE 3, DIVISION 3, SECTION 23.3-14, DT – DOWNTOWN; ARTICLE 4, SECTION 23.4-13 MEDIUM AND HIGH INTENSITY CONDITIONAL USES; PROVIDING FOR SEVERABILITY; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; AND EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell to approve Ordinance No. 2016-15 on second reading Commissioner Amoroso seconded the motion.

Commissioner McVoy will vote against this because this will allow drive through businesses and he finds it astounding that a city that is bicycle friendly, we would do this. Vice Mayor Maxwell called the question and a vote was taken.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner Amoroso and. NAYS: Commissioners McVoy and Maier

C. Ordinance No. 2016-16 - Adopt Florida Building Code 2014 Edition and Administrative Amendments

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016-16 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, “BUILDINGS AND STRUCTURAL REGULATIONS”, ARTICLE I, “IN GENERAL”, SECTION 9-2.1, “CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED”, BY ADOPTING BY REFERENCE THE CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2014 EDITION; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy to approve Ordinance No. 2016-16 on second reading Commissioner Amoroso seconded the motion.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner McVoy, Amoroso and Maier. NAYS: None.

D. Ordinance No. 2016-17 - Adopt Floodplain Management Provisions to continue participation in the National Flood Insurance Program.

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016 – 17 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9, “BUILDINGS AND STRUCTURAL REGULATIONS”, ARTICLE I, “IN GENERAL”, SECTION 9-3, “SPECIAL

FLOOD HAZARD AREA PROVISIONS” TO PROVIDE FOR AMENDMENTS TO THE FLORIDA BUILDING CODE REGARDING FLOOD ELEVATIONS; AMENDING CHAPTER 23, LAND DEVELOPMENT REGULATIONS, ARTICLE 5, “SUPPLEMENTAL REGULATIONS”, SECTION 23.5-2, “SUBDIVISION REGULATIONS” TO REFERENCE THE NEW FLOODPLAIN MANAGEMENT ARTICLE; AMENDING ARTICLE 6, “ENVIRONMENTAL REGULATIONS”, SECTION 23.6-3, “FLOODPLAIN MANAGEMENT” BY REPEALING THIS SECTION AND ENACTING ARTICLE 7, “FLOODPLAIN MANAGEMENT” TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner McVoy to approve Ordinance No. 2016-17 on second reading Vice Mayor Maxwell seconded the motion.

.Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner McVoy, Amoroso and Maier. NAYS: None.

11. UNFINISHED BUSINESS

There were no unfinished business items.

12. NEW BUSINESS:

A. Ordinance No. 2016-18 – First reading for Changes to Parking Regulations

City Attorney Torcivia read the following ordinance by title only

ORDINANCE NO. 2016-18 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 7, “BEACHES, PARKS AND RECREATION”, ARTICLE II, “BEACH PARKING”, SECTION 7-18, “PARKING GENERALLY” TO CLARIFY MOTORCYCLE PARKING REQUIREMENTS; AMENDING SECTION 7-22, “DISABLED PERSON PARKING” TO CLARIFY THAT OBSTRUCTING DISABLED PARKING SPACES IS A VIOLATION; AMENDING SECTION 7-23, “ENFORCEMENT PROCEDURE” TO MODIFY THE TIME PERIOD TO PAY PARKING VIOLATIONS; AMENDING CHAPTER 21, “TRAFFIC”; ARTICLE I, “IN GENERAL”, SECTION 21-4, “VEHICLE LICENSES” TO INCREASE THE PENALTY FOR AN EXPIRED TAG; AMENDING ARTICLE II, “PARKING, STOPPING AND STANDING”, SECTION 21-33, “IMPROPER AND PROHIBITED PARKING” TO CLARIFY MOTORCYCLE PARKING REQUIREMENTS AND PROVIDE THAT PARKING IN ALLEYS AND FIRE LANES ARE PROHIBITED; AMENDING SECTION 21-37.2, “DISABLED PARKING SPACE VIOLATIONS” TO

CLARIFY THAT OBSTRUCTING DISABLED PARKING SPACES IS A VIOLATION; AMENDING SECTION 21-39, "ENFORCEMENT PROCEDURE" TO MODIFY THE TIME PERIOD TO PAY PARKING VIOLATIONS AND TO CLARIFY SERVICE ON THE VIOLATOR; AND ENACTING SECTION 21-44, "ADMINISTRATIVE REVIEW PROCESS", TO ALLOW FOR ADMINISTRATIVE REVIEW OF PARKING CITATIONS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Amoroso to approve Ordinance No. 2016-18 on first reading Commissioner Maier seconded the motion.

Juan Ruiz said this is a housekeeping item.

Greg Rice he didn't read this He wants to know where scooters come in to this Ordinance and/or Downtown, he has a hard time getting through when he tries to get around.

Peggy Fisher wants to know if this also includes parking cars on the roadway with "For Sale" signs.

Michelle Sylvester got a ticket and she wrote a check immediately but in four days she got a notice, please let the extra time. She sees motorcycles parked on the sidewalks, and wants this to be addressed.

Juan stated that some of the issues from the roundabout and parking in the neighborhood will not be addressed, it is a very narrow area. Commissioner Amoroso wants to know if we can cite people if they ride a motorized bike on the sidewalks, and asked if we could rewrite this for the second reading, we need it to work for downtown. City Manager says this is specially designed for the beach. He thinks we have a bigger issue with sidewalks he wants to get a more comprehensive approach, Commissioner Amoroso said he has been working on this for 5 years and he wants this brought back, Mike said this is huge and he is hearing specific issues with downtown, he will work with the Attorney and staff and find out how to enforce it.

McVoy hears about parking downtown about bicycles and electric bicycles are more prevalent, he would be cautious because people who pay a lot for a bike, don't want that bike to get stolen. How you should price parking? There are things we can do and technology out there to help.

Mayor wants us to be ADA compliant, we want to see ways to be innovative about increasing bicycle parking.

Vice Mayor said the County passed an ordinance on Curb Stoning, and Mike said we are working with the Sheriff about it.

Michael Fox said we had a bike valet on earth day, he was in the Netherlands, and they had bike valets and bike parking corrals with cameras for a bike corrals.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioners McVoy, Amoroso and Maier. NAYS: None.

B. Ratification of the PMSA Contract

Germaine English started to speak about this, but a vote was called.

Action: Motion made by Vice Mayor Maxwell to approve this contract Commissioner Amoroso seconded the motion.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner McVoy, Amoroso and Maier. NAYS: None.

C. Ratification of the PEU Contract

Germaine English started to speak about this, but a vote was called.

Action: Motion made by Vice Mayor Maxwell to approve this contract Commissioner Amoroso seconded the motion.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioners McVoy, Amoroso and Maier. NAYS: None.

D. Purchase and sale of 501 Lake Ave/Chamber Building

Action: Motion made by Commissioner Amoroso to approve this contract Vice Mayor Maxwell seconded the motion

City Manager Bornstein spoke about this issue. We have been working to get this property back since the Chamber was merged with Palms West, he had an appraisal done there is a reverter clause. Instead of doing that the Chamber will pay off the mortgage and they are giving us the property. We are paying out of reserves.

Commissioner McVoy hears that we are spending, but we are not in the business of selling, once we spend the money, we can't get it back. We are talking about making this the information center, we think it serves a purpose, the parking that can be used as public parking. Public meeting space inside, the board room could be used. Commissioner McVoy thinks it should be used as a Chamber, He thinks if someone gave us the building he would be in favor, but he is not sure we are being wise. Having a building downtown to run events we have space problems and we are seeing this as a central location. He thought the casino building space was to be used for this.

Jo Lesson rents the space at the chamber building, she wants to stay there keep their space, they allow us to use the board room now. She would rather see the gratitude organization be allowed to remain in this building.

Commissioner Maier, wants to say that if there is a tenant in the building he thinks it should be a part of the conversation. The Mayor has heard that if this is not being used for a Chamber, we should have the building back. She had heard from people about the building is needed for staff. Commissioner McVoy hears that we have a need for space, he has not heard that we have a need for staff space. If we have a need we should say so, but he is not sure we are spending \$250,000 for a building without a plan.

Mayor wants us to spend the money. Commissioner Amoroso calls the question

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell; and Commissioner Amoroso. NAYS: Commissioner McVoy and Maier

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. May 17, 2016 draft Commission agenda

Please stay focused on the weather and Commissioner Amoroso wants to say we are sorry for the loss of your Mr. Bornstein's father.

16. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to adjourn the meeting 8:00 PM.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. NAYS: None.

PAM TRIOLO, MAYOR

ATTEST:

Deborah Andrea

Minutes Approved: June 7, 2016

A digital audio recording of this meeting will be available in the Office of the City Clerk.



AGENDA DATE: June 7, 2016

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Renewal of Contract for a Two Year Option with Oceanside Beach Services for beach equipment concession rentals at the municipal beach.

SUMMARY:

The Renewal of Contract with Oceanside Beach Services for an additional two years to provide beach equipment concession rentals at the municipal beach in the amount of \$42,000 in Year Four and \$48,000 in Year Five plus a 10% of Gross Revenues.

BACKGROUND AND JUSTIFICATION:

On May 21, 2013 in response to RFP # 12-13-204 Oceanside Beach Services was awarded a Beach Equipment Rental Concession contract for three years plus a two year renewal option. The service contract includes the rental of beach equipment such as: beach chairs, pads, umbrellas, windbreaker/clamshells, and bogie boards. The contractor is not authorized to rent any equipment that is not covered in the agreement and covered by the contractors insurance policy.

During the initial three years of the contract staff has been satisfied with performance of Oceanside Beach Services fulfilling its contractual obligations. The City exercising this renewal option further provides an enhancement to the experience beach goers receive when visiting the City's municipal beach. The City has received an annual concession fee in addition to 10% of the gross revenues, the City has received thus far:

Year One:	\$24,000	
Year Two:	\$30,000	
Year Three:	\$36,000	
Year Four:	\$42,000	renewal period
Year Five:	\$48,000	renewal period

The 10% gross revenue has generated on average \$14,000 additional revenue per year.

MOTION:

I MOVE TO APPROVE/DISAPPROVE A TWO YEAR RENEWAL OF CONTRACT WITH OCEANSIDE BEACH SERVICES.

ATTACHMENT(S):
Fiscal Impact Analysis

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	56000	62000	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: _____



AGENDA DATE: June 7, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Agreement with AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC. for Wellfield Performance Maintenance & Rehabilitation Services.

SUMMARY:

This Agreement authorizes the Water Utilities Department to Piggyback off Martin County's contract with Aquifer Maintenance & Performance Systems, Inc. for the maintenance, rehabilitation and redevelopment of Surficial and Floridian Aquifer production wells not to exceed \$100,000.00.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Water Treatment Plant has fourteen (14) surficial wells and three (3) floridan wells. Maintenance and rehabilitation work is required to maintain the City of Lake Worth wells. This piggy-back contract provides services beyond the capabilities of the City of Lake Worth staff due to specialized equipment needed for an as needed basis. Aquifer Maintenance & Performance Systems, Inc. (AMPS) has agreed to extend the specification and pricing of the Martin County contract to the City of Lake Worth. This agreement with Aquifer Maintenance & Performance Systems, Inc. (AMPS) enables the City to utilize the unit pricing and terms of the Martin County contract awarded on July 23, 2012 (RFB#2012-2540) which expired July 23, 2015. Martin County exercised its first one (1) year renewal extending the contract to July 23, 2016.

MOTION:

I move to approve/not approve Agreement with AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC. for Wellfield Performance Maintenance & Rehabilitation Services not to exceed \$100,000.00.

ATTACHMENT(S):

Fiscal Impact Analysis
2012-07-23 Martin County Contract
2015-07-23 Martin County Renewal Agreement
Authorization to piggy-back
Estimated Support Documentation
City of Lake Worth 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	\$100,000	\$100,000	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-Kind Match	0	0	0	0	0
Net Fiscal Impact	\$100,000	\$100,000	\$0	\$0	\$0

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

The funds have been identified in the Operation and Maintenance budget from account 402-7021-533.46-46

Water Treatment							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7021-533.46-46	Wells	N/A	\$200,000	N/A	\$142,102.65	-\$100,000	\$62,102.65

C. Department Fiscal Review: _____

Brian Shields –Director
 Clyde Johnson – Finance
 Marie Elianor – Finance
 Christy Goddeau – Attorney
 Michael Bornstein – City Manager



AGENDA DATE: June 7, 2016

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Purchase Authorization of a compact rear loader Refuse truck

SUMMARY:

The Purchase Authorization will allow the Refuse Division to purchase an 8 cubic yard compact rear loading collection vehicle in an amount not to exceed \$94,000. This is budgeted in the current FY.

BACKGROUND AND JUSTIFICATION:

The Refuse Division is actively engaged in the collection, transport, and disposal of the City's residential and commercial waste. The reliability of the Division's fleet is paramount to the operational goals and daily needs of the Division and the City is seeking to purchase a compact rear loader truck for safer and more efficient service to the downtown customers as well as other tight corridors, such as alleyways throughout the City's commercial and industrial areas.

The compact size of the rear loader makes it the optimal piece of equipment to safely navigate, collect, and maneuver through the tight spaces of alleyways and downtown corridors thus providing exceptional service to the customers of the City.

The 8CY Isuzu New Way Rear Loader truck is being purchased through the Florida Sheriff's Association Cooperative Purchase Agreement at a price not to exceed \$94,000. The full link for the Sheriff's Association can be found here to review the specifications:

<https://www.flsheriffs.org/uploads/15-13-0904%20Bid%20Award%20Document%20Revised%203-28-16.pdf>

MOTION: I move to approve/not approve the purchase of new Refuse Division truck through the Florida Sheriff's Association Cooperative Purchase Agreement at a price not to exceed \$94,000.00.

ATTACHMENT(S):

Fiscal Impact Analysis

Isuzu New Way 8CY Rear Loader Quotation

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	94,000	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	94,000	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Public Services					
Account Number	Account Description	FY2016 Budget	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
410-5081-534-64-30	Machinery and Equipment/Vehicles	625,000	107,051	-94,000	13,051

C. Department Fiscal Review: __JB__



AGENDA DATE: June 7, 2016

DEPARTMENT: City Manager's Office

EXECUTIVE BRIEF

TITLE:

Interlocal Agreement with Palm Beach County regarding the one cent sales tax.

SUMMARY:

Municipalities located in Palm Beach County will be eligible to receive a portion of funds to be used for essential public services projects including, but not limited to, roads, bridges, sidewalks, streetlights, drainage and parks and recreational facilities.

BACKGROUND AND JUSTIFICATION: The County intends to authorize by Ordinance the imposition of a one percent (1.0%) local government infrastructure sales surtax upon taxable transactions occurring in Palm Beach County and has provided for distribution of the proceeds from the Surtax subject to the outcome of a countywide referendum on November 8, 2016.

MOTION: I hereby approve/do not approve the execution of the Interlocal Agreement with Palm Beach County regarding the one cent sales tax.

ATTACHMENT(S):

Fiscal Impact Analysis

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: _____



AGENDA DATE: June 7, 2016

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

First amendments to the contracts for Annual Paving, Concrete Work, Striping & Signage, and Related Services.

SUMMARY:

The proposed first amendments will extend the existing contracts for Annual Paving, Concrete Work, Striping & Signage, and Related Services with Rosso Site Development, Inc., M&M Asphalt Maintenance, Asphalt Paving Systems and Adeimy Concrete.

BACKGROUND AND JUSTIFICATION: On June 18, 2014, the City awarded annual contracts to Rosso Site Development, M&M Asphalt Maintenance, Asphalt Paving Systems, and Adeimy Concrete for Paving, Concrete Work, Striping & Signage, and other related construction services on an as needed basis.

The initial contract term was for two years with the option to renew for an additional two, 12 month periods, for a total possible contract of 4 years. The City has awarded multiple Task Orders from these annual contracts that have provided for a more efficient and cost effective method of completing the work throughout the City.

The contracts are set to expire on June 18, 2016 and staff is recommending the renewal and approval of the first amendments to the contracts extending them to June 18, 2017.

MOTION: I move to approve / not approve the First Amendments to the contracts with Rosso Site Development, M&M Asphalt Maintenance, Asphalt Paving Systems, and Adeimy Concrete for the Annual Contract for Paving, Concrete Work, Striping & Signage, and Related Services.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

First Amendment to contract for Rosso Site Development, Inc.

First Amendment to contract for M&M Asphalt Maintenance

First Amendment to contract for Asphalt Paving Systems

First Amendment to contract for Adeimy Concrete



AGENDA DATE: June 7, 2016

DEPARTMENT: Electric Utility

EXECUTIVE BRIEF

TITLE:

Sole Source Purchase Agreement with Stuart C. Irby Company for Copper Underground Cable.

SUMMARY:

The Sole Source Purchase Agreement authorizes the Electric Utility to obtain 3,000 feet of 750KCMIL, 25KV copper underground cable for use through Fiscal Year 2016 in an amount not to exceed \$67,740.

BACKGROUND and JUSTIFICATION:

The Electric Utility is in need of copper underground cable for inventory reserve and to be used as necessary in operations and maintenance of the electrical infrastructure. The City's standard and desired cable is manufactured by The Okonite Company. According to the attached letter from The Okonite Company, the City must utilize Stuart C. Irby Company as the sole distributor in Florida for said cable. The total amount of the purchase is not to exceed \$67,740, which is based on the anticipated requirements/usage for Fiscal Year 2016.

If approved, the Electric Utility requests that the purchase be made by standard City purchase order.

This agenda item was reviewed by the Electric Utility Advisory Board on February 3, 2016.

MOTION:

I move to approve/not approve the sole source purchase agreement with Stuart C. Irby Company for a price not to exceed \$67,740.00 by standard City purchase order.

ATTACHMENT(S):

Fiscal Impact Analysis
Stuart C. Irby Company Quote
The Okonite Company Sole Source Letter

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	67,740	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	67,740	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:

Electric Utility				
Account Number	Account Description	FY 2016 Balance	Agenda Item Expenditures	Balance
401-0000-141.0210	Warehouse Electric	3,051,575	-\$67,740	\$2,983,835

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



AGENDA DATE: June 7, 2016

DEPARTMENT: Electric Utility

EXECUTIVE BRIEF

TITLE:

Purchase Authorization of four (4) new 55' trucks for the Electric Utility.

SUMMARY:

The Purchase Authorization allows the Electric Utility to purchase four (4) new 55' material handling bucket trucks from Altec Industries, Inc., utilizing the National Joint Powers Alliance in an amount of \$881,812.

BACKGROUND AND JUSTIFICATION:

The Electric Utility has incurred costly repairs on its current fleet of bucket trucks due to age and boom deterioration. Two (2) of the bucket trucks have been removed from usage due to safety issues. The estimated cost to repair those trucks exceeds their value. The purchase of four (4) new trucks is essential to the operational goals of the Electric Utility; the new trucks will allow for better equipment reliability, productivity and safety.

The trucks will be purchased through the City's membership with the National Joint Powers Alliance (NJPA), a national purchasing cooperative. The NJPA has a competitively solicited purchase agreement with Altec Industries, Inc. (Altec). Altec has provided the City with a quote based on its NJPA agreement with each truck priced at \$220,453 and with a total purchase price for all four (4) trucks not to exceed \$881,812.

If approved, the purchase will be made by standard City purchase order with reference to the NJPA purchase agreement with Altec.

MOTION:

I move to approve / disapprove the purchase of four (4) new 55' Material Handling Bucket Trucks from Altec Industries, Inc., in an amount not to exceed \$881,812.

ATTACHMENT(S):

Fiscal Impact Analysis
Altec Quote
Vehicle Specification

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	881,812	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	881,812	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:

Electric Utility				
Account Number	Account Description	FY 2016 3 rd Bud Amend	Agenda Item Expenditures	Balance
401-6034-531-6430	T&D	881,812	-\$881,812	0.00

C. Department Fiscal Review: John Borsch



AGENDA DATE: June 7, 2016

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Approval of Claims Settlement Amounts with Pierre-Rich Jeudy, Michele Leger Jeudy and Progressive Insurance.

SUMMARY:

The proposed claims settlement amounts are to settle all claims related to a traffic accident involving Pierre-Rich Jeudy and Michele Leger Jeudy for a total amount of \$27,979.10.

BACKGROUND AND JUSTIFICATION:

On February 23, 2015, a traffic accident occurred on Lake Worth Road (near Buffalo Street) between a vehicle driven by Pierre-Rich Jeudy and a City of Lake Worth garbage truck. Michele Leger Jeudy was a passenger in Mr. Jeudy's vehicle. The City's third party administrator investigated the accident and is recommending settlement of all claims: (1) \$12,500.00 payable to Mr. Jeudy; (2) \$10,620.00 payable to Ms. Jeudy; and, (3) \$4,859.10 payable to Progressive Insurance for property damage. The total of these claims is \$27,979.10.

The City Attorney has reviewed the claims and concurs with the settlement amounts.

If the settlement amounts are approved, the three (3) attached General Releases release the City from any and all liability related these claims.

MOTION:

I move to approve/not approve the settlement amounts with Pierre-Rich Jeudy, Michele Leger Jeudy and Progressive Insurance for a total of \$27,979.10

ATTACHMENT(S):

3 General Release Agreements
Fiscal Impact Analysis

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	27,979.10	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	27,979.10	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

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

Self Insurance-Legal	Pierre-Rich Jeudy and Michele Leger Jeudy				
Account Number (s)	Account Description	FY 2016 Budget	Budget Amend	Agenda Item Exp	Balance
520-1331-513-31-10	Self Ins Fund Legal	106,039	27,979		78,060

C. Department Fiscal Review: _____



AGENDA DATE: June 7, 2016

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Settlement with Roman and Elyssa Torres.

SUMMARY:

The proposed settlement is to settle all claims in the lawsuit of Ramon and Elyssa Torres v. City of Lake Worth, (15th Judicial Circuit Case No.: 2015CA010263XXXXMBAI) in the amount of \$28,500.

BACKGROUND AND JUSTIFICATION:

On June 23, 2014, an automobile accident occurred on Tropical Drive and 12th Avenue South in Lake Worth between a vehicle driven by Ramon Torres and a City owned garbage truck. Ramon and Elyssa Torres filed a lawsuit against the City in 2015 seeking damages related to the accident. After engaging in discovery, the parties attended mediation. The proposed settlement amount is the amount reached at mediation per the attached settlement agreement. The settlement agreement is conditioned on City Commission approval.

Attached is a letter from the City's outside counsel assigned to the case, Ben Bedard of Roberts, Reynolds, Bedard & Tuzzio, PLLC, recommending the proposed settlement amount of \$28,500.

The City Attorney concurs with the recommended proposed settlement amount.

If approved, the attached General Release will be executed and will release the City from all liability and terminate the lawsuit.

MOTION:

I move to approve/not approve the settlement with Ramon and Elyssa Torres in the amount of \$28,500.

ATTACHMENT(S):

Letter from Ben Bedard
Settlement Agreement
General Release

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	28,500	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	28,500	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

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

Self Insurance-Legal	Roman and Elyssa Torres				
Account Number (s)	Account Description	FY 2016 Budget	Budget Amend	Agenda Item Exp	Balance
520-1331-513-31-10	Self Ins Fund Legal	78,060	28,500		49,560

C. Department Fiscal Review: _____



AGENDA DATE: June 7, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Contract with Foster Marine Contractors, Inc., for the Water & Sewer Improvements

SUMMARY:

The Contract will authorize Foster Marine Contractors, Inc. to construct water and sewer replacements in the alley from 5th to 6th Avenue South between E and F Street for \$360,019.

BACKGROUND AND JUSTIFICATION:

The Water Utility needs to replace the unreinforced concrete sewer line in the alley between E and F Street from 5th to 6th Avenue South. The sewer line is in such critical condition that it must be replaced via an open trench method. The Water Utility initially proposed utilizing the pipe burst method to replace the line; however, the City did not receive any responses to a 2014 Invitation to Bid for the pipe bursting method. The condition of the pipe will not withstand the jetting necessary to rehabilitate using a cured-in-place liner. Given the scope of the project, the Water Utility also included the replacement of 2" galvanized steel watermain in the alley with 4" PVC watermain, as part of the city-wide effort to replace the 2" galvanized steel mains.

The City solicited bids for this project under IFB No. 16-114. Three (3) bids were received and Foster Marine Contractors, Inc., submitted the lowest bid for \$360,019. Craven Thompson & Associates, Inc., the City's design firm for the project, recommend award to Foster Marine Contractors, Inc., as the lowest, responsive and responsible bidder.

MOTION:

I move to approve/disapprove the Contract for Water & Sewer Improvements to Foster Marine Contractors, Inc., for \$360,019.

ATTACHMENT(S):

Fiscal Impact Analysis

Contract

Bid Tabulation

Bid Recommendation

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$360,019	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	\$360,019	0	\$0	\$0	\$0

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

The funds have been identified in the FY2016 Capital Improvement Plan budget from account 403-7231-535.63-15

Utilities/Sewer Collection							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
403-7231-535.63-15	Local Sewer	LS 1605	\$2,577,031	\$4,103,415	\$2,795,087	-\$360,019	\$2,435,068

C. Department Fiscal Review: ___BS___

Brian Shields –Director
 Marie Elianor – Finance
 Christy Goddeau – City Attorney
 Michael Bornstein – City Manager



AGENDA DATE: June 7, 2016

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Amendment to Utility Easement Agreement with Palm Beach County.

SUMMARY:

The proposed amendment will enlarge the easement area to include maintenance of the new 16-inch raw watermain located in John Prince Park.

BACKGROUND AND JUSTIFICATION:

The City recently constructed a 16-inch raw watermain along Lake Osborne Drive within John Prince Park. The new 16-inch raw watermain connects the new surficial aquifer Well 16 to the existing raw watermain that ends up feeding the lime treatment plant. The City owns and maintains a separate 20-inch raw watermain in the same corridor that connects the Floridan aquifer wells that feed the reverse osmosis portion of the water plant. The City has an easement agreement with the County which covers the separate 20-inch raw watermain. The proposed amendment to the easement agreement will expand the easement area in order for the City to maintain the new 16-inch raw watermain.

MOTION:

I move to approve/disapprove the amendment to the Utility Easement Agreement with Palm Beach County.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

Amendment to Easement Agreement with Palm Beach County

Second Amendment to Settlement Agreement
Finalized Conservation Easement 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	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: _____



AGENDA DATE: June 7, 2016, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

Second Amendment to Settlement Agreement with Pineapple Ridge

SUMMARY:

The Second Amendment addresses changes in timeframes associated with the settlement agreement and provides the finalized conservation easement with a survey and legal description.

BACKGROUND AND JUSTIFICATION:

On or about April 7, 2015, the City approved the settlement agreement with the owners of the property generally known as "Pineapple Ridge" to resolve two (2) pending lawsuits related to the Champion Tree at the property. The settlement in general terms required the parties to obtain a certified arborist; agree to prune the Tree (for both health and safety reasons); and, create a conservation easement to protect the Tree going forward. The City agreed it would then pay the property owners \$175,000 to dismiss both lawsuits once the conservation easement was executed and recorded. There were timeframes associated with the parties' actions in the settlement agreement which passed and which necessitated an amendment to the Settlement Agreement. The City Commission approved the amendment at its October 20, 2015 meeting and also approved the proposed conservation easement agreement to protect the Champion Tree going forward.

Since that time, the Champion Tree has been pruned by a certified arborist; irrigation installed; fencing installed; and, a survey of the conservation easement area completed. Attached is the proposed second amendment to the settlement agreement and the finalized conservation easement agreement. However, these actions took much longer than anticipated and a second amendment to the settlement agreement is needed in order to extend the timeframes and finalize the conservation easement agreement.

If approved, the City will be required to record the Conservation Easement Agreement in the Official Records and pay the remaining ½ of the settlement amount (\$87,500) to the Plaintiff. Once completed, the two pending lawsuits will be dismissed with prejudice.

MOTION:

I move to approve/not approve the Second Amendment to the Settlement Agreement with Pineapple Ridge and the finalized Conservation Easement Agreement with direction to the Mayor and Clerk to fully execute the same and record the Conservation Easement Agreement in the Official Records.

ATTACHMENT(S):

Fiscal Impact Analysis

Second Amendment to Settlement Agreement
Finalized Conservation Easement 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	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: _____



AGENDA DATE: June 7, 2016

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE: Resolution No. 31-2016: Repealing Resolution No. 67-2015 to correctly abandon six utility easements

SUMMARY: This resolution seeks to repeal Resolution No. 67-2015, which incorrectly identified six utility easements for abandonment, and to correctly identify and abandon the six easements

BACKGROUND AND JUSTIFICATION: On December 8, 2015, the City approved Resolution No. 67-2015 to abandon six utility easements at the northeast corner of Lake Worth Road and South Congress Avenue. The abandonment is necessary for the development of the underlying property. Resolution No. 67-2015 incorrectly cited the easements as being recorded in certain Plat Book and Page numbers. The applicant for the abandonment notified the City Attorney of the incorrect citations after approval. The City Attorney reviewed the advertisement for the abandonment, the related agenda items and supporting documentation and determined that the easements were otherwise properly advertised and identified (except for the Plat Book and Page numbers). This includes proper advertisement under Resolution No. 62-2015 (which set the public hearing for December 8, 2015 abandonment). The City Attorney recommends repealing Resolution No. 67-2015 and approving Resolution No. 31-2016 in order to correctly identify and abandon the six easements.

MOTION: I move to approve Resolution No. 31-2016.

ATTACHMENT(S):

Site Layout (3 pages)

Fiscal Impact Analysis – Not Applicable



AGENDA DATE: June 7, 2016

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-18 – Second Reading – provide for clarification and modification to certain general parking requirements, parking enforcement and administrative processes relating to parking citations and to schedule the public hearing date for June 7, 2016.

SUMMARY:

The Ordinance clarifies/modifies parking requirements regarding motorcycles, disabled parking, parking in fire lanes, parking in alleys, enforcement procedures and provides for an administrative review process by allowing the Leisure Services Director or designee to dismiss/void certain citations and waive late fees when applicable.

BACKGROUND AND JUSTIFICATION:

The ordinance will clarify and modify certain sections of the code that regulates parking at the beach and surrounding area as well as parking downtown and in residential areas. The major changes are as follows:

- No more than 2 motorcycles shall be allowed in one space
- A vehicle may not obstruct a handicapped parking space
- A person shall have 15 days to pay a citation (currently 10 days are allowed)
- No parking in a fire lane
- A person may not park in an alley so as to obstruct the alley
- Certain commercial vehicles shall not be allowed to be parked overnight in a residential district
- The Leisure Services Director, or designee, shall be allowed to waive or void certain fees and citations
- Administrative fees, as adopted in the schedule of fees, may be imposed

If the ordinance passes on first reading, it is staff's intent to present the resolution modifying the schedule of fees at the Commission meeting when this ordinance will be scheduled for second reading.

MOTION:

I move to approve/not approve Ordinance No. 2016-18 on second reading and schedule the public hearing date for June 7, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: June 7, 2016

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 30-2016 – amend the Fiscal Year 2015 Comprehensive Fee Schedule to provide for fees relating to parking violations as amended by Ordinance 2016-18.

SUMMARY:

This Resolution amends the Comprehensive Fee Schedule to provide for fees relating to parking violations as a result of changes to Chapters 7 and 21 of the Code of Ordinances by the adoption of Ordinance No. 2016-18.

BACKGROUND AND JUSTIFICATION:

On June 7, 2016, the City Commission adopted, on second and final reading Ordinance No. 2016-18. This ordinance clarified and modified certain sections of the code that regulates parking at the beach and surrounding areas as well as parking downtown and in residential areas. The major changes were:

- No more than 2 motorcycles shall be allowed in one space
- A vehicle may not obstruct a handicapped parking space
- A person shall have 15 days to pay a citation (currently 10 days are allowed)
- No parking in a fire lane
- A person may not park in an alley so as to obstruct the alley
- Certain commercial vehicles shall not be allowed to be parked overnight in a residential district
- The Leisure Services Director, or designee, shall be allowed to waive or void certain fees and citations
- Administrative fees, as adopted in the schedule of fees, may be imposed

This Resolution, if adopted, sets forth the parking violation fine amount and modifies certain existing language in the schedule of fees so as not to conflict with the amendments made to Chapters 7 and 21 by Ordinance No. 2016-18.

MOTION:

I move to approve/not approve Resolution No. 30-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution
Exhibit A