

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
FEBRUARY 3, 2015 – 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 (arrived at 6:01 PM), Andy Amoroso, and John Szerdi (arrived at 6:01 PM). Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by Pastor Ray Stenersen, Apostolic Lutheran Church of Lake Worth.

Commissioners McVoy and Szerdi arrived at 6:01 PM.

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 Szerdi to approve the agenda as submitted.

Commissioner McVoy requested Consent Agenda Items A and C be reordered to New Business for discussion.

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to reconsider the item.

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

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

- Reorder Consent Agenda, Item A to New Business as Item B – Resolution No. 07-2015 amend the City’s Canvassing Board;
- Reorder Consent Agenda, Item C to New Business as Item C – Contract with the Florida Department of Corrections for use of inmate labor to provide landscape duty services; 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 declaring March 2015 as Ethics Awareness Month

Mayor Triolo read a proclamation declaring March 2015 as Ethics Awareness Month.

Commissioner Szerdi announced that all elected officials were required to take four hours of ethics training annually and that all advisory board members were also required to take ethics training.

B. Planning and Zoning Board update

Greg Rice, Chairperson, provided an update on the number of meetings scheduled since the Board’s last update to the Commission, explained the members’ powers and duties, provided a summary of the members’ decisions made between September 2014 through January 2015, and provided the status of development projects. He introduced two Planning and Zoning Board members that were present.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: thanked the people for attending the City’s January 27, 2015, public meeting, said he heard many ideas about financing infrastructure projects, and people were passionate about creative funding. He said one suggestion was to sell the City’s golf course. He explained that the City could not sell the golf course and that there was a need to make that clear to everyone because a newspaper article said that selling the golf course was an option. He said he met with a member of Governor Scott’s team about bringing the Governor on a tour of the Park of Commerce in mid-March. This visit would dovetail a tour of the City with Senator Latvala for a \$7.5 million appropriation request made to the State for infrastructure funds. He said a special report would be prepared for the Governor’s visit. He advised that when developed, the potential impact of the Park of Commerce, based on square footage, could be the creation of 5,000 jobs. He asked the City Manager to invite realtors to listen to the same

presentation made several months ago to architects and engineers about the City's Land Development Regulations.

Commissioner McVoy: said he was happy to hear that other funding mechanisms to finance the Park of Commerce improvements were being considered and that the City should keep going in that direction. He said he had concerns about asking residents to find ways to fund infrastructure projects during the January 27, 2015, Commission Work Session. There was a lot of community support on the need to do the work, but not how to fund it. He said there was a trust issue. He commented that he and Commissioner Szerdi attended four hours of ethics training, the training was helpful, and City Attorney Torcivia was a featured speaker. He commented that he was invited to a Fair and Impartial Policing meeting with County Commissioners and Palm Beach Sheriff's Office personnel and there would be ongoing related workshops on the issue.

Commissioner Amoroso: said he explained during the January 27, 2015, Commission Work Session that selling the golf course was not an option to fund the City's infrastructure plan; however, a newspaper article stated that the sale was an option. He commented that he made it very clear that there was no option to sell the golf course. He announced his attendance at the Villages of Lake Worth ribbon cutting ceremony. He said that last year the Community Redevelopment Agency and Department of Community Affairs received grant fund for the Family Night Movies events; however, this year they did not receive grants. He said donations for this event were being accepted. He announced that volunteers were still needed for the Street Painting Festival, the City would be participating in new business ribbon cutting ceremonies, announced Mama Gigi's Restaurant just opened, and said Aioli Restaurant wanted to locate in Lake Worth but could not find a place so they moved to West Palm Beach.

Commissioner Szerdi: announced that he participated in a clean up event on South B, C, and D Streets and in the Pineapple Beach neighborhood area; said the Outdoor Show was moving from the Cultural Plaza to the beach; and cited several upcoming events scheduled. He said the City had always been actively pursuing grants for the Park of Commerce, but the City had no master plan in place to receive grants. He commended staff and the City Manager for getting the master plan in order. He commented that he walked along Golfview Road and spoke to many individuals who were confused about the City selling the golf course. He said the City was not selling its golf course. He commented that he would pledge \$500 towards the Family Night Movies events.

Mayor Triolo: commented that she missed the last Commission meeting due to a death in her family.

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: Pam Bergsma, Peggy Fisher, Katie McGiveron, Peter Timm, Greg Rice, and Anthony Marotta.

Comments/requests summaries:

1. Commissioner McVoy commented that there were a number of ways to fund the Lake Worth 2020 infrastructure projects including ad valorem, General Obligation Bond, and non ad-valorem tax; and the City should keep all of its options open.
2. Vice Mayor Maxwell commented that when he was a Commissioner in 2001, the then Commission voted to no longer serve as Community Redevelopment Agency (CRA) members, which he voted against. He commented that, over the years, he had hinted about readdressing the CRA's district and about the Commission serving again as its members. He advised that even if the Commission served as its members, the City was still obligated to pay their debt.
3. Vice Mayor Maxwell commented that it was possible to fund the Lake Worth 2020 infrastructure projects through assessments; however, he learned during the January 27, 2015, Commission Work Session that banks may not lend money to the City and that the City could be sued by someone.

8. APPROVAL OF MINUTES:

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

A. City Commission Meeting – January 20, 2015

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 Szerdi to approve the Consent Agenda, less Items A and C.

- A. (Reordered to New Business as Item B) Resolution No. 07-2015 – amend the City's Canvassing Board**

- B. Variance Agreement with Michael Paul Lewis to allow brick pavers on a driveway, walkway and City right-of-way at 516 North L Street**
- C. (Reordered to New Business as Item C) Contract with the Florida Department of Corrections for use of inmate labor to provide landscape duty service**
- D. Restrictive Covenant for the Community Redevelopment Agency's cultural facilities grant**
- E. General Release Agreement with Jaclyn Wagman and Jason Shultz**

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

10. PUBLIC HEARINGS:

- A. Ordinance No. 2015-02 – First Reading and First Public Hearing – amend the Comprehensive Plan to include a water supply plan and amend various elements and schedule the second public hearing date for March 17, 2015**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-02 OF THE CITY OF LAKE WORTH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN TEXT AMENDMENT BY INCORPORATING A WATER SUPPLY PLAN AND AMENDING THE FUTURE LAND USE ELEMENT, INFRASTRUCTURE ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT AND CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2015-02 on first reading and schedule the second public hearing date for March 17, 2015.

Larry Johnson, Water Utility Director, explained that this ordinance amended the Comprehensive Plan text to incorporate a water supply plan and amended the future land use element, infrastructure element, coastal management element, conservation element, intergovernmental coordination element, and capital improvements element.

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.

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Ordinance No. 2015-03 – First Reading – amend Chapter 18 to address all City utilities with specific provisions for water, sewer and stormwater and schedule the public hearing date for February 17, 2015

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-03 OF THE CITY OF LAKE WORTH, FLORIDA, DELETING CHAPTER 18, "WATER AND SEWERS", AND ADOPTING A NEW CHAPTER 18, "UTILITIES" TO SET FORTH THE ADMINISTRATIVE AND REGULATORY REQUIREMENTS OF THE WATER, SEWER, STORMWATER AND ELECTRIC UTILITY SYSTEMS; AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE 1, "IN GENERAL", SECTION 2-10, "LIEN OF UTILITY SERVICE CHARGES"; DELETING ARTICLE I, "USE OF STORMWATER SYSTEM" FROM CHAPTER 12, "HEALTH AND SANITATION"; PROVIDING FOR OTHER PURPOSES, SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-03 on first reading and schedule the public hearing date for February 17, 2015.

Larry Johnson, Water Utilities Director, explained that an annual rate increase from around the country was about 3% per year. He said, compared to the surrounding utility companies, the City's rate was in the middle of the pack. He explained in detail about the two-inch water pipe replacement improvements being paid with the rate increase funds. He announced that a house burned down last week because there was no fire hydrant in the area.

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.

B. (Formerly Consent Agenda, Item A) Resolution No. 07-2015 – amend the City's Canvassing Board

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

RESOLUTION NO. 07-2015 OF THE CITY OF LAKE WORTH, FLORIDA,
AMENDING THE CITY'S CANVASSING BOARD; AND PROVIDING AN
EFFECTIVE DATE.

Comments/requests summaries:

1. Commissioner McVoy suggested the Internal Auditor or Finance Director serve on the Canvassing Board instead of the Community Redevelopment Agency (CRA) chairperson.
2. Commissioner Szerdi commented that he would support the Internal Auditor serving on the Canvassing Board instead of the CRA chairperson.
3. City Attorney Torcivia commented that he would ask a retired judge to serve on the Canvassing Board.
4. Vice Mayor Maxwell suggested asking either a retired judge or an attorney with a Constitutional law background.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to amend the Canvassing Board composition to include the City Clerk, Internal Auditor, and either a retired judge or attorney with Constitutional knowledge; and approve amended Resolution No. 07-2015.

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.

C. (Formerly Consent Agenda, Item C) Contract with the Florida Department of Corrections for use of inmate labor to provide landscape duty service

Comments/ requests summaries:

1. Commissioner McVoy asked if there was any constraints to increasing the contract amount and use the inmate labor to clear vacant and abandoned properties.

Jamie Brown, Public Services Director, replied that the City could use the services wherever the City needed them. The contract included five inmates and one supervisor. If vacant and abandoned properties were added to the scope of work, then more crew members would be needed.

City Manager Bornstein recommended the Commission approve the contract to give staff time to review the request and come back with a response.

2. Commissioner Amoroso suggested abandoned property owners be identified through the use of the code enforcement process to determine if there were any code violations.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Contract #WS965 in an amount not to exceed \$57,497 between the Florida Department of Corrections and the City of Lake Worth.

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

Peggy Fisher asked if the Department of Corrections had another inmate crew to service Lake Worth. She said there would be a need for more supervision because of the additional work. She suggested purchasing and installing fire hydrants instead of using additional funds to hire more crew members.

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.

D. NEW BUSINESS:

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

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

15. CITY MANAGER'S REPORT

A. February 17, 2015 – draft Commission agenda

City Manager Bornstein introduced Nerahoo Hemraj as the new Finance Director.

16. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Szerdi to adjourn the meeting at 7:45 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: February 17, 2015

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



