

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
FEBRUARY 17, 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 6:02 PM), 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 Reverend Elie Louissant, Salem Haitian Evangelical Lutheran Church.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner John Szerdi.

4. AGENDA - Additions/Deletions/Reordering:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to accept the agenda as submitted with no change.

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

5. PRESENTATIONS:

A. Historic Resource Preservation Board update

Wes Blackman, Chairperson, provided an update on the board membership, historic districts and resources, Certificate of Appropriateness approval matrix, number of cases heard in 2014, and historic preservation and evolution.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: reminded everyone that the Street Painting Festival was this weekend, there were many opportunities to volunteer, the event had 80,000 website hits, and said he was looking forward to a record number of attendees this year; announced the Commission cancelled its March 3, 2015, meeting because four of the five elected officials would be in Tallahassee

lobbying for infrastructure funding and to solidify its relationship with the State to bring tax dollars into the City; said the Commission cancelled its March 10, 2015, meeting because of the Municipal General Election held by the City Clerk who would be part of that process during the day and evening.

Commissioner McVoy: said he heard several comments and concerns from residents about the sound levels and duration from Bryant Park and understood the balance between bringing people into the City and the neighboring residents. He asked if the Commission's trip was part of Palm Beach County Day held in Tallahassee and when it started. He announced that he would be traveling to Tallahassee.

Comments/request summaries:

1. City Manager Bornstein commented that the bulk of activities in Tallahassee would be on March 4, 2015; however, the window of time was March 3 and March 4, 2015.
2. City Attorney Torcivia explained some of the elected officials would be traveling together by van or vehicle. As long as they did not discuss issues that would come before them while traveling, a notice would not be needed because they would not be discussing any issues that might come before them.
3. Mayor Triolo announced that she would be using her own vehicle because of scheduling issues.
4. City Manager Bornstein commented that Commissioner McVoy would be flying into Tallahassee because of a time schedule.
5. Commissioner McVoy commented that he had a time schedule. He said that he was concerned, at that time, because he was told the transportation arrangements were for all to be driving up in a van. He said that, as a graduate student he was all for saving money and doing the right thing, but that he definitely had a concern about Sunshine issues and did not feel comfortable. He said he also had schedule complications.

Mayor Triolo: announced she would be attending the February 18, 2015, Metropolitan Planning Organization (MPO) meeting, the members would be discussing their recent tour, announced improvements to Boutwell Road was added to the MPO's long range plan, the Commission could now say Boutwell Road was on a long range plan while in Tallahassee, the inclusion on a long range plan would give the City some positive fuel to request State funding, the MPO members would be talking about Dixie Highway improvements for bicycle lanes and pedestrian walkways which piggybacked a study done by West Palm Beach, said there were a lot of roadway project funds for the western area of the County that were no longer needed, and

said she asked the MPO to consider moving that money east for infrastructure improvements; said she attended a ribbon cutting ceremony today for the newly paved 10th Avenue South paid with Community Development Block Grant funds; said the City broke ground for a greenway project on 9th Avenue South; and thanked staff for doing the ground work needed to apply for different grants and said the exercise was not wasted.

Commissioner Amoroso: announced his attendance at the grand opening of Mama Gizzi's Restaurant today; said the Community Redevelopment Agency applied for a \$5,000 catalyst grant; said he had been working on a Palm Beach County health initiative for a couple of months and that there was a public meeting on February 23, 2015; announced the need for volunteers during Street Painting Festival this weekend; and cited upcoming City events.

Commissioner Szerdi: announced The Cottages moved their activities date due to the Street Painting Festival, congratulated Jon Faust as the new Neighborhood Association Presidents Council (NAPC) chairperson, said he looked forward to continuing to serve as the Commission's liaison to the NAPC, announced his attendance at an upcoming Treasure Coast Regional Planning Council meeting, cited upcoming events, said he attended a meeting with Palm Tran and that they were interested in increasing their route to the beach, explained that Dixie Highway was on a "road diet" to make it more pedestrian friendly and that the Florida Department of Transportation was open to it as a way to reinvigorate parking and businesses, and announced that Ft. Pierce's Community Redevelopment Agency (CRA) had asked for a meeting with Lake Worth's CRA to learn how to emulate them and learn how to get grant funding.

Comment/request summary:

6. Commissioner McVoy commented that in New York City, they did not have the sidewalk, parking, driving lane configuration and that Dixie Highway could have bicycle lanes located next to sidewalks.

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: Richard Stowe, Peter Timm, and Katie McGiveron.

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

Greg Rice announced the Street Painting Festival was this weekend, said another shuttle trolley was added, volunteers were still needed, visitors to the Festival could park at Palm Beach State College and take the shuttle anytime between 10 AM and 6 PM on Saturday and Sunday.

Dean Sherwin said he was speaking as an individual and not as a member of the Planning and Zoning Board. He said he was impressed with an update by Siemens Industry, Inc. during the Commission's February 10, 2015, work session. He suggested an ordinance be adopted to permit the sale of arts and crafts work from private residences.

Mayor Triolo read the comment card written by Dustin Zacks. Mr. Zacks wrote about cats being bad and for the City to do something about feral cats. He wrote about Marshall Pass taking newspapers from City Hall.

Comments/requests summaries:

1. Commissioner Amoroso requested discussion about planting a Gumbo Limbo tree at the Cultural Plaza be scheduled on a Commission agenda soon, requested the Tree Board's recommendation and funding options to purchase the tree be included in the backup material.
2. Commissioner McVoy commented that he personally hoped the tree to be planted in the Cultural Plaza would be a less common specimen tree, the Gumbo Limbo tree may be fine; however, there were large Ficus or Oak Trees already there. He commented that the Gumbo Limbo Tree would not be his first choice.
3. Commissioner McVoy commented that he heard from bond experts that there were alternative funding options for the Lake Worth 2020 Plan besides issuing a General Obligation Bond. He commented that it would be valid to look at other forms of funding that would work for the community.
4. Commissioner McVoy commented that he heard from many people about artists not being in a financial position to have both a home and studio. He commented that many people suggested looking at a way to balance the needs of non-artist with the need for artist to be able to make and sell their work in their homes.
5. Vice Mayor Maxwell commented that individuals should listen to the January 27, 2015, work session meeting audio to hear why funding the Lake Worth 2020 Plan using non ad valorem was difficult due to the economics and residents' ability to pay. He said there was nothing wrong with seeking a bond. There were roads in the City that were never paved after 100 years. He commented that if people could not quote facts then they should not say anything and to suggest the facts otherwise would be a lie.
6. Vice Mayor Maxwell commented that there was mismanagement of City revenue in 2005 when it had mega-millions of dollars in undesignated

funds which should have been spent on infrastructure, but was not. The current administration was not responsible for past mismanagement.

7. Mayor Triolo requested the City Manager schedule discussion to allow art work to be sold in residential homes at a future meeting.
8. Vice Mayor Maxwell pledged \$500 towards the purchase of a tree in the Cultural Plaza.

8. APPROVAL OF MINUTES:

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

- A. City Commission Work Session – January 27, 2015**
- B. City Commission Special Meeting – February 3, 2015**
- C. City Commission Meeting – February 3, 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 Commissioner Szerdi and seconded by Vice Mayor Maxwell to approve the Consent Agenda.

- A. Agreement with Cedars Electro-Mechanical, Inc. for the replacement of the chiller unit at the Public Safety Complex**
- B. Ratify a board member to the City Recreation Advisory Board**
- C. Contract with All Webbs Enterprises, Inc. for the reconstruction of Potable Surficial Aquifer Well 12 and Task Order 11 with Mock, Roos and Associates, Inc. for associated construction phase services**

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

10. PUBLIC HEARINGS:

- A. Ordinance No. 2015-03 – Second Reading and Public Hearing – amend Chapter 18 to address all City utilities with specific provisions for water, sewer and stormwater**

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 Szerdi to approve Ordinance No. 2015-03 on second reading.

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:

A. Update on the newly modified 7th Avenue South between A and F Streets improvement design

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the newly modified improvement design.

Vice Mayor Maxwell and Commissioner Amoroso withdrew their motion and second because they said they thought this was New Business, Item A.

Jamie Brown, Public Services Director, explained that this item was to update the Commission on a modified design as a result of a meeting between staff and residents. He advised no motion was being requested. He explained that the original design converted an existing unimproved shell rock right-of-way into a residential roadway consisting of two drive lanes, sidewalks, two bicycle lanes, drainage improvements, water main upgrades for water pressure and fire hydrant coverage, and stop signs and pavement striping.

He said residents in the area were displeased with the design and voiced their concerns at a meeting with staff. The new modified design included a one way westbound street with a meandering multi-use path on the north side. The design added more green space and restricted traffic to west bound only. The new design also addressed staff's goal to improve drainage and beautification.

Comments/requests summaries:

1. Mayor Triolo commented that this design was a compromise and included what the people wanted. She said she did not want to lose Community Development Block Grant funds being used to pay for the improvements.
2. Commissioner McVoy requested to see the plan.

Mayor Triolo recessed the meeting at 7:43 PM and reconvened at 7:59 PM.

12. NEW BUSINESS:

A. Resolution No. 08-2015 – establish water and sewer utility fees and charges to be effective April 1, 2015

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

RESOLUTION NO. 08-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR ADDITIONAL FEES AND CHARGES FOR USE OF WATER SYSTEM AND SEWAGE SYSTEM OF THE CITY OF LAKE WORTH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS OR PARTS OF RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Larry Johnson, Water Utilities Director, explained that the Resolution established the water and sewer fees and charges to be effective on April 1, 2015. He said the fees and charges would be incorporated into the City's Comprehensive Fee Schedule when it was updated. He advised that the fees were consistent with the regulatory and administrative requirements contained in the Policies and Procedures Manual for water and were in addition to the fees and charges established for the electric utilities and customer services. He said the proposed new fees were for services already charged by other entities. Other fees already existed and no changes to them were being made; however, they would be established by resolution and no longer by ordinance. He explained in detail health and environmental issues with the use of wells and septic tanks.

Comment/request summary:

1. Mayor Triolo requested staff look into offering some type of hardship clause to those impacted residents who would be required to mandatorily hook up to water and sewer.

Action:

Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to amend Exhibit A to the resolution to delete the additional connection fee for the installation of water main and sewer to property; and approve amended Resolution No. 08-2015 establishing Water and Sewer fees and charges to be effective April 1, 2015.

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

Peter Timm asked if the fee was in addition to the 5% rate increase, said no one had heard about the fees before, and asked the Commission to tell people what they were doing.

Dorothy Gay asked to review the information staff provided to the Commission on this issue and for a copy of the new base fees in writing.

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

B. Resolution No. 09-2015 – regulatory and administrative requirements in the Policies and Procedures Manual – Water Utilities Department

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

RESOLUTION NO. 09-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING THE POLICIES AND PROCEDURES MANUAL – WATER UTILITIES DEPARTMENT (PPM-W), WHICH PROVIDES REGULATORY AND ADMINISTRATIVE REQUIREMENTS FOR THE WATER AND SEWER UTILITY SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS OR PARTS OF RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Larry Johnson, Water Utilities Director, explained that the Resolution approved the regulatory and administrative requirements included in the Policies and Procedures Manual for the Water Utilities Department. He said the manual consolidated and updated the administrative and regulatory requirements for water and sewer utility functions, which supplemented the legal requirements included in Ordinance No. 2015-03, approved earlier in the meeting.

He advised that individuals with wells and septic tanks would be responsible for paying a connection fee to the water and sewer lines at the point when it was available. He explained that the motion on the prior agenda item deleted an additional fee to extend the water and sewer lines.

Lengthy discussion ensued regarding the need to change the language in the policies and procedures because the additional fee to extend the water and sewer lines was deleted, defining “available means” as when the water and sewer lines were in front of or behind a residence, the connection fee amount, not requiring individuals with wells to connect if there were no septic tank usage in the surrounding areas, support for requiring everyone to connect to the sewer line for health issues, salt water intrusion into the wells, and allowing wells for irrigation.

Mr. Johnson commented that staff was concerned with using wells as a domestic water supply for a residence. He said the Health Department was the only agency responsible for regulating wells; however, they did not have the staff to inspect or regulate them.

He said requiring a mandatory connection for water and sewer would be a Commission policy decision. Requiring the connection offered an additional level of service and reduced health risks. The Commission could decide not to change the current policy with the Health Department having the overall regulatory responsibility.

Lengthy discussion ensued regarding the use of wells as a domestic water supply being a personal choice and determining sewer usage since the cost was based on water usage.

City Manager Bornstein explained that, from a business standpoint, citizens owned the sewer, electric, and water utility. The City made statements, through the way it acts--this was one city and did not have a class of citizens using wells and septic tanks. When everyone participated in the utilities activity, as one city, everyone shared the burden of cost to make it work. Having everyone in the utility, from a business standpoint, made sense because everyone was paying their share, their ownership responsibilities, and that entity owned by the City. If not, then people could say they did not want to pay that utility. This policy obligated citizens to hook up to the water and sewer lines when it was in front of or behind their property. It did not include paying to run a line. If the lines were installed to properties, the City had no way to require them to hook up if this issue was removed.

Action: Motion made by Commissioner McVoy to approve Resolution No. 09-2015 with an exception to allow citizens to make a choice on the connection of water, but require connection to sewer.

Lengthy discussion ensued regarding the motion not being consistent with the agenda item and changing language about mandatory connection in the policies and procedure manual.

Commissioner Amoroso seconded the motion.

City Clerk Lopez advised that the Resolution's effective date needed to be changed to ten days after adoption to coincide with Ordinance No. 2015-03's effective date.

Action: Amended motion made by Commissioner McVoy and seconded by Commissioner Amoroso to amend the Policies and Procedures Manual – Water Utilities Department to allow citizens to make a choice on the connection of water, but require connection to sewer; amend Resolution No.

09-2015's effective date to ten days after adoption; and approve amended Resolution No. 09-2015.

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. Discuss providing space to the United States Green Building Council South Florida Chapter

City Manager Bornstein explained that the United States Green Building Council (USGBC) South Florida Chapter contacted the City about relocating its headquarters into a City office space. He explained that they provided extensive education and training to professionals, residents, students and companies in southeast Florida in sustainable construction, education, and community engagement. Locating the Chapter in Lake Worth, as a tangible partner, provided credibility to the City's own advocacy efforts. Additionally, the USGBC staff would assist the City as a resource in the City's efforts to create a sustainable community and included coordinating and facilitating workshops and staff meetings. He said the organization only needed two desks with chairs and Wi-Fi.

Comments/requests summaries:

1. Commissioner McVoy commented that the City traditionally did not offer free space and that his comment was not a reflection of this organization.
2. Commissioner McVoy suggested the USGBC move to the Eco Center across from City Hall.
3. Mayor Triolo asked what message was being sent to organizations requesting desk space. This organization offered expertise in sustainability that the City would have to pay consultants to provide.
4. Vice Mayor Maxwell suggesting getting an opinion from the Inspector General about offering free rent.
5. City Attorney Torcivia commented that, if the Commission determined that this issue served a public service, then it would pass the Inspector General.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Szerdi to authorize the City Manager to discuss the issue with United States Green Building Council South Florida Chapter then bring it back to the Commission to see what benefits the City would receive.

Comments/requests summaries:

6. Commissioner McVoy suggested offering office space, through the use of a Request For Proposal (RFP) process, to nonprofit organizations then collect the data and review the proposals. He commented that this method would be fair and open.

Mayor Triolo left the meeting at 9:06 PM and passed the gavel to Vice Mayor Maxwell.

Comments/requests summaries:

7. Commissioner Szerdi commented that he did not support a RFP because the City was working towards being more sustainable.
8. Commissioner Amoroso commented that, in the past, the City severed all of its free rent agreements because there was a cost to the taxpayers that they could no longer afford.

Mayor Triolo returned to the meeting, the time being 9:08 PM.

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

Peggy Fisher said she agreed with the comments from a majority of the Commission. There had been a lot of comments about allowing groups or organizations to use the Casino Ballroom for free or minimum cost. This usage had a cost to her. She offered the USGBC a spare bedroom in her home to use for free five days a week.

Marty Welfeld asked why the Commission was "over thinking" this issue. He said he had a problem with Commissioner McVoy wanting to offer free space at the Casino Building for an environmental organization. He asked the Commission not to make this issue so complicated.

Katie McGiveron said the issue was not about the nature of the organization, but offering "free stuff" from Lake Worth. She asked why an organization with 6,000 members did not have their own desks, why the Towns of Lantana and Palm Beach or City of Greenacres did not offer them space. She said she was tired of requests for free usage coming to the City.

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

Vice Mayor Maxwell passed the gavel to Mayor Triolo.

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:

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

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 PM on February 23, 2015. Those in attendance would be the Mayor, Vice Mayor, City Commissioners, City Manager, himself, Assistant City Attorney, and a Court Reporter. The estimated length of the session was 45 minutes.

15. CITY MANAGER'S REPORT

A. March 17, 2015 – draft Commission agenda

City Manager Bornstein provided the following report:

- Announced the hiring of Shilah James as his Executive Secretary. Ms. James would begin on February 18, 2015.
- Announced the Mayor's State of the City Address at 6 PM on February 24, 2015, at the Casino Ballroom.

16. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to adjourn the meeting at 9:20 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: March 24, 2015

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



