



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, SEPTEMBER 20, 2016 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION OR MOMENT OF SILENCE:** On behalf of Commissioner Ryan Maier
- 3. PLEDGE OF ALLEGIANCE:** Led by Commissioner Andy Amoroso
- 4. AGENDA - Additions/Deletions/Reordering:**
- 5. PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Palm Beach Sheriff's Office Community Police update
 - B. Community Redevelopment Agency update
 - C. City Recreation Board update
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. PUBLIC HEARINGS:**
 - A. Resolution No. 42-2016 - Second Public Hearing - establish the Fiscal Year 2016-2017 final general City millage rate
 - B. Resolution No. 43-2016 - Second Public Hearing - adopt the Fiscal Year 2016-2017 final City budget
 - C. Ordinance No. 2016-25 - Second Reading and Public Hearing - amend jurisdiction and applicability to the Land Development Regulations
 - D. Ordinance No. 2016-26 - Second Reading and Public Hearing - designate the restricted/committed/assigned fund balances for Fiscal Year 2016 in accordance with GASB 54

9. APPROVAL OF MINUTES:

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

- A. Task Order No. 11 for Construction Management and Administrative services and two amendments to agreements with Baxter & Woodman, Inc. dba Mathews Consulting
- B. Agreement with B&B Underground Construction, Inc. for the 8th Avenue South Watermain Improvements project
- C. Interlocal Agreement with the Town of South Palm Beach for maintenance of a lift station
- D. Task Order No. 4 with Kimley-Horn and Associates, Inc. to provide transportation and traffic professional services
- E. Agreement with W. Craig Lawson, P.A. for legal services
- F. Accepting the Proposal for Insurance Coverage submitted by Public Risk Insurance Agency (PRIA)
- G. Settlement and General Release Agreement with Belki Hernandez
- H. Ratify a board member to the Electric Utility Advisory Board

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Ordinance No. 2016-27 - First Reading - adopt the County's curbstoning ordinance and schedule the public hearing date for October 4, 2016
- B. Ordinance No. 2016-28 - First Reading - adopt the County's solicitation and distribution on public roads ordinance and schedule the public hearing date for October 4, 2016

13. LAKE WORTH ELECTRIC UTILITY:

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

B. PUBLIC HEARING:

C. NEW BUSINESS:

- 1) Notification letter to Orlando Utilities Commission (OUC) to extend the term of the purchased power agreement

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT:

A. October 4, 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: September 20, 2016, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

Community Redevelopment Agency update

SUMMARY:

Joan Olivia, Executive Director, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The Agency members are responsible for formulating and implementing projects that are consistent with the Lake Worth Redevelopment Plan to assist in revitalizing and redeveloping portions of the City of Lake Worth. The members serve four-year terms. The last update provided by the Community Redevelopment Agency was on September 15, 2015.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: City Clerk

EXECUTIVE BRIEF

TITLE:

City Recreation Board update

SUMMARY:

Steve Haughn, Recreation Program Coordinator, will update the Commission on activities that have taken place over the past several months.

BACKGROUND AND JUSTIFICATION:

The Board members assist in promoting community awareness and involvement in recreation programs and initiate and assist the City in planning for future facility and program needs. The members shall consult with and advise the City Manager, Recreation Manager, and City Commission in matters affecting recreation policies, program, finances and future land or facility capital projects related to the total community recreation program and to its long-range plans. Last update from the City Recreation Board was on June 3, 2014.

MOTION:

Not applicable

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 42-2016 - Second Public Hearing - establish the Fiscal Year 2016-2017 final general City millage rate

SUMMARY:

This Resolution sets the millage to fund the City's proposed Fiscal Year 2016-2017 operating budget. The final millage is 5.4945 mils.

BACKGROUND AND JUSTIFICATION:

The budget and property tax rate adoption process is governed by Chapter 200, Florida Statutes, which sets forth the TRIM (Truth-In-Millage) process. In Florida, properties are assessed by the County Property Appraiser; levied by each taxing entity; and, collected by the County Tax Collector. Taxing entities are required to hold two public hearings for the adoption of a property tax (millage) rate and budget. The first public hearing is advertised by the Property Appraiser mailing a TRIM notice to each property owner. Chapter 200, Florida Statutes, requires the City to:

1. The second public hearing was advertised in a newspaper of general circulation (the Palm Beach Post) along with the budget appropriation summary on September 16 which was 2 to 5 days prior to the final public hearing, on September 20, 2016 at 6:00 PM.
2. At the second public hearing, the City Commission must adopt a final millage rate and final operating budget for fiscal year 2016-2017.
3. Subsequent to the final adoption, the City must deliver the resolution adopting the final millage rate to the County Property Appraiser, the County Tax Collector, and the Department of Revenue within 3 days after the final public hearing.

For Fiscal Year (FY) 2016-2017 (the 2016 tax year), the certified taxable value of real and personal property within the City of Lake Worth increased by \$159,590,974 or 12.14%. This is the fourth increase in taxable value since the peak of the real estate market in FY 2008, prior to this year's increase taxable values had declined over 51% through FY 2014. The 12.14% is the total increase in taxable value including the CRA district.

With the inclusion of the County Fire MSTU millage 3.4581, the City's maximum available Operating Millage cannot exceed 6.5419 mills. The final millage is 5.4945 mils (or \$5.4945 per \$1,000 assessed valuation), which is 7.8347% more than the rolled-back rate of 5.0953 mils.

MOTION:

I move to approve/disapprove Resolution No. 42-2016 which adopts a final millage rate of 5.4945 mils for the Fiscal Year 2016-2017.

ATTACHMENT(S):

Rollback Rate and Millage Calculation
Resolution



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 43-2016 - Second Public Hearing - adopt the Fiscal Year 2016-2017 final City budget

SUMMARY:

The Resolution provides for the final Fiscal Year 2016-2017 City Budget.

BACKGROUND AND JUSTIFICATION:

In accordance with the City's code of ordinances and Florida Statutes, the FY 2016-2017 Final Annual Budget for the City of Lake Worth is hereby submitted. Expenditures in the Final FY 2016-2017 Annual Operating Budget total \$171,869,270 for all City funds. Attached to this item is a schedule of expenditures by fund. The proposed budget can be viewed in its entirety by visiting the City's website at <http://www.lakeworth.org/city-hall/finance>.

The Final FY 2016-2017 Annual Operating Budget contains program changes relating to building City operations that will help push forward economic recovery.

Highlights of the FY 2016-2017 budget are:

- No change in the General Fund millage rate of 5.4945 mils
- Use of approximately \$365,287 of General Fund available fund balance
- No change in Electric Utility rates
- Increase in Local Sewer rates of 3% to offset increased capital projects costs related to the East Central Regional (ECR) Facility.
- Increase in Water rates of 2.75% to offset capital projects costs including the 2" watermain replacement.
- Contract with the PBSO for five (5) additional Deputy Sheriffs
- No changes to Sanitation and Stormwater rates
- No changes to parking rates

The City Commission has held four budget workshops, including Financial Modelling by Burton & Associates Consultants over a four month time frame. The City's FY 2016-2017 operating budget has been balanced and is submitted for approval.

MOTION:

I move to approve/not approve Resolution No. 43-2016 on second public hearing to adopt the final Fiscal Year 2016-2017 annual operating budget of the City of Lake Worth.

ATTACHMENT(S):

Budget Summary of Revenues and Expenditures
Resolution



AGENDA DATE: September 20, 2016, Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-25 – Second Reading – amend jurisdiction and applicability to the Land Development Regulations

SUMMARY:

The Ordinance provides for a violation or for any non-compliance to be subject to the City's code compliance process as well as any other legal action.

BACKGROUND AND JUSTIFICATION:

The proposed amendment provides a clear and predictable mechanism to ensure that conditions of approval associated with development are maintained and are adhered to. Although it has been common practice that violation of conditions of approval leads to code compliance violation, this amendment makes it clearer that violation of, or non-compliance with, any condition placed on any permit or any approval given to any development or project by a board or administratively shall be deemed a violation of the Code and shall be subject to the City's code compliance process.

On August 3, 2016, at its regularly scheduled meeting, the Planning & Zoning Board discussed the proposed amendments to the Land Development Regulations (LDR) and voted 6-0 to recommend approval to the City Commission.

On August 10, 2016, at its regularly scheduled meeting, the Historic Resources Preservation Board discussed the proposed amendments to the LDRs and voted 5-0 to recommend approval to the City Commission.

The City Commission approved the ordinance on first reading at the September 6, 2016, Commission meeting.

MOTION:

I move to approve/disapprove Ordinance No. 2016-25 on second reading.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
P&Z Board and HRPB Staff Reports
Ordinance



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Finance

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-26 - Second Reading and Public Hearing - designate the restricted/committed/assigned fund balances for Fiscal Year 2016 in accordance with GASB 546

SUMMARY:

Annually the City Commission must formally designate fund balances in certain funds to be used only for the purpose of that fund. This requirement is contained in Governmental Accounting Standards Board (GASB) Statement Number 54, and is a part of the Generally Accepted Accounting Principles that the City must adhere to. This Ordinance seeks to designate certain fund balances as **Committed** fund balances.

BACKGROUND AND JUSTIFICATION:

Summary of Statement No. 54

Fund Balance Reporting

The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The classifications are:

Nonspendable, such as fund balance associated with inventories and fixed assets.

The ***restricted*** fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation.

The ***committed*** fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. For the City this level is the City Commission **by ordinance**.

Amounts in the ***assigned*** fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

Unassigned fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications.

MOTION:

I move to approve/disapprove Ordinance No. 2016-26 on second reading to designate the Committed Fund Balances for Fiscal Year 2016 in accordance with GASB 54.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Amendments to City Agreements and Task Order No. 11 with Mathews Consulting

SUMMARY:

This item includes the following with Mathews Consulting:

- 1) Amendments to two (2) City agreements to assign the agreements from Mathews Consulting, Inc., to Baxter & Woodman, Inc., d/b/a Mathews Consulting; and,
- 2) Task Order No. 11 for construction management and administrative services for the 8th Avenue South Watermain project by Baxter & Woodman, Inc., d/b/a Mathews Consulting.

BACKGROUND AND JUSTIFICATION:

On July 1, 2014, the City and Mathews Consulting, Inc., entered a professional services agreement to provide certain engineering services on a Task Order basis. On January 8, 2014, the City and Mathews Consulting, Inc., entered into a separate agreement on for services for the Park of Commerce Project. Mathews Consulting, Inc., has merged with Baxter & Woodman, Inc., In order to assign these agreements to Baxter & Woodman, Inc., d/b/a/ Mathews Consulting, an amendment for each of the aforementioned agreements is being submitted for approval.

The Water Utilities Department identified a lack of fire protection along the unimproved right of way on 8th Avenue South. To address the issue, the Department procured a project design to add fire hydrant coverage in this area and to provide an additional watermain loop to the distribution system for redundancy. The City solicited bids from contractors for the construction of the project under IFB No. 16-113 and received four bids. B&B Underground Construction, Inc., is the recommended contractor to construct the project whose contract is included as a separate agenda item. The City requested a proposal from Mathews Consulting to provide construction management and administrative services during the construction of the project. Task Order No. 11 represents Mathews Consulting's proposal for construction management and administration services for a total cost of \$33,950. Task Order No. 11 is proposed for approval under the name "Baxter & Woodman, Inc. d/b/a/ Mathews Consulting".

MOTION:

I move to approve/disapprove the amendments to the two (2) agreements with Mathews Consulting, Inc., (to assign the same to Baxter & Woodman, Inc., d/b/a/ Mathews Consulting) and to approve/disapprove Task Order No. 11 with Baxter & Woodman, Inc. d/b/a/ Mathews Consulting for a total amount of \$33,950.

ATTACHMENT(S):

Fiscal Impact Analysis

Task Order No. 11

First Amendment to the Professional Services Agreement

Third Amendment to the Professional Services Agreement

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$33,950	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	\$33,950	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 402-7034-533.63-60

Utilities/Water Distribution							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Balance	Agenda Item Expenditures	Remaining Balance
402-7034-533.63-60	Water Distribution	MP 0401	\$2,134,158	\$1,744,158	\$80,535.11	-\$33,950	\$46,585.11

C. Department Fiscal Review: ___BS___

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



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Agreement with B&B Underground Construction, Inc. for the 8th Avenue South Watermain Improvements project

SUMMARY:

The Agreement authorizes the construction of the 8th Avenue South Watermain project in the amount of \$338,902.00.

BACKGROUND AND JUSTIFICATION:

The City Water Utilities Departments has identified a lack of fire protection along the unimproved right of way on 8th Avenue South. This project will add fire hydrant coverage and provide an additional watermain loop to the distribution system for redundancy. URS was the design engineer on the project and Baxter & Woodman, Inc., d/b/a Mathews Consulting is proposed to do construction management and administration, which is included as a separate agenda item.

The City solicited bids from contractors for this project construction under IFB No. 16-113 and four bids were received. The lowest bid, for the sum of \$338,902, was from B&B Underground Construction, Inc. URS is recommending award of the Bid to B&B Underground Construction, Inc., as the lowest responsible, responsive bidder.

MOTION:

I move to approve/disapprove an agreement with B&B Underground Construction, Inc. in the amount of \$338,902.

ATTACHMENT(S):

Fiscal Impact Analysis
Bid Recommendation & Tabulation
Budget Transfer
Agreement

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$338,902	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	\$338,902	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 402-7034-533.63-60 with a budget transfer of \$285,000 from account 402-7034-533.63-15

Utilities/Water Distribution								
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Budget Transfer	Current Balance	Agenda Item Expenditures	Remaining Balance
402-7034-533.63-60	Water Distribution	MP 0401	\$2,134,158	\$1,744,158	\$285,000	\$134,437.11	-\$338,902	\$80,535.11

C. Department Fiscal Review: _____

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



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Interlocal Agreement with the Town of South Palm Beach for maintenance of a lift station

SUMMARY:

The Agreement provides for maintenance of the South Palm Beach lift station.

BACKGROUND AND JUSTIFICATION:

The Town operates a sewer lift station which pumps wastewater to the City's shared subregional sewer system. The City has provided lift station maintenance to the Town since 1997. This interlocal agreement is an update to and termination of the 1997 agreement and includes a \$400 per month fee to perform routine maintenance and a maximum \$800 corrective maintenance per incident fee payable to the City. The previous agreement included a \$275 per month fee to perform routine maintenance. Any corrective maintenance over \$800 will be reported to the Town and the Town shall determine whether the City shall perform the work, upon the approval of the City, or whether it shall obtain a contractor to perform the work.

This Interlocal Agreement will not be effective or billed until October 2016, meaning it will be effective for Fiscal Year 2017. The fiscal impact reflects the difference of \$275 and \$400 per month over the 12 month period.

MOTION:

I move to approve/disapprove the Interlocal Agreement with the Town of South Palm Beach for maintenance of a lift station.

ATTACHMENT(S):

Fiscal Impact Analysis
Interlocal 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	+\$1500	+\$1500	+\$1500	+\$1500
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	+\$1500	+\$1500	+\$1500	+\$1500

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 to be deposited into account 403-0000-369.90-90

Utilities/Local Sewer						
Account Number	Account Description	Project #	FY 2017 Proposed Budget	Current Balance	Agenda Item Expenditures	Remaining Balance
405-0000-369.90-90	Local Sewer	N/A	\$3300	\$0	+\$1500	\$4800

C. Department Fiscal Review: _____

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



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Task Order No. 4 with Kimley-Horn and Associates, Inc. to provide transportation and traffic professional services

SUMMARY:

The Task Order provides for services to update the City's Comprehensive Plan Transportation Element at a cost of \$50,625.

BACKGROUND AND JUSTIFICATION:

The City is required to update the Comprehensive Plan by 2017 in accordance with the Florida Department of Economic Opportunity requirement for an Evaluation and Appraisal Notification Letter. There are several elements that make up the Comprehensive Plan. This Task Order for the Transportation Element of the Comprehensive Plan includes updates to the data and map series, and the goals, objectives and policies.

Kimley-Horn and Associates, Inc. was selected by staff as a firm to provide Transportation and Traffic Professional Services for a continuing services contract, RFQ 12-13-302, through the Consultant's Competitive Negotiation Act (section 287.055, Florida Statutes) procurement process.

MOTION:

I move to approve/deny Task Order No. 4 with Kimley-Horn and Associates, Inc., for transportation and traffic professional services in the amount of \$50,625.

ATTACHMENT(S):

Fiscal Impact Analysis
Task Order 4

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	\$50,625	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	\$50,625	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 account 402-7010-533.31-90

Utilities/Water Admin							
Account Number	Account Description	Project #	FY 2016 Proposed Budget	Amended Budget	Balance	Agenda Item Expenditures	Remaining Balance
402-7010-533.31-90	Water Admin	N/A	\$245,000	\$203,893	\$58,622	-\$50,625	\$7,997

C. Department Fiscal Review: _BS_

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



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Legal/City Attorney

EXECUTIVE BRIEF

TITLE:

Agreement with W. Craig Lawson, P.A. for legal services

SUMMARY:

The Agreement provides for legal services with W. Craig Lawson, P.A. for the prosecution of municipal ordinances.

BACKGROUND AND JUSTIFICATION:

For years, the City has been very serious about the prosecution of municipal ordinances and last year, it entered into an agreement with attorney Andrew DeGraffenreidt to provide prosecutorial legal services to the City. In July 2016, Mr. DeGraffenreidt was hired as the City Attorney for the City of Riviera Beach, and can no longer provide prosecutorial services to the City of Lake Worth. City Attorney Glen Torcivia is recommending that the Commission hire attorney Craig Lawson to replace Mr. DeGraffenreidt. Mr. Lawson was a former prosecutor who is now in private practice. Not only will Mr. Lawson prosecute the ordinances, he will be tasked, along with the City Attorney, with coming up with a viable plan on effectively prosecuting offenders of municipal ordinances in a way that will stop recidivism. In other words, Lake Worth will not only seek fines and possible jail time, but the attorneys will be working on a plan to incorporate meaningful community service (especially for open container/drinking in public violations) specifically in Lake Worth, with the hope that offenders will get tired of repeatedly violating the law in Lake Worth. That task requires that Lake Worth work with the court system, the State Attorney's office, and the County to create a viable program.

Prosecution of the cases requires a court commitment several times per month. The attached agreement for legal services establishes the firm's hourly rate at \$150 per hour with the right of either party to terminate the agreement upon written notice. Pursuant to section 2-112(c)(4) of the City's procurement code, the City Attorney recommends W. Craig Lawson, P.A., as possessing the expertise and skill necessary to prosecute municipal ordinance cases. Remaining funds in the Fiscal Year 2016 budget, and funds in the Fiscal Year 2017 budget for attorney Andrew DeGraffenreidt will be redirected for attorney Craig Lawson.

MOTION:

I move to approve / deny the legal services agreement with W. Craig Lawson, P.A.

ATTACHMENT(S):

Legal Services Agreement



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Human Resources

EXECUTIVE BRIEF

TITLE:

Accepting the Proposal for Insurance Coverage submitted by Public Risk Insurance Agency (PRIA)

SUMMARY:

This is a request to accept the Evaluation Committee's recommendation that PRIA be retained to bind several types of insurance on behalf of the City of Lake Worth in an amount of approximately \$786,052.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth is self-insured up to the deductible amounts and every one to three years, it rebids its insurance to ensure that it is getting the best premiums possible. This year, the City of Lake Worth requested proposals from insurance brokers to provide proposals for binding the following types of insurance coverage to the City: Automobile Liability, Boiler & Machinery Coverage, Crime Coverage, Data Processing Equipment Coverage, Excess Worker's Compensation Coverage, General Liability, Property Coverage, and Public Officials Liability coverage. The City issued Request for Proposals (RFP #16-207) on July 17, 2016, with a due date of August 19, 2016. Only one firm, PRIA, properly responded to the RFP. Arthur J. Gallagher failed to submit its bid timely; therefore, its bid was returned unopened.

As a part of the RFP, proposers were required to detail the premiums for each type of insurance needed. The Evaluation Committee met on August 24, 2016, and evaluated PRIA, and its response. PRIA earned 92 out of 100 points. PRIA has serviced the City of Lake Worth for several years and the renewal rates for insurance are in line with what it has been in past years; however, the overall premiums have reduced from \$855,997 to \$786,052 with more coverage for windstorm and cyber liability. The costs are guaranteed for two years. The Evaluation Committee felt that this was a very good reduction for the City.

The Evaluation Committee recommends that PRIA be retained to bind insurance coverage as listed above.

MOTION:

I move to accept/reject the proposal for insurance coverage submitted by the Public Risk Insurance Agency pending final adoption of the Fiscal Year 2016-2017 budget.

ATTACHMENT(S):

Fiscal Impact Analysis
2016-17 Proposal Comparison

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	855,997	786,052	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	855,997	786,052	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, pending adoption of FY 2017 Budget:
Account number: 520-1331-513-45-70

Human Resources		Public Risk Insurance Agency (PRIA)				
Account Number (s)	Account Description		FY 2017 Proposed Budget	Available Bal Pending Approval	Agenda Expense	Balance
520-1331-513-45.70	Property & Liability		1,220,000	1,220,000	(786,052)	433,948

C. Department Fiscal Review: _____



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: City Attorney

EXECUTIVE BRIEF

TITLE:

Settlement and General Release Agreement with Belki Hernandez

SUMMARY:

The Agreement provides for the settlement and general release of all claims in an amount of \$12,500.

BACKGROUND AND JUSTIFICATION:

This claim arose when a City employee driving a City vehicle failed to stop at a stop sign and hit Ms. Hernandez who incurred damage to her vehicle and medical bills. The City employee was charged with the accident.

The City's insurance adjuster has recommended approval of this settlement and the City Attorney concurs. The attached General Release Agreement releases the City from any and all liability related to this claim upon the payment of \$12,500. Ms. Hernandez has already executed the settlement agreement.

MOTION:

I move to approve/deny the settlement of the claim in the amount of \$12,500 with Belki Hernandez with authorization to execute the General Release Agreement.

ATTACHMENT(S):

Fiscal Impact Analysis
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	12,500	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	12,500	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:
520-1331-513-3110

City Attorney		General Release Agreement / Settlement				
Account Number (s)	Account Description		FY 2016 Budget	Available Balance	Agenda Expense	Balance
520-1331-513-31.10	Property & Liability		438,000	95,927	(12,500)	83,427

C. Department Fiscal Review: _____



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Ratify a board member to the Electric Utility Advisory Board

SUMMARY:

This item is to ratify the reappointment of Caroline Clore to the Electric Utility Advisory Board for a term ending on July 31, 2018.

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.

The Commission's reappointment of Caroline Clore to the Electric Utility Advisory Board for a term ending on July 31, 2018 is requested to be ratified.

MOTION:

I move to ratify the Commission's appointment of Caroline Clore to the Electric Utility Advisory Board for a term ending on July 31, 2018.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Board Membership Application
Board Membership Log



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Legal/City Attorney

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-27 – First Reading - adopt the County’s curbstoning ordinance and schedule the public hearing date for October 4, 2016

SUMMARY:

The Ordinance adopts the County’s curbstoning ordinance that regulates the sale of motor vehicles from public and semi-public areas.

BACKGROUND AND JUSTIFICATION:

Palm Beach County adopted an ordinance on curbstoning on September 22, 2015 and provided that not only is it applicable within the unincorporated areas but it shall also apply in municipalities that elect to have it apply within their jurisdictions.

The proposed ordinance adopts (it will apply within the jurisdictional boundaries of the City of Lake Worth) the Palm Beach County curbstoning ordinance. The ordinance prohibits the parking of a motor vehicle on a public highway, public parking lot, public property, or upon private property where the public has a right to travel, for the principal purpose of displaying the motor vehicle for sale, hire or rental where it is not specifically authorized by law. In the event there is a violation the motor vehicle may be towed and the owner of the motor vehicle shall be assessed a penalty of \$500.00.

MOTION:

I move to approve/deny Ordinance No. 2016-27 on first reading and schedule the public hearing date for October 4, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Legal/City Attorney

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2016-28 – First Reading - adopt the County’s solicitation and distribution on public roads ordinance and schedule the public hearing date for October 4, 2016

SUMMARY:

The Ordinance adopts the Palm Beach County solicitation and distribution on public roads ordinance that prohibits the solicitation of charitable contributions or the distribution of materials or goods on public roads.

BACKGROUND AND JUSTIFICATION:

Palm Beach County adopted an ordinance on solicitation and distribution on public roads on June 23, 2015 and provided that not only is it applicable to public highways within the unincorporated areas but it shall also apply to public roadways within municipalities that elect to have it apply within their jurisdictions.

The proposed ordinance adopts (it will apply to all roadways within the jurisdictional boundaries of the City of Lake Worth) the Palm Beach County solicitation and distribution ordinance. The ordinance prohibits a person from going upon a public road for the purpose of displaying information of any kind, distributing materials or goods or soliciting business or charitable contributions of any kind. PBSO may issue a notice to appear to persons who violate this ordinance. The notice to appear shall require the person to appear in court to respond to the municipal ordinance violation charge.

MOTION: I move to approve/deny Ordinance No. 2016-28 on first reading and schedule the public hearing date for October 4, 2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Ordinance



AGENDA DATE: September 20, 2016, Regular Meeting

DEPARTMENT: Electric Utility

EXECUTIVE BRIEF

TITLE:

Notification letter to Orlando Utilities Commission (OUC) to extend the term of the purchased power agreement

SUMMARY:

This Notification Letter exercises the City's option to extend the term of an agreement with OUC for a fifth year at the same terms and conditions. The notice to extend the term of an agreement with OUC must be given no later than December 31, 2016.

BACKGROUND AND JUSTIFICATION:

Pursuant to Section 4.2(a) of the Agreement, the City of Lake Worth has the option to extend the Term of the Agreement for one additional one-year term.

On March 4, 2015, the Electric Utility Advisory Board recommended this agenda item for the City Commission's approval.

MOTION:

I move to authorize/not authorize the City Manager to execute a Notification Letter to Orlando Utility Commission to extend the term of the OUC-Lake Worth PPA through 2018.

ATTACHMENT(S):

Fiscal Impact – not applicable
Draft notification letter