

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
AUGUST 4, 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 Carolyn Ansay, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by Reverend Frederick James Sr. Grant Chapel AME Church.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Christopher McVoy.

Mayor Triolo announced that she just received notification that Haverhill Councilman James "Woody" Woods had lost his battle with brain cancer on August 2, 2015. She asked for a moment of silence.

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 H to New Business as Item E – Settlement and Relocation and Reconstruction Agreements with Clear Channel Outdoor, Inc.;
- Reorder Consent Agenda, Item B to New Business as Item F – First Amendment to a Lease with RTT Benny's On the Beach, Inc. for additional space; 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:

A. Recognition of PBSO Captain Rolando Silva

Mayor Triolo read a proclamation declaring August 4, 2015, as Captain

Rolando Silva Day. She also presented him with a framed picture, plaque, and thank you notebook signed by the elected officials and residents in the community.

Captain Silva said he was overwhelmed by the recognition. Over the past seven years he said he had come to know the elected officials personally and appreciated the support they showed him. He thanked the residents of Lake Worth because they embraced him. He said the Lake Worth police were top notch, loved Lake Worth for its diversity, and offered his special thank you.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: commented that, in keeping with the warm and supportive recognition comments made by all for Captain Rolando Silva during Presentations, Item A, he would not provide comments tonight.

Commissioner McVoy: commented that he would also not provide comments tonight for the same reasons stated by Vice Mayor Maxwell.

Commissioner Amoroso: said he wanted to remind everyone about the Information Center at the City Hall Annex. The Center had grown, was staffed 100% by volunteers, and they were always looking for more volunteers. He said last week, the Center began to receive international requests for information. He commented that he attended the Palm Beach County League of Cities Board of Directors meeting last week, participated in a cleanup event in both Poinciana and Tropical Ridge neighborhoods, and attended a meeting with the City Manager regarding 2-1-1 and identifying a lot of Lake Worth services. He announced that Lake Worth was one of five cities, in partnership, who received \$500,000; he said he met with members from the other cities on August 1, 2015; and that he looked forward to bringing the information to the City.

Commissioner Maier: commented that he attended a Junior Lifeguard event on July 29, 2015, and said it was great. He said he was not aware of the program, which was fully funded by volunteers and parents. He explained that the parents said the program was vital in the development of their children. As a City, he said he hoped the City could support the Junior Lifeguard program. He announced his attendance at the 3rd Annual Sea Rise Level Symposium, one of the presentations was about an initiative in the Netherlands to limit grey space availability such as roads and parking lots, the Netherlands built a parking garage inside dunes, and said the City could choose to be an innovator and not a copycat.

Mayor Triolo: reported that she had attended all of the neighborhood association meetings, was working with the Neighborhood Association Presidents Council, and would continue to meet with them all. She announced a Kiwanis pancake breakfast event on August 9, 2015. She

commented that the Governor had vetoed a \$3.5 million grant request from the City for the Park of Commerce. When she spoke with the Governor's office the prior year, his staff stated that the City's requested project had to be on the long range plan. This time, she said the Governor's office said the project had to be on the short term plan. She advised that at the last Metropolitan Planning Organization (MPO) meeting there was a vote taken to get the Park of Commerce on the short term plan. She announced that a request for Park of Commerce money would be resubmitted to Tallahassee. She reported that the MPO offered their approval, but not funding for two or three trolleys for the City.

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: Peter Timm, Barbara Jean Weber, and Dustin Zacks.

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

Joanne Kelly said she listened to the presentations made during the July 30, 2015, Commission Work Session about the Casino Complex. She said she expected to hear no real questions asked, but only negative comments. She said she was surprised with the good questions asked. She asked about the pool being too large, said a moderate size pool was needed for the community for children, and the pool should be located in the north end where the old pool used to be. She commented that the Commission needed to make the facts known and there was a need to come together and resolve the problems. She asked everyone to make compromises and not self-destruct over the issue.

Cheryl Rashkin and Teresa DeVeau said they were active in the Lake Worth Warriors program and the football players were practicing for the season. She said they were low on funds and asked each of the elected officials and City Manager to find discretionary funds to donate to the Lake Worth Warrior/Pal Fund. She said they would appreciate the donation, which would be used to purchase uniforms and equipment. They commented that they were behind in their funds; could expect about 200 children in the program, which was beyond their expectation; the number of children would make funding the program difficult; the cost was about \$1,200 just for the referees; and said she hoped everyone could come out and support their football league.

Mayor Triolo read the comments written by AnnaMaria Windisch-Hunt. Ms. Windisch-Hunt wrote [about] needing assistance to get 25 kids with chaperones to the Roger Dean Stadium on August 15, 2015. [She wrote asking the City] to get a loaner trolley.

8. APPROVAL OF MINUTES:

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

- A. City Commission Budget Work Session – June 30, 2015**
- B. City Commission Meeting – July 14, 2015**

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

9. CONSENT AGENDA:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the Consent Agenda, less Items B and H.

- A. Resolution No. 41-2015 – interlocal agreement for the membership expansion of the Palm Beach Metropolitan Planning Organization (MPO)**

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

RESOLUTION NO. 41-2015 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT FOR THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION TO INCLUDE A VOTING REPRESENTATIVE FOR THE VILLAGE OF PALM SPRINGS AND PERMANENT SEATS FOR THE CITY OF GREENACRES AND THE VILLAGE OF ROYAL PALM BEACH; AND PROVIDING FOR AN EFFECTIVE DATE

- B. (Reordered to New Business as Item F) First Amendment to a Lease with RTT Benny's On the Beach, Inc. for additional space**
- C. Contract with Rosso Site Development for the 7th Avenue South roadway and watermain improvements project**
- D. Purchase two new vehicles for the Electric Utility Department**
- E. Task Order No. 7 with URS Corporation, a Division of AECOM, for engineering design, permitting, and bid phase services for the water plant acid dilution project**
- F. Contract with Electron Corp. of South Florida for the replacement of two variable frequency drives at the Master Pump Station**

- G. **Task Order No. 6 with Mathews Consulting, Inc. for engineering services for lime system upgrades and improvements**
- H. **(Reordered to New Business as Item E) Settlement and Relocation and Reconstruction Agreements with Clear Channel Outdoor, Inc.**

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

10. PUBLIC HEARINGS:

- A. **Ordinance No. 2015-04 – Second Reading and Second Public Hearing – amend various sections and tables in the Land Development Regulations**

Assistant City Attorney Ansay read the following ordinance by title only:

ORDINANCE NO. 2015-04 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 1 DIVISION 2, SECTION 23.1-12, DEFINITIONS; ARTICLE 3, DIVISION 1, SECTION 23.3-6, USE TABLE; ARTICLE 4, SECTION 23.4-10, PROVIDING FOR OFF-STREET PARKING; ARTICLE 4, SECTION 23.4-4, FENCES WALLS AND GATES; ARTICLE 4, SECTION 23.4-13, TOWNHOUSES; ARTICLE 4, SECTION 23.4-18, "PORTABLE STORAGE UNITS", PROVIDING FOR REGULATIONS REGARDING PORTABLE STORAGE UNITS; ARTICLE 5, "SUPPLEMENTAL REGULATIONS", SECTION 23.5.1(i) "NONCONFORMING SIGNS"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-04 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 Maier. NAYS: None.

- B. **Ordinance No. 2015-05 – Second Reading and Public Hearing – consider a major amendment to a Residential Planned Development (RPD) located at the northeast intersection of North Dixie Highway and 3rd Avenue North**

Assistant City Attorney Ansay read the following ordinance by title only:

ORDINANCE NO. 2015-05 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AN AMENDMENT TO A RESIDENTIAL PLANNED

DEVELOPMENT TO BE KNOWN AS BELLA TERRA DESCRIBED IN EXHIBIT A; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-05 on second reading.

Comments/requests summaries:

1. Commissioner McVoy asked the owner if he had any additional thought about not installing security gates.

The owner responded that he looked into offering other types of defensible spaces and was not opposed to installing entry gates. He said the gates would create a sense of security on this small piece of property and hoped the neighbors would mingle and interact with each other. He commented that he met multiple times with the current neighbors and said they rarely went out because of security. Currently, this property served as a neighborhood cut through for pedestrians. He said he did not want to create a fortress, and the Commission should not have any qualms about the "little oasis" he was creating.

2. Mayor Triolo commented that she has a sense of security from having a gate around her home. This property was close in proximity to where the City was trying to lift up the community. She said she was excited about what the owner was doing and supported the request.

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

Jo-Ann Golden said she was concerned about the security gate mainly because people used 3rd Avenue North to get to the Publix Supermarket and that she could see this as a huge traffic problem. People had a problem getting into the street and parking lot during the tourist season. She said she did not know if a traffic study was done or if the gate was just an added thing approved without a proper study. She said she hoped there would not be a gate and said there was a need to uplift the neighborhood.

Peter Timm commented that he was shocked to hear that the owner was interested in putting up a three-story building and not having a community garden. He said this was a problem property, but still did not want to "give the store away".

Commissioner Amoroso left the meeting at 6:49 PM.

Peggy Fisher said she had no problem with this being a gated community. It was the owner's property and the gate would not be installed on a public road. The gate would be off-set on private property to allow for stacking.

She said she used 3rd Avenue North to exit Publix Supermarket. The City needed to stop thinking it was their responsibility to tell a developer what to do. If the gate was allowed and approved through the Planning and Zoning Board, then she said to let them build it as long as it complied with the City's code.

Commissioner Amoroso returned to the meeting at 6:51 PM.

Greg Rice said he agreed with the comments made by Ms. Fisher. There were City codes in place that specifically spelled out what could and could not be built so that people knew what to expect. The City was trying to make itself welcoming, but then berated investors. He said he lived in a controlled access community and that gates and locks would only keep out the honest people. The City's codes and ordinances were there for a reason and were not a personal preference.

Anthony Marotta said the gate made a difference and created a sense of security. If someone wanted to get in, they would. He asked the Commission to stop beating this issue up and move along.

Comments/request summaries:

3. Commissioner McVoy requested the motion be amended to allow the issue of the security gate to be readdressed later on since no traffic study was done. He asked that the amended motion include some type of mechanism to readdress the issue if there was a traffic problem so that the Commission could deal with it.
4. Vice Mayor Maxwell commented that there was discussion about traffic backing up on 2nd Avenue North. He said that, because the comment was made on an anecdotal opinion, the traffic problem would be on 2nd Avenue North and not 3rd Avenue North. He said he never had any traffic trouble on 3rd Avenue North. He asked how much money the developer was investing into the City.

The owner replied that, in total, he would invest \$5 – \$6 million.

5. Vice Mayor Maxwell said he constantly received comments back from contractors about staff or advisory boards telling them what they preferred. A person's opinion should not be given if something was within the City's code. The City should be thankful that someone wanted to invest \$6 million into a development that met the City's code and zoning. If the City did not like the code or Land Development Regulations, then it could be changed; however, the City could not make a change within the process.

6. Commissioner Amoroso thanked the owner for investing in Lake Worth.

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

C. Resolution No. 42-2015 – Public Hearing – issue a revocable permit for property located at 1632 North K Street

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

RESOLUTION NO. 42-2015 OF THE CITY OF LAKE WORTH, FLORIDA, GRANTING A REVOCABLE PERMIT WITH CONDITIONS ON A PORTION OF THE CITY OWNED RIGHT-OF-WAY AT 17th AVENUE NORTH AND NORTH “K” STREET TO LORI MARSZAL; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Resolution No. 42-2015 and issue the revocable permit for the property located at 1632 North K Street.

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. UNFNISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Ordinance No. 2015-08 – First Reading – allow future municipal election date changes in the event of any countywide or statewide election in March and schedule the public hearing date for August 18, 2015

Assistant City Attorney Ansay read the following ordinance by title only:

ORDINANCE NO. 2015-08 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING SECTION 2 OF ARTICLE III OF THE CITY OF LAKE WORTH CHARTER TO PROVIDE THAT COMMENCING WITH THE 2016 ELECTION, GENERAL ELECTIONS TO ELECT MEMBERS OF THE CITY COMMISSION SHALL BE HELD CONCURRENT WITH ANY STATEWIDE OR COUNTYWIDE ELECTION; PROVIDING A SEVERABILITY CLAUSE;

PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED;
PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-08 on first reading and schedule the public hearing date for August 18, 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 Maier. NAYS: None.

B. Amendment 5 to the Law Enforcement Services Agreement with the Palm Beach County Sheriff's Office through September 30, 2016

Mayor Triolo explained that she worked with the Palm Beach Sheriff's Office (PBSO) and negotiated a 1% increase, which was down from their requested 3% increase. Additionally, amendment increased the current 22 part time school crossing guard allocations to 24 in order to meet the Florida Department of Transportation's standards. These changes would increase the current cost from \$12,100,000 to \$12,221,000. She said this was the first cost adjustment since Fiscal Year 2010.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve Addendum No. 5 to the Law Enforcement Services Agreement for Fiscal Year 2016.

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.

C. Village of Palm Springs claim for additional franchisee fees for electric revenues

Larry Johnson, Water Utility Director, explained that the Village of Palm Springs requested the City reimburse them for franchise fees and public services taxes on electric utility revenue that the Village requested be collected on property annexed into Palm Springs during the period of 2010-2013. He said the Village suggested an exchange of City water and sewer service territory in lieu of payment for the claim. He advised that staff did not recommend approval of the service area transfer to Palm Springs, and staff had developed other alternatives to resolve this issue.

He said staff was requesting direction from the Commission regarding a potential resolution of this claim using one or more of the following

alternatives.

City's proposal:

1. Do nothing;
2. Negotiate financial settlement of claim estimated to cost \$100,000-\$275,000 from the City's General Fund;
3. Increase the franchise fee for Palm Springs residents located in the annexed area to collect the franchise fees that were not collected previously over a five year period; or
4. Request a legal opinion from the State Attorney General regarding the legal basis for Palm Springs' claim against the City and agree with the Village to be bound by the opinion.

Palm Springs proposal:

5. Transfer water and sewer utility service area between Florida Mango and Congress Avenue south of 10th Avenue North to Palm Springs. This option was proposed as an alternative to a cash settlement. The estimated cost over 20 years was \$600,000 to \$1,200,000 from the Water and Sewer System.

He commented that, since the Water and Sewer System was not directly involved in the claim, reduction of water revenue to resolve a General Fund claim may be a legal issue. He said staff did not recommend this proposal.

Comments/requests summaries:

1. Vice Mayor Maxwell suggested communicating with the Village of Palm Springs residents so that they understood what would be happening.
2. Commissioner McVoy commented that there was a need to communicate to the Village of Palm Springs that Lake Worth did not have a quick financial fix for them.

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

Peter Timm said the backup material read that Palm Springs gave the City Clerk and the Community Redevelopment Agency a letter and that they never notified the elected officials. Now Palm Springs wanted money back. He said Lake Worth was taxing Palm Springs 10% and asked if Palm Springs wanted to receive an additional 6%. He said there was no way this issue was the fault of the City because they did not notify the correct staff. He asked if the 10% tax was for the whole county or if Palm Springs want 16% for themselves.

Barbara Jean Weber said she had friends who lived in Palm Springs and they said their electric went out six or seven times in the last month. She said she was curious about the outages. She commented that it was

irrelevant who made the error, but it was more important to have an amiable relationship with Palm Springs.

Greg Rice asked how many people looked at their utility or phone bills. There were all kinds of franchise and tax fees on the bills. Any municipality could always add an additional tax. People loved it when their lights and air conditioning went on, but were never happy when their electric bill came.

Consensus: Directed staff to look further into Proposal 3 - to increase the franchise fee for Palm Springs residents located in the annexed area to collect the franchise fees that were not collected previously over a five year period.

D. First Amendment to an Agreement with USP Technologies to provide odor control treatment in the City's sewer collection system

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve an amended agreement with USP Technologies (formerly US Peroxide) for an additional \$60,000 and budget transfers in the amount of \$34,300 to provide odor control treatment to the City sewer collection system.

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 7:25 PM and reconvened at 7:39 PM.

E. (Formerly Consent Agenda, Item H) Settlement and Relocation and Reconstruction Agreements with Clear Channel Outdoor, Inc.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the settlement agreement and relocation and reconstruction agreement with Clear Channel Outdoor, Inc.

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

Peter Timm commented that this issue was about the billboards that everyone had complained about and now, Clear Channel Outdoor was going to pay the City \$50,000 per year for 50 years. He asked if the City still regretted having lights on the billboard. He said this was not a good thing for Lake Worth and asked what the Commission thought about the issue.

Jo-Ann Golden said that when the billboard issue first came up she was adamantly against it. Now this agreement would be for 50 years. She asked what type of negotiations went on that changed the agreement from

19 to 50 years. She asked what arrangements the City of West Palm Beach made for the billboards located in their community. She said having billboards was a violation against drivers on I-95 and on neighborhoods. She commented that she did not know what type of negotiations went on and did not know about the settlement because it went on in private. She said the billboard issue had been a long-time problem with the City.

Barbara Jean Weber said she remembered that this issue was one of the few times when she lost her temper. She said she did her research and Clear Channel was backed by Central Broadcasting Station (CBS). If cities did not allow billboard signs, then they sued the cities. She asked the Commission to do their research, was against the 50 year term, and asked the Commission not to approve this item.

Peggy Fisher asked which billboard this agreement would affect. She said she was more bothered by street lights than lights from the billboard. She commented that if the billboard was a problem for I-95, then the State and Florida Department of Transportation would not have allowed it.

City Manager Bornstein explained that Clear Channel had filed a lawsuit claiming that Light Emitting Diode (LED) lights on each side of a static billboard at 1802 Fourth Avenue North (just west of I-95) did not violate a settlement agreement it had with the City and that they had the right to install the lights. The original settlement agreement did not have a term clause. He said the parties negotiated a settlement of this matter, subject to Commission approval. The proposed settlement would allow Clear Channel to replace both faces of the billboard with LED signage that could remain in place for 50 years. The City would receive 10 hours per month of free public service advertising space. The City would also be paid \$25,000 per digital face (\$50,000 total) per year and increasing 10% every five years during the 50 years for a total of \$3,984,385.

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

F. (Formerly Consent Agenda, Item B) First Amendment to a Lease with RTT Benny's On the Beach, Inc. for additional space

Commissioner Maier commented that he did not oppose what was being presented, but had it remained on the Consent Agenda, the issue would not have been made clear. He said a business saw an appealing location then began the process of getting a lease from the City. The process was by-passed, and he said he did not like to see this happen. He said he would have liked the owner to have submitted something to the City then have the Commission either approve it or not rather than the owner already using the space. He said he wanted the City to be consistent with the other beach area leasers.

Comments/requests summaries:

1. Mayor Triolo commented that she agreed with Commissioner Maier from a policy side; however, in reality both the downtown and beach businesses were already doing the same thing.
2. Commissioner McVoy commented that it was the Commission's job to set policy and that it was lousy to allow someone to use public space then ask for permission. This was a situation of using it then asking for forgiveness. He commented that he did not have a problem with the contract, but that it was not a good idea to give away public space. He said he did not like the process and the way it came about. The City should not reward someone for breaking the rules, but if they paid the City back then it was okay.
3. Commissioner Amoroso commented that he disagreed. The actual space looked like it already belonged to Benny's On the Beach. The issue was to make use of the space legal through an amended lease.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the First Amendment to a Lease with RTT-Benny's On the Beach, Inc.

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

Jo-Ann Golden said she had a big problem with this item. The area wanting to be used was a public right-of-way and it would reduce the public's access to the pier. Benny's On the Beach took over part of the pier in the back, then extended into the front, and was now coming before the Commission for an amendment to their lease. The City was reducing the public access to the beach, which should not have been done. To come before the City, after the fact, was a slap to the City's face. This area was a public right-of-way, it was the wrong thing to do, and she said she hoped something else could be done. She said she did not think the financial agreement warranted giving up public access.

Peter Timm commented that Benny's On the Beach was doing a fantastic business. This request was for tables, surrounded by planters, looking into their bar. He said he did not see anything wrong with the amendment. The crowd at the restaurant was fantastic. He said he visited the beach by 9 AM on Saturdays and Sundays and, during the season, there was an hour wait for a table at the restaurant. This was an owner who was doing so much good for Lake Worth and was not afraid of putting money into his business.

City Manager Bornstein explained that the owner started to use the space with tables and planters. It was then brought to the owner's attention that the area was not included in his lease. The Casino Building was the closest operation to his restaurant, and those restaurant tenants had the option of

renting the inside and outside patio space. He said there were provisions to treat everyone the same and rent the patio space to Benny's On the Beach, which was why this item was before the Commission. Requiring them to pay for the additional space was the right thing to do. He said the right thing to have done was to bring the item before the Commission first, before the space was used.

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

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION:

1) Update on the electric utility system

City Manager Bornstein introduced Jack Borsch as the City's new Electric Utility Director. He said Mr. Borsch started yesterday. He explained that the City went through an involved interview process. In the interview and subsequent phone calls, he said he believed Mr. Borsch could tackle issues the City had. Mr. Borsch had a lot of experience with generations and would be working with Walter Gill, the new Assistant Electric Utility Director. He commented that Mr. Borsch would be a great member to the team. He explained that Mr. Borsch would spend time with each of the elected officials and would be "hands on" with the Electric Utility Advisory Board members. He stated that Mr. Gill was well respected by employees and stepped up to the plate to serve as Interim Electric Utility Director.

Jack Borsch, Electric Utility Director, said that he began with Lake Worth yesterday, was in union negotiations all day today, and was present tonight at this meeting. He commented that he planned to return to work on Wednesday and cited his professional experience.

B. CONSENT AGENDA:

There were no Lake Worth Electric Utility Consent Agenda items on the agenda.

C. PUBLIC HEARING:

There were no Lake Worth Electric Utility Public Hearing items on the agenda.

D. NEW BUSINESS:

1) Contract with Alpha-Omega Training & Compliance, Inc. for no. 8 fuel tank cleaning

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve a contract for Invitation For Bid 15-106 for no. 8 fuel tank cleaning to Alpha-Omega Training & Compliance, Inc.

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

Peter Timm said he was happy to read in the backup material that staff did not accept the lowest bidder. He said \$72,000 was a lot of money to pay for cleaning a fuel tank. He welcomed the new Electric Utility Director and asked if he was connected to Florida Municipal Power Agency (FMPA).

Mr. Borsch replied that he was not connected to FMPA.

Walter Gill, Assistant Electric Utility Director, explained that staff did not select the lowest bidder because they did not have any experience with fuel tank cleaning and staff did not want the City to be "hit" with change orders. He commented that Alpha-Omega Training & Compliance was highly recommended and the lowest bidder did not respond to Addendum 1 of the bid.

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

14. CITY ATTORNEY'S REPORT:

Assistant City Attorney Ansay did not provide a report.

15. CITY MANAGER'S REPORT

A. August 18, 2015 – draft Commission agenda

City Manager Bornstein did not provide a report.

Comment/request summary:

1. Vice Mayor Maxwell commented that the Mayor did not instruct the audience, at the beginning of the meeting, that they needed to fill out and submit a public comment card to address the Commission. He asked if an individual in the room could speak because she did not know she was supposed to submit a public comment card.

Consensus: To allow someone to speak.

Mayor Triolo announced that an individual could provide a public comment.

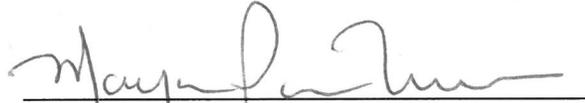
Monica Pallottee commented that she wanted to talk about backyard chickens and the condition of cage-free versus backyard egg quality. She said the City's code did not allow chickens and recommended they be

removed from the list of prohibited animals. She asked the Commission for vocal support.

16. ADJOURNMENT:

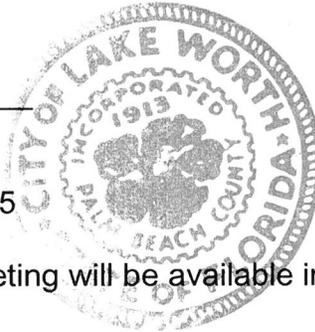
Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to adjourn the meeting at 8:17 PM.

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: August 18, 2015

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