



**AGENDA
CITY OF LAKE WORTH
CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, NOVEMBER 01, 2016 - 6:00 PM**

- 1. ROLL CALL:**
- 2. INVOCATION OR MOMENT OF SILENCE:** Led by Commissioner Andy Amoroso
- 3. PLEDGE OF ALLEGIANCE:** Led by Commissioner Ryan Maier
- 4. AGENDA - Additions/Deletions/Reordering:**
- 5. PRESENTATIONS:** (there is no public comment on Presentation items)
 - A. Proclamation declaring November 12-20, 2016 as Hunger and Homelessness Awareness Week
 - B. Proclamation declaring November 2016 as Retinoblastoma Awareness Month
 - C. Recognition of Palm Beach County Fire Rescue Station 91 for Station of the Year award presented by Palm Beach County Chamber of Commerce
 - D. Customer Service Initiative
- 6. COMMISSION LIAISON REPORTS AND COMMENTS:**
- 7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
- 8. APPROVAL OF MINUTES:**
 - A. City Commission Meeting - October 18, 2016
- 9. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Resolution No. 54-2016 - first amendment to the Fiscal Year 2017 budget

- B. Resolution No. 55-2016 - non-exclusive interlocal subscription agreement with the Florida PACE Funding Agency
- C. Resolution No. 56-2016 - create a C-51 Canal Advisory Committee
- D. Professional Services Agreement (Special Magistrate Services) with Melissa Anderson
- E. Pre-litigation settlements with South Florida Tri-Rail and individual claimants
- F. Purchase Order with Palm Truck Centers, Inc. for an automated side loader truck for the Refuse Division
- G. Purchase Order with Lou Bachrodt Freightliner for a Petersen RS3 Grapple Loader Refuse Truck
- H. Final plat map application for Boutwell Business Center located at the northwest corner of Boutwell Road and 7th Avenue North
- I. Ratify a board member to the City Tree Board

10. PUBLIC HEARINGS:

11. UNFINISHED BUSINESS:

12. NEW BUSINESS:

- A. Memorandum of Understanding and Non-Disclosure Agreement with Florida Atlantic University ("FAU")
- B. Resolution No. 57-2016 - authorize submission of an application for funding under the Renewable Energy and Energy-Efficient Technologies Grant Program

13. LAKE WORTH ELECTRIC UTILITY:

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

- 1) Update on the electric utility system

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. December 13, 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: November 1, 2016, Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 54-2016 – First Amendment to Fiscal Year 2017 Budget

SUMMARY:

The Resolution amends the City's Fiscal Year (FY) 2017 budget by appropriating existing fund balances from FY 2016 capital projects not completed to roll forward into the FY2017 Budget to complete.

BACKGROUND AND JUSTIFICATION:

On September 20, 2016 the City Commission adopted the FY 2017 annual budget. The following funds have approved and appropriated FY2016 capital project funding that have not been expended. The following project funding is being requested to amend the FY2017 annual budget:

FY2016 Fund Requesting Rollover to FY2017	
General Fund	\$ 38,500
Building Fund	\$ 154,907
Electric Fund	\$ 600,000
Water Fund	\$ 4,673,735
Local Sewer Fund	\$ 2,405,854
Regional Sewer Fund	\$ 298,467
Grant Fund	\$ 854,738

MOTION:

I move to approve / not approve Resolution No. 54-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

Resolution No. 55-2016 - adopting a nonexclusive interlocal agreement with Florida PACE Funding Agency.

SUMMARY:

The Resolution adopts the interlocal agreement with the Florida PACE Funding Agency to allow the Agency to offer financing programs to City property owners for certain energy efficiency and wind resistance improvements to their property through a special assessment process.

BACKGROUND AND JUSTIFICATION:

In 2010, as part of an effort to improve the efficiency and resilience of Florida's built environment, the Florida legislature authorized Florida Property Assessed Clean Energy ("PACE") Funding Agency ("Agency") to finance energy efficiency, renewable energy and wind mitigation improvements on homes and commercial buildings. The name or acronym PACE is derived from the concept commonly referred to as 'property assessed clean energy' and is taken from the provisions of general law related to energy efficiency, renewable energy and wind resistance improvements encouraged by Section 163.08, Florida Statutes. Under the PACE program, property owners desiring to make such improvements to their property enter into a financing agreement with an agency authorized to finance such improvements. The financing is repaid over a period of years (based on the life of the improvements made) at a low interest rate through an annual property tax assessment. Specifically, the amount financed is placed on the County's non-ad valorem assessment roll where it will be collected on an annual basis over a defined amount of time. The proposed interlocal agreement is with the Agency but is non-exclusive and does not prevent the City from entering into similar interlocal agreements with other PACE providers. This interlocal agreement is necessary in order to allow the Agency the ability to offer its services within the City. This interlocal agreement does not result in the payment of any fees or costs by the City nor does it result in any fees coming to the City. This agreement shall commence upon execution and the City may terminate this Agreement upon 90 days written notice.

MOTION: I move to approve/not approve Resolution No. 55-2016 to adopt the interlocal agreement with Florida PACE Funding Agency.

ATTACHMENT(S):

Fiscal Impact Analysis – Not Applicable
Resolution
Interlocal Agreement



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: City Manager

EXECUTIVE BRIEF

TITLE:

Resolution No. 56-2016 - create a C-51 Canal Advisory Committee

SUMMARY:

The Resolution creates a five-member committee tasked with reviewing the approved engineering and feasibility study and potential subsequent engineering and design studies.

BACKGROUND AND JUSTIFICATION:

The Chain of Lakes Blueway Trail is a vision to link Palm Beach County waterways by providing two-way access for small boats and non-motorized watercraft between the Chain of Lakes, Lake Worth Lagoon, and the Intracoastal Waterway. Currently, the State legislature has funded an engineering and feasibility study to review the issue of providing two-way access.

This resolution creates a committee to monitor and review the results of the study and advise the City Commission.

MOTION:

I move to approve/deny Resolution No. 56-2016.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution



AGENDA DATE: November 1, 2016

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE: Professional Services Agreement (Special Magistrate Services) with Melissa Anderson.

SUMMARY: This Professional Services Agreement for Special Magistrate Services will provide the City with an additional Special Magistrate, attorney Melissa Anderson, who may preside over code enforcement and other applicable matters in the event of a conflict of interest or scheduling conflict with the City's current Special Magistrate, Susan Ruby.

BACKGROUND AND JUSTIFICATION:

Pursuant to section 2-63 of the City's Code of Ordinances, the City is required to retain one or more special magistrates to preside over code enforcement hearings and other applicable matters. Attorney Diane James-Bigot served as the City's Special Magistrate from 2012 until her services terminated in September 2016. Currently, Ms. Ruby is the only special magistrate for the City. The City Attorney recommends that the City retain an additional special magistrate to preside over code enforcement hearings and other applicable matters in the event of a conflict of interest or scheduling conflict with the City's current special magistrate. Further, a second special magistrate may serve as an alternate in an ongoing rotation system, or as the primary special magistrate when another magistrate's contract expires or a resignation is submitted.

Attached is the proposed Professional Services Agreement for Special Magistrate Services with Melissa Anderson.

MOTION:

I move to approve /not approve the Professional Services Agreement for Special Magistrate Services with Melissa Anderson.

ATTACHMENT(S):

Professional Services Agreement (Special Magistrate Services)



AGENDA DATE: November 1, 2016

DEPARTMENT: City Manager

EXECUTIVE BRIEF

TITLE:

Approval of pre-litigation settlements with South Florida Tri-Rail and individuals claimants.

SUMMARY:

The Approval provides for the settlement of 38 pre-litigation claims in the amount of \$300,000, the City's statutory cap under section 768.28, Florida Statutes.

BACKGROUND AND JUSTIFICATION:

On or about January 4, 2016, a City vehicle driven by a City employee, was involved in a motor vehicle/train accident with Tri-Rail. The City vehicle was travelling east on 6th Avenue South in the number 3 lane when it approached the railway crossing west of I-95. The crossing gate arms were in the down position and the red warning lights were flashing. According to the City employee, the train did not come and the crossing gate arms went up. As such, he proceeded east; however, the City vehicle stalled on the tracks and would not restart. The City employee saw the train approaching and exited the vehicle because he knew it would be struck by the train. Upon noticing the vehicle on the tracks, the driver of the northbound train blew the horn, applied the emergency brake, and turned off the power; however, the train was unable to stop in time before colliding with the City vehicle.

There were approximately 70 people on the train. Tri-Rail incurred damages to its train with estimates ranging from \$800,000 to over \$1 million. It filed a claim against the City. Over a few months, many more claims were filed. Once the City was advised of everyone who was on the train, it reached out to each person. Of the 70 people, there were 37 individuals who filed claims in addition to Tri-Rail.

The City sent correspondences to Tri-Rail and each individual claimant advising of a Global Settlement Conference scheduled for September 30, 2016, where the City would attempt to resolve all claims against it within the applicable statutory cap of \$300,000 pursuant to Florida Statute section 768.28. In addition to the bodily injury claims, Tri-Rail made a property damage claim, well in excess of the statutory cap. Thirty eight (38) claims were made at the Global Settlement Conference including Tri-Rail's property damage claim, the latter of which settled for \$135,000. The remaining 37 claims were settled for \$165,000 in total. The settlements ranged from \$1,250 to \$20,000 for the individuals. All of the individuals signed settlement agreements and will provide a general release to the City before checks are distributed. In addition, Tri-Rail presented the settlement to its board on October 28, 2016.

The settlements are contingent upon City Commission approval.

The City's outside counsel, Ben Bedard of Roberts, Reynolds, Bedard & Tuzzio, PLLC, recommends approval, and City Attorney Glen Torcivia, concurs with the recommendation to settle the 38 claims pre-suit in the total amount of \$300,000. The City's insurance carrier, PGIT, also agrees with the settlements and will pay all amounts which exceed the City's self-insured retention amount of \$100,000, including the City's attorney's fees.

MOTION:

I move to approve/not approve the settlements with South Florida Tri-Rail and 37 individual claimants in the total amount of \$300,000, the City's statutory cap, in exchange for complete releases.

ATTACHMENT(S):

None.

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	0	0	0	0	0
Operating Expenditures	300,000	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	300,000	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:

City Manager	Pre-Litigation Settlement					
Account Number (s)	Account Description	Project #	FY 2017 Budget	Available Balance	Agenda Expenses	Remaining Balance
520-1331-513-31-10	Legal Fees	N/A	664,000	664,000	(300,000)	364,000

C. Department Fiscal Review: _____



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Purchase Order with Palm Truck Centers, Inc. for an automated side loader truck for the Refuse Division

SUMMARY:

The Purchase Order provides for the purchase of a Peterbilt Model 320 Automated Side Loader Refuse Truck through the Florida Sheriff's Cooperative Purchase Agreement at a cost not to exceed \$273,000.

BACKGROUND AND JUSTIFICATION:

The City's Refuse Division is actively engaged in the collection and disposal of municipal and commercial solid waste, recycling and vegetation. The purchase of the automated side loader is necessary to maintain the Refuse fleet and replace older equipment that has reached the end of its useful life.

MOTION:

I move to approve/deny a Purchase Order with Palm Truck Centers, Inc. at a cost not to exceed \$273,000.

ATTACHMENT(S):

Fiscal Impact Analysis

Lake Worth Side Loader proposal

Florida Sheriff's Association - Bid Spec #15

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	273,000	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	273,000	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	FY2017 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
410-5081-534-64-30	Machinery and Equipment / Vehicles	545,000	RF1601	545,000	273,000	272,000.00

C. Department Fiscal Review: __JB__



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Purchase Order with Lou Bachrodt Freightliner for a Petersen RS3 Grapple Loader Refuse Truck

SUMMARY:

The Purchase Order provides for the purchase of a Petersen RS3 Grapple Loader Refuse Truck through the Florida Sheriff's Cooperative Purchase Agreement at a cost not to exceed \$151,000.

BACKGROUND AND JUSTIFICATION:

The City's Refuse Division is actively engaged in the collection and disposal of municipal and commercial solid waste, recycling and vegetation. The purchase of the grapple truck will replace existing equipment that is beyond its useful life and too costly to maintain by the City.

MOTION:

I move to approve/deny a Purchase Order with Lou Bachrodt Freightliner at a cost not to exceed \$151,000.

ATTACHMENT(S):

Fiscal Impact Analysis
Freightliner Grapple Truck proposal
Florida Sheriff's Association - Bid Spec #12

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	151,000	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	151,000	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	FY2017 Budget	Project #	Pre Exp; Balance	Expenditure for this item	Post Exp; Balance
410-5081-534-64-30	Machinery and Equipment / Vehicles	545,000	RF1601	272,000*	-151,000	121,000.00

*after purchase of Agenda Item 9D – Purchase of automated side loader refuse truck

C. Department Fiscal Review: _JB_



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: Community Sustainability

EXECUTIVE BRIEF

TITLE:

Final plat map application for the Boutwell Business Center project

SUMMARY:

The applicant is requesting a final plat map approval for the Boutwell Business Center project located at the northwest corner of Boutwell Road and 7th Avenue North.

BACKGROUND AND JUSTIFICATION:

The applicant is requesting a final plat map approval for the Boutwell Business Center project. The project site was originally vacant and is composed of 29 parcels for a total acreage of 18.831. The purpose of this plat is to combine all 29 parcels into one property. The approval of this plat will allow the applicant to meet of the conditions of approval for this project. The project site is inclusive of the following described parcel:

<u>P.C.N.</u>	<u>Address</u>
Please see the attached document for PCN list	701 Boutwell Road

The Planning & Zoning Board approved the two industrial buildings totaling approximately 252,000 square feet project at their meeting on November 4, 2015. The final map was reviewed by the Department of Community Sustainability and other appropriate City Departments, which all recommend approval of the final plat. The Planning and Zoning Board recommended approval of the final plat map at their meeting on October 19, 2016, without conditions of approval. Currently, the project is reaching its completion and will be seeking a Certificate of Occupancy, imminently.

MOTION:

I move to approve/disapprove the final plat map for the Boutwell Business Center project.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
PCN list
Boutwell Business Center Plat
Site Plan
Rendering



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Ratify a board member to the City Tree Board

SUMMARY:

This item is to ratify the appointment of Andrea Steele to the City Tree Board.

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 following appointment is requested to be ratified:

City Tree Board

Mayor Triolo's appointment of Andrea Steele to fill an unexpired term ending on July 31, 2017.

MOTION:

I move to ratify Mayor Triolo's appointment of Andrea Steele to the City Tree Board for an unexpired term ending on July 31, 2017.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

City Tree Board Application

City Tree Board Membership Log



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: Legal

EXECUTIVE BRIEF

TITLE:

Memorandum of Understanding and Non-Disclosure Agreement with Florida Atlantic University (“FAU”)

SUMMARY:

The Agreement is to formalize the relationship between FAU’s Southeast National Marine Renewable Energy Center (“SNMREC”) and the City to collaboratively explore development of ocean energy technology.

BACKGROUND AND JUSTIFICATION:

The proposed Agreement seeks to create a contractual relationship between FAU, its Southeast National Marine Renewable Energy Center (“SNMREC”), and the City to collaboratively explore development of ocean energy technology. Since its creation with funding from the State of Florida and the U.S. Department of Energy’s Wind and Water Power Program, SNMREC’s mission is to advance the science and technology of implementing marine renewable energy recovery. In pursuit of its mission, SNMREC has developed certain offshore test infrastructure related to the Gulfstream current. The City seeks to utilize existing infrastructure to connect an onshore monitoring and grid interface facility to an offshore junction for connection to deep water test moorings in the Gulfstream current. The ability to provide this vital connection will enable the SNMREC to develop a facility that upon completion will attract original equipment manufacturers of turbines to test their equipment in Lake Worth.

The proposed Agreement provides an initial framework for the City’s and FAU’s relationship with an anticipated need of entering further agreements as that relationship begins to solidify into specific projects.

Under a separate agenda item, the City is seeking authorization to apply for a Renewable Energy and Energy Efficient Technologies Grants Program for the purpose of receiving grant matching funds to assist the City in its collaborative endeavor with SNMREC.

MOTION:

I move to approve/disapprove the Memorandum of Understanding and Non-Disclosure Agreement with Florida Atlantic University.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable

FISCAL IMPACT ANALYSIS

- A. Five Year Summary of Fiscal Impact:- not applicable
- B. Agreement



AGENDA DATE: November 1, 2016, Regular Meeting

DEPARTMENT: City Manager's Office

EXECUTIVE BRIEF

TITLE:

Resolution No. 57-2016 - authorize submission of an application for funding under the Renewable Energy and Energy-Efficient Technologies Grant Program.

SUMMARY:

The Resolution authorizes the submission of an application, in an amount of up to \$400,000, to design and install a multi-functional cable through the City's outfall pipe into the Atlantic Ocean as part of the development of a testing hub for ocean-generated energy.

BACKGROUND AND JUSTIFICATION:

The Florida Department of Agriculture and Consumer Services, Office of Energy has recently announced that it is accepting applications for funding under the Renewable Energy and Energy-Efficient Technologies (REET) Grant Program. Funding under this program is made available for the purpose of providing renewable energy matching grants for demonstration, commercialization, research, and development projects relating to renewable energy technologies and innovative technologies that significantly increase energy efficiency for vehicles and commercial buildings. The due date for applications for funding under the REET Grant Program is November 14, 2016.

Florida Atlantic University's Southeast National Marine Renewable Energy Center (SNMREC) intends to partner with the City in order to make available its offshore test infrastructure for connection to the cable. By so doing, the necessary power and fiber optic cables can transition from an onshore monitoring and grid interface facility through the outfall pipe to an offshore manifold for connection to deep water test moorings in the Gulfstream current. The ability to provide this vital connection will enable the SNMREC to develop a facility that upon completion will attract original equipment manufacturers of turbines to test their equipment in Lake Worth.

As a separate agenda item, City staff is proposing a Memorandum of Understanding and Non-Disclosure Agreement with SNMREC to formalize the parties' relationship.

The City is required to provide a local cost share for the REET grant funding if awarded. The proposed source of the City's matching funding is in-kind services, including staff salaries and the value of its outfall pipe, which will equal twenty percent of the grant award amount.

MOTION:

I move to approve/not approve Resolution No. 57-2016.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	0	400,000	0	0	0
Operating Expenditures	0	80,000	0	0	0
External Revenues	0	-400,000	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	-80,000	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 City's requisite local cost share will be provided by in-kind match of staff salaries dedicated to the project and the calculated value of the outfall pipe for the project.

C. Department Fiscal Review: _____