



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, JUNE 02, 2020 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Omari Hardy

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso

AGENDA - Additions / Deletions / Reordering:

PRESENTATIONS: (there is no public comment on Presentation items)

COMMISSION LIAISON REPORTS AND COMMENTS:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [Regular Meeting - May 19, 2020](#)
- B. [Special Meeting - May 21, 2020](#)
- C. [Work Session - May 21, 2020](#)

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

- A. [Final Change Order #1 to B&B Underground Construction for the Wastewater Pump Station No. 15 & 21 Improvements Project](#)
- B. [Final Contract Balancing Reconciliation Change Order #3 to B&B Underground, Inc. for the Neighborhood Road Program District 1, Year 3 Project B Infrastructure Improvements Project](#)
- C. [Payments of Fiscal Year 2019 Invoices](#)
- D. [Amendment 3 to Agreement with Mock, Roos & Associates, Inc. for additional engineering services for Park of Commerce Phase 1B Infrastructure Improvements Project](#)
- E. [Accept and Approve the Contracts Audit Report \(IAD091019-06FD\)](#)

PUBLIC HEARINGS:

- A. [Ordinance No 2020-04 – second reading -authorizing the incurrence of debt obligations to fund cash flow deficits related to the COVID-19 pandemic](#)

UNFINISHED BUSINESS:

- A. [Amendments to the Casino tenant's leases addressing the COVID-19 closures](#)

NEW BUSINESS:

- A. [Ordinance No. 2020-06 – Amend Future Land Use Map of the City’s Comprehensive Plan](#)
- B. [Ordinance No. 2020-05 – Amend Future Land Use Element of the City’s Comprehensive Plan](#)
- C. [Ordinance No. 2020-07 – Amend Chapter 23 Land Development Regulations of the City’s Code of Ordinances](#)
- D. [Resolution No 20-2020 - authorizing issuance of Non-Ad Valorem Revenue Bonds Series 2020A and Taxable Series 2020B Bond to fund cash flow deficits related to the COVID-19 pandemic](#)

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

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)

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, MAY 19, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy (absent for roll call; arrived a few minutes later) and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Scott Maxwell.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

PRESENTATIONS: (there was no public comment on Presentation items)

A. Fire Rescue annual report by Chief Tim McCabe

Chief McCabe gave an update regarding alarm activity, auto accidents, structure fires, fire stations and personnel, fire vehicles and the various PBCFR departments for Fiscal Year 2019. He reported that there had been 7,847 emergency calls, 81% of which were medical and 778 vehicle accidents; the response time had increased a little. He stated that there was a program to install smoke detectors to those with physical or monetary needs. He said that the City had two primary fire stations, 91 and 93, staffed 24 hours a day, and there were four nearby stations to provide backup. He spoke about the various divisions including Operations, which was responsible for the direct delivery of emergency services and maintained 49 fire stations; PBCFR was an “all-hazards” department able to respond to all emergencies, Medical Services for EMS, Training and Safety to train all personnel and the Bureau of Safety Services for fire prevention activities and investigations. He said that there were Community Education Programs for teaching fire prevention and disaster preparedness, fall prevention for the elderly and installing car seats.

Mayor Triolo expressed pride in the amazing job done by PBCFR. She extended warm wishes to everyone.

Vice Mayor Amoroso asked about overdose data.

Chief McCabe said that he could relay the statistics later; overdoses were up and down.

Commissioner Hardy thanked Chief McCabe and Fire Rescue for the outstanding services they performed.

B. Updates/Reports:

- Testing in City of Lake Worth Beach
- Food
- City Operations Plans for re-opening facilities/services

Michael Bornstein, City Manager, stated that one of the big topics for the City was getting testing for residents. He reported that there were more than 40 test sites Countywide, many free and others paid for by health insurance. He said that there had been proposals for a test site in the City, but discovered that a medical office was needed for processing intake and the tests, which was beyond the capability of City staff.

Mayor Triolo stated that she had asked the County Commission for help with testing and heard that the County and Fire Rescue were working on a pop up site in the City for later in the week.

City Manager Bornstein said that he was waiting for confirmation about the testing site. He said that there was a team in the City working with the County to find potential testing sites and there would be partnerships with non-profits to help with testing in the City. He said that the result would be an increase in positive cases and there would have to be information given out to help the community stem the infections.

City Manager Bornstein stated that Vice Mayor Amoroso had been very active in Feeding South Florida and people in the community were taking advantage of the food distribution. He said that although the City did not staff a food distribution center, there was some concern about a strain on the food supply chain; he was coordinating the flow with the County. He stated that the City could not allow residents to be hungry.

City Manager Bornstein said that there were many conversations regarding reopening the City. He stated that City services were going well and there had not been any complaints. He said that the City was looking to start having staff return in a phased approach on June 1. He reported that staff working remotely was going very well and complimented staff on their adaptive behaviors. He said that there would need to be decisions regarding potential upcoming events in the near future.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maxwell: stated that there would be a \$19 billion bill to help farmers and ranchers get their food supplies up and running as well as purchasing products for food banks. He reminded everyone to be safe, wash their hands, wear masks and maintain their distance. He said that he looked forward to getting back to normalcy.

Commissioner Hardy: thanked Mayor Triolo for her advocacy at the PBCCC regarding testing. He stated that there was a need and hoped that the City would get the help it needed. He said that there should be a stronger Federal response to the pandemic and the Governor had extended the moratorium on evictions until June 2; he opined it should be later.

Commissioner Robinson: said that he appreciated Mayor Triolo speaking to the PBCCC about testing. He mentioned that North Grade Elementary wanted to study storm drains and the

effect on pollution. He stated that Memorial Day would be this weekend, which was an important day. He thanked staff for setting up coffee and customer service for dealing well with frustrations. He said that there should be a letter sent to Senators Rubio and Scott about funding going to those who needed it most. He said that he looked forward to City businesses reopening and that there should be a special meeting regarding getting the City back to normal. He said that the City was turning out to be a hotspot for the virus in the County.

Vice Mayor Amoroso: wished City Clerk Deborah Andrea and Commissioner Herman Robinson happy birthdays. He thanked the CRA for the new signage that was being put up. He reported that food would be distributed at 9 AM on Tuesdays and he was working with restaurants in Palm Beach to have meals delivered to the needy. He stated that Patrick's was feeding five days a week. He said that they were working on getting a list of food providers. He expressed the importance of filling out the Census both on the internet and by phone; everyone would need to be counted. He said that the Park of Commerce was beautiful and thanked Mayor Triolo for fighting for grants over the years.

Mayor Triolo: said that the Park of Commerce would bring in more jobs. She stated that Patrick Livingston had a heart of gold, was a great human being and was providing prepared meals five days a week. She stated that she would take any testing the County could provide; time was of the essence. She reported that there would be a virtual TPA meeting and she was doing a Mayor's Message every Friday and asked for stories about people helping in the Community.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the comment cards submitted online by the following:

Greg Richter wrote about giving forbearance to businesses to allow them to extend their rent payments until times improved and thanked the Commissioners for their hard work.

Jennifer Calderon wrote asking why Priority Towing was chosen to handle all PBSO-directed tows inside the city limits, which cost residents more money.

Ramon Muniz wrote in favor of closing Lake and Lucerne Avenues at least during the weekends to bring more business downtown and to allow restaurants and bars to have tables in the street.

Michael Bradshaw wrote about issues with the Historic Preservation Board regarding the replacement of his leaking roof with a metal roof.

Cheryl Rashkin wrote in opposition to adding more transitional housing on South Federal Highway or to increase the density in that area. She thanked the City Manager, the Mayor and Commissioner Maxwell for their work and help during this challenging time.

Dustin Zacks wrote to encourage more civil times and to invite everyone to Pelican Pete's for a Halloween celebration.

APPROVAL OF MINUTES:

Action: Motion made by Commissioner Hardy and seconded by Vice Mayor Amoroso to approve the following minutes:

- A. Regular Meeting - May 5, 2020
- B. Special Meeting - May 12, 2020

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

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

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the Consent Agenda.

- A. Agreement with Rosso Site Development for the District 2, Year 4 Full Construction Neighborhood Road Program Project
- B. Final Change Order #4 to Hardrives of Delray, Inc. dba Hardrives, Inc. for the Park of Commerce Phase 1A Infrastructure Improvements Project
- C. Consideration of settlement with Ferol Lynne Voltaggio in the amount of \$110,000 (inclusive of attorney's fees)

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell. NAYS: Commissioners Hardy and Robinson.

PUBLIC HEARINGS:

There were no Public Hearing items on the agenda.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Second Amendment to Lease with RTT-Benny's on the Beach, Inc.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to approve the Second Amendment to the lease with RTT-Benny's on the Beach, Inc.

City Manager Bornstein stated that the two items were related and that the presentation would be by City Attorney Goddeau.

Christy Goddeau, City Attorney, stated that this was a second amendment to the existing lease and clarified that an abatement of rent referred to the base rent; Benny's base rent was \$20,000 a month and Mulligan's was \$15,900 a month. She explained that the two big requests were to address the effects of COVID-19 and infectious diseases in general. She said that beginning June 1, if there, restrictions were still in place, and there would be a 50% abatement and a 50% deferral until the restrictions were completely lifted or until November 1, whichever was earlier. She said that if there were restrictions to indoor

occupancy due to an infectious disease, they would go into a deferral based on the restriction percentage.

Comments/requests summary:

1. Mayor Triolo asked when the abatement period would end.

City Attorney Goddeau replied that it would end on November 1.

City Manager Bornstein responded that there was a current provision regarding an abatement following the closure of the pier and the tenant had agreed to pay rent for April through May.

2. Vice Mayor Amoroso asked if the City had been in contact with the other tenants.

City Manager Bornstein responded that there had been two discussions and anticipated that the abatements and deferrals would come back to the Commission after calculating all of the other leases.

3. Commissioner Robinson expressed concern about the other tenants and said that there should be a policy for all tenants. He stated that he would not approve one lease until there were leases for all the tenants.

4. Commissioner Hardy asked if the Benny's and Mulligan's leases were connected.

City Attorney Goddeau stated that they were connected and unconnected; the big difference with Benny's was that there was an existing provision for an abatement that was being waived. She said it would be great to make a one size fits all lease, but it would be best to look at each business individually to determine what would work best for each tenant and the City.

Commissioner Robinson requested a motion to address the other tenants recognizing that they each had individual circumstances.

City Clerk Andrea said that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Hardy. NAYS: Commissioner Robinson.

B. Second Amendment to Retail Lease with Mulligans Lake Worth Acquisition, LLC.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to approve the Second Amendment to the Retail Lease with Mulligans Lake Worth Acquisition, LLC.

City Manager Bornstein stated that the Mulligans lease would be different, as Benny's would be taking over the lease.

City Attorney Goddeau explained that rent would be paid March through June; the amendment would be voided if the rent was not received. She stated that the amendment would allow for the assignment to Mr. Lipton's new corporation of a Mexican themed restaurant. She said that Mr. Lipton would have three months of free rent to allow renovations to convert the space and

starting on October 1, the rent would be due. She iterated that the base rent would go up three point five percent a year and the lease term extended for an initial ten-year term with two five-year renewal options. She said that there would be a security deposit covering two full months of base rent, the deferrals are the same as Benny's, but the COVID deferral/abatement would start on October 1 through December 31 if there were COVID restrictions, and beginning January 1 through March 31, 2021, there would be an additional deferral if there were indoor occupancy restrictions. She stated that the repayment period would begin on April 1, 2021 and there would be a one-year deferral with one-year repayment period related to infectious diseases. She iterated that Mr. Lipton would have a six-month Right of First Refusal for the space upstairs.

Comments/requests summary:

1. Mayor Triolo asked if there would be a rate abatement beginning on January 1, 2021.

City Attorney Goddeau replied that there would be a deferral in 2021. She said that the six month Right of Refusal would begin on October 1.

2. Commissioner Hardy wondered if another tenant would get the same deal as Mr. Lipton and said that in the future, other tenants should not get similar concessions without proving that improvements would be made.
3. Commissioner Robinson said that it was wonderful to have Mr. Lipton taking over Mulligan's space. He stated that the City might be acting in haste regarding the second floor and there should be discussions with the other tenants for fairness' sake. He asked about the grass area and said that no proposals had been put out nor any marketing been done for the oceanfront park.

Commissioner Hardy asked if the right of first refusal could be paused if there were restrictions in place during that time.

City Attorney Goddeau responded that a pause would be possible and the timeframe was put in place because the City was looking for a P3 project at the property.

Mayor Triolo stated that she was in support of and excited by a successful businessman in the City investing in another business.

City Manager Bornstein stated that the deal to take over the lease was brought forth by Benny's and Mulligan's, which was why it was an amendment, not a new lease. He said that the owner was okay with it and no RFP was required. He said that Mr. Lipton was on the phone to answer any questions.

City Clerk Andrea said that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

A. Commission meeting schedule: Workshops – General, Budget

City Manager Bornstein gave a listing of the upcoming meeting dates: Thursday, May 21 – Special meeting on a budget item followed by a Work Session on vacation rentals; Tuesday, May 26 – remote Electric Utility meeting; Tuesday, June 2- Regular meeting; Tuesday, June 9 – Quasi-Judicial Hearing on the Bohemian followed by a Budget Work Session; Tuesday, June 16 – Regular meeting; Thursday, June 25 – 2nd Budget Work Session; Tuesday, June 30 – Quasi-Judicial Hearing to adopt the Bohemian followed by EU meeting; Tuesday, July 7 – Regular meeting; Tuesday, July 21 – Regular meeting; Thursday, July 23 – 3rd Budget Work Session; Tuesday, July 28 – EU meeting; Thursday, July 30 – Work Session on LDRs and Comp Plan.

Commissioner Robinson inquired about Memorial Day with the American Legion Post.

City Manager Bornstein responded that there was an annual event coordinated with the Boy Scouts being discussed. He urged caution because it involved the age group at high risk for contracting the virus. He asked Juan Ruiz, Assistant City Manager to provide an update.

Assistant City Manager Ruiz said that staff was coordinating to have a condensed Memorial Day event at the cemetery with social distancing in place. He stated that it would be very small with very little promotion and would adhere to the recommended guidelines. He reported that the Boy Scout Troup would still place flags and crosses on the headstones of fallen veterans and there would be a small tent and chairs.

Mayor Triolo reminded the Commissioners that communications on electronic devices were prohibited during meetings.

ADJOURNMENT:

Action: Motion made by Commissioner Robinson and seconded by Vice Mayor Amoroso to adjourn the meeting at 7:54 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: June 2, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
THURSDAY, MAY 21, 2020, - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

PLEDGE OF ALLEGIANCE: led by Commissioner Herman Robinson.

NEW BUSINESS:

- A. Ordinance No 2020-04 – authorizing the incurrence of debt obligations to fund cash flow deficits related to the COVID-19 pandemic and setting the second reading and public hearing for June 2, 2020

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-04 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE INCURRENCE BY THE CITY OF DEBT OBLIGATIONS TO FUND RESERVES FOR CASH FLOW DEFICITS RELATED TO THE COVID-19 PANDEMIC; PROVIDING THAT SUCH OBLIGATIONS OF THE CITY DO NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY OR THE STATE BUT SHALL BE PAYABLE FROM LEGALLY AVAILABLE REVENUES APPROPRIATED FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Maxwell and seconded Vice Mayor Amoroso by to approve Ordinance No 2020-04 – authorizing the incurrence of debt obligations to fund cash flow deficits related to the COVID-19 pandemic and setting the second reading and public hearing for June 2, 2020.

Bruce Miller, Financial Services Director, stated that the pandemic was creating a cash flow concern; all revenue throughout the City was being affected. He explained that there would be a benefit to jump start some of the funding for some capital projects and would be good fiscal management to allow the continuation of seamless operations.

Comments/requests summary:

1. Vice Mayor Amoroso asked if this was common practice for other cities.

Mr. Miller responded that it was common practice, but he did not know about other cities. He stated that the Financial Advisor and Legal Counsel were involved.

2. Commissioner Robinson stated that he was anxious to apply for any financial assistance that would be available. He asked if the Finance Advisory Board (FAB) was meeting.

Mr. Miller replied that there was a process in place to apply for any funding that would become available. He stated that staff was keeping track of expenses for possible FEMA reimbursement. He said that the FAB would be holding a virtual meeting soon.

3. Commissioner Hardy stated that the shortfalls for municipalities was a real issue and the City would have to do what was necessary to pay the bills. He said that a package had been passed by the House of Representatives, but was opposed by the Senators from Florida. He suggested sending a resolution regarding the help needed. He requested a chart showing the money the City would never recoup spread across the funds. He inquired if the City had reserves and about the tax-exempt bonds.

Mr. Miller responded that there were timing issues and revenue issues; the majority of payments due would be paid to the City but the fees would not because the City was not charging fees and the lost revenue from parking would never be recouped. He explained that he had a schedule of each fund; the General Fund would have slow tax payments of \$16,000 and the lost revenue would be the gas tax. He stated that there were approximately \$15-16 million in cash reserves. He said that the City was fine now, but the duration of the pandemic and its return were unknown; this would be an insurance policy and to replenish fund balances. He iterated that there was a very limited threshold on tax-exempt bonds for the City to pay itself back.

4. Commissioner Robinson asked about the outsourcing of utility payments, if the company would benefit from what the City was doing.

Mr. Miller stated that the principle from collections would go to the municipality. He said there would be a grace period before collections began and it would be discussed administratively. He cautioned about keeping the debt service below ten percent in the General Fund but the Utility debt service could be higher.

5. Mayor Triolo asked if the City would be getting money from the County. She stated that hurricane season was upcoming too.

City Manager Bornstein replied that the City was monitoring the \$260 million the County had received in different categories to see if the City would be eligible for any funds. He said that a lot of money was going to businesses.

6. Commissioner Hardy asked about building the reserves to bond out for the system hardening for the Electric Utility. He inquired about the revenue and expenses for the City, how long the City would be able to operate without the debt obligation and if projects could be delayed.

Mr. Miller replied that the EU had some reserves and the presentation was being prepared to get the bond rating. He stated that the City's balances had gone down about one million dollars and the City could repay the money that was not needed without a penalty. He said that the City would have approximately five and a half months without getting more cash and some projects would be paid from the penny sales tax, which would benefit the local economy.

City Manager Bornstein stated that there were projects to be completed for year four of the neighborhood road program before the bond money would be released.

7. Commissioner Robinson asked if there could be a consensus to send a letter to Senators Scott and Rubio.
8. Commissioner Maxwell stated that there were projects that infused cash into the economy so projects should proceed.

Deborah Andrea, City Clerk, said that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 6:40 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxell. NAYS: Commissioner Hardy and Robinson.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: June 2, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.

MINUTES
CITY OF LAKE WORTH BEACH
**CITY COMMISSION WORK SESSION - VACATION RENTALS/
BUSINESS LICENSES**
THURSDAY, MAY 21, 2020
IMMEDIATELY FOLLOWING THE SPECIAL MEETING

The meeting was called to order by Mayor Triolo on the above date at 6:40 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were; Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

UPDATES/FUTURE ACTION/DIRECTION:

A. Work Session Discussion - Vacation Rentals

Vice Mayor Amoroso asked if there would be a motion or if the Commission was being asked to pick one of the two options.

City Attorney Goddeau replied that she was looking to see if the Commission would change anything, which would require an ordinance.

City Manager suggested that City Attorney Goddeau do her presentation.

City Attorney Goddeau said the William Waters, Community Sustainability Director, was available and had a lot of knowledge. She explained that the City did not allow vacation rentals. She stated that in 2013 there had been a discussion about vacation rentals; there was a broad pre-emption on restrictions from the State. She said that there could not be a law restricting vacation rentals after 2011, but since the City prohibited vacation rentals before 2011, it could. She asked if the City should stick with a prohibition or make a change. She said that the option was to remove the grandfathered position and allow vacation rentals everywhere with requirements such as business licenses, fee requirements and annual inspections related to health and safety.

Comments/requests summary:

1. Commissioner Hardy spoke in favor of allowing, taxing and regulating vacation rentals. He stated that he understood the objections, but some owners would not be able to afford their homes without renting out part of their properties. He asked City Attorney Goddeau if the vacation rentals could be taxed or charged an impact fee.

City Attorney Goddeau replied that there would be a tax and fees for use and occupancy and business licenses. She said that some cities were charging a registration fee based on the occupancy, but that there would be a cost to the City for regulation by staff. She stated that she would have to research impact fees to see what could be charged by the City.

2. Commissioner Maxwell said that he was looking at the work session as a first step. He stated that it would be prudent to identify best practices in Florida and in the County and then have a dialogue with the operators before making a policy decision. He said that vacation rentals could have a negative effect on affordable housing.

Vice Mayor Amoroso recapped that the operators came to the City in 2011-2013 and said they would police themselves, but he did not know if that was being done. He said that there was an issue with a lack of business licenses and needing regulations. He stated that there were people in violation being fined and opined that the issue should be clarified at the work session. He stated that there should not be a Homestead Exemption for any rental properties.

3. Mayor Triolo stated that the issue would have to be addressed; she had to call the police several times for violations at a vacation rental across the street from her home. She said that people treated the rentals as a hotel where they were on vacation and were not cognizant that they were in a residential neighborhood. She iterated that people who lived in or near the properties monitored the properties more carefully; there needed to be an investigation of the operators to see which were good. She asked about having a manager onsite or the owner nearby and if the nuisance rules could apply.

Mr. Waters replied that there was a requirement that a responsible party had to be located within 50 miles of the City.

Mayor Triolo said that members of the community should be able to comment in the Chambers after hearing the Commissioners debate the issue. She said that the City would be diligent on inspections and other regulations.

4. Vice Mayor Amoroso asked if the City had a permitted timeframe regarding the rentals.

Mr. Waters replied that rentals were under 60 days while the State had a timeframe of 30 days. He stated that the ordinance might need to be a changed.

City Attorney clarified that transient facilities were less than 30 days for the State. She said that the City did not allow any rentals for less than 60 days and the ordinance would have to be changed. She said that other cities created rules that addressed the State's definition of transient lodgings.

5. Commissioner Robinson said that the Commission would hear from the public and would have to make decisions about the issue. He expressed surprise that the Code department did not follow up on properties that advertised on Airbnb and that the City should get some of the bed tax. He said that the government should do the regulating, there should not be self-policing. He stated that there should be a heavy deposit for Airbnbs to address any calls for services from the City.
6. Mayor Triolo said that it was different if someone was living in the house and renting out a portion from owners who lived far away. She stated that the City had to crack down on nuisance properties that were affecting single-family neighborhoods.

7. Vice Mayor Amoroso asked for clarification regarding the options, that the City could not label or point out vacation rentals.

City Attorney Goddeau stated that cities could target the vacation rentals and expand the business license structure to have more inspections and other regulations. She said that a separate ordinance could be created to target the operation of vacation rentals.

Vice Mayor Amoroso stated that the financial concerns should be addressed.

Commissioner Hardy said that there should be a fee structure to cover enforcement of the regulations. He stated that there was a cost to taking housing off the market for a vacation rental so there should be a charge to account for the removal of the property from the housing market. He said that the City should legitimize vacation rentals, which already existed in the City.

Mayor Triolo stated that the City knew that vacation rentals were happening and a set of rules and regulations should be created considering the neighbors.

City Manager Bornstein said that data would need to be provided to go to the next level. He stated that staff would look statewide at best practices, but the State did not always know what was best for the different cities. He iterated that it would be necessary to collect the appropriate fees and ensure the regulations were followed; the City followed the complaints but did not go after vacation rentals. He said there was a good list of items to bring back to the Commission.

Mayor Triolo said that the City should sit with PBSO so that they could issue citations for violations.

8. Commissioner Robinson asked when the issue would come back for consideration. He stated that PBSO should enforce the nuisance violations and Code should look at the properties advertised. He said that he supported option two.

Vice Mayor Amoroso said that he supported option two.

Deborah Andrea, City Clerk, read the public comment cards submitted by the following:

Ted Johnson wrote in favor of allowing Airbnb rentals.

Melissa Naman wrote in favor of vacation rentals.

Sarah Martin wrote in opposition to vacation rentals.

Cheryl Rashkin wrote in favor of allowing vacation rentals.

Jessie Shade wrote in favor of allowing vacation rentals.

Shane Reagan wrote in favor of allowing vacation rentals.

Bernard Guthrie wrote in opposition to vacation rentals.

City Clerk Andrea read the petition signed by 34 downtown merchants in favor of vacation rentals.

Anthony Segrich wrote in favor of allowing vacation rentals.

Melissa and Gary Madeline wrote in opposition to vacation rentals.

Sheryl Sperling wrote in favor of allowing vacation rentals.

9. Vice Mayor Amoroso expressed concern about parties with more than ten people taking place during the pandemic in a neighborhood and requested that the City speak with PBSO.
10. Commissioner Hardy stated that PBSO had to enforce the nuisance ordinances.
11. Commissioner Robinson said that the Commission heard from both sides and requested a date for the item to be brought back.
12. Mayor Triolo stated that the City would need to work together to progress in a positive direction.

B. Update on the Fourth of July Celebration

City Manager Bornstein stated that there was a dilemma about City events with large gatherings. He reported that many cities had canceled their Fourth of July events, some had postponed them, others had not decided yet and some would have fireworks without an event. He asked for a decision from the Commission. He said that the raft race would be postponed.

Vice Mayor Amoroso expressed concern about turning people away from Bryant Park and said there should not be an event. He said that fireworks would bring people and suggested that the City partner with a city to show virtual fireworks.

Commissioner Maxwell said that the Fourth of July would not be the same without a celebration. He stated that signs should be put up and it should be marketed that there would not be a celebration this year, as well as roping off Bryant Park. He suggested having the Fourth of July celebration when the raft race was rescheduled.

Commissioner Hardy stated that there could not be a Fourth of July celebration and Bryant Park should be closed off.

Commissioner Robinson stated that a public polling of the Commission was positive. He said that it would be fine to watch fireworks virtually.

Vice Mayor Amoroso suggested a Labor Day raft race with a Fourth of July celebration.

Mayor Triolo said she was in accord with the Commissioners' opinions.

City Manager Bornstein restated that the celebration would be rescheduled and that some options would be brought back to the Commission.

ADJOURNMENT:

The meeting adjourned at 8:19 PM.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes approved: June 2, 2020.

A digital audio recording of this meeting will be available in the Office of the City Clerk.

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Water Utilities

TITLE:

Final Change Order #1 to B&B Underground Construction for the Wastewater Pump Station No. 15 & 21 Improvements Project

SUMMARY:

Final Change Order #1 authorizes B&B Underground Construction to finalize quantities changes and a 50-day time extension on the project with a credit of \$29,916.25 to the City on the contract.

BACKGROUND AND JUSTIFICATION:

The Wastewater Pump Station No. 15 & 21 Improvements project is complete and this change order serves to close the project out. This change order includes quantity reconciliation, a credit for changing material of the hatches to the wetwells, and cost for substitution of HDPE piping in lieu of DIP which will last longer. The project included a \$30,000 contingency line item that was mostly unused from the quantity reconciliation, credits and additions. The 50-day time extension is included for the additional work.

MOTION:

Move to approve/disapprove Final Change Order #1 to B&B Underground Construction for the Wastewater Pump Station No. 15 & 21 Improvements Project with the addition of 50-day time extension and a credit of \$29,916.25 to the City.

ATTACHMENT(S):

Fiscal Impact Analysis

Change Order #1

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	+\$29,916.25	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	 +\$29,916.25	 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	FY20 Budget	Current Balance	Agenda Expenditure	Balance
423-7221-535.63-15	Wastewater Lift Stations	LS 1803	\$535,505	\$34,657.58	+\$29,916.25	\$646,573.83

C. Department Fiscal Review: _____

Brian Shields – Water Utilities Director
 Bruce Miller – Finance Director
 Christy Goddeau – City Attorney
 Michael Bornstein – City Manager



WATER UTILITIES DEPARTMENT
301 COLLEGE STREET
LAKE WORTH BEACH, FL 33460
561.586.1710

CHANGE ORDER

Project Number: IFB#19-110 **Contractor:** B&B Underground Construction, Inc.

Project Name: Wastewater Pump Station No. 15 & 21 Improvements

Change Order Number: 001- Final

Change Order Effective Date: _____ **Contractor Phone:** (561) 249-0341

Change Order Type: Credit **Existing Purchase Order Number:** 181974

Description of Change:

1. Delete 316 Stainless Steel access hatches for the wetwell top slab at Pump Station No. 15 and the access hatches for the wetwell and valve vault at Pump Station No. 21. Replace these access hatches with aluminum access hatches. Reference Contractor's email dated June 7, 2019 with a breakdown of credits and additions, copy attached.
2. Add 316 Stainless Steel pipe clamps for support of the HDPE pipe in the wetwell for nine locations, three 8-inch HDPE fusion couplings for connection in valve vault, and related work including materials and additional labor. Reference Contractor's tabulation of additional materials, equipment, and labor for Additional Work for HDPE Piping with the revised date of April 27, 2020, copy attached.
3. Credit unused Asphalt Overlay Driveway (Bid Item No. D.1.) 60 sq. yds. @ \$60/sq. yd = \$3,600.00.
4. Credit the remaining unused General Allowance Balance back to the Owner.
5. Extend construction contract time by 50 calendar days as agreed by all parties for additional work.

**Wastewater Pump Station Nos.15 and 21 Improvements
Change Order No. 001 Summary**

Item No.	Description	Amount	Total
1	Delete Stainless Steel Hatches and Replace with Aluminum Hatches		
	Credit SS Hatch at Pump Station No. 15	(23,697.39)	
	Add Aluminum Hatch at Pump Sta. No. 15	14,756.27	
	Net Credit Pump Sta. No. 15		(8,941.12)
	Credit SS Hatches at Pump Station No. 21	(25,665.00)	
	Add Aluminum Hatches at Pump Sta. No. 21	14,280.00	
	Net Credit Pump Station No. 21		(11,385.00)
	Subtotal Item 1		(20,326.12)
2	HDPE Piping Modifications at Pump Station No. 15 & Related Work		
	See Separate Summary		20,144.69
	Bonds and Insurance @ 2.4%		483.47
	Contractor's Fee @ 15%		3,021.70
	Total Item 2		23,649.87
3	Item D.1. - Asphalt Overlay Driveway: Credit 60 Sq. Yds. Unused Asphalt @ \$54/Sq. Yd.		(3,240.00)
	Total for Items 1 Through 3		83.75
4	Credit for Unused General Allowance		(30,000.00)
	Total Credit for Change Order No. 001		(\$29,916.25)

Price of Original Contract: \$ 440,518.00

Current Price of Contract (including Change Orders): \$440,518.00

Price of Current Change Order: (\$29,916.25)

New Contract Price: \$410,601.75

Basis of Price Change: Unit Price Time & Material Lump Sum

Contract Time Change

No Change Extended Decreased by 50 calendar days

The CONTRACTOR and the OWNER agree that this CHANGE ORDER represents the complete agreement of the parties with respect to these matters as of the date of this CHANGE ORDER. By approving this Change Order, the CONTRACTOR releases any and all claims that it may have against the OWNER under the subject contract including, but not limited to claims for equitable adjustments, which occurred or accrued prior to the effective date of this CHANGE ORDER.

This Change Order may be executed in counterparts and is not effective until approved by either the City Manager or City Commission (as designated on the last page of this Change Order).

Reviewed and Accepted by: B&B Underground Construction, Inc.
(Contractor Name)


Contractor Representative (Signature)

President
Title

13 MAY 2020
Date

Approved by:


(Department Director)

5/14/20
(Date)



IN WITNESS WHEREOF, the OWNER/CITY has approved this Change Order No. 001-Final to the Wastewater Pump Station No. 15 & 21 Improvements Project on _____, 2020.

CITY OF LAKE WORTH BEACH, FLORIDA

ATTEST:

By: _____
Deborah M. Andrea, City Clerk

By: _____
Pam Triolo, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED FOR FINANCIAL
SUFFICIENCY

By: _____
Glen J. Torcivia, City Attorney

By: _____
Bruce T. Miller, Financial Services Director



City of Lake Worth - Lift Station 15 & 21 - Credit for Aluminum Hatches

Stephen Decker <SDecker@bbuconst.com>

Fri 6/7/2019 10:26 AM

To: John Leemon <john.leemon@mockroos.com>; Melissa N. Freling <melissa.freling@mockroos.com>

 1 attachments (620 KB)

20190607101447143.pdf;

John/ Mellissa

Good Morning. WE have final received the necessary information in order to provide a Credit for changing the Specified Hatch covers from Stainless Steel to Aluminum.

Please find attached the quotations from Xylem.

Lift Station 15

WW Hatches SS316 \$23,697.39

WW Hatches Alumn \$14,756.27

Credit for Lift Station 15 is \$8,941.12

Lift Station 21

WW Hatches SS316 \$13,175.00

WW Hatches Alumn \$7,435.00

Credit \$5,740.00

VV Hatches SS316 \$12,490.00

VV Hatches Alumn \$6,845.00

Credit \$5,645.00

Credit for Lift Station 21 is \$11,385.00

Thank you

Stephen Decker, P.E.

B&B Underground Construction Inc

4050 Westgate Avenue

Suite 110

West Palm Beach, Florida 33409

PH: 561 249 0341

Wastewater Pump Station No. 15 and 21

Lift Station No. 15						
Additional Work for HDPE Piping						
Revised 4/27/2020						
Wet Well	QTY	Unit	Rate	Extended Cost		
Materials						
8" HDPE Flange Adapters	9	EA	\$ 80.96	\$ 728.64		
8" DIPS 316SS Backup Rings	9	EA	\$ 363.22	\$ 3,268.98		
8" Flange Bolt Kits	9	EA	\$ 51.91	\$ 467.19		
8" Toraseal Gaskets	9	EA	\$ 38.64	\$ 347.76		
8" Link Seal	3	EA	\$ 317.79	\$ 953.37		
316 SS Hardware	1	LS	\$ 1,616.27	\$ 1,616.27		
Neoprene	1	EA	\$ 106.34	\$ 106.34		
Manufactured Pipe Clamps (Ultimate Fabrication & Welding	1	LS	\$ 5,623.97	\$ 5,623.97		
8" 316 SS Ubolts, nuts & Washers (bid)	-9	EA	\$ 44.77	\$ (402.93)		
SS Angle Angle Iron (bid)	-3	EA	\$ 204.12	\$ (612.36)		
8x4" DIP eccentric Reducers	3	EA	\$ 377.71	\$ 1,133.13		
4" toraseal Gaskets	3	EA	\$ 38.61	\$ 115.83		
4" SS FLG Kits	3	EA	\$ 51.91	\$ 155.73		
8" HDPE Flange Adapters(Bid)	-3	EA	\$ 80.96	\$ (242.88)		
8" DIPS 316SS Backup Rings(Bid)	-3	EA	\$ 363.22	\$ (1,089.66)		
8" DIPS Flange Bolt Kits (bid)	-3	EA	\$ 51.91	\$ (155.73)		
Wet Well Material Cost				\$ 12,013.65		
Labor						
Additional Labor for Wet Well	20	HRS	\$ 216.73	\$ 4,334.60		
Foreman Truck & Tools	24	HRS	\$ 21.07	\$ 505.68		
Wet Well Labor Cost				\$ 4,840.28		
Valve Vault						
Materials						
8" HDPE Flange Adapters	3	EA	\$ 80.96	\$ 242.88		
8" DIPS 316SS Backup Rings	3	EA	\$ 363.22	\$ 1,089.66		
8" Flange Bolt Kits	3	EA	\$ 51.91	\$ 155.73		
8" Fusion Couplings	3	Ea	\$ 246.87	\$ 740.61		
8" Series 3800 Mega Coupling	-2	Ea	\$ 169.06	\$ (338.12)		
Valve Vault Material Cost				\$ 1,890.76		
Labor						
Additional Labor for Valve Vault	5	HRS	\$ 216.73	\$ 1,083.65		
Foreman Truck & Tools	5	HRS	\$ 21.07	\$ 105.35		
Electro Fusion Fusion Machine	1	Day	\$ 211.00	\$ 211.00		
Valve Vault Labor Cost				\$ 1,400.00		
Subtotal				\$ 20,144.69		
				Added Bond & Insurance	2.40%	\$ 483.47
				Markup	15%	\$ 3,021.70
				Total Increase		\$ 23,649.87

One Was Installed for the Pressure Sensor

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Public Works

TITLE:

Final Contract Balancing Reconciliation Change Order #3 to B&B Underground, Inc. for the Neighborhood Road Program District 1, Year 3 Project B Infrastructure Improvements Project

SUMMARY:

Final Change Order #3 authorizes B&B Underground, Inc. to finalize quantities, credits, plan changes and a 141-day time extension on the project with a final change order of \$212,312.26 to the City on the contract.

BACKGROUND AND JUSTIFICATION:

The Neighborhood Road Program District 1, Year 3 Project B Infrastructure Improvements project is complete and this change order serves to close the project out. During construction, several additional work items were added to the scope including increased traffic calming measures, increased signage and striping, and added concrete sidewalk work. The work resulted in an additional 141 days being added to the contract in total and a final change order of \$212,312.26.

MOTION:

Move to approve/disapprove Final Change Order #3 to B&B Underground, Inc. for the Neighborhood Road Program District 1, Year 3 Project B Infrastructure Improvements Project with the addition of a 141-day time extension and a change order of \$212,312.26 to the City.

ATTACHMENT(S):

Fiscal Impact Analysis

Change Order #3

Pay Application

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	\$212,312.26	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	\$212,312.26	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	FY20 Budget	Current Balance	Agenda Expenditure	Balance
308-5020-519-63-15	Improve other than Build	NR 1901	\$19,187,507	\$10,903,611	(\$552,141.55)	\$10,351,469.45
422-7034-533-63-15	Improve other than Build	NR1901	\$5,983,920	\$229,551.11	\$339,829.29	\$569,380.40

C. Department Fiscal Review: _____

Jamie Brown – Public Works Director
 Brian Shields – Water Utilities Director
 Bruce Miller – Finance Director
 Christy Goddeau – City Attorney
 Michael Bornstein – City Manager



PUBLIC SERVICES DEPARTMENT
 1749 3rd Avenue South
 Lake Worth Beach, FL 33460
 TEL: 561-586-1720

CHANGE ORDER

Contractor: B&B Underground Construction, Inc.

Project Name: District 1, Year 3 B Neighborhood Road Program

Change Order Number: 03

Change Order Effective Date: 6/2/20 **Contractor Phone:** 561-249-0341

Change Order Type: Unit Price

Description of Change:

This Change Order is for the final contract reconciliation for the improvements associated with the District 1, Year 3 Project B Neighborhood Road Program. The roadway improvements were constructed in accordance with the plans and specifications and the quantity overruns were staff directed which included additional traffic calming measures, additional signage and striping, and additional concrete sidewalk work. The watermain work was completed under budget. The total net cost overrun was \$212,312.26.

<u>Account Fund</u>	<u>Account Number</u>	<u>Final Balancing Amount</u>	<u>Note</u>
Roadway Bond	308-5020-519-63-15	(\$552,141.55)	Overrun (Add'l Work)
Water Utilities	422-7034-533-63-15	\$339,829.29	Underrun (Credit)
Total Overrun/Underrun		(\$212,312.26)	Net Change Order

Attached Exhibit A illustrates the scope and associated Roadway overruns and Water utility underruns per the Final Pay Application #13.

Price of Original Contract: \$4,175,660.00 (authorized by Commission on 1/15/19
Agenda Item (#9K))

Current Price of Contract (including Change Order 02): \$4,741,493.65

Price of Current Change Order: \$212,312.26

New Contract Price: \$4,953,805.91

Basis of Price Change: Unit Price Time & Material Lump
Sum

Contract Time Change

No Change Extended Decreased by 141 work days

The CONTRACTOR and the OWNER agree that this CHANGE ORDER represents the complete agreement of the parties with respect to these matters as of the date of this CHANGE ORDER. By approving this Change Order, the CONTRACTOR releases any and all claims that it may have against the OWNER under the subject contract including, but not limited to claims for equitable adjustments, which occurred or accrued prior to the effective date of this CHANGE ORDER.

This Change Order may be executed in counterparts and is not effective until approved by either the City Manager or City Commission (as designated on the last page of this Change Order).

Reviewed and Accepted by: B&B Underground Construction, Inc.

(Contractor Name)



Contractor Representative (Signature)

President 14 MAY 2020

Title

Date

Approved by: _____

(Department Director)

(Date)



IN WITNESS WHEREOF the parties hereto have made and executed this Change Order to the District 1, Year 3 B Neighborhood Road Program on the day and year first above written.

CITY OF LAKE WORTH BEACH, FLORIDA

ATTEST:

By: _____
Deborah M. Andrea, City Clerk

By: _____
Pam Triolo, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED FOR FINANCIAL
SUFFICIENCY

By: _____
Glen J. Torcivia, City Attorney
/mpa

By: _____
Bruce T. Miller, Financial Services Director

CONTRACTOR: **B&B UNDERGROUND CONSTRUCTION, INC.**

[Corporate Seal]

By: _____
Stephen Decker

Print Name: Stephen Decker

Title: President

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 14th day of May, 2020 by Stephen Decker, as President (title), of B&B Underground Construction a Florida corporation authorized to do business in the State of Florida, and who is personally known to me or who has produced the following personally known as identification.

Notary Public

Laura Demillo
Print Name: Laura Demillo
My commission expires: 5/19/20





"EXHIBIT A"

See Pay Application #13 – Final

INVOICE / PAY APPLICATION APPROVAL

DATE: May 11, 2020 P.O. #: 181972

PROJECT #: NR 1901 / NR 1902 VENDOR: B&B Underground Construction, Inc.

INVOICE / PAY APP. # (date): 13 (3.31.20) AMOUNT: \$571,393.65

	NR 1901 Retainage	NR 1902 Retainage	Less Retainage	Shared Cost
GC PN NR 1901	\$313,500.00		\$313,500.00	
GC PN NR 1902	\$48,412.00		\$48,412.00	
WDC #4	\$30,679.81		\$30,679.81	
Bond - PN NR 1901	\$2,743,801.82		\$2,743,801.82	\$180,799.28
Bond - PN NR 1901 CO #2	\$318,771.75		\$318,771.75	
Water - PN NR 1901	\$1,281,989.64		\$1,281,989.64	\$132,700.73
Bond - PN NR 1902	\$122,886.96		\$122,886.96	\$27,489.59
Water - PN NR 1902	\$41,632.50		\$41,632.50	\$9,303.04
Strm Wtr - PN NR 1902	\$52,131.44		\$52,131.44	\$11,619.37
	\$4,953,805.92		\$4,953,805.92	\$361,912.01
			\$0.00	

ALLOCATIONS: (Based on funding category percentage of total contract)

%	ACCT. SERIES	PROJECT	LINE ITEM #	SUBTOTAL	AMOUNT
100.00%	170 - GENERAL FUND	(WDC #4)	1		\$1,533.99
57.67%	308 - BOND	NR 1901		\$268,567.52	
100.00%	308 - BOND C.O. #2	NR 1901		\$214,177.13	
	308 - BOND TOTAL	NR 1901	2		\$482,744.65
42.33%	402 - WATER	NR 1901	4		\$71,660.76
56.78%	308 - BOND	NR 1902	3		\$9,719.94
19.22%	402 - WATER	NR 1902	5		\$2,546.77
24.00%	408 - STORM WATER	NR 1902	6		\$3,187.54
	308 - BOND	NR 1901			
TOTAL AMOUNT APPROVED					\$571,393.65

Basis of allocation calculation:
(Expenses to date from invoice)-(retainage)+(share GC)-(payments to date)

COMMISSION CONTRACT AWARD:

PROJECT NO.	ACCOUNT NO.	CONTRACT AWARD	*CURRENT BALANCE	PAYMENTS TO DATE
GEN. FUND (WDC #4)**	370-5020-519.34-50	\$30,679.81	\$0.00 GEN. FUND (WDC #4)	\$29,145.82
BOND NR 1901	308-5020-519.63-15	\$2,390,460.55	(\$534,140.55) BOND	\$2,656,033.58
BOND NR 1901 C.O. #2	308-5020-519.63-15	\$300,770.75	(\$18,001.00) BOND C.O. #2	\$104,594.62
WATER NR 1901	422-7034-533.63-15	\$1,754,519.64	\$339,829.29 WATER	\$1,343,029.61
BOND NR 1902 C.O. #1	308-5020-519.63-15	\$150,509.59	\$133.04 BOND	\$140,656.61
WATER NR 1902 C.O. #1	422-7034-533.63-15	\$50,935.54	(\$0.00) WATER	\$48,388.77
STORM WATER NR 1902 C.O. #1	428-5090-538.63-15	\$63,617.77	(\$133.04) STORM WATER	\$60,563.27
		\$4,741,493.65	(\$212,312.26)	
TOTAL WDC #4**		\$30,679.81	\$0.00	\$29,145.82
TOTAL PN NR 1901		\$4,445,750.94	(\$212,312.26) TOTAL PN NR 1901	\$4,103,657.81
TOTAL PN NR 1902		\$265,062.90	(\$0.00) TOTAL PN NR 1902	\$249,608.65
TOTAL CONTRACT		\$4,741,493.65	(\$212,312.26) TOTAL CONTRACT	\$4,382,412.28
				\$4,953,805.93

*Includes this Pay App Amount

FINAL PAYMENT INCLUDING RETAINAGE

APPROVALS:

Recommend Approval

APPLICATION FOR PAYMENT/CONTINUATION SHEET				B & B UNDERGROUND CONSTRUCTION, INC.				APPLICATION NO.:		13		FINAL		
NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3				4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL. 33409				APPLICATION DATE:		3/31/20				
PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO:		3/30/20				
								PURCHASE ORDER NO.:		179983				
				ORIGINAL CONTRACT		PREVIOUS PERIOD		THIS PERIOD		TO DATE				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT	VALUE	SCHEDULED VALUE	QUANTITY	VALUE	QUANTITY	VALUE	QUANTITY	VALUE	% (O/F)	BALANCE TO FINISH	RETAINAGE 0.00%
Item No.	GENERAL CONDITIONS	Qty	U/M											
A-1	MOBILIZATION & GENERAL CONDITIONS	1	LS	\$ 142,000.00	\$ 142,000.00	1	\$ 142,000.00		\$ -	1	\$ 142,000.00	100.00%	\$ -	\$ -
A-2	BONDS & INSURANCE REQUIREMENTS	1	LS	\$ 88,000.00	\$ 88,000.00	1	\$ 88,000.00		\$ -	1	\$ 88,000.00	100.00%	\$ -	\$ -
A-3	MAINTENANCE OF TRAFFIC	1	LS	\$ 30,000.00	\$ 30,000.00	1	\$ 30,000.00		\$ -	1	\$ 30,000.00	100.00%	\$ -	\$ -
A-4	NPDES COMPLIANCE	1	LS	\$ 7,500.00	\$ 7,500.00	1	\$ 7,500.00		\$ -	1	\$ 7,500.00	100.00%	\$ -	\$ -
A-5	PRECONSTRUCTION VIDEO	1	LS	\$ 5,000.00	\$ 5,000.00	1	\$ 5,000.00		\$ -	1	\$ 5,000.00	100.00%	\$ -	\$ -
A-6	LAYOUT SURVEY & RECORD DRAWINGS	1	LS	\$ 31,000.00	\$ 31,000.00	1	\$ 31,000.00		\$ -	1	\$ 31,000.00	100.00%	\$ -	\$ -
A-7	CLEARING & GRUBBING (EXCEPT PAVEMENT & CONCRETE)	1	LS	\$ 10,000.00	\$ 10,000.00	1	\$ 10,000.00		\$ -	1	\$ 10,000.00	100.00%	\$ 0.00	\$ -
	GENERAL CONDITIONS SUBTOTAL			\$ -	\$ 313,500.00		\$ 313,500.00		\$ -		\$ 313,500.00	100.00%	\$ 0.00	\$ -
	ROADWAY AND DRAINAGE WORK													
*B-1	REMOVAL EXISTING ASPHALT & BASE MATERIAL	30,000	SY	\$ 9.60	\$ 288,000.00	32843	\$ 315,292.80		\$ -	32843	\$ 315,292.80	109.48%	\$ (27,292.80)	\$ -
*B-2	12" STABILIZED SUBGRADE	30,000	SY	\$ 2.75	\$ 82,500.00	32110	\$ 88,302.50		\$ -	32110	\$ 88,302.50	107.03%	\$ (5,802.50)	\$ -
*B-3	8" BASE ROCK (INCL. PRIME COAT)	30,000	SY	\$ 16.90	\$ 507,000.00	32843	\$ 555,046.70		\$ -	32843	\$ 555,046.70	109.48%	\$ (48,046.70)	\$ -
B-4	1-1/2" TYPE S-III ASPHALTIC CONCRETE	30,000	SY	\$ 10.50	\$ 315,000.00	30000	\$ 315,000.00		\$ -	30000	\$ 315,000.00	100.00%	\$ -	\$ -
B-5	MILLING EXISTING ASPHALT PAVEMENT (3/4" AVG. DEPTH & HAUL OFF)	15,500	SY	\$ 2.50	\$ 38,750.00	17783	\$ 44,457.50		\$ -	17783	\$ 44,457.50	114.73%	\$ (5,707.50)	\$ -
B-6	1" TYPE S-III ASPHALTIC CONCRETE	15,500	SY	\$ 8.50	\$ 131,750.00	16233	\$ 137,980.50		\$ -	16233	\$ 137,980.50	104.73%	\$ (6,230.50)	\$ -
B-7	SWALE GRADING (INCL. BAHIA SODDING)	22,000	SY	\$ 2.00	\$ 44,000.00	1777.77	\$ 3,555.54	888.88	\$ 1,777.76	2666.65	\$ 5,333.30	12.12%	\$ 38,666.70	\$ -
B-8	ASPHALT SPEED HUMP COMPLETE W/THERMO STRIPING (PER DETAIL)	7	EA	\$ 6,000.00	\$ 42,000.00	20	\$ 120,000.00		\$ -	20	\$ 120,000.00	285.71%	\$ (78,000.00)	\$ -
B-9	GEOTECHNICAL TESTING ALLOWANCE	1	ALLOW	\$ 16,000.00	\$ 16,000.00	1	\$ 16,000.00		\$ -	1	\$ 16,000.00	100.00%	\$ -	\$ -
B-10	2" MISCELLANEOUS ASPHALT	100	TON	\$ 175.00	\$ 17,500.00	324	\$ 56,700.00	42	\$ 7,350.00	366	\$ 64,050.00	366.00%	\$ (46,550.00)	\$ -
	ROADWAY SUBTOTAL				\$ 1,482,500.00		\$ 1,652,335.54		\$ 9,127.76		\$ 1,661,463.30	112.07%	\$ (178,963.30)	\$ -
*WDC #2 CREDIT ITEMS														
	CONCRETE WORK													
C-1	REMOVE EXISTING CONCRETE (SIDEWALK/ DRIVEWAY/CURB)	5,500	SY	\$ 7.00	\$ 38,500.00	13185.634	\$ 92,299.44		\$ -	13185.634	\$ 92,299.44	239.74%	\$ (53,799.44)	\$ -
C-2	CONCRETE SIDEWALK (4" THICK)	4,000	SY	\$ 45.00	\$ 180,000.00	8326.562	\$ 374,695.29		\$ -	8326.562	\$ 374,695.29	208.16%	\$ (194,695.29)	\$ -
C-3	CONCRETE SIDEWALK/DRIVEWAYS (6" THICK)	2,000	SY	\$ 55.00	\$ 110,000.00	3944.65	\$ 216,955.75		\$ -	3944.65	\$ 216,955.75	197.23%	\$ (106,955.75)	\$ -
C-4	DETECTABLE WARNINGS (FDOT INDEX 304)	450	SF	\$ 35.00	\$ 15,750.00	240	\$ 8,400.00		\$ -	240	\$ 8,400.00	53.33%	\$ 7,350.00	\$ -
C-5	6" HEADER CURB	1,000	LF	\$ 25.00	\$ 25,000.00	891.18	\$ 22,279.50		\$ -	891.18	\$ 22,279.50	89.12%	\$ 2,720.50	\$ -
C-6	12" HEADER CURB	80	LF	\$ 50.00	\$ 4,000.00	212.42	\$ 10,621.00		\$ -	212.42	\$ 10,621.00	265.53%	\$ (6,621.00)	\$ -
C-7	TYPE D CURB	350	LF	\$ 25.00	\$ 8,750.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 8,750.00	\$ -
C-8	TYPE F CURB & GUTTER	100	LF	\$ 40.00	\$ 4,000.00	15	\$ 600.00		\$ -	15	\$ 600.00	15.00%	\$ 3,400.00	\$ -
C-9	MONOLITHIC CURB AND SIDEWALK	200	SY	\$ 60.00	\$ 12,000.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 12,000.00	\$ -

APPLICATION FOR PAYMENT/CONTINUATION SHEET				B & B UNDERGROUND CONSTRUCTION, INC.				APPLICATION NO.:		13		FINAL			
NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3				4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL. 33409				APPLICATION DATE:		3/31/20					
PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO:		3/30/20					
								PURCHASE ORDER NO.:		179983					
				ORIGINAL CONTRACT		PREVIOUS PERIOD		THIS PERIOD		TO DATE					
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT	VALUE	SCHEDULED VALUE	QUANTITY	VALUE	QUANTITY	VALUE	QUANTITY	VALUE	% (O/F)	BALANCE TO FINISH	RETAINAGE 0.00%	
	CONCRETE WORK SUBTOTAL				\$ 398,000.00		\$ 725,850.98		\$ -		\$ 725,850.98	182.37%	\$ (327,850.98)	\$ -	
	STRIPING / SIGNAGE WORK														
E-1	6" SOLID YELLOW THERMOPLASTIC	3900	LF	\$ 2.00	\$ 7,800.00	3860	\$ 7,720.00	106	\$ 212.00	3966	\$ 7,932.00	101.69%	\$ (132.00)	\$ -	
E-2	18" SOLID YELLOW THERMOPLASTIC	25	LF	\$ 4.00	\$ 100.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 100.00	\$ -	
E-3	6" SOLID WHITE THERMOPLASTIC	900	LF	\$ 2.00	\$ 1,800.00	1732	\$ 3,464.00		\$ -	1732	\$ 3,464.00	192.44%	\$ (1,664.00)	\$ -	
E-4	12" SOLID WHITE THERMOPLASTIC	1500	LF	\$ 3.75	\$ 5,625.00	1892	\$ 7,095.00		\$ -	1892	\$ 7,095.00	126.13%	\$ (1,470.00)	\$ -	
E-5	24" SOLID WHITE THERMOPLASTIC	500	LF	\$ 6.00	\$ 3,000.00	663	\$ 3,978.00		\$ -	663	\$ 3,978.00	132.60%	\$ (978.00)	\$ -	
E-6	RETRO-REFLECTIVE PAVEMENT MARKERS	150	EA	\$ 8.00	\$ 1,200.00	199	\$ 1,592.00	12	\$ 96.00	211	\$ 1,688.00	140.67%	\$ (488.00)	\$ -	
E-7	SIGNAGE INSTALLED PER DRAWINGS	1	LS	\$ 28,000.00	\$ 28,000.00	1	\$ 28,000.00		\$ -	1	\$ 28,000.00	100.00%	\$ -	\$ -	
	STRIPING / SIGNAGE WORK SUBTOTAL				\$ 47,525.00		\$ 51,849.00		\$ 308.00		\$ 52,157.00	109.75%	\$ (4,632.00)	\$ -	
	UTILITY WORK														
F-1	6" PVC WATERMAIN INCL.FITTINGS	1,800	LF	\$ 31.75	\$ 57,150.00	1610	\$ 51,117.50		\$ -	1610	\$ 51,117.50	89.44%	\$ 6,032.50	\$ -	
F-2	6" DIP WATERMAIN INCL.FITTINGS	100	LF	\$ 53.25	\$ 5,325.00	53	\$ 2,822.25		\$ -	53	\$ 2,822.25	53.00%	\$ 2,502.75	\$ -	
F-3	12" PVC WATERMAIN INCL.FITTINGS	5,500	LF	\$ 43.54	\$ 239,470.00	5631	\$ 245,173.74		\$ -	5631	\$ 245,173.74	102.38%	\$ (5,703.74)	\$ -	
F-4	12" DIP WATERMAIN INCL.FITTINGS	300	LF	\$ 78.00	\$ 23,400.00	277	\$ 21,606.00		\$ -	277	\$ 21,606.00	92.33%	\$ 1,794.00	\$ -	
F-5	6" GATE VALVE WITH BOX	6	EA	\$ 1,300.00	\$ 7,800.00	1	\$ 1,300.00		\$ -	1	\$ 1,300.00	16.67%	\$ 6,500.00	\$ -	
F-6	12" GATE VALVE WITH BOX	9	EA	\$ 2,750.00	\$ 24,750.00	10	\$ 27,500.00		\$ -	10	\$ 27,500.00	111.11%	\$ (2,750.00)	\$ -	
F-7	CONNECT TO EXISTING 6" WATERMAIN	1	EA	\$ 2,150.00	\$ 2,150.00	1	\$ 2,150.00		\$ -	1	\$ 2,150.00	100.00%	\$ -	\$ -	
F-8	CONNECT TO EXISTING 12" WATERMAIN	2	EA	\$ 2,900.00	\$ 5,800.00	1	\$ 2,900.00		\$ -	1	\$ 2,900.00	50.00%	\$ 2,900.00	\$ -	
F-9	4"X4" TAP 4" TAPPING VALVE INCL.4" WATERMAIN FOR CONNECTION	1	EA	\$ 4,500.00	\$ 4,500.00	1	\$ 4,500.00		\$ -	1	\$ 4,500.00	100.00%	\$ -	\$ -	
F-10	6"X6" TAP,6" TAPPING VALVE	7	EA	\$ 4,700.00	\$ 32,900.00	6	\$ 28,200.00		\$ -	6	\$ 28,200.00	85.71%	\$ 4,700.00	\$ -	
F-11	ABANDON EXISTING WATERMAIN	1	LS	\$ 2,250.00	\$ 2,250.00	1	\$ 2,250.00		\$ -	1	\$ 2,250.00	100.00%	\$ -	\$ -	
F-12	SANITARY MANHOLE LATERAL REPLACEMENT	10	EA	\$ 630.00	\$ 6,300.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 6,300.00	\$ -	
F-13	SAMPLE POINTS & LABORATORY TESTING	14	EA	\$ 425.00	\$ 5,950.00	14	\$ 5,950.00		\$ -	14	\$ 5,950.00	100.00%	\$ -	\$ -	
F-14	FIRE HYDRANT ASSEMBLY (INCLUDING GATE VALVE & TEE)	10	EA	\$ 4,300.00	\$ 43,000.00	10	\$ 43,000.00		\$ -	10	\$ 43,000.00	100.00%	\$ -	\$ -	
F-15	1" WATER SERVICE INCLUDING METER BOX & CONNECTION	63	EA	\$ 960.00	\$ 60,480.00	64	\$ 61,440.00		\$ -	64	\$ 61,440.00	101.59%	\$ (960.00)	\$ -	
F-16	1" WATER SERVICE INCLUDING DOUBLE METER BOX & CONNECTION	19	EA	\$ 1,600.00	\$ 30,400.00	19	\$ 30,400.00		\$ -	19	\$ 30,400.00	100.00%	\$ -	\$ -	
F-17	2" WATER SERVICE INCLUDING DOUBLE METER BOX & CONNECTION	29	EA	\$ 1,720.00	\$ 49,880.00	28	\$ 48,160.00		\$ -	28	\$ 48,160.00	96.55%	\$ 1,720.00	\$ -	
F-18	2" WATER SERVICE TO WASTEWATER PUMP STATION NO.6	1	LS	\$ 3,600.00	\$ 3,600.00	1	\$ 3,600.00		\$ -	1	\$ 3,600.00	100.00%	\$ -	\$ -	
F-19	1" WATER SERVICE INCL.METER BOX & CONNECTION WITH DRILL UNDER ROAD	36	EA	\$ 1,500.00	\$ 54,000.00	35	\$ 52,500.00		\$ -	35	\$ 52,500.00	97.22%	\$ 1,500.00	\$ -	

APPLICATION FOR PAYMENT/CONTINUATION SHEET		B & B UNDERGROUND CONSTRUCTION, INC.						APPLICATION NO.: 13		FINAL				
NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3		4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL. 33409						APPLICATION DATE: 3/31/20						
PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO: 3/30/20						
								PURCHASE ORDER NO.: 179983						
		ORIGINAL CONTRACT				PREVIOUS PERIOD		THIS PERIOD		TO DATE				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT	VALUE	SCHEDULED VALUE	QUANTITY	VALUE	QUANTITY	VALUE	QUANTITY	VALUE	% (O/F)	BALANCE TO FINISH	RETAINAGE 0.00%
F-20	2" WATER SERVICE INCL DOUBLE METER BOX & CONNECTION WITH DRILL UNDER ROAD	4	EA	\$ 3,150.00	\$ 12,600.00	7	\$ 22,050.00		\$ -	7	\$ 22,050.00	175.00%	\$ (9,450.00)	\$ -
F-21	RELOCATE WATER SERVICE FROM REAR TO FRONT ON PRIVATE PROPERTY INCLUDING	193	EA	\$ 1,400.00	\$ 270,200.00	189	\$ 284,600.00		\$ -	189	\$ 284,600.00	97.93%	\$ 5,600.00	\$ -
F-22	AIR RELEASE VALVE	1	EA	\$ 7,000.00	\$ 7,000.00	1	\$ 7,000.00		\$ -	1	\$ 7,000.00	100.00%	\$ -	\$ -
F-23	ASPHALT TRENCH RESTORATION INCL.BASE RESTORATION -	6,900	SY	\$ 41.00	\$ 282,900.00	6812.01	\$ 279,292.41		\$ -	6812.01	\$ 279,292.41	98.72%	\$ 3,607.59	\$ -
F-24	LANDSCAPING,FENCE,IRRIGATION ,ECT.	1	LS	\$ 25,000.00	\$ 25,000.00	1	\$ 25,000.00		\$ -	1	\$ 25,000.00	100.00%	\$ -	\$ -
F-25	FURNISH UTILITY CREW & EQUIPMENT	100	HR	\$ 400.00	\$ 40,000.00	56	\$ 22,400.00		\$ -	56	\$ 22,400.00	56.00%	\$ 17,600.00	\$ -
F-26	FURNISH ADDITIONAL DUCTILE IRON FITTINGS	2,000	LBS	\$ 3.00	\$ 6,000.00	210	\$ 630.00		\$ -	210	\$ 630.00	10.50%	\$ 5,370.00	\$ -
F-27	1" MILL AND ASPHALT OVERLAY	450	SY	\$ 22.00	\$ 9,900.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 9,900.00	\$ -
F-28	UTILITY CONFLICT ALLOWANCE	1	ALLOW	\$ 100,000.00	\$ 100,000.00	26.47%	\$ 26,447.74		\$ -	26.4677%	\$ 26,447.74	26.45%	\$ 73,552.26	\$ -
WDC # 1	BONDS, INSURANCE & ALLOWABLE PROFIT	1	LS	\$ 3,891.00	\$ 3,891.00	1	\$ 3,891.00		\$ -	1				
	12" TAPPING VALVE	1	EA	\$ 3,745.00	\$ 3,745.00	1	\$ 3,745.00		\$ -	1				
	12" TAPPING SLEEVE	1	EA	\$ 3,985.75	\$ 3,985.75	1	\$ 3,985.75		\$ -	1				
	12" STAINLESS STEEL FLANGE KIT	1	EA	\$ 144.45	\$ 144.45	1	\$ 144.45		\$ -	1				
	12" NIPPLE	2	LF	\$ 78.00	\$ 156.00	1	\$ 78.00		\$ -	1				
	2 PC VALVE BOX	1	EA	\$ 112.35	\$ 112.35	1	\$ 112.35		\$ -	1				
	SNAKE PIT WITH CONCRETE	1	EA	\$ 267.50	\$ 267.50	1	\$ 267.50		\$ -	1				
	STEEL PLATE RENTAL	3	EA	\$ 261.19	\$ 783.57	3	\$ 783.57		\$ -	3				
	FLORIDA FLOW CONTROL FOR TAP	1	Ea	\$ 1,355.00	\$ 1,355.00	2	\$ 2,710.00		\$ -	2				
	BARRICADES	1	LS	\$ 2,980.12	\$ 2,980.12	1	\$ 2,980.12		\$ -	1				
	MOT PLAN	1	LS	\$ 550.00	\$ 550.00	1	\$ 550.00		\$ -	1				
	FURNISH UTILITY CREW & EQUIPMENT	18	HR	\$ 400.00	\$ 7,200.00	18	\$ 7,200.00		\$ -	18				
	UTILITY CONFLICT ALLOWANCE BALANCE				\$ 74,829.26									
	UTILITY WORK SUBTOTAL				\$ 1,412,705.00		\$ 1,281,989.64		\$ -		\$ 1,281,989.64	90.75%	\$ 130,715.36	\$ -
	MISCELLANEOUS WORK													
G-1	ADJUST INLET	42	EA	\$ 100.00	\$ 4,200.00	4	\$ 400.00		\$ -	4	\$ 400.00	9.52%	\$ 3,800.00	\$ -
G-2	ADJUST MANHOLES	47	EA	\$ 290.00	\$ 13,630.00	20	\$ 5,800.00		\$ -	20	\$ 5,800.00	42.55%	\$ 7,830.00	\$ -
G-3	ADJUST VALVE BOX	36	EA	\$ 100.00	\$ 3,600.00	15	\$ 1,500.00		\$ -	15	\$ 1,500.00	41.67%	\$ 2,100.00	\$ -
G-4	GENERAL ALLOWANCE	1	ALLOW	\$ 500,000.00	\$ 500,000.00	45.97%	\$ 229,848.25	30.78%	\$ 153,885.10	76.7467%	\$ 383,733.35	76.75%	\$ 116,266.66	\$ -
	FULL DEPTH RECLAMATION ROADWAY RECONSTRUCTION	1	LS	\$ 694,588.00	\$ 694,588.00	1	\$ 694,588.00		\$ -	1	\$ 694,588.00	100.00%		
	MILLING EXISTING ASPHALT PAVEMENT (3/4" AVG.DEPH & HAUL OFF)	60,000	SY	\$ 2.50	\$ 150,000.00	60000	\$ 150,000.00		\$ -	60000	\$ 150,000.00	100.00%		

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NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3				4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL, 33409				APPLICATION DATE:		3/31/20				
PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO:		3/30/20				
								PURCHASE ORDER NO.:		179983				
A ITEM NO.	B DESCRIPTION OF WORK	ORIGINAL CONTRACT				PREVIOUS PERIOD		THIS PERIOD		TO DATE		M % (O/F)	N BALANCE TO FINISH	O RETAINAGE 0.00%
		C QUANTITY	D UNIT	E VALUE	F SCHEDULED VALUE	G QUANTITY	H VALUE	I QUANTITY	J VALUE	K QUANTITY	L VALUE			
WDC # 2	REMOVAL EXISTING ASPHALT & BASE MATERIAL	-30,000	SY	\$ 9.60	\$ (288,000.00)	-30000	\$ (288,000.00)		\$ -	-30000	\$ (288,000.00)	100.00%		
	12" STABILIZED SUBGRADE	-30,000	SY	\$ 2.75	\$ (82,500.00)	-30000	\$ (82,500.00)		\$ -	-30000	\$ (82,500.00)	100.00%		
	8" BASE ROCK (INCL. PRIME COAT)	-30,000	SY	\$ 16.90	\$ (507,000.00)	-30000	\$ (507,000.00)		\$ -	-30000	\$ (507,000.00)	100.00%		
WDC #3	ADD THREE (3) SPEED HUMPS ON WRIGHT DR.	3	EA	\$ 6,000.00	\$ 18,000.00	3	\$ 18,000.00		\$ -	3	\$ 18,000.00	100.00%		
WDC #4	MOBILIZATION	1	LS	\$ 8,150.92	\$ 8,150.92	1	\$ 8,150.92		\$ -	1	\$ 8,150.92	100.00%		
	INCREASE BOND & INSURANCE	1	LS	\$ 1,766.99	\$ 1,766.99	1	\$ 1,766.99		\$ -	1	\$ 1,766.99	100.00%		
	MILLING EXISTING ASPHALT PAVEMENT	1043.99	SY	\$ 2.50	\$ 2,609.98	1043.99	\$ 2,609.98		\$ -	1043.99	\$ 2,609.98	100.00%		
	1" S-III ASPHALTIC COINCRETE PAVEMENT	1043.99	SY	\$ 8.00	\$ 8,351.92	1043.99	\$ 8,351.92		\$ -	1043.99	\$ 8,351.92	100.00%		
	SPEED HUMP	1	EA	\$ 6,000.00	\$ 6,000.00	1	\$ 6,000.00		\$ -	1	\$ 6,000.00	100.00%		
	LIMITED STRIPING, 6TH AVE. S.	1	LS	\$ 3,800.00	\$ 3,800.00	1	\$ 3,800.00		\$ -	1	\$ 3,800.00	100.00%		
WDC # 5 V i r g i n a	MOBILIZATION	1	LS	\$ 16,300.00	\$ 16,300.00	1	\$ 16,300.00		\$ -	1	\$ 16,300.00	100.00%		
	BONDS & INSURANCE	1	LS	\$ 7,412.00	\$ 7,412.00	1	\$ 7,412.00		\$ -	1	\$ 7,412.00	100.00%		
	MAINTENANCE OF TRAFFIC	1	LS	\$ 3,500.00	\$ 3,500.00	1	\$ 3,500.00		\$ -	1	\$ 3,500.00	100.00%		
	LAYOUT, SURVEY & RECORD DRAWINGS	1	LS	\$ 12,500.00	\$ 12,500.00	0.25	\$ 3,125.00	0.75	\$ 9,375.00	1	\$ 12,500.00	100.00%		
	REMOVAL EXISTING ASPHALT & BASE	2643	SY	\$ 9.60	\$ 25,372.80		\$ -	2862	\$ 27,475.20	2862	\$ 27,475.20	108.29%		
	ADD/REWORK BASE MATERIAL TO REACH NEW GRADES	2643	SY	\$ 16.90	\$ 44,666.70		\$ -	2862	\$ 48,367.80	2862	\$ 48,367.80	108.29%		
	GRASSING	300	SY	\$ 2.00	\$ 600.00		\$ -	300	\$ 600.00	300	\$ 600.00	100.00%		
	1.5" TYPE SP 9.5 ASPHALT CONCRETE	2643	SY	\$ 11.25	\$ 29,733.75		\$ -	2862	\$ 32,197.50	2862	\$ 32,197.50	108.29%		
	ADJUST INLETS	3	EA	\$ 450.00	\$ 1,350.00	1	\$ 450.00	2	\$ 900.00	3	\$ 1,350.00	100.00%		
	GEOTECHNICAL TESTING	1	LS	\$ 1,400.00	\$ 1,400.00	0	\$ -	1	\$ 1,400.00	1	\$ 1,400.00	100.00%		
	REMOVE EXISTING CONCRETE (SIDEWALK/DRIVEWAYS)	452	SY	\$ 9.00	\$ 4,068.00	452	\$ 4,068.00		\$ -	452	\$ 4,068.00	100.00%		
	CONCRETE SIDEWALKS (4" THICK) (SHORT LOAD CHARGES)	40	SY	\$ 45.00	\$ 1,800.00	42	\$ 1,890.00		\$ -	42	\$ 1,890.00	105.00%		
	CONCRETE DRIVEWAYS (6" THICK) (SHORT LOAD CHARGES)	412	SY	\$ 60.00	\$ 24,720.00	412	\$ 24,720.00		\$ -	412	\$ 24,720.00	100.00%		
	REMOVE EXISTING HEADER CURB	1591	LF	\$ 9.00	\$ 14,319.00	1591	\$ 14,319.00		\$ -	1591	\$ 14,319.00	100.00%		
	INSTALL VALLEY CURB	1591	LF	\$ 36.00	\$ 57,276.00	1591	\$ 57,276.00		\$ -	1591	\$ 57,276.00	100.00%		
	15" RCP DRAINAGE PIPE	452	LF	\$ 66.52	\$ 30,067.04	452	\$ 30,067.04		\$ -	452	\$ 30,067.04	100.00%		
	TYPE C INLET STRUCTURE W/GRATE	3	EA	\$ 5,500.00	\$ 16,500.00	3	\$ 16,500.00		\$ -	3	\$ 16,500.00	100.00%		
CONNECT NEW DRAINAGE PIPE TO EXISTING DRAINAGE STRUCTURE	1	EA	\$ 4,200.00	\$ 4,200.00	1	\$ 4,200.00		\$ -	1	\$ 4,200.00	100.00%			
SEWER LATERAL REPAIR	9	EA	\$ 700.00	\$ 6,300.00	8	\$ 5,600.00		\$ -	8	\$ 5,600.00	88.89%			
WATER SERVICE ADJUSTMENTS	9	EA	\$ 900.00	\$ 8,100.00	2	\$ 1,800.00		\$ -	2	\$ 1,800.00	22.22%			
	BONDS & INSURANCE	1	LS	\$ 201.00	\$ 201.00	1	\$ 201.00		\$ -	1	\$ 201.00	100.00%		

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PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO:		3/30/20				
								PURCHASE ORDER NO.:		179983				
				ORIGINAL CONTRACT		PREVIOUS PERIOD		THIS PERIOD		TO DATE				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT	VALUE	SCHEDULED VALUE	QUANTITY	VALUE	QUANTITY	VALUE	QUANTITY	VALUE	% (O/F)	BALANCE TO FINISH	RETAINAGE 0.00%
W D C 7	LAYOUT, SURVEY & RECORD DRAWINGS	1	LS	\$ 3,000.00	\$ 3,000.00	0.8	\$ 2,400.00	0.2	\$ 600.00	1	\$ 3,000.00	100.00%		
	GEOTECHNICAL TESTING	1	LS	\$ 220.00	\$ 220.00	0.32	\$ 70.40	0.68	\$ 149.60	1	\$ 220.00	100.00%		
	REMOVE AND REPLACE GUARDRAIL	142	LF	\$ 16.00	\$ 2,272.00	0	\$ -	142	\$ 2,272.00	142	\$ 2,272.00	100.00%		
	REMOVE EXISTING F CURB	130	LF	\$ 9.00	\$ 1,170.00	130	\$ 1,170.00		\$ -	130	\$ 1,170.00	100.00%		
	INSTALL D CURB	-584	LF	\$ 29.00	\$ (16,936.00)	-584	\$ (16,936.00)		\$ -	-584	\$ (16,936.00)	100.00%		
	INSTALL F CURB	836	LF	\$ 35.00	\$ 29,260.00	836	\$ 29,260.00		\$ -	836	\$ 29,260.00	100.00%		
	INSTALL CURB PAD	836	LF	\$ 8.00	\$ 6,688.00	836	\$ 6,688.00		\$ -	836	\$ 6,688.00	100.00%		
	FLOWABLE FILL BEHIND CURB	60	CY	\$ 160.00	\$ 9,600.00		\$ -	60	\$ 9,600.00	60	\$ 9,600.00	100.00%		
	STOP CONDITIONS	6	EA	\$ 2,100.00	\$ 12,600.00		\$ -	6	\$ 12,600.00	6	\$ 12,600.00	100.00%		
	STRIPING (MINIUMUM CHARGE)	-1	LS	\$ 3,200.00	\$ (3,200.00)		\$ -	-1	\$ (3,200.00)	-1	\$ (3,200.00)	100.00%		
	CROSS WALKS	3	EA	\$ 1,680.00	\$ 5,040.00		\$ -	3	\$ 5,040.00	3	\$ 5,040.00	100.00%		
	SOD	184	SY	\$ 7.00	\$ 1,288.00		\$ -	184	\$ 1,288.00	184	\$ 1,288.00	100.00%		
	Hand Rail at Collier Avenue & Lake Osborne Terrace	1	LS	\$ 5,220.00	\$ 5,220.00		\$ -	1	\$ 5,220.00	1	\$ 5,220.00	100.00%		
GENERAL ALLOWANCE BALANCE					\$ 117,623.91						\$ -			
MISCELLANEOUS WORK SUBTOTAL					\$ 521,430.00		\$ 237,548.25		\$ 153,885.10		\$ 391,433.35	75.07%	\$ 129,996.66	\$ -
PROJECT TOTAL					\$ 4,175,660.00		\$ 4,263,073.40		\$ 163,320.86		\$ 4,426,394.26	106.00%	\$ (250,734.26)	\$ -
FIELD CHANGE DIRECTIVES/CHANGE ORDERS														
Change Order #1 (NR-1902)														
GENERAL ITEMS														
1	MOBILIZATION	1	LS	\$ 16,300.00	\$ 16,300.00	1	\$ 16,300.00		\$ -	1	\$ 16,300.00	100.00%	\$ -	\$ -
2	BONDS & INSURANCE	1	LS	\$ 7,412.00	\$ 7,412.00	1	\$ 7,412.00		\$ -	1	\$ 7,412.00	100.00%	\$ -	\$ -
3	DEMOLITION	1	LS	\$ 8,700.00	\$ 8,700.00	1	\$ 8,700.00		\$ -	1	\$ 8,700.00	100.00%	\$ -	\$ -
4	MAINTENANCE OF TRAFFIC	1	LS	\$ 3,500.00	\$ 3,500.00	1	\$ 3,500.00		\$ -	1	\$ 3,500.00	100.00%	\$ -	\$ -
5	LAYOUT, SURVEY & RECORD DRAWINGS	1	LS	\$ 12,500.00	\$ 12,500.00	1	\$ 12,500.00		\$ -	1	\$ 12,500.00	100.00%	\$ -	\$ -
GENERAL ITEMS SUBTOTAL					\$ 48,412.00		\$ 48,412.00		\$ -		\$ 48,412.00	100.00%	\$ -	\$ -
ROADWAY														
6	MILLING EXISTING ASPHALT PAVEMENT (1" AVG DEPTH) AND HAULOFF	1000	SY	\$ 17.20	\$ 17,200.00	1000	\$ 17,200.00		\$ -	1000	\$ 17,200.00	100.00%	\$ -	\$ -
7	1" TYPE SP-9.5 ASPHALT CONCRETE	1120	SY	\$ 45.92	\$ 51,425.00	1120	\$ 51,425.00		\$ -	1120	\$ 51,425.00	100.00%	\$ -	\$ -
10	GEOTECHNICAL TESTING	1	LS	\$ 3,200.00	\$ 3,200.00	1	\$ 3,200.00		\$ -	1	\$ 3,200.00	100.00%	\$ -	\$ -

APPLICATION FOR PAYMENT/CONTINUATION SHEET				B & B UNDERGROUND CONSTRUCTION, INC.				APPLICATION NO.:		13		FINAL		
NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3				4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL. 33409				APPLICATION DATE:		3/31/20				
PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO:		3/30/20				
								PURCHASE ORDER NO.:		179983				
				ORIGINAL CONTRACT		PREVIOUS PERIOD		THIS PERIOD		TO DATE				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT	VALUE	SCHEDULED VALUE	QUANTITY	VALUE	QUANTITY	VALUE	QUANTITY	VALUE	% (O/F)	BALANCE TO FINISH	RETAINAGE 0.00%
8	2" MISCELLANEOUS ASPHALT	50	TN	\$ 175.00	\$ 8,750.00	36	\$ 6,300.00	13.2398	\$ 2,316.97	49.2398	\$ 8,616.97	98.48%	\$ 133.04	\$ -
9	ADJUST MANHOLES	3	EA	\$ 290.00	\$ 870.00	3	\$ 870.00		\$ -	3	\$ 870.00	100.00%	\$ -	\$ -
	ROADWAY ITEMS SUBTOTAL				\$ 81,445.00		\$ 78,995.00		\$ 2,316.97		\$ 81,311.96	99.84%	\$ 133.04	\$ -
	CONCRETE													
11	CONCRETE SIDEWALK (4" THICK)	350	SY	\$ 45.00	\$ 15,750.00	350	\$ 15,750.00		\$ -	350	\$ 15,750.00	100.00%	\$ -	\$ -
12	CONCRETE SIDEWALK AND DRIVEWAYS, (6" THICK)	90	SY	\$ 55.00	\$ 4,950.00	90	\$ 4,950.00		\$ -	90	\$ 4,950.00	100.00%	\$ -	\$ -
14	DETECTABLE WARNINGS (FDOT INDEX 304, CAST-IN-PLACE)	30	SF	\$ 35.00	\$ 1,050.00	30	\$ 1,050.00		\$ -	30	\$ 1,050.00	100.00%	\$ -	\$ -
13	TYPE D CURB	490	LF	\$ 25.00	\$ 12,250.00	490	\$ 12,250.00		\$ -	490	\$ 12,250.00	100.00%	\$ -	\$ -
	CONCRETE SUBTOTAL				\$ 34,000.00		\$ 34,000.00		\$ -		\$ 34,000.00	100.00%	\$ -	\$ -
	STRIPING & SIGNAGE													
15	RETRO REFLECTIVE PAVEMENT MARKERS	2	EA	\$ 8.00	\$ 16.00	2	\$ 16.00		\$ -	2	\$ 16.00	100.00%	\$ -	\$ -
16	SIGNAGE INSTALLED PER DRAWINGS	1	LS	\$ 5,120.00	\$ 5,120.00	1	\$ 5,120.00		\$ -	1	\$ 5,120.00	100.00%	\$ -	\$ -
17	RELOCATE WHEEL STOPS ONTO PRIVATE PROPERTY (DWG. C-2)	11	EA	\$ 19.00	\$ 209.00	11	\$ 209.00		\$ -	11	\$ 209.00	100.00%	\$ -	\$ -
18	ROOT PRUNE TREES	1	LS	\$ 2,230.00	\$ 2,230.00	1	\$ 2,230.00		\$ -	1	\$ 2,230.00	100.00%	\$ -	\$ -
	STRIPING & SIGNAGE SUBTOTAL				\$ 7,575.00	0	\$ 7,575.00		\$ -	0	\$ 7,575.00	100.00%	\$ -	\$ -
	POTABLE WATER													
19	6" C900 PVC WATERMAIN	410	LF	\$ 31.75	\$ 13,017.50	410	\$ 13,017.50		\$ -	410	\$ 13,017.50	100.00%	\$ -	\$ -
20	6" DIP WATERMAIN	60	LF	\$ 53.25	\$ 3,195.00	60	\$ 3,195.00		\$ -	60	\$ 3,195.00	100.00%	\$ -	\$ -
22	6" GATE VALVE WITH BOX	2	EA	\$ 1,300.00	\$ 2,600.00	2	\$ 2,600.00		\$ -	2	\$ 2,600.00	100.00%	\$ -	\$ -
25	CONNECT TO EXISTING 6" WATER MAIN	2	EA	\$ 2,150.00	\$ 4,300.00	2	\$ 4,300.00		\$ -	2	\$ 4,300.00	100.00%	\$ -	\$ -
21	SAMPLE POINT & LABORATORY TESTING	2	EA	\$ 520.00	\$ 1,040.00	2	\$ 1,040.00		\$ -	2	\$ 1,040.00	100.00%	\$ -	\$ -
23	FIRE HYDRANT ASSEMBLY (INCLUDING GATE VALVE & TEE)	1	EA	\$ 4,300.00	\$ 4,300.00	1	\$ 4,300.00		\$ -	1	\$ 4,300.00	100.00%	\$ -	\$ -
24	REMOVE & SALVAGE EXISTING FIRE HYDRANT ASSEMBLY	1	EA	\$ 750.00	\$ 750.00	1	\$ 750.00		\$ -	1	\$ 750.00	100.00%	\$ -	\$ -
25	FITTINGS & RESTRAINTS	1	LS	\$ 12,430.00	\$ 12,430.00	1	\$ 12,430.00		\$ -	1	\$ 12,430.00	100.00%	\$ -	\$ -
	POTABLE WATER SUBTOTAL				\$ 41,632.50	0	\$ 41,632.50		\$ -	0	\$ 41,632.50	100.00%	\$ -	\$ -
	DRAINAGE													
26	15" RCP DRAINAGE PIPE	270	LF	\$ 66.52	\$ 17,960.40	272	\$ 18,093.44		\$ -	272	\$ 18,093.44	100.74%	\$ (133.04)	\$ -
27	TYPE C INLET STRUCTURE W/ HOOD	3	EA	\$ 5,500.00	\$ 16,500.00	3	\$ 16,500.00		\$ -	3	\$ 16,500.00	100.00%	\$ -	\$ -

APPLICATION FOR PAYMENT/CONTINUATION SHEET				B & B UNDERGROUND CONSTRUCTION, INC.				APPLICATION NO.:		13		FINAL		
NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3				4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL 33409				APPLICATION DATE:		3/31/20				
PROJECT 2 ROADWAY IMPROVEMENTS								PERIOD TO:		3/30/20				
								PURCHASE ORDER NO.:		179983				
				ORIGINAL CONTRACT		PREVIOUS PERIOD		THIS PERIOD		TO DATE				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
ITEM NO.	DESCRIPTION OF WORK	QUANTITY	UNIT	VALUE	SCHEDULED VALUE	QUANTITY	VALUE	QUANTITY	VALUE	QUANTITY	VALUE	% (O/F)	BALANCE TO FINISH	RETAINAGE 0.00%
28	REMOVE EXISTING DRAINAGE PIPE	18	LF	\$ 16.00	\$ 288.00	18	\$ 288.00		\$ -	18	\$ 288.00	100.00%	\$ -	\$ -
29	CONNECT NEW DRAINAGE PIPE TO EXISTING DRAINAGE STRUCTURE	1	EA	\$ 4,200.00	\$ 4,200.00	1	\$ 4,200.00		\$ -	1	\$ 4,200.00	100.00%	\$ -	\$ -
30	OPEN-CUT PAVEMENT TRENCH REPAIR	290	LF	\$ 45.00	\$ 13,050.00	290	\$ 13,050.00		\$ -	290	\$ 13,050.00	100.00%	\$ -	\$ -
	DRAINAGE SUBTOTAL				\$ 51,998.40	0	\$ 52,131.44		\$ -	0	\$ 52,131.44	100.26%	\$ (133.04)	\$ -
	CHANGE ORDER #1 TOTAL				\$ 265,062.90		\$ 262,745.94		\$ 2,316.97		\$ 265,062.90	100.00%	\$ (0.00)	\$ -
WDC 6 & Change Order #2 South Ridge Street														
	GENERAL ITEMS													
1	MOBILIZATION	1	LS	\$ 11,875.00	\$ 11,875.00	1	\$ 11,875.00		\$ -	1	\$ 11,875.00	100.00%	\$ -	\$ -
2	BONDS & INSURANCE	1	LS	\$ 7,412.00	\$ 7,412.00	1	\$ 7,412.00		\$ -	1	\$ 7,412.00	100.00%	\$ -	\$ -
3	MAINTENANCE OF TRAFFIC	1	LS	\$ 3,500.00	\$ 3,500.00	0.5	\$ 1,750.00	0.5	\$ 1,750.00	1	\$ 3,500.00	100.00%	\$ -	\$ -
4	LAYOUT, SURVEY & RECORD DRAWINGS	1	LS	\$ 3,200.00	\$ 3,200.00	0.5	\$ 1,600.00	0.5	\$ 1,600.00	1	\$ 3,200.00	100.00%	\$ -	\$ -
	GENERAL ITEMS SUBTOTAL				\$ 25,987.00		\$ 22,637.00		\$ 3,350.00		\$ 25,987.00	100.00%	\$ -	\$ -
	ROADWAY													
5	REMOVE EXISTING ASPHALT	5733	SY	\$ 9.60	\$ 55,036.80	2230	\$ 21,408.00	3503	\$ 33,628.80	5733	\$ 55,036.80	100.00%	\$ -	\$ -
6	ADD BASE ROCK TO ROADWAY AND GRADE	2643	SY	\$ 16.90	\$ 44,666.70	0	\$ -	2643	\$ 44,666.70	2643	\$ 44,666.70	100.00%	\$ -	\$ -
7	1.5" TYPE SP 9.5 ASPHALT CONCRETE	5733	SY	\$ 11.25	\$ 64,496.25	0	\$ -	5733	\$ 64,496.25	5733	\$ 64,496.25	100.00%	\$ -	\$ -
8	ADJUST INLETS	3	EA	\$ 450.00	\$ 1,350.00	0	\$ -	3	\$ 1,350.00	3	\$ 1,350.00	100.00%	\$ -	\$ -
9	GEOTECHNICAL TESTING	1	LS	\$ 400.00	\$ 400.00	0.32	\$ 128.00	0.68	\$ 272.00	1	\$ 400.00	100.00%	\$ -	\$ -
	ROADWAY ITEMS SUBTOTAL				\$ 165,949.75		\$ 21,536.00		\$ 144,413.75		\$ 165,949.75	100.00%	\$ -	\$ -
	CONCRETE													
10	CONCRETE SIDEWALK (4" THICK)	454	SY	\$ 45.00	\$ 20,430.00	125.44	\$ 5,644.80	328.56	\$ 14,785.20	454	\$ 20,430.00	100.00%	\$ -	\$ -
11	CONCRETE SIDEWALK AND DRIVEWAYS, (6" THICK)	216	SY	\$ 60.00	\$ 12,960.00	168.44	\$ 10,106.40	47.56	\$ 2,853.60	216	\$ 12,960.00	100.00%	\$ -	\$ -
12	REMOVE EXISTING F CURB	702	LF	\$ 9.00	\$ 6,318.00	702	\$ 6,318.00		\$ -	702	\$ 6,318.00	100.00%	\$ -	\$ -
13	REMOVE EXISTING CONCRETE (SIDEWALK/DRIVEWAYS)	452	SY	\$ 9.00	\$ 4,068.00	452	\$ 4,068.00		\$ -	452	\$ 4,068.00	100.00%	\$ -	\$ -
14	INSTALL TYPE D CURB	702	LF	\$ 29.00	\$ 20,358.00	584	\$ 16,936.00		\$ -	584	\$ 16,936.00	83.19%	\$ 3,422.00	\$ -
15	HEADER CURB REPAIR	220	LF	\$ 19.00	\$ 4,180.00		\$ -	220	\$ 4,180.00	220	\$ 4,180.00	100.00%	\$ -	\$ -
	CONCRETE SUBTOTAL				\$ 68,314.00		\$ 43,073.20		\$ 21,818.80		\$ 64,892.00	94.99%	\$ 3,422.00	\$ -

APPLICATION FOR PAYMENT/CONTINUATION SHEET				B & B UNDERGROUND CONSTRUCTION, INC.				APPLICATION NO.: 13		FINAL				
NEIGHBORHOOD ROAD PROJECT DISTRICT 1, YEAR 3				4050 WESTGATE AVENUE, SUITE 110 WEST PALM BEACH, FL. 33409				APPLICATION DATE: 3/31/20		PERIOD TO: 3/30/20				
PROJECT 2 ROADWAY IMPROVEMENTS								PURCHASE ORDER NO.: 179983						
		ORIGINAL CONTRACT				PREVIOUS PERIOD		THIS PERIOD		TO DATE				
A ITEM NO.	B DESCRIPTION OF WORK	C QUANTITY	D UNIT	E VALUE	F SCHEDULED VALUE	G QUANTITY	H VALUE	I QUANTITY	J VALUE	K QUANTITY	L VALUE	M % (O/F)	N BALANCE TO FINISH	O RETAINAGE 0.00%
16	STRIPING & SIGNAGE STRIPING (MINIMUM)	1	LS	\$ 3,200.00	\$ 3,200.00	0	\$ -	1	\$ 3,200.00	1	\$ 3,200.00	100.00%	\$ -	\$ -
17	SIGNAGE	6	EA	\$ 320.00	\$ 1,920.00	0	\$ -	6	\$ 1,920.00	6	\$ 1,920.00	100.00%	\$ -	\$ -
18	SOD	200	SY	\$ 2.00	\$ 400.00	0	\$ -	200	\$ 400.00	200	\$ 400.00	100.00%	\$ -	\$ -
STRIPING & SIGNAGE SUBTOTAL					\$ 5,520.00	0	\$ -		\$ 5,520.00	0	\$ 5,520.00	100.00%	\$ -	\$ -
CONTINGENCY														
19	CONTINGENCY	1	LS	\$ 35,000.00	\$ 35,000.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 35,000.00	\$ -
CONTINGENCY SUBTOTAL					\$ 35,000.00	0	\$ -		\$ -	0	\$ -	0.00%	\$ 35,000.00	\$ -
CHANGE ORDER #2 TOTAL					\$ 300,770.75		\$ 87,246.20		\$ 175,102.55		\$ 262,348.75	87.23%	\$ 38,422.00	\$ -
CHANGE ORDER SUMMARY														
1	14TH STREET	1	AL	\$ 265,062.90	0	\$ 262,745.94		\$ 2,316.97	0	\$ 265,062.90	100.00%	\$ (0.01)	\$ -	
2	RIDGE STREET	1	AL	\$ 300,770.75	0	\$ 87,246.20		\$ 175,102.55	0	\$ 262,348.75	87.23%	\$ 38,422.00	\$ -	
TOTAL CHANGE ORDERS				\$ 565,833.65		\$ 349,992.14		\$ 177,419.52		\$ 527,411.65		\$ 38,421.99	\$ -	
ORIGINAL CONTRACT				\$ 4,175,660.00		\$ 4,263,073.40		\$ 163,320.86		\$ 4,426,394.26		\$ (250,734.26)	\$ -	
ADJUSTED CONTRACT				\$ 4,741,493.65		\$ 4,613,065.54		\$ 340,740.38		\$ 4,953,805.92		\$ (212,312.27)	\$ -	

CONTRACTOR'S AFFIDAVIT TO OWNER

STATE OF FLORIDA
COUNTY OF Palm Beach

Before me, the undersigned authority, authorized to administer oaths and take acknowledgements, personally appeared Stephen D. Decker, who, being by me first duly sworn, on oath depose(s) and say(s):

(1) He/she is/They are a (Corporation, Partnership or Individual) of Florida (State), doing business as B&B Underground Construction Inc. (Company Name), hereinafter called "Contractor".

(2) Contractor heretofore entered into a Contract with City of Lake Worth hereinafter called "Owner" to do Work (furnish material, labor and services) for the construction of Neighborhood Roadways Project District 1, Year 3, Project 2, located at Palm Beach County, Florida. "

(3) Contractor has fully completed construction in accordance with the terms of the Contract, and all lienors have been paid in full, except:

<u>NAME OF LIENOR</u>	<u>AMOUNT DUE AND UNPAID</u>
None	\$ 0.00

(4) All Workmen's Compensation claims have been settled and no liability claims are pending, in connection with, arising out of or resulting from the Contract.

(5) Receipt by the Contractor of the final payment, under the aforementioned Contract, shall constitute a full release and discharge by the Contractor to the Owner of any and all claims of the Contractor against the Owner, arising out of, connected with, or resulting from performance of the obligations of the Contractor pursuant to the Contract Documents.

(6) The term "lienor" as used in this affidavit means any person having a lien or a prospective lien, under the Mechanics Lien Law of Florida, on the land and property of the Owner referred to in paragraph (2) of this affidavit.

(7) This affidavit is given pursuant to the provisions of Florida Statutes Section 713.06 or Section 255.05, whichever is applicable.

Signed and sealed in the presence of:

B&B Underground Construction Inc
(ENTITY)
(SEAL)

Stephen D. Decker
By: [Signature]

Subscribed and Sworn to (or affirmed) before me on 31 March 2020 (date) by Stephen D. Decker (name). He/she is personally known to me or has presented [Signature] (type of identification) as identification.

Notary Public Signature and Seal


Print Notary Name and Commission No. Josephine Julian GG114672

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Financial Services

TITLE:

Payments of Fiscal Year 2019 Invoices

SUMMARY:

Authorization for payment of multiple outstanding invoices for goods and services provided in Fiscal Year 2019 not paid prior to the closure of the accounts for the fiscal year.

BACKGROUND AND JUSTIFICATION:

Financial Services Division received multiple invoices for goods and services provided to City Departments during Fiscal Year 2019. Though the goods and services were approved and provided for in Fiscal Year 2019, the invoices for said goods and services provided by multiple Vendors were not paid prior to the Fiscal Year 2019's books being closed. As such, the payment for the services requires authorization of the use of Fiscal Year 2020 funds to cover the expenditures.

The item provides for the necessary authorization by the City Commission to utilize Fiscal Year 2020 funds in the amount of \$130,203.79 to cover the expenses incurred and goods and services received in Fiscal Year 2019.

MOTION:

Move to approve/disapprove – Authorization of the use of Fiscal Year 2020 funds to pay for expenditures and services incurred in Fiscal Year 2019.

ATTACHMENT(S):

Fiscal Impact Analysis

List of outstanding Invoices with accounts

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	0	0	0	0	0
Operating Expenditures	\$130,203.79	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	 \$130,203.79	 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	FY20 Budget	Current Balance	Agenda Expenditure	Balance

C. Department Fiscal Review:

Bruce Miller, Financial Services Director
 Jamie Brown, Public Works Director
 William Waters, Community Sustainability Director
 Edward Liberty, Electric Utility Director
 Brian Shields, Water Utility Director

Department	Invoice Number	PO #	GL Account	Amount	Company Name
PUB SVCS	77585	159440	001-5062-519-3450	\$360.00	ADVANCED ALARM
PUB SVCS	76439	159440	001-5062-519-3450	\$360.00	ADVANCED ALARM
PUB SVCS	80145	159440	001-5062-519-34-50	\$360.00	ADVANCED ALARM
PUB SVCS	78861	159440	001-5062-519-34-50	\$360.00	ADVANCED ALARM
COMM SUST	35759-395166	179183	001-2030-515.49-10	\$700.00	PALM BEACH POST
COMM SUST	35759-417045	179183	001-2030-515.49-10	\$700.00	PALM BEACH POST
COMM SUST	35759-428448	179183	001-2030-515.49-10	\$700.00	PALM BEACH POST
COMM SUST	35759-387848	179183	001-2030-515.49-10	\$700.00	PALM BEACH POST
COMM SUST	35759-387825	179183	001-2030-515.49-10	\$700.00	PALM BEACH POST
ELECTRIC	S5622.00170011	179917	401-6035-531.31-15	\$726.71	IRBY
ELECTRIC	913333435	179899	401-6034-531-34-10	\$35,646.98	THE DAVEY TREE EXPERT CO.
ELECTRIC	914058321	179899	401-6034-531-34-10	\$49,072.86	THE DAVEY TREE EXPERT CO.
WATER/SEWER	913333435	179899	402-7034-533-34-50	\$15,277.27	THE DAVEY TREE EXPERT CO.
WATER/SEWER	914058321	179899	402-7034-533-34-50	\$21,031.22	THE DAVEY TREE EXPERT CO.
ELECTRIC	7563UFS	none	401-6010-531-31-90	\$3,508.75	UFS, LLC
				\$130,203.79	

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Water Utilities

TITLE:

Amendment 3 to Agreement with Mock, Roos & Associates, Inc. for additional engineering services for Park of Commerce Phase 1B Infrastructure Improvements Project.

SUMMARY:

Amendment 3 to Professional Services Agreement authorizes Mock, Roos & Associates, Inc. to provide additional limited bid and construction support services for the Lake Worth Beach Park of Commerce Phase 1B Infrastructure Improvements project in the amount of \$23,020.

BACKGROUND AND JUSTIFICATION:

The City Water Utilities Department has bid and awarded this construction project to David Mancini & Sons, Inc. The project began and upon issuance of the Lake Worth Drainage District permit for the aerial watermain crossing, there were special conditions to excavate the L-11 canal and provide additional rip rap for bank stabilization. This triggered Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers (ACOE) permitting as well. It was also discovered that many of the overhead power poles were in conflict with the storm system on 4th Avenue North west of Boutwell, once the contractor located them and the electric utility had reviewed the desire to move some that were in conflict as well as others that were not but needed to be modified. Mock, Roos & Associates, Inc. will provide additional services for permitting with these agencies, as well as the new road realignment to remove the conflicts with overhead power. This Amendment 3 brings that contract value over \$50,000 among the amendments, necessitating commission approval, as the initial contract was for Phase 1 in the amount of \$644,120 was approved by commission on January 8, 2014, Amendment 1 was for \$13,384, and Amendment 2 was for \$24,220.

MOTION:

Move to approve/disapprove Amendment 3 to Agreement with Mock, Roos & Associates, Inc. for additional engineering services for Park of Commerce Phase 1B Infrastructure Improvements project in the amount of \$23,020.00

ATTACHMENT(S):

Fiscal Impact Analysis
Amendment 3

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	\$23,020	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	 \$23,020	 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	FY20 Budget	Current Balance	Agenda Expenditure	Balance
170-5020-519.63-15	Road Infrastructure	SG1803	\$205,299	\$61,964.75	-\$12,891.20	\$49,073.55
428-5090-538.63-15	Stormwater	SG1803	\$1,042,128	\$200,720.45	-\$5,985.20	\$194,735.25
422-7034-533.63-60	Water Mains	SG1803	\$1,640,509	\$393,037.11	-\$4,143.60	\$388,893.51

C. Department Fiscal Review: _____

Brian Shields – Director

Bruce Miller – Finance Director

Christy Goddeau – City Attorney

Michael Bornstein – City Manager

AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT
(Engineering Services for Park of Commerce Infrastructure Improvements Projects)

THIS AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT ("Amendment" hereinafter) is made this _____ day of _____, 2020 between the **City of Lake Worth Beach**, Florida, a municipal corporation ("City" hereinafter), with its principle office located at 7 North Dixie Highway, Lake Worth, Florida 33460, and, **Mock, Roos & Associates, Inc.**, whose mailing address is 5720 Corporate Way, West Palm Beach, FL 33407 ("Consultant" hereinafter).

WHEREAS, on January 7, 2014, the City approved the Professional Services Agreement with the Consultant for the engineering services for the Park of Commerce Infrastructure Improvements Project (the "Agreement");

WHEREAS, the City desires to amend the Agreement to include additional services from the Consultant;

WHEREAS, the Consultant has provided a proposal for said additional services; and,

WHEREAS, the City and Consultant desire to amend the Agreement to include the additional services.

NOW THEREFORE, in consideration of the premises and mutual covenants herein contained, the sufficiency of which is hereby acknowledged by the parties, the City and Consultant agree to amend the Agreement as follows:

1: **AMENDMENT.** The Agreement is amended as follows:

- a. The Consultant's scope of services is amended to include those additional services as described in the Consultant's proposal, which is attached hereto as Exhibit "A" and incorporated herein.
- b. The City agrees to pay the Consultant for said additional services the not to exceed amount set forth in Exhibit "A".

2: **ENTIRETY OF AGREEMENT.** The City and the Consultant agree that this Amendment and the parties' Agreement for Professional Services (as amended to date) set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated therein. None of the provisions, terms and conditions contained in the aforementioned documents may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

3: **LEGAL EFFECT.** This Amendment shall not become binding and effective until approved by the City Manager.

4: **COUNTERPARTS.** This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and will become effective and binding upon the parties as of the effective date at such time as all the signatories hereto have signed a counterpart of this Amendment.

5: **AMENDMENT.** Except for the provisions of the Agreement specifically modified by this Amendment, all other terms and conditions of the Agreement (as amended) shall remain in full force and effect.

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SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF the parties hereto have made and executed this Amendment No. 3 to the Professional Services Agreement on the day and year first above written.

CITY OF LAKE WORTH BEACH, FLORIDA

By: _____
Pam Triolo, Mayor

ATTEST:

By: _____
Deborah M. Andrea, City Clerk

170-5020-519.63-15 56% \$12,891.20
428-5090-538.63-15 26% \$5,985.20
422-7034-533.63-60 18% \$4,143.60
Project #SG1803

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED FOR FINANCIAL
SUFFICIENCY

By: _____
Glen J. Torcivia, City Attorney
Bas 5/19/20

By: _____
Bruce T. Miller, Financial Services Director

CONTRACTOR: **MOCK, ROOS & ASSOCIATES, INC.**

By: _____
[Signature] *4/15/20*

[Corporate Seal]

Garry G. Gruber, P.E.
Senior Vice President

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 15th day of April, 2020, by **Garry G. Gruber, P.E.**, who was physically present, as **Senior Vice President**, of **Mock, Roos & Associates, Inc.**, which is authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification.

Notary Public



Tabbatha S. Marcus
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG950436
Expires 1/23/2024

[Signature]
Print Name: Tabbatha S. Marcus
My commission expires: 1/23/24



MOCK • ROOS
CONSULTING ENGINEERS

April 10, 2020

Mr. Brian Shields, P.E.
City Engineer
City of Lake Worth Beach
7 North Dixie Highway
Lake Worth Beach, FL 33460

Ref. No.: B2042.86
Subject: City of Lake Worth Beach
Amendment No. 3 to the Development of Phase 1B Construction Documents
Additional Limited Bid & Construction Support Services

Dear Mr. Shields:

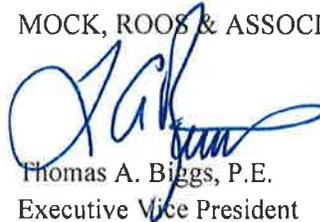
We are submitting the attached Proposal to *Provide Additional Limited Bid and Construction Support Services for the Park of Commerce, Phase 1B*. Please review the attached proposal and return one signed copy to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be \$23,020.00.

If you have any questions please contact me at 683-3113, extension 216. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.



Thomas A. Biggs, P.E.
Executive Vice President

TAB:tsm
Enclosure
Copies: Bookkeeping

Proposal for Amendment No. 3 to Provide Additional Limited Bid and Construction Support Services for the Lake Worth Beach Park of Commerce, Phase 1B

Services to be provided by: Mock•Roos

Services provided to (City): City of Lake Worth Beach

Proposal Date: April 10, 2020

Proposal Terms

A. Project Description:

The City of Lake Worth Beach has requested Mock•Roos to provide additional limited bid and construction support services for the Lake Worth Beach Park of Commerce, Phase 1B specifically to modify the road alignment on 4th Avenue North and address unanticipated United States Army Corps of Engineers (USACE) permitting issues as a result of Lake Worth Drainage District Canal Regrading Requirements. Mock•Roos will perform services as outlined in **B. Scope of Services** below:

B. Scope of Services:

1. Limited Construction Phase Services
 - a. Modify 4th Avenue North Alignment to reduce impact on overhead power.
 - b. Prepare USACE Permit Application Packages.
 - c. Respond to USACE Permitting RFI requirements.
 - d. Attend two additional General Coordination meetings with City and Owner's Representative.
 - e. Provide City Amended CAD files (Current version AutoCAD Civil 3D) as permitting requirements may necessitate.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.

2. Any design changes, schedule changes, drawing changes, or other project changes requested by the City will be considered Additional Services.
3. Additional Services can be provided upon Mock•Roos receiving signed authorization from the City.

D. Fees and Rates:

1. Mock•Roos will complete these services on an hourly basis at Mock•Roos' hourly rates, plus reimbursable expenses.
2. The total fee to provide the Scope of Services is anticipated to be \$23,020.00.
3. Mock•Roos will not provide services in excess of the anticipated fee without signed authorization from City.
4. Mock•Roos can provide Additional Services at the Mock•Roos rates in effect at that time, plus reimbursable expenses or for an agreed upon lump sum fee.
5. Any Permit Fees will be paid by City.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 60 days of its date.
2. This Proposal is based on the Scope of Services being completed within the original construction contract days allowed. If not completed by this date for reasons other than those within the control of Mock•Roos, Mock•Roos may request a change order as provided for in Mock•Roos' Contract with the Client (City Contract No. RFP 12-13-200).
3. This proposal serves as a supplement to the general agreement between Mock•Roos and Client, Contract RFP 12-13-200.
4. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services outlined above. This authorization becomes valid upon Mock•Roos receiving one **executed** copy of this proposal with original signatures below.

MOCK ROOS & ASSOCIATES, INC.

**LAKE WORTH BEACH PARK OF COMMERCE
AMENDMENT NO. 3 TO DEVELOPMENT OF PHASE 1B CONSTRUCTION DOCUMENTS
ADDITIONAL LIMITED BID AND CONSTRUCTION SUPPORT SERVICES, PHASE 1B
City of Lake Worth Beach, Florida**

Estimate of Manpower Requirements & Professional Services Fee

TASK DESCRIPTION	Corporate Officer	Senior Engineer	Project Engineer III	Senior CADD	Senior Admin. Assistant	Amount
1. Additional Limited Construction Administration						
a. Modify 4th Avenue North Alignment	4	8	16	0	0	\$4,260.00
b. Prepare USACE Permit Application Packages	4	16	24	4	4	\$7,380.00
c. Respond to Additional RFIs	4	8	16	0	8	\$4,820.00
d. General Coordination with City (Two Additional Meetings)	4	8	8	0	0	\$3,140.00
e. Provide Amended CAD files	4	8	8	0	4	\$3,420.00
Total	20	48	72	4	16	\$23,020.00
TOTAL LABOR COSTS	\$3,700.00	\$7,680.00	\$10,080.00	\$440.00	\$1,120.00	\$23,020.00
HOURLY LABOR RATES	\$185.00	\$160.00	\$140.00	\$110.00	\$70.00	
Out-of-Pocket Expenses						

TOTAL PROFESSIONAL SERVICES FEES: \$23,020.00

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Internal Auditor

TITLE:

Accept and Approve the Contracts Audit Report (IAD091019-06FD)

SUMMARY:

The Citywide Contracts Review Audit Report has been completed and readied for City Commission to formally approve.

BACKGROUND AND JUSTIFICATION:

In accordance with the Internal Audit Department's Annual Audit Plan, an audit of Citywide Contracts has been completed. During the month of March and April 2020, the City's Internal Auditor distributed/reviewed the Citywide Contracts Review Audit Report with City Commissioners. The client, the Finance Department (Purchasing Division), has agreed with the report's observations and developed an appropriate timeline to implement the report recommendations. A follow-up audit will be conducted in 2021 to ensure audit recommendations have been implemented.

MOTION:

Move to accept and approve/not accept and disapprove the Citywide Contracts Review Audit Report

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

The internal auditor's report is not attached to this agenda item. Once presented to the City Commission, as the unit of local government for the City, the audit report will be considered final. Under section 119.0713, Florida Statutes, the audit report is not a public record until present to the City Commission

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Financial Services

TITLE:

Ordinance No 2020-04 – second reading -authorizing the incurrence of debt obligations to fund cash flow deficits related to the COVID-19 pandemic

SUMMARY:

Authorization to issue temporary debt backed by City non-ad valorem revenues for the purpose of providing a funding source for potential cash flow deficits resulting in diminished revenue collections created by the Covid-19/Corona Virus pandemic.

BACKGROUND AND JUSTIFICATION:

As the result of the Covid-19/Corona Virus pandemic, the City has, and is expected to continue experiencing significant decreased revenue collections. Additionally, there is no certainty to the depth or duration of the impact, or how many cycles the City may experience as a result of the pandemic. Therefore, to mitigate potential working capital shortages, the City needs to be in a position to access an available funding source if/or when needed. It is expected that these funds will cover both operating and capital budget expenditures, including funding to initiate capital projects waiting on issuing other debt series.

Generally speaking, impacted revenue sources can be characterized as either timing differences, or lost revenue. For example, although the percentage of utility payments may be low as compared to historical experience, it is anticipated that these receivables will be collected over time. As such, the recognition of these revenues result in timing differences. On the other-hand, the late fees and penalties associated with these late payments are not expected to be collected, therefore these revenue streams are categorized as lost revenue.

It is important to understand that all funds do not share the same revenue streams and are therefore subject to varying degrees of timing versus lost revenue pressure. Based on to date analysis, it is estimated that the City's total monthly revenue impact is approximately \$950,000; \$585,000 timing and the remaining \$365,000 lost revenue. If there is a prolonged shut-down, it is expected that the monthly impact will increase as it becomes increasingly difficult for customers to stay current. It is also important to understand that when, what time of year, a shut-down occurs this too will impact revenue collections. For example, beach and golf course revenues will be impacted greater during peak season versus non-peak months.

In order to maximize the use of funds the City is considering a taxable component of the working capital debt. Since interest rates are low, there is not a significant difference between the taxable and non-taxable interest rate so the annual debt service would not be materially impacted. However; taxable bonds allow for a broader use of funds thereby avoiding potential IRS compliance issues. Under consideration are different debt structures which will depend on final loan approvals and underwriting constraints, but at currently it is expected that the bond will

have a ten to twelve-year maturity with a balloon payment and semi-annual interest payments with no pre-payment penalties thereby allowing the City to pay the loan off prior to term if able.

Dependent on the borrowing process, the principle being considered is between \$10 to \$20 million thereby providing opportunity to fund capital projects. The annual debt service, interest payment, for each \$10 million at 3% is \$300,000, which will be allocated between each fund based on its use of proceeds. Additionally, I would recommend creating a sinking fund if the debt is structured with a balloon payment. This would equal \$1million per year also allocated by fund.

The ordinance was approved unanimously at the Special City Commission Meeting on May 21, 2020.

MOTION:

Move to approve/disapprove – Ordinance 2020-04 - authorizing the incurrence by the City of debt obligations to fund cash flow deficits related to the COVID-19/Corona Virus Pandemic.

ATTACHMENT(S):

Fiscal Impact Analysis
Ordinance 2020-04

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Sinking Fund	\$0	\$0	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00
Operating Expenditures	\$ 150,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00
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	\$ 150,000.00	\$ 300,000.00	\$1,300,000.00	\$1,300,000.00	\$1,300,000.00
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	FY20 Budget	Current Balance	Agenda Expenditure	Balance
	Non-Ad Valorem Revenue					

C. Department Fiscal Review:

Bruce Miller, Financial Services Director

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ORDINANCE NO. 2020-04 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE INCURRENCE BY THE CITY OF DEBT OBLIGATIONS TO FUND RESERVES FOR CASH FLOW DEFICITS RELATED TO THE COVID-19 PANDEMIC; PROVIDING THAT SUCH OBLIGATIONS OF THE CITY DO NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY OR THE STATE BUT SHALL BE PAYABLE FROM LEGALLY AVAILABLE REVENUES APPROPRIATED FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission (the “Commission”) of the City of Lake Worth Beach, Florida (the “City”) desires to consider a financing plan to provide for the temporary funding of reserves for cash flow deficits brought on by the financial impact upon the City of the COVID-19 pandemic; and

WHEREAS, the Commission hereby deems such financing to be for an essential public purpose and to constitute a “project” within the meaning of Section 166.111, Florida Statutes, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA that:

SECTION 1. DEFINITIONS. When used in this ordinance, the following terms shall have the following meanings, unless the context clearly otherwise requires:

“City” shall mean the City of Lake Worth Beach, Florida, a municipal corporation and public body corporate and politic.

“Non-Ad Valorem Revenues” shall mean legally available revenues of the City derived from sources other than ad valorem taxation.

“Obligations” shall mean debt obligations issued by the City, the proceeds from the sale of which shall be used to finance the Project.

“Project” shall mean the establishment of reserves for and the payment by the City of costs of operation of the City government, including salaries and benefits of City employees and other municipal operating costs necessary to provide essential services to citizens of the City, for which City revenues are otherwise insufficient due to the financial impact of the COVID-19 pandemic.

The words “herein”, “hereunder”, “hereby”, “hereto”, “hereof”, and any similar terms shall refer to this ordinance.

Words importing the singular number include the plural number, and vice-versa.

SECTION 2. FINDINGS. The City Commission of the City hereby finds and determines that:

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- (a) The City faces an unprecedented and temporary strain on its finances due to the financial impacts of the COVID -19 pandemic.
- (b) It is vital to the citizens of the City that basic city services continue to be provided.
- (c) The City desires to incur short-term Obligations to continue to fund essential City services as a "Project" vital to the needs of citizens of the City.

SECTION 3. ISSUANCE OF OBLIGATIONS.

(a) The City Commission shall have the power, and it is hereby authorized to provide by resolution, to incur Obligations to finance the Project. The proceeds from the Obligations shall be used to finance the cost of the Project, establish a debt service reserve fund, if needed, pay interest on the Obligations and pay costs of issuance.

(b) The Obligations shall be payable from payments made under a covenant to budget and appropriate Non-Ad Valorem Revenues of the City, moneys in certain funds and accounts held by the City and moneys derived from any credit enhancement of the Obligations. The Obligations shall not constitute a direct obligation of the City and shall be payable solely from the Non-Ad Valorem Revenues budgeted and appropriated as provided herein.

SECTION 4. OBLIGATIONS NOT DEBT OF CITY. Obligations issued under the provisions of any resolution shall not be deemed to constitute a debt of the City or a pledge of the faith and credit of the City, but such Obligations shall be payable solely from Non-Ad Valorem Revenues. The obligation of the City to repay such Obligations is a limited and special obligation, subject to annual appropriation of the City from Non-Ad Valorem Revenues.

SECTION 5. REMEDIES OF OBLIGATION HOLDERS. Any holder of Obligations, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such Obligations, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by such resolution to be performed by the City or by any officer thereto.

SECTION 6. ALTERNATIVE METHOD. This ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby, shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

99

100 The passage of this ordinance on first reading was moved by Commissioner
101 Maxwell, seconded by Vice Mayor Amoroso, and upon being put to a vote, the vote was
102 as follows:

103

104	Mayor Pam Triolo	AYE
105	Vice Mayor Andy Amoroso	AYE
106	Commissioner Scott Maxwell	AYE
107	Commissioner Omari Hardy	AYE
108	Commissioner Herman Robinson	AYE

109

110 The Mayor thereupon declared this ordinance duly passed on first reading on the
111 21st day of June, 2020.

112

113 The passage of this ordinance on second reading was moved by Commissioner
114 _____, seconded by Commissioner _____, and upon being
115 put to a vote, the vote was as follows:

116

117	Mayor Pam Triolo
118	Vice Mayor Andy Amoroso
119	Commissioner Scott Maxwell
120	Commissioner Omari Hardy
121	Commissioner Herman Robinson

122

123 The Mayor thereupon declared this ordinance duly passed and enacted on the ____
124 day of _____, 2020.

125

LAKE WORTH BEACH, CITY COMMISSION

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Pam Triolo, Mayor

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132 ATTEST:

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Deborah M. Andrea, CMC, City Clerk

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EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2020-06 – Amend Future Land Use Map of the City’s Comprehensive Plan

SUMMARY:

Ordinance 2020-06 provides for a Future Land Use Map amendment to change the designations of parcels between North A Street and Boutwell Road along the north side of Lake Worth Road from Mixed-Use East and Mixed-Use West to Transit Oriented Development respectively.

BACKGROUND AND JUSTIFICATION:

In reviewing the evolving development patterns in South Florida and across the region, staff has received a great deal of input related to a desire for increased density near the city’s transit locations and additional land area designate for transit-oriented development. In response, staff evaluated the feasibility of changing the future land use designation of the parcels along the north side of Lake Worth Road between North A Street and Boutwell Road. All parcels are within one quarter mile of the City’s Tri-Rail Station and are appropriately located to support increased density and development intensity.

At their May meetings, both the Planning & Zoning Board and Historic Preservation Resources Review Board discussed the proposed Future Land Use Map changes and recommended approval to the City Commission.

DIRECTION:

Move to approve/disapprove Ordinance No. 2020-06 on first reading and to transmit the proposed Future Land Use Map amendment to the Florida State Department of Economic Opportunity for review.

ATTACHMENT(S):

Ordinance 2020-06
Future Land Use Map Existing and Proposed
PZB/HRPB staff reports

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ORDINANCE NO. 2020-06 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A LARGE SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATIONS OF MIXED USE EAST AND MIXED USE-WEST TO THE TRANSIT ORIENTED DEVELOPMENT FLU DESIGNATION ON PROPERTY GENERALLY LOCATED ALONG THE LAKE WORTH ROAD CORRIDOR BETWEEN BOUTWELL ROAD AND NORTH A STREET AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan, including a future land use map and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, this is a City-initiated request for the properties described in Exhibit A (the "Property") for a large scale map amendment to change the future land use designation of the property; and

WHEREAS, City staff has prepared and reviewed an amendment to the Future Land Use Map of the City's Comprehensive Plan to change the land use designations of the property described below from a City of Lake Worth future land use designation of Mixed Use East (MU-E) and Mixed Use West (MU-W) to a City future land use designation of Transit Oriented Development (TOD); and

WHEREAS, on May 13, 2020, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, held a public hearing to consider the comprehensive plan amendments and forwarded a recommendation of approval to the City Commission; and

WHEREAS, on May 20, 2020, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the Future Land Use Map Amendment to the Comprehensive Plan of the City; and

WHEREAS, the amendment qualifies and meets the criteria to be reviewed and approved as a large scale map amendment in accordance with Florida Statutes; and

WHEREAS, the City Commission finds that the Future Land Use Map Amendment that is eligible for the State Expedited Review Process for the Adoption of Comprehensive Plan Amendments and has been processed in a manner consistent with Sections 163.3184 Florida Statutes; and

51 WHEREAS, the City Commission acknowledges that this Future Land Use
52 Map Amendment is subject to the provisions of Section 163.3184(9), and
53 163.3189, Florida Statutes, and that the City shall maintain compliance with all
54 provisions thereof; and

55
56 WHEREAS, the City has received public input and participation through
57 hearings before the Local Planning Agency and the City Commission in
58 accordance with Section 163.3181, Florida Statutes; and

59
60 WHEREAS, the City Commission has determined that the adoption of this
61 Ordinance is in the best interest of the citizens and residents of the City of Lake
62 Worth Beach.

63
64 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
65 THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

66
67 Section 1. The foregoing recitals are hereby affirmed and ratified.

68
69 Section 2. The parcel of land more particularly described in **Exhibit A** is hereby
70 designated Transit Oriented Development (TOD) on the City's Future Land Use
71 Map.

72
73 Section 3. All ordinances or parts of ordinances in conflict herewith are hereby
74 repealed.

75
76 Section 4. If any provision of this ordinance, or the application thereof to any
77 person or circumstance is held invalid, the invalidity shall not affect other
78 provisions or applications of the ordinance which can be given effect without the
79 invalid provision or application, and to this end the provisions of this ordinance
80 are declared severable,

81
82 Section 5. The effective date of this large scale map amendment shall be thirty-
83 one (31) days after the Department of Economic Opportunity notifies the City that
84 the plan amendment package is complete. If timely challenged, this amendment
85 does not become effective until the Department of Economic Opportunity or the
86 Administration Commission enters a final order determining the adopted
87 amendment to be in compliance.

88
89 The passage of this ordinance was moved by _____,
90 seconded by Commissioner _____, and upon being put to a vote, the
91 vote was as follows:

- 92
93 Mayor Pam Triolo
94 Vice Mayor Andy Amoroso
95 Commissioner Scott Maxwell
96 Commissioner Omari Hardy
97 Commissioner Herman Robinson
98

99 The Mayor thereupon declared this ordinance duly passed on first reading
100 on the ____ of June, 2020.

101
102

103 The passage of this ordinance on second reading was moved by
104 Commissioner _____, seconded by Commissioner _____, as
105 amended and upon being put to a vote, the vote was as follows:

106

- 107 Mayor Pam Triolo
- 108 Vice Mayor Andy Amoroso
- 109 Commissioner Scott Maxwell
- 110 Commissioner Omari Hardy
- 111 Commissioner Herman Robinson

112

113 The Mayor thereupon declared this ordinance duly passed on the __ day
114 of _____, 2020.

115

LAKE WORTH BEACH CITY COMMISSION

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118

By: _____
Pam Triolo, Mayor

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121
122 ATTEST:

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126 _____
Deborah M. Andrea, CMC, City Clerk

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EXHIBIT A
FUTURE LAND USE MAP AMENDMENT

Two (2) Future Land Use Map Amendments to extend the Transit-Oriented Development boundaries as follows:

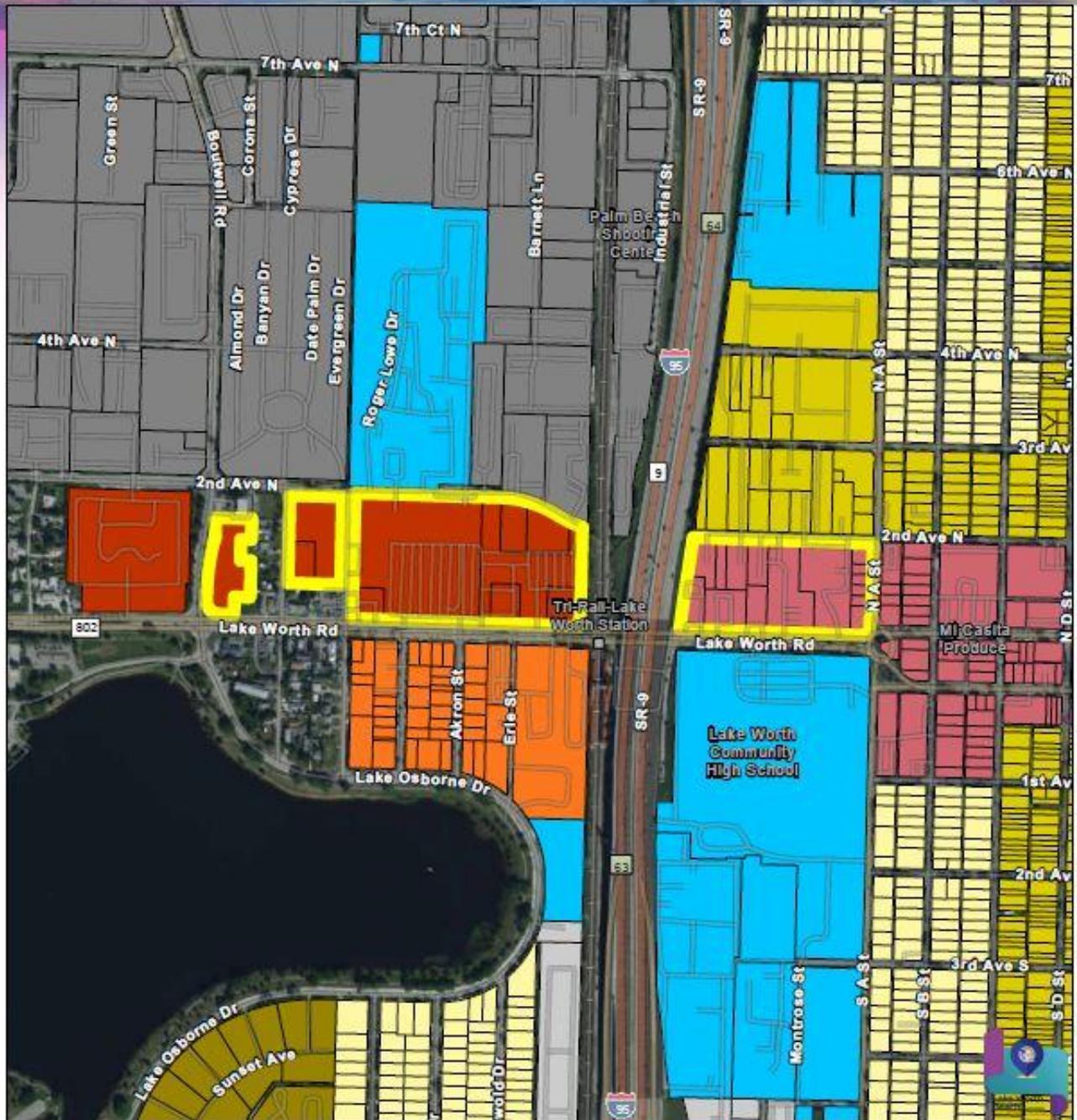
- a) Future Land Use Map amendment for approximately 7.11 acres from Mixed Use–East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks; and

- b) Future Land Use Map amendment for approximately 19.56 acres from Mixed Use–West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.



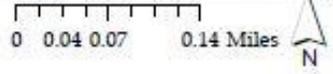
Current Future Land Use

City of Lake Worth Beach, FL



Map Legend

Single Family Residential (SFR)	Mixed Use - West (MU-W)	Public (P)
Medium Density Residential (MDR)	Transit Oriented Development (TOD)	Project Area
High Density Residential (HDR)	Artisanal Mixed Use (AMU)	
Mixed Use - East (MU-E)	Industrial (I)	

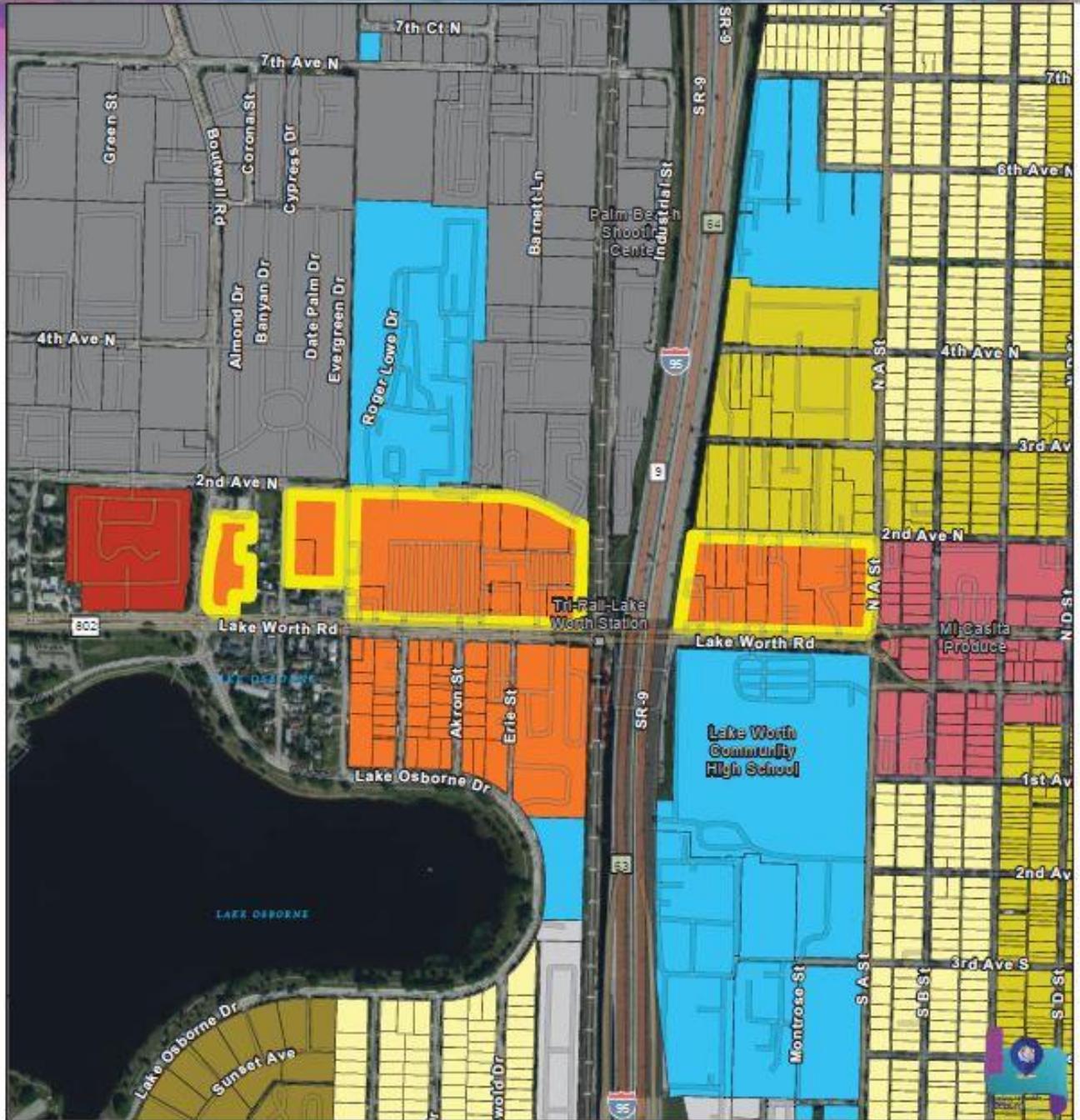


Created: March 19, 2009
Source: City of Lake Worth Beach



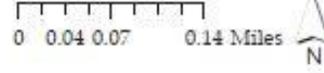
Proposed FLU Amendment

City of Lake Worth Beach, FL



Map Legend

- | | | |
|----------------------------------|------------------------------------|--------------|
| Single Family Residential (SFR) | Mixed Use - West (MU-W) | Public (P) |
| Medium Density Residential (MDR) | Transit Oriented Development (TOD) | Project Area |
| High Density Residential (HDR) | Artisanal Mixed Use (AMU) | |
| Mixed Use - East (MU-E) | Industrial (I) | |



Created: March 19, 2020
Source: City of Lake Worth Beach



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

DATE: May 6, 2020

TO: Members of the Historic Resources Preservation Board and Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

SUBJECT: **PZB/HRPB 20-00200001**: City-initiated request to amend the Future Land Use Map of Lake Worth Beach through a large scale map amendment from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation on property generally located on the north side of the Lake Worth Road corridor from between Boutwell Road and North A Street and more fully described in Exhibit A of the attached ordinance..

Meeting Dates: **May 13, 2010 and May 20, 2020**

BACKGROUND:

The subject City-initiated proposed amendments to the Future Land Use Map provide prime locations for Transit-Oriented Development (TOD) that are in close proximity to the existing Tri Rail train station/I-95 corridor and respond to market driven conditions for economic development by providing the desired TOD FLU designations. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

The two (2) proposed Future Land Use Map amendments to expand the TOD boundaries are described as follows:

- Future Land Use Map amendment for approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks; and
- Future Land Use Map amendment for approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.

The current FLU and proposed FLU maps are included as Exhibit A in the attached proposed Ordinance. The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177 and provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit the City initiated future land use map amendments (**PZB/HRPB 20-00200001**) to the Florida Department Economic Opportunity (DEO) for expedited review.

DATA & ANALYSIS:

The proposed TOD Future Land Use for the subject properties is compatible with the Future Land Use designations of surrounding properties. The following outlines the Future Land Use designations for the adjacent areas:

- Future Land Use Map amendment for approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks

Current FLU	Adjacent Direction	Future Land Use
Mixed Use East	North	Medium Density Residential
Mixed Use East	South	Public
Mixed Use East	East	Mixed Use East
Mixed Use East	West	Mixed Use West

- Future Land Use Map amendment for approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.

Current FLU	Adjacent Direction	Future Land Use Designations
Mixed Use West	North	Industrial and Public
Mixed Use West	South	Transit Oriented Development
Mixed Use West	East	Mixed Use East
Mixed Use West	West	Mixed Use West

JUSTIFICATION:

The TOD FLU designation provides an alternative mixed-use development pattern within a one-quarter mile radius of the existing Tri Rail Station, CSX railway, and I-95 transit nodes. Currently, the adjacent property to the south of Lake Worth Road and west of I-95 has a TOD FLU. Expansion of the TOD boundaries will enable a greater TOD area to serve the desired TOD uses, design, and lifestyle all within one-quarter mile of the existing Tri Rail train station/I-95 corridor and within close proximity to the Lake Worth Road Park of Commerce. The amendment provides market driven opportunities for TOD in prime transit locations positioning Lake Worth Beach to be a competitive viable location of choice.

COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:

Consistency with the Comprehensive Plan

The proposed FLUM amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach's Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

1. FUTURE LAND USE ELEMENT

- Objective 1.2.2:** The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City's mixed use, high density residential and transit oriented development (TOD) areas.
- Policy 1.2.2.1: The City shall continue to promote compact developments within the mixed use high density residential and TOD areas while providing adequate public services for each development in the most cost effective manner possible.
- Policy 1.2.2.2: The City shall require all future development and redevelopment to incorporate a functional mix of uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian and other modes of transportation.
- Policy 1.2.2.3: Investigate additional uses and opportunities to promote a more sustainable and resilient community.
- Policy 1.7.1.13: The City shall consider creating a "Commerce Park Village" incorporating the current LWPOC with the Mixed-Use West and TOD areas west of I-95.

2. TRANSPORTATION ELEMENT

- Policy 2.1.1.6: The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use of the public transit system.
- Policy 2.1.1.16: The City shall coordinate with South Florida Regional Transportation Authority, the Palm Beach MPO, and the Florida East Coast Railway to establish a commuter rail station serving Tri-Rail Coastal Link service and to encourage transit opportunities to the future station.

3. HOUSING AND NEIGHBORHOODS ELEMENT

- Objective 3.1.8:** **Encourage construction of workforce housing units and market- rate housing to alleviate the excessive concentration of affordable units in the City and to contribute to the Goal of providing a full range of quality residential unit types**

and prices for current and anticipated homeowners and renters in all household income levels.

Policy 3.1.8.1: Establish an effective housing program to alleviate the excessive concentration of affordable units in the City and to provide a full range of quality residential unit types and prices.

Policy 3.1.8.2: Promote the construction of market-rate housing in redevelopment areas and mixed-use corridors to contribute to achieve a full range of housing supply.

Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.

- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
- Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
- Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
- The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
- Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
- Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
- Relate new buildings to the context of the neighborhood and community.
- Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.

11. ECONOMIC DEVELOPMENT ELEMENT

- Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.
- Policy 11.1.2.11: The City shall foster the redevelopment of commercial corridors by preparing individual corridor redevelopment plans for key economic corridors located in existing mixed-use corridors and areas.
- Policy 11.1.2.12: The City shall establish and maintain land uses and zoning regulations that will facilitate telecommuting, home based occupations, mixed-use centers, Transit-Oriented Development (TOD) areas, and other components that are helpful to job creation and retention, including the targeted industries.
- Policy 11.1.2.16: The City shall maintain its unique urban character and charm by preserving historic sites and districts within the City as much as possible, and direct economic development projects to existing mixed-use corridors and sites as well as to the Lake Worth Park of Commerce.

Consistency with the Strategic Plan

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are consistency with the following Strategic Plan Pillars:

Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'

A: Diversify housing options

Pillar IV: Navigating Towards a Sustainable Community

A: Achieve economic and financial sustainability through a versatile and stable tax base.

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

Level of Service Analysis

Pursuant to Chapter 163 of the Florida Statutes, any FLU amendment must be evaluated to determine if the proposed future land use will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the maximum development potential for the existing and proposed FLU, and whether or not each public facility has capacity to accommodate any additional

demands. According to the City's Comprehensive Plan, the maximum development potential change is for the existing Mixed Use FLU at 30 du/acre to the proposed TOD FLU at 60 du/acre resulting in an increase of 30 du/acre.

Analysis of the increased density (30 du/acre to 60 du/acre= 30 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future increased demands and long range LOS can be met with current and planned system capacities. Specifically, the additional 30 du/acre for the proposed TOD area of approximately 26.67 acres generates an increase of 800 dwelling units or 2,024 persons (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). The following table provides a LOS summary.

FLUM AMENDMENT LOS SUMMARY TABLE

Type of Facility:	Existing FLU Designations: (at 30 du/acre for Mixed Use)	Proposed FLU Designations: (at 60 du/acre for TOD)
Drainage	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	3-year, 1-hour storm duration Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required to provide drainage collection and conveyance systems to positive outfall.
Potable Water	105 GPCD (gallons per capita per day. 105 gpcd x 30 du/acre x 2.53 pph =7,970	105 gpcd x 60 du/acre x 2.53 pph =15,939 Increase of 7,970 gpcd The City facilities have available capacity to accommodate the additional demand.
Sanitary Sewer	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day. 100 gpcd x 30 du/acre x 2.53 pph =7,590	100 gpcd x 60 du/acre x 2.53 pph =15,180 Increase of 7,590 gpcd The City facilities have available capacity to accommodate the additional demand.
Solid Waste	Collection and disposal of 6.5 pounds of solid waste per capita per day. 6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 = 90 Tons/year	6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year / 2,000 = 180 Tons/year Increase of 90 Tons/year The Solid Waste Authority has available capacity to accommodate the additional demand.
Parks	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons. 26.67 acre x 30 du/acre = 800 du/acre x 2.53 pph/du= 2,024 persons	26.67 acre x 60 du/acre = 1,600 du/acre x 2.53 pph/du= 4,048 persons Increase of 2,024 persons The City has available capacity with over 330 acres in Public Rec and Open Space to accommodate the additional demand.

<p>Schools</p>	<p>800 dwelling units</p>	<p>1600 dwelling units Increase of 800 du School District to determine impact of additional 800 units; School Capacity Availability Determination (SCAD).</p>
<p>Traffic</p>	<p>26.67 acre x 30 du/acre = 800 du 800 du x 5.44 daily trips* = 4,356 Daily Trips * ITE 10th Edition Trip Generation Rates</p>	<p>26.67 acre x 60 du/acre = 1,600 du 1,600 du x 5.44 daily trips = 8,705 daily trips Increase of 858 daily trips Capacity is available to accommodate the additional demand.</p>

Traffic: The proposed amendment could result in an additional 4,356 daily trips. However, the number of trips will likely be less given mitigating circumstances. These areas, with a 2040 LOS at LOS D, are served by multi-modal transportation options and are located on primary arterial streets in close proximity to I-95 which is a ten (10) lane Urban Principal Arterial facility. Additionally, half of the area is within the urbanized traffic concurrency exemption area. Lake Worth Road, Lake Avenue, Lucerne Avenue, 10th Avenue North and 6th Avenue South impacted. Dixie Highway is also within close proximity and serves as a major north south connector for these streets. Additionally, unit sizes are anticipated to be smaller than average based on current development trends which would generate less daily trips as the per household rate would be less than the calculated 2.53 rate.

CONCLUSION:

Staff **recommends approval of the draft City initiated site-specific amendments**, as:

- The amendments are consistent the City’s goals of housing diversity and economic development by allowing for mixed use transit oriented development desired in close proximity to the existing Tri Rail train station that optimizes the maximum residential development potential for these locations.
- The amendments area supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City’s community goals and vision and consistency with level of service requirements.

POTENTIAL MOTIONS:

I MOVE TO RECOMMEND/NOT RECOMMEND PZB PROJECT NUMBER 20-xxxxxx: Proposed amendments to the Future Land Use Map of the Lake Worth Beach Comprehensive Plan from the Future Land Use (FLU) designations of Mixed Use East and Mixed Use West to the Transit Oriented Development FLU designation.

Attachments:

Proposed Ordinance No. 20-XX Amendments to the Comprehensive Plan Future Land Use Map

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2020-05 – Amend Future Land Use Element of the City’s Comprehensive Plan

SUMMARY:

Ordinance No. 2020-05 provides for several amendments to the Future Land Use Element of the City’s Comprehensive Plan including language in the Downtown Mixed Use and Transit Oriented Development sections as well as the future land use Table 1 to allow for a base maximum density in the Mixed Use Federal Highway zoning district of 30 units per acre and for a base maximum density in the Transit Oriented Development zoning districts of 60 units per acre.

BACKGROUND AND JUSTIFICATION:

In reviewing the evolving development patterns in South Florida and across the region, staff has received a great deal of input related to a desire for increased densities due to growing interest in smaller unit sizes and development projects with amenities. In response, staff reviewed the feasibility of changing the based density allowances for the Transit Oriented Development areas and the Federal Highway area as well as clarifying language in the Downtown Mixed-Use and Transit Oriented Development sections.

At their May meetings, both the Planning & Zoning Board and Historic Preservation Resources Review Board had lengthy discussions and received public input regarding the proposed changes. Both boards voiced concerns regarding the changing of the base maximum density for the Mixed-Use Federal Highway zoning district from 20 units an acre to 30 units an acre to be consistent with other zoning districts in the Mixed Use East Future Land Use designation. The other changes including an increase of the base maximum density of 50 units an acre to 60 units an acre for the Transit Oriented Development land use designation received support. As such, both boards recommended denial to the City Commission of the Future Land Use Element changes as submitted.

MOTION:

Move to approve/disapprove Ordinance No. 2020-05 on first reading and to transmit the proposed Future Land Use Element amendment to the Florida State Department of Economic Opportunity for review.

ATTACHMENT(S):

Ordinance 2020-05
PZB & HRPB staff reports

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ORDINANCE NO. 2020-05 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING POLICIES IN THE FUTURE LAND USE ELEMENT OF THE CITY’S COMPREHENSIVE PLAN RELATING TO THE MIXED USE EAST, DOWNTOWN MIXED USE, AND TRANSIT ORIENTED DEVELOPMENT FUTURE LAND USE (FLU) DESIGNATIONS, INCLUDING MODIFICATIONS TO THE FLU DEVELOPMENT REQUIREMENTS, LIMITATIONS, AND GENERAL LOCATION DESCRIPTIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, the City has a previously adopted Evaluation and Appraisal Report (EAR) Comprehensive Plan, dated June 1, 2018; and

WHEREAS, the City has identified the need to revise the Future Land Use Element portion of the Comprehensive Plan in order to further advance the goal of well-planned and orderly development; and

WHEREAS, the amendments further the City’s Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and supporting the Plan’s Strategic Pillars, including to be a competitive viable location of choice, strengthening Lake Worth Beach as a “Community of Neighborhoods”, and navigating towards a sustainable community; and

WHEREAS, City staff has prepared amendments to the Comprehensive Plan that modify Future Land Use Element Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10; and

WHEREAS, on May 13, 2020, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, held a public hearing to consider the comprehensive plan amendments and forwarded a recommendation of approval to the City Commission; and

WHEREAS, on May 20, 2020, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, held a public hearing to consider the comprehensive plan amendments and forwarded a recommendation of approval to the City Commission; and

WHEREAS, the City Commission desires to amend its Comprehensive Plan to adopt the amendments; and

49 WHEREAS, the City Commission finds that the subject text amendment that is
50 eligible for the State Expedited Review Process for the Adoption of Comprehensive Plan
51 Amendments and that it has been processed in a manner consistent with Sections
52 163.3184 Florida Statutes;

53
54 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
55 CITY OF LAKE WORTH BEACH, FLORIDA, that:

56
57 Section 1. The foregoing recitals are true and accurate and are expressly incorporated
58 herein by reference and made a part hereof.

59
60 Section 2. The Elements to the City Comprehensive Plan are hereby amended as set
61 forth in **Exhibit A** which is attached hereto and made part hereof as if fully set forth herein.

62
63 Section 3. The City Manager or designee is hereby directed to ensure that this ordinance
64 and all other necessary documents are forwarded to the Florida Department of Economic
65 Opportunity and other review agencies in accordance with section 163.3184(3), Florida
66 Statutes.

67
68 Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

69
70 Section 5. If any provision of this ordinance or the application thereof to any person or
71 circumstances is held invalid, such invalidity shall not affect other provisions or
72 applications of this ordinance which can be given effect without the invalid provision or
73 application, and to this end the provisions of this Ordinance are declared to be severable.

74
75 Section 6. Pursuant to section 163.318(3)(c)4, Florida Statutes, this plan amendment
76 does not become effective until 31 days after the Department of Economic Opportunity
77 notifies the City that the plan amendment package is complete. If timely challenged, this
78 amendment does not become effective until the Department of Economic Opportunity or
79 the Administration Commission enters a final order determining the adopted amendment
80 to be in compliance.

81
82 The passage of this ordinance was moved by _____ seconded
83 by _____, and upon being put to a vote, the vote was as follows:

- 84
85 Mayor Pam Triolo
86 Vice Mayor Andy Amoroso
87 Commissioner Scott Maxell
88 Commissioner Omari Hardy
89 Commissioner Herman Robinson

90
91 The Mayor thereupon declared this ordinance duly passed on first reading on the
92 Xth day of June, 2020.

93
94 The passage of this ordinance on second reading was moved by Commissioner
95 _____, seconded by Commissioner _____, and upon being put to a
96 vote, the vote was as follows:

97

98 Mayor Pam Triolo
99 Vice Mayor Andy Amoroso
100 Commissioner Scott Maxell
101 Commissioner Omari Hardy
102 Commissioner Herman Robinson
103

104 The Mayor thereupon declared this ordinance duly passed on the __ day of ____, 2020.

105
106 LAKE WORTH BEACH CITY COMMISSION

107
108
109 By: _____
110 Pam Triolo, Mayor
111

112 ATTEST:
113
114
115 _____
116 Deborah Andrea, CMC, City Clerk
117

EXHIBIT A
FUTURE LAND USE ELEMENT TEXT AMENDMENTS

The following represents the five (5) proposed text amendments in ~~strike through~~ (proposed deleted provisions) and underline (proposed new provisions) format.

1) Future Land Use Element Policy 1.1.1.1 Table 1 Mixed Use East (MU-E):

TABLE 1

Omitted for brevity

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
Mixed Use	Mixed Use East (MU-E) 45' Max.	MU-DH	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	75% residential/ 25% non-residential	1.55
		MU-FH	<u>320</u> du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)		
	Mixed Use West (MU-W) 65' Max.	MU-W	30 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories)	75% residential/ 25% non-residential	3.0
	Downtown Mixed Use (DMU) 45' – 65' Max.	DT	40 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories—east of FH)	75% residential/ 25% non-residential	2.45
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

Omitted for brevity

2) Future Land Use Element Policy 1.1.1.8 Transit-Oriented Development (TOD):

Policy 1.1.1.8: Transit-Oriented Development, maximum 650/du acre

The Transit-Oriented Development land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of

permitted residential development is 650/ dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH MF-20, MU-W, P, PROS, and AI.

3) Future Land Use Element Policy 1.1.1.1 Table 1 Transit-Oriented Development (TOD):

TABLE 1 Cont'd.

Omitted for brevity

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation (1)	Allowable Mix of Uses per District	Floor Area Ratio
Transit-Oriented Development	Transit-Oriented Development (TOD) 45' – 55' Max.	TOD-E	<u>650</u> du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)	75% residential/ 25% non-res.	2.65
		TOD-W	<u>650</u> du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)		
		SFR	7 du/acre	30 feet (max 2 stories)	N/A		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-DH	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

Omitted for brevity

4) Future Land Use Element Policy 1.1.2.10 Transit-Oriented Development (TOD):

Policy 1.1.2.10: Locational Criteria for the Transit Oriented Development Designation

The Transit Oriented Development designation is intended for mapping in the following locations:

1. TOD-W includes the area just south of Lake Worth Road, north-east of Lake Osborne, and west of I-95 and railway tracks; and the area from Lake Worth Road north to 2nd Avenue North, and from Boutwell Road east to I-95 and the railway tracks.
2. TOD-E includes the area between Lucerne Avenue and 4th Avenue South flanking both sides of the FEC railway tracks; the area between 7th Avenue North and 11th Avenue North flanking both sides of the FEC railway tracks; and the area between 7th Avenue South and 10th Avenue South flanking both sides of the FEC railway tracks; and the area from Lake Worth Road north to 2nd Avenue North, and from I-95 and the railway tracks east to North A Street. The TOD-E locations have potential for future rail stations. The TOD-E district between Lucerne Avenue and 4th Avenue South is also envisioned to encourage arts, entertainment and cultural activities in the City.

The TOD designation shall provide an alternative mixed-use development pattern within a one-quarter mile radius of rail or light rail transit nodes. This pattern is an alternative to piecemeal, parcel-based development, and shall allow for a wide range of commercial and institutional uses, functionally integrated with residential uses, and shall include a concentrated area for retail, professional offices and services, cultural, and housing opportunities.

5) Future Land Use Element Policy 1.1.1.7 Downtown Mixed Use (DMU):

Policy 1.1.1.7: Downtown Mixed Use, maximum 40 du/acre

The Downtown Mixed Use land use category is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, ~~including higher intensity commercial~~, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The maximum density of permitted residential development is 40 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The implementing zoning districts are DT, MU-E, MF-20 and MF-30.

Omitted for brevity



DEPARTMENT FOR COMMUNITY SUSTAINABILITY
Planning Zoning Historic Preservation Division
1900 2ND Avenue North
Lake Worth Beach, FL 33461
561-586-1687

DATE: May 6, 2020

TO: Members of the Historic Resources Preservation Board and Planning and Zoning Board

FROM: William Waters, AIA, NCARB, LEED, AP BD+C, ID SEED, Director for Community Sustainability

SUBJECT: **PZB/HRPB 20-00400001**: City-initiated request to amend the Future Land Use Element of the Lake Worth Beach Comprehensive Plan relating to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, limitations, and general location descriptions.

Meeting Dates: May 13, 2010 and May 20, 2020

BACKGROUND:

The subject City-initiated proposed amendments to Future Land Use Element Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10 that relate to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, density limitations, and general location descriptions.

The data and analysis section in the staff report was prepared in accordance with the requirement of F.S. 163.3177 and provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements. The amendments reflect market driven conditions for economic development by providing the type of development desired in prime locations that are in close proximity to the existing Tri Rail train station and the Federal Highway mixed use corridor while optimizing the maximum residential development potential for these locations. Furthermore, the amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission transmit the text amendments (PZB/HRPB 20-00400001) to the Florida Department Economic Opportunity (DEO) for expedited review.

DATA & ANALYSIS

The following represents the five (5) proposed text amendments in ~~strikethrough~~ (proposed deleted provisions) and underline (proposed new provisions) format.

1) Future Land Use Element Policy 1.1.1.1 Table 1 Mixed- Use East Federal Highway (MU-E FH) Zoning District

Policy 1.1.1.1: *****Portion of Policy 1.1.1.1 Text Omitted for Brevity*****

Table 1 depicts maximum densities for each residential and mixed use designation, building heights, sustainable incentive bonus program height allocations, ratios of residential and non-residential uses for each mixed use designation, and Floor Area Ration (FAR) intensities for all Future Land Uses.

Table 1

*****Residential Portion of Table 1 Omitted for Brevity*****

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation(1)	Allowable Mix of Uses per District	Floor Area Ratio
Mixed Use	Mixed Use East (MU-E) 45' Max.	MU-DH	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)	75% residential/ 25% non-residential	1.55
		MU-FH	30 30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 15 feet (max 4 stories)		
	Mixed Use West (MU-W) 65' Max.	MU-W	30 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories)	75% residential/ 25% non-residential	3.0
	Downtown Mixed Use (DMU) 45' – 65' Max.	DT	40 du/acre	30 feet (max 2 stories)	plus 35 feet (max 6 stories—east of FH)	75% residential/ 25% non-residential	2.45
		MU-E	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-20	20 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

*****Remaining Land Use Designations in Table 1 Omitted for brevity*****

JUSTIFICATION:

The proposed amendment allows for 30 du/acre in the Mixed Use - Federal Highway (MU-FH) Zoning District consistent with the Mixed Use East (MU-E) Future Land Use Designation maximum development potential.

The maximum density for the MU-E FLU pursuant to FLU Policy 1.1.1.5 is 30 du/acre. The amendment allows 30 du/acre in the corresponding MU-FH Zoning District consistent with the other corresponding Zoning districts of MU-DH and MU-E. The increase in density for the Zoning District from 20 du/acre to 30 du/acre will allow for a maximum range of multifamily unit sizes and is consistent with the existing maximum development potential of the MU-E Future Land Use Designation.

2) Future Land Use Element Policy 1.1.1.8 Transit-Oriented Development (TOD) Land Use Designation

Policy 1.1.1.8: Transit-Oriented Development, maximum 650/du acre

The Transit-Oriented Development land use category is established to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 650/ dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts. The implementing zoning districts for this category are TOD-E, TOD-W, SFR, MF-30, MU-DH MF-20, MU-W, P, PROS, and AI.

JUSTIFICATION

The proposed amendment allows an additional 10 du/acre (max 60 du/acre) in the Transit Oriented Development (TOD) Future Land Use designation and lists all corresponding implementing zoning districts currently located within the TOD areas.

The TOD designation provides an alternative mixed-use development pattern within a one-quarter mile radius of rail or light rail transit nodes. TOD uses, design, and desired lifestyle lend itself to integrating high density residential enabling various unit types and sizes. The amendment provides densities reflective of market driven opportunities for TOD in prime transit locations.

Level of Service Analysis

Pursuant to Chapter 163 of the Florida Statutes, any amendment increasing maximum development potential (densities or intensities) must be evaluated to determine if the proposed amendment will have a significant impact on the long range level of service (LOS) for public facilities (i.e. drainage, potable water, wastewater, solid waste, parks, schools, and traffic) that service the property and the surrounding area. The LOS for public facilities is analyzed based on the increase in maximum FLU designation development potential, and whether or not each public facility has capacity to accommodate any additional demands.

Analysis of the proposed amendment increased density (50 du/acre to 60 du/acre= 10 du/acre) on the long range Level of Service (LOS) impacts concluded community facilities and services are available in the area to sustain the future increased demands and long range LOS can be met with current and planned system capacities. Specifically, the additional 10 du/acre for the approximately 85.81 acres currently with a TOD FLU generates an increase of 858 dwelling units or 2,171 persons (at an average household size of 2.53 people per household per Comprehensive Plan Future Land Use Data and Analysis). The following table provides a LOS summary.

FLUM AMENDMENT LOS SUMMARY TABLE

Type of Facility	Existing 50 du/acre	Proposed 60 du/acre
Drainage	3-year, 1-hour storm duration, as recorded in the FDOT Drainage Manual IDF curves, current edition and fully contained onsite.	3-year, 1-hour storm duration Both FLU designations meet the 3 yr. – 1 hr. drainage LOS requirements. Site improvements will be required for development to provide drainage collection and conveyance systems to positive outfall.
Potable Water	105 gpcd (gallons per capita per day). 105 gpcd x 50 du/acre x 2.53 pph =13,285 gpcd	105 gpcd x 60 du/acre x 2.53 pph =15,939 Increase of 2,654 gpcd The City has available capacity to accommodate the additional demand.
Sanitary Sewer	Collection and treatment of 100 gallons per capita per day at secondary treatment level, or 250 gallons per ERU per day. 100 gpcd x 50 du/acre x 2.53 pph =12,650 gpcd	100 gpcd x 60 du/acre x 2.53 pph =15,180 gpcd Increase of 2,530 gpcd The City has available capacity to accommodate the additional demand.
Solid Waste	Collection and disposal of 6.5 pounds of solid waste per capita per day. 6.5 lbs/pcd x 30 du/acre x 2.53 pph x 365 days/year / 2,000 = 90 Tons/year	6.5 lbs/pcd x 60 du/acre x 2.53 pph x 365 days/year / 2,000 = 180 Tons/year Increase of 90 Tons/year The Solid Waste Authority has available capacity to accommodate the additional demand.
Parks	2.5 acres of community parks for every 1,000 persons and 2.0 acres of neighborhood parks for every 1,000 persons. 85.81 acre x 50 du/acre = 4,291 du/acre x 2.53 pph/du= 10,855 persons	85.81 acre x 60 du/acre = 5,149 du/acre x 2.53 pph/du= 13,026 persons Increase of 2,171 persons 5 acres Community Park and 4 acres Neighborhood Park demand The City has available capacity with over 330 acres in Public Rec and Open Space to accommodate the additional demand.
Schools	85.81 acres x 50du/acre= 4,291 du	85.81 x 60du/acre= 5,149 du Increase of 858 du School District to determine impact of additional 858 units; School Capacity Availability Determination (SCAD).
Traffic	85.81 acres x 50 du/acre = 4,291 du 4,291 du x 5.44 daily trips* = 23,343 daily trips * ITE 10th Edition Trip Generation Rate	85.81 acres x 60 du/acre = 5,149 du 5,149 du x 5.44 daily trips* = 28,008 daily trips Increase of 858 daily trips Capacity is available to accommodate the additional demand.

Traffic: The proposed amendment could result in an additional 858 daily trips. However, the number of trips will likely be less given mitigating circumstances. These areas, with a 2040 LOS at LOS D, are served by multi-modal transportation options and are located on primary arterial streets in close proximity to I-95 which is a ten (10) lane Urban Principal Arterial facility. Additionally, half of the area is within the urbanized traffic concurrency exemption area. Lake Worth Road, Lake Avenue, Lucerne Avenue, 10th Avenue North and 6th Avenue South impacted. Dixie Highway is also within close proximity and serves as a major north south connector for these streets. Additionally, unit sizes are anticipated to be smaller than average based on current development trends which would generate less daily trips as the per household rate would be less than the calculated 2.53 rate.

3) Future Land Use Element Policy 1.1.1.1 Table 1 TOD-East and TOD–W Zoning Districts.

Policy 1.1.1.1: *****Portion of Policy 1.1.1.1 Text Omitted for Brevity*****
 Table 1 depicts maximum densities for each residential and mixed use designation, building heights, sustainable incentive bonus program height allocations, ratios of residential and non-residential uses for each mixed use designation, and Floor Area Ration (FAR) intensities for all Future Land Uses.

Table 1

*****Residential & Mixed Use Portion of Table 1 Omitted for Brevity*****

	Land Use	Zoning District	Density Allowed by Zoning District	Building Height	Height w/ Sustainable Incentive Bonus Program Allocation (1)	Allowable Mix of Uses per District	Floor Area Ratio
Transit-Oriented Development	Transit-Oriented Development (TOD) 45' – 55' Max.	TOD-E	650 du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)	75% residential/ 25% non-res.	2.65
		TOD-W	650 du/acre	30 feet (max 2 stories)	plus 25 feet (max 5 stories – train station.)		
		SFR	7 du/acre	30 feet (max 2 stories)	N/A		
		MF-30	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		MU-DH	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		
		AI	30 du/acre	30 feet (max 2 stories)	plus 5 feet (max 3 stories)		

*****Remaining Land Use Designations in Table 1 Omitted for brevity*****

JUSTIFICATION:

The proposed amendment, consistent with previous amendment 2, allows 60 du/acre in the TOD-E and TOD-W Zoning districts. These Zoning Districts are consistent with the TOD FLU and are located in prime TOD areas within a one-quarter mile radius of rail or light rail transit nodes. The amendment provides densities reflective of market driven opportunities for TOD in prime transit locations.

4) Future Land Use Element Policy 1.1.2.10 TOD Future Land Use designation locations

Policy 1.1.2.10: Locational Criteria for the Transit Oriented Development Designation

The Transit Oriented Development designation is intended for mapping in the following locations:

1. TOD-W includes the area just south of Lake Worth Road, north-east of Lake Osborne, and west of I-95 and railway tracks and the area from Lake Worth Road north to 2nd Avenue North from Boutwell Road east of I-95 and the railway tracks.
2. TOD-E includes the area between Lucerne Avenue and 4th Avenue South flanking both sides of the FEC railway tracks; the area between 7th Avenue North and 11th Avenue North flanking both sides of the FEC railway tracks; and the area between 7th Avenue South and 10th Avenue South flanking both sides of the FEC railway tracks, and the area from Lake Worth Road north to 2nd Avenue North east of I-95 and the railway tracks to North A Street. The TOD-E locations have potential for future rail stations. The TOD-E district between Lucerne Avenue and 4th Avenue South is also envisioned to encourage arts, entertainment and cultural activities in the City.

Omitted for brevity

JUSTIFICATION:

The proposed amendment expands the location of the TOD boundaries in close proximity to the existing TOD/Tri Rail train station to include Lake Worth Road north to 2nd Avenue North, east of Boutwell Road to North A Street. The addition of these locations is important to the expansion of desired TOD and reflects the City's desire to capitalize on existing infrastructure to serve TOD expansion.

5) Future Land Use Element Policy 1.1.1.7 Downtown Mixed Use (DMU):

Policy 1.1.1.7: Downtown Mixed Use, maximum 40 du/acre

The Downtown Mixed Use land use category is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, ~~including higher intensity commercial~~, and some residential within the traditional downtown core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area. The maximum density of permitted residential development is 40 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. The implementing zoning districts are DT, MU-E, MF-20 and MF-30.

Omitted for brevity

JUSTIFICATION:

The proposed amendment removes specific reference to “higher intensity commercial” use within the DMU FLU as it is redundant since the policy references that commercial uses are allowed within the DMU FLU. The zoning code provides for the development regulations specific to the types and intensity of commercial uses allowed.

COMPREHENSIVE PLAN AND STRATEGIC PLAN ANALYSIS:**Consistency with the Comprehensive Plan**

The proposed text amendments are consistent and in support of the following associated Objectives and Policies of the City of Lake Worth Beach’s Comprehensive Plan. The underlined text emphasizes key concepts, strategies and objectives within these objectives and policies that are furthered by the subject amendments.

1. FUTURE LAND USE ELEMENT

Objective 1.2.2: **The City shall facilitate a compact, sustainable urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land and other resources and services, and to reduce dependence on the automobile. This can be accomplished by concentrating more intensive growth within the City’s mixed use, high density residential and transit oriented development (TOD) areas.**

Policy 1.2.2.1: The City shall continue to promote compact developments within the mixed use high density residential and TOD areas while providing adequate public services for each development in the most cost effective manner possible.

Policy 1.2.2.2: The City shall require all future development and redevelopment to incorporate a functional mix of uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian and other modes of transportation.

Policy 1.2.2.3: Investigate additional uses and opportunities to promote a more sustainable and resilient community.

Policy 1.7.1.13: The City shall consider creating a “Commerce Park Village” incorporating the current LWPOC with the Mixed-Use West and TOD areas west of I-95.

2. TRANSPORTATION ELEMENT

Policy 2.1.1.6: The City shall encourage local businesses and encourage transit friendly development in the Land Development Regulations for all land uses to maximize the use of the public transit system.

Policy 2.1.1.16: The City shall coordinate with South Florida Regional Transportation Authority, the Palm Beach MPO, and the Florida East Coast Railway to establish a commuter rail station serving Tri-Rail Coastal Link service and to encourage transit opportunities to the future station.

3. HOUSING AND NEIGHBORHOODS ELEMENT

Objective 3.1.8: **Encourage construction of workforce housing units and market-rate housing to alleviate the excessive concentration of affordable units in the City and to contribute to the Goal of providing a full range of quality residential unit types and prices for current and anticipated homeowners and renters in all household income levels.**

Policy 3.1.8.1: Establish an effective housing program to alleviate the excessive concentration of affordable units in the City and to provide a full range of quality residential unit types and prices

Policy 3.1.8.2: Promote the construction of market-rate housing in redevelopment areas and mixed-use corridors to contribute to achieve a full range of housing supply.

Policy 3.3.1.7: Strengthen the positive attributes and distinctive character of each neighborhood to help sustain Lake Worth as a healthy, vital City.

- Strengthen the sense of place in each neighborhood with adequate and well-designed, public facilities such as libraries, schools, recreation centers, fire stations and streetscapes.
- Continue to support public art and historic preservation as a focus for neighborhood identity and pride.
- Recognize that every neighborhood has assets that identify that neighborhood and contribute to the well-being of the people who live there. Understand what those are and look for opportunities to enhance them and leverage them for neighborhood improvement. Assets include trees, large yards, schools, people and independent businesses.
- The physical layout of a neighborhood should encourage walking, bicycling and transit use, be safe, family friendly, usable by people of all ages, encourage interaction between people and be a sense of pride.
- Recognize that there are different development patterns. They have been defined generally as: urban, traditional, suburban, contemporary and rural. Each has sustainability standards that must be used.
- Accommodate the City's existing and future housing needs through maintenance of existing residential neighborhoods and the creation of new residential neighborhoods.
- Relate new buildings to the context of the neighborhood and community.
- Where a fine-grained development pattern exists, build within the existing street, block, and lot configuration of the neighborhood.

11. ECONOMIC DEVELOPMENT ELEMENT

- Policy 11.1.2.3: The City shall allocate adequate commercial, industrial, and residential acreage through mechanisms such as zoning and land use plans to meet future needs of a diversified economy.
- Policy 11.1.2.11: The City shall foster the redevelopment of commercial corridors by preparing individual corridor redevelopment plans for key economic corridors located in existing mixed-use corridors and areas.
- Policy 11.1.2.12: The City shall establish and maintain land uses and zoning regulations that will facilitate telecommuting, home based occupations, mixed-use centers, Transit-Oriented Development (TOD) areas, and other components that are helpful to job creation and retention, including the targeted industries.
- Policy 11.1.2.16: The City shall maintain its unique urban character and charm by preserving historic sites and districts within the City as much as possible, and direct economic development projects to existing mixed-use corridors and sites as well as to the Lake Worth Park of Commerce.

Consistency with the Strategic Plan

The proposed amendments further the City's Strategic Plan that is committed to building a vibrant and diverse economy, planning thoughtfully for the future, and support the Strategic Pillars of Positioning Lake Worth Beach to be a competitive viable location of choice, Strengthening Lake Worth Beach as a "Community of Neighborhoods", and Navigating towards a sustainable community.

Specifically, the proposed amendments are compatible with the following Pillars:

Pillar I: Positioning Lake Worth Beach to be a competitive viable location of choice

A: Ensure effective economic development incentives and zones

E: Provide superior public amenities and services to retain existing and entice new residents and businesses

Pillar II: Strengthening Lake Worth Beach as a 'Community of Neighborhoods'

A: Diversify housing options

Pillar IV: Navigating Towards a Sustainable Community

A: Achieve economic and financial sustainability through a versatile and stable tax base.

D: Influence the supply and expansion of jobs.

E: Ensure facility placement, construction and development that anticipates and embraces the future.

CONCLUSION:

Staff **recommends approval of the draft City initiated text amendments**, as:

- The amendments reflect market driven conditions for economic development by providing the type of development desired in prime locations that are in close proximity to the existing Tri Rail train station and the Federal Highway mixed use corridor while optimizing the maximum residential development potential for these locations.
- The amendments are supported by and are consistent with the Comprehensive Plan and City Strategic Plan as described in the Comprehensive Plan and Strategic Plan Analysis section of this report; and
- The amendments are supported by data and analysis prepared in accordance with the requirement of F.S. 163.3177 that provides relevant and appropriate data based the City's community goals and vision and consistency with level of service requirements.

POTENTIAL MOTIONS:

I MOVE TO RECOMMEND/NOT RECOMMEND PZB PROJECT NUMBER 20-xxxxxx: Proposed amendments to the Future Land Use Element of the Lake Worth Beach Comprehensive Plan, Policies 1.1.1.1, 1.1.1.7, 1.1.1.8, and 1.1.2.10.

Attachments:

Proposed Ordinance No. 20-XX Amendments to the Comprehensive Plan
Comprehensive Plan proposed text amendments are in ~~Strikethrough~~ and Underline format.

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2020-07 – Amend Chapter 23 Land Development Regulations of the City's Code of Ordinances

SUMMARY:

Ordinance No. 2020-07 provides for a series of amendments to Chapter 23 Land Development Regulations of the City's Code of Ordinances related to Article I - General Provisions, Division 2 - Definitions; Article II - Administration, Division 3, Permits; Article III - Zoning Districts, Division 3, Mixed Use Districts; Article IV - Development Standards, Off Street Parking and Medium and High Intensity Conditional Uses; and Article V - Supplemental Regulations, Nonconformities

BACKGROUND AND JUSTIFICATION:

Ordinance No. 2020-07 provides for a series of updates, clarifications, corrections and additions to the City's Land Development Regulations (LDRs). Back at its workshop on March 3, 2020, Staff presented a series of priorities for the LDRs to the Commission. The changes provided here are of the highest priority and include the following:

1. Updated, eliminated and clarified definitions
2. Clarification of language in the Mixed-Use West zoning district Planned Development District
3. Revamped and modernized off street parking section including provision for electrical vehicle charging infrastructure and greater flexibility in off street parking requirements
4. Expansion and clarification of performance standards for Administrative Uses and Conditional Uses including a new section for Single Destination Retail Uses as well as Stand Alone Retail and Stand Alone Commercial Uses
5. Clarification of conflict in the Nonconformities section

At its meetings in May, both the Planning & Zoning Board and Historic Resources Preservation Board discussed the amendments and both recommended unanimously for the City Commission to approve the proposed amendments.

MOTION:

Move to approve/disapprove Ordinance No. 2020-07 on first reading and to schedule the second reading and public hearing for June 16, 2020.

ATTACHMENT(S):

Ordinance 2020-07
PZB/HRPB Staff Report

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4 **ORDINANCE 2020-07 - AN ORDINANCE OF THE CITY OF LAKE**
5 **WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND**
6 **DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1**
7 **“GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION**
8 **23.1-12 - DEFINITIONS; ARTICLE 2, “SITE DESIGN QUALITATIVE**
9 **STANDARDS” - SECTION 23.2-31. - SITE DESIGN QUALITATIVE**
10 **STANDARDS; ARTICLE 3 “ZONING DISTRICTS” DIVISION 3, “MIXED**
11 **USE DISTRICTS,” SECTION 23.3-18 - MU-W MIXED USE WEST;**
12 **ARTICLE 3 “ZONING DISTRICTS”, DIVISION 6, “PLANNED**
13 **DEVELOPMENT”, SECTION 23.3-25 - PLANNED DEVELOPMENT**
14 **DISTRICT; ARTICLE 4 “DEVELOPMENT STANDARDS, SECTION 23.4-**
15 **10 - OFF STREET PARKING; AND SECTION 23.4-13 -**
16 **ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5**
17 **“SUPPLEMENTAL REGULATIONS”, DIVISION 3,**
18 **“NONCONFORMITIES”, SECTION 23.5-3 – NON-CONFORMITIES OF**
19 **THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR**
20 **SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT,**
21 **CODIFICATION, AND AN EFFECTIVE DATE.**

22
23 **WHEREAS**, as provided in Section 2(b), Article VIII of the Constitution of the State
24 of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the
25 “City”), a municipal corporation, enjoys all governmental, corporate, and proprietary
26 powers necessary to conduct municipal government, perform municipal functions, and
27 render municipal services, and may exercise any power for municipal purposes, except
28 as expressly prohibited by law; and

29
30 **WHEREAS**, as provided in Section 166.021(3), Florida Statutes, the governing
31 body of each municipality in the state has the power to enact legislation concerning any
32 subject matter upon which the state legislature may act, except when expressly prohibited
33 by law; and

34
35 **WHEREAS**, the City wishes to amend the Definitions section of its code to address
36 inconsistencies and conflicts; and

37
38 **WHEREAS**, the City wishes to amend the Site Design Qualitative Standards for
39 Vehicular fueling/charging section to address emerging technology and fueling options;
40 and

41
42 **WHEREAS**, the City wishes to amend the Mixed Use West (MU-W) section to
43 provide clarity and address a conflict; and

44
45 **WHEREAS**, the City wishes to amend the Planned Development District (PDD)
46 section to provide clarity and consistency; and

47
48 **WHEREAS**, the City wishes to amend the Medium and High Intensity Conditional
49 Uses to provide clarity and consistency; and

51 **WHEREAS**, the City wishes to amend the Off Street Parking section of the code
52 to address alternative parking options and changes in demand;

53
54 **WHEREAS**, the City wishes to amend the Nonconformities section of the code to
55 address non-conforming buildings and structures; and

56
57 **WHEREAS**, the Planning and Zoning Board, in its capacity as the local planning
58 agency, considered the proposed amendments at a duly advertised public hearing; and

59
60 **WHEREAS**, the Historic Resources Preservation Board, in its capacity as the local
61 planning agency, considered the proposed amendments at a duly advertised public
62 hearing; and

63
64 **WHEREAS**, the City Commission has reviewed the proposed amendments and
65 has determined that it is in the best interest of the public health, safety, and general
66 welfare of the City to adopt this ordinance.

67
68 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
69 **CITY OF LAKE WORTH BEACH, FLORIDA, that:**

70
71 **Section 1:** The foregoing “WHEREAS” clauses are ratified and confirmed as
72 being true and correct and are made a specific part of this Ordinance as if set forth herein.

73
74 **Section 2:** Chapter 23 “Land Development Regulations,” Article 1, “General
75 Provisions,” Division 2, “Definitions”, Sec. 23.1-12. – Definitions of the City’s Code of
76 Ordinances, is hereby amended by adding the words shown in underlined type and
77 deleting the words struck through as indicated in **Exhibit A**.

78
79 **Section 3:** Chapter 23 “Site Design Qualitative Standards”, Article 2,
80 “Administration,” Division 3 “Permits,” Sec. 23.2-31 is hereby amended by adding the
81 words shown in underlined type and deleting the words struck through as indicated in
82 **Exhibit B**.

83
84 **Section 4:** Chapter 23 “Land Development Regulations,” Article 3, “Zoning
85 Districts,” Division 3, “Mixed Use Districts”, Sec. 23.2-18. – MU-W – Mixed Use West; and
86 Article 3, “Zoning Districts,” Division 6, “Planned Development,” Sec. 23.2-33. –PDD-
87 Planned Development District - of the City’s Code of Ordinances, are hereby amended
88 by adding the words shown in underlined type and deleting the words struck through as
89 indicated in **Exhibit C**.

90
91 **Section 5:** Chapter 23 “Land Development Regulations,” Article 4,
92 “Development Standards” Sec. 23.4-13. – Administrative Uses and Medium and High
93 Intensity Conditional Uses; and Article 4, “Development Standards” Sec. 23.4-10 – Off
94 Street Parking, are hereby amended by adding the words shown in underlined type and
95 deleting the words struck through as indicated in **Exhibit D**.

96
97 **Section 6:** Chapter 23 “Land Development Regulations,” Article 5,
98 “Supplemental Regulations,” Division 3 “Nonconformities,” Sec. 23.5-3 –

99 Nonconformities, is hereby amended by adding the words shown in underlined type and
100 deleting the words struck through as indicated in **Exhibit E**.

101
102 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase or
103 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
104 competent jurisdiction, such portion shall be deemed a separate, distinct, and
105 independent provision, and such holding shall not affect the validity of the remaining
106 portions thereof.

107
108 **Section 6. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in
109 conflict herewith are hereby repealed to the extent of such conflict.

110
111 **Section 7. Codification.** The sections of the ordinance may be made a part of
112 the City Code of Laws and ordinances and may be re-numbered or re-lettered to
113 accomplish such, and the word "ordinance" may be changed to "section", "division", or
114 any other appropriate word.

115
116 **Section 8. Effective Date.** This ordinance shall become effective 10 days after
117 passage.

118
119 The passage of this ordinance on first reading was moved by
120 _____, seconded by _____, and upon
121 being put to a vote, the vote was as follows:

- 122
123 Mayor Pam Triolo
124 Vice Mayor Andy Amoroso
125 Commissioner Scott Maxwell
126 Commissioner Omari Hardy
127 Commissioner Herman Robinson

128
129 The Mayor thereupon declared this ordinance duly passed on first reading on the
130 _____ day of _____, 2020.

131
132
133 The passage of this ordinance on second reading was moved by
134 _____, seconded by _____, and upon being put to a vote,
135 the vote was as follows:

- 136
137 Mayor Pam Triolo
138 Vice Mayor Andy Amoroso
139 Commissioner Scott Maxwell
140 Commissioner Omari Hardy
141 Commissioner Herman Robinson

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144 The Mayor thereupon declared this ordinance duly passed on the _____ day of
145 _____, 2020.

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah Andrea, CMC, CMC, City Clerk

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EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 1 "GENERAL PROVISIONS"

Article 1, "General Provisions," Division 2, "Definitions"

Sec. 23.1-12. - Definitions.

Building height: The vertical distance measured from the minimum required floor or base flood elevation or of twelve (12) inches above the crown of the road, whichever is greater ~~less~~, to (a) the highest point of a flat roof; (b) the deck line of mansard roof, (c) the average height between eaves and ridge for gable, hip, and gambrel roofs, ~~or~~ (d) the average height between high and low points for a shed roof or (e) the average height of a parapet. The measurement of height shall not include decorative architectural elements, chimneys, mechanical equipment, church steeples, stair and/or elevator overruns and architecturally integrated signage, which may extend an additional ten (10) feet but cannot cover cumulatively more than ten (10) percent of the roof surface. In no instance shall any part of a building exceed the overall height as described in the City's Charter provisions Sec. 11 – Building height limitation.

Parapet: That portion of a façade which extends above the roof line. A parapet may include a balustrade or protective railing up to 42 inches above the roof line ~~maximum building height~~, subject to City Charter limitations.

~~*Convenience store accessory to gasoline sales:* An establishment not exceeding two hundred fifty (250) square feet and incidental to the sale of gasoline as a principal use.~~

Stand alone retail: A single retail use occurring in a singular structure. See "single-destination retail uses."

Vehicle fueling/charging service station: A vehicle fueling/charging service station is an establishment whose principal business is the retail dispensing of ~~automobile~~ fuels and energy for vehicles, but whose business may also include the selling and installation of oil, grease, batteries, tires and other vehicle accessories. The following services may be rendered and sales made, and no other:

- (1) Fuel, energy, oil and grease sales;
- (2) Sales and servicing related to spark plugs, batteries, distributors and distributor parts;
- (3) Tire sales;
- (4) Tire servicing and repair, but not recapping or regrooving;

- 205 (5) Replacement of water hoses, fan belts, brake fluid, light bulbs, fuses, floor
206 mats, wiper blades, grease retainers, wheel bearings, mufflers, shock
207 absorbers, mirrors and the like;
- 208 (6) Provision of water and supplements for radiator fluids, and the like;
- 209 (7) Washing and polishing, limited to facilities for washing one (1) vehicle ~~car~~
210 at a time, and sale of vehicle ~~automotive~~ washing and polishing materials,
211 but not the operation of vehicle ~~automobile~~ washing establishments;
- 212 (8) Providing and preparing fuel pumps and lines;
- 213 (9) Minor servicing and repair of carburetors;
- 214 (10) Minor servicing of air conditioners;
- 215 (11) Vehicular ~~Automotive~~ wiring repairs;
- 216 (12) Brake repair;
- 217 (13) Motor repairs not involved in removal of the motor from the vehicle ~~head or~~
218 ~~crankcase~~;
- 219 (14) Greasing and lubrication;
- 220 (15) Provision of air for tires;
- 221 (16) Sales of cold drinks, candies, tobacco products and similar goods for
222 ~~service station~~ customers, but only as accessory and incidental to the
223 principal business operation;
- 224 (17) Provision of road maps and other informational material for customers;
- 225 (18) Provision of restroom facilities.

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EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 2 "ADMINISTRATION"

Article 2, "Administration," Division 3 "PERMITS"

Sec. 23.2-31. - Site design qualitative standards.

- ~~e) Gasoline stations. Gasoline stations must follow all criteria set forth in this section, including the following additional criteria:~~
 - ~~1. Symbolic colors of the exterior façades or roofs may not be used unless they are harmonious with the atmosphere in the neighborhood and the city as well as appropriate to the architectural style of the proposed building(s).~~
 - ~~2. Exterior display of goods for sale or those designating a service will not be allowed. However, gasoline station displays of goods and tools or services may be displayed on the pump island, provided that the island is not considered by the board to be enlarged to take advantage of this provision, and provided that the goods and tools are such that they can be used or installed at the island. For example, an oil rack is acceptable but a tire display is not.~~
 - ~~3. Areas used to store materials such as mufflers, tires, packing crates or cases, refuse and garbage shall be screened from adjacent property and from the public view.~~

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 3 "ZONING DISTRICTS"

Article 3, "Zoning Districts," Division 3, MIXED USE DISTRICTS

Sec. 23.3-18. – MU-W – Mixed use west.

de) *Development regulations for uses permitted by right.*

5. *Maximum impermeable surface.* The maximum impermeable surface shall be:

A. Sixty-five (65) percent for lots up to four thousand nine hundred ninety-nine (4,999) square feet;

B. Sixty-five (65) percent for lots between five thousand (5,000) square feet and seven thousand four hundred ninety-nine (7,499) square feet; and

C. Sixty-five (65) percent for lots seven thousand five hundred (7,500) square feet and greater.

Article 3, "Zoning Districts," Division 6, Planned Development

Sec. 23.3-25. – Planned Development District.

e) *Mixed use urban planned development.*

1. Location. Urban planned developments may be located in any mixed use district east of Interstate 95, such as Mixed Use - East, Mixed Use - West, Mixed Use - Dixie Highway, Mixed Use - Federal Highway, Transit Oriented Development - East, Transit Oriented Development – West and Downtown with the exception of the neighborhood commercial district. Industrial planned developments are not allowed as a mixed use urban planned development.

f) *Amendments to approved planned development master plans.* Minor amendments to existing planned development master plans may be approved by the development review official ~~planning and preservation manager~~.

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EXHIBIT D

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 4 "DEVELOPMENT STANDARDS"

Article 4, "Development Standards"

Sec. 23.4-10. - Off-street parking.

a) *General provisions.* The following standards shall apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes:

1. Except as otherwise provided in this section, no building shall be erected or moved into a district nor shall any building be enlarged by more than twenty-five (25) percent or increased in capacity by adding dwelling units, guest rooms, floor area or seats, unless there be provided on the building site, off-street parking facilities for the entire building as set forth in this section. A certificate of occupancy for the given structure or premises shall be prohibited until the required parking area has been improved, inspected and approved.
2. Fractional measurements. When units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, any such fraction of one-fourth (¼) or greater shall require a full space.
3. Parking prohibited. Parking is prohibited on lawns or landscaping areas in all zoning districts. Parking shall be confined to designated marked parking spaces in all districts except SF-R7 and SF TF-14 districts. In SF- R7 and SF TF-14 districts, parking is limited to driveways, carports, garages or marked parking spaces. ~~No vehicle in excess of three-quarter ton shall be parked in any residential district except when used for temporary construction or service purposes.~~
4. Parking for the disabled. Required parking shall include parking spaces for disabled persons in accordance with the requirements of F.S. § 553.501 et seq., the "Florida Americans With Disabilities Accessibility Implementation Act" ("Florida ADAIA") and the Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., Part 36, Subparts A and D, and Title II of Pub. L. No. 101-336, which are also incorporated by reference into the Florida ADAIA.
5. Uses not specifically mentioned. For any use not specifically mentioned in this section, the development review official zoning administrator shall identify a similar use that is specifically listed and apply the required parking standards accordingly.
6. Joint use of off-street parking facilities. Nothing in this section shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two (2) or more buildings or uses by two (2) or more owners or operators, provided that the total of such spaces, when combined or used together, shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this section. Such facilities shall be permanently maintained for such joint use, and shall not be discounted in whole or in part unless other suitable facilities conforming with this section are provided.

342 b) *Location.*

343 1. Unless otherwise specified herein, parking spaces for all residential uses shall be
344 located on the same lot with the main building to be served. Such parking space
345 may consist of a carport, garage or parking area as defined in this section. Parking
346 beneath a building is expressly allowed and such space shall not be included as a
347 "story" of the building.

348 A. Parking off of an alley.

349 1) Parking provided off of an alley shall maintain a twenty-foot back-out, which
350 includes the width of the alley.

351 2) If a building is located between a ROW and a vehicular area, foundation
352 plantings shall be provided.

353 2. Parking spaces for all other single uses, in all districts except ~~all commercial and~~
354 ~~the Industrial Park of Commerce – I-POC~~ uses, shall be provided on the same lot
355 or in conformance with the requirements for transitional parking lots (section 23.4-
356 13).

357 3. Parking spaces for those properties in ~~all commercial and~~ mixed use districts with
358 a mix of uses are allowed to provide required parking at an off-site location
359 anywhere within four hundred (400) feet of the proposed use. Parking spaces for
360 those properties in ~~all~~ industrial use districts are allowed to provide required
361 parking at an off-site location anywhere within five hundred (500) feet of the
362 proposed use. In each case, such parking lots shall be tied to the mixed use or
363 ~~commercial or~~ industrial site by unity of title. Properties with the single use of
364 residential must provide on-site parking.

365 c) *Access.*

366 1. All parking spaces shall have unobstructed on-site access to a paved public right-
367 of-way.

368 2. All properties using State Roads 802, 805 and 5; and 6th Avenue South, 10th
369 Avenue North, Worthmore Drive and Lake Osborne Drive as access to their on-
370 site parking shall provide maneuvering space to permit vehicles to enter and leave
371 the parking area in a forward motion.

372 3. No building permit shall be issued by the city for any on-site improvements where
373 the building plans submitted show that the access to any on-site parking space
374 requires the use of unimproved public right-of-way, unless and until:

375 A. The owner enters into an agreement with the city agreeing to the paving, at
376 said owner's expense, of the unimproved right-of-way from paved street to
377 street, and such owner posts a cash bond with the city in an amount determined
378 by the city engineer to be sufficient to cover the actual costs of improvements,
379 including engineering fees, with said engineering fees refundable upon the
380 city's acceptance of the improvements; or

381 B. A petition, signed by a majority of the property owners abutting the unimproved
382 public right-of-way and requesting the paving of the unimproved public right-of-
383 way with the costs thereof to be assessed against the benefited properties, is

384 presented to the city commission; a public hearing is held therefore; and, a
 385 contract is let for said project.

386 C. No certificate of occupancy shall be issued in either case until said
 387 improvements are completed and accepted for perpetual maintenance by the
 388 City of Lake Worth.

389 4. Single-family buildings, duplexes, multiple-family buildings of four (4) units or fewer
 390 and commercial businesses not exceeding one thousand (1,000) feet of gross floor
 391 area shall be exempt from the provisions of this section.

392 d) *Material*. Each parking space shall be surfaced with a hard impermeable dustless
 393 material, either solid in area or in individual concrete strips or other approved
 394 materials, in accordance with City of Lake Worth standards. Required off-street
 395 parking for single family and two family dwelling units may utilize permeable materials,
 396 such as permeable pavers, gravel, stone, shell rock, and turf block, in lieu of
 397 impermeable material as long as it meets the following criteria:

398 1. Appropriate stabilization must be established to keep permeable materials out of
 399 the ROW and storm water systems;

400 e) *Drainage*. All off-street parking facilities shall be drained so as not to cause any
 401 nuisance to adjacent private or public property.

402 f) *Minimum parking space requirements by use category*. See table below:

Principal Use	Minimum Number of Spaces	Additional Requirements
<i>Residential:</i>		
Single-family dwelling	2 spaces	1 space for 25' lots
Two-family dwelling	2 spaces per unit	1 space per unit for 25' lots
Accessory dwelling unit	1 space in addition to that required for the primary dwelling	
Mobile homes	2 spaces per mobile home	
Multi-family dwelling	1 space per bedroom with a max. of 2 spaces per unit; additional 0.5 guest space per efficiency and 1-bedroom unit; no additional guest spaces required for units containing 2 or more bedrooms	1 additional space if rental/sales office on-site. On-street parking may be counted towards required parking.
<i>Lodging, retirement homes, overnight medical facilities:</i>		

Hotels/motels	1 space per sleeping room; 2 additional spaces for office	Additional 50% of required parking to accommodate any accessory uses, such as restaurants, bars, conference centers, etc.
Bed and breakfast inns	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	Available on-street parking spaces along the legal lot frontage of the property shall be the only credit to the required parking
Boarding houses, rooming houses, dormitories	1 space per sleeping room, plus 1 space for manager, owner or operator, plus 1 space for each employee	
Nursing Homes	1 space per 2 patient beds	1 space per 2 employees for on-site care providers
Hospitals	1.5 spaces per patient bed	
<i>Industrial, service facilities:</i>		
Vehicle service facilities	2 spaces per service bay plus 1 space per 200 square feet of non-service floor area	
Motor vehicle sales and service	1 space per 100 square feet of showroom floor area; 1 space per service bay	
Vehicle filling and service stations	Service stations: Min. 6 spaces, plus 1 additional space per service bay.	
	Filling stations: Min. 6 spaces.	
Industrial or manufacturing	1 space per 1000 square feet gross floor area or 1 space per employee, whichever is greater	
Mini-warehouses	1 space per 2,500 square feet rentable area, plus 1 space for non-resident manager or 2 spaces for on-site resident manager	

Warehouse or wholesale distribution	1 space per 500 square feet gross floor area	
Bus station	1 space per 300 square feet gross office and waiting area	
<i>Office, professional facilities:</i>		
Banks	1 space per 300 square feet gross floor area	
Business, professional, government, similar offices	1 space per 300 square feet gross floor area, but no less than 0.8 space per employee	
Medical clinics, dentist, doctor, similar offices	6 spaces for each doctor/dentist, plus 1 space per employee	
<i>Commercial, personal services:</i>		
Beauty, barber shops, similar personal services	1 space per 200 square feet gross floor area or 2 spaces for each beauty or barber chair, whichever is greater	
Convenience store	1 space per 100 square feet gross floor area	
Day care facilities	2 spaces or 1 space per employee, whichever is greater; plus 1 space for each 10 children	
General retail store	1 space per 200 square feet gross floor area	
Laundromats and self-service dry cleaning establishments	1 space for each 2 washing or dry cleaning machines	
Mortuaries	1 space per 50 square feet floor area used for services	
New vehicle sales and service	3 spaces per service bay; plus 1 space per 300 square feet non-service floor area or 1 space per	

	employee, whichever is greater	
Shopping centers, supermarkets	1 space per 250 square feet gross leasable area	
Showroom-type establishments over 10,000 square feet, including furniture, appliance and household equipment, similar uses	1 space per 700 square feet gross floor area	
<i>Restaurants, bars, nightclubs:</i>		
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Drive-in or drive-through restaurants	Drive-in: 1 space per 50 square feet gross floor area;	
	Drive-through: 1 space per 75 square feet gross floor area	
Restaurants, bars, nightclubs, similar establishments	1 space per 75 square feet seating or service area	
<i>Recreational facilities:</i>		
Bowling alleys	2 spaces per bowling lane	Additional 50% of required parking to accommodate any accessory uses, such as restaurant or bar
Stadiums, sports arenas	1 space per 3 seats	
Theatres, auditoriums having fixed seating	1 space per 3 seats	
<i>Schools, places of worship and assembly:</i>		

Places of assembly, including private clubs, lodges and fraternal buildings, assembly halls, exhibition halls, convention centers, community centers, libraries, museums, dance halls, skating rinks, similar uses	1 space for each 4 seats provided for patron use or 1 space per 75 square feet gross floor area occupied by customers, patrons or members, whichever is greater	
Places of worship	1 space for each 5 fixed seats	For those using a multipurpose assembly area without fixed seats, 1 space per 75 square feet assembly area
Schools (public, private and parochial)		
Elementary schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly	
Junior High or middle schools:	1 space per classroom, plus 1 space for each non-instructional employee, plus 1 space per 100 square feet floor area used for assembly, plus 1 space for each 25 students	
Senior High schools:	6 spaces per classroom	If a sports stadium is included on-site, each 24 lineal inches of bleacher/bench seating shall be counted as 1 seat for the purpose of computing off-street parking. See "stadium/sports arenas" above.
Schools, other:	1 space per 75 square feet gross floor area to be occupied by students	

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404 g) ~~Core area parking requirements.~~

- 405 1. ~~The core area shall mean the central most properties of the downtown, more~~
 406 ~~particularly described as: Those properties which are bounded on the west by "A"~~
 407 ~~Street and on the east by Golfview Road, and on the north by 2nd Avenue North,~~
 408 ~~and on the south by 1st Avenue South.~~
- 409 2. ~~Minimum access, markings, materials and drainage shall be as provided in this~~
 410 ~~section. Minimum parking space size and aisle width is as follows:~~

Angle of Parking	Stall Width	Stall Depth	Aisle Width
0 degrees parallel	9'	22'	10' one-way 20' two-way
+/- 45 degrees	9'	18'	10' one-way 20' two-way
90 degrees	9'	18'	10' one-way 20' two-way

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412 13. Minimum off-street parking space requirements are as follows:

413 A. Residential uses:

- 414 Single-family detached on lot less than fifty (50) ft wide - 1 space per unit.
 415 Single-family detached on lot greater than fifty (50) ft wide - 2 spaces per unit.
 416 Single-family attached less than 3 units – 1.5 spaces per unit.
 417 Single-family attached 3 or more units – 1.25 spaces per unit.
 418 Multi-family (efficiency) - 1.25 spaces per unit.
 419 Multi-family (1 bedroom) - 1.5 spaces per unit.
 420 Multi-family (2 bedroom) - 1.75 spaces per unit.
 421 Multi-family (> 2 bedroom) - 2 parking spaces.

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423 B. Nonresidential uses:

- 424 ~~Professional eOffice—1 space per four hundred (400) gross net square feet of~~
 425 ~~space.~~
 426 Retail—1 space per five hundred (500) gross net square feet of space.
 427 Restaurant—1 space per ~~two one~~ hundred fifty (2150) gross net square feet of
 428 dining space (including kitchen and seating areas).
 429 Lodging Hotel—0.75 spaces per unit.
 430 Commercial / Single Destination Retail / Stand Alone Retail-1 space per two
 431 hundred fifty (250) gross square feet of space.
 432 Personal Services / Medical Related Office-1 space per two hundred fifty (250)
 433 gross square feet of space.
 434 Vehicular-1 space per one hundred fifty (150) gross square feet of space.
 435 Industrial-1 space per one thousand (1,000) gross square feet of space.
 436 Institutional-1 space per two hundred (200) gross square feet of space.
 437 Assembly-1 space per seventy five (75) gross square feet of space
 438 ~~Uses not specifically mentioned— for any use not specifically mentioned in this~~
 439 ~~section, the requirements for off-street parking which is so mentioned and to~~
 440 ~~which the said use is similar shall apply. Properties with multiple uses shall~~

441 calculate the aggregate total of parking required for each use category prior to
 442 taking a twenty five (25) percent deduction. Uses that generate a high parking
 443 demand of greater than 6 spaces per 1,000 sf*, but do not exceed the 50
 444 person threshold to qualify as assembly per the latest version of the Florida
 445 Building Code shall be required to provide 50% more parking than other uses
 446 in the same use category. (*Institute of Transportation Engineers (ITE) Peak Parking Generation Rate,
 447 3rd Edition or later)
 448

449 **24. Exceptions. Parking is not required for:**

- 450 A. Changes in use or occupancy or remodeling of existing buildings which do not
 451 increase floor area or number of overall existing dwelling units, located outside
 452 of the single-family residential SF-R zoning district.
- 453 B. Changes in use, remodeling, of existing buildings as designated as a
 454 contributing structure in one (1) of the city's historic districts (as determined by
 455 section 23.5-4.).
- 456 C. A bed and breakfast use proposed in a building designated as a contributing
 457 structure in a city historic district (as determined by section 23.5-4) is excluded
 458 from these off-street parking exceptions unless the bed and breakfast is to be
 459 established in a single family residence whereby parking shall be provided in
 460 accordance with these LDRs.

461 **35. Fee-in-lieu of parking.** All uses which do not provide the required number of off-
 462 street parking spaces shall pay a fee-in-lieu of parking to the city. The fee shall be
 463 held in the community benefits fund to be allocated toward projects identified and
 464 approved by the commission as part of the Community Benefits Program.

- 465 A. Payments-in lieu. For any uses that elect to not provide any or all of the required
 466 number of off-street parking spaces described in this section, the owner or
 467 developer must make a payment to the city in the amount of fifteen thousand
 468 dollars (\$15,000) ~~seven thousand five hundred dollars (\$7,500.00)~~ per space
 469 not provided.
- 470 B. Any changes in use, remodeling, building expansion or new construction that
 471 have the net effect of increasing parking demand by more than twenty-five (25)
 472 ~~ten (10)~~ percent as calculated by the required parking in this section, must
 473 provide parking as required by this section unless a payment-in-lieu of parking
 474 is made to the city in the amount of fifteen thousand dollars (\$15,000)~~seven~~
 475 ~~thousand five hundred dollars (\$7,500.00)~~ per space not provided.

476 g) Electric Vehicle Charging Infrastructure. It is the purpose of the electric vehicle
 477 charging infrastructure to provide the availability of electric vehicle charging stations
 478 to residents and visitors of the city.

479 1. All new commercial or mixed-use developments with at least 25 parking spaces, or
 480 existing commercial or mixed-use developments with at least 25 parking spaces
 481 that enter into either the site plan or site plan amendment process are subject to
 482 the following:

- 483 A. 4% of the total minimum required off-street parking spaces shall be designated
 484 and outfitted as electric vehicle charging spaces. Each required space at a
 485 minimum shall include the following:

486 1) A maintained and operational 240-volt “Level 2” charging station, with a
487 cable retraction device and/or place to hang permanent cords and
488 connectors sufficiently above the ground, and mounted at a height which
489 places the connector a minimum of 36 inches and a maximum of 48 inches
490 above the ground,

491 2) Wheel stops or concrete filled steel bollards to protect the aforementioned
492 charging station,

493 3) Signage allowing only electric vehicles to park in such space and indicating
494 that it is only for electric vehicle charging purposes,

495 4) The ability for all visitors to the site to access and use such space,

496 B. All spaces with Electric Vehicle Charging Infrastructure shall be located in close
497 proximity to the building or facility entrance,

498 2. Any development that proposes more than 20% of its required off-street parking to
499 be outfitted as electric vehicle charging spaces, or operates any amount of
500 charging stations as a primary use as determined by the Development Review
501 Official, shall be classified as containing an “Vehicle Fueling/Charging Service
502 Station” use as defined in Section 23.1-12 and is subject to the appropriate use
503 approval process prior to the operation of such charging stations per Section 23.3-
504 6.

505 3. Charging stations in SFR, SF/TF-14, MH-7, MF-20, MF-30, or MF-40 zoning
506 districts shall be for the exclusive use of the development’s residents and guests
507 that are visiting the development’s residents, and shall not be made available to
508 the general public.

509
510 h) *Shared parking for mixed-use zoning.* It is the purpose of the shared parking
511 subsection to provide flexible parking provisions for the city in the appropriate mixed-
512 use zoning districts where mixed-use developments occur. Mixed-use developments
513 typically do not experience peak parking demands at the same time so reduced
514 parking may be provided in these instances.

515 1. Shared parking levels for mixed-use development. When any land or building is
516 used for two (2) or more uses, the total requirement for off-street parking shall be
517 the sum of the requirements of the various uses computed separately, minus
518 twenty-five (25) percent of the total required. However, in no case, shall less than
519 0.8 of a space be provided for each employee and 1.0 space be provided for each
520 dwelling unit.

521 2. Credit for onsite transit facilities in TOD districts. In the event onsite transit facilities
522 are provided within two thousand (2,000) feet of a building, the parking required
523 for that building shall be reduced by twenty-five (25) percent.

524 i) *Change of use or occupancy.* Where the use of a given structure is changed, off-street
525 parking facilities must be provided for the new use according to the requirements set
526 forth in this section 23.4-10.

527 1. If a portion or all of a structure or property is changed in use which requires to
528 require a greater number of off-street parking spaces, then additional parking shall

529 be documented ~~provided~~ for the new use in accordance with section 23.4-10 and
 530 any parking non-conformity recorded.

531 2. Any expansion, alteration, or improvement which increases the gross square
 532 footage or area of an existing structure by more than twenty five (25) percent shall
 533 be accompanied by any corresponding increase in the number of parking or
 534 loading spaces necessary for the expansion to conform to the requirements of
 535 section 23.4-10.

536 ~~3. Changes in the use or occupancy of existing buildings located in the DT, MU-FH,
 537 MU-DH, MU-E, TOD-E and AI zoning districts or that have been designated as a
 538 contributing structure in one (1) of Lake Worth's historic districts (as determined by
 539 section 23.5-4) shall follow the requirements set forth in section 23.4-10 g), Core
 540 Area Parking Requirements.~~

541 j) *Minimum parking dimensions.*

542 1. The standard parking space is nine (9) feet in width and eighteen (18) feet in length
 543 in a perpendicular and/or angled configuration. Parallel parking spaces shall be
 544 nine (9) feet in width and twenty-two (22) feet in length.

545 2. Parking lot designs:

546 a. Parking space dimensions for other types of spaces are:

547 i. Compact Car Spaces at eight (8) feet x sixteen (16) feet.

548 ii. Handicapped Spaces at twelve (12) feet x eighteen (18) feet.

549 b. Drive aisle widths shall be a minimum of twelve (12) feet for any one-way isle
 550 and twenty (20) feet for all other isles.

551 c. For landscaping requirements in regard to parking and other vehicular use
 552 areas, see section 23.6-1(f)(3).

553 d. For lighting requirements, see section 23.4-3.

554 e. Up to a maximum of twenty five (25) ~~ten (10)~~ percent of total required spaces
 555 may be compact cars. All compact spaces must be clearly identified.

556 f. Alternative parking lot designs which incorporate one-way aisles, two-way
 557 aisles, and diagonal parking may be used in lieu of the standard (perpendicular,
 558 two-way aisle) parking lot design.

<u>Angle of Parking</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
<u>0 degrees-parallel</u>	<u>9'</u>	<u>22'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>+/- 45 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>
<u>90 degrees</u>	<u>9'</u>	<u>18'</u>	<u>10' one-way</u> <u>20' two-way</u>

559
 560 k) *On-street parking.*

- 561 1. *Applicability.* The minimum number of required off-street parking spaces for a use
562 or project may be satisfied, in part, by the use of on-street parking spaces located
563 within the public right-of-way abutting that same lot or parcel.
- 564 2. *Conditions.* The provision for on-street parking spaces to be used to meet the
565 minimum number of required off-street parking spaces shall be subject to the
566 following conditions:
- 567 a. The on-street parking provision is applicable to all existing or proposed
568 development located within all ~~commercial and mixed use~~ and multi-family
569 zoning districts ~~and for all multi-family developments~~;
- 570 b. Only the on-street parking spaces located within the public right-of-way that
571 abut the frontage of a use or project may be used to count toward meeting the
572 minimum number of required off-street parking spaces. The on-street parking
573 spaces must be located on the same side of the street as the subject use or
574 project;
- 575 c. The design of the on-street parking spaces must be approved by the city public
576 services department in order to satisfy parking demand according to subsection
577 B.1. herein; and
- 578 d. On-street parking spaces utilized under this provision shall not be reserved,
579 temporarily or permanently, for any given use.
- 580 e. No more than fifty (50) percent of the required off-street parking requirement
581 may be met with on-street parking.

582 l) Parking Alternates.

- 583 1. For the purposes of these land development regulations the following may be
584 substituted for on site parking spaces.
- 585 a. The provision of four (4) bicycle rack spaces shall count as one (1) parking
586 space;
- 587 b. The provision of two (2) motorcycle or scooter spaces shall count as one (1)
588 parking space;
- 589 c. The provision of one (1) transit vehicle or bus space shall count as four (4)
590 parking spaces.
- 591 2. Alternate parking spaces including compact spaces shall count toward no more
592 than twenty five (25) percent of the overall on site parking requirement.

593
594 **Sec. 23.4-13. – Administrative Uses and Medium and High-Intensity Conditional**
595 **Uses.**
596

- 597 a) *Purpose.* The following uses have been determined to carry the potential for
598 substantial adverse impacts on neighboring properties and, therefore, are subject to
599 development standards and regulations in addition to those required for the zoning
600 district. All uses listed herein are subject to the requirements set forth under [section](#)
601 [23.2-28](#), Administrative Adjustments/administrative use permits or [section 23.2-29](#),
602 Conditional uses.

603 b) *Findings by review authority.* In addition to the standards of [section 23.2-28](#) or [section](#)
604 [23.2-29](#), the review authority, prior to recommending approval, or approving, as the case
605 may be, of an administrative use or a conditional use for an automobile filling station or
606 automobile service station shall find that the standards of this section and sections [23.2-](#)
607 [30,23.2-31](#) and [23.2-32](#) have been met. See [Article 3](#), permitted use table.

608 c) *Standards.*

609 1. *Vehicular related services.*

610 A. *Regulations and Standards.*

611 (2) Vehicle fueling/charging service ~~Vehicle filling~~ stations.

612 (a) *Purpose.* It is the purpose of this section to provide regulations and
613 standards for the establishment of vehicle fueling/charging automobile
614 ~~filling stations and automobile~~ service stations within designated
615 zoning districts. Vehicle fueling/charging automobile filling stations and
616 ~~automobile~~ service stations are intended primarily to serve the fuel and
617 service needs of motorists. Vehicle fueling/charging automobile filling
618 ~~stations and automobile~~ service stations shall be approved through the
619 appropriate decision making authority by conditional use procedures.

620 (b) *Use regulations.* Uses permissible at an vehicle ~~automobile~~ service
621 station do not include any sales or mechanical work not specifically
622 listed below, nor do they include body work, the straightening of frames
623 or body parts, steam cleaning, painting, welding, storage of vehicles
624 ~~automobiles~~ not in operating condition, provision of parking services,
625 or other work involving noise, glare, fumes, smoke, traffic congestion
626 or other characteristics to an extent greater than normally found in uses
627 permitted by right or with special approval in the district where the
628 facility is located. ~~Activities allowed as part of station and automobile~~
629 ~~service station use:~~

630 i. ~~Provision of air for tires;~~

631 ii. ~~Sales of cold drinks, candies, tobacco products and similar goods~~
632 ~~for service station customers, but only as accessory and incidental~~
633 ~~to the principal business operation;~~

634 iii. ~~Provision of road maps and other informational materials for~~
635 ~~customers;~~

636 iv. ~~Provision of restroom facilities;~~

637 v. ~~Fuel, oil, and grease sales;~~

638 vi. ~~Sales and servicing relating to spark plugs, batteries, distributors~~
639 ~~and distributor parts;~~

640 vii. ~~Tire sales;~~

- 641 ~~viii. Tire servicing and repair, but not recapping or re-grooving;~~
- 642 ~~ix. Replacement of water hoses, fan belts, brake fluid, light bulbs,~~
- 643 ~~fuses, floor mats, wiper blades, grease retainers, wheel bearings,~~
- 644 ~~mufflers, shock absorbers, mirrors and the like;~~
- 645 ~~x. Provision of water and supplements for radiator fluids, and the like;~~
- 646 ~~xi. Washing and polishing, limited to facilities for washing one (1) car~~
- 647 ~~at a time, and sale of automatic washing and polishing materials,~~
- 648 ~~but not the operation of automobile washing establishments;~~
- 649 ~~xii. Providing and preparing fuel pumps and lines;~~
- 650 ~~xiii. Minor servicing and repair of carburetors;~~
- 651 ~~ixx. Minor servicing of air conditioners;~~
- 652 ~~xx. Automotive wiring repairs~~
- 653 ~~xxi. Brake repair;~~
- 654 ~~xxii. Motor repairs not involved in the removal of the head or crankcase;~~
- 655 ~~xxiii. Greasing and lubricating.~~

656 5. Single Destination Retail Uses including Stand Alone Retail and Single

657 Destination Commercial Uses. Convenience stores.

658 A. *Purpose.* It is the purpose of this section to provide regulations and standards

659 for single destination retail and single destination commercial convenience

660 store establishments within designated zoning districts. These

661 uses ~~Convenience stores~~ shall be approved through the appropriate decision

662 making authority ~~by conditional use procedures.~~

663 B. *Design and performance standards.*

664 (1) Minimum site area: Ten thousand (10,000) square feet.

665 (2) Minimum lot width: One hundred (100) feet.

666 ~~(3) Minimum distances. All convenience stores shall be located a minimum~~

667 ~~of one thousand (1,000) feet from any existing convenience store.~~

668 ~~Distance shall be measured from property line to property line, without~~

669 ~~regard to intervening structures or objects.~~

670 ~~(34) Landscape requirements. The site must be provided with a minimum~~

671 ~~five-foot-wide perimeter planting area. Site landscaping shall comply~~

672 ~~with adopted landscape regulations.~~

673 ~~(45) Buffering. A fence or wall shall be erected at a height of not less than six~~

674 ~~(6) feet when the parking area(s), pay phones or other common area(s)~~

675 ~~is within twenty-five (25) feet of a residential district, in addition to the~~

676 ~~landscaping requirements outlined in subsection (5), above. All fences~~

677 and walls shall be constructed of concrete, masonry or metal. Metal
678 fences shall be open weave chain link, vinyl coated type combined with
679 a shrub hedge or ornamental in nature. Walls shall be finished with a
680 graffiti-resistant paint.

681 (56) Pay telephones, ATMs and vending machines. Vending machines or any
682 facility dispensing cash or merchandise shall be confined to space built
683 into the building or enclosed in a separate structure compatible with the
684 main building. Pay phones must be attached to the building or within ten
685 (10) feet of the main entrance. Where appropriate and feasible, such
686 facilities shall not be visible from a side street.

687 ~~(67)~~ Variances for minimum site area ~~and minimum distance separation~~
688 ~~between convenience stores shall not be granted.~~

689 (7) Establishments must front one of the city's major thoroughfares.

690 (8) Outdoor display of more than three (3) individual items is strictly
691 prohibited.

692 (9) Establishments must have at least twenty-five (25) percent clear glazing
693 and fenestration along frontages and entrances clearly identifiable.

694 (10) Display windows must have engaging and pedestrian friendly vignettes.
695 Covering of display windows with posters, paper, advertisements, written
696 signs and similar shall be strictly prohibited. Vacant buildings shall have
697 approved vignettes covering windows until an active business is
698 established and operating.

699 (11) All sales transactions, except during city approved special events, shall
700 take place within the building.

701 (12) Walk up sales windows shall be treated as a drive through facility and be
702 regulated as such.

703

EXHIBIT E

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 5 "SUPPLEMENTAL REGULATIONS"

Article 5, "Supplemental Regulations," Division 3 "NONCONFORMITIES"

Sec. 23.5-3. – Nonconformities.

d) *Nonconforming buildings and structures.* A nonconforming building or structure is a building or structure properly constructed according to the law existing at the time of permit but which does not presently conform to the property development regulations of these LDRs for minimum site area or dimensions, minimum setback requirements, maximum building or structure height, maximum lot coverage, minimum floor area, parking or loading or for other characteristics of buildings or structures regulated in these LDRs, or for its location on the lot. A nonconforming building or structure may continue to exist in a nonconforming state so long as it otherwise conforms to law, subject to the following provisions:

1. Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.
2. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of more than fifty (50) percent of the assessed value of the structure or building as determined by the building official, it shall not be reconstructed except in conformity with the provisions of these LDRs.
3. Should the structure or building be deteriorated or destroyed ~~by any means~~ to an extent of less than fifty (50) percent but more than thirty-three (33) percent of its assessed value as determined by the building official, it may be restored only upon issuance of a variance pursuant to [section 23.2-26](#) for the particular building or structure nonconformity. A variance shall not supersede a condemnation order of the building official and such variance shall not obviate the necessity of obtaining other needed waivers or variances from the city.
4. Should such building or structure be moved to a new site, or to a new location on the same lot or site, it shall conform to the current land development regulations relevant at the time of the relocation.



City Of Lake Worth
Department for Community Sustainability
Planning, Zoning and Historic Preservation Division
1900 Second Avenue North · Lake Worth · Florida 33461 · Phone: 561-586-1687

DATE: May 13, 2020

TO: Members of the Planning & Zoning and Historic Resources Preservation Boards

FROM: William Waters, Director Community Sustainability

MEETING: May 13, 2019 and May 20, 2019

SUBJECT: **PZB / HRPB Project Number 20-03100001**: Consideration of an ordinance to amend Chapter 23 “Land Development Regulations” that includes changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency.

BACKGROUND/ PROPOSAL:

On March 5, 2020, the City Commission held a workshop on the prioritization of amendments to the City’s Land Development Regulations (LDR) that were previously identified by staff and the Commission. The subject LDR amendments address several of the initially prioritized items identified at the March meeting. These include changes to parking, electric charging stations, general housekeeping items, and modifications to development standards and requirements for single-destination retail and comprehensive plan consistency. The proposed amendments to the Land Development Regulations have been reviewed by staff for consistency with the City’s Comprehensive Plan. A summary of each component in the draft ordinance is also provided.

The proposed LDR amendments will modify the following sections of the City’s Code of Ordinances:

- Article 1- Section 23.1-12: Definitions
- Article 2- Section 23.2-31. – Site Design Qualitative Standards
- Article 3 - Section 23.3-18 - MU-W Mixed Use West
- Article 3 - Section 23.3-25 – Planned Development District
- Article 4 - Section 23.4-10 – Off Street Parking
- Article 4 - Section 23.4-13 – Administrative Uses and Conditional Uses
- Article 5 - Section 23.5-3 – Non-Conformities

Parking: The proposed parking amendments are intended to simplify review of parking requirements and allow for additional flexibility in meeting required parking standards, while ensuring adequate parking is constructed for residential and commercial uses. In establishing minimum parking requirements by general use categories instead of specific uses, parking review is streamlined and minimum parking requirements are more easily conveyed to potential applicants. Flexibility in meeting minimum parking requirements in a new “Parking Alternates” section.

The payment in lieu fee was also increased for parity with the market value costs of constructing a parking space. Per commission consensus, on street parking allowances to meet on-site parking requirements have been expanded.

Electric Vehicle Charging: The intent of the proposed amendments is to increase the availability of electric vehicle charging stations to residents and visitors by establishing standards for the construction of electric vehicle charging infrastructure with the City. New commercial or mixed use developments with a minimum of 25 parking spaces would be required to provide at least 4% of the site's required parking as designated and outfitted electric vehicle charging spaces.

Single Destination Retail: The proposed amendments include updates to the development review standards for Single Destination Retail and consolidates the Convenience Store use into the Single Destination use based on fundamental similarities and existing development pattern. Additional performance and development standards have been provided to ensure that nuisance generating and curb appeal issues are addressed.

Development Standards: The proposed amendments include edits and changes to improve consistency and clarity for both Administrative and Conditional uses. The changes also provide a higher level of performance standard for both types of uses.

Comprehensive Plan Consistency: The proposed amendments include changes to the location description of districts for clarity and consistency with the City's Comprehensive Plan and Strategic Plan

Housekeeping Items: The proposed amendments include several minor amendments to update internal references and update references to "zoning administrator" to "development review official." Modified several definitions for clarity. Redundant and conflicting provisions have been deleted as well as out of date definitions.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board and Historic Resources Preservation Board recommend that the City Commission adopt Ordinance 2020-XX: PZB / HRPB Project Number 20-03100001

POTENTIAL MOTION:

I move to RECOMMEND/NOT RECOMMEND TO THE CITY COMMISSION **TO ADOPT** the proposed LDR text amendments included in PZB / HRPB Project Number 20-03100001.

Attachments

- A. Draft Ordinance 2020-XXXX

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 2, 2020

DEPARTMENT: Financial Services

TITLE:

Resolution No 20-2020 - authorizing issuance of Non-Ad Valorem Revenue Bonds Series 2020A and Taxable Series 2020B Bond to fund cash flow deficits related to the COVID-19 pandemic

SUMMARY:

Authorization to issue \$20,000,000 in aggregate principal amount of City of Lake Worth Beach Non-Ad Valorem Revenue Bonds, Series 2020A and Taxable Series 2020B to provide funds for the purpose of financing the acquisition of certain capital improvements in and for the City and financing certain costs of the City. This is a companion item to Ordinance No. 2020-04.

BACKGROUND AND JUSTIFICATION:

As the result of the Covid-19/Corona Virus pandemic, the City has, and is expected to continue experiencing significant decreased revenue collections. Additionally, there is no certainty to the depth or duration of the impact, or how many cycles the City may experience as a result of the pandemic. Therefore, to mitigate potential working capital shortages, the City needs to be in a position to access an available funding source if/or when needed. It is expected that these funds will cover both operating and capital budget expenditures, including funding to initiate capital projects waiting on issuing other debt series.

Generally speaking, impacted revenue sources can be characterized as either timing differences, or lost revenue. For example, although the percentage of utility payments may be low as compared to historical experience, it is anticipated that these receivables will be collected over time. As such, the recognition of these revenues result in timing differences. On the other-hand, the late fees and penalties associated with these late payments are not expected to be collected, therefore these revenue streams are categorized as lost revenue.

It is important to understand that all funds do not share the same revenue streams and are therefore subject to varying degrees of timing versus lost revenue pressure. Based on to date analysis, it is estimated that the City's total monthly revenue impact is approximately \$950,000; \$585,000 timing and the remaining \$365,000 lost revenue. If there is a prolonged shut-down, it is expected that the monthly impact will increase as it becomes increasingly difficult for customers to stay current. It is also important to understand that when, what time of year, a shut-down occurs this too will impact revenue collections. For example, beach and golf course revenues will be impacted greater during peak season versus non-peak months.

In order to maximize the use of funds the City is considering a taxable component of the working capital debt. Since interest rates are low, there is not a significant difference between the taxable and non-taxable interest rate so the annual debt service would not be materially impacted. However; taxable bonds allow for a broader use of funds thereby avoiding potential IRS compliance issues. Under consideration are different debt structures which will depend on final loan approvals and underwriting constraints, but at currently it is expected that the bond will

have a ten to twelve-year maturity with a balloon payment and semi-annual interest payments with no pre-payment penalties thereby allowing the City to pay the loan off prior to term if able.

Dependent on the borrowing process, the principle being considered is between \$10 to \$20 million thereby providing opportunity to fund capital projects. The annual debt service, interest payment, for each \$10 million at 3% is \$300,000, which will be allocated between each fund based on its use of proceeds. Additionally, I would recommend creating a sinking fund if the debt is structured with a balloon payment. This would equal \$1million per year also allocated by fund.

The ordinance was approved on the first reading at the Special City Commission Meeting on May 21, 2020 and second reading is scheduled on June 2nd, 2020. This is a companion item to Ordinance No. 2020-04.

MOTION:

Move to approve/disapprove – Resolution 20-2020 - authorizing issuance of Non-Ad Valorem Revenue Bonds Series 2020A and Taxable Series 2020B Bond to fund cash flow deficits.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 20-2020

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Sinking Fund	\$0	\$0	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00
Operating Expenditures	\$ 150,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00
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	\$ 150,000.00	\$ 300,000.00	\$1,300,000.00	\$1,300,000.00	\$1,300,000.00
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	FY20 Budget	Current Balance	Agenda Expenditure	Balance
	Non-Ad Valorem Revenue					

C. Department Fiscal Review:

Bruce Miller, Financial Services Director