

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
JANUARY 7, 2014 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:01 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso, and John Szerdi. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by City Manager Michael Bornstein.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Mayor Scott Maxwell.

4. AGENDA - Additions/Deletions/Reordering:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to waive the rules to:

- Delete Presentations, Item E;
- Reorder Consent Agenda, Item H to New Business as Item D; and
- Approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

5. PRESENTATIONS:

A. Proclamation recognizing January 2014 as Stalking Awareness Month

Mayor Triolo read a proclamation recognizing January 2014 as Stalking Awareness Month.

B. Proclamation recognizing January 18, 2014 as Arbor Day

Mayor Triolo read a proclamation recognizing January 18, 2014, as Arbor Day.

C. City recognition of Scott Althouse for his years of service and contributions

Mayor Triolo read Scott Althouse's historical employment background.

Donna Ryan-Ruiz, Customer Service Manager, presented a framed photograph of the pier to Mr. Althouse in recognition of his years of service.

D. Living Shoreline Planters by the Dept. of Environmental Resources Management

Robert Robbins, Department of Environmental Resources Management, provided a Bryant Park area update on the mangrove and seagrass wetland project, repair and strengthening the seawall, creating a living shoreline, and creating floating docks. He said trimming mangroves at Snook Islands was high maintenance and not practical, and the Department of Environmental Resources would ask the South Florida Water Management District for permission to remove the mangroves and replace them with seagrass.

E. (Deleted) Update provided by the Planning & Zoning Board

F. Update provided by the Neighborhood Association Presidents' Council

Mary Lindsey, President, provided an update on the Neighborhood Association Presidents Council's working partnerships, effective partnerships, various neighborhood associations' signature events, neighborhood association location map, and 2014 front porch program.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: encouraged everyone to watch for a lot of new things that would happen in the City during 2014.

Commissioner McVoy: announced the 4th Annual Save Haiti Bike Ride on January 11, 2014. He said the riders would start in Miami and end in Lake Worth.

Mayor Triolo: announced the January 21, 2014, Commission meeting was rescheduled to January 28, 2014, and the January 14, 2014, Commission Work Session was postponed. She said the Metropolitan Planning Organization was continuing to work on railroad quiet zones, they collected socio-economic data on municipalities and it was found that Lake Worth's density or population growth would not be as big as other municipalities but its job growth would increase exponentially.

Commissioner Amoroso: wished everyone a happy new year and asked everyone to visit the City's and LULA's websites for information on upcoming events.

Commissioner Szerdi: wished everyone a happy new year, said he was working on Treasure Coast Regional Planning Council and Lagoon issues; and information regarding the 750 Initiative would be coming out in about a month, it included a list of 42 priorities, and the priorities were guidelines and observations.

Consensus: To reorder New Business, Item D (formerly Consent Agenda, Item H) before Public Participation of Non-Agendaed Items and Consent Agenda as Item 6-A.

6-A NEW BUSINESS:

D. (Reordered) Purchase and Sale Contract with Trojan House, Inc. for property located at 1702 Lake Worth Road to establish a construction lab for Lake Worth students

City Manager Bornstein explained that the purchase of the former Chamber of Commerce building currently known as the Trojan House located at 1702 Lake Worth Road would result in the City acquiring the property and Trojan House, Inc. receiving \$30,500 to be used to establish a construction lab for Lake Worth students.

Coach William Rosser explained in detail the construction lab for students.

City Attorney Torcivia advised that the contract in the Commission's backup material was amended and language reworded for clarity. There were no substantive changes made to the contract.

Action: Motion made by Commissioner Szerdi and seconded by Vice Mayor Maxwell to approve a Purchase and Sale Contract with Trojan House, Inc. for 1702 Lake Worth Road, for \$30,500; authorize the Mayor to sign any and all necessary documents to effectuate the purchase on behalf of the City; and authorize expenditure of up to \$10,000 for demolition, document recording, and lot improvement.

Mayor Triolo announced that it was time for public comment.

Herman Robinson thanked the City Manager for moving forward on the purchase because the property was an eyesore. He said he was concerned that the property would remain in the hands of Trojan House, Inc., which created the eyesore.

Peter Timm said the Trojan House, Inc. received the property from the City in 2004, they attended a Commission meeting and explained their project to fix up the house, said the City donated the property to them, and now the City was spending money to purchase it back.

Loretta Sharpe explained that Trojan House, Inc. traded four of its lots with the City for this property and said she supported the purchase.

Request/comment summary:

1. City Manager Bornstein commented that the structure would be demolished and the property cleared once the sale was finalized.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners Amoroso and Szerdi. NAYS: Commissioner McVoy.

7. PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Lynn Anderson, Peter Timm, and Loretta Sharpe.

The following individual spoke on issues written on her comment card:

Yolanda Vazquez thanked the Commission for working on getting street lights in the 500 block of South D Street; said she worked at the Lake Worth High School; and explained that there was a change in administration at the High School, which resulted in Trojan House, Inc. not being able to renovate the house.

Request/comment summary:

1. Vice Mayor Maxwell asked the City Manager to look into providing street lighting near the Post Office.
2. City Attorney Torcivia commented that he would contact the Courts about scheduling the building height referendum issue.

8. APPROVAL OF MINUTES:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve the following minutes as submitted:

- A. City Commission Meeting – December 3, 2013
- B. Special City Commission Meeting – December 10, 2013

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

9. CONSENT AGENDA:

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

A. Resolution No. 01-2014 – not renew an agreement with Street Outdoors, LLC, formerly known as City Solutions, Inc. for placement of modular newsracks

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 01-2014 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXERCISE THE CITY'S OPTION NOT TO RENEW THE PROFESSIONAL SERVICES AGREEMENT WITH STREET OUTDOORS, LLC, FORMERLY KNOWN AS CITY SOLUTIONS, INC. FOR PLACEMENT OF MODULAR NEWSRACKS WITHIN THE CITY'S BOUNDARIES; AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution No. 02-2014 – Authorize CDBG Interlocal Agreement with Palm Beach County for the 9th Avenue South greenway

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 02-2014 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY IN THE AMOUNT OF \$212,396 IN FISCAL YEAR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE 9TH AVENUE SOUTH PUBLIC RIGHT-OF-WAY IMPROVEMENTS PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

C. Resolution No. 03-2014 – authorize the City Manager to execute standard mural removal agreements

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 03-2014 OF THE CITY OF LAKE WORTH, AUTHORIZING THE CITY MANAGER TO EXECUTE MURAL REMOVAL AGREEMENTS ON BEHALF OF THE CITY: AND, PROVIDING FOR AN EFFECTIVE DATE.

D. Revise Interlocal Agreement with the County for the City's Youth Empowerment Centers

- E. Amendment 2 to the DW501700 State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant**
- F. Amendment 1 to the DW51701 State Revolving Fund Loan Agreement for the Reverse Osmosis Water Treatment Plant**
- G. Amended Contract and Purchase Order with Burton & Associates, Inc. for master plan financial impact analysis and Fiscal Year 2015 water and sewer revenue sufficiency analysis**
- H. (Reordered to New Business as Item D and moved before Public Participation of Non-Agendaed Items and Consent Agenda) Purchase and Sale Contract with Trojan House, Inc. for property located at 1702 Lake Worth Road to establish a construction lab for Lake Worth students**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Mayor Triolo recessed the meeting at 7:46 PM and reconvened 7:56 PM.

10. PUBLIC HEARINGS:

- A. Ordinance No. 2014-01 – Second Reading and Public Hearing – amend alcoholic beverage regulations regarding proximity waivers**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-01 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 5, SECTION 5-5, ZONING REGULATIONS AND LIMITATIONS; SECTION 5-6 MINIMUM DISTANCES; AND 5-7 SPECIAL EXCEPTION, OF THE CODE OF ORDINANCES; REGARDING ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell seconded by Commissioner Szerdi to approve Ordinance No. 2014-01 on second reading.

Mayor Triolo announced that it was time for public comment.

Lynn Anderson said every business, wanting to sell alcohol, was approved; there were too many bars in the City; the Planning & Zoning Board always approved proximity waivers; and asked why the Commission was giving the Planning & Zoning Board members so much power.

Peter Timm said anyone wanting a bar could go to the Historic Resource Preservation Board, the City was delegating its authority to others, and the City needed to be more strict.

William Waters, Community Sustainability Director, explained that the ordinance would allow the Planning and Zoning and Historic Resource Preservation Boards to approve proximity waivers for consumption on premises and for the City Commission to have final approval for package alcohol sales. He commented that restaurants, by State Law, were allowed to sell alcohol, based on the type of alcohol license they had. The Commission would be going against State Law if they denied those restaurants a proximity waiver.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

B. Ordinance No. 2014-02 – Second Reading and Second Public Hearing – amend various sections and tables in the Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-02 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADDRESS MINOR REVISIONS NEEDED TO THE NEWLY ADOPTED LAND DEVELOPMENT REGULATIONS BY AMENDING ARTICLE 1 GENERAL PROVISIONS, DIVISION 2, SECTION 23.1-12 DEFINITIONS; ARTICLE 2, DIVISION 1, SECTION 23.2-8 PLANNING AND ZONING BOARD; ARTICLE 2, DIVISION 1, SECTION 23.2-9, TABLE 2-1; ARTICLE 2, DIVISION 2, SECTION 23.2-15, TABLE 2-2; ARTICLE 2, DIVISION 3, SECTION 23.2-28 ADMINISTRATIVE ADJUSTMENTS/ADMINISTRATIVE USE PERMITS; ARTICLE 3, DIVISION 1, SECTION 23.3-6 USE TABLE; ARTICLE 4, SECTION 23.4-5 GARAGES; ARTICLE 4, SECTION 23.4-16 MECHANICAL EQUIPMENT; ARTICLE 4, SECTION 23.4-17 STANDBY GENERATOR/PERMANENT; ARTICLE 5 SUPPLEMENTAL REGULATIONS, SECTION 23.5-1, H), 3 SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso to approve Ordinance No. 2014-02 on second reading.

Mayor Triolo announced that it was time for public comment.

Mary Watson said she was active in getting a height restriction regulation on the March 2013 ballot. She asked if this ordinance had anything to do with

that height restriction referendum.

Peter Timm commented that the ordinance included items that could be approved by another board, he did not attend all board meetings, and said he depended on information discussed during Commission meetings to learn what was going on in the City.

Christina Morrison said she was concerned that this ordinance would negatively impact bringing businesses to the Park of Commerce.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

C. Ordinance No. 2014-03 – Second Reading and Public Hearing – designate the FEC Railway Freight Depot at 1105 Second Avenue South as a local Lake Worth Historic Landmark

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-03 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, DESIGNATING PROPERTY LOCATED AT 1105 2ND AVENUE SOUTH, A LOCAL HISTORIC LANDMARK; AMENDING ZONING MAP OF THE CITY OF LAKE WORTH; PROVIDING THAT A NOTICE SHALL BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, explained that the ordinance would designate the Florida East Coast (FEC) Railway Freight Depot, located at 1105 Second Avenue South, as a local historic landmark. On November 5, 2013, the Commission approved a contract with The Living Arts Foundation, Inc. to lease the FEC Train Depot and convert it into a multi-use arts center. Language was incorporated into the lease to ensure that the lessee respected the historic nature of the property. If the property were a historic landmark, then all future work on the exterior of the property would be reviewed, pursuant to the Certificate of Appropriateness process.

He provided a history of the structure and explained that, as part of the designation process, a deed restriction was required to be placed on the property, which would require a second motion.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2014-03 on second reading.

Mayor Triolo announced that it was time for public comment.

Peter Timm said there was nothing historic about the building.

Loretta Sharpe said the building was a train station and supported the Commission designating it as a local historic landmark.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve a Notice of Designation and Historic Preservation Restriction.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

D. Ordinance No. 2014-04 – Second Reading and Public Hearing – regulate the hours of construction activities

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-04 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9 BUILDING AND STRUCTURAL REGULATIONS, ARTICLE 1 IN GENERAL, OF THE CODE OF ORDINANCES; REGARDING HOURS FOR CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner McVoy to approve Ordinance No. 2014-04 on second reading.

Mayor Triolo announced that it was time for public comment.

Peter Timm said the ordinance would not allow any activities on Sunday and did not support changing the hours from 7:00 AM to 8:00 AM on first reading.

Request/comment summary:

1. Mayor Triolo commented that she changed her stance on supporting the 8:00 AM starting time, supported starting at 7:00 AM, and would vote against the ordinance as presented.

Vote: Voice vote showed: AYES: Vice Mayor Maxwell and Commissioners McVoy, Amoroso, and Szerdi. NAYS: Mayor Triolo.

E. Ordinance No. 2014-05 – Second Reading and Public Hearing – establish restrictions, requirements and penalties for use of public rights of way, sidewalks, and properties

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-05 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 19, STREETS AND SIDEWALKS, TO ADD ARTICLE VI, ENTITLED "PEDESTRIAN AND VEHICULAR RIGHT OF WAYS AND OTHER PUBLIC PROPERTY"; PROVIDING FOR THE REGULATION OF BUSINESS IN PEDESTRIAN AND VEHICULAR RIGHT OF WAYS AND ON OTHER PUBLIC PROPERTY IN THE CITY; PROVIDING FOR THE CONDITIONED ISSUANCE OF PEDESTRIAN RIGHT OF WAY USE PERMITS; PROVIDING PROHIBITIONS FOR PEDDLERS AND BUSINESS CONDUCTED IN VEHICULAR RIGHT OF WAYS AND ON OTHER PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve Ordinance No. 2014-05 on second reading.

Mayor Triolo announced that it was time for public comment.

Peter Timm said the ordinance would include the downtown sidewalk cafés, but the ordinance did not include any regulatory "teeth".

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

F. Ordinance No. 2014-06 – Second Reading and Public Hearing – amend Business Tax Receipts and Business Regulations by creating a two-part City Business License

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-06 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 14, BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS, BY CREATING A TWO-PART CITY OF LAKE WORTH BUSINESS LICENSE CONSISTING OF A LOCAL BUSINESS TAX RECEIPT AND USE AND OCCUPANCY CERTIFICATE; BY RENAMING ARTICLE I FROM "IN GENERAL" TO "LOCAL BUSINESS TAX RECEIPT"; BY RENAMING ARTICLE II FROM "RESERVED" TO "USE AND OCCUPANCY CERTIFICATES"; BY AMENDING THE PROVISIONS

REGARDING THE ISSUANCE OF A LOCAL BUSINESS TAX RECEIPT AND A USE AND OCCUPANCY CERTIFICATE; PROVIDING A SAVINGS CLAUSE, A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve amended Ordinance No. 2014-06 on second reading.

Mayor Triolo announced that it was time for public comment.

Peter Timm said the ordinance "had no teeth".

Loretta Sharpe said this was the best ordinance the Commission could approve and would give Code Compliance Inspector's "teeth".

William Waters, Community Sustainability Director, commented that staff found grammatical errors after the ordinance was approved on first reading; however, there were no substantive changes being requested. He explained in detail the ordinance.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell, and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Commissioner Amoroso left the meeting at 8:47 PM.

11. UNFINISHED BUSINESS:

A. Discuss Park of Commerce and Boutwell Road Project – Owner's Representation, Engineering and Design, and Right of Way Ownership

William Waters, Community Sustainability Director, explained that, over the past 15 years, the City, in collaboration with a variety of governing entities, had been working toward establishing the Park of Commerce (Park) as a shovel ready light industrial, research, and development park to serve not only the County but also the Gold Coast Region. To achieve the goal, he said the City was embarking on a multi-phase infrastructure improvement plan for the Park and an Annexation Inter-Service Boundary Agreement to facilitate annexing the remaining County parcels in the Park. In addition, the City and County were collaborating on the future of Boutwell Road and the intersection of 10th Avenue North. He said moving all of these issues forward were critical to establishing the Park as a premier development location and to facilitate shovel ready sites ready for investment.

Commissioner Amoroso returned to the meeting at 8:50 PM.

A-1. Professional Services Agreement with Mock Roos & Associates for Engineering, Design and Construction Phase Services for the Park of Commerce Project Phase 1 – Boutwell Road from 2nd Avenue North to 10th Avenue North

Tom Biggs, Executive Vice President, explained in detail the deliverables for preliminary phase, various project phases, permit application packages, miscellaneous, bidding documents, and construction phase; construction drawing package; landscape and irrigation drawing package; and project schedule.

Request/comment summary:

1. Vice Mayor Maxwell requested more frequent staff updates and suggested monthly.

Commissioner Amoroso left the meeting at 9:07 PM and returned at 9:08 PM.

Mayor Triolo explained that there were three agenda items related to the Park of Commerce and that the public would be allowed to comment on all three items during their allotted two minute time. She said she would ask for a motion on each item after all three were discussed.

A-2. Professional Services Agreement with Mathews Consulting, Inc. for Owner's Representation Services for the Park of Commerce Project Phase 1 – Boutwell Road from 2nd Avenue North to 10th Avenue North

Rene Mathews, President, introduced the project team members and explained their recent experience as owner's representatives, overall project management, land acquisition, community involvement plan, construction administration, project tasks, deliverables, and project schedule. He said the projected completion date was June 2016 and monthly progress reports would be uploaded and available to the public on a website.

Request/comment summary:

1. Vice Mayor Maxwell requested their website updates be written in layman's terms.

A-3. Discuss right of way ownership for Boutwell Road and the Park of Commerce Project

William Waters, Community Sustainability Director, explained that staff was working with the County on an overall approach to undertaking the infrastructure improvements along Boutwell Road and the intersection of

10th Avenue North. He said the County did not include the intersection improvements in their soon to be adopted Five-Year County Capital Improvement Plan (Plan) for roadways; however, there was an opportunity to approach the County and request they amend their Plan in the Spring.

He explained that one avenue to gain support and encourage the inclusion of the intersection in the Plan was for the City to be open to taking over ownership and maintenance of Boutwell Road. City ownership would help facilitate funding for the intersection and also allow for an aesthetically pleasing design to be developed. The transfer of roadway ownership would ensure a seamless project that met all of the City's expectations and would establish the Park of Commerce as a shovel ready investment opportunity.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to direct staff to continue the feasibility efforts in coordination with Palm Beach County to facilitate the transfer of ownership and maintenance of Boutwell Road to the City of Lake Worth.

Commissioners McVoy and Amoroso withdrew their motion and second.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to consolidate Items A-1, A-2, and A-3 into one motion.

Mayor Triolo announced that it was time for public comment.

Peter Timm said the City did not have any money to pay for Phase 1 nor did it know how much Phases 2 and 3 would cost.

Loretta Sharpe said she was upset, but understood why the City would hire Mock Roos & Associates then spend more money to hire another firm to check on their work. The City had looked into developing the Park of Commerce in the past, but never addressed the roadway. She said she disagreed with Mr. Timm's comments because the City never looked at Boutwell Road or the entrances.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell, and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve a professional services agreement with Mock Roos & Associates for an amount not to exceed \$644,120 for a term of thirty months; approve a professional services agreement with Mathews Consulting, Inc. in an amount not to exceed \$349,930 for a term of thirty months; and direct City Staff to continue the feasibility efforts in coordination with Palm Beach County to facilitate the transfer of ownership and maintenance of Boutwell Road to the City.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to extend the meeting one hour in accordance with the Commission's Rules and Procedures Rule 1(3).

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

Mayor Triolo passed the gavel to Vice Mayor Maxwell and left the meeting at 9:51 PM.

12. NEW BUSINESS (CONTINUED):

A. Resolution No. 04-2014 – Fiscal Year 2014 first quarter budget amendment

City Attorney Torcivia did not read the following resolution by title only:

RESOLUTION NO. 04-2014, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Bornstein explained in detail the requested amendments to the appropriate existing fund balances.

Mayor Triolo returned to the meeting at 10:00 PM and resumed the gavel.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Resolution No. 04-2014 to amend the Fiscal Year 2014 budget.

Mayor Triolo announced that it was time for public comment.

Peter Timm said discussion about carry forward funds was silly, budget amendments were routine, and the City was going broke.

Commissioner Amoroso left the meeting at 10:19 PM and returned at 10:21 PM.

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

B. Resolution No. 05-2014 – amend the Fiscal Year 2014 Comprehensive Fee Schedule to include special events at the Beach Complex and permit and review fees for right of way usage

City Manager Bornstein said the Planning & Zoning and Site Plan Review fees were required to be established by resolution in accordance with Ordinance No. 2014-05 approved earlier in the meeting; however, he requested the resolution be amended to delete the Beach and Pool, Golf Pro Shop, and Beach Complex fees associated with the Leisure Services Department.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve amended Resolution No. 05-2014.

Mayor Triolo announced that it was time for public comment.

Peter Timm said he asked how much money the City received from recent Beach Complex events; however, he did not yet receive an answer.

Marty Welfield said the City received an award years ago for clarity in its budget, but now the City was trying to allocate funds to operable management.

Request/comment summary:

1. Mayor Triolo requested the City Manager provide information to Mr. Timm on how much money the City received for recent Beach Complex events.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

C. Lease Agreement with the County to create and maintain a nature preserve

City Manager Bornstein explained that the lease agreement would allow the County to create and maintain a nature preserve on a 13 acre parcel of submerged and upland land, which was owned by the City. The property was generally bounded on the east by State Road A1A, on the south at a point roughly 800 feet north of the City's southern municipal boundary, on the west by the bulkhead line, and on the north by State Road 802 (Lake Avenue).

He said the lease would allow, subject to funding, the County to restore and manage the property as a nature preserve for future generations. The agreement also provided for the upland area to be reserved for future public

amenities, including parking.

Lengthy discussion ensued regarding the agreement including a naming right to the Steinhardt family provision and planting mangroves instead of seagrass.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to amend Article II *Responsibilities of the County*, Paragraph 18 to delete "the County further agrees to identify the tract as Steinhardt Cove or other similar name incorporating the Steinhardt name"; and approve the amended lease agreement between Palm Beach County and the City of Lake Worth.

Mayor Triolo announced that it was time for public comment.

Peter Timm said Mr. Steinhardt never paid the fee required in his lease with the City and asked why the County was involved with naming the center after the Steinhardt family.

Lynn Anderson asked if the County was prohibited from assigning the lease to another. She said she was opposed to naming the nature center after the Steinhardt family, they were involved in a legal lawsuit with the City, they owed the City money, and asked for the revenue generated from any future parking area be paid to the City and not the County.

Wes Blackman commented that there were serious maintenance issues on a pathway south of the Lake Avenue bridge.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION:

1) Update on the electric utility system

No update was provided.

B. CONSENT AGENDA:

There were no Lake Worth Electric Utility Consent Agenda items on the agenda.

C. PUBLIC HEARING:

There were no Lake Worth Electric Utility Public Hearing items on the agenda.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to extend the meeting one hour in accordance with the Commission's Rules and Procedures Rule 1(3).

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

D. NEW BUSINESS:

1) Contractor Agreements with Davey Tree Experts for line clearance and easement/right of way alley clearing services

Robert Beckel, Energy-Delivery Manager, explained that the agreements would continue the utility line clearance and easement/right of way clearing program for electric utility reliability and safety as well as associated alley mowing for access.

Vice Mayor Maxwell left the meeting at 10:59 PM.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve the contractor agreements with Davey Tree Experts Company for line clearance and easement/right of way clearance.

Mayor Triolo announced that it was time for public comment.

Peter Timm said he supported the agreements because Davey Tree Experts did excellent work.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None.

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia provided the following report:

- Announced his desire for advice concerning pending litigations in the case of Town Homes of Pineapple at Lake Worth, LLC, a Florida Limited Liability Company versus the City of Lake Worth and the case of City of Lake Worth versus Board of Trustees of the Lake Worth Firefighter's Pension Trust Fund, and the Unknown Members and Beneficiaries of the Lake Worth Firefighter's Pension Trust Fund during a closed door

attorney-client session at 3:30 PM on February 4, 2014.

15. CITY MANAGER'S REPORT

A. January 28, 2014 – draft Commission agenda

City Manager Bornstein did not provide a report.

16. ADJOURNMENT:

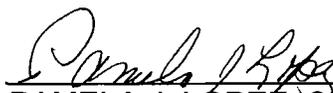
Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 11:01 PM.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioners McVoy, Amoroso, and Szerdi. NAYS: None



RAM TRIOLO, MAYOR

ATTEST:



PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: January 28, 2014

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

