

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
DECEMBER 2, 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.

Mayor Triolo, Vice Mayor Maxwell, and Commissioners Amoroso and Szerdi left the meeting at 6:00 PM.

2. INVOCATION:

The invocation was offered by Preston Smith of American Atheists.

Mayor Triolo, Vice Mayor Maxwell, and Commissioners Amoroso and Szerdi returned to the meeting at 6:03 PM.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by all.

4. AGENDA - Additions/Deletions/Reordering:

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

- Delete Presentations, Item F – Sunset Ridge Neighborhood Association update;
- Add to Consent Agenda, Item M – Temporary Construction Easement Agreement with Coastal Gunite Construction Company for use of Old Bridge Park during the bridge construction repair;
- Add to Consent Agenda, Item N – Ratify a board member to the Historic Resources Preservation Board; 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. Accept awards from the International Economic Development Council (IEDC) and City-County Communications & Marketing Association (3CMA)

Dolores Keys, Economic Development Manager, explained the International Economic Development Council and City-County Communications & Marketing Association awards. She presented the awards to the City.

B. Accept Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada

Dolores Keys, Economic Development Manager, presented the City with a Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ended September 30, 2013.

C. Proclamation declaring December 1, 2014 as World AIDS Day

Mayor Triolo read a proclamation declaring December 1, 2014, as World AIDS Day. No one was present to accept the proclamation.

D. Living Shoreline Improvements by Palm Beach County

Robert Robbins, Department of Environmental Resources Management Director, explained that the Living Shoreline project was designed to retain soils to support emergent grasses, create shelter and passage for fish, and established oyster reef habitat within the Lake Worth Lagoon. He said it would improve water quality, protect the adjacent bulkhead seawall, public park, and infrastructure at Bryant Park. He explained in detail the project's highlights and benefits. He said Mangroves would not be planted, which would obstruct views, and that the Mangroves at the Golf Course would be removed and replaced with emergent grasses.

E. Firefighters Pension Trust Fund, Division 2 update

Captain James Nevad, Board Chairperson, provided the Commission with an update on the Board's financial activities since their last update. He said Chris Bell, the Commission's representative on the Board, had served as a member for 19 years.

F. (Deleted) Sunset Ridge Neighborhood Association update

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: wished everyone a Merry Christmas and Happy Holiday, said he attended the National League of Cities conference in Texas, would meet with the City Manager to review the items and ideas he experienced and was exposed to during the conference, and would provide the Commission and public with a brief overview of the conference in January.

Commissioner McVoy: thanked the Palm Beach Sheriff's Office for taking care of a vacant home that needed to be boarded up, said he was working to enhance communication in the Guatemalan community, commented that a recent Lake Worth Herald article about Guatemalans was below the City's standards for tolerance, and said the Palm Beach Sheriff's Office was actively working with elementary schools to educate students on gangs.

Commissioner Amoroso: wished everyone a Merry Christmas and Happy Hanukkah; said there were lots of December events planned at the Cultural Plaza and encouraged everyone to visit; and commented that he attended the National League of Cities conference in Texas and would provide an update on December 15, 2014, for anyone who wanted to listen.

Commissioner Szerdi: said he looked forward to hearing from both Vice Mayor Maxwell and Commissioner Amoroso on their Texas conference, commented that he learned a lot by attending neighborhood associations' meetings, said the City and 30 of the 38 other municipalities in Palm Beach County supported the County staying a member of the Treasure Coast Regional Planning Council (TCRPC), announced that the County Commission voted today to remain a member of the TCRPC, and wished everyone a Merry Christmas and Happy Holiday.

Mayor Triolo: announced that she would be attending the Metropolitan Planning Organization's December 8, 2014, meeting; said she received a copy of the Commission's rules and procedures to help move Commission meetings along, there was a provision about scheduling items discussed longer than 30 minutes to work sessions, a provision about each Commissioner being allowed one rebuttal comment, and asked the City Clerk to provide the Commission with the rules and procedures; she said she wanted to remind the Commission to do their homework on agenda items and be prepared prior to their meetings; and she asked the Commission to start anew in the upcoming new year.

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

The following individual spoke on an issue written on her comment card:

Mary Lindsey said that, in gratitude for the blessings of liberty and the freedoms afforded to her as a citizen of the United States by the Constitution and the First Amendment, she invited the elected officials and all present to join her in praying the Our Father.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Peter Timm, Katie McGiveron, Loretta Sharpe, and Lantana's Mayor David Stewart.

8. APPROVAL OF MINUTES:

There were no Approval of Minutes on the agenda.

9. CONSENT AGENDA:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the amended Consent Agenda, with the addition of Items M and N.

- A. Use of \$23,415 in State Law Enforcement Forfeiture Funds to purchase a security system from Q-Star Technology**
- B. Ratify appointment of board members to the Electric Utility Advisory Board**
- C. Purchase Authorization for Badger water meters from Innovative Metering Solutions, Inc.**
- D. Task Order 1 with URS Corporation Southern for temporary engineering services**
- E. Variance agreement with Robert A. Lepa to allow brick pavers on a driveway and City right-of-way at 728 North Lakeside Drive**
- F. Variance agreement with Iran Guzman to allow brick pavers on a driveway and City right-of-way at 1752 22nd Avenue North**
- G. Authorize a piggyback of the Florida Sheriffs' Association contract for tires and related services**
- H. Interlocal Agreement with Palm Beach County to transfer ownership, maintenance, and control of Boutwell Road to the City**
- I. Temporary Construction Easement Agreement with Palm Beach County's Department of Environmental Resource Management for "Living Shoreline" improvements at Bryant Park**

- J. **Terminate a contract with Employee Assistance Professionals of South Florida, Inc.**
- K. **Purchase Order with Wright National Flood Insurance Company for flood insurance coverage for Fiscal Year 2014-2015**
- L. **Purchase Order with Plastridge Agency-PBGO for special events liability insurance coverage for Fiscal Year 2014-2015**
- M. **(Added) Temporary Construction Easement Agreement with Coastal Gunite Construction Company for use of Old Bridge Park during the bridge construction repair**
- N. **(Added) Ratify a board member to the Historic Resources Preservation Board**

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Szerdi. 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. 2015-01 – First Reading – designate a Residential Planned Development (RPD) located at 2430 Lake Worth Road and schedule the public hearing date for January 6, 2015**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-01 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING A RESIDENTIAL PLANNED DEVELOPMENT KNOWN AS THE VILLAGE AT LAKE OSBORNE; PROVIDING FOR DEVELOPMENT STANDARDS, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso to approve Ordinance No. 2015-01 on first reading and schedule the public hearing date for January 6, 2015.

William Waters, Community Sustainability Director, explained that the ordinance was for the Village at Lake Osborne. The applicant, Affordable

Housing Solutions, Inc., was proposing to develop a 118-unit apartment complex, located at 2430 Lake Worth Road. The site was 4.71 acres, which was currently vacant, and was less than the minimum site area of five acres stipulated for a Residential Planned Development. He said the project would provide market rate apartment housing and explained in detail how a developer could receive incentive benefits.

Mayor Triolo announced that this was the time for public comment.

Loretta Sharpe said she supported the development; the City had a Haitian, Guatemalan, and African American problem; and this project provided apartments at market rate.

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

B. Authorize payment for election costs of August 26, 2014 election

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to authorize payment of \$1,957.49 to the Supervisor of Elections for the cost of the election.

City Manager Bornstein explained that on August 26, 2014, the Supervisor of Elections conducted a primary election which included the City's bond referendum generally known as "Lake Worth 2020". The County Canvassing Board met on August 26th and thereafter to canvass the provisional ballots cast. He said that the official results, as determined by the Supervisor of Elections (Supervisor) and based on the County Canvassing Board's review, was that the City's bond referendum failed by 25 votes.

He said that, of the 30 provisional ballots cast in the City, 25 were rejected by the Canvassing Board. While some of the provisional ballots appeared to be properly rejected, approximately 14 were rejected due to clerical errors by the poll workers.

The City raised an issue to the Supervisor and Canvassing Board as contrary to Florida law and urged them to adopt procedures to resolve the issue. On October 7, 2014, the Commission approved Resolution No. 63-2014, asking the Canvassing Board for a meeting to address the issue with the provisional ballots and the conduct of the Board's meetings from the August election. Prior to sending the Resolution to the Canvassing Board's attorney, the City learned that the Supervisor and Canvassing Board requested an opinion from the Florida Department of State, Division of Elections, on the provisional ballot issue.

He advised that the Division of Election's opinion was consistent with the

City's position on the provisional ballots and request for procedures to properly canvass them.

The City received an invoice from the Supervisor for the August 26, 2014, election. The Supervisor's invoice was for \$5,379.49, which consisted of \$1,957.49 in election costs and \$3,440 in legal fees. The legal fees were related to the City's issues about provisional ballots; however, the fees consisted of the Supervisor's attorney attending the Canvassing Board meetings, reviewing the City Attorney firm's public records requests, the request for an opinion to the Division of Elections, the City's September 8, 2014, Commission meeting, correspondence from the City Attorney's firm for the City, and the Palm Beach Post's public records request and editorials on provisional ballots.

He recommended not paying the Supervisor's legal fees especially in light of the Division of Election's opinion substantiating the City's position on the provisional ballots.

Comment/summary comment:

1. Vice Mayor Maxwell suggested that, rather than pay the Supervisor's election cost, the City bill the Supervisor for all of the City's cost to address the issue of provisional ballots.

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

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to direct staff to quantify the City's cost for staff and City Attorney to research the provisional ballot issue and provide services.

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

Mayor Triolo recessed the meeting at 7:18 PM and reconvened at 7:31 PM.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION:

1) Update on the electric utility system

Clayton Lindstrom, Electric Utility Director, reported that the Electric Utility Advisory Board members were busy pursuing: Option 1 the sale of the

election utility, Option 2 a potential rebuild of the Power Plant, and Option 3 seeking a long-term power source purchase.

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.

D. NEW BUSINESS:

1) Purchase various distribution transformers from Wesco Distribution, Gresco Utility Supply, and HD Supply for Fiscal Year 2015

Clayton Lindstrom, Electric Utility Director, explained that this item authorized the purchase of various size and type of transformers from three companies.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the purchase of various padmount transformers from Wesco Distribution in an amount not to exceed \$194,892.

Mayor Triolo announced that this was the 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.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the purchase of various padmount transformers from Gresco Utility Supply in an amount not to exceed \$194,211.

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 approve the purchase of 50kVA overhead transformers from HD Supply in an amount not to exceed \$146,232.

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

2) Florida Municipal Electric Association Membership Dues for October 2014 thru September 2015

Clayton Lindstrom, Electric Utility Director, explained that the Florida Municipal Electric Association (FMEA) represented the unified interests of 34 public power communities across Florida. The FMEA was affiliated with and worked closely with the American Public Power Association on regulatory issues facing the electric industry. Together, the FMEA staff and municipal utility members worked to protect public power's legislative and regulatory and operational interests in Tallahassee and Washington, D.C. He said they also work with mutual assistance aid.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the Florida Municipal Electric Association's annual membership dues for Fiscal Year 2014-2015 in the amount of \$33,345.

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.

3) Agreement with MR Valuation Consulting, LLC for Fair Market Value Appraisal of Electric Utility System

Comment/request summaries:

1. Commissioner Amoroso asked if there was a benefit to the City to have a Fair Market Value Appraisal since the option of selling the electric utility could no longer move forward.

Clayton Lindstrom, Electric Utility Director, commented that the appraisal would provide the City with a benchmark.

2. Mayor Triolo commented about the cost since the Fair Market Value and Economic and Financial Valuation information would not be current when the City could consider a sale in the future.

Mr. Lindstrom explained that the Electric Utility Advisory Board (EUAB) was directed, by the Commission, to evaluate three alternatives concerning the Lake Worth electric utility: 1) sell the system, 2) build a new generation facilities to serve the customers directly, and 3) consider a long term purchase power agreement with another generating source.

3. Commissioner Szerdi commented that the City received information from Vero Beach about their electric utility sale process after the City's Request For Proposal was released.

4. Vice Mayor Maxwell asked if there was a benefit to proceed with an agreement with MR Valuation Consulting and the next item on the agenda--an agreement with Willdan Financial Services, Inc. for Economic and Financial Valuation of the electric utility system if selling the electric system was no longer an option based on the Vero Beach information.

Mr. Lindstrom replied that there was no longer a benefit to the City if selling the electric system was no longer an option.

5. Vice Mayor Maxwell commented that if the Commission did not follow through on its promise to pursue the three options it directed the EUAB members, then there would not be transparency even though the sale of the system was no longer an option.
6. Mayor Triolo commented that the Commission needed to be good stewards of public funds, the information provided by MR Valuation Consulting and Willdan Financial Services would no longer be current if, in the future, the option to sell became available.
7. Vice Mayor Maxwell commented that since Vero Beach and FPL were still willing to negotiate for the sale, then the City should not eliminate pursuing its option to sell.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to approve an agreement with MR Valuation Consulting, LLC in the amount of \$85,000 to perform consulting services for the Fair Market Value Appraisal of the Lake Worth Electric Utility.

Mayor Triolo announced that it was time for public comment.

Marty Welfield said an appraisal was a "snap shot" in time. The further the future date on the issue to sell, the further the appraisal's accuracy would be. He said he was concerned that things may change in the future and suggested revisiting this issue in six months.

Mary Lindsey commented that, for 12 years, she spoke to the Commission about inviting FPL into the discussion to sell in order to learn if they were interested. The EUAB members worked hard to pursue the three options, and members of the Selection Committee said the City needed to immediately pursue the three options. She said it took time for the City get to this point and that FPL would not come unless they were invited. She asked the Commission not to remove the option to sell the electric system, but recognizing that there was an obstacle. She asked the Commission to vote against the motion.

Loretta Sharpe said the City needed to know the value of the electric system and did not want to spend the money for an appraisal; however, the EUAB members worked hard and recommended the City carry through.

Greg Rice commented that the City needed to give this issue consideration. To approve the contract would send a message that the Commission were "pissing the money away" since it did not have a buyer. He asked the Commission not to waste the money right now.

Comment/request summary:

1. City Manager Bornstein suggested this item be postponed.

Vice Mayor Maxwell and Commissioner Szerdi withdrew their motion and second.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to bring the agreement with MR Valuation Consulting, LLC for a Fair Market Value Appraisal of the Electric Utility System and agreement with Willdan Financial Services, Inc. for Economic and Financial Valuation of the Electric Utility System back to the Commission on January 20, 2015.

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

4) Agreement with Willdan Financial Services, Inc. for Economic and Financial Valuation of Electric Utility System

NOTE: During discussion on the prior item, a motion was made to bring this agreement back to the Commission on January 20, 2015.

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia announced his desire for advice concerning pending litigations in the case of Townhomes of Pineapple Ridge at Lake Worth, LLC versus City of Lake Worth (15th Judicial Circuit) and The Townhomes of Pineapple Ridge At Lake Worth, LLC versus City of Lake Worth (15th Judicial Circuit) during a closed door attorney/client session at 4:15 PM on January 6, 2015. Those in attendance would be the Mayor, Vice Mayor, City Commissioners, City Manager, himself, Assistant City Attorney Goddeau, and a Court Reporter. The estimated length of the session was one hour.

15. CITY MANAGER'S REPORT

- A. January 6, 2015 – draft Commission agenda**

City Manager Bornstein did not provide a report.

16. ADJOURNMENT:

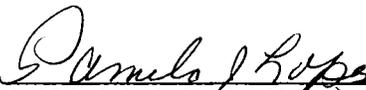
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to adjourn the meeting at 8:23 PM.

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: January 6, 2015

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