

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
SEPTEMBER 15, 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 City Manager Michael Bornstein.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Andy Amoroso.

4. AGENDA - Additions/Deletions/Reordering:

Comments/requests summaries:

1. Commissioner Amoroso requested discussion regarding the Casino Building's Invitation To Negotiate be added to the agenda for discussion.

Lengthy discussion ensued regarding the Commission's Rules of Procedures on adding items to the agenda at the last minute.

2. Commissioner Amoroso requested discussion regarding the Casino Building's Invitation To Negotiate be added to the next Commission meeting agenda for discussion to put the issue "to bed" and to hire someone to rent the second floor of the Casino Building.

5. PRESENTATIONS:

A. PBSO Community Policing Update

Captain Todd Baer spoke about manpower and street changes made during his two-month tenure as Captain of District 14, crime trends, board and securing structures, community partnerships, and the Citizen Observer Patrol (COP) program. He said the Palm Beach Sheriff Office's (PBSO) COP representative attends neighborhood association meetings

and asked everyone to get more involved.

Comments/requests summaries:

1. Commissioner McVoy commented that he had heard a lot of complaints from people seeing prostitution and drug deals in the City. He said he would set up a meeting with the PBSO, individuals, and himself to hear more about what could be done.
2. Commissioner McVoy commented that the community was concerned about the number of sober homes in the City.
3. Commissioner McVoy requested either a Town Hall meeting or schedule an item on the agenda to talk about community's thinking that the City could shut down sober homes.

Commissioner Amoroso suggested inviting staff from the Code Compliance Division, Senator Clemens, Congresswoman Frankel, and Representative Hager to the Town Hall meeting.

B. Royal Poinciana Neighborhood Association update

Sarah Parr, President, and Yolanda Sanchez provided an update on street illumination to prevent crimes, Citizen Observer Patrol in their neighborhoods and the need for volunteers, banners being installed, and signs announcing their meetings written in three languages. They announced their monthly clean-up events and educating their neighbors on cleaning up their properties; said eight new Community Development Agency (CRA) home dedications were held; street lights, purchased from a CRA grant, would be installed; announced the Mayan Festival and next clean-up event scheduled on South D Street were both on September 19, 2015.

C. Community Redevelopment Agency update

Joan Oliva, Executive Director, provided an update on their neighborhood stabilization program, West Village residential development, average sales price of homes sold in the target area between 2010 and 2014, sample property value increases, Wayfinding signage project, 5th Avenue South bikeway and pedestrian trail, Tropical Ridge Fitness Park and 211 playground, NeighborWorks Catalytic grant, small business loan and micro loan programs, creative corridor grant, and business attraction program on Dixie Highway. She announced the next community clean-up was on September 19, 2015, and the Peace Initiative Day event on September 20, 2015.

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

Vice Mayor Maxwell: announced the next clean-up event was on September 19, 2015; announced the Tropical Triathlon event on September 20, 2015, and said volunteers were still needed; commented that he coordinated a meeting with religious leaders in the Osborne community and that Mayor Triolo, Commission McVoy, and City Manager Bornstein attended, there was good conversation, and the need to have more people step up and speak on crime they witnessed; said people wanted to speak about homelessness and asked for a town hall or work session meeting to discuss programs that were available for the homeless and to invite all interested parties.

Commissioner Maier: commented that he was exploring the homeless issue and contacted Homeless Coalition of Palm Beach County. He said it was a difficult issue for municipalities and sympathized with businesses who wanted to feel safe and comfortable. Homelessness was a challenging issue for a city to address and was nationwide. He said there was a 2-1-1 service for individuals in need to call. Services were placed into one central access called the Senator Philip D. Lewis Center in West Palm Beach. Municipalities could partner with those agencies and homelessness was being addressed on a larger scale. He proposed Lake Worth partner with Homeless Coalition of Palm Beach County to host one of their events.

Commissioner McVoy: said he supported partnering with the Homeless Coalition of Palm Beach County, suggested a community event to have dialogue, and said City Hall was not the best place to have the dialogue; and said he continued to be involved with Good Government Initiative, he and other elected officials met on September 12, 2015, and that he was picking up ideas from others.

Commissioner Amoroso: commented that since he became an elected officials, he was trying to put together all issues; said two homeless individuals were taken off the streets with the help of Homeless Coalition of Palm Beach County; commented that individuals were transported to the Senator Philip D. Lewis Center daily, and if people living on the streets truly wanted help it was there. He said Lake Worth would be host of a 2-1-1 event and people were getting help. There was a lot of working pieces to the homelessness issue and suggested people help find a solution to get the homeless off the streets instead of complaining about it. He announced a new Lord's Place and Goodwill were located in Lake Worth.

Mayor Triolo: commented that the County did not do a good job in helping their people. Lake Worth was the first municipality to sign an ordinance

which allowed the Palm Beach Sheriff Office to transport anyone who needed help to the Senator Philip D. Lewis Center in West Palm Beach at no cost. She said the City was not insensitive to the homeless issue, and the Commission never took action to remove a damaged water fountain in Bryant Park. She announced her attendance at the Metropolitan Planning Organization meeting and attended an Osborne community meeting with Pastor Cato.

City Attorney Torcivia responded that he was involved with Homeless Coalition of Palm Beach County and cited locations for their upcoming events. He said they could have an event in Lake Worth in January or February and that several organizations attended these events and worked together.

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

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

Niko Segal-Wright said he spoke at the last Commission meeting and that it was great to hear the Commission was compassionate about the homeless issue. He said he did not feel that the issues were resolved and asked about two other water fountains removed from Bryant Park and not replaced. He said benches were also removed in Bryant Park. He commented that he would attend the next town hall meeting.

Ryan Hartman commented that he appreciated the Commission making an effort to help the homeless people, but never saw the Commission outside of the Commission Chamber. The number one problem was police harassment. He said he and his friends were not homeless, they dressed dirty, and were stopped by the PBSO. Until police harassment stopped, he said he would attend every Commission meeting. He said he heard from the homeless that they were being robbed.

Sugar Bear, on behalf of the Lake Worth Catholic Worker Cottage, thanked the City for restoring the water fountain at Bryant Park. He asked who authorized the fountain and benches to be removed from Bryant Park and who was behind this organization if the Commission were just puppets. He said citizens cared less about homeless veterans.

Samuel Neimeiser said he represented the Public Employees and Professional Manager's & Supervisor's Association Unions and wanted to be heard. He said he came to this meeting looking for the City to honor its employees and to bring them back to respectability. Every time he said he met with the City's Labor Attorney and staff he was met with "no". Today's meeting was the biggest insult, and the City waited until today to give him a study that he requested two months ago. He said it was not

give him a study that he requested two months ago. He said it was not fair, right, and an unfair labor practice. The employees deserved the 4% salary increase, but it should not come from their dignity or their pension.

Juan Chevere commented that the Commission said the Senator Philip D. Lewis Center would not take people if they used alcohol or drugs, the publics' comments were about harassment of the homeless and not about aid for them. He asked for the harassment of the homeless to stop.

Lynn Anderson asked why a 1984 worker's compensation claim was now being settled and about the issues.

Mayor Triolo recessed the meeting at 7:22 PM and reconvened at 7:45 PM.

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

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

RESOLUTION NO. 52-2015 OF THE CITY OF LAKE WORTH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; LEVYING MUNICIPAL TAXES ON ALL TAXABLE PROPERTY WITHIN THE CITY OF LAKE WORTH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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.

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

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

B. Resolution No. 53-2015 – First Public Hearing – adopt the Fiscal Year 2015-16 proposed City budget and schedule the second public hearing date for September 22, 2015

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

RESOLUTION NO. 53-2015, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR THE EFFECTIVE DATE THEREOF.

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.

Vice Mayor Maxwell left the meeting at 7:48 PM.

Comments/requests summaries:

1. Commissioner McVoy asked for clarity on the beach parking fees and Casino Building debt loan repayment in the Beach Fund.

City Manager Bornstein replied that the seasonal beach parking fees were included in the proposed budget and the \$500,000 loan to the Water and Self-Insurance Funds would be repaid over a 14 year term.

Vice Mayor Maxwell returned to the meeting at 7:50 PM.

2. Commissioner McVoy asked if the repayment monies were going to just the Water and Self-Insurance Funds or was there another fund.

Nerahoo Hemraj, Finance Director, replied that, over the 14 year term, some of the funds would go into the Water, Capital Project, and Self-Insurance Funds.

Commissioner Amoroso left the meeting at 7:57 PM and returned at 8:00 PM.

3. Commissioner McVoy asked why the Self-Insurance Fund had \$12 million in the proposed budget when there was \$2-3 million in previous years. He asked where the \$8 million came from and added to the Use of Fund Balance.

Mr. Hemraj replied that \$8 million accumulated over years and sat in

the Self-Insurance Fund Balance. The money was appropriated into the Use of Fund Balance to cover the City's liabilities.

4. Commissioner McVoy asked for the balances, sitting in funds, be shown over a longer period of time because he said he had a big problem with this issue and did not hear an explanation that made sense to him.
5. Commissioner McVoy commented that Burton and Associates had made a presentation earlier in the year and it was suggested that the City use the Burton and Associates tool to do the City's budget planning to make the budget process more transparent and efficient. He said the key part of that process, in addition to adding transparency, was projections and looking forward. There was a projected target and that it was prudent to have a reserve. He said he was concerned about the City currently operating at a 2.5-month reserve in the Electric Fund. With this budget, the City was moving down towards a two-month reserve. There was a need to increase electric rates. He announced that he could not support a budget that drew down the Electric Fund reserves. He said no one spoke to him about it being a bad idea to raise electric rates, based on the numbers of the utility. If the Commission choose not to increase the rates then, he said his only explanation was that it had no technical explanation, but a political explanation which bothered him a great deal.

Jack Borsch, Electric Utility Director, replied that Mark Beauchamp from Utility Financial Solutions and Burton and Associates worked together on the Electric Fund process. He said \$8 million was in the reserve, which was about 2.5 months. A three-month reserve was chosen because of bond rates, should the City need a loan. He said the Burton and Associates numbers were not correct because he found \$500,000 that was added back into the Electric Fund.

6. Commissioner McVoy commented about the many times he sat through budget work sessions, made a conclusion, then was told the numbers presented were incorrect. He said he had to make a decision based on correct numbers.

Mr. Borsch replied that he found money not spent in Fiscal Year 2015. The Burton and Associates model was based on old numbers from Fiscal Year 2013 and he did not know where they came from.

7. Commissioner McVoy commented that he heard over again that Burton and Associates was not given the right numbers, which left him to conclude that the numbers were changed to favor others. He said that left him very suspicious, which was why he had a problem

and was upset.

8. Mayor Triolo said the City had an electric rate parity ordinance and there was two more years to come into parity with Florida Power & Light.

City Manager Bornstein responded that the budget process began in March or April with staff's best guesses, which explained why the numbers were moving. The Burton and Associates model could be manipulated as the numbers continued to change. Staff was trying to shake those numbers and there was a change in Electric Utility Director that resulted in the City's favor. There was nothing behind the numbers to assume that staff did not know what they were doing. He said he wanted the Commission to have confidence in the budget numbers and not be uncomfortable with staff.

9. Mayor Triolo asked what the City's deadline was to adopt a budget.

City Attorney Torcivia advised that the Commission had to adopt the budget on first public hearing tonight, advertise for the second public hearing within two to five days prior to that public hearing, and approve the budget by October 1, 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. Mayor Triolo passed the gavel to Vice Mayor Maxwell and seconded the motion.

Comments/requests summaries:

10. Vice Mayor Maxwell commented that he was disappointed that this current and past Commission had tried to fight some of the City's issues with finances and processes in order to move the City forward, but there was inconsistency particularly the repayment of the Casino Complex debt. He said the Commission took a bad business plan, which was failed from the beginning, and now said his fears came to fruition. The City was now in the aftermath of that decision. He said he voted against the business plan; however, even though he voted against it, it was his responsibility, as a member of the Commission to uphold the obligation of the Commission to pay the debt within a specific period of time. Candidates tell people they would do something on the election trail then do something different once elected. This was a simple commitment to be kept for the people. The City was starting down the same path as it did with the old Casino Complex by not properly maintaining the building and subsidizing the tenants. The Commission would continue to have

this same discussion five years from now because of the maintenance. It would be easy to increase the parking rates to cover a bad business plan or to cover the pool. He proposed that there was enough money in the Beach Fund Balance to get through another year so that an adult decision on what to do with the beach could be made. The Casino Complex was losing \$300-400,000 if the debt was paid as originally scheduled. The pool may be fixed or the Commission may decide to close the pool. There were options for the pool, but the Commission could not raise beach parking fees to fund the Casino Complex. He proposed taking away the \$2.50 increased beach parking fee and using the Fund Balance to make up the difference. If these changes were done, then he said he would vote to approve the budget. He said he would not vote to increase water rates. If the Commission wanted to increase the electric rates, then they could do it.

Vice Mayor Maxwell announced that it was time for public comment.

Peggy Fisher said she did not know how many budget work sessions were held; however, there was 15 days from when a budget needed to be approved. With the grandstanding going on, this discussion went on longer than 30 minutes. She said she heard "I want" from one of the Commissioners; however, elected officials did not get an "I want." The Commission could have an opinion, but there should be "We want." She said she was ashamed to be at this point and ashamed of the Commission's tones. She asked the Commission to grow up and do their job.

Comments/requests summaries:

11. Commissioner McVoy commented that he recollected Commission consensus on what to do at the beach. The Commission decided to invest in maintenance, have additional lifeguards and increase their hours, and a number of items that needed to be done. A consensus was reached on how the Commission wanted to do it. The shortfall in the Electric Fund was in the millions of dollars while the consensus for the Beach Fund was in the hundreds of thousands. Information provided by Burton and Associates showed that the City was not on course with the electric rate. He said he would not vote to approve the budget without an electric rate increase.
12. Mayor Triolo asked if the Electric Department's business model was bad. She commented that there was a need to approve the budget and, every year, everyone stood on their budget "soap box."

Mr. Borsch replied the Electric Department's business model was not bad.

13. Vice Mayor Maxwell asked if the City would meet the 3-month Electric Fund reserve.

Mr. Borsch replied "yes", the City could meet the 3-month reserve.

14. Mayor Triolo commented that she did research on the Beach Fund when there was a motion made by former Commissioner Jennings and seconded by former Commissioner Mulvehill to require the Casino Complex debt be switched to a traditional conventional loan. She asked when that decision was changed.

City Manager Bornstein replied the decision came later when it was learned that it would be cheaper for the City to loan itself the money rather than get a conventional loan.

15. Commissioner Amoroso commented that the Commission had to approve the budget. There was consensus that the budget would move forward, but tonight the budget was not moving forward. There was plenty of time for the Commission to educate themselves and to ask staff about the \$8 million Self-Insurance Fund.

16. Commissioner Maier commented that Vice Mayor Maxwell had stated that he would not approve the budget because of the rate increase in the Water Fund; however, the Water Utility Director said that it barely made a difference in the water rate if the Casino Complex debt payment schedule was extended. He asked if there was a Casino Complex debt payment going into the Capital Project Fund.

Mr. Hemraj replied that \$494,000 was borrowed from the Capital Project Fund.

17. Commissioner Maier commented that there was Commission consensus about the Beach Fund. The Commission exhausted every opportunity to discuss the Beach Fund while other funds were barely or not discussed at all. He said he understood that, while there would still be questions, it appeared at one point that the Electric Fund was in a bad situation then, at the next budget work session, the numbers showed the Electric Fund was not. He said he was looking for a clear answer from the Finance Director about the \$8 million in the Self-Insurance Fund and that he still felt uncomfortable with the answer.

Vote:

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

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: Voice vote showed: AYES: Commissioners McVoy and Maier. NAYS: Vice Mayor Maxwell and Commissioner Amoroso. Motion failed in a tie vote.

Comments/requests summaries:

18. Vice Mayor Maxwell said Commissioner Maier's comments were worthy of discussion, but there was a need for a motion to approve the budget tonight.

19. Commissioner Amoroso requested moving forward with the other agenda items without taking action on the budget item at this time.

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

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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-09 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 19, "STREETS AND SIDEWALKS", BY DELETING SECTION 19-7, "PERMIT REQUIRED FOR EXCAVATIONS IN, UPON, UNDER OR THROUGH PUBLIC WAYS", SECTION 19-8, "EXCAVATION PERMIT FEES", SECTION 19-9, "REFILLING, WATER TEMPING BY EXCAVATOR; RESURFACING BY CITY", SECTION 19-10, "PERMISSION REQUIRED FOR CONSTRUCTION IN, UPON OR OVER PUBLIC WAYS", AND ARTICLE II, "CONSTRUCTION", AS THESE SECTIONS ARE OUTDATED; ENACTING A NEW ARTICLE II, "UTILITIES IN THE RIGHTS OF WAY" AND ARTICLE VII, "COMMUNICATION FACILITIES IN THE RIGHTS OF WAY", TO PROMULGATE REGULATIONS REGARDING THE ADMINISTRATION OF THE CITY'S RIGHTS OF WAY; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

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

Vice Mayor Maxwell announced that this was the time for public comments. No one from the public commented.

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

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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-10 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 12 “HEALTH AND SANITATION”, ARTICLE II, “SOLID WASTE COLLECTION AND DISPOSAL”, TO REMOVE OUTDATED LANGUAGE AND TO MODIFY THE REQUIREMENTS FOR THE COLLECTION OF CONSTRUCTION AND DEMOLITION DEBRIS AND THE USE OF DUMPSTERS AND ROLL-OFF CONTAINERS; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

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

Vice Mayor Maxwell announced that this was the time for public comments. No one from the public commented.

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

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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-11 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 9 “BUILDINGS AND STRUCTURAL REGULATIONS”, ARTICLE I “IN GENERAL”, SUBSECTION 9-2.2(G) TO CLARIFY NOTICE AND THE PROCEDURE FOR AN EMERGENCY DEMOLITION HEARING REQUEST; AMENDING SUBSECTION 9-2.2(I) TO REDUCE THE PUBLICATION REQUIREMENTS; AMENDING SUBSECTION 9-2.2(L) TO CLARIFY THE SPECIAL MAGISTRATE’S AUTHORITY TO ISSUE ORDERS AND TO ADDRESS CONFLICTS BETWEEN TIMES SET FOR COMPLIANCE AND PERMIT TIMELINES; AMENDING SUBSECTION 9-2.2(Q) TO REMOVE THE MANDATORY

RECORDING REQUIREMENT FOR LIENS AND TO CLARIFY THE CITY'S REMEDIES; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

Vice Mayor Maxwell announced that this was the time for public comments. No one from the public commented.

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

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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-12 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 2 DIVISION 2, SECTION 23.2-36, REZONING OF LAND AND FUTURE LAND USE MAP (FLUM); ARTICLE 3, DIVISION 2, SECTION 23.3-7, RESIDENTIAL DISTRICTS; ARTICLE 3 DIVISION 6, SECTION 23.3-25(e), MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

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:

- 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**

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

10. CONSENT AGENDA:

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

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

Vote: Voice vote showed: AYES: 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. 2015-13 – 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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-13 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING COMMITTED FUND BALANCES; DESIGNATING THE CITY MANAGER TO ASSIGN FUND BALANCES IN ACCORDANCE WITH THE CITY OF LAKE WORTH CODE; AND PROVIDING FOR THE EFFECTIVE DATE.

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.

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

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

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

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

RESOLUTION NO. 45-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING REASONABLE FEES FOR CITY SERVICES AND OTHER CHARGES FOR THE 2015-2016 FISCAL YEAR, AND PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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.

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

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

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

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

RESOLUTION NO. 51-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR RATES, FEES AND CHARGES, AND REGULATIONS FOR ALL ELECTRICITY SOLD BY THE CITY OF LAKE WORTH FLORIDA FOR USE OF ELECTRIC LIGHT AND POWER SYSTEM; ADJUSTING THE GENERAL SERVICE AND ENERGY CHARGE RATES; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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.

Vice Mayor Maxwell announced that it was time for public comment. No one from the public commented.

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

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.

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

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

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.

Comment/request summary:

1. Commissioner Amoroso asked if Ordinance No. 2015-12 amending various sections in the City's Land Development Regulations could be discussed since the motion to approve died for lack of a second.

City Attorney Torcivia replied that the Ordinance could be brought back up.

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.

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

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

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

Commissioner Amoroso left the meeting at 9:07 PM and returned at 9:09 PM.

Commissioner McVoy left the meeting at 9:08 PM.

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.**

Mayor Triolo announced that the Commission could talk about this issue; however, the budget needed to be approved on first public hearing.

Commissioner McVoy returned to the meeting at 9:10 PM.

City Attorney Torcivia advised that the millage and budget was usually discussed then adopted at the same time. The Fiscal Year 2016 millage was approved, but not the budget. He said he never researched the issue about what would happen if the millage rate was approved to levy taxes without adopting the budget. If the budget was not adopted tonight on first public hearing and the Commission decided to recess this issue to another meeting date then the calendar to set the second public hearing date would be thrown off. The County had their budget public hearing scheduled on September 21, 2015, so that date was not available to the Commission. There was a need to find a compromise because of the need to adopt the budget on first public hearing.

City Manager Bornstein explained that the budget process was difficult and the Commission had a most difficult job to do. The Commission was bombarded with a huge budget and some funds being highly regulated while others were not. This organization was not healthy, there were staff turnovers, and trying to find numbers that the Commission could trust. The budget should reflect a commonality. He said he did not want the Commission to think that these were bad numbers. There were disagreements about the Electric Utility Fund. At the Commission's direction there was an investment in employees with a 4% salary increase. There was a sewer and water rate increase, which was an

investment in the City's infrastructure. The Commission and staff did more at the Park of Commerce than the previous 20 years and it was something to be proud of. Lake Worth was going back to the State Legislators for more money. He said this budget was not bad. A public discussion was needed on issues, besides the electric rate and beach parking fees, that could be discussed right now. He asked what needed to be done to reach a compromise on the Beach Fund.

Comments/requests summaries:

1. Mayor Triolo commented that she did not want the beach parking fees increased. She said she did not vote for it and was not comfortable with it. There was a need to find other revenues and needed to figure out how long the Commission wanted to subsidize the Beach Fund.
2. City Manager Bornstein suggested increasing the beach parking fees and having a study done in six months to see how the rates were doing and bring the results back to the Commission in mid-year.
3. Commissioner Maier commented that Burton and Associates recommended increasing the electric rate in Fiscal Year 2016. Unless the Commission increase the rate, the Electric Fund would be in serious trouble with its reserve. The Electric Utility Director provided creativity to put the City in a position to not have to raise the electric rate this year. He asked for a guarantee that the Electric Fund reserve would not drop below four months.

Jack Borsch, Electric Utility Director, replied that he could not give a guarantee because the City was never to be at a four-month reserve.

4. Commissioner Maier asked if the Electric Fund reserve would continue to decrease.

Mr. Borsch replied that, according to Burton and Associates, the reserve would stay flat, but then the rates needed to be increased. He said he could not tell the Commission that there was a need for a rate increase until he cleaned out "his house" and until he could get his budget to a real place without "fluff." Afterwards, he said he could say to the Commission "with a straight face" that there was a need for a rate increase. He said he had only been with the City for five weeks. He commented that he could not "fluff" his budget with a rate increase, then look good to the Commission at the end of the fiscal year and give back money.

5. Commissioner Maier commented that Mr. Borsch was asking the Commission to take him at his word that he was finding chunks of

money all over the place.

Mr. Borsch replied that the City was sitting on money to upgrade for eight years while having line losses. This meant that it was dragging down the electric system. This was a sample of the savings that could be found.

6. Mayor Triolo commented that in 2011 there was discussion about the budget and \$2 million was found from various funds. There was padding in every enterprise fund.
7. Commissioner McVoy said he spoke to Burton and Associates and looked at their model. Mr. Borsch had indicated that there would not be a four or six-month reserve. The Commission agreed to a three-month reserve. He asked if the Electric Fund reserve would increase from 2.5 to 3 months if the budget was approved without an electric rate increase.

Mr. Borsch replied that Burton and Associates recommended a three-month reserve. The Burton and Associates graphs showed that the reserve would be flat this year.

8. Commissioner McVoy asked if the budget was approved without an electric rate adjustment would that action continue a downward slope until the rates were increased.

Mr. Borsch replied that his budget and rate numbers were flat, but his expenditures and rates evened out. He said he would hold his budget. He explained that the reserve gap did not reflect his operating budget. He would not use a rate increase to increase his operating budget.

9. Commissioner McVoy asked if the City's Electric Fund reserve would be looked at if the City went out and borrowed money.

Commissioner Amoroso replied that the City would look at Fiscal Year 2018 or 2019 before it went out for a bond.

10. Commissioner McVoy commented that it sounded like the Commission had already made a decision about the electric supply purchase.

Commissioner Amoroso replied the Commission had not already made a decision about the electric supply purchase; but if the Commission wanted to retool the Power Plant, then a bond would not be needed until Fiscal Year 2018 or 2019.

11. Commissioner McVoy commented that he heard about the Electric Utility Advisory Board's urgency to consider building the Power Plant.

City Manager Bornstein replied that he would ask the Electric Utility Advisory Board members about their deadline.

12. Mayor Triolo commented that the Commission should be passionate about the budget and needed to constantly review the funds. There was a need to be consistent and cover expenses in all funds.
13. Vice Mayor Maxwell commented that he heard that there was enough in the Fund Balance for one year while the Commission discussed the Casino Complex debt and pool. He suggested filling up the second floor space. He said he could not see increasing the beach parking rates and risk hurting the beach businesses. There was a need to do something different from what the City had been doing. If the Commission did nothing, then the City would have to subsidize the Casino Complex.
14. Vice Mayor Maxwell requested the beach parking rate not be changed.
15. Commissioner McVoy supported increasing the electric rate this year and commented that the Commission, during a budget work session, had already agreed on what to do with the Beach Fund.
16. Vice Mayor Maxwell commented that he and Mayor Triolo did not agree to increase the beach parking rate. The issue was not a unanimous consensus.

City Manager Bornstein replied that the Commission could have discussion on what it would mean to the budget if the rates were not increased.

17. Commissioner Amoroso commented that the budget would not work if the beach parking rates were not increased because of the capital improvements needed. He said Commissioner McVoy could not support an increase in the electric rates for the Electric Fund reserve while not supporting increasing the Beach Fund's reserve. Even if the second floor in the Casino Complex was rented, the Casino Complex still could not pay for itself. He said he voted to increase the beach parking rates this year and readdress the issue in one year.
18. City Manager Bornstein suggested, as a compromise, to increase the beach parking fee and review the Beach and Electric Funds in six months to see where they were going.

19. Commissioner Amoroso suggested giving the Electric Utility Director time to review his budget and review the Electric Fund in six months. He said people did not want the pool to close. If that issue was to be discussed, then it needed to be done in an open forum with the pros and cons discussed.
20. Vice Mayor Maxwell commented that taxes were being raised because of the rolled-back rate and the water rate was already increased. Now there was discussion about raising the electric rate and beach parking fees. He said he was not about this. None of the Commission was about this. The Commission was here to be fiscally responsible. There were new staff "sets of eyes" looking at the budget and what they were finding was poor past management. The experts said that it was not critical to raise the rates. The Commission made a commitment to be at electric rate parity. The Commission needed to be consistent, and if not, then they needed to agree on that inconsistency and provide their reasons why. As a body, the Commission had refused to acknowledge that the Beach Fund was bleeding even if the Casino Complex debt loan was not paid back. Rather than govern properly, the Commission raised the rates. In the past, 50% of the General Fund's revenue was coming from the Utility Funds.

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

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

Comments/requests summaries:

21. Commissioner McVoy commented that the Commission had already agreed to extend the lifeguard hours and the importance of investing \$100,000 per year for the Casino Complex for renewal and replacement. He said the Commission came to a reluctant agreement to keep the pool open 29 hours and agreed on the need for a Parking Technician. Some things the Commission accepted and some things the Commission said "it was a luxury" and the City could not afford. The Commission came up with a scheme to finance the items. There was discussion and no one would know if the beach parking rate would affect the number of people going to the beach. There was a reasonable plan to raise the beach parking and deal with the Casino Complex loan. He said he thought they were close on the electric and did not hear from anyone that they had a problem with raising the electric rate 1% in 2017, 2018, and 2019. He said he heard from the Water Utility Director that average

expenses across the nation would go up around 3% and those expenses needed to be financed. The City was artificially putting its hand in the Electric Fund's "cookie jar." He said he supported a 0.5% electric rate increase and maybe the 1% increase for 2017 could also be reduced.

Commissioner Maier left the meeting at 9:53 PM.

22. Mayor Triolo asked where the "cookie jar" and passion for the Beach Fund was. The City still did not have enough money to get "out of the red" even with the Casino Complex second floor completely leased at a decent rate. She asked, "Where was the consistency"? If the Commission was going to be good leaders, then they needed to create good business models.

Commissioner Maier returned to the meeting at 9:56 PM.

23. Commissioner McVoy commented that there was a prior agreement to increase the beach parking fees. He proposed raising the fees to \$2.25 year round, change the lifeguards from full-time to part-time, keep the extended lifeguard hours, and increase the electric rate by 0.5% in Fiscal Year 2016.
24. Vice Mayor Maxwell commented that compromises were already made by extending the Casino Complex loan payment term, now there was discussion about lifeguards, etc. Over the past several years, this staff had cobbled together a bare minimum Beach Fund budget. The purpose of the discussion at the beginning of the budget season was how to properly maintain and operate the beach. The first compromise was to extend the Casino Complex loan payment term and the second compromise was that the Commission did not get all of the things needed. Now the third compromise was to reduce the parking rate from \$2.50 for seasonal to \$2.25 year round. He said he would guarantee that there would be a need to increase the parking rate next year to cover the expenses at the beach. This was not discussion about the problems at the beach, but "kicking the can down the road." The Casino Complex was to pay for itself. The increase in beach parking rates was never intended to subsidize the Casino Complex or the pool. He asked when all five elected officials would admit that the entire business plan needed to be thrown out the window because it was flawed and did not work. He also asked when they would act like adults and figure out a way to fix the problem and move forward in a way that was fiscally responsible and not bearing the cost on the shoulders of the tax payers and visitors of the City. That was how the City got into the problem of increasing the electric rates. The City was able to reduce or keep the electric rates stable over the past five years

because of the excess reserves. The City did nothing more than rebate back to its customers what they paid into for many years because it was not managed properly. He said he would not compromise anymore and the whole process was bastardized.

25. Mayor Triolo and Commissioner Amoroso both commented that they would not vote in support of an electric rate increase.

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

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.

Comments/requests summaries:

26. Vice Mayor Maxwell asked what would happen to the Beach Fund next year.

City Manager Bornstein replied that there would be conversations about finding a tenant for the Casino Complex's second floor.

27. Commissioner McVoy commented that everyone was required to hook up to the electric system and that affected everyone. Not everyone went to the beach. There was a difference of thousands of dollars for the Beach Fund versus millions of dollars for the Electric Fund. He said he supported increasing the electric rate 0.5%. He also said that the City may not have to raise the rate another 0.5% in six months. He asked the Commission to stop taking from the Electric Fund reserve.

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

Mayor Triolo resumed the gavel.

Comments/requests summaries:

28. Vice Mayor Maxwell commented that Mr. Borsch found \$3 million in the five weeks that he was with the City. He said he would be surprised if he did not see a savings trend and would not need a rate

increase in Fiscal Year 2017. He commented that staff was not concerned about adopting the Electric Fund budget.

Mayor Triolo passed the gavel to Vice Mayor Maxwell.

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

12. NEW BUSINESS:

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

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

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

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

RESOLUTION NO. 45-2015 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING REASONABLE FEES FOR CITY SERVICES AND OTHER CHARGES FOR THE 2015-2016 FISCAL YEAR, AND PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

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.

No one from the public commented.

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

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

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

RESOLUTION NO. 51-2015 OF THE CITY OF LAKE WORTH, FLORIDA, PROVIDING FOR RATES, FEES AND CHARGES, AND

REGULATIONS FOR ALL ELECTRICITY SOLD BY THE CITY OF LAKE WORTH FLORIDA FOR USE OF ELECTRIC LIGHT AND POWER SYSTEM; ADJUSTING THE GENERAL SERVICE AND ENERGY CHARGE RATES; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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.

No one from the public commented.

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

Mayor Triolo resumed the gavel.

8. PUBLIC HEARINGS:

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

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-12 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 2 DIVISION 2, SECTION 23.2-36, REZONING OF LAND AND FUTURE LAND USE MAP (FLUM); ARTICLE 3, DIVISION 2, SECTION 23.3-7, RESIDENTIAL DISTRICTS; ARTICLE 3 DIVISION 6, SECTION 23.3-25(e), MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

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.

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

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

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

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioner Amoroso.

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

Comments/requests summaries:

1. Commissioner Mainer asked about the intent of the ordinance and why there was a need for the Planned Unit Development (PUD) language.

William Waters, Community Sustainability Director, replied that one of the pieces was to address a provision in the code to request a rezoning, modification to the Comprehensive Plan, or a combination of both. Another piece was a mixed-use urban development provision that allowed a PUD in a mixed use district east of I-95, and another piece was to provide an incentive for single-story homes in single family zoning districts. He explained the requirements of a PUD.

2. Commissioner Maier asked if this ordinance could allow for the demolition of historical contributing structures and if losing a contributing structure took away the historical value in the neighborhood.

Mr. Waters replied that the Gulfstream Hotel's Certificate of Appropriateness to demolish a contributing structure was in 2007 or 2008. That approval ran out. Since then the buildings were not taken care of by the previous or current owners. He said it would be unlikely that the Historic Resource Preservation Board members would not support a demolish when the structures were in better condition in 2007. He said there was no language in the ordinance to prevent down zoning.

3. Commissioner Maier commented that when a PUD was being proposed a legal notice had to be published in a newspaper of general circulation. He asked why the notice was published in the Lake Worth Herald instead of the Palm Beach Post, which had a greater circulation.

Mr. Williams replied that the Palm Beach Post had a shorter deadline period and the Lake Worth Herald worked with staff to meet their deadline. The Lake Worth Herald cost one-third the price of the Palm Beach Post and, trying to be economically prudent with the City's money, staff chose to advertise in the Lake Worth Herald. In addition to the newspaper notice, staff was required to post a notice on the property, and send a certified letter to all property owners within 400 feet.

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.

15. CITY MANAGER'S REPORT

A. October 6, 2015 – draft Commission agenda

City Manager Bornstein did not provide a report.

16. ADJOURNMENT:

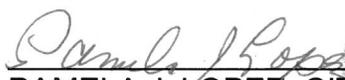
Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to adjourn the meeting at 10:35 PM.

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

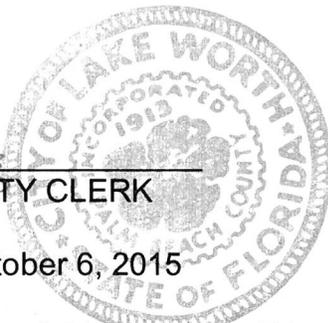


PAM TRIOLO, MAYOR

ATTEST:



PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: October 6, 2015

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