

**MINUTES  
CITY OF LAKE WORTH  
REGULAR MEETING OF THE CITY COMMISSION  
JUNE 17, 2014 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:03 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 and Andy Amoroso. John Szerdi was absent. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

**2. INVOCATION:**

The invocation was offered by Father Quesnel Delvard of Sacred Heart Catholic Church.

**3. PLEDGE OF ALLEGIANCE:**

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

**4. AGENDA - Additions/Deletions/Reordering:**

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

- Reorder Consent Agenda, Item B to New Business as Item E; and
- Approve the agenda as amended.

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

**5. PRESENTATIONS:**

**A. Update provided by Senator Jeff Clemens**

Senator Clemens said the Commission had already heard updates from two State Representatives so he would keep his update brief, and would answer any of the elected official's questions. He said he represented 15 municipalities, served as legislator for four years, and the State's adopted budget would be good for Palm Beach County. He cited grant monies that would be coming to the County and said Bills creating two new types of corporations were passed. The Bill to regulate sober homes failed, but would be brought back next year. He said a \$77.1 billion budget was passed which was the largest in Florida's history.

Vice Mayor Maxwell left the meeting at 6:26 PM and returned at 6:26 PM.

**6. COMMISSION LIAISON REPORTS AND COMMENTS:**

Commissioner Amoroso: announced his attendance at the Eden Place Neighborhood Association meeting; said he met with Representative Lori Berman and Senator Jeff Clemens, and would meet with Senator Abruzzo next week; announced that volunteers were needed for the July 4<sup>th</sup> events, LULA received a grant for outside movies, and they scheduled free movies at the Cultural Plaza during the summer months; said two Artist Lofts would be having their grand opening event; announced a Summer Days event sponsored by the Propaganda Bar on South J Street; and said all events were listed on the City's website.

Commissioner McVoy: said the Flea Market under the I-95 overpass generated funds for the Lake Worth High School. The City was getting strict with its permitting, the Flea Market had been working, asked for the Flea Market to be allowed to "keep going" under the I-95 overpass, and asked the Commission to give direction so the funds could continue to go to the Lake Worth High School.

Vice Mayor Maxwell: commented that presentations on Code Compliance, either at Town Hall meetings or neighborhood associations, needed to be offered during the summer.

Request/comment summary:

1. City Manager Bornstein said he would provide dates for the Commission at the next meeting.
2. Commissioner Amoroso requested the Code Compliance Manager provide an update to the Commission on which recently approved ordinances were working and which were not.

Mayor Triolo: said she spoke to Governor Scott several times over the past months regarding the City's infrastructure needs; was working with neighboring cities to push for bicycle lanes and sidewalks along the Dixie Highway corridor; the Flag Day event by the Scottish Rite Masonic Center was beautiful; and said she and Palm Beach Sheriff Office Captain Silva received recognition on June 7, 2014, for bringing awareness of cholera.

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

Commissioner Amoroso left the meeting at 6:39 PM.

The following individual spoke on various issues; however, she did not write anything on her comment card: Mary Lindsey.

Commissioner Amoroso returned to the meeting at 6:41 PM.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Peter Timm and Martin Welfeld.

**8. APPROVAL OF MINUTES:**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the following minutes as submitted:

**A. City Commission Meeting – June 3, 2014**

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

**9. CONSENT AGENDA:**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the Consent Agenda, as amended.

**A. Resolution No. 31-2014 – authorize the execution of the Fiscal Year 2015-2017 Palm Beach County Urban County Program Interlocal Cooperation Agreement**

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

RESOLUTION NO. 31-2014 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT TO PARTICIPATE IN THE PALM BEACH COUNTY URBAN COUNTY PARTNERSHIP PROGRAM FOR FISCAL YEARS 2015, 2016 AND 2017; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**B. (Reordered to New Business as Item E) Resolution No. 32-2014 – third amendment to the Fiscal Year 2014 budget**

**C. Amendment #5 to an agreement with Hy-Byrd Inspection Services for plans review and inspection services during Fiscal Year 2014**

**D. Variance Agreement with Luis and Magling Gonzalez to allow brick pavers on a driveway and City right-of-way at 1837 Terrace Drive East**

**E. Annual contracts to four companies for paving, concrete, and striping services**

- F. **Purchase Agreement with Trekker Tractor, LLC to replace a backhoe for use by the Water Systems Department**
- G. **Contractor Agreement with Shannon Chemical Corp. for purchase of SNC-N2 Phosphate for the Water Treatment Plant**

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

10. **PUBLIC HEARINGS:**

There were no Public Hearings items on the agenda.

11. **UNFINISHED BUSINESS:**

There were no Unfinished Business items on the agenda.

12. **NEW BUSINESS:**

- A. **Ordinance No. 2014-19 – First Reading – update the Police Retirement System to comply with the Internal Revenue Service Code and favorable ruling on the Police Retirement System and schedule the public hearing date for July 1, 2014**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE No. 2014-19 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 16 PENSION AND RETIREMENT, ARTICLE IV, DIVISION 1, POLICE RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES, TO PROVIDE FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve Ordinance No. 2014-19 on first reading and schedule the public hearing date for July 1, 2014.

City Manager Bornstein explained that the ordinance amended the Police Retirement System to comply with the Internal Revenue Service Code and State Statutes.

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 and Amoroso. NAYS: None.

- B. Ordinance No. 2014-20 – First Reading – update the General Employees Retirement System to comply with the Internal Revenue Service Code and favorable ruling on the Employees Retirement System and schedule the public hearing date for July 1, 2014**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE No. 2014-20 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 16, ARTICLE II, DIVISION 2 OF THE CODE OF ORDINANCES, AMENDING SECTION 16-29, PENSION BENEFITS; AMENDING SECTION 16-32, DEATH BENEFITS; AMENDING SECTION 16-42, INTERNAL REVENUE CODE COMPLIANCE; AND AMENDING SECTION 16-43, DEFERRED RETIREMENT OPTION PLAN; TO PROVIDE FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR AN EFFECTIVE DATE.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Ordinance No. 2014-20 on first reading and schedule the public hearing date for July 1, 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 and Amoroso. NAYS: None.

- C. Ordinance No. 2014-21 – First Reading – provide for the annual payment from Division II to Division I of the Police Pension System and schedule the public hearing date for July 1, 2014**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2014-21 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES; REGARDING PENSIONS AND RETIREMENT, DIVISIONS 1 AND 2 OF THE POLICE RELIEF AND PENSION FUND; PROVIDING FOR RECOGNIZING THE TRANSFER OF CHAPTER 185 PREMIUM TAX REVENUE FROM DIVISION 2 TO DIVISION 1; PROVIDING FOR A SEVERABILITY CLAUSE; FOR THE REPEAL OF CONFLICTING ORDINANCES; A CODIFICATION CLAUSE; AND EFFECTIVE DATE.

Mayor Triolo explained that the ordinance provided for the annual transfer of funds to be a recurring event without further action by the City

Commission and addressed the time when all Division II employees retired.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2014-21 on first reading and schedule the public hearing date for July 1, 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 and Amoroso. NAYS: None.

Vice Mayor Maxwell left the meeting at 6:52 PM and returned at 6:57 PM.

#### **D. Report from Internal Auditor**

Kenneth Oakes, Internal Auditor, explained that significant challenges before the City were: employee safety at City Hall and City Hall Annex, asset security at the warehouse and City Hall Annex, policy and procedure creation and updating in key areas, hiring and promotion practices, Beach Casino issues, and Code Enforcement issues. He said follow-up reports were issued to the Commission and his top outstanding concerns were in the Customer Service Division and cash handling, the common area maintenance and Casino Ballroom operations, purchase card process audit, and fleet maintenance. New reports issued to departments included cell phone review, Human Resources Department audit, memorandum on bartering policy, employee promotions, cash received by the Leisure Services Department, Casino security, and employee investigation.

He said the Internal Audit Plan for Fiscal Year 2015 included accounts payable, procurement, payroll, utilities, and Building Department. Ongoing projects he was working on were: process ownership, span of authority, and special audits resulting from reported audit findings.

Lengthy discussion between the City Commission and Mr. Oakes ensued regarding him rating the City as "very well", staff being responsive to his reports, how a governmental entity could barter with a private company, still working on getting P-Card receipts, not continuing the practice of bartering, and being transparent and putting the Internal Auditor reports on the website.

Mayor Triolo announced it was time for public comment.

Peter Timm said the City spent more money than it brought in and hoped the Internal Auditor would continue to watch residents' money. He asked staff to be more frugal.

Peggy Fisher said she worked for the State of Florida and State employees had cell phones on a limited basis. She said the number of cell phones issued to employees needed to be addressed. The State's website showed every State employees' salary and asked that the City's website also include its employees' salary. She commented that she had a State P-Card, had five days to turn in her receipts, and asked the Commission to put "teeth" into the Internal Auditor's reports.

**E. (Formerly Consent Agenda, Item B) Resolution No. 32-2014 – third amendment to the Fiscal Year 2014 budget**

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 32-2014, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING A BUDGET AMENDMENT AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Amoroso left the meeting at 7:25 PM.

Commissioner McVoy said the principle item in the budget amendment was to provide money for educational items on the bond referendum ballot. He said he asked for this item to be reordered to New Business because the public had a right to know where their money was being reallocated. If the City was placing something on the ballot, it could not promote for or against it. He said \$50,000 was a lot of money, and if the City was not promoting for or against the bond, then he asked what safeguards were in place to make sure the educational material was neutral.

Commissioner Amoroso returned to the meeting at 7:28 PM.

Request/comment summary:

1. City Manager Bornstein commented that State Law prohibited use of public funds to advocate for or against the bond issue. It was staff's intent to provide information because a lot of questions were heard from the community. The material to be developed would be closely scrutinized by the City Attorney.
2. City Attorney Torcivia advised that the elected officials had a right to inform the community. This was a public process to inform people on what was on the ballot. The City could encourage people to vote without advocating for or against the issue. He said the City was obligated to put out facts. As individual citizens, the Commission had First

Amendment rights to have verbal conversations about how they felt; however, they could not advocate their opinions in a public building. Employees could have factual information in their departments.

3. Commissioner McVoy requested the total payout amount to the tax payers be included in the factual material. He said he hoped there would be a procedure in place to only include provable facts and not staff's beliefs, such as proposed property value growth rate or that the improvements would increase property values, on the material. He recommended a single document that stated the City was committed to doing the projects, with specificity.

City Attorney Torcivia responded that if the bond referendum was approved by the voters, the citizens would enter into a bond covenant. It was a contract which stated the bonds were purchased for specific projects.

4. Commissioner McVoy asked if the bond covenant summary language could be added to the City's website, including maps.

City Attorney Torcivia responded that he would ask Bond Counsel to prepare a bond covenant summary. He cited several of his clients who were currently placing bonds on future ballots.

5. Commissioner Amoroso commented that he was not comfortable with including payout numbers because the interest rate was unknown at this time, but was comfortable with language that the bond was \$63.5 million plus interest.
6. City Attorney Torcivia commented that the resolution calling for a bond referendum election was very specific and listed the projects.
7. Commissioner McVoy suggested providing the interest rate ranges on the material.
8. Mayor Triolo commented that she supported giving the facts and providing a chart of property values, but did not want the City to use the coffee purchase analogies. She requested the information be more specific.
9. Mayor Triolo commented that the majority of the \$50,000 would be spent on printing and postage expenses.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Resolution No. 32-2014.

Mayor Triolo announced that it was time for public comment.

Peter Timm said he attended all four town hall district meetings and said he met four good salesmen (referring to the elected officials), but the City did not tell the public how much money they would have to pay. Comments about the upscale in property values were not specific and did not include what the property owners would pay. He said he wanted the public to be told that the total payout would be \$130,000,000. He commented that the City was fudging the financial figures, and did not support spending \$50,000.

Lynn Anderson said the City could not advocate from the dais, but that by simply voting in support of the bond referendum resolution, the elected officials were advocating the issue. The City could spend money on advertisement, held district town hall meetings, and spoke during neighborhood association meetings. Now the City was requesting a budget amendment to spend \$50,000 to persuade voters to tax themselves for 30 years. She said no one could remember a time when the City spent \$50,000 to promote a bond. She asked what would happen if there was another recession. The City currently had unfunded liabilities and a great deal of debt. The voters needed to know about the cons as well as the pros.

Katie McGiveron commented that the City wanted to spend \$50,000 of her money to tell her that they did not have money, but wanted her money. She said that, if she had not read the backup material on this item, she would not have known that this issue was to spend money to tell people that the City had no money. She asked the City about "Plan B" if the bond referendum failed.

Peggy Fisher said the Commission was not advocating anything. Their vote on the bond referendum resolution was to place the issue on the ballot. Had the issue not been placed on the ballot to allow the voters an opportunity to decide, then the Commission would be advocating. She thanked the Commission for doing their jobs. She said the City had no "Plan A" let alone a "Plan B". Had there been a "Plan A", the roads would have been improved.

Vice Mayor Maxwell said the crux of the issue was to spend money to release facts about the bond issue. At every meeting on the subject, the amount of \$63 million was mentioned. "Plan B" would be to continue to do what the City had been doing. The issuance of the bond was "Plan A". He clarified that the General Fund had no debt and for the public to make a statement that it was in debt was wrong. In 2002, the City used funds to advocate for a General Obligation Bond for the Beach Casino building. Since then, State Laws changed and now cities were prohibited from using public funds to advocate for or against an issue. If the City included cons on the material, then it would not be putting out factual information.

Commissioner McVoy said it would be appropriate to include how the City's debt plus millage rate compared with other communities in Palm Beach County. He said it would be difficult for the City to spend \$50,000 and not put out slanted information. He commented that he could not support this item because it did not address global climate change.

Mayor Triolo commented that most of the \$50,000 would be spent on postage and mailing. She asked that concerns be brought to the City Manager. She said there were a lot of perceptions from the residents about what the Commission was trying to do. This item was only to provide factual information. She said she too did not want to have to pay for the debt, but it was the responsible thing to do.

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

**13. 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:**

**1) Purchase seven 150kVA padmount transformers from Wesco Distribution**

Clayton Lindstrom, Electric Utilities Director, explained that the purchase of seven transformers were needed to meet requirements for service to the Villages of Lake Worth residential complex located at the intersection of Lake Worth Road and 2<sup>nd</sup> Avenue North. The total cost of electric construction, required to serve the complex, would be borne by the developer.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the purchase of seven 150kVA padmount transformers for use at the Villages of Lake Worth housing project from Wesco Distribution in an amount not to exceed \$69,195.

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 and Amoroso. NAYS: None.

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

City Attorney Torcivia did not provide a report.

**15. CITY MANAGER'S REPORT**

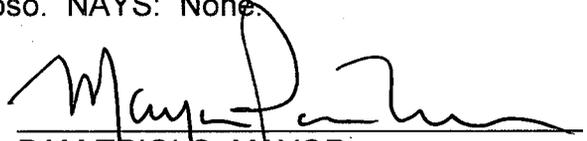
**A. July 1, 2014 – draft Commission agenda**

City Manager Bornstein did not provide a report.

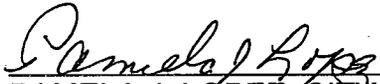
**16. ADJOURNMENT:**

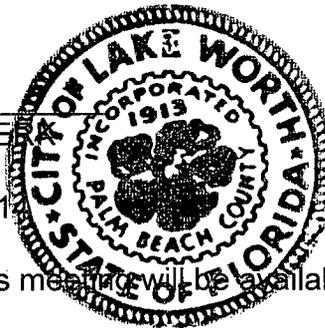
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to adjourn the meeting at 8:13 PM.

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

  
PAM TRIOLO, MAYOR

ATTEST:

  
PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: July 1, 2014

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