

AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JULY 16, 2019 - 6:00 PM

1. **ROLL CALL:**
2. **INVOCATION OR MOMENT OF SILENCE:** on behalf of Mayor Pam Triolo
3. **PLEDGE OF ALLEGIANCE:** led by Commissioner Herman Robinson
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **APPROVAL OF MINUTES:**
 - A. Budget Work Session #1 - June 3, 2019
 - B. Regular City Commission - June 4, 2019
 - C. Regular City Commission - June 18, 2019
9. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)
 - A. Resolution No. 28-2019 - establish the Proposed Tentative Millage Rate for Fiscal Year 2019-2020 and schedule the first public hearing for September 12, 2019 and the second public hearing for September 24, 2019
 - B. Resolution No. 29-2019 - establish the Proposed Tentative Voter Approved Debt Rate for Fiscal Year 2019-2020 and schedule the first public hearing for September 12, 2019 and the second public hearing for September 24, 2019
 - C. Resolution No. 30-2019 - Directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2019-2020 and scheduling the final public hearing for September 12, 2019
 - D. Resolution No. 31-2019 - Directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2019-2020 and scheduling the final public hearing for September 12, 2019
 - E. Work Order #2 with The Paving Lady for associated paving, sealcoating and striping work

- F. Resolution No. 32-2019 - in support of a CRA in the Village of Palm Springs
- G. Work Order No. 3 with Globaltech, Inc. for Design-Build services for Water Treatment Plant North Clearwell and Ground Storage Tank Repairs
- H. Change Order No. 01-Final with Florida Engineering & Development Corp. for cost adjustment and time for the Downtown Watermain Replacement Project
- I. Florida Division of Emergency Management Statewide Mutual Aid Agreement

10. PUBLIC HEARINGS:

- A. Resolution No. 33-2019 - Issuance of a Revocable Permit on the property located at 1005 North C Street
- B. Resolution No. 34-2019 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector
- C. Resolution No. 35-2019 - Abandonment of public right of way between 502 and 432 N. Lakeside Drive
- D. Ordinance No. 2019-08 - First Reading - Amending Chapter 19 "Streets and Sidewalks" Section 19-13 "Shopping Carts on Public Ways" and setting the second reading and public hearing for August 6, 2019

11. UNFINISHED BUSINESS:

- A. Continuation of discussion about Accessory Dwelling Units in the City

12. NEW BUSINESS:

- A. Discussion regarding the use of plastics in the City brought forward by Vice Mayor Amoroso and Commissioner Hardy
- B. Discussion about breweries and distilleries in the downtown area brought forward by Commissioner Hardy

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)

- 1) Second Amendment to Task Order No. 3 with EC Fennell, P.A. for design, project and construction management services for the 1W05 distribution circuit storm hardening
- 2) Work Order No. 4 with ARC American Inc. for the removal of (81) single phase sectionalizers

C. PUBLIC HEARING:

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

D. NEW BUSINESS:

- 1) Intent to participate in the potential Florida Municipal Power Solar Project II at a participation rate of up to 30 megawatts of output

14. CITY ATTORNEY'S REPORT:

15. CITY MANAGER'S REPORT:

- A. Draft agenda - August 6, 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: July 16, 2019 – Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 28-2019 - establish the Proposed Tentative Millage Rate for Fiscal Year 2019-2020 and schedule the first public hearing for September 12, 2019 and the second public hearing for September 24, 2019

SUMMARY:

Resolution No. 28-2019 will establish the Proposed Tentative Millage Rate of 5.4945 mils, the same rate in the current Fiscal Year budget.

BACKGROUND AND JUSTIFICATION:

Pursuant to §200.065(2)(b), Florida Statutes, the City must advise the Palm Beach County Property Appraiser of the Tentative Operating Millage Rate, as well as the date of the City's first public budget hearing scheduled for September 12, 2019. The Tentative Operating Millage Rate approved at this public hearing establishes the maximum millage rate the City may consider and approve during the budget hearings in September. The Tentative Operating Millage Rate may be lowered by the Commission at the hearings, but it cannot be raised (without additional notice being provided to each taxpayer at a cost of approximately \$15,500 for postage).

Based on information from the Palm Beach County Property Appraiser's Office, the FY 2019 Operating Roll Back Millage is 5.0754. This Operating Roll-Back Millage is the millage rate that will generate the same property tax revenue that was generated in FY 2019.

With the inclusion of the County Fire MSTU millage 3.4581, the maximum available Operating Millage cannot exceed 8.9526 mills. This year continues a trend that began in the last four (4) years with an increase in the taxable value of real and personal property of approximately 10.26%. This rate will result in an increase in the actual tax revenues collected.

The budget and property tax rate adoption process is governed by the State Statute known as Truth In Millage (TRIM). In Florida, properties are assessed by the county Property Appraiser and property taxes are collected by the county Tax Collector. All property is assessed at 100% of real value, which is approximately 85% of market value. The State Constitution restricts the annual increase in taxable value of homestead property to 3% or the increase in the CPI, whichever is less.

Property owners are eligible to receive a homestead exemption of \$25,000 on the first \$25,000 of value of their principal place of residence. In addition, homeowners can receive in whole or in part a second \$25,000 homestead exemption on the third \$25,000 of value of their principal place of residence. For instance, if a home's value is \$50,000 or under, the owner is only entitled to the first exemption. However, for example if the home is worth \$67,000 or \$75,000, the owner would be eligible to receive the second exemption in the amount of \$17,000 or \$25,000, respectively.

The City is required to hold two (2) public hearings for adoption of a property tax rate and budget. The first public hearing is advertised by the Property Appraiser mailing to each property owner on a TRIM notice. In addition to notification of this first public hearing, the TRIM notice contains the following information:

- The new and prior year's assessed value;
- The tax bill if the current property tax rate is changed for the new fiscal year;
- The tax bill if the roll-back rate is levied for the new fiscal year; and
- The property tax bill if the proposed budget is adopted.

MOTION:

Motion to approve/disapprove Resolution No. 28-2019 and schedule the first public hearing date for the annual operating budget on September 12, 2019, at 6:00 PM at Lake Worth Beach City Hall and the second public hearing for September 24, 2019.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis – not applicable
Resolution No. 28-2019

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 29-2019 - establish the Proposed Tentative Voter Approved Debt Rate for Fiscal Year 2019-2020 and schedule the first public hearing for September 12, 2019 and the second public hearing for September 24, 2019

SUMMARY:

Resolution No. 29-2019 will establish the Proposed Tentative FY 2019 Voter Approved Debt Rate of 1.11 mills for the FY 2020 General Obligation Bond Fund Levy.

BACKGROUND AND JUSTIFICATION:

In November 2016, approximately 67% or two-thirds of Voters of the City of Lake Worth approved the issuance of General Obligation Bonds for Road Improvement Projects in an amount not to exceed forty million dollars.

In FY 2017-2018, the City established a Debt Fund to receive the receipts of debt rate and remit the debt service payments. For FY 2019-2020 the debt service receipts will be in the amount of \$2,154,088. Pursuant to §200.001, Florida Statutes, the City must advise the Palm Beach County Property Appraiser of the Tentative Voter Approved Debt Rate, as well as the date of the City's first public budget hearing scheduled for September 12, 2019. The Tentative Voter Approved Debt Rate approved at this public hearing establishes the maximum rate the City may consider and approve during the budget hearings in September. The Voter Approved Debt Rate may be lowered by the Commission at the hearings, but it cannot be raised (without additional notice being provided to each taxpayer at a cost of approximately \$15,500 for postage).

The Voter Approved Debt Rate adoption process is governed by the State Statute known as Truth In Millage (TRIM). In Florida, properties are assessed by the county Property Appraiser and property taxes are collected by the county Tax Collector. All property is assessed at 100% of real value, which is approximately 85% of market value. The State Constitution restricts the annual increase in taxable value of homestead property to 3% or the increase in the CPI, whichever is less.

Property owners are eligible to receive a homestead exemption of \$25,000 on the first \$25,000 of value of their principal place of residence. In addition, homeowners can receive in whole or in part a second \$25,000 homestead exemption on the third \$25,000 of value of their principal place of residence. For instance, if a home's value is \$50,000 or under, the owner is only entitled to the first exemption. However, for example if the home is worth \$67,000 or \$75,000, the owner would be eligible to receive the second exemption in the amount of \$17,000 or \$25,000, respectively.

The City is required to hold two public hearings for adoption of a Voter Approved Debt Rate. The first public hearing is advertised by the Property Appraiser mailing to each property owner on a TRIM notice. In addition to notification of this first public hearing, the TRIM notice contains the following information:

- The new and prior year's assessed value;
- The tax bill if the current property tax rate is changed for the new year;

- The tax bill if the roll-back rate is levied for the new year; and
- The property tax bill if the proposed budget is adopted

MOTION:

Move to approve/disapprove Resolution No. 29-2019 and schedule the first public hearing for the Voter Approved Debt Rate on September 12, 2019, at 6:00 PM at Lake Worth City Hall and the second public hearing for September 24, 2019.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis – not applicable
Resolution No. 29-2019

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 30-2019 - Directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2019-2020 and scheduling the final public hearing for September 12, 2019

SUMMARY:

This Resolution directs the preparation of the preliminary stormwater assessment roll for FY 2019-2020 in the amount of \$78.25 per residential unit which represents a 3.5% increase from FY 2018-2019. This is the first increase in Stormwater since 2009. This Resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 12, 2019.

BACKGROUND AND JUSTIFICATION:

The City has been charging the Stormwater Assessments as non-ad valorem assessments since 2009 and has not increased the per residential unit amount since that time. In order to increase the Stormwater Assessments for the Fiscal Year commencing October 1, 2019, the City must comply with the City's Assessment Ordinance (Chapter 2, Article XVIII of the City's code) and Chapter 197, Florida Statutes, for the final adoption of the assessments by September 15, 2019.

This resolution directs the preparation of the preliminary stormwater assessment roll for FY 2019-2020 in the amount of \$78.25 per residential unit. This Resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 12, 2019. The preliminary stormwater assessment roll must be provided to the Property Appraiser's Office by July 24th to be included on the preliminary tax notices.

If this resolution is adopted, the City will follow the Assessment Ordinance and section 197.3632, Florida Statutes, to advertise a public hearing to be held on September 12, 2019 to adopt the annual assessment resolution for Storm Water.

MOTION:

Move to approve/disapprove Resolution No. 30-2019, Directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2019-2020 and scheduling the final public hearing for September 12, 2019

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis – not applicable

Resolution No. 30-2019

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Financial Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 31-2019 - Directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2019-2020 and scheduling the final public hearing for September 12, 2019

SUMMARY:

This Resolution directs the preparation of the preliminary Refuse Services, Facilities and Programs assessment roll for FY 2019-2020 in the same amount as FY 2018-2019. This Resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 12, 2019.

BACKGROUND AND JUSTIFICATION:

The City has been charging the Refuse Services, Facilities and Programs Assessments as non-ad valorem assessments since 2009. The adoption process of each fiscal year's assessments must comply with the City's Assessment Ordinance (Chapter 2, Article XVIII of the City's code) and Chapter 197, Florida Statutes, for the final adoption of the assessments by September 15, 2019.

This resolution directs the preparation of the preliminary Refuse Services, Facilities and Programs assessment roll for FY 2019-2020. This Resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 12, 2019. The preliminary Refuse Services, Facilities and Programs assessment roll must be provided to the Property Appraiser's Office by July 24th to be included on the preliminary tax notices.

If this resolution is adopted, a public hearing will be held on September 12, 2019 to adopt the annual assessment resolution for Refuse Services, Facilities and Programs.

MOTION:

Move to approve/disapprove Resolution No. 30-2019, Directing the Preparation of the Preliminary Refuse Services, Facilities and Programs Assessment Roll for Fiscal Year 2019-2020 and scheduling the final public hearing for September 12, 2019

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis – not applicable
Resolution No. 31-2019

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Work Order #2 with The Paving Lady for associated paving, sealcoating and striping work

SUMMARY:

Work Order #2 with The Paving Lady authorizes the contractor to perform paving, sealcoating and striping work at the Grounds Division parking lot, Golf Course parking lot and the Casino Parking lot at a cost not to exceed \$45,944.04.

BACKGROUND AND JUSTIFICATION:

On May 7, 2019, the City awarded a total of three (3) contractors the “Annual Paving, Concrete, Striping and Miscellaneous Work” contract to assist the Streets Division with associated work in the City. The Paving Lady was awarded Work Order #1 for associated sealcoating, striping, concrete and pavement patching work and is nearing completion of this work. Work Order #2 will authorize the contractor to perform services inclusive of the following work:

1. Golf Course parking lot = Sealcoat and re-stripe
2. Casino Parking lot = re-stripe parking spaces, directional striping, and ADA parking stalls
3. Grounds Division parking lot = repave

The Work will be completed within Fiscal Year 2019 at a cost not to exceed \$45,944.04.

MOTION:

Move to approve/disapprove Work Order #2 with the Paving Lady at a cost not to exceed \$45,944.04.

ATTACHMENT(S): (available in the Clerk’s office)

Fiscal Impact Analysis
Work Order #2 – The Paving Lady
Casino Parking Lot – aerial
Golf course parking lot – aerial
Grounds Division parking lot – aerial

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	0	0	0	0	0
Operating Expenditures	45,944.04	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	45,944.04	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:

Account Number	Account Description	Project Number	FY 2019 Budget	Current Balance	Agenda Expenditure
001-5020-519-34-50	Contractual Serv.	N/A	\$153,000	\$52,840	(-45,944.04)

A. Department Fiscal Review: _____
 Corinne Elliott, Assistant Finance Director

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: City Manager

EXECUTIVE BRIEF

TITLE:

Resolution No. 32-2019 - in support of a CRA in the Village of Palm Springs

SUMMARY:

Resolution No. 32-2019 provides the City's support of the Village of Palm Springs request for Palm Beach County to create a Community Redevelopment Agency (CRA) that would provide infrastructure improvements, public safety and economic/financial investment to the Village.

BACKGROUND AND JUSTIFICATION:

CRAs are a unique public implementation tool for local governments to leverage tax increment financing to remedy conditions of "slum and blight" where they exist. Because the Village has proposed a joint Village/County redevelopment approach with common goal-setting, project prioritization, resource allocation, and implementation, the City of Lake Worth Beach will eventually benefit from this CRA as it will improve those areas of the Village that are in close proximity with our City.

MOTION:

Move to approve/disapprove Resolution No. 32-2019 in support of a CRA in the Village of Palm Springs.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis N/A
Resolution 32-2019

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Water Department

EXECUTIVE BRIEF

TITLE:

Work Order No. 3 with Globaltech, Inc. for Design-Build services for Water Treatment Plant North Clearwell and Ground Storage Tank Repairs

SUMMARY:

This Work Order No. 3 authorizes Globaltech to provide Design-Build services for the Water Treatment Plant Clearwell and Ground Storage Tank Repair in the amount of \$1,616,419.12.

BACKGROUND AND JUSTIFICATION:

The project includes various design and construction improvements to the Water Treatment Plant Clearwell and Ground Storage Tank including various restoration and safety improvements as well as an upgrade to the water storage transfer system. The restoration improvements focus on cracking, spalling, and pitting of the concrete surfaces in the 1 million gallon clearwell and 1.5 million gallon ground storage tank. Also included is structural inspection and analysis of the top slab of the clearwell. Safety improvements will be designed and installed for the access point locations on ground storage tanks. These features will include handrails and harness point connections for the above ground structure. Other safety improvements include emergency overflow cutouts on the above grade walls on clearwell. Design modifications to the water transfer system will replace the existing transfer pump and piping. The modifications will include yard piping that will allow for two transfer can style pumps that will give the system operational redundancy and allow the transfer of stored water to and from multiple clearwells.

Work Order No. 3 authorizes Globaltech to complete design, permitting and construction services for the Water Treatment Plant North Clearwell and Ground Storage Tank Repair as part of the RFQ 17-304 Design-Build Contract.

MOTION:

Move to approve/disapprove the Work Order No. 3 with Globaltech, Inc. for Design-Build services for Water Treatment Plant North Clearwell and Ground Storage Tank Repair in the amount of \$1,616,419.12.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis
Work Order No. 3

FISCAL IMPACT ANALYSIS

C. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	\$460,000.00	\$1,156,419.12	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	\$460,000.00	\$1,156,419.12	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Account Number	Account Description	Project Number	FY2019 Budget	Current Balance	Agenda Expenditure	Balance
402-7022-533.63-00	Water Treat Improve Other Than Build	WT 1603	\$1,170,315	\$865,308	\$460,000	\$405,308

E. Department Fiscal Review: _____

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

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Water Utilities

EXECUTIVE BRIEF

TITLE:

Change Order No. 01-Final with Florida Engineering & Development Corp. for cost adjustment and time for the Downtown Watermain Replacement Project

SUMMARY:

Change Order No. 01-Final to Florida Engineering & Development Corp. authorizes a deductive adjustment in the contract cost of \$347,413.96 and extends the contract time by 84 days

BACKGROUND AND JUSTIFICATION:

The Downtown Watermain Replacement Project was completed and final payment is awaiting authorization. The Contractor Florida Engineering & Development Corp went over the contract time 102 days. The agreement states the Contractor will be assessed liquidated damages at \$500 for each day beyond the completion date. However, part of the overrun time was due to delays outside of the contractors control. In addition, the contractor performed work that was additional to the original scope. The value of the additional work was quantified and will be credited as contract days. Due to delays and the additional work performed by the contractor, 84 days of extended contract time is requested with Change Order No. 1. The Contractor will be assessed 18 days of liquidated damages or \$9,000.

In addition, this change order reconciles the remaining contract funds that were unused at the completion of the project. The total value of unused funds is \$338,413.96.

MOTION:

Move to approve/disapprove Change Order No. 01-Final to Florida Engineering & Development Corp. authorizing a deductive adjustment in the contract cost of \$347,413.96 and extending the contract time by 84 days.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis
Change Order No. 1-Final

FISCAL IMPACT ANALYSIS

F. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	+\$347,413.96		0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Account Number	Account Description	Project Number	FY2019 Budget	Current Balance	Agenda Expenditure	Balance
402-7034-533.63-60	Distribution	MP1602	\$5,215,468	\$2,474,483	+\$347,413.96	\$2,821,897

H. Department Fiscal Review:_____

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

AGENDA DATE: July 16, 2019– Regular Meeting

DEPARTMENT: City Manager

EXECUTIVE BRIEF

TITLE:

Florida Division of Emergency Management Statewide Mutual Aid Agreement

SUMMARY:

The Statewide Mutual Aid Agreement will allow the City to obtain a full range of essential services in the event of an emergency or disaster in the City and to assist others dealing with a disaster or emergency in their area.

BACKGROUND AND JUSTIFICATION:

The Emergency Management Act, Chapter 252, Florida Statutes, provides each local government with the authority to develop and enter into mutual aid agreements within the state. According to Chapter 252, the Florida Division of Emergency Management has the authority to coordinate assistance between local governments during emergencies and concentrate available resources where needed. The Agreement authorizes the City to be eligible for such assistance and to assist others when in need.

MOTION:

Move to approve/disapprove Statewide Mutual Aid Agreement

ATTACHMENT(S): (available in the Clerk's office)

Agreement
Information Sheet

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Public Services

EXECUTIVE BRIEF

TITLE:

Resolution No. 33-2019 - Issuance of a Revocable Permit on the property located at 1005 North C Street

SUMMARY:

Resolution No. 33-2019 authorizes a Revocable Permit on the unimproved right of way adjacent to 1005 North C Street.

BACKGROUND AND JUSTIFICATION:

On June 18, 2019, the City Commission approved the first of a two-part process, adopting Resolution No. 22-2019, which declared the City's intent to issue this Revocable Permit and scheduled the public hearing for July 16, 2019 to consider issuing the Revocable Permit for 1005 North C Street. Resolution No. 22-19 is the second part of the process and includes the proposed revocable permit agreement. City staff has reviewed the revocable permit application and issued comments in order for the application to be accepted. The owner has accepted staff comments and agreed to the terms. The terms are formalized in the attached revocable permit agreement with the owner, which shall be executed by the Mayor and shall be recorded in official records (if approved).

MOTION:

Move to approve/disapprove Resolution No. 33-2019 - Revocable Permit for property located at 1005 North C Street.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis – Not applicable
Revocable Permit Agreement
Resolution No. 33-2019
Application

AGENDA DATE: July 16, 2019 – Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Resolution No. 34-2019 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector

SUMMARY:

This resolution provides for the adoption of the final Chronic Nuisance Services Assessment Roll, which includes all costs for lot clearings, board and secures, and demolitions that remain delinquent and unpaid as of June 1, 2019 and to certify the final Chronic Nuisance Services Assessment Roll to the Tax Collector.

BACKGROUND AND JUSTIFICATION:

Pursuant to the provisions of sections 12-38 through 12-42 of the Code of Ordinances (the “Lot Clearing Ordinance”), sections 2-75.2 through 2-75.2.7 of the Code of Ordinances (the “Board and Secure Ordinance”), and sections 9-2.2(a) through 9-2.2(t) of the Code of Ordinances (the “Unsafe Building Abatement Code”), the owners of certain parcels of real property were notified of the existence of a public nuisance on their respective properties, failed to abate such nuisances and failed to pay the City for the costs the City incurred in the abatement of the nuisances. In accordance with section 12-42, section 2-75.2.7, and 9-2.2(q), the costs incurred by the City to abate said nuisances were assessed against each property as special assessment liens, and these liens were documented by the City Commission through the adoption of resolutions acknowledging the same. The City has complied with the requirements of Chapter 2, Article XIX, Division 2 “Levy and Collection of Non-Ad Valorem Assessments” of the City’s Code of Ordinances in order to include the special assessments for unpaid chronic nuisance services costs on the property tax bills to be issued in November, 2019. The City Commission adopted Resolution No. 24-2019 which directed the creation of the preliminary Chronic Nuisance Services Assessment Roll; scheduled the date, time, and place of the July 16, 2019 public hearing to receive and consider comments from the public and consider the adoption of the chronic nuisance service roll for 2019; and provided notice by publication and first class mail to those property owners listed on the preliminary assessment roll. At the public hearing on July 16, 2019, the City Commission will receive any written objections to the assessment roll and shall hear testimony from all interested persons as required by section 197.3632, Florida Statutes, and, if appropriate, will adopt the final Chronic Nuisance Services Assessment Roll and direct the certification of the final roll to the Tax Collector. The adoption of the final roll shall constitute a legislative determination that all assessed parcels of real property derive a special benefit from the nuisance violation abatement services provided by the City, and a legal determination that the assessments are fairly and reasonably apportioned to the properties.

Attached is the proposed resolution adopting the final Chronic Nuisance Services Assessment Roll and directing staff to certify the roll to the Tax Collector in compliance with section 197.3632, Florida Statutes, and the City’s Code of Ordinances.

The total amount at this time being assessed is roughly \$68,938. Of that amount, it is estimated that approximately 40% will be collected in FY 2019-2020 and the remaining will be collected over the next

three fiscal years. Many of the properties involved have absent owners and collection of the assessments may involve tax deed sales, which will delay collection.

MOTION:

Move to approve/disapprove Resolution No. 34-2019 - Adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector.

ATTACHMENT(S): (available in the Clerk's office)

Fiscal Impact Analysis

Resolution 34-2019

Exhibit A – Affidavit Confirming Mailing of Notices

Exhibit B – Special Assessment roll for lot clearing, board and secure and demolition

FISCAL IMPACT ANALYSIS

I. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	27577	13787	13787	13787	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

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

K. Department Fiscal Review: WW

AGENDA DATE: July 16, 2019 – Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Resolution No. 35-2019 - Abandonment of public right of way between 502 and 432 N. Lakeside Drive

SUMMARY:

Resolution No. 35-2019 is to abandon the public right-of-way between 502 N. Lakeside Drive and 432 N. Lakeside Drive at the request of adjacent property owners.

BACKGROUND AND JUSTIFICATION:

In accordance with Section 19-4 of the City of Lake Worth Beach Code of Ordinances, the abandonment of public right-of-way is a two-step process. On June 4, 2019, the City Commission approved the resolution announcing its intent to abandon the right-of-way between 502 N. Lakeside Drive and 432 N. Lakeside Drive. Resolution No. 35-2019, is the second step to actually abandon the right-of-way.

The owner of 502 N. Lakeside Drive (502 Lakeside LLC) and the owner of 432 N. Lakeside Drive (The Wesley Dean Russell and Patsy O’Neale Russell Joint Property Revocable Trust) are requesting the abandonment of the 40-foot 5th Avenue North right-of-way between the two properties. On October 16, 2000, the City issued a Revocable Permit to 502 N. Lakeside Drive for the use of the north 20 feet of the subject right-of-way. On March 19, 2001, the City issued a Driveway Permit to the owners of 432 N. Lakeside Drive to install a 20-foot driveway in the south 20 feet of the subject right-of-way. The right-of-way has primarily been used for these two purposes for the past 18 years.

Staff from Public Services, Water Utilities, and Electric Utilities Departments reviewed the request to abandon the right-of-way and had no issues with the abandonment. Due to utilities being located in the right-of-way, a public utility easement is being granted by the adjacent property owners.

MOTION:

Move to approve/disapprove Resolution No. 35-2019 - abandonment of public right of way between 502 and 432 N. Lakeside Drive.

SUPPORTING DOCUMENT(S): (available in the Clerk’s office)

- Resolution 35-2019
- Exhibit A Utility Easement
- Exhibit B Site Survey of 432 N Lakeside Drive and 502 N Lakeside Drive
- Location Map
- Request to Abandon a Right-of-Way and Create a New Lot Line
- Existing Revocable Permit (502 N Lakeside Drive)
- Existing Building Permit for driveway (432 N Lakeside Drive)

AGENDA DATE: July 16, 2019 – Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Ordinance No. 2019-08 - First Reading - Amending Chapter 19 "Streets and Sidewalks" Section 19-13 "Shopping Carts on Public Ways" and setting the second reading and public hearing for August 6, 2019

SUMMARY:

First Reading of Ordinance No. 2019-08 deleting Section 19-13 "Shopping Carts on Public Ways" and replacing it with a new Section 19-13 "Shopping Cart Requirements for Public Rights-of-Way and for Shopping Cart Owners"

BACKGROUND AND JUSTIFICATION:

The proposed amendments to Chapter 19 "Streets and Sidewalks" addresses nuisances created by the removal of shopping carts from business establishments and the abandonment of them on other properties and in the public right-of-way. The amendments will require shopping cart identification, notice of penalties for removal of shopping carts, and require business establishments to establish an on-site shopping cart retention system. The amendments also require businesses to establish a containment plan, which must be submitted to the City.

Permitted methods of retention included in the proposed amendments are:

- Use of alarm mechanisms or other security devices to prevent their removal
- Install magnetic strips around the perimeter of the establishment's property
- Affix a vertical pole to carts to prevent removal from the establishment
- System which require a monetary deposit

MOTION:

Move to approve/disapprove Ordinance 2019-08 on first reading and schedule the second reading and second reading and public hearing for August 6, 2019.

SUPPORTING DOCUMENT(S): (available in the Clerk's office)

Ordinance 2019-08

AGENDA DATE: July 16, 2019 – Regular Meeting **DEPARTMENT:** Community Sustainability

EXECUTIVE BRIEF

TITLE:

Continuation of discussion about Accessory Dwelling Units in the City

SUMMARY:

Continuation of the workshop discussion on Accessory Dwelling Units and to provide direction to staff.

BACKGROUND AND JUSTIFICATION:

On Tuesday June 25, the City Commission held a workshop to discuss Accessory Dwelling Units in the City of Lake Worth Beach. Commissioner Hardy gave a presentation with the support of Christy Dodson, an Urban Designer with Kronberg Wall, and staff gave a presentation outlining the current regulations and the process to add ADU's to the Single Family Residential (SFR) zoning district. At the end of the workshop, there was not a consensus of the commissioners present to direct staff to move forward in preparing the necessary ordinances to amend the adopted Comprehensive Plan and Code of Ordinances, Chapter 23, Land Development Regulations.

MOTION:

Provide consensus as to whether the Commission wants staff to move forward on this item.

SUPPORTING DOCUMENT(S): (available in the Clerk's office)

PowerPoint presentation given by staff at the June 25 workshop
Kronberg Wall Presentation

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: City Commission

EXECUTIVE BRIEF

TITLE:

Discussion about breweries and distilleries in the downtown area brought forward by Commissioner Hardy

SUMMARY:

N/A

BACKGROUND AND JUSTIFICATION:

N/A

MOTION:

N/A

ATTACHMENT(S):

Fiscal Impact Analysis N/A
Alcohol Beverage Zoning Regulations

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Electric Utility

EXECUTIVE BRIEF

TITLE:

Second Amendment to Task Order No. 3 with EC Fennell, P.A. for design, project and construction management services for the 1W05 distribution circuit storm hardening

SUMMARY:

The Second Amendment to Task Order No. 3 authorizes EC Fennell, P.A to perform additional services identified during the design phase pf the 1W05 distribution circuit storm hardening in the amount of \$62,375.

BACKGROUND AND JUSTIFICATION:

Task Order No. 3 was issued to EC Fennell, P.A. (ECF) to provide design, Project Management (PM) and Construction Management (CM) services for the 1W05 circuit storm hardening. City Commission approved the project on September 13, 2018 in the amount of \$124,400.

The First Amendment to Task Order No. 3 was issued to ECF to provide additional design services for the 1W05 circuit. City Commission approved the First Amendment on March 19, 2019 in the amount of \$27,200.

During the design phase of the 1W05 circuit, ECF and the Lake Worth Electric Utility distribution team identified additional design changes to enhance future system reliability. The additional services are associated with design revisions for coordination between the Phase 1 and Phase 2 projects as well as undergrounding and additional pole loading analysis. The cost to complete the additional services is not to exceed \$62,375

MOTION:

Move to approve/disapprove the Second Amendment to Task Order No. 3 with EC Fennell, P.A. for the Design Review, PM and CM services for the 1W05 Storm Hardening & Construction Standards in the amount of \$62,375.

ATTACHMENT(S):

Fiscal Impact Analysis
Second Amendment to EC Fennell, P.A. Task Order No.3

FISCAL IMPACT ANALYSIS

L. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	\$62,375	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	\$62,375	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Account Number	Account Description	Project Number	FY2019 Budget	Current Balance	Agenda Expenditure	Balance
401-6034-531.63-15	Improve Other Than Build/ Infrastructure	SH1802	\$9,743,326	\$1,258,377	-\$62,375	\$1,196,002

N. Department Fiscal Review: Edward Liberty, Electric Utility Director

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Electric Utility

EXECUTIVE BRIEF

TITLE:

Work Order No. 4 with ARC American Inc. for the removal of (81) single phase sectionalizers

SUMMARY:

Work Order No. 4 authorizes ARC American Inc. for the removal of (81) single phase sectionalizers throughout the city's electric service territory in the amount not to exceed \$145,000.

BACKGROUND AND JUSTIFICATION:

The Electric Utility purchased and installed eighty-one (81) single-phase sectionalizers that allow for improved reliability and a faster response time should an outage occur.

The sectionalizer, referred to as a "trip saver" is designed to replace a fuse on the lateral to a circuit with an automatic device that can dramatically reduce the number of extended outages on the system. When a fault on the system occurs, the sectionalizer will open momentarily to allow the fault to clear and avoid an extended outage.

The trip-savers have an operating fault current limit of 6,300 amps. Given the current system design, when a fault occurs, the fault current is exceeding the limits of the trip-saver. Since the fault current is exceeding the upper limits of operation, the units are not operating as intended. The solution to mitigate the high fault-current is to install phase reactors into the new substation design under the System Hardening and Reliability Project (SHRIP). This will reduce the fault current and allow the units to operate within the specified operating limits, preventing damage to the trip-saver and other equipment on the system.

As the substations are being upgraded, which will include phase reactors, the trip savers will be re-deployed on the electrical distribution system.

MOTION:

Move to approve/disapprove Work Order No. 4 with ARC American Inc. for the removal of (81) single phase sectionalizers in the amount not to exceed \$145,000

ATTACHMENT(S):

Fiscal Impact Analysis
Work Order No. 4

FISCAL IMPACT ANALYSIS

O. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	145,000	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	145,000	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

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

Account Number	Account Description	Project Number	FY2019 Budget	Current Balance	Agenda Expenditure	Balance
401-6034-531.63-15	Improve Other Than Build/ Infrastructure	SH1802	\$9,743,326	\$1,196,002	-\$145,000	\$1,051,002

Q. Department Fiscal Review: Edward Liberty, Electric Utility Director
 Corinne Elliott, Assistant Finance Director

AGENDA DATE: July 16, 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. On first reading of the ordinance (June 18, 2019), the Commission discussed reconstituting the board to become a five member advisory board with three members being a quorum to conduct business. Moreover, the Commission discussed changing meetings from monthly to quarterly, and allowing additional meetings as directed by the Commission or Electric Utility Director. Finally, the absenteeism requirements were relaxed and now 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.

After consideration of these changes, the Commission approved the ordinance as written with the following changes to (1) keep the board at seven members; (2) require board meetings to be every other month unless the chairperson determines that the meeting should be cancelled; and (3) require that the quorum be set at four members to conduct business.

The ordinance on second reading incorporates these changes with two (2) slight additions: (1) that the meetings can be cancelled by the chairperson "after consultation with the electric utility director"; and, (2) utilizing of the current ordinance language regarding the seven members (i.e., 5 at-large members; 1 at-large business owner; and, 1 representative of the service area in the Village of Palm Springs and unincorporated Palm Beach County).

MOTION:

Move to approve/disapprove Ordinance No. 2019-07 – reconstituting the Electric Utility Advisory Board.

ATTACHMENT(S):

Fiscal Impact Analysis N/A

Ordinance 2019-07

Ordinance 2012-22

AGENDA DATE: July 16, 2019 – Regular Meeting

DEPARTMENT: Electric Utility

EXECUTIVE BRIEF

TITLE:

Intent to participate in the potential Florida Municipal Power Solar Project II at a participation rate of up to 30 megawatts of output

SUMMARY:

This item confirms the City of Lake Worth Beach's ("City") intent to participate in the potential Florida Municipal Power Agency (FMPA) Florida Municipal Solar Project II whereby the City would purchase up to 30 megawatts ("MW") of solar-generated power.

BACKGROUND AND JUSTIFICATION:

FMPA has solicited and is negotiating with solar project developers for the developers to construct one (1) or more 74.5 MW solar energy farms in the State of Florida with the electric power output being sold to FMPA. Under the terms of agreements (under development), FMPA members would be eligible to procure electric power produced from the project(s) directly from FMPA. This is solely a Power Purchase Agreement whereby the participants are entitled to their pro-rata share of the project(s) output at the negotiated price and have no ownership interest or liability to the project(s) other than for their share of the energy produced at the negotiated price.

FMPA is seeking potential project participants to declare their intent to commit to the solar project. The declarations of intent is subject to approval by the participant of the finalized terms of the agreements, including, but not limited to, a non-escalating energy price of less than \$28/MWh, or escalating alternatives at a reduced initial price and escalating over the term of the agreement. The FMPA anticipates finalizing the agreements with the developer(s) by August 2019, with Board and Executive Committee approval and execution of all agreements in October 2019. FMPA proposes a Power Purchase Agreement with a twenty (20) year initial term beginning in 2023, with possible extension to thirty (30) years. Cities that have expressed an interest to participate include Ft. Pierce, Havana, Jacksonville Beach, Key West, Kissimmee, Newberry, New Smyrna Beach, and Ocala.

By previous approved Motion (May 21, 2019), Lake Worth Beach Electric Utility ("Utility") has already indicated to FMPA an interest in a participation rate of up to 20 MW of output from the project(s). Due to the significantly better than anticipated pricing and the planned in-service date of December 2023 Utility Staff is requesting approval to increase it's intent to participate from the previously approved 20 MW to 30 MW. When combined with the Utility's other solar energy resources the Utility's generation entitlements from solar energy will be approximately 41.7 MW by year-end 2023, or approximately 23% of its expected 2024 electric supply requirements. The solar electric energy sourced from this project would displace electric energy otherwise produced from fossil fuels and position the Utility to have approximately 58% of its electric energy supply provided by carbon-free sources. Utility's proposed participation rate is in keeping with independently derived recommendations and conclusions of its consultants.

City's actual participation is subject to FMPA final approval of a Power Purchase Agreement with the selected developer, satisfactory City Utility Staff and Counsel review, and City Commission approval of a Power Sales Contract between City and FMPA.

MOTION:

Move to approve/disapprove the City of Lake Worth Beach's intent to participate in the potential FMPA Municipal Solar Project II at a participation rate of up to 30 MW of output.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

Florida Municipal Power Agency Board of Directors Presentation (dated June 6, 2019)