

**MINUTES  
CITY OF LAKE WORTH  
REGULAR MEETING OF THE CITY COMMISSION  
APRIL 21, 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, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

**2. INVOCATION:**

The invocation was offered by Pastor Leonce Estimable, Church of God Christian Fellowship.

**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 Amoroso to waive the rules to:

- Reschedule Approval of Minutes, Item B to May 5, 2015; and
- Approve the agenda as amended.

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

**5. PRESENTATIONS:**

There were no Presentation items on the agenda.

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

Commissioner Maier: announced his attendance at the Treasure Coast Regional Planning Council meeting on April 17, 2015, and said the big issue which affected Lake Worth was discussion about the train horn noise. He said Lake Worth was not the only municipality experiencing the excess train noise, there was a new type of train engine that was louder than Florida East Coast's (FEC) older train, an FEC study on train noise found that the noise was within its range, a quick fix solution was to remove the number of

bells to make the horn quieter, and the City needed to petition the FEC and request the number of bells be removed to make them quieter because FEC said they were operating within the range. He commented that it was a lovely experience to see other cities having the same experience. He said All Aboard Train would have a station in West Palm Beach and they had the same horn, so noise would increase. He suggested writing an ordinance about the noise. He said the Metropolitan Planning Organization had put together staff and funding to change how the railroad crossings worked, which was the reason why train horns were blown. He announced that the Florida Greenway project and Lake Worth were abreast of initiatives to create greenways and bicycle lanes. He announced that beginning on May 1, 2015, grant funding applications for greenway projects could be submitted for 30 days. He said he was the liaison for the Sister City Board; however, the members did not meet.

Commissioner Amoroso: announced the Junior Lifeguard camp between July 1-29, 2015; thanked the lifeguards and all those who participated in a beach cleanup event; announced El Bodegon Supermarket would be moving into the old Publix Supermarket space on Lake Worth Road; announced his attendance at a greenway ribbon ceremony; said a \$2,000 check was donated to a school from Reggae Fest proceeds; commented that the owner and staff of Callaros Restaurant walked around the downtown area while the owner pointed out the types of businesses in the area so that staff could better inform their customers on where to shop; commented that he was the host and coordinator of Earth Day, and the City Tree Board members would be giving trees away; announced a bird walk event on April 25, 2015; announced the Derby Day event would be held at South Shores Restaurant on May 2, 2015; announced the City's Amnesty Week between May 26-30, 2015, to put out an unlimited amount of bulk yard waste in preparation for hurricane season; announced a Hurricane Seminar would be held for the general public on May 21, 2015; announced a community cleanup event on the west side of town with the Community Redevelopment Area (CRA), Tropical Ridge Neighborhood Association, and Solid Waste Authority on May 30, 2015; thanked the Utilities Department for providing a mobile app to pay bills; and announced the CRA's Screen on the Green event at Bryant Park.

Commissioner McVoy: said he wanted to remind everyone about a 6:00 PM Invitation To Negotiate (ITN) Selection Committee public meeting at City Hall on April 28, 2015, to hear about the beach proposals. He said the public could listen, but not provide input. He asked if public comments could be allowed at the Selection Committee meeting.

Comments/requests summaries:

1. City Attorney Torcivia explained that the Selection Committee heard and discussed the proposals and would make a recommendation to the

Commission. The public could observe, but not comment. This item would be brought before the Commission, at which time, the public would have an opportunity to comment.

2. Mayor Triolo commented that she requested at the March 24, 2015, Commission meeting that the public comment time limit be extended from two to three minutes at the yet to be scheduled Commission Work Session. Afterwards, the item would be scheduled at a Commission meeting for action.
3. Commissioner McVoy commented that the Selection Committee worked under the auspices of the Commission and asked for the members to allow public comment.
4. Commissioner Amoroso explained that he was a member of the Selection Committee as the Commission's representative. The April 28, 2015, meeting was scheduled to talk with the proposers because the members were still in the negotiation phase of the process.
5. City Attorney Torcivia commented that the Selection Committee members could adopt their own rules, but the upcoming meeting was to have discussion and questions/answers. The public comment portion would be made at the Commission level.
6. Commissioner McVoy commented that there was a lot of community interest. He asked for a Commission meeting immediately after the April 28, 2015, Selection Committee meeting to serve as a venue for the community to comment. He requested this meeting be added to the Commission's calendar.
7. Mayor Triolo announced that she had requested a Work Session be scheduled, after the April 28, 2015, meeting to allow for public comment.
8. Commissioner Amoroso commented that a Work Session scheduled immediately after the Selection Committee's April 28, 2015, meeting may start as late as 9:00 PM. He asked if it was fair or mothers and children to be kept waiting that late for a Commission Work Session to begin.
9. City Attorney Torcivia explained that a bid selection committee generally did not accept public comment, but made recommendations to the Commission. The ITN Selection Committee was currently interviewing the proposers. What the ITN Selection Committee members were doing was not unusual. The members were ranking the bids. He commented that he could not think of a time when the public was allowed to comment when bids were opened.

10. Commissioner McVoy asked formally for a Commission Work Session immediately after the April 28, 2015, ITN Selection Committee meeting.
11. Vice Mayor Maxwell commented that the Commission had already made arrangements to schedule a Work Session to hear public input. The ITN issue was more sensitive, but there was a process which did not allow for public input. It was clearly and publicly stated that the Commission could not sell any part of the 19 acres at the beach, could not rent space for 99 years, and any comments made otherwise were a falsehood. He asked the public if they wanted to believe the law or not. Both Commissioners McVoy and Maier had publicly stated that the City could not sell the beach and people could believe what they wanted to believe. He announced that he believed in facts, and the beach could not be sold or privatized. He explained that what would be agreed upon through the ITN process would be no different than what the current tenants, who had private businesses, at the Casino Building had. He said he was tired of defending the fact that the City would not sell the beach.
12. Commissioner McVoy responded that he did not raise the issue of selling or privatizing the area. He said it was his understanding that there was a lot of interest in the community. If there was a meeting where a lot of public was attending then he asked to find a way, at that time when the public was gathered, to accept public comments. If the Commission did not agree to schedule a Work Session immediately after the April 28, 2015, meeting, then they must be against public input.
13. Mayor Triolo commented that it was ironic that this issue was being divisive at the beginning of their regular Commission meeting. The time for public comment on the ITN was at a Work Session, and the public's time to comment would be extended to three minutes. Commissioner McVoy was now asking for an additional meeting. She stated that a Work Session was already created.

Commissioner McVoy (continued): announced that he attended a Florida Earth Festival and held a solar demonstration in Boca Raton over the past weekend; and Delray Beach was having a High Water event on April 25, 2015, where chalk lines would be drawn to show sea rise level assumptions.

Vice Mayor Maxwell: commented that no one was against allowing public input or were opposed to transparency. He said he was sick of Commissioners using "framed sentences" such as "If the Commission did not agree to schedule a Work Session immediately after the April 28, 2015, Selection Committee, then they must be against public input." He commented that there would be an opportunity for the public to comment on the Invitation To Negotiate.

Commissioner Amoroso responded that the Selection Committee members think the April 28, 2015, meeting would be their last; however, there could be more meetings.

Vice Mayor Maxwell (continued): commented that none of the elected officials were privy to the Selection Committee members' discussions and announced that he would not be attending the April 28, 2015, Selection Committee meeting. He said he was interested in the Committee's recommendation and that he would base his decision on that recommendation. He commented that, because he would not be present at the Selection Committee meeting, he would not be present to hear the public's input if a Commission meeting was scheduled immediately afterwards. He asked the City Manager why no one responded to residents' phone messages about a power outage in District 1. He asked for a Work Session to discuss Code Enforcement, for the Palm Beach Sheriff Office to provide periodic reports at Commission meetings, and a standalone Work Session to brainstorm suggestions and recommendations on ways to generate new revenue, reduce expenses, and learn what was available as the budget processed moved forward.

City Manager Bornstein responded that he could not find out what phone number the residents had called about a power outage. He said there were not enough phone calls coming in to trigger System Ops. He commented that the Code Enforcement's process was being streamlined and staff was still working on the landlord/tenant process, which delayed scheduling a Work Session.

City Manager Bornstein responded that the Burton and Associates process would be rolled out during the Fiscal Year 2016 budget process. The process included walking the Commission through the various indicators with a lot of opportunities to discuss cuts with the results being shown "in real time." He commented that he was not sure there was a need to schedule a Work Session to brainstorm with the already tight Commission meeting schedules. The intent of the Commission was to bring their general ideas forward and have discussions. He said the tool used by Burton and Associate would provide information on the "what ifs" as quickly as the Commission came up with ideas, and would show the effects of those ideas. Discussion on different ways to fund items would come from Burton and Associate's tool. More information would come up naturally during the budget process.

Vice Mayor Maxwell (continued): commented that he disagreed with the City Manager's comments and that Burton and Associate's tool could be manipulated. He said he was looking for new ideas to generate revenues because people kept thinking that the City had money. He said he wanted to hear ideas because people did not want development, redevelopment, or investment to meet the City's financial obligations.

Commissioner Maier responded that he welcomed investment.

Mayor Triolo: announced the Education Council, which began over a year ago, started up again with various school principals to create an alliance. There was talk about the importance of a Voluntary Pre-Kindergarten (VPK) program because a lot of the 3<sup>rd</sup> Grade students being held back a grade did not attend VPK. Another idea from the Council was the lack of middle school late afternoon programs. Organizations had identified money to run and fund those types of programs; however, there was a need to find a church or other facility to host VPK and middle school programs. She commented that schools were excited about the programs and said many good things would be seen next year. She said she attended the Soccer Playoff and there were over 300 children in the program, which was great and funded through the City's budget. Announced that the Metropolitan Planning Organization had applied for money to pay for all railroad crossings in order to get "quiet zones" in the City. She said the application was done 2.5 years ago and Palm Beach County piggybacked along with Broward County.

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

The following individuals commented on various issues written on their comment cards:

Mary Watson said she opposed Hudson Holding's beach proposal and constructing a parking garage at the beach would threaten sea turtles and radically change the beach's footprint. She said making a statement that the pool would never make money was short sighted, cheated residents, and was fraudulent. The pool could attract swim meet teams.

Vice Mayor Maxwell read the comment written by Nancy Ericson. Ms. Ericson wrote that the City had a total lack of regard for the seniors along Lake Osborne Drive. Seniors who lived in the large senior complexes like Murry Hills had no way to get around, if they did not have a car. They deserved better, they paid taxes, and were totally ignored. [She wrote that] she was told the bus service along Lake Osborne Drive was stopped because enough people did not ride the bus. [She asked the City] to find funds, to look out for the welfare of its senior citizens even if it meant every person in Lake Worth would have a \$2.00 tax added to their monthly utility bill for senior welfare. She attached a proposal for a suggested bus route along Lake Osborne Drive [to her written comments.]

Katie McGiveron commented that, at the last Commission meeting, there was a new standard for public comment. The Invitation To Negotiate audio said participants knew what they were doing, it would not be approved by

the public, that they wanted a certain outcome from the election, and snarky comments were made. She said the Commission should make the decision about the beach and not un-elected individuals. She asked about discussions being had outside the Sunshine Law.

Mayor Triolo read the comments written by Laurence McNamara. Mr. McNamara wrote that reading [City] Attorney Goddeau's statement that [the City] may be able to get around the 19 year 364 day limit Charter Amendment was shocking. As an attorney, she was aware of legislative intent. Courts gave great consideration to it where actions were proposed and taken that were opposed to that intent. The 2004 Beach Protection Charter Amendment was not a citizen initiative, but was placed on the ballot by a unanimous vote of the Commission to protect against private development at the beach and approved 9-1 by the voters. The intent of the Commission was very apparent and the support of the voters overwhelming. [City] Attorney Goddeau's statement showed her transparent attempt to subvert the will of Lake Worth citizens in favor of City Manager Bornstein, Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso's attempt to destroy [the City's] public beach park by allowing private development there. One of you three Commission members needed to join Commissioner McVoy and Commissioner Maier to reject this plan and represent the will of the people. Thank you for your attention and consideration.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Rick Riccardi, Peter Timm, Barbara Auble, and Peggy Fisher.

Mayor Triolo recessed the meeting at 7:32 PM and reconvened at 7:49 PM.

**8. APPROVAL OF MINUTES:**

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

- A. City Commission Special Meeting – March 16, 2015**
- B. (Rescheduled to May 5, 2015) City Commission Meeting – March 24, 2015**
- C. City Commission Special Meeting – April 7, 2015**

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

**9. CONSENT AGENDA:**

There were no Consent Agenda items on the agenda.

**10. PUBLIC HEARINGS:**

**A. Resolution No. 13-2015 – abandon a portion of a 10 foot utility easement**

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

RESOLUTION NO. 13-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ABANDONNING A 10 FOOT UTILITY EASEMENT AS DESCRIBED IN DEED BOOK 1153, PAGES 228, PALM BEACH COUNTY, FLORIDA; PROVIDING FOR RECORDING AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Resolution No. 13-2015 to abandon a 10 foot utility easement.

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.

**11. UNFINISHED BUSINESS:**

There were no Unfinished Business items on the agenda.

**12. NEW BUSINESS:**

**A. Resolution No. 14-2015 – authorize a Memorandum of Understanding with the County to submit a grant application to the US Dept. of Commerce, Economic Development Administration for infrastructure improvements in the Park of Commerce**

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

RESOLUTION NO. 14-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN PALM BEACH COUNTY AND THE CITY TO COORDINATE EFFORTS IN SECURING GRANT FUNDS FOR INFRASTRUCTURE IMPROVEMENTS TO THE LAKE WORTH PARK OF COMMERCE, APPROVING AND AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION FOR GRANT FUNDS PROVIDED THROUGH THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT FACILITIES PROGRAM IN THE AMOUNT OF \$1,400,000 FOR INFRASTRUCTURE IMPROVEMENTS IN THE PARK

OF COMMERCE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Resolution No. 14-2015 to authorize the Mayor to execute the Memorandum of Understanding and submit an application to the U.S. Department of Commerce, Economic Development Administration for \$1,400,000 of grant funds.

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

Peter Timm said he did not know what this item was about, how much money was being looked for at the Park of Commerce before he could figure out what he wanted to say. He said the Commission was stifling public comment.

Comments/requests summaries:

1. Mayor Triolo commented that there was a typographical extra period error in Section 2 that needed to be removed. She asked why Attachment 1 mentioned 200 jobs being created, but there was discussion in Tallahassee that 800 jobs would be created.

Dolores Key, Economic Development Manager, replied that 200 jobs would be created in Phase 1. The 800 job creation number may have included Phase 2.

2. Mayor Triolo asked if there was a need to amend the poverty level.

Ms. Key replied that the poverty level was in the presentation.

Ms. Key introduced Greg Vida from the County who was assisting the City with its grant. She explained that the grant only applied to projects that could create jobs, which would only apply to the Park of Commerce at this time. The Resolution authorized the submission of a \$1,400,000 grant application for infrastructure improvements in the Park of Commerce. She said that, in accordance with the terms of a Memorandum of Understanding, the application would be made jointly with the County because the intersection of Boutwell Road and 10<sup>th</sup> Avenue North was under the auspices of the County. The County would provide technical assistance and would be responsible for reporting and accounting of the grant funding to the US Department of Commerce. She explained in detail the improvements included in Phase 1. She said that a criteria to apply for the grant was to have "shovel ready projects."

She said that the Economic Development Administration grant, if awarded, would offset a portion of the \$3.2 million City funds for Phase 1, in addition

to the request from the State Legislature for \$4.5 million of grant funding.

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

**B. Resolution No. 15-2015 – request County to place Boutwell Road and 10<sup>th</sup> Avenue North intersection on their Capital Improvement Program for 2016**

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

RESOLUTION NO. 15-2015 OF THE CITY OF LAKE WORTH, FLORIDA, REQUESTING PALM BEACH COUNTY PLACE THE UPGRADED IMPROVEMENTS OF THE INTERSECTION FOR BOUTWELL ROAD AND TENTH AVENUE NORTH IN THE COUNTY'S CAPITAL IMPROVEMENT PROGRAM FOR 2016; PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Maxwell to approve Resolution No. 15-2015.

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

Peter Timm said this item was for the 10<sup>th</sup> Avenue North County road and Boutwell Road City road. He said this was encompassed with the last agenda item and asked why it had to be a separate item.

William Waters, Community Sustainability Director, explained that the Resolution requested Palm Beach County to place upgraded improvements for the intersection of Boutwell Road and 10<sup>th</sup> Avenue North on their Capital Improvement Program (CIP) for 2016. The City was designing improvements to and around Boutwell Road in order to stimulate and support development within the Park of Commerce (Park). The City and County had jointly worked on the development of the Park for many years in order to attract regional business projects and create job opportunities for area residents. The City and County were currently working on the submission of a U.S. Economic Development Administration (EDA) grant to fund certain infrastructure improvements that would support the development of the Park. As the City's design for Boutwell Road progressed into construction, the need for improving the intersection increased. He said that the County had discussed making upgraded improvements to the intersection but the improvements were currently not included in their CIP. The proposed resolution sought to have the County place the upgraded improvements of the intersection in their CIP for 2016.

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

**C. Interlocal Agreement with Palm Beach County for the transfer of floating dock from Snook Islands to the Bryant Park Boat Ramp**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve an Interlocal Agreement with Palm Beach County for the donation and transfer of a section of the Snook Islands' dock system to the Bryant Park Boat Ramp.

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

Peter Timm asked if the City had any floating docks on the north side of the bridge and if the City was asking the County to remove them.

Dean Sherwin, on behalf of the Lake Worth Sailing Club, thanked the City for considering this item for boaters. He said he would like to see the Lagoon used more, and the Club was always available to provide input.

City Manager Bornstein explained that the agreement provided for the County to donate a portion of their dock system at Snook Islands and transfer it to the Bryant Park Boat Ramp. He said the new location would provide staging docks for boats using the ramp. He explained that moving forward with the agreement was the first step in transferring the floating dock to the boat ramp. The companion to this agreement was the next item on the agenda to award a contract with Vance Construction to perform the dock transfer work at no cost to the City.

Comment/request summary:

1. Commissioner Maier commented that he supported the agreement and wanted to do everything to protect Snook Islands. He said he heard that people did not like the Mangrove trees because they blocked people's view of the water. He said he hoped this item was not the first step in dismantling Snook Islands.

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

**D. Contract with Vance Construction to remove and transfer a portion of Snook Islands floating dock to the Bryant Park Boat Ramp**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve a contract with Vance Construction for the transfer of a section of the Snook Islands dock system to the Bryant Park Boat Ramp.

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

Peter Timm said the floating docks were being moved to support sailboats.

He asked how far out into the Lagoon the docks would go.

City Manager Bornstein explained that the contract would provide for the removal of a portion of the Snook Islands' dock system and transfer it to the Bryant Park Boat Ramp just south of the bridge at no cost to the City. He said Vance Construction was under contract with the County for another marine project located in the Lake Worth Lagoon. In exchange for the City allowing Vance Construction to use the north end of Bryant Park as a construction staging area, they would perform this dock transfer and all associated engineering and design services at no cost to the City.

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

**E. Adopt the Lake Worth Urban Forest Management Plan for the inventory of all trees located within the City**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the adoption of the city-wide Lake Worth Urban Forest Management Plan.

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

Peter Timm said Lake Worth had a lot of problems and now the City was paying someone to count trees. He said this was the silliest thing listed on the Commission's agenda. He asked "Who cared?" If someone was that interested, they could count the trees and not charge him.

Richard Stowe announced that the City Tree Board had reviewed the report and said many of the trees in the City were native.

Brian Volker, ESciences, explained that the City entered into an agreement with ESciences, Inc. to perform a city-wide Tree Assessment, Inventory Survey, and Management Plan as part of the City's responsibility to develop and adopt an Urban Forest Management Plan (Plan). He explained the benefit of trees, canopy analysis, tree inventory, method used to inventory, native versus nonnative trees, and recommendations.

Comments/requests summaries:

1. Commissioner Maier commented about the golf course having nonnative and evasive trees, which were providing habitat for a bald eagle. He asked for a more progressive plan to remove the scrub and nonnative evasive trees only after native trees were planted.

Felipe Lofaso, Assistant Public Services Director, replied that staff was working on a policy manual for Commission consideration. He said

removing scrub and nonnative trees would be considered in the policy, which would be presented to the City Tree Board for their review.

2. Commissioner McVoy requested certain sections be rewritten prior to approval to allow for replacement of golf course trees and tree pruning. He suggested the Plan not be approved in order to allow for the rewrites. He requested including in the Plan the relationship between having a tree canopy to house property values, what trees were originally planted in Lake Worth, not removing scrub for ecology, and offered his assistance in the rewrite before it was formally adopted.

Mr. Lofaso replied that the items suggested for inclusion would be in the policy manual and that the Lake Worth Urban Forest Management Plan would be used as a tool to create the manual.

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

#### **F. Notice to nominate five Cultural Plaza Ficus Trees as historic**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the notice to nominate five Cultural Plaza Ficus Trees as historic.

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

Peter Timm said the City had trouble designating structures as historic and now wanted to designate trees. He commented that he was more interested in roads than trees.

Jo-Ann Golden supported the designation of the trees; said the City needed to know when Mangrove trees were cut; and the Ficus trees were not dangerous, were a part of the City, and were majestic.

Richard Stowe commented that the City Tree Board supported the designation of the trees, there was a discrepancy between the Board's letter of support and this item because the Board members were asked to designate two; however, staff was requesting five be designated.

Nancy Ericson said she remembered a time when hundreds of Ficus trees were toppled down during a hurricane; however, none of the Palm trees went down.

David McGrew, Horticulturist Technician, explained that this was the first of a two part process to nominate and designate five one hundred plus year old trees as historic in the City's Cultural Plaza. If the Commission support

the historic designation, a public hearing would be scheduled on May 5, 2015, to render a decision on the recommended designations.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier. 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. NEW BUSINESS:**

**1) Notification letter to Orlando Utilities Commission to extend the term of the purchased power agreement**

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to authorize the City Manager to execute a Notification Letter to Orlando Utilities Commission to extend the term of the Orlando Utilities Commission-Lake Worth Power Purchase Agreement for 2017.

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

Peter Timm commented that there had been no information provided by the Electric Utility Advisory Board and said he thought there could only be two extensions. The City should be getting prices on what was available and what the City could and could not afford.

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

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

City Attorney Torcivia provided the following report:

- Suggested reordering the agenda to have the Commission Liaison Reports and Comments and Public Participation of Non-Agendaed Items and Consent Agenda after the City's business because staff and the public, who came to listen to City business items, did not have to stay longer.

Mayor Triolo suggested the Commission ask the public how they felt about reordering the agenda. She asked the public to contact the elected officials about how they felt.

**15. CITY MANAGER'S REPORT**

**A. April 21, 2015 – draft Commission agenda**

City Manager Bornstein provided the following report:

- Said he was working to finalize the Federal Emergency Management Agency's (FEMA) issue about repaying funds received from FEMA for Hurricanes Francis and Jeanne. He explained that the City filed for \$29 million in federal funds and FEMA was asking for \$4 million back because they disagreed with the way the City filed its documentation. He said the City retained Alcade & Fay who were working on the FEMA issue. They were also working with Congresswoman Louis Frankel to create statute of limitation legislation.
- Reported that Attorney Carolyn Ansay from City Attorney Torcivia's office was reviewing the City's documentation to verify that FEMA had the same documents as the City.

City Attorney Torcivia commented that Attorney Ansay was successful in de-obligating FEMA funds and asked to retain Attorney Ernest B. Abbott, who had FEMA expertise, to help craft final arguments for the reduction of the amount of money FEMA wanted back from the City.

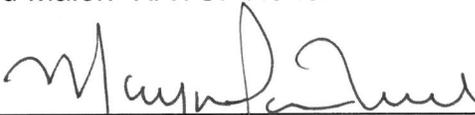
Consensus: To retain Attorney Ernest B. Abbott.

- Announced that the City requested State funds for Boutwell Road and the Park of Commerce; however, the State Legislators had not yet approved a budget. All requests for State funds were still in the air. He said balancing the State's budget by May 1, 2015, did not look good.
- Said efforts were being made to present the City's budget better. The budget was transparent unfortunately; however, people did not understand the information provided. Burton and Associates' tool would bridge the gap, and the effects of any changes made to the budget would be shown "in real time" during the budget process.
- He asked John Pickette, Laura Decker, and William Thrasher to review the City's funds, particularly the Beach Fund, because they were the people who were instrumental in crafting the Casino Building's finances. He said he looked forward to them untangling the knots in the Beach Fund.

16. **ADJOURNMENT:**

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to adjourn the meeting at 9:16 PM.

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

  
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PAM TRIOLO, MAYOR

ATTEST:

  
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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.