

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
MARCH 24, 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, Andy Amoroso, and Ryan Maier. Also present were City Manager Michael Bornstein, Assistant City Attorney Christy Goddeau, and Records and Information Manager Deborah Andrea.

2. INVOCATION:

The invocation was offered by Ted Brownstein, Baha'i Faith of Lake Worth.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Andy Amoroso.

4. AGENDA - Additions/Deletions/Reordering:

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

- Reorder Consent Agenda, Item A to New Business as Item A – Contract with four companies for City fleet maintenance services;
- Reorder Consent Agenda, Item B to New Business as Item B – Contract with five companies for City fleet parts and accessories services;
- Reorder Consent Agenda Item C to New Business as Item C – Contract with five companies to supply and deliver fuel for the City's Fleet Maintenance Division;
- Add to New Business, Item D – Cancel the Invitation to Negotiate ITN No. 14-211 City of Lake Worth Beach Complex, Casino Building Vacant Space, and Municipal Pool; and
- Approve the agenda as amended.

Comments/requests summaries:

1. Assistant City Attorney Goddeau explained the Invitation to Negotiate (ITN) process and commented that the Selection Committee had an evaluation meeting on March 31, 2015, followed by a public meeting to make their recommendation. She said if the Section Committee made their recommendation on March 31, 2015, it would have to be an add on to the Commission's April 7, 2015, meeting because of the agenda distribution deadline.

2. Commissioner McVoy commented that there was a certain skepticism in the community about the Casino Building. There were plans to have public meetings about the Casino Building plans in the community, but there were none. He said he was told that the ITN was about renting the Casino Building's upper level. He requested the process be open.
3. Mayor Triolo commented that the ITN issue was brought to the Commission, and the elected officials were told about the process. All of the elected officials were present, and all agreed.
4. Vice Mayor Maxwell commented that there was a condominium association meeting last night and Hudson Holdings did not talk about the ITN.
5. Commissioner McVoy commented that he was present at the condominium association meeting and heard Hudson Holdings talk about the ITN.
6. Mayor Triolo explained that the Selection Committee vetted all ITN proposals. A public meeting on the issue would be scheduled after the Selection Committee was finished. She said she looked forward to seeing the proposals.
7. Mayor Triolo asked the Commission to allow the members of the Selection Committee to do their jobs.
8. Commissioner Amoroso commented that the next Selection Committee meeting was on March 31, 2015. After that a public meeting with the Committee and public would then be scheduled. The issue would then be brought before the Commission.
9. City Manager Bornstein explained that the Casino Building included the area between the building and pool, pool area, and green space.

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

5. **DESIGNATE APPOINTMENTS:**

A. **Vice Mayor and Vice Mayor Pro Tem**

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to appoint Commissioner McVoy as Vice Mayor.

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

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Commissioner Maxwell as Vice Mayor.

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

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to appoint Commissioner McVoy as Vice Mayor Pro Tem.

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Commissioner Amoroso as Vice Mayor Pro Tem.

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

B. Various organizational appointments:

1) Metropolitan Planning Organization liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Mayor Triolo as the Metropolitan Planning Organization's liaison.

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

2) Palm Beach County League of Cities liaison

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to appoint Vice Mayor Maxwell as the Palm Beach County League of Cities' liaison.

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

3) Treasure Coast Regional Planning Council liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to appoint Commissioner Maier as the Treasure Coast Regional Planning Council's liaison.

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

4) Florida Municipal Power Agency liaison

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Maxwell to appoint Commissioner McVoy as the Florida Municipal Power Agency's liaison.

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

5) Downtown Cultural Alliance liaison

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to appoint Commissioner Maier as the Downtown Cultural Alliance's liaison.

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Commissioner Amoroso as the Downtown Cultural Alliance's liaison.

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

6) Community Redevelopment Agency liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Commissioner Amoroso as the Community Redevelopment Agency's liaison.

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

7) Lake Worth Sister City Board liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Commissioner Maier as the Lake Worth Sister City Board's liaison.

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

8) Neighborhood Association Presidents' Council liaison

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to appoint Commissioner Maier as the Neighborhood Association Presidents' Council liaison.

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Mayor Triolo as the Neighborhood Association Presidents' Council liaison.

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

6. PRESENTATIONS:

A. Board of Trustees Employees' Retirement System update

Pete Strong, Actuary for the Board, commented that the funded ratio was up, market value was about \$33.2 million, and there was \$2.1 million in gains. In comparison to other cities, Lake Worth was slightly below average, but was improving. He said the City's contribution into the System should decrease if the market stayed smooth.

B. Neighborhood Association Presidents' Council update

Jon Faust, President, provided an update on the meetings held with speakers; raising \$4,000 for neighborhoods; organized the raft race and said they were working on this year's theme; applied for and received money from two grants, and three more grants would be applied for; American Flags were collected and a banquet held for veterans; reported on all of the things they supported; and said they had a bier garden during Evenings on the Avenue.

7. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: said he went to Tallahassee about the City's request for \$7.5 million in State appropriation funds and was looking for a positive response from them for Boutwell Road and the Park of Commerce projects.

Commissioner McVoy: announced Mangrove trees were being planted along the Intracoastal Lagoon, said permits to cut Mangroves were issued, some of the Mangroves were cut, and asked for any requests to cut Mangroves be brought before the City Tree Board and City Commission; and said he wanted to give a "Shout Out" to the lifeguards for their quick action at the beach.

City Manager Bornstein announced that the lifeguards would be recognized during a Commission meeting.

Commissioner Amoroso: announced the Easter Egg Hunt at Bryant Park, Evenings on the Avenue, art show, Wizard of Oz sing along for children at the Lake Worth Playhouse, Movie Nights in the Plaza, Parrot Cove Home Tour, and Earth Day events. He said volunteers for junior lifeguards and the new visitor center were needed. He said City greenway projects were being funded with Community Development Block Grant (CDBG) money, said he served on a committee to get more funds, and asked for discussion about CDBG funds to be scheduled at a Commission work session meeting. He commented that he was working on grants with the Community Redevelopment Agency (CRA), they received \$500,000 in Catalyst Grant Funds because of the City's partnership with the CRA, was working on a \$200,000 Palm Healthcare Foundation grant, and said he would inform the Commission and public on where the funds would be used. He commented that work had begun on the dais to offer small business loan benefits to new businesses.

Commissioner Maier: said he had been a liaison to the community at large since January by going door to door, the beach was the primary issue on everyone's mind, and asked for a more open process.

Mayor Triolo: asked for the new visitor's center to have WiFi, announced the Metropolitan Planning Organization's meeting was cancelled; and said she and a group of individuals went to Tallahassee asking for grant money, thanked the group for going, said work done by staff set the City up to go after as much State funds as possible with "shovel ready" projects, and commented that the process to get "shovel ready" projects should have been done years ago. She said she made a presentation before the State's Transportation Committee, this was the first time the Committee vetted its meetings based on priority needs, and Lake Worth was second. The Committee spoke about getting funds for Boutwell Road and Park of Commerce and said she was hopeful good news would be coming.

8. **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: Barbara Jean Webber, Katie McGiveron, Peter Timm, Helena Guile, Loretta Sharpe, Greg Rice, Peggy Fisher, Susan Ona, Retha Lowe, John Szerdi, Paul J. Martin, and Jon Faust.

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

Ted Brownstein explained that the interfaith network was a collection of faith-based groups wanting to bring people together. They were involved with the

Martin Luther King, Jr. breakfast, National Day of Prayer, and Service of Gratitude on Thanksgiving events.

Rick Riccardi congratulated Commissioners McVoy and Maier on winning the election; thanked Commissioner Amoroso for his report; said new businesses would not come to the City unless the City relaxed its codes; and asked for something to be done to get prostitutes off the streets, Dixie Highway to be cleaned up, and valet parking on Lake Avenue.

Lynn Anderson congratulated Commissioners McVoy and Maier for being reelected and elected, asked for trust to be restored and demand transparency, and wanted the downtown building heights kept lower.

Comments/requests summaries:

1. Commissioner Amoroso commented about changing the pictures currently on the website.
2. Commissioner Amoroso commented that use of the "N" word was not acceptable and said he would not tolerate racism.
3. Vice Mayor Maxwell commented that he would never use the "N" word; was disgusted when he heard about someone using the "N" word in the Commission Chamber; and said that if he heard that word, the individual would be kicked out.
4. Vice Mayor Maxwell commented that he did not understand why people could not see the racism in this City, said he saw a distribution list of individuals receiving racist email, and asked for ugliness on blogs to stop.
5. Vice Mayor Maxwell commented that he had not seen an opinion from the Inspector General's Office on Sunshine Law. He said he was tired of lies being said, wanted the City to move forward and better people's lives, and requested someone come to the City and explain the Sunshine Law.
6. Vice Mayor Maxwell commented that if lies from the Commission were being said he would stop the meeting and call the individual on it.
7. Commissioner McVoy commented that the community wanted transparency and wanted to know about major decisions being made by the City. The community wanted to hear about issues early in the process and for the Commission to listen to them.
8. Commissioner McVoy commented that he would be cautious about calling people racists.

9. Commissioner McVoy commented that he did not have a clear understanding about what the Commission could and could not do, how many Commissioners could and could not attend neighborhood association meetings, asked if it was good policy for the Commission to meet together behind locked doors for dinner prior to a meeting, and said he did not think the Commission should meet together unless they were "on the dais."
10. Mayor Triolo commented that she disagreed with Commissioner McVoy's comments and that the only time he brought up the issue of eating together was three weeks before the election. She explained that the simple reason the Commission had dinner together was because they were coming from work and did not have time to eat. She asked the Commission to come together because when they looked bad they did not come together for Lake Worth. She said the City was finally getting funding, was doing "cool" things for the community, and asked the Commission to keep it going.

Mayor Triolo left the meeting at 8:01 PM and passed the gavel to Vice Mayor Maxwell.

Comments/requests summaries:

11. Commissioner Maier commented that the individual who said the "N" word in the Commission Chamber should have been ejected from the room. He said he was an advocate for civil rights and was gay. Moving forward, he said he hoped that the idea about use of the "N" word not being tolerated would be embraced.
12. Commissioner Maier commented that the Commission held to a higher standard regarding the Sunshine Law. It was about setting the bar higher, not being inconvenienced. The Commission represented the people and gave up their rights to private lives. He said he wanted to be the best run, most transparent City there was.
13. Commissioner Maier commented about adopting an ordinance to protect residents from noise.

9. APPROVAL OF MINUTES:

Action: Motion made by Commissioner McVoy to request the February 17, 2015, minutes be amended to reflect that he was flying to Tallahassee because of his concern about Sunshine issues and because all of the elected officials were driving up together in a van. He asked for the minutes to clarify this as his reason for flying. The motion was not seconded.

Action: Amended motion made by Commissioner McVoy and seconded by Commissioner Amoroso to request the City Clerk listen to the audio and provide a verbatim on the February 17, 2015, minutes regarding Commissioner McVoy's comments about his travel to Tallahassee.

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

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve the following minutes as amended.

A. City Commission Work Session – February 10, 2015

B. City Commission Meeting – February 17, 2015

C. City Commission Special Meeting – February 23, 2015

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

10. CONSENT AGENDA:

A. (Reordered to New Business as Item A) Contract with four companies for City fleet maintenance services

B. (Reordered to New Business as Item B) Contract with five companies for City fleet parts and accessories services

C. (Reordered to New Business as Item C) Contract with five companies to supply and deliver fuel for the City's Fleet Maintenance Division

11. PUBLIC HEARINGS:

There were no Public Hearings items on the agenda.

12. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

13. NEW BUSINESS:

A. (Formerly Consent Agenda, Item A) Contract with four companies for City fleet maintenance services

Jamie Brown, Public Services Director, provided an overview of the Fleet Division. He explained in detail about all of the equipment maintained by the Division, that supervisors made decisions about maintenance, and money charged to each department for services and fiscal impact. He said there were compliance issues and there was a need to have contracts in place to

get equipment fixed. He said there was a need to have contracts with various companies for maintenance services. He said the cost for maintenance increased as the fleet aged. He commented that the City was getting the best prices because the request for services went out to bid.

Mayor Triolo returned to the meeting at 8:14 PM.

Action: Motion made by Commissioner Amoroso and seconded by Mayor Triolo to approve a contract with The Lake Worth Auto House, Tiresoles, Inc. (DBA Elpex), Unique Auto Detailing, and General GMC.

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

Peter Timm said there would be a cost involved and the people paying for those costs should be told.

Comments/requests summaries:

1. Commissioner Maier asked if the contracts were in the City's forecasted budget and why the term of the contract was three years.

Nerahoo Hemraj, Finance Director, replied that staff planned in advance to make sure there were enough funds to replace equipment. The request was to approve the procurement. He commented that the budget reflected the cost for this contract. The three year term would lock in prices for three years to capitalize on today's prices.

2. Commissioner Maier commented that the contract allowed for prices to increase. He suggested a one year contract. He said there was disparity in the contract regarding subcontractors.

Assistant City Attorney Goddeau replied that subcontractors could not be used unless they were approved by the City. She said the wording was a technical issue which would be tweaked in the future.

3. Commissioner Maier said the contract referred to a construction manager. He asked if the City had a construction manager.

Mr. Brown replied that the City had one project manager.

Joann Golden said staff should be trained not to idle the equipment because it was not good for the environment and not good for fuel, asked if there was a need for more staff, and suggested staff be more concerned with the City's vehicles.

Comments/requests summaries:

4. Commissioner McVoy asked if staff looked into the financial difference between outsourcing this service or providing it in-house. He commented that he hoped the Fiscal Year 2016 budget process included a comparison between staffing versus outsourcing and comparing the funding to other fleet departments.

Mr. Brown replied that there were not enough staff to perform all of the services. He said there were some services that could not be performed in-house, commented that there were some sole source contracts, and staff could still “price shop” between the vendors.

5. Mayor Triolo suggested a Commission work session meeting to discuss environmentally friendly alternative equipment. She commented that over the past several years, the Public Services Department lost 56 staff due to budget constraints.
6. Commissioner Maier requested the motion be amended to approve the contracts with the cleanup language he mentioned and was acknowledged by staff as needing to be changed.

Action: Amended motion made by Commissioner Amoroso and seconded by Mayor Triolo to approve the contracts with changes regarding subcontractors and changing the word “construction manager” to “project manager” with The Lake Worth Auto House, Tiresoles, Inc. (DBA Elpex), Unique Auto Detailing, and General GMC.

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

Mayor Triolo resumed the gavel.

B. (Formerly Consent Agenda, Item B) Contract with five companies for City fleet parts and accessories services

Jamie Brown, Public Services Director, explained that the five contracts provided for fleet part and accessory supply and delivery services. Each contract had an initial term of three years with the option for two additional one-year period renewals for a total possible contract of five years. He said the City was not adding anything new, the money was already budgeted, and these contracts would just bringing things into compliance.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the contracts with changes regarding subcontractors and changing the word “construction manager” to “project manager” with Precision Auto and Truck Parts (DBA NAPA), The Parts House (TPH), Total Truck Parts, Tiresoles of Broward (ELPEX), and Uni-Select USA.

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

Comment/request summary:

1. Commissioner McVoy suggested the vendors guarantee that the parts would be available. He suggested amending the motion to include language that the vendors would guarantee, during an emergency, that parts would be available to the City as a higher priority than others, and that they would not charge the City a different rate during the emergency.

City Manager Bornstein replied that guarantee language could be added to the contracts.

Assistant City Attorney Goddeau commented that the contracts would have to go back to the vendors to add contractual, substantive language that was not part of the Request For Proposal; however, the risk was that they could decline.

Action: Amended motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the contracts with Precision Auto and Truck Parts (DBA NAPA), The Parts House (TPH), Total Truck Parts, Tiresoles of Broward (ELPEX), and Uni-Select USA with the following: 1) changes regarding subcontractors; changing the word "construction manager" to "project manager"; and adding language that, during emergencies, the vendors would guarantee the parts would be available to the City as a higher priority, and not charge the City a different rate.

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

C. (Formerly Consent Agenda, Item C) Contract with five companies to supply and deliver fuel for the City's Fleet Maintenance Division

Jamie Brown, Public Services Director, explained that the contracts provided for the supply and delivery of fuel. Each contract had an initial term of two years with the option of three additional one-year period renewals for a total possible contract of five years. He explained that the City currently purchased its fuel through a cooperative purchasing agreement with the State of Florida. The cooperative agreement was an effective method to purchase fuel; however, issues arose with the quality of service and timeliness of delivers. He announced that there would be an overall cost savings realized with the purchase of fuel through these contracts.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve a contract with BV Oil, Mansfield Oil, Palmdale Oil, SSI, and Indigo Energy for the purchase and delivery of fuels.

Comments/requests summaries:

1. Commissioner McVoy suggested changes to the contract to include language that the vendors would guarantee fuel prices and delivery during a state of emergency.
2. Assistant City Attorney Goddeau advised that these contracts allowed for subcontractors as identified in their bid proposals. She commented that she would have to research whether or not there was language regarding the construction manager in the contracts.
3. Mayor Triolo requested the same guarantee language during emergencies be added to the contracts.

Action: Amended motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve a contract with BV Oil, Mansfield Oil, Palmdale Oil, SSI, and Indigo Energy for the purchase and delivery of fuels with the added language that the vendors would guarantee fuel prices and delivery during emergencies.

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 Maier. NAYS: None.

Mayor Triolo recessed the meeting at 8:56 PM and reconvened at 9:05 PM.

D. (Added) Cancel the Invitation to Negotiate ITN No. 14-211 City of Lake Worth Beach Complex, Casino Building Vacant Space, and Municipal Pool

Commissioner Maier said he requested this item be added to the agenda because he heard a lot of public concerns. He commented that the Invitation to Negotiate (ITN) was not in the best interest of the City. He explained that the ITN allowed for the submission of multiple proposals for an unknown amount of development on the City's public beach. There was a grave, public concern about the process taking place out of the public's eye. The City's purchasing and procurement code stated, "an Invitation For Bid, Request For Proposal, Invitation to Negotiate, or other competitive selection procedure utilized may be cancelled in whole or in part, when it was in the best interest of the City."

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to cancel the Invitation to Negotiate.

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

Mayor Triolo read the comment card written by Leona Jacques. Ms. Jacques wrote that one of the charms of Lake Worth was the public beach, weddings, parties, and family events. [She wrote that] she enjoyed the beach for years.

Joan Farrel, said she wanted to go on record to say that she wanted the public beach to remain public.

Diane Jacques said she was dead set against any effort to privatize the beach.

Cathy Robinson said she was concerned about over development on the beach without public input. She said there was not enough parking at the beach.

Loretta Sharp said she wanted to know about a meeting attended by Commissioner McVoy. She explained that the City could not sell any part of the beach and did not think anyone would build anything on the beach because it would have to be turned over to the City. She said she did not know why Commissioner McVoy was shocked by the "cone of silence" that the ITN was currently under.

Katie McGiveron commented that she was shocked when she found out Hudson Holdings was going to build something at the beach. From the comments heard by residents, they were not reliable. She said it cost \$1.5 million to get rid of the last company at the beach. She asked who brought up the issue of a private beach club and how dare the City hold secret meetings.

Dan Barnett asked about Sunshine Laws being followed. He said he learned tonight that there might have been a reason for the private meetings. He said he did not want a private club at the beach, money was flowing to the top, and Hudson Holdings could buy up everything unless they were stopped.

Carolyn Deli asked for the beach to be kept open to all.

Erica Bell commented that public opinion should be sought.

Mayor Triolo read the comment card written by Laurence McNamara. Mr. McNamara wrote that the citizens wanted to keep it the way it was and not destroy the natural ambiance of [residents'] beach park.

Mayor Triolo read the comment card written by Ginny Powell. Ms. Powell wrote [that she was] concerned about the plans for the beach.

Mayor Triolo read the comment card written by Patricia Weisman. Ms. Weisman wrote [that she was] concerned about the plans for the beach.

Laurel Decker asked the Commission to take their hands off the beach. The ITN was not a good idea for the beach. She said she thought the Beach Fund had a \$4 million balance in 2008 and Parking Fund revenues increased 65% since an ordinance to increase fees was approved. She commented that the beach should be able to pay for itself.

Mayor Triolo read the comment card written by Gael Silverblatt. Ms. Silverblatt wrote that she thought the ITN was flawed because the City Commission did not vote on sending it out before staff released it.

Mayor Triolo read the comment card written by Tennant Davitian. Ms. Davitian wrote [that she was] against building on the beach further.

Mayor Triolo read the comment card written by Rebeka Gible. Ms. Gible wrote [asking the Commission to] be sure to give the public time for comments and to keep Lake Worth funky.

Steve Ellman asked for information on who gave direction and when the Commission was brought into the loop. He commented that the advertisement was minimal, wanted to know why the City only received three responses to the ITN, and knew one local entrepreneur who did not know anything about the ITN.

Peter Timm said he did not hear about the "cone of silence" and he attended both meetings when the ITN was discussed. He said no one should hold secret meetings. He asked why two newspapers knew about the issue before the public did and what else Hudson Holding would be asking for.

Cara Jennings commented that the Commission's job was to set policy, not the City Manager. She said she thought the City Manager overstepped his boundary. She asked when the Commission voted for the ITN, said anyone who supported the ITN was out of touch, and supported cancelling the ITN tonight.

Peggy Fisher said the Commission should let the ITN continue. The members on the Selection Committee had not yet brought anything to the Commission. The pool was losing money, and the City could not make its Casino Building debt payments. She suggested doing something proactive and get someone into the Casino Building space.

Rick Riccardi supported cancelling the ITN tonight.

John Szerdi said, as a former Commissioner, he had a lot of information. The

original Request for Proposal had a lot of problems, and the responders did not want to fix them. He commented that the golf course was the same and would not be a private club.

Joann Golden asked where the ITN came from. She said she was confused, read the minutes, did not understand how there could have been a do over with a motion, the meeting was held on election day, and the information was under the Purchasing Division's website.

Roseann Malakee said she knew the City wanted to reopen the Gulfstream Hotel, but Hudson Holdings did not want to fix it. Hudson Holdings made a comment, during a condominium association meeting, that they did not want to fix the Gulfstream Hotel, and that fixing it depended on what happened with the ITN. She said Hudson Holding's comment was just a ploy. She said the City did not make the right decisions in the 1980s about the historic district.

Greg Rice said he was confused because the motion was to cancel the ITN not about a conference center at the beach. He said cities should not be landlords or in the real estate business.

Richard Stowe supported cancelling the ITN and said he thought the City could work on a better plan.

Comments/requests summaries:

1. City Manager Bornstein explained that when staff got the Casino Building opened, it was with the hope that there would be another lease for the upstairs level. He said the City was having trouble with the pool and staff was trying to get a realtor to bring in tenants at the Casino Building. Many people brought in their ideas, but nothing serious. Staff thought that the ITN process would bring out the most creative ideas instead of a Request for Proposal where everything was written out. He said that, part of his job, was to bring ideas to the Commission and did not think the ITN would blow up the way it had. He released the ITN with the City Attorney's knowledge that the issue would be brought to the Commission. He said he met with the Commissioners, but no Commissioner ever came to him and asked for it.
2. Commissioner McVoy commented that he was trying to connect some of the pieces. The ITN was brought forward because the Casino Building was not making money; however, the area was a park and not supposed to make money. Hudson Holding said that, when they had an idea set, they would bring it to the City was not the way to do things. This issue had to be a truly, public comment and choosing a process without the community was not the way to go. He said everyone loved the Gulfstream Hotel and wanted it fixed. Hudson Holding stated that what they did at the Gulfstream Hotel was connected to what they did at the beach. He supported shutting down the ITN process and starting over.

3. Mayor Triolo said she wanted to know if Hudson Holdings was part of this process at the time the process began. There was an assumption about something before the process was completed.
4. Commissioner McVoy commented that he was not making an assumption, but heard it from Hudson Holdings. He said he was shocked that the ITN was under a cone of silence.

Commissioners McVoy and Maier withdrew their motion and second.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to extend the meeting one hour in accordance with the Commission's Rules and Procedures Rule 1(3).

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

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to cancel the Invitation to Negotiate.

Comments/requests summaries:

5. City Manager Bornstein commented that staff understood that, while the City was not making money at the Casino Building, it still was a commercial venture.
6. Vice Mayor Maxwell commented that the Commission never voted to prioritize the Lake Worth beach, nor would he ever vote to sell the beach. The building was a commercial enterprise that needed to pay for space. He said he did not know who bid on the ITN. If someone was selected, through the ITN process, they would have the same relationship as the other building tenants. He commented that he did not know why everyone thought the City was selling or privatizing the beach. The Charter stated, "...city-owned property...shall not be declared surplus property and shall not be sold, hypothecated, conveyed or leased, except for a lease of less than 20 years, without an affirmative vote of the qualified electors..." The ITN was a legal process, and to circumvent the process was wrong. He commented that he spoke about the Casino Building's failed business plan and said the only reason parking fees were increased was because there was going to be a cut in the number of lifeguards. Nothing was being done to the beach and no one would do anything against the Charter. The Commission was charged with the task of trying to fix problems. The City had money in the past, but squandered it. The City could not afford to lose any more money.
7. Mayor Triolo stated, for the record, that she did not know where this issue came from. She commented that the Commission should come together and

make sure the Selection Commission had discussion at a public workshop.

Assistant City Attorney Goddeau replied that the Selection Committee needed to have a meeting, then it would be brought to the Commission. The Selection Committee would make their recommendation. The Selection Committee would be meeting on March 31, 2015, with just the members and without the responders. The purpose of that meeting was to find out what to do.

8. Commissioner McVoy commented that if the process went forward, no responders could sue the City and put taxpayer money at risk. He said he wanted to shut down the process and start over; however, he wanted an assurance from the City Attorney that the responders could not sue the City.

Assistant City Attorney Goddeau replied that the responders should not have any expectation because the Selection Committee could not sign a contract.

9. Commissioner Maier commented that he wanted the ITN cancelled and brought up the issue about building height limits. He said he knew the beach would still make money. In the best case scenario, the golf course would make \$700, yet the City supported that but not the beach. This was a public beach and the ITN process was not the way to go.
10. Commissioner Amoroso commented that he believed Commissioner McVoy went on a blog and stated that he knew about the ITN. According to the City Attorney, the cone of silence applied to all of the Commission. He explained that he was appointed to the Selection Committee by the Commission and the Casino Building's business plan was flawed. The building did not work and its expenses and revenue should, at least, break even. He said he was concerned about a Commissioner going public with information about the ITN. At no time did the Commissioner ever bring a plan forward on what to do with the space. He thanked staff for bringing this issue forward.
11. Mayor Triolo commented that everything was done in public and wanted the ITN process to move forward, then have the issue discussed at a work shop meeting.

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

Comments/requests summaries:

12. Mayor Triolo requested a workshop meeting be scheduled and allow public comment. She asked that the time lime for comments be extended to three minutes.

13. City Manager Bornstein suggested the Selection Committee members bring the issue and their recommendation to a work session.
14. Commissioner McVoy asked if the backup material would include what was proposed or just the Selection Committee's recommendation. The community wanted to see all of the proposals, fully and completely.
15. Mayor Triolo announced that all of the Selection Committee records would become public on April 2, 2015.

Consensus: To schedule a Commission work session to discuss the ITN proposals.

14. 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) Blanket Purchase Orders with three companies for various poles for inventory usage throughout Fiscal Year 2015

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Blanket Purchase Orders from Electric Supply in an amount not to exceed \$36,305 for concrete poles; Robbins Manufacturing in an amount not to exceed \$48,995 for various wood poles; and Langdale Forest Products in an amount not to exceed \$18,500 for wood poles.

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 Maier. NAYS: None.

2) Contract with Luthan Electric Meter Testing, LLC for instrument transformer testing throughout Fiscal Year 2015

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve a contract with Luthan Electric Meter Testing, LLC in an amount not to exceed \$78,408 for instrument transformer testing.

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

Comments/requests summaries:

1. Mayor Triolo asked if the meters were being replaced.

Joel Rutsky, Revenue Protection Supervisor, replied that 300 of the 600 meters available would be replaced. There were no additional meters being purchased.

2. Commissioner Maier commented that the contract was signed by the vendor; however, the certificate of liability insurance was not provided.

Clay Lindstrom, Electric Utility Director, replied that it was industry standard not to provide the certificate of liability insurance until the contract was awarded.

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

15. CITY ATTORNEY'S REPORT:

Assistant City Attorney Goddeau announced the City Attorney's desire for advice concerning pending litigation in the case of Clear Channel versus City of Lake Worth Case No. 502011CA005726XXXXMB during a closed door attorney/client session at 5 PM on April 7, 2015. Those in attendance would be the Mayor, Vice Mayor, City Commissioners, City Manager, City Attorney, and a Court Reporter. The estimated length of the session was 45 minutes.

16. CITY MANAGER'S REPORT

- A. April 7, 2015 – draft Commission agenda

17. ADJOURNMENT:

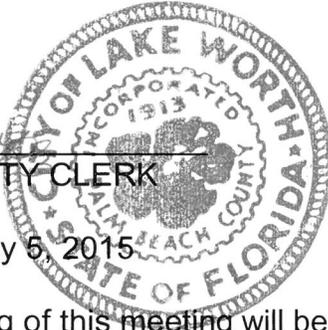
Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to adjourn the meeting at 10:47 PM.

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


PAM TRIOLO, MAYOR

ATTEST:


PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: May 5, 2015

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