

**AGENDA  
CITY OF LAKE WORTH BEACH  
REGULAR CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, JUNE 18, 2019 - 6:00 PM**

1. **ROLL CALL:**
2. **INVOCATION OR MOMENT OF SILENCE:** on behalf of Commissioner Omari Hardy
3. **PLEDGE OF ALLEGIANCE:** led by Commissioner Scott Maxwell
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
  - A. Post Legislative update from Representative Michael Caruso
  - B. Proclamation declaring June 27, 2019 as National HIV Testing Day
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
  - A. City of Lake Worth Beach Strategic Plan 2020-2025
  - B. Resolution No. 22-2019 - declare the City's intent to issue a Revocable Permit for a property located at 1005 North C Street and schedule a public hearing date for July 16, 2019.
  - C. Resolution No. 23-2019 - Establish a Transfer Development Right Bank
  - D. Resolution No. 24-2019 - Directing the development of a preliminary assessment roll for those non-ad valorem assessments levied for the costs of unpaid lot clearing, boarding and securing and demolition special assessments

- E. Change Order #1 to Premier Corrosion Protection Services, Inc. for the concrete deck repairs to the pier concrete walkway
- F. Ratifying of appointment and reappointments of various city advisory boards
- G. First Amendment to Interlocal Agreement R-2008-1114 with Palm Beach County
- H. Purchase Order with SolarMax LED, Inc. for the purchase of LED lighting fixture material
- I. Resolution No. 25-2019-authorizing the write down of accounts receivable to reflect uncollectable accounts for FY 2008-2010
- J. Resolution 26-2019 Amending the fees and charges schedule for beach and boat ramp parking violations and updating the recreation program and activity fee schedule for the 2018-2019 fiscal year
- K. Exception to Procurement for the Purchase Order issuance to Marquez Landscaping for the City-Wide Lawn and Landscape Maintenance contract through September 30, 2019

**10. PUBLIC HEARINGS:**

- A. Ordinance No. 2019-05 - Second Reading and Public Hearing - Increase Business Tax Receipt rates by five percent (5%)

**11. UNFINISHED BUSINESS:**

**12. NEW BUSINESS:**

- A. Ordinance 2019-06 - amending the prohibition on open containers of alcoholic beverages in public places

**13. 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)
- C. **PUBLIC HEARING:**

**D. NEW BUSINESS:**

- 1) Ordinance No. 2019-07-Reconstituting the Electric Utility Advisory Board

**14. CITY ATTORNEY'S REPORT:**

**15. CITY MANAGER'S REPORT:**

- A. Draft agenda July 16, 2019

**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)**

**AGENDA DATE: June 18, 2019– Regular Meeting DEPARTMENT: City Manager’s Office**

**EXECUTIVE BRIEF**

***TITLE:***

City of Lake Worth Beach Strategic Plan 2020-2025

***SUMMARY:***

The Strategic Plan has been developed over the past year through a collaboration of Commission interviews, Commission visioning, and outside consultant and staff facilitation.

***BACKGROUND AND JUSTIFICATION:***

Beginning in the summer of 2018, the City embarked on the development of a formal Strategic Plan to work hand in hand with the City’s Comprehensive Plan as well as to provide a clear mission and vision for the city as it moves forward over the next five years. The City Commissioners’ contributions through individual interviews with a consultant and a facilitated Visioning Session have provided the essential contents for the proposed Strategic Plan. The Visioning Session with the commission took place on July 24, 2018. In addition, Staff has coordinated input from all Departments. The core values for the City’s operations as identified through a year of leadership training sessions with various levels of staff also have been incorporated. Once the Strategic Plan is finalized and adopted, it will be aligned with the City’s Comprehensive Plan’s objectives and Annual Budget process.

At a commission workshop on May 23, the commission discussed the proposed Strategic Plan with staff including the proposed Mission, Vision, Pillars and Action Plans. Consensus was provided back to staff to bring the Strategic Plan forward for official approval at a regularly scheduled Commission Meeting.

***MOTION:***

Move to approve/disapprove adoption of the proposed Strategic Plan.

***ATTACHMENT(S):***

Proposed Strategic Plan

06/18/19 - 9A

**AGENDA DATE:** June 18, 2019 – Regular Meeting **DEPARTMENT:** Public Works

***EXECUTIVE BRIEF***

**TITLE:**

Resolution No. 22-2019 - declare the City's intent to issue a Revocable Permit for a property located at 1005 North C Street and schedule a public hearing date for July 16, 2019.

***SUMMARY:***

The Resolution sets the date for a public hearing to consider a request for a Revocable Permit at the property located at 1005 North C Street.

***BACKGROUND AND JUSTIFICATION:***

The City allows for the issuance of a Revocable Permit to residents meeting certain criteria as identified in the Ordinance. City staff has reviewed the Revocable Permit application and issued comments in order for the application to be accepted. The owner has accepted the comments and agreed to the permit terms. The terms will be formalized in a written agreement with the owner, which shall be recorded in official records (if approved).

***MOTION:***

Move to approve/disapprove Resolution No. 22-2019 and schedule the public hearing date for July 16, 2019.

***ATTACHMENT(S):***

Fiscal Impact Analysis – Not applicable  
Resolution No. 22-2019

**06/18/19 - 9B**

**AGENDA DATE:** June 18, 2019– Regular Meeting    **DEPARTMENT:** Community Sustainability

**EXECUTIVE BRIEF**

***TITLE:***

Resolution No. 23-2019 - Establish a Transfer Development Right Bank

**SUMMARY:**

Resolution establishes a bank of development rights transferred from a variety of city owned properties and provides for the cost of the rights as outlined in the City's Comprehensive Plan.

**BACKGROUND AND JUSTIFICATION:**

**Many City owned properties have underlying development potential. Due to their historic significance and/or current uses, which do not allow them to be significantly altered, changed or repurposed, there are available development rights available that could be transferred to other sites to afford increased density, intensity and/or height.**

**The City's Comprehensive Plan amendment to allow for the creation of a Transfer Development Right Bank became effective in May, 2019. The proposed Resolution would establish a bank of development rights from specific city owned properties and includes a development right value of \$10.00 (ten dollars) per square foot. The value could be amended on an annualized basis as part of the City's official Schedule of Fees. Based on the value proposed, there is the potential to generate as much as \$10,000,000 from the sale of development rights, which is limited for use toward infrastructure and facilities. It is anticipated it will take between 10 and 15 years for all of these rights to be sold.**

**MOTION:**

Move to approve/disapprove Resolution No. 23-2019

**ATTACHMENT(S):**

Resolution No. 23-2019  
Development Right Exhibit A  
Fiscal Impact Analysis – Unknown at present

06/18/19 - 9C

**AGENDA DATE:** June 18, 2019– Regular Meeting      **DEPARTMENT:** Community Sustainability

**EXECUTIVE BRIEF**

***TITLE:***

Resolution No. 24-2019 - Directing the development of a preliminary assessment roll for those non-ad valorem assessments levied for the costs of unpaid lot clearing, boarding and securing and demolition special assessments

**SUMMARY:**

In accordance with the uniform method set forth in Sec. 197.3632, Florida Statutes, and Chapter 2, Article XIX, Division 2 “Levy and Collection of Non-Ad Valorem Assessments”, this resolution directs the development of a preliminary assessment roll by the Finance Director based on those non-ad valorem assessments, which may be levied for the costs of providing lot clearing, boarding and securing and demolition services to eliminate nuisance conditions on private real property within the incorporated area of the City. The roll will be based on invoices that are delinquent and unpaid as of June 1, 2019, and to establish the date and time of the public hearing to receive comments and to consider the adoption of the final Chronic Nuisance Services Assessment Roll.

**BACKGROUND AND JUSTIFICATION:**

Pursuant to the provisions of sections 2-221, 2-75.2.7, 12-42, and 9-2.2(q) of the Code of Ordinances, the City Commission of the City of Lake Worth Beach (the “City Commission”), declared that any chronic nuisance services costs, defined to include any nuisance violation abatement costs, including, but not limited to, lot clearing, board and secure, and demolition costs, that remain delinquent and unpaid as of June 1<sup>st</sup> of each year shall be a special assessment levied against the benefitted real property as a non-ad valorem assessment superior to all other private rights, interest, liens, encumbrances, titles and claims upon the benefitted real property and equal in rank and dignity with a lien for ad valorem taxes.

Attached is the proposed Resolution directing staff to comply with Sec. 197.3632, Florida Statutes, and Chapter 2, Article XIX, Division 2 “Levy and Collection of Non-Ad Valorem Assessments’ of the City’s Code or Ordinances to prepare a preliminary assessment roll and to schedule the public hearing for the final Chronic Nuisance Services Assessment Roll for July 16, 2019.

**MOTION:**

Move to approve/disapprove

**ATTACHMENT(S):**

Resolution 24-2019  
Fiscal Impact Analysis –n/a

**06/18/19 - 9D**

**AGENDA DATE:** June 18, 2019– Regular Meeting **DEPARTMENT:** Public Serv. / Leisure Serv.

## *EXECUTIVE BRIEF*

### **TITLE:**

Change Order #1 to Premier Corrosion Protection Services, Inc. for the concrete deck repairs to the pier concrete walkway

### **SUMMARY:**

Change Order #1 to Premier Corrosion Protection Services authorizes the unforeseen concrete deck repairs to the pier concrete deck walkway. The walkway is on the north side of the restaurant and extends from the bait shop to the outdoor bar.

### **BACKGROUND AND JUSTIFICATION:**

The construction work on the William O. Lockhart Pier is underway and Premier Corrosion Protection Services, Inc., is approximately 60% complete with the structural repairs and wood decking replacement work per the construction contract. Upon performing preparation work to crack seal and patch spalled concrete areas on the underside of the deck, the existing concrete walkway deck deteriorated severely with a substantial portion of the concrete coming apart due to rebar failure within the structural concrete. The City's engineering consultant, Holtz Engineering, performed a structural analysis on the exposed deteriorated decking and is recommending additional structural repairs above and beyond the designed crack sealing and patching. The additional work will cost \$89,060.15 per the Premier Corrosion Protection Services' estimate, which is based off the structural engineering design for the repairs. The engineer of record has reviewed the cost proposal and is recommending the City proceed with the repairs to reconstitute the structural integrity of the concrete deck walkway.

### **MOTION:**

Move to approve / not approve Change Order #1 with Premier Corrosion Protection Services in an amount not to exceed \$89,060.15.

### **ATTACHMENT(S):**

Fiscal Impact Analysis  
Premier Corrosion Protection Services – Change Order #1  
Decking Photographs – 2 each



**FISCAL IMPACT ANALYSIS**

**Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2023</b>
Capital Expenditures	0	0	0	0
Operating Expenditures	89,060.15	0	0	0
External Revenues	0	0	0	0
Program Income	0	0	0	0
In-kind Match	0	0	0	0
Net Fiscal Impact	89,060.15	0	0	0
Addn'l Full Time Employee Positions	0	0	0	0

**Recommended Sources of Funds/Summary of Fiscal Impact:**

<b>Acct. No.</b>	<b>Acct. Desc</b>	<b>Project No.</b>	<b>FY 2019 Budget</b>	<b>Current Balance</b>	<b>Agenda Expenditure</b>
301-8060-572.64-00	Improve other than build	GV1803	\$81,420.00	\$(-28,618.00)	\$52,802.00

**Department Fiscal Review:** \_\_\_\_\_

Corinne Elliott, Assistant Financial Service Director

06/18/19 - 9E

**AGENDA DATE:** June 18, 2019– Regular Meeting    **DEPARTMENT:** City Commission

**EXECUTIVE BRIEF**

***TITLE:***

Ratifying of appointment and reappointments of various city advisory boards

**SUMMARY:**

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 appointments and reappointments are requested to be ratified:

Finance Advisory Board

Vice Mayor Amoroso's appointment of Michael Calhoun to the Finance Advisory Board to fill an unexpired term ending on July 31, 2021.

Community Redevelopment Agency

Vice Mayor Amoroso's appointment of Tom Copeland to the Community Redevelopment Agency to fill an unexpired term ending on August 21, 2021.

City Tree Board

Commissioner Robinson's appointment of Ginny Powell to the City Tree Board to fill an unexpired term ending on July 31, 2019 and reappoint for a term ending on July 31, 2022.

**MOTION:**

Move to ratify Vice Mayor Amoroso's appointments of Michael Calhoun to the Finance Advisory Board to fill an unexpired term ending on July 31, 2021 and Tom Copeland to the Community Redevelopment Agency to fill an unexpired term ending on August 21, 2021, and Commissioner Robinson's appointment of Ginny Powell to the City Tree Board to fill an unexpired term ending on July 31, 2019 and reappoint for a term ending on July 31, 2022.

**ATTACHMENT(S):**

Fiscal Impact Analysis: N/A

Membership board logs

Board applications

**06/18/19 - 9F**

**AGENDA DATE:** June 18, 2019 – Regular Meeting    **DEPARTMENT:** Public Works

**EXECUTIVE BRIEF**

**TITLE:**

First Amendment to Interlocal Agreement revising the parking requirements along the east side of N. Golfview Road

**SUMMARY:**

The 2008 Interlocal Agreement with Palm Beach County required certain parking spaces along the east side of N. Golfview Road be set aside for vehicle/trailer overflow parking from the Bryant Park boat ramp. The First Amendment authorizes the City to reallocate 10 of the larger spaces to 12 smaller spaces to accommodate Snook Island visitors.

**BACKGROUND AND JUSTIFICATION:**

On June 17, 2008, the City and Palm Beach County entered into an Interlocal Agreement. Under the Agreement, the County provided \$225,000 for the demolition of the west side of the old Lake Worth Bridge in exchange for the City providing twenty (20) vehicle/trailer spaces on North Golfview Road. These spaces are located along the east side of North Golfview Road between 2<sup>nd</sup> Avenue North and Lucerne Avenue. While initially intended for vehicle/trailer overflow parking from the Bryant Park boat ramp, these spaces are rarely utilized and sit vacant. The First Amendment allows the City to replace ten (10) of the current wider vehicle/trailer spaces with twelve (12) standard spaces. This change will transition the current space count on the east side of North Golfview Road from twenty (20) vehicle/trailer, four (4) standard, and one (1) handicap to ten (10) vehicle/trailer, sixteen (16) standard, and one (1) handicap space. The additional standard spaces are much needed on the street and will provide additional parking for visitors to Snook Island.

**MOTION:**

Move to approve / not approve the First Amendment to the Interlocal Agreement revising the parking requirements along the east side of N. Golfview Road

**ATTACHMENT(S):**

Fiscal Impact Analysis – NA  
1st Amendment to 2008 Interlocal Agreement  
2008 Interlocal Agreement  
2007 Lease Agreement

**AGENDA DATE:** June 18, 2019– Regular Meeting      **DEPARTMENT:** Public Works

***EXECUTIVE BRIEF***

**TITLE:**

Purchase Order with SolarMax LED, Inc. for the purchase of LED lighting

**SUMMARY:**

The Purchase Order with SolarMax LED, Inc. authorizes the purchase of new LED lighting fixtures for upgrades to City park facilities at a cost not to exceed \$34,712.50.

**BACKGROUND AND JUSTIFICATION:**

The City was awarded a Florida Department of Agriculture and Consumer Services grant for “Small Community Energy Efficient Lighting” upgrades to approved facilities. The City submitted proposed LED lighting improvements at the following sites: Sunset Ridge Park, Northwest Ballfields, Howard Park, and Spillway Park. The LED lighting improvements are for exterior lighting LED upgrades to building wall pack lighting and site lighting on existing poles. These improvements will be monitored and analyzed for cost savings in energy consumption and emissions reductions. A total of 50 fixtures will be removed and replaced across the four sites.

In order to meet procurement requirements for the grant, the City issued a Request for Proposal for material suppliers to furnish the materials as specified. The City accepted proposals on June 4, 2019 and received a total of one (1) submittal. SolarMax LED, Inc. met all the bid requirements and submitted a valid proposal for the supply of the materials. The Purchase Order to SolarMax LED, Inc. is for a total amount not to exceed \$34,712.50.

**MOTION:**

Move to approve/disapprove the Purchase Order with SolarMax LED, Inc. for a cost not to exceed \$34,712.50.

**ATTACHMENT(S):**

Fiscal Impact Analysis  
Bid Submittal – SolarMax LED, Inc.

**Five Year Summary of Fiscal Impact:**

Fiscal Years	2019	2020	2021	2023
<b>Capital Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Operating Expenditures</b>	(34,712.50)	<b>0</b>	<b>0</b>	<b>0</b>
<b>External Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Program Income Grant</b>	34,712.50	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Fiscal Impact</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Addn'l Full Time Employee Positions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FISCAL IMPACT ANALYSIS**

## A. Recommended Sources of Funds/Summary of Fiscal Impact:

<b>Acct. No.</b>	<b>Acct. Desc</b>	<b>Project No.</b>	<b>FY 2019 Budget</b>	<b>Current Balance</b>	<b>Agenda Expenditure</b>
140-9710-531.64-40	Machinery & Equipment	FG1903	\$145,745	(34,712.50)	(-111,032.50)

Department Fiscal Review: \_\_\_\_\_  
 Corinne Elliott, Assistant Finance Director

06/18/19 - 9H

**AGENDA DATE:** June 18, 2019 – Regular Commission Meeting Finance

***EXECUTIVE BRIEF***

***TITLE:***

Resolution No. 25-2019 – authorizing the write-off of returned checks for FY 2008-2010.

***SUMMARY:***

Resolution No. 25-2019 authorizes the City's Financial Services Department to write-off returned checks deemed uncollectible for Fiscal Years 2008 through 2010.

***BACKGROUND AND JUSTIFICATION:***

This is a clean-up item for the City's financial records. During Fiscal Years 2008 through 2010, the City received utility payments via checks which later bounced. All of the returned checks are now over 8 years old and all efforts to identify and collect the amounts receivable have been exhausted. Better methodology has been put into place to identify and collect on returned checks in a timely manner. Since the returned checks have all been researched and deemed uncollectible, Financial Services desires to write-off the total amount receivable which is \$20,981.06.

***MOTION:***

I move to approve/disapprove Resolution No 25-2019 authorizing the write-off of returned checks for FY 2008-2010 totaling \$20,981.06

***ATTACHMENT(S):***

Fiscal Impact Analysis

**FISCAL IMPACT ANALYSIS****B. FISCAL IMPACT ANALYSIS**

Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2023
<b>Capital Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Operating Expenditures</b>	\$20,981.06	<b>0</b>	<b>0</b>	<b>0</b>
<b>External Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Program Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>In-kind Match</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Fiscal Impact</b>	\$20,981.06	<b>0</b>	<b>0</b>	<b>0</b>
<b>Addn'l Full Time Employee Positions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Department Fiscal Review:  
Corinne Elliott, Assistant Finance Director

06/18/19 - 91

***EXECUTIVE BRIEF***

***TITLE:***

Resolution No. 26-2019 - Amending the fees for parking violations and updating the recreation program and activity fee schedule for the 2018-2019 fiscal year.

***SUMMARY:***

The resolution authorizes additional fees for beach and boat ramp parking violations and updates the recreation program and activity fee schedule.

***BACKGROUND AND JUSTIFICATION:***

The additional fees include the doubling of fines if a citation is not paid within 15 days, adding up to a 25 percent fee if not paid within 45 days and up to a 25 percent fee if not paid within 90 days and is turned over to collections.

The City adopted Ordinance No. 2013-53 and Ordinance No. on December 3, 2013, which addressed delinquent parking violations and created additional fees. Specifically, the additional fees for parking violations are codified within the City's code of ordinances at Chapter 7, Article II, Sec. 7-27.-Delinquent parking violations; additional fees, sections (a) and (b) and Chapter 21, Article II, Sec. 21-43.- Delinquent parking violations; additional fees, sections (a) and (b). The additional fees for parking violations were not included in the City's annual fee resolutions adopted since 2013. Resolution No. 26-2019 will add the additional parking violation fees to the current FY 2018-2019 Fee Schedule (as approved by Commission on September 25, 2018).

Resolution No. 26-2019, also updates the recreation program and activity fee schedule to include new programs and updated permit fees and expansion of Osborne Center.

***MOTION:***

I move to approve/disapprove Resolution 26-2019 Amending the fees and charges schedule for beach and boat ramp parking violations and updating the recreation program and activity fee schedule for the 2018-2019 fiscal year Amending the fees for parking violations and updating the recreation program and activity fee schedule for the 2018-2019 fiscal year.

***ATTACHMENT(S):***

Ordinance 2013-53  
Ordinance 2013-54  
Resolution No. 26-2019  
Exhibit A



**AGENDA DATE:** June 18, 2019– Regular Meeting      **DEPARTMENT:** Public Works

**EXECUTIVE BRIEF**

***TITLE:***

Exception to Procurement for the Purchase Order issuance to Marquez Landscaping for the City-Wide Lawn and Landscape Maintenance contract through September 30, 2019

**SUMMARY:**

The Agreement with Marquez Landscape authorizes the contractor to perform the interim lawn and landscape services for the City Wide Lawn and Landscape Maintenance contract in an amount not to exceed \$150,000 due to the termination by default of the existing contractor ADFS, LLC.

**BACKGROUND AND JUSTIFICATION:**

The City entered into a contract with ADFS, LLC on October 4<sup>th</sup>, 2018 for the City-Wide Lawn and Landscape Maintenance contract. On May 22, 2019, the City notified the contractor in writing that they were in default of the contract and were given 10 days to cure the issues. As a result of the continuation of contract non-performance, on June 7<sup>th</sup>, 2019, the City issued a Notice of Termination for Default to ADFS, LLC for failure to perform the contractual obligations in the agreement.

In order to keep up with the demands of the lawn and landscape maintenance work, the Grounds Division staff has been working diligently to provide coverage for the sites and keep the City's green spaces well maintained. Due to the quantity of City properties and green spaces to keep maintained, the Public Works Administration Department has contracted an interim lawn and landscape maintenance company, Marquez Landscape, who is familiar with the sites and can pick up where the previously terminated contractor left off. Currently, the "City-Wide Lawn and Landscape Maintenance Contract" is being re-bid and the City is awaiting the bid results due on June 26<sup>th</sup>, 2019.

The interim contractor, Marquez Landscape, will be contracted through September 30, 2019 to allow the City to appropriately bid the new contract, review submittals, draft legal documents, and take the award recommendation to Commission. The Agreement with Marquez Landscape is being administered through the "Exception to Procurement" procedure as the work was not bid out in accordance with the Procurement Procedures due to the termination of the existing contractor and timing of conducting a re-bid. The Agreement will be for an amount not to exceed \$150,000. Due to the quantity of work involved with the contract and the minimal in-house staff, the utilization of an interim contractor is essential to the aesthetic appearance and safety of the City of Lake Worth Beach's residents and visitors.

**MOTION:**

Move to approve/disapprove the Agreement with Marquez Landscape in an amount not to exceed \$150,000.00.

**ATTACHMENT(S):**

Fiscal Impact Analysis, Agreement – Marquez Landscape, Notice of Termination for Default Letter

**FISCAL IMPACT ANALYSIS**

Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2023
<b>Capital Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Operating Expenditures</b>	150,000	<b>0</b>	<b>0</b>	<b>0</b>
<b>External Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Program Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>In-kind Match</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Fiscal Impact</b>	150,000	<b>0</b>	<b>0</b>	<b>0</b>
<b>Addn'l Full Time Employee Positions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Recommended Sources of Funds/Summary of Fiscal Impact:

Acct. No.	Acct. Desc	Project No.	FY 2019 Budget	Current Balance	Agenda Expenditure
001-5040-519.34-50	<b>Contractual services</b>	<b>N/A</b>	\$297,260	\$(195.77)	\$150,000

**\*\*** The Purchase Order will be funded by Closing the existing PO with ADFS, LLC and issuing a new PO to Marquez Landscape

C. Department Fiscal Review: \_\_\_\_\_  
**06/18/19 - 9K**

**AGENDA DATE:** June 18, 2019 – Regular Meeting    **DEPARTMENT:** Community Sustainability

**EXECUTIVE BRIEF**

**TITLE:**

Ordinance No. 2019-05 - Second Reading and Public Hearing - Increase Business Tax Receipt rates by five percent (5%)

**SUMMARY:**

The ordinance amends the City Code to provide for a five percent (5%) across the board Business Tax Receipt rate increase effective for Fiscal Year 2020 beginning with annual renewals for that year.

**BACKGROUND AND JUSTIFICATION:**

The City of Lake Worth Beach's last increase for its Business Tax Receipt was in 2016. Under Florida Statute, the City can raise the rates as much as five percent (5%) every other year as long as the City has adopted an Equitable Rate Study. The City did adopt such a study in 1995 and can effectively raise the established Business Tax receipt rates by five percent (5%). Based on collections during Fiscal Year 2018 and 2019, it is projected that the change will increase revenues by at least \$30,000. In addition, the increase maintains our competitiveness with regard to adjacent municipalities, as the City's rates remain lower in most categories.

Ordinance 2019-05 passed on first reading on June 4, 2019.

**MOTION:**

Move to approve/disapprove Ordinance No. 2019-05 on Second Reading - Increasing Business Tax Receipt rates by five percent (5%)

**ATTACHMENT(S):**

Fiscal Impact Analysis  
Ordinance 2019-05

FISCAL IMPACT ANALYSIS

***Five Year Summary of Fiscal Impact:***

Fiscal Years	2019	2020	2021	2022
<b>Capital Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Operating Expenditures</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>External Revenues</b>	<b>575,0000</b>	<b>603,7500</b>	<b>633,9370</b>	<b>665,634</b>
<b>Program Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>In-kind Match</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Fiscal Impact</b>	<b>89,060.15</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Addn'l Full Time Employee Positions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Recommended Sources of Funds/Summary of Fiscal Impact:

Department Fiscal Review: \_\_\_\_\_

06/18/19 - 10A

**AGENDA DATE:** June 18, 2019– Regular Meeting      **DEPARTMENT:** City Attorney

**EXECUTIVE BRIEF**

***TITLE:***

Ordinance 2019-06 - amending the prohibition on open containers of alcoholic beverages in public places

**SUMMARY:**

Ordinance 2019-06 amends the prohibition on the possession of open alcoholic beverage containers in public places to include commercial establishment parking lots and removes violations involving vehicles which are currently addressed in Florida Statutes.

**BACKGROUND AND JUSTIFICATION:**

The City wishes to preserve the peace, security, and economic success of the City by reducing the negative effects caused by open alcoholic beverage container violations currently taking place in commercial establishment parking lots that are open to the public. The existing ordinance, section 5-9 of the City's code of ordinances, prohibits open containers in public places but does not include commercial establishment parking lots that are open to the public. The proposed ordinance will amend the existing ordinance to include a prohibition on open containers in these parking lots. Additionally, Section 316.1936, Florida Statutes, addresses the possession of open containers in vehicles and treats these violations as a nonmoving traffic violation (noncriminal). The City's current penalties for a violation of the ordinance include the possibility of up to \$500.00 in fines and 60 days in jail. Therefore, to avoid any conflicts with state law, all references to open containers in vehicles found in the current ordinance will be removed.

**MOTION:**

I move to approve / not approve Ordinance No. 2019-06, amending the prohibition on open containers of alcoholic beverages in public places.

**ATTACHMENT(S):**

Ordinance No. 2019-06

Fiscal Analysis – Not Applicable

**06/18/19 - 12A**

**AGENDA DATE:** June 18, 2019 – Regular Meeting **DEPARTMENT:** City Manager

***EXECUTIVE BRIEF***

***TITLE:***

Ordinance No. 2019-07 – Reconstituting the Electric Utility Advisory Board

***SUMMARY:***

Ordinance No. 2019-07 reconstitutes the Electric Utility Advisory Board to be consistent with the City Commission's more active role in Electric Utility issues while maintaining the Board as an advisory board on electric utility policy issues.

***BACKGROUND AND JUSTIFICATION:***

In 2012, the City Commission created the City's Electric Utility Advisory Board (EUAB) to advise the City Commission, on behalf of the City's citizens and residents, on electric utility policies, plans and programs. While the EUAB has provided invaluable advisory assistance to the City Commission in the past, the purpose and duties of the EUAB should shift with the City Commission taking a more active role in electric utility policies, plans and programs including the monthly City Commission meeting dedicated solely to electric utility issues.

Currently, the EUAB is a seven-member board, which is required to have monthly meetings. If the EUAB is reconstituted as proposed by this ordinance, it will become a five member advisory board. And, based upon comments received from the City Commission at a prior meeting, the reconstituted board will have quarterly meetings or other additional meetings as directed by the Commission or Electric Utility Director. The reduction in board membership and number of meetings should more efficiently assist the Electric Utility Director and City Commission on electric utility policy matters. Further, the absenteeism requirements have been relaxed and only require removal of a member if the member is not present for three (3) consecutive regular meetings or fifty (50) percent of the regular meetings of the board held within any 24-month period.

Except for the recent re-appointments by Commissioner Maxwell and Commissioner Hardy, the current members of the EUAB are serving as *de facto* board members with expired terms. If this ordinance is approved on second reading, the Mayor, Vice Mayor and Commissioner Robinson will each need to appoint (or reappoint) a board member to serve on the reconstituted EUAB.

***MOTION:***

I move to approve / not approve Ordinance No. 2019-07 – reconstituting the Electric Utility Advisory Board.

***ATTACHMENT(S):***

Ordinance No. 2019-07

Ordinance No. 2012-22

Fiscal Analysis – Not Applicable

**06/18/19 - 13.D.1**