

**MINUTES  
CITY OF LAKE WORTH  
REGULAR MEETING OF THE CITY COMMISSION  
JANUARY 20, 2015 – 6:00 PM**

The meeting was called to order by Vice Mayor Maxwell 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 Vice Mayor Scott Maxwell and Commissioners Christopher McVoy (arrived 6:03 PM), Andy Amoroso, and John Szerdi. Mayor Pam Triolo was absent. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

**2. INVOCATION:**

Vice Mayor Maxwell requested a moment of silence for Herminio Padilla, a long term employee at the East Central Regional Wastewater Reclamation Facility. Mr. Padilla died in the line of duty at the facility.

The invocation was offered by Father Paul Rasmus, St. Andrew's Episcopal Church.

**3. PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Commissioner John Szerdi.

Commissioner McVoy arrived at the meeting; the time being 6:03 PM

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

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to waive the rules to:

- Reorder Consent Agenda, Item A to New Business as Item C - Resolution No. 06-2015 – amend the City of Lake Worth Fee Schedule to create a credit card convenience fee for utility payments;
- Reorder Consent Agenda Item B to New Business as Item D - Construction contract with West Construction for the 5<sup>th</sup> Avenue North Greenway Improvements project;
- Reorder Consent Agenda, Item C to New Business as Item B - Agreement with B&B Underground Contractors, Inc. and Materials Testing Allowance with Testing Lab of the Palm Beaches for the Seminole Manor Forcemain Modifications Project; and
- Approve the agenda as amended.

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

5. **PRESENTATIONS:**

There were no Presentations items on the agenda.

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

Commissioner McVoy: announced his attendance at the January 19, 2015, Martin Luther King, Jr. breakfast and march.

Commissioner Amoroso: thanked everyone for attending the January 19, 2015, Martin Luther King, Jr. march and said there was a huge turnout of attendees; commented that the Street Painting Festival needed volunteers; and announced the new Visitors Information Center opened last week in the City Hall Annex.

Commissioner Szerdi: announced his attendance at the 21<sup>st</sup> Annual Martin Luther King, Jr. event and thanked former Commissioner Retha Lowe and many others for their work on the event; commented that Palm Tran and the Community Redevelopment Agency were planning a meeting to discuss bringing Palm Tran from tri-rail to the beach; announced the Tree Festival event was last week; said, during the Martin Luther King, Jr. events, there was unity and sharing in Lake Worth's diverse community which sent a positive message of a dream; and announced that neither he nor his family were "Un-American", said his family died to defend America, was offended by one of the Commissioners calling other Lake Worth elected officials Un-American, and asked for an apology.

Vice Mayor Maxwell: thanked everyone who put together the Martin Luther King, Jr. weekend events, said attendance grew every year, and that he enjoyed being a part of it; announced that volunteers were needed to usher in over 100,000 attendees at the Street Painting Festival; announced a Commission Work Session meeting to discuss financing potential infrastructure programs as an alternate to the defeated General Obligation Revenue referendum at 6 PM on January 27, 2015, at the Compass Community Center; announced a follow up meeting to discuss financing infrastructure programs at 1 PM on March 21, 2015, at City Hall; said he had an opportunity to meet with Senator Latvala and visit Park of Commerce areas to discuss getting infrastructure money.

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

The following individual spoke on various issues; however, he did not write

anything on his comment card: Peter Timm.

The following individuals spoke on issues written on their comment cards.

Fadette Philemond said he received a letter from a Building Inspector that listed things that he needed to correct at his property located at 1009 South E Street. He said he made the corrections and his inspection passed. He then received another letter from the City informing him that he had to demolish his master bedroom. He asked the Commission what he was supposed to do.

Michael Weiner said most municipalities discourage decreasing traffic and suggested the City support the use of "Uber", which was an app-based transportation network and taxi company and "airbnb", which helped communities stay connected through online forums and real-life meet-ups to find like-minded locals and travelers. He said he was willing to devote his time to look at City ordinances because he wanted people to invest in the City.

Comments/requests summary:

1. Vice Mayor Maxwell requested Mr. Philemond contact his secretary to set up a meeting to discuss further his issue.

**8. APPROVAL OF MINUTES:**

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

- A. Special City Commission Meeting – January 6, 2015**
- B. City Commission Meeting – January 6, 2015**

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

**9. CONSENT AGENDA:**

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve the Consent Agenda, less Items A, B, and C.

- A. (Reordered to New Business as Item C) Resolution No. 06-2015 – amend the City of Lake Worth Fee Schedule to create a credit card convenience fee for utility payments**
- B. (Reordered to New Business as Item D) Construction contract with West Construction for the 5<sup>th</sup> Avenue North Greenway Improvements project**

- C. **(Reordered to New Business as Item B) Agreement with B&B Underground Contractors, Inc. and Materials Testing Allowance with Testing Lab of the Palm Beaches for the Seminole Manor Forcemain Modifications**
- D. **Purchase three replacement service vans from Duval Ford LLC Sales for the Electric Utilities Meter Shop Division based on the Florida Sheriff's Association contract**
- E. **Amendment to an Agreement with LHoist North America of Alabama, LLC for the purchase of Bulk Quicklime for the Water Treatment Plant**

Vote: Voice vote showed: AYES: 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. **Agreement with Burton & Associates for a Comprehensive Integrated Financial Sustainability Analysis for the City's 2015/2016 budget**

Steven Carr, Finance Director, explained that this contract provided for the development of an inter-active comprehensive integrated financial sustainability analysis that would provide the framework for the development of a city-wide business plan and the basis for Fiscal Years 2015/2016 through 2026 budgets. He said the City was involved in many businesses and this would provide a clear understanding on how one function fund could relate and affect another fund.

He said Burton & Associates could integrate multiple funds into a model, and they were currently providing this service in the Water Utility Department. This program was highly sophisticated and could not be done by in-house staff. The program would provide information for multi-year plans and would be based on the consultants wide ranging knowledge of local government finance projections. The system would plot multiple variables and changes through all funds that would be affected and allowed for real-time changes of variables.

Comments/requests summary:

1. Commissioner McVoy asked if data from the 2004 property value bubble and bust years could be added to the program and to include data from other municipalities.

Andy Burnham, Burton & Associates Senior Vice President, replied that they preferred to include historical data. He said he could add data from other municipalities.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to execute an agreement with Burton & Associates for a Comprehensive Integrated Financial Sustainability Analysis for the City in the amount of \$139,529.

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

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

**B. (Formerly Consent Agenda, Item C) Agreement with B&B Underground Contractors, Inc. and Materials Testing Allowance with Testing Lab of the Palm Beaches for the Seminole Manor Forcemain Modifications**

Larry Johnson, Water Utility Director, explained that the agreement authorized the construction of a Lake Worth Seminole Manor Forcemain Improvement project and Testing Lab of the Palm Beaches to provide materials testing allowance services. B&B Underground Contractors, Inc. (B&B) was the lowest bid. He said concern were raised at the last Commission meeting about B&B already working on three contracts with the City and being able to finish the work. He said there were complaints made about the contractor dumping material on City property on Lake Osborne Drive.

He distributed a memorandum updating the elected officials on B&B's construction activities and it addressed the issues raised. He said the contractor removed a substantial amount of debris and were in the process of installing sod to restore the Lake Osborne Drive site.

Comments/requests summaries:

1. Commissioner Amoroso commented that B&B's dumping on City property was not acceptable. He requested including in the contract a provision about dumping construction debris on the staging site. He commented that B&B had a history of doing this type of behavior.

2. Commissioner Szerdi commented that, in the future, he would not support staff relying on outside engineering firms' recommendation as the reason to award a contract. He suggesting looking into prequalifying companies, and the City being allowed to award a contract based on the best qualified, not just the lowest bidder.
3. City Manager Bornstein suggested approving the contract contingent upon B&B resolving the Lake Osborne Drive issues within a specified period of time.
4. Commissioner Amoroso commented that a neighbor, and not staff, had to bring the issue of dumping garbage, not construction debris, to the Commission's attention during the last Commission meeting.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve an agreement with B&B Underground Contractors, Inc. at a cost not to exceed \$48,000 contingent upon the ongoing contract issues with staff being resolved; and materials testing allowance with Testing Lab of the Palm Beaches at a cost not to exceed \$1,000, for the construction of the Lake Worth Seminole Manor Forcemain Improvements for a total not to exceed amount of \$49,000.

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

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

**C. (Formerly Consent Agenda, Item A) Resolution No. 06-2015 – amend the City of Lake Worth Fee Schedule to create a credit card convenience fee for utility payments**

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

RESOLUTION NO. 06-2015, 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, 2014 AND ENDING SEPTEMBER 30, 2015; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Maxwell commented that he requested this item be reordered to New Business because of concerns. He asked the Finance Director to explain the issue.

Steven Carr, Finance Director, explained that the City accepted credit card payment for utility as a convenience to its customers. The City used the least costly interchange rates from three credit card providers: Master Card, Visa, and American Express. However, he said fees from the credit card providers were approximately \$220,000 per year charged to the City. This was equivalent to almost a .5% rate reduction in electric rates.

He advised that there was no legal barrier to creating a convenience fee to offset the City's costs for accepting this form of payment. Florida Statutes allowed for surcharging in an amount sufficient to pay the service fees charged by the financial institution for such services. This Resolution would create a fee to recover the costs of accepting credit card payments for utility bills when a customer paid through an internet portal or via telephone.

Comments/request summary:

1. Commissioner McVoy suggested notifying customers of available utility paying options.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner McVoy to approve Resolution No. 06-2015 amending the City of Lake Worth's 2014/15 schedule to include credit card convenience fees for payment of utility bills through the internet or via telephone.

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

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

**D. (Formerly Consent Agenda Item B) Construction contract with West Construction for the 5<sup>th</sup> Avenue North Greenway Improvements project**

Commissioner McVoy commented that he requested this item be reordered to New Business to ask if this project was being paid with Community Development Block Grant (CDBG) funds. He said there was concern from the community that CDBG funds were going to be used for Lake Worth 2020 Infrastructure Plan projects.

Jamie Brown, Public Services Director, explained that CDBG funds could only be used within a certain geographic area and that the funds had to be project specific. He said these funds could not be used for Lake Worth 2020 Infrastructure Plan projects.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to approve a construction contract with West Construction, Inc. for the Community Development Block Grant funded 5<sup>th</sup> Avenue North

Greenway Improvements project in an amount not to exceed \$100,000.

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

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

**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. UNFINISHED BUSINESS:**

**1) Agreement with MR Valuation Consulting, LLC for Fair Market Value Appraisal of Electric Utility System; rescheduled from the December 2, 2014, Commission meeting**

Clay Lindstrom, Electric Utility Director, explained that the Commission gave direction to the Electric Utility Advisory Board (EUAB) to seek the following three alternatives for power supply: 1) rebuild and upgrade the Tom Smith Power Plan; 2) sell the electric utility; and 3) extend the current Orlando Utility Commission's power supply contract. In order to seek the option of selling the electric utility, a fair market value appraisal and economic and financial value needed to be performed. He recommended the Commission either approve Unfinished Business, Items C-1 and C-2 or deny both.

Comments/requests summaries:

1. Commissioner McVoy commented that there may not be any future to selling the electric utility system and to focus on the other two options.
2. Vice Mayor Maxwell commented that it would be a tough road for the City to sell the utility today; however, things change. He recommended getting information on the three options and seeing this issue through. He said he wanted to have the most transparent process on the three tracks.

Mr. Lindstrom commented that there was contention with the sale of Vero Beach's electric utility, and they could not move forward with their sale.

Lisa Maxwell, EUAB Chairperson, said there were legal issues that prevented Vero Beach from selling, which still existed. The decision on this and the following agenda item's contracts still fell within the Board members' timeframe. Speaking on behalf of the EUAB members, she advised the Commission that there were two other tracks and a third option, which was a hybrid of the other two tracks. The options were to: 1) upgrade the current system to full capacity; 2) continue to purchase power on the open market; or 3) a hybrid to partially upgrade the system and purchase power.

She said that learning what the market value of the system was prior to upgrading the current system would be beneficial in order to learn if it was best to upgrade or continue to purchase power on the open market.

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso 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.

Vice Mayor Maxwell announced that this was the time for public comment.

Peggy Fisher said she was a member of EUAB and supported every comment made by the Chairperson. She said she was a resident living in Commissioner McVoy's District 2, the cost was only slightly more than the monthly gas pipe transportation fee charged to the City, and commended the Commission for supporting the contracts.

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

**2) Agreement with Willdan Financial Services, Inc. for Economic and Financial Valuation of Electric Utility System; rescheduled from the December 2, 2014, Commission meeting**

Action: Motion made by Commissioner Szerdi and seconded by Commissioner Amoroso to approve an agreement with Willdan Financial Services, Inc. in the amount of \$46,000 to perform consulting services for the Economic and Financial Value of Electric Utility System of Lake Worth.

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

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

**D. NEW BUSINESS:**

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

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

City Attorney Torcivia announced that, pursuant to Section 286.011(8) Florida Statutes, he desired advice concerning pending litigations in the case of Clear Channel v. City of Lake Worth, Case No. 502011CA005726XXXMB during a closed door attorney/client session at 4:15 PM on February 3, 2015.

The session would be attended by Mayor Pam Triolo; Vice Mayor Scott Maxwell; Commissioners Christopher McVoy, Andy Amoroso, and John Szerdi; City Manager Michael Bornstein; and himself. A certified court reporter would be present to ensure that the session was fully transcribed and the transcript would be made public upon the conclusion of the above-cited, ongoing litigation.

**15. CITY MANAGER'S REPORT**

**A. February 3, 2015 – draft Commission agenda**

City Manager Bornstein did not provide a report.

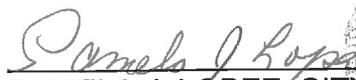
**16. ADJOURNMENT:**

Action: Motion made by Commissioner McVoy and seconded by Commissioner Szerdi to adjourn the meeting at 7:56 PM.

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

  
PAM TRIOLO, MAYOR

ATTEST:

  
PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: February 3, 2015

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