



## CITY OF LAKE WORTH

7 North Dixie Highway · Lake Worth, Florida 33460 · Phone: 561-586-1600 · Fax: 561-586-1750

**ACTION AGENDA**  
**CITY OF LAKE WORTH**  
**CITY COMMISSION MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**TUESDAY, SEPTEMBER 15, 2015 - 6:00 PM**

1. **ROLL CALL:** The Mayor and all Commissioners were present.
2. **INVOCATION:** City Manager Michael Bornstein offered the invocation.
3. **PLEDGE OF ALLEGIANCE:** Led by Commissioner Andy Amoroso
4. **AGENDA - Additions/Deletions/Reordering:**
5. **PRESENTATIONS:** (there is no public comment on Presentation items)
  - A. PBSO Community Policing Update
  - B. Royal Poinciana Neighborhood Association update
  - C. Community Redevelopment Agency update
6. **COMMISSION LIAISON REPORTS AND COMMENTS:**
7. **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**
8. **PUBLIC HEARINGS:**
  - A. Resolution No. 52-2015 - First Public Hearing - establish the Fiscal Year 2015-2016 tentative general City millage rate and schedule the second public hearing date for September 22, 2015

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Resolution No. 52-2015 which adopted a tentative operating millage of 5.4945 for the 2015-2016 Fiscal Year and schedule the second public hearing date for 6:00 PM on September 22, 2015.

**Vote:** Motion approved, 4-1 (Vice Mayor Maxwell dissenting)
  - B. Resolution No. 53-2015 - First Public Hearing - adopt the Fiscal Year 2015-2016 proposed City budget and schedule the second public hearing date for September 22, 2015

**Action:** Motion made by Commissioner Amoroso to approve Resolution No. 53-2015 on first public hearing to adopt the proposed Fiscal Year 2015-2016 annual operating budget of the City of Lake Worth and schedule the second public hearing date at 6:00 PM on September 22, 2015. Motion died for lack of a second.

**Action:** Motion made by Commissioner Amoroso to approve Resolution No. 53-2015 on first public hearing to adopt the proposed Fiscal Year 2015-2016 annual operating budget of the City of Lake Worth and schedule the second public hearing date at 6:00 PM on September 22, 2015. Mayor Triolo passed the gavel to Vice Mayor Maxwell and seconded the motion.

**Vote:** Motion failed, 2-3 (Vice Mayor Maxwell and Commissioners McVoy and Maier dissenting)

Mayor Triolo left the meeting at 8:54 PM.

**Action:** Motion made by Commissioner Maier and seconded by Commissioner McVoy to have discussion about the budget where the public was allowed to comment.

**Vote:** Motion failed in a tie vote 2-2 (Vice Mayor Maxwell and Commissioner Amoroso dissenting)

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to reorder the agenda and defer action on Resolution No. 53-2015 to the end agenda.

**Vote:** Motion approved, 4-0

C. Ordinance No. 2015-09 - Second Reading and Public Hearing - amend the City's rights-of-way regulations

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2015-09 on second reading.

**Vote:** Motion approved, 4-0

D. Ordinance No. 2015-10 - Second Reading and Public Hearing - amend the City's Health and Sanitation Code

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Ordinance No. 2015-10 on second reading.

**Vote:** Motion approved, 4-0

E. Ordinance No. 2015-11 - Second Reading and Public Hearing - amend the Unsafe Building Abatement Code

**Action:** Motion made by Commissioner Maier and seconded by Commissioner Amoroso to approve Ordinance No. 2015-11 on second reading.

**Vote:** Motion approved, 4-0

Agenda Date: September 15, 2015 Regular Meeting

- F. Ordinance No. 2015-12 - Second Reading and Public Hearing - amend various sections in the City's Land Development Regulations

**Action:** Motion made by Commissioner Amoroso to approve Ordinance No. 2015-12 on second reading. Motion died for lack of a second.

**NOTE:** Under City Attorney's Report a motion was approved to reorder Ordinance No. 2015-12 to the end of the agenda.

**9. APPROVAL OF MINUTES:**

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

**Vote:** Motion approved, 4-0

- A. City Commission Budget Work Session - August 11, 2015
- B. City Commission Budget Work Session - August 25, 2015
- C. City Commission Meeting - September 1, 2015

**10. CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve the Consent Agenda.

**Vote:** Motion approved, 4-0

- A. First Amendment to Professional Services Agreement with NZ Consultants for Fiscal Year 2016
- B. Authorize a Worker's Compensation payment for Richard A. Vignola

**11. UNFINISHED BUSINESS:**

There were no Unfinished Business Items on the agenda.

**12. NEW BUSINESS:**

- A. Ordinance No. 2015-13 - First Reading - designate the restricted/committed/assigned fund balances for Fiscal Year 2015 in accordance with GASB 54 and schedule the public hearing date for September 22, 2015

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Ordinance No. 2015-13 on first reading and schedule the public hearing date for September 22, 2015.

**Vote:** Motion approved, 4-0

- B. Resolution No. 45-2015 - establish the Fiscal Year 2016 fees and charges for City general government

Agenda Date: September 15, 2015 Regular Meeting

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Resolution No. 45-2015 establishing certain Fiscal Year 2016 fees and charges for City general government.

**Vote:** Motion approved, 4-0

**NOTE:** A motion was made and seconded to reconsider Resolution No. 45-2015 later in the meeting.

C. Resolution No. 51-2015 - establish the Fiscal Year 2016 rates and charges for the City electric utility

**Action:** Motion made by Commissioner Amoroso to approve Resolution No. 51-2015 establishing the Fiscal Year 2016 rates and charges for the City electric utility. Motion died for lack of a second.

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to reorder the agenda and defer action on Resolution No. 51-2015 to the end of the agenda after the Fiscal Year 2016 proposed budget resolution.

**Vote:** Motion approved, 4-0

D. Adopt the Fiscal Year 2016-2020 Capital Improvement Plan

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adopt Fiscal Year 2016-2020 Capital Improvement Plan, subject to changes based on the adoption of the Fiscal Year 2016 Annual Operating Budget on September 22, 2015.

**Vote:** Motion approved, 3-1 (Commissioner Maier dissenting)

### **13. LAKE WORTH ELECTRIC UTILITY:**

A. **CONSENT AGENDA:** (public comment allowed during Public Participation of Non-Agendaed items)

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.

Agenda Date: September 15, 2015 Regular Meeting

**Action:** Motion made by Commissioner Amoroso and seconded by Commissioner Maier to reorder Ordinance No. 2015-12 to the end of the meeting for further conversation.

**Vote:** Motion approved, 4-0

Mayor Triolo returned to the meeting at 9:07 PM and resumed the gavel.

## **8. PUBLIC HEARINGS:**

- B. **(Reordered)** Resolution No. 53-2015 - First Public Hearing - adopt the Fiscal Year 2015-2016 proposed City budget and schedule the second public hearing date for September 22, 2015

**Action:** Motion made by Commissioner McVoy and seconded by Commissioner Maier to extend the meeting past 10:00 PM one hour.

**Vote:** Motion approved, 5-0

**Action:** Motion made by Commissioner Amoroso to approve the budget with a beach parking fee increase; and to look at the Beach and Electric Funds in six months. Mayor Triolo passed the gavel to Vice Mayor Maxwell and seconded the motion.

**Vote:** Motion failed, 2-3 (Vice Mayor Maxwell, Commissioners Maier and McVoy dissenting)

**Action:** Motion made by Mayor Triolo and seconded by Commissioner Amoroso to approve the budget without increasing the beach parking fee or electric rate; and review the Beach and Electric Funds in April 2016.

**Vote:** Motion failed, 2-3 (Vice Mayor Maxwell, Commissioners Maier and McVoy dissenting)

**Action:** Motion made by Mayor Triolo and seconded by Commissioner Amoroso to approve the budget without increasing the beach parking fee and revisiting the Beach Fund in six months.

**Vote:** Motion approved, 3-2 (Commissioners Maier and McVoy dissenting)

## **12. NEW BUSINESS:**

- B. **(Reconsider)** Resolution No. 45-2015 – establish the Fiscal Year 2016 fees and charge for City general government

**Action:** Motion made by Mayor Triolo and seconded by Commissioner Amoroso to reconsider Resolution No. 45-2015.

**Vote:** Motion approved, 3-2 (Commissioners Maier and McVoy dissenting)

**Action:** Motion made by Mayor Triolo and seconded by Commissioner Amoroso to repeal the beach parking rate increase in Exhibit A of Resolution No. 45-2015; and approve amended Resolution No. 45-2015 establishing certain Fiscal Year 2016 fees and charges for City general government.

**Vote:** Motion approved, 3-2 (Commissioners Maier and McVoy dissenting)

- C. (Reordered) Resolution No. 51-2015 – establish the Fiscal Year 2016 rates and charges for the City electric utility

**Action:** Motion made by Mayor Triolo and seconded by Commissioner Amoroso to approve Resolution No. 51-2015 establishing the Fiscal Year 2016 rates and charges for the City electric utility.

**Vote:** Motion approved, 3-2 (Commissioners Maier and McVoy dissenting)

**8. PUBLIC HEARINGS:**

- F. (Reordered) Ordinance No. 2015-12 – Second Reading and Public Hearing – amend various sections in the City’s Land Development Regulations

**Action:** Motion made by Commissioner Maier and seconded by Commissioner McVoy to schedule a work shop meeting on this item as previously and unanimously voted on to do.

**Vote:** Motion failed, 2-3 (Mayor Triolo, Vice Mayor Maxwell and Commissioner Amoroso dissenting)

**Action:** Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2015-12 on second reading.

**Vote:** Voice vote showed Mayor Triolo, Vice Mayor Maxwell and Commissioner Amoroso voting in favor of the motion.

**NOTE:** The voting process was interrupted by a request from Commissioners Maier and McVoy to comment.

**NOTE:** After the meeting it was discovered that three members of the City Commission voted to approve the ordinance. However, due to procedural issues, a notice would be re-advertised and a public hearing conducted again on October 6, 2015.

**G. CITY MANAGER'S REPORT:**

City Manager Bornstein did not provide a report.

- a. October 6, 2015 draft Commission agenda

**H. ADJOURNMENT: The meeting was adjourned at 10:35 PM.**

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)