MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
MARCH 18, 2014 – 6:00 PM

The meeting was called to order by Mayor Triolo on the above date at 6:00 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 Pastor Jason Fairbanks of the First Congregational Church.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Christopher McVoy.

4. AGENDA - Additions/Deletions/Reordering:

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

- Reorder New Business, Item E to New Business as Item A;
- Reorder New Business, Items A-D to New Business as Items B-E; 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. DESIGNATE APPOINTMENTS:

A. Vice Mayor and Vice Mayor Pro Tem

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso to appoint Commissioner Maxwell as Vice Mayor and Commissioner Amoroso as Vice Mayor Pro Tem.

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

B. Various organizational appointments:

1) Metropolitan Planning Organization liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Mayor Triolo as the Metropolitan Planning Organization's liaison.

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

2) Palm Beach County League of Cities liaison

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to appoint Vice Mayor Maxwell as the Palm Beach County League of Cities' liaison.

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

3) Treasure Coast Regional Planning Council liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Commissioner Szerdi as the Treasure Coast Regional Planning Council's liaison.

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

4) Central Palm Beach County Chamber of Commerce liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to appoint Mayor Triolo as the Central Palm Beach County Chamber of Commerce's liaison.

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

5) Florida Municipal Power Agency liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Commissioner McVoy as the Florida Municipal Power Agency's liaison.

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

6) Downtown Cultural Alliance liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to appoint Commissioner Amoroso as the Downtown Cultural Alliance's liaison.

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

7) Community Redevelopment Agency liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to appoint Commissioner Amoroso as the Community Redevelopment Agency's liaison.

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

8) Lake Worth Sister City Board liaison

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to appoint Commissioner McVoy as the Lake Worth Sister City Board's liaison.

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

9) Neighborhood Association Presidents' Council liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Commissioner Szerdi as the Neighborhood Association Presidents' Council liaison.

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

6. PRESENTATIONS:

A. Update provided by the Planning and Zoning Board

No one was present to provide an update.

B. Update provided by the Tropical Ridge Neighborhood Association

Mark Humm, President, provided an update on the Tropical Ridge Neighborhood Association's activities.

C. Update provided by City staff and Mathews Consulting concerning Park of Commerce Project

David Mathews, Mathews Consulting, explained in detail the Park of Commerce project's work in progress and provided updates on the Palm Beach County coordination, right-of-way acquisition, stake holder meeting, project schedule, and upcoming project deliverables. He said information on the project was on the City's website.

7. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: said both the Florida Senate and House members agreed to pull back on implementation of a flood plain map which would give a significant amount of relief to Lake Worth residents impacted by flood insurance.

Commissioner McVoy: said he participated in a press release on March 18, 2014, regarding an Environmental Florida report. He said the report looked at carbon dioxide national trends, which reported a reduction in levels. He announced that states and municipalities having policies were the entities that had the reduction. He suggested Lake Worth have a policy as an incentive to attract Park of Commerce businesses that produced low carbon dioxide.

Commissioner Amoroso: said the St. Patrick Day Parade was great and thanked staff and volunteers; announced upcoming Marriage Equality, Gay Pride, Tropical Ridge Fitness Park, and Earth Day events and said volunteers and donations were still needed; said he met with County Commissioner Shelley Vana who said she was happy with what Lake Worth was doing; said he met with County Mayor Priscilla Taylor about what was happening in the City; and said he was looking for federal Transportation Investment Generating Economic Recovery (TIGER) grant funds.

Commissioner Szerdi: said he enjoyed the St. Patrick Day Parade; would attend the Treasure Coast Regional Planning Council meeting on March 21, 2014; announced The Cottages were active with their tours, website, and an off-shoot committee was trying to create a book; and announced the annual Flolfing event on March 22, 2014.

Mayor Triolo: said she would be attending the Metropolitan Planning Organization's meeting in March 2014; announced her attendance at the Conference of Mayor's in Washington, DC and discussed Lake Worth's infrastructure needs with Congresswoman Frankel. She announced that Congresswoman Frankel would take a "road trip" throughout Lake Worth with her to see how she could financially help the City with its infrastructure needs.

8. 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: Peter Timm and Loretta Sharpe.

Mayor Triolo read the comment written by Dustin Zalks. Mr. Zalks wrote that he disagreed with Mr. Timm's assessment wholeheartedly.

Jon Faust read a proclamation regarding pursuit of the Grunge Cup and presented the City with a "Run Aground Award".

Mary Lindsey said he helped with July 4, 2014, Great American Raft Race organizers and announced this year's theme was "Art on the Water".

Vice Mayor Maxwell left the meeting at 6:53 PM.

9. APPROVAL OF MINUTES:

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

A. City Commission Meeting – March 4, 2014
B. City Commission Special Meeting – March 6, 2014

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

10. CONSENT AGENDA:

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso to approve the Consent Agenda.

A. Resolution No. 11-2014 – accept Fiscal Year 2013-2014 State Aid to Libraries grant

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

RESOLUTION NO. 11-2014 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AND AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR GRANT FUNDS PROVIDED THROUGH THE FISCAL YEAR 2013-2014 STATE AID TO LIBRARIES PROGRAM IN THE AMOUNT OF $15,753; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

B. Resolution No. 12-2014 – submit an application to Palm Beach County for Fiscal Year 2014-2015 Community Development Block Grant funds

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

RESOLUTION NO. 12-2014 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO PALM BEACH COUNTY FOR FISCAL YEAR 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PHASE I OF THE DEVELOPMENT OF A PEDESTRIAN FRIENDLY GREENWAY ON ELEVENTH AVENUE SOUTH BETWEEN SOUTH A STREET AND SOUTH H STREET; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

C. Amendment No. 1 to a contract with the Florida Department of Corrections for inmate labor

D. Four continuing services professional contracts for demolition services

E. Revise lease with the Community Redevelopment Agency for the Shuffleboard Courts facility

F. Ratify a member to the Community Redevelopment Agency

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

11. PUBLIC HEARINGS:

A. Ordinance No. 2014-08 – Second Reading and Second Public Hearing – amend conditional uses in the Mixed Use-Federal Highway (MU-FH) zoning district

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-08 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES; REGARDING ZONING DISTRICTS; AMENDING THE MIXED USE FEDERAL HIGHWAY ZONING DISTRICT ARTICLE 3 DIVISION 3; PROVIDING FOR SEVERABILITY; CONFLICTING ORDINANCES REPEALED; CODIFICATION CLAUSE; AND EFFECTIVE DATE.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner McVoy to approve Ordinance No. 2014-08 on second reading.

Mayor Triolo announced that it was time for public comment.

Peter Timm said he was concerned because the City Code used to have this zoning district only at 13th Avenue North, but now the conditional use would be allowed anywhere along Federal Highway. He said he opposed the ordinance.

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

B. Ordinance No. 2014-09 – Second Reading and Public Hearing – create Registered Domestic Partnerships

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-09 OF THE CITY OF LAKE WORTH, FLORIDA, TO ADD ARTICLE III, REGISTERED DOMESTIC PARTNERSHIPS, TO CHAPTER 20, CIVIL RIGHTS, OF THE CODE OF ORDINANCES TO PROVIDE FOR REGISTRATION OF DOMESTIC PARTNERSHIPS WITH CERTAIN LEGAL RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2014-09 on second reading.

Mayor Triolo announced that it was time for public comment. No one from the public commented.

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

C. Resolution No. 13-2014 – Public Hearing – issue a revocable permit on property located at 1501 North L Street

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve Resolution No. 13-2014.

Mayor Triolo announced that it was time for public comment.

Peter Timm said approving revocable permits piecemeal would set precedence and anyone could request the same as this applicant.

Harold Borders said his property needed a lot of work when it was purchased and property owners along North L Street were already using the City's easement. He commented that he was doing the right thing by applying for a revocable permit.

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 13-2014 OF THE CITY OF LAKE WORTH, FLORIDA, GRANTING A REVOCABLE PERMIT WITH CONDITIONS ON A PORTION OF THE CITY OWNED RIGHT-OF-WAY AT 15th AVENUE NORTH AND NORTH "L" STREET TO HARRY F. BORDERS AND ROSALIND BORDERS; DIRECTING THE CITY ATTORNEY TO ISSUE THE WRITTEN PERMIT; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, FOR SEVERABILITY, AND AN EFFECTIVE DATE.

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

12. UNFINISHED BUSINESS:

A. City of Lake Worth Landfill Investigation Results

Jamie Brown, Public Services Director, explained that the City closed the landfill in 1993; however, it had to deal with a variety of issues. The issues included a 2007 lease to Sun Recycling Systems for use of the landfill as a hurricane staging area and residents' allegations of odor and contamination at the landfill.

Tom Biggs, Mock Roos & Associates, said the landfill had been monitored for the past 20 years and the State-approved completion was accepted. In 2013, he said an odor and contaminant investigation was done and it was concluded both of those issues were insignificant.

Vice Mayor Maxwell returned to the meeting at 7:23 PM.

Request/comment summary:

1. Commissioner Szerdi suggested someone visit the landfill after it rained since that was when resident complaints about odor were made.

2. Mayor Triolo suggested an article in the City's newsletter and on the City's website asking people to contact the City if there was an odor from the landfill.

Consensus: To accept the reports by Mock Roos & Associates on the City's landfill and accept the closure of all landfill issues and disputes.

Mayor Triolo recessed the meeting at 7:41 PM and reconvened at 7:55 PM.

13. NEW BUSINESS:

A. (formerly Item E and reordered as Item A) Discuss beach parking decal

Commissioner Szerdi said a prior ordinance allowed seasonal property owners to purchase beach parking decals and asked the Commission to consider allowing them again.

Request/comment summary:

1. Vice Mayor Maxwell commented that the beach parking decal area had 50 spaces and did not understand how the City would allow additional purchases with a limited number of spaces.

2. Commissioner Szerdi commented that approximately 1745 decals were already sold and 40 additional purchases would not change the availability of space demographics by much.

3. Commissioner Amoroso commented that parking space availability was on a first come first serve basis and supported allowing seasonal residents to purchase beach parking decals.

4. Vice Mayor Maxwell suggested increasing the current beach parking decal fee since it was not addressed when the Beach Business Model was presented.

5. Commissioner Amoroso commented that the City did not guarantee a parking space would be available with the purchase of a parking decal.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner McVoy to ask staff to amend the ordinance to allow seasonal property owners to purchase beach parking decals if they: 1) owned property in Lake Worth; 2) paid Lake Worth utilities; and 3) had a vehicle registration in the same name that corresponded with the same property owner or provided personal identification; and to increase the fee to $40 for residents and $60 for seasonal residents.

Mayor Triolo announced that it was time for public comment.

Michael Capo said seasonal residents were already being penalized because they paid higher taxes and were only in Lake Worth for several months. He asked the Commission for fairness.

Loretta Sharpe commented that she was sick of subsiding the golf course, pier, and beach parking lot. The beach parking lot did not have any handicap parking spaces and said she would not report that because it

would mean the loss of several parking spaces. She suggested increasing the fee to $100 beginning in May when the decals went on sale and not capping the number of parking decals issued.

Greg Rice suggested contacting the County about allowing the sale of beach parking decals to all County residents and supported not limiting the sale of decals to Lake Worth residents.

Tammy Panso said she liked having a beach parking decal as a resident, clarified that renters were allowed to purchase a decal, supported allowing seasonal residents to purchase a decal, suggested doubling the fee for seasonal residents, and said she would pay for a parking decal at County property if offered.

Peter Timm said the County forced the City to have 50 decal parking spaces, asked why the residents could not do what they wanted, and supported not making any changes to the beach parking decal ordinance.

Jon Faust commented that there were long-term resident renters who negotiated a lease, which included utilities. He said those renters would not have a utilities account in their name. Also, out-of-town guest to Lake Worth leave their utilities on all year.

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

B. (formerly Item A) Resolution No. 14-2014 – amend the Fiscal Year 2014 Comprehensive Fee Schedule to include domestic partnership registration and Code Compliance release of lien fees

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 14-2014 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING REGISTRATION AND OTHER FEES FOR DOMESTIC PARTNERSHIPS; ESTABLISHING CODE COMPLIANCE RECORDING FEES; AMENDING RESOLUTION NOS. 41-2013, 61-2013, 68-2013 AND 05-2014; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Resolution No. 14-2014.

Mayor Triolo announced that it was time for public comment. No one from the public commented.

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

C. (formerly Item B) Professional services agreement with URS Corporation Southern for engineering, design and construction services for the Roadway and Utilities Master Plan Capital Projects

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve a professional services agreement with URS Corporation Southern and an initial work authorization for engineering and permitted services for Year 1 Projects 2, 4, and 7, in a lump sum amount of $681,807.

Mayor Triolo announced that it was time for public comment.

Peter Timm said the City did not have money for the projects.

Larry Johnson, Water Utilities Director, explained that the agreement provided for engineering, design and construction phase services for the Roadway and Utilities Master Plan Capital Projects for a twenty-four month term with provisions for three two-year renewals. The initial work authorized was for engineering and permitted services for Year 1 Projects 2, 4, and 7. He said the anticipated overall engineering and construction budget for this project was $8,287,268.

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

D. (formerly Item C) Professional services agreement with Craven Thompson & Associates, Inc. for engineering, design and construction services for the Roadway and Utilities Master Plan Capital Projects

Larry Johnson, Water Utilities Director, explained that the agreement provided for engineering, design and construction phase services for the Roadway and Utilities Master Plan Capital Projects for a twenty-four month term with provisions for three two-year renewals. The initial work authorized was for engineering and permitted services for Year 1 Projects 1, 3, 5, 6, and 8. He said the anticipated overall engineering and construction budget for this project was $5,520,936.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve a professional services agreement with Craven Thompson & Associates, Inc. for engineering and construction services for Roadway and Utility Master Plan Capital Projects and an initial work authorization for engineering and permitting services for Year 1 Projects 1, 3, 5, 6, and 8 in a lump sum amount of $467,185.

Mayor Triolo announced that it was time for public comment.

Peter Timm said the backup material mentioned this project as being a part of Lake Worth 2020, this item was the same as the last agenda item, the City had no money, and this plan would be placed on the shelf.

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

E. (formerly Item D) Contract with All Webbs Enterprises, Inc. for Rehabilitation of Surficial Aquifer Well 9R located on Alpine Avenue

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve a contract with All Webbs Enterprises, Inc.

Mayor Triolo announced that it was time for public comment. No one from the public commented.

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

14. LAKE WORTH ELECTRIC UTILITY:

A. CONSENT AGENDA:

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

B. PUBLIC HEARING:

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

C. NEW BUSINESS:

There were no Lake Worth Electric Utility New Business items on the agenda.

15. CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

16. CITY MANAGER'S REPORT

A. April 1, 2014 – draft Commission agenda

City Manager Bornstein did not provide a report.

17. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to adjourn the meeting at 9:06 PM.

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

PAM TRIOLO, MAYOR

ATTEST:

PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: April 1, 2014

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