



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

- 1. ROLL CALL:**
- 2. INVOCATION OR MOMENT OF SILENCE:** On behalf of Mayor Pam Triolo
- 3. PLEDGE OF ALLEGIANCE:** Led by Commissioner Christopher McVoy
- 4. AGENDA - Additions/Deletions/Reordering:**
- 5. PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Bryant Park Living Shorelines project
 - B. Proclamation declaring August 31, 2016 as Overdose Awareness Day
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. APPROVAL OF MINUTES:**
 - A. City Commission Budget Work Session - July 26, 2016
 - B. City Commission Meeting - August 2, 2016
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Agreement for Right of Way Dedication and the Granting of a Permanent Easement for the widening and construction of Boutwell Road improvements
 - B. Resolution No. 39-2016 - authorize the Fiscal Year 2016-2017 State Aid to Libraries Grant Agreement
 - C. Lake Worth Public Library Annual Plan of Service for Fiscal Year 2016-2017

D. First Amendment to an Agreement with E.R. Bradley's Triple Crown Club L.W., LLC dba E.R. Bradley's Lagoon Saloon

E. Ratify appointments and reappointments to the various city advisory boards

10. PUBLIC HEARINGS:

A. Resolution No. 40-2016 - Adopt the final assessment roll for non-ad valorem assessment of unpaid lot clearing, board and secure, and demolition special assessments

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

A. Ordinance No. 2016-24 - First Reading - regulate balloons and sky lanterns on City property and schedule the public hearing date for September 6, 2016

B. Discuss authorizing funds for the Lake Worth "Dollars for Scholars" program

C. Discuss the City Manager's annual evaluation

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. September 6, 2016 - draft Commission agenda

16. ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ONE OR MORE MEMBERS OF ANY BOARD, AUTHORITY OR COMMISSION MAY ATTEND AND SPEAK AT ANY MEETING OF ANOTHER CITY BOARD, AUTHORITY OR COMMISSION.



AGENDA DATE: August 16, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Agreement with Boynton Holdings, LLC for right of way dedication and permanent easement on Boutwell Road

SUMMARY:

The Agreement provides for the widening and construction of Boutwell Road infrastructure improvements.

BACKGROUND AND JUSTIFICATION:

The Owner is currently pursuing development of its property adjacent to Boutwell Road (the “Venetian Complex” project). The City and Owner have discussed the Owner dedicating certain land to the City for right-of-way purposes and granting an easement for landscaping and utility purposes. The City’s desired dedication and easement are needed for the City’s infrastructure improvements at Boutwell Road and as part of the City’s required due diligence for the Economic Development Administration (EDA) grant. The City and Owner have formalized their discussions in the attached Agreement for Right of Way Dedication and the Granting of a Permanent Easement (“Agreement”).

The estimated value of the dedicated land and easement rights is \$152,920. If the Agreement is approved, the City will apply this amount as a credit towards the City’s required Sustainable Bonus Program. The development rights (regarding FAR and lot coverages) will also be vested based on the total area of the property prior to the dedication and grant of easement.

MOTION:

I move to approve/disapprove the Agreement for Right of Way Dedication and the Granting of a Permanent Easement.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Agreement



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 39-2016 - authorize the Fiscal Year 2016-2017 State Aid to Libraries Grant Agreement

SUMMARY:

The Resolution authorizes an estimated \$13,394 grant agreement for funding assistance under the Fiscal Year 2016-2017 State Aid to Libraries Program to supplement the operating budget of the City's Public Library.

BACKGROUND AND JUSTIFICATION:

The City has recently been notified by the Florida Department of State, Division of Library and Information Services that it is eligible for a formula allocation of an estimated \$13,394 under the State Aid to Libraries Program to assist with the operation and maintenance of its Public Library for Fiscal Year 2016-2017. These funds cannot supplant existing local funds budgeted for the operation of the City's Public Library during this period. As an eligibility requirement, the City must have a single administrative head employed on a full-time basis with the responsibility of management and coordination of the operations of the library. The library must provide its services free to the public.

The executed agreement must be submitted electronically to the State on or before October 1, 2016. In addition, the City must submit its adopted annual plan of service and budget for Fiscal Year 2016-2017 by this date, and its annual statistical report for Fiscal Year 2015-2016 by December 1, 2016.

MOTION:

I move to approve/not approve Resolution No. 39-2016

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution
Agreement
Funding Estimates

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 | 13,394 | 0 | 0 | 0 |
| Program Income | 0 | 0 | 0 | 0 | 0 |
| In-kind Match | 0 | 0 | 0 | 0 | 0 |
| Net Fiscal Impact | 0 | 13,394 | 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:

| Leisure Services | | State Aid to Libraries | | | | |
|---------------------------|----------------------------|-------------------------------|-----------------------|--------------------------|------------------------|--------------------------|
| Account Number (s) | Account Description | Project # | FY 2017 Budget | Available Balance | Agenda Expenses | Remaining Balance |
| 180-9720-572-52-00 | Library Aid | N/A | 13,394 | * 13,394 | (13,394) | - |

* Pending approval of FY 2017 Budget

C. Department Fiscal Review: _____



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Lake Worth Public Library Annual Plan of Service for Fiscal Year 2016-2017

SUMMARY:

The Annual Plan of Service for Fiscal Year 2016-2017 describes the operation and services to be provided by the Lake Worth Public Library.

BACKGROUND AND JUSTIFICATION:

As a condition of the grant agreement between the Florida Department of State, Division of Library Services and Information Services (“Division”) and the City for an estimated \$13,394 in funding under the Fiscal Year 2016-2017 State Aid to Libraries Program, the City must submit an Annual Plan of Service for Fiscal Year 2016-2017 that includes the goals, objectives and activities that will be supported by the Lake Worth Public Library for the application year. This plans must be approved by the City Commission as the Library’s governing body.

The funding received under the Fiscal Year 2016-2017 State Aid to Libraries Program will be used to assist with the operation and maintenance of the Lake Worth Public Library. The initial phase of this process includes submission of the grant agreement certifying the expenditure of local funds under a single administrative head for the operation and maintenance of its Public Library during previous fiscal years, along with the aforementioned plan of service and requisite forms and certifications to the Division by its prescribed deadline of October 1, 2016. No match is required from the City for these funds.

MOTION:

I move to approve/not approve the Annual Plan of Service for Fiscal for Fiscal Year 2016-2017.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Annual Plan of Service for FY 2016-2017



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

First Amendment to an Agreement with E.R. Bradley's Triple Crown Club L.W., LLC dba E.R. Bradley's Lagoon Saloon.

SUMMARY:

The Amendment provides for a 10 year agreement, increases the base rent, includes a 2% increase in years one through five, and includes vendor responsibilities.

BACKGROUND AND JUSTIFICATION:

On October 2nd, 2013, the City of Lake Worth awarded RFP #12-13-202 to ER Bradley's Beach Club with the food and beverage service agreement at the Lake Worth Golf Club. Open 7 days a week from 10:00 AM until 11:00 PM, The Beach Club is operating as a fully functioning restaurant and bar, which appeals to both golfers and local residents. The restaurant has made several improvements to the facility including the addition of a 1,000 square foot outdoor deck, over fifteen (15) new T.V.'s, four (4) arcade games, pool table, indoor/outdoor sound system, and outdoor lighting.

The first amendment to the food and beverage services agreement includes: an increase in monthly base rent to \$4,500 along with a 2% increase years one through five and capped in subsequent years. The Beach Club's monthly average utilities' cost has been approximately \$4,232 which includes: electricity, water, sewer and natural gas. The term of this Services Agreement shall be for a period of ten (10) years commencing on August 3, 2016, and expiring August 3, 2025, with the option for an additional renewal period subject to the written agreement of the City and The Beach Club. The City may however terminate the Services Agreement earlier subject to the provisions of Section 11 of the Services Agreement.

The Beach Club has also agreed to retain responsibility for monthly pest control service cost to the clubhouse, janitorial services for their operating space, monthly refuse service and any repair and maintenance needed to restaurant equipment. In addition, The Beach Club is responsible for annual property tax payment for the square footage associated with their operating space. The Beach Club has agreed to provide free usage of the restaurant lounge for City monthly neighborhood association meetings along with offering a 15% discount to golfers who purchase the new Golf Course Frequent Player card that goes into effect October 1.

MOTION:

I move to approve/deny the First Amendment to an Agreement with E.R. Bradley's Triple Crown Club L.W., LLC dba E.R. Bradley's Lagoon Saloon.

ATTACHMENT(S):

Fiscal Impact Analysis
First Amendment
Utilities Consumption
Sketch

FISCAL IMPACT ANALYSIS:

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2016 | 2017 | 2016 | 2017 | 2018 |
|---|--------|--------|--------|------|------|
| Capital Expenditures | 0 | 0 | 0 | 0 | 0 |
| Operating Expenditures | 0 | 0 | 0 | 0 | 0 |
| External Revenues | 45,000 | 54,000 | 55,080 | 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:

The revenues are recorded and accounted for in account # 404-0000-347-35-90 (Golf Fund).

C. Department Fiscal Review: ___JR___



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Ratify appointments and reappointments to the various city advisory boards

SUMMARY:

This item is to ratify the appointment and reappointments of members to the Electric Utility, Historic Resources Preservation, Recreation, Construction, Community Redevelopment Agency and City Tree Advisory Boards.

BACKGROUND AND JUSTIFICATION:

On February 5, 2013, the Commission adopted an ordinance amending the board member appointment process to allow for the selection of board members by individual elected officials. In accordance with the ordinance, the board appointments would be effective upon ratification by the Commission as a whole.

On November 4, 2014, the Commission adopted an ordinance to provide for an elected official to waive his or her right to make an appointment. It also provides for the next elected official responsible for an appointment to make it.

The following appointments and reappointment are requested to be ratified:

Electric Utility Advisory Board:

Mayor Triolo's reappointment of Noah Tennyson to the Electric Utility Advisory Board for a term ending on July 31, 2018.

Commissioner Amoroso's appointment of Stephanie Mayo to the Electric Utility Advisory Board for a term ending on July 31, 2018. This was a District 4 appointment; however, that Commissioner waived his right to make the appointment.

On July 28, 2016, the Village of Palm Springs Council reappointed Roger St. Martin to represent them as a member of the City's Electric Utility Advisory Board; therefore this is to ratify the Commission's reappointment of Village of Palm Springs member Roger St. Martin to the Electric Utility Advisory Board for a term ending on July 31, 2017.

Historic Resources Preservation Board:

Vice Mayor Maxwell's appointment of Robert D'Arinzo to the Historic Resources Preservation Board to fill an unexpired term ending on July 31, 2017.

Recreation Advisory Board:

Vice Mayor Maxwell's reappointment of Joseph Coicou to the Recreation Advisory Board for a term ending on July 31, 2019.

Construction Board of Adjustment and Appeals:

Commissioner Amoroso's reappointment of Ben Ellis, Jr. to the Construction Board of Adjustment and Appeals for a term ending on July 31, 2020.

Community Redevelopment Agency:

Vice Mayor Maxwell's appointment of Christopher Pettit to the Community Redevelopment Agency to fill an unexpired term ending on August 21, 2018. This was District 2 appointment; however, that Commissioner waived his right to make the appointment.

City Tree Board:

Vice Mayor Maxwell's appointment of William Joseph to the City Tree Board for a term ending on July 31, 2019.

MOTION:

I move to ratify the Mayor Triolo's reappointment of Noah Tennyson to the Electric Utility Advisory Board for a term ending on July 31, 2018, Vice Mayor Maxwell's appointment of Robert D'Arinzo to the Historic Resources Preservation Board to fill an unexpired term ending on July 31, 2017, Vice Mayor Maxwell's reappointment of Joseph Coicou to the Recreation Advisory Board for a term ending on July 31, 2019, Vice Mayor Maxwell's appointment of Christopher Pettit to the Community Redevelopment Agency to fill an unexpired term ending on August 21, 2018, Vice Mayor Maxwell's appointment of William Joseph to the City Tree Board for a term ending on July 31, 2019, Commissioner Amoroso's appointment of Stephanie Mayo to the Electric Utility Advisory Board for a term ending on July 31, 2018, Commissioner Amoroso's reappointment of Ben Ellis, Jr. to the Construction Board of Adjustment and Appeals for a term ending on July 31, 2020, and the Commission's reappointment of Roger St. Martin to the Electric Utility Advisory Board for a term ending on July 31, 2017.

ATTACHMENT(S):

- Fiscal Impact Analysis – not applicable
- City Advisory Board Applications
- City Advisory Board Membership Logs



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Resolution No. 40-2016 – Adopt the final assessment roll for non-ad valorem assessments levied for the costs of unpaid lot clearing, board and secure, and demolition special assessments

SUMMARY:

The Resolution provides for the adoption of the final Chronic Nuisance Services Assessment Roll based on the chronic nuisance service costs, which are defined to include all nuisance violation abatement costs such as lot clearing, board and secure, and demolition costs that remain delinquent and unpaid as of June 1, 2016 and to certify the final Chronic Nuisance Services Assessment Roll to the Tax Collector.

BACKGROUND AND JUSTIFICATION:

Pursuant to the provisions of sections 12-38 through 12-42 of the Code of Ordinances (the “Lot Clearing Ordinance”), sections 2-75.2 through 2-75.2.7 of the Code of Ordinances (the “Board and Secure Ordinance”), and sections 9-2.2(a) through 9-2.2(t) of the Code of Ordinances (the “Unsafe Building Abatement Code”), the owners of certain parcels of real property were notified of the existence of a public nuisance on their respective properties, failed to abate such nuisances and failed to pay the City for the costs the City incurred in the abatement of the nuisances. In accordance with section 12-42, section 2-75.2.7, and 9-2.2(q), the costs incurred by the City to abate said nuisances were assessed against each property as special assessment liens, and these liens were documented by the City Commission through the adoption of resolutions acknowledging the same. The City has complied with the requirements of Chapter 2, Article XIX, Division 2 “Levy and Collection of Non-Ad Valorem Assessments” of the City’s Code of Ordinances in order to include the special assessments for unpaid chronic nuisance services costs on the property tax bills to be issued in November, 2016. The City Commission adopted Resolution No. 33-2016 which directed the creation of the preliminary Chronic Nuisance Services Assessment Roll; scheduled the date, time, and place of the August 16, 2016 public hearing to receive and consider comments from the public and consider the adoption of the chronic nuisance service roll for 2016; and provided notice by publication and first class mail to those property owners listed on the preliminary assessment roll. At the public hearing on August 16, 2016, the City Commission will receive any written objections to the assessment roll and shall hear testimony from all interested persons as required by section 197.3632, Florida Statutes, and, if appropriate, will adopt the final Chronic Nuisance Services Assessment Roll and direct the certification of the final roll to the Tax Collector. The adoption of the final roll shall constitute a legislative determination that all assessed parcels of real property derive a special benefit from the nuisance violation abatement services provided by the City, and a legal determination that the assessments are fairly and reasonably apportioned to the properties.

The total amount at this time being assessed is roughly \$153,568. Of that amount, it is estimated that approximately 50% will be collected in FY 2017 and the remaining will be collected over the next three fiscal years. Many of the properties involved have absent owners and collection of the assessments may involve tax deed sales, which will delay collection.

MOTION:

I move to approve / not approve Resolution No. 40-2016

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution

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 | \$76,784 | \$25,594 | \$25,594 | \$25,594 |
| 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:

Monies collected will be placed in the Remediation Services Revenue Accounts - 160-0000-369.90-10 Boarding Income, 160-0000-369.90-20 Lot Clearing Income and 160.0000-369.90-26 Demolition Income for use in continuing to provide these services.

C. Department Fiscal Review: WW



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: Leisure Services

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-24 - First Reading – regulate balloons and sky lanterns on City property and schedule the public hearing date for September 6, 2016

SUMMARY:

The Ordinance provides for regulations to prevent the use and release of balloons and sky lanterns on City property.

BACKGROUND AND JUSTIFICATION:

Balloons and sky lanterns released into the atmosphere return to the earth as litter; and the release (accidental or intentional) of balloons and sky lanterns into the atmosphere poses a danger and nuisance to the environment and wildlife who may ingest this debris. The Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country and other marine animals, such as sea turtles, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation and/or death. In addition even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by marine wildlife.

This regulation serves a public purpose and is in the best interest of the public health, safety and general welfare of the City, its residents and visitors.

MOTION:

I move to approve/deny Ordinance No. 2016-24 and schedule the public hearing date for September 6, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: City Manager

EXECUTIVE BRIEF

TITLE:

Discuss authorizing funds for the Lake Worth High School “Dollars for Scholars” program

SUMMARY:

This Item is a request to allocate \$25,000 towards the Dollars for Scholars program

BACKGROUND AND JUSTIFICATION:

During the August 9, 2016, City Commission Budget Work Session, Vice Mayor Maxwell requested \$25,000 for the Lake Worth High School Dollars for Scholars program.

MOTION:

I move to approve/deny allocating \$25,000 for the Lake Worth High School Dollars for scholars program.

ATTACHMENT(S):

Fiscal Impact Analysis

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2016 | 2017 | 2018 | 2019 | 2020 |
|---|--------|------|------|------|------|
| Capital Expenditures | 25,000 | 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 | 25,000 | 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:

Upon approval, scholarship will be budgeted in the general fund/non-dept; section (001-9010-581-XX-XX)

C. Department Fiscal Review: _____



AGENDA DATE: August 16, 2016, Regular Meeting

DEPARTMENT: Vice Mayor Maxwell

EXECUTIVE BRIEF

TITLE:

Discuss the City Manager's annual evaluation

SUMMARY:

This item is to establish a date to submit the City Manager's evaluation form and schedule the evaluation during a public meeting.

BACKGROUND AND JUSTIFICATION:

On March 29, 2012, the City Commission entered into an employment agreement with Michael Bornstein as City Manager commencing on April 16, 2012.

Since the City Manager is one of three positions the City Charter considers City Commission employees, any discussion about evaluation of performance requires that discussion to be held during a public meeting. The benefits of a performance management not only helps an organization achieve its strategic goals, but also serves as a means of uniting diverse stakeholders in the common goal of building a better community.

The International City-County Management Association, in which the City Manager is a member, is recognized as the premier local government leadership and management organization. This association offers a wealth of information on the importance of performance measurements, and they provided an evaluation form to conduct successful measurements.

MOTION:

I move to establish that the elected officials must submit a performance evaluation of the City Manager and schedule discussion of the evaluation during the _____ public meeting.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Evaluation Form