

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
AUGUST 18, 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 Father Quesnel Delvard, Sacred Heart Catholic Church.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Ryan Maier.

4. AGENDA - Additions/Deletions/Reordering:

No changes were made to the agenda.

5. PRESENTATIONS:

A. Downtown Jewel Neighborhood Association update

Jon Faust, Downtown Jewel Neighborhood Association President, described their boundaries, said they were a 501(C)3 nonprofit organization, announced their meeting schedule and invited everyone to attend, and provided an update on activities and events since their last report.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Mayor Triolo announced the passing of James Addison this past weekend. She asked everyone for a moment of silence and offered condolences to his family.

Vice Mayor Maxwell: commented that he would forgo his comments this evening and said he was going to mention the passing of Mr. Addison if the Mayor had not already done so. He said he spoke to Mr. Addison's family and a memorial service would be scheduled in December. He commented that he would inform the Commission when the service arrangements were

made. He thanked Mayor Triolo for recognizing Mr. Addison.

Commissioner McVoy: announced his attendance at the Florida League of Cities conference in Orlando, learned that Comcast had a program to offer low cost internet service to children who were on the free lunch program. He said he also learned about legislative changes to the police and fire pensions, saw a presentation about "Sharing Economy", learned about house sharing and uber, and the presentation would be available online. He said he spoke to the vendors about registering vacant properties.

Commissioner Amoroso: announced his attendance at the Florida League of Cities conference in Orlando, said all of the sessions would be available online, and that he brought back a lot of information. He commented that for the past two years, Comcast had implemented its program to offer low cost internet service in Lake Worth. They were now partnering with the surrounding municipalities. He said Comcast was implementing a new program to reach the elder population in Lake Worth. He commented that he also attended an Intermex Money Transfer back to school program which gave away 400 free backpacks to students living in low to moderate income families.

Commissioner Maier: announced the cancellation of the August Treasure Coast Regional Planning Council meeting; however, the members would resume their meeting in September. He announced a Fish and Wildlife work shop on August 19, 2015, to discuss how to pay for a Gopher Tortoise survey. He said he would work on learning more about the survey. He commented that he met with the Electric Utility Director and said big decisions would need to be made by the Commission in the future.

Mayor Triolo: commented that she was on vacation and saw many beautiful sea turtles. She announced that she would be attending a Metropolitan Planning Organization (MPO) meeting on August 20, 2015, said the Park of Commerce was on their five-year MPO plan, and that the City was looking for an Economic Development Administration (EDA) grant. She mentioned the renovations being done in front of City Hall for the upcoming installation of a Peace Pole.

Comments/requests summaries:

1. Commissioner McVoy commented that citizens were seeing fewer turtle nests in Lake Worth and said it would be nice if the Leisure Services Department could provide specific data on the number of sea turtles to make sure Lake Worth was not below its density.
2. Commissioner Amoroso commented that the City did not own any property in the Park of Commerce. He requested Commissioner Maier ask the Fish and Wildlife Department if money for a gopher tortoise

survey was only available for city-owned property.

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 and Greg Rice.

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

Monica Bilotti commented that chickens and eggs eaten came from factory farms and that the City's code allowed large birds but not chickens. She asked for local support to place this item on an agenda for action to change the code to allow chickens through the use of regulations, restrictions, and possible permit fee.

Jaidyn Brody said she attended an elementary school in Wellington, her grandfather had many health issues, and that her school was doing a fundraiser for Leukemia and Lymphoma Society (LLS). She asked the City for whole or partial financial support of a "Putting for Patients" event on September 19, 2015.

Lynn Anderson said she wanted to remember her old friend James Addison. Mr. Addison was a lifetime alumni of the City, his family were Lake Worth pioneers, he loved the City and his family, and he would be deeply missed by everyone. She announced that a memorial service for Mr. Addison would be scheduled in December. She said a week ago, she asked the Commission to adopt a resolution declaring that the City was not a sanctuary city. She also said she did not see any turtle nests.

Jo-Ann Golden said that, since August 2012, the City had been recruiting for an inspector and plans examiner. She commented that it was hard for her to believe there were no qualified plans examiners who could be hired and did not want the Commission to continue to "rent out" the City.

Ryan Hartman commented that every week he and his friends shared food with the homeless in Bryant Park. He said the Palm Beach Sheriff Deputies were ticketing the homeless for sleeping and loitering and that the City took off the water fountain caps. He advised that if this behavior continued, then there would be "pushback" similar to what was happening in Ft. Lauderdale. He said it was a violation to arrest people for sleeping on benches and that many of the homeless were veterans.

Juan Chevere said he wanted to express his disappointment in the City for their treatment of the homeless. He said he was told they could not walk in City parks and were being harassed. The City installed flood lights with

cameras in parks that sounded a warning to individuals that they would be arrested for entering a park after hours. He commented that the City was trying to make money from the Gulfstream Hotel and money did not trump human rights. He asked that basic aid be provided to the homeless, quoted from Mahatma Gandhi, and said the City had a civic duty to the homeless.

Sugar Bear said that, on behalf of Lake Worth Catholic Worker Cottage, he wanted to thank everyone involved for keeping religious invocations on the agenda. He said he wanted Lake Worth to be considered a sanctuary city.

Michelle Sylvester said she was co-owner of Paws on the Avenue and that Lake Worth was not in a position to help the homeless. Offering help to the homeless needed to come from a county or state level. The homeless were driving businesses and tourist away from Lake Worth. People needed jobs that were in Lake Worth, and the Commission needed to turn this situation around. She said she did not want to disrespect the homeless or recovered addict, but they were impeding on free commerce.

Mayor Triolo read the comments written by Katie McGiveron. Ms. McGiveron wrote [asking what] this Commission was going to do to get [the City's] name off a sanctuary city list. [She also wrote that] the homeless problem seemed to be getting more and more out of control.

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 Work Session – July 30, 2015**
- B. City Commission Meeting – August 4, 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.

- A. Amendment #7 to Contract with Hy-Byrd, Inc. for building plans review and inspection services for Fiscal Year 2016**

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

10. **PUBLIC HEARINGS:**

A. **Ordinance No. 2015-06 – Second Reading and Public Hearing – increase Business Tax Receipt rates by five percent (5%)**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-06 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 14 "BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS", ARTICLE I, "LOCAL BUSINESS TAX RECEIPT", SECTION 14-24, "BUSINESS TAX SCHEDULE", TO INCREASE THE RATES FOR BUSINESS TAXES BY FIVE PERCENT (5%) EFFECTIVE OCTOBER 1, 2015; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Comments/requests summaries:

1. Mayor Triolo asked where the City's rates stood in comparison to other cities.

William Waters, Community Sustainability Director, replied that an overall change was needed to the Business Tax Receipts (BTR). Since 2006, the City had to charge a miscellaneous fee for some classifications. He said the City charged substantially less than the surrounding municipalities and cited several comparison fees. He commented that he would come back in the next fiscal year with a cost to update the City's BTR Study in order to be competitive with other municipalities.

2. Mayor Triolo asked if those elected officials who had businesses in Lake Worth and paying BTR fees had a voting conflict.

City Attorney Torcivia replied that there was no voting conflict for those elected officials paying the BTR fees.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2015-06 on second reading.

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

Ed Grimm asked for clarification on the difference between a Business Tax Receipt and Use and Occupancy fee.

Peter Timm said that during the budget work session, rates would be increased, but the Commission had not yet voted on any rate increases. He

asked when the Commission would vote on rates.

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

B. Ordinance No. 2015-07 – 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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-07 OF THE CITY OF LAKE WORTH, FLORIDA, AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICE BOUNDARY AND JOINT PLANNING AGREEMENT WITH PALM BEACH COUNTY TO COORDINATE FUTURE LAND USE, PUBLIC FACILITIES AND SERVICES IN ADVANCE OF ANNEXATION; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-07 on second reading.

William Waters, Community Sustainability Director, explained that the ordinance authorized execution of an interlocal service area boundary agreement with the County to facilitate the provisions of services and future annexations in the City. He said the agreement would lead to Comprehensive Plan amendments for both the County and City.

He commented that the benefits of an agreement were many, but foremost, was the ability for owners of individual parcels in the area to be annexed into the City from the County on an individual basis without the issue of creating enclaves or service area disruptions. He said several cities in the County already had agreements in place.

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. Ordinance No. 2015-08 – Second Reading and Public Hearing – allow future municipal election date changes in the event of any countywide or statewide election in March

City Attorney Torcivia 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.

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. Program to provide Health, Vision, Dental, Life Insurance, Short Term Disability, and Long Term Disability program coverage for Fiscal Year 2016

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to engage United Healthcare for medical insurance; Metlife for Dental; VSP through Metlife for Vision; Prudential to provide life, long-term disability, and short-term disability coverage to employees of the City for a one year term beginning October 1, 2015, and authorize the Mayor to execute the necessary documents.

Germaine English, Human Resources Director, explained that the overall impact on the City's Fiscal Year 2016 budget was a zero percent increase as it related to the benefit cost. She advised that Human Resources had budgeted \$4,212,038 for Fiscal Year 2016, which represented a projected 20% increase that was in line with current industry trends related to benefit costs. She cited several surrounding cities' rate increases. She said she would reduce the department's budget to \$3.3 million.

Courtney Touw, Aliant Employee Benefits, explained that they went out to 33 different vendors and submitted a number of bids. He said the benefit costs submitted from vendors were either held at the current rate or reduced.

Ms. English explained that the City solicited bids for its health, life, short term and long term disability, vision, and dental programs through a Request For Proposal. She explained that Aetna submitted the best proposed bid; however, there were concerns about their customer service over the next fiscal year as they were in the process of acquiring Humana.

She said that, with the decrease in costs associated with the medical plan, staff recommended the City absorb the cost for employee only coverage for dental and vision in the upcoming fiscal year. She said there would be no change in employee contribution other than the City offering vision and dental at no cost to the employee.

She announced that an open benefit fair was scheduled on August 26 and 27, 2015, and the providers would be present to explain the new benefits to employees.

City Manager Bornstein thanked the Human Resources Director and her staff for making Lake Worth an employer of choice. He said current employees appreciated the benefits.

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

Peter Timm said that, when he was in the workforce, it was very rare that an employer gave an employee something for nothing and that it was difficult to find out if that "something" was a bargain. He said he did not know the details of the benefits, was looking forward to this wonderful thing, and everyone would be getting wonderful care without having to pay for it.

Jo-Ann Golden said the backup material stated that the cost to provide free coverage was in line with the City's current philosophy to create an environment where its employees felt appreciated, but she said there were a lot of employees who longer worked for the City. She asked if the rate decrease was because there were less employees or because of the age of the employees. She said she was speaking for the employees who could not speak for themselves.

Comments/requests summaries:

1. Commissioner McVoy asked how Lake Worth could provide the same quality of coverage for less when the Village of Wellington's rates increased 20% increase.

Ms. English replied that other cities used local brokers while Lake Worth used an international broker who had more clout. Mr. Touw negotiated "tooth and nail" for the best, lowest rate for City.

2. Commissioner Amoroso commented that six years ago, he asked why the City's insurances were so high. He requested every department look at the money they were spending. He thanked the Human Resources Director and her staff for going above and beyond to find the best rates.

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

B. Agreement with Manson Bolves Donaldson PA for legal services

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve the legal services agreement with Manson Bolves Donaldson PA.

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

City Attorney Torcivia explained that the City Manager entered into a not to exceed \$25,000 agreement for legal services with Manson Bolves Donaldson PA to defend the City against a lawsuit filed by Lake Osborne Waterworks, Inc. He said the claim related to the City's provision of potable water to Lake Osborne Waterworks, Inc. (LOW), formerly known as Lake Osborne Utilities Company. He said the LOW claimed that an agreement with the City expired in 2008 and since then the City had charged and collected excessive rates. Due to the specialized nature of the claim, this firm was retained to provide its expertise in utility rate cases. At this time, the City received invoices of approximately \$22,800 and it was conservatively anticipated that approximately \$100,000 should be reserved for the remainder of the fiscal year.

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:

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

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

15. CITY MANAGER'S REPORT

A. September 1, 2015 – draft Commission agenda

City Manager Bornstein provided the following report:

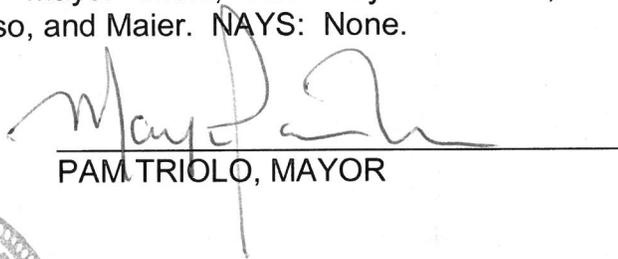
- Reminded everyone about Tropical Storm Danny in the Atlantic Ocean; and
- Announced that the City found a contractor who would repair and refurbish the Martin Luther King, Jr. fountain in the Cultural Plaza. He said the contractor would warranty the work.

Vice Mayor Maxwell recognized a Lake Clarke Shores Councilman present in the chamber.

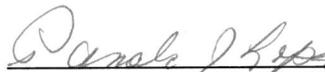
16. ADJOURNMENT:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to adjourn the meeting at 7:24 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: September 1, 2015

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

