

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
OCTOBER 6, 2015 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Scott Maxwell; and Commissioners Christopher McVoy, Andy Amoroso, and Ryan Maier. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and City Clerk Pamela Lopez.

2. INVOCATION:

The invocation was offered by Pastor Ray Stenersen, Lake Worth Apostolic Lutheran Church.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Christopher McVoy.

4. AGENDA - Additions/Deletions/Reordering:

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to waive the rules to:

- Delete Presentations, Item B – Certificate of Recognition to Florida Food and Farm, LLC for volunteerism;
- Delete Consent Agenda, Item A - Resolution No. 55-2015 – amend the list of observed legal holidays to add Columbus Day; 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. Apprenticeship/Lineman Program Graduation for Marcus Neal

Walter Gill, Assistant Electric Utility Director, explained the educational process of the apprenticeship/lineman program. He said Marcus Neal was the first individual to graduate from the program.

Mayor Triolo presented a Certificate of Completion of Apprenticeship, Certificate of Program Completion, and Certificate of Apprenticeship for

Line Erector (Lineman) to Mr. Neal.

B. (Deleted) Certificate of Recognition to Florida Food and Farm, LLC for volunteerism

C. Southern Golf Central Magazine's framed article presented to the City

Christopher Fletcher, Golf Pro, explained that correspondent Mike May from the Southern Golf Central Magazine published an article about the history and beauty of Lake Worth's Golf Course. He presented the City with a plaque containing the article.

D. Parrot Cove Neighborhood Association update

Anthony Marotta, President, provided an update about the number of homes in their neighborhood, boundaries, board of directors, and events and activities. He announced the 2016 events and said volunteering and contributing to charities were important in their community.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: offered no report or comments.

Commissioner McVoy: asked if the Mayor's Four-County Southeast Florida Climate Compact pledge was approved by the City since they did not have the City listed as taking the pledge.

Commissioner Maier: announced his attendance at the September 13, 2015, Treasure Coast Regional Planning Council meeting; two issues that effected Lake Worth were: 1) a request from Miami-Dade County to remove sand from Palm Beach and Martin Counties to renourish their beaches, and 2) reduce the size of the Agriculture Reserve (AG Reserve) area around Lake Okeechobee to allow for higher density. He said a Planned Unit Development (PUD) changes zonings to be inconsistent.

Commissioner McVoy commented that the AG Reserve issue was scheduled at the October 26, 2015, County Commission meeting.

Commissioner Amoroso: cited upcoming events planned for Halloween, Veterans and Christmas Parades, and Christmas Bike Give-A-Way; announced that students sold their artwork in the Cultural Plaza on October 2, 2015, and said another sale would be scheduled before the holidays; and announced that children would be having a Bryant Park cleanup event on October 10, 2015.

Mayor Triolo: announced her attendance at the Metropolitan Planning

Organization meeting and suggested a work session be scheduled to discuss the Complete Street Program, announced that TriRail now had a shuttle to the airport, and House Bill 41 addressed hazards near schools and that an assessment of all roadways near schools would be done; thanked the Guatemalan community for the Archangel Michael celebration event; attended a Putt Putt golf tournament for charity; and attended the Rotary Club's Peace Pole dedication in front of City Hall.

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

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

Katie McGiveron asked for the City's Election Canvassing Board to be made up of people from outside the City to give a more honest perception than if the City ran the election. She asked for the election process to be kept honest.

Michael Chase Fox said he attended a couple of farm worker fund raisers, there were misgivings about migrant workers, said they gave more than they took, they were dehumanized and their families separated, and that the Farm Worker Coordination Council was doing what was best for the community and for Lake Worth.

Walter Harper announced the publication of his new book about the City, said all of the proceeds would go to the Friends of the Library and the Museum, and that the book was available for sale.

Brigitte Earl said she owned several buildings and received a notice that parking on the west side of G Street would no longer be allowed. She suggested making G Street a one-way, southbound road and said the City Manager would be scheduling a field meeting to discuss the parking issue.

Mayor Triolo read the comments written by Jon Faust. Mr. Faust wrote that the Neighborhood Association Presidents Council would like to thanked the City for having American flags hung from the light poles in preparation for the Veterans Day Parade and activities.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Mary Lindsey, Jo-Ann Golden, Michelle Sylvester, Loretta Sharpe, and Richard Stowe.

8. **APPROVAL OF MINUTES:**

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

- A. **City Commission Meeting – September 15, 2015**
- B. **City Commission Special Meeting – September 22, 2015**

Comment/request summary:

1. Commissioner McVoy commented that it was rude for the Commission or City Manager not to address the public's comments. He asked for a means to allow for comments on the public's comments.

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

9. **CONSENT AGENDA:**

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

- A. **(Deleted) Resolution No. 55-2015 – amend the list of observed legal holidays to add Columbus Day**

The following resolution was deleted from the agenda:

RESOLUTION NO. 55-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING THE SECOND MONDAY IN OCTOBER AS A LEGAL HOLIDAY FOR ALL CITY EMPLOYEES; AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO ESTABLISH RULES FOR THE SAME; AND PROVIDING AN EFFECTIVE DATE.

- B. **Resolution No. 56-2015 – amended agreement with the Supervisor of Elections Office for equipment use and election services and designate the Municipal Canvassing Board**

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

RESOLUTION NO. 56-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AN AMENDED AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF LAKE WORTH; DESIGNATING THE CITY'S CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE.

- C. **Resolution No. 57-2015 Amendment 001 to the Interlocal Agreement for the CDBG-funded 11th Avenue South Right-of-Way Improvements project**

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

RESOLUTION NO. 57-2015 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AMENDMENT 001 TO THE 11TH AVENUE SOUTH RIGHT-OF-WAY IMPROVEMENTS PROJECT INTERLOCAL AGREEMENT TO EXTEND THE TIME OF PERFORMANCE; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 001 TO THE PROJECT INTERLOCAL AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- D. **First Amendment to the Legal Services Agreement with the Law Firm of Caldwell Pacetti Edwards Schoech & Viator LLP**
- E. **Ratify appointment of a board member to the Electric Utility Advisory Board**
- F. **Ratify the appointment of a board member to the Historic Resources Preservation Board**

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

10. **PUBLIC HEARINGS:**

- A. **Ordinance No. 2015-12 – 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 Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-12 on second reading.

Comments/requests summaries:

- 1. Commissioner Maier commented that he wanted to address rushing through the agenda. He said this was about the fourth time this ordinance was before them, and the reason for this being on the agenda was because two Commissioners did not have time to vote. He urged everyone not to be in haste to ask for a motion.

2. Commissioner McVoy commented that the purpose of the Commission with five people was to have a diversity of viewpoints. It was the duty of the chairperson to respect the Commission and make sure that they were represented and allowed to make comments. The Mayor had an obligation to make sure there were no pending comments.
3. Commissioner McVoy commented that language on one of the portions in the ordinance was very vague and very subjective and other communities had similar material for their Land Development Regulations. He said he got the impression that the ordinance was not very far from "spot zoning" and was being rushed through at the request of the Gulfstream Hotel owners.

Vice Mayor Maxwell asked Commissioner McVoy where he got his information from.

4. City Attorney Torcivia explained that on September 15, 2015, three members of the City Commission voted to approve the ordinance. At that meeting, the Mayor was in the process of having Commission comments and Commissioner McVoy was finishing up his comments.
5. Mayor Triolo said everybody had the right to speak and give their opinion, but when an elected official does not like the results of that opinion, they did not have the right to beat everybody over the head with their comments and opinions over again. Elected officials stated their opinions, and everyone had a chance to say that opinion and have diversity, which Commissioner McVoy spoke of. Elected officials did not have the right to say it over and over again because they did not get their way on the vote. It was improper and wrong. She said she and everyone else did not do this, but sometimes an elected official did not always get what they wanted. She asked Commissioner McVoy not to blame her for being rude when he was the one speaking out of order and out of turn. He was violating their very rules by making his comments. Everyone had a chance to speak and she said she always gave everybody a chance to vote. At the last meeting, Commissioners McVoy and Maier did not vote on this ordinance. They knew they were supposed to vote. It was the elected official's job to vote on things whether they liked it or not. It was their job to vote on the motion.
6. Vice Mayor Maxwell commented that it was against State law not to vote. He called for the question.

City Attorney Torcivia replied that everyone had an obligation to vote. He understood that two Commissioners did not have an opportunity to vote. He said everyone could voice their opinion then take a vote. He said this was a public hearing and there was a need to hear public

comment before the motion was voted on.

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

Jo-Ann Golden said she tried to comment at the last meeting about the Land Development Regulations. She asked for the executive brief in the backup material to include the reason for what was being proposed and the reason for the changes.

Mary Watson said she was concerned about moving towards "spot zoning" to help a developer. She said she was not sure what was in the ordinance; however, she and her neighbors were concerned about density, being able to purchase two or three lots that would result in development, and wanted to preserve the integrity of her neighborhood.

Loretta Sharpe commented that the City spent seven years writing the Land Development Regulation. Everyone could now read the regulations and understand what they meant. She said she was tired of hearing someone state that "all my neighbors were against." If neighbors were against something, then they should attend the meeting and voice their objection.

Peggy Fisher asked someone to explain that the ordinance was not "spot zoning" and give people the truth.

John Szerdi said he understood that the ordinance was created for consistency between the Future Land Use Map and the Land Development Regulations. The ordinance was not "spot zoning", but an effort by the City to make things consistent and compatible. He said for years there was inconsistency, which caused confusion. This ordinance was staff's effort to make things consistent and was a housekeeping item.

Comment/request summary:

7. William Waters, Community Sustainability Director, replying to the publics' comments explained that the ordinance did not change any provision in the Comprehensive Plan for density and Floor Area Ratio. It addressed 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 Planned Unit Development (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.

Vice Mayor Maxwell withdrew his request to call the question in order for Commissioner McVoy to speak.

Comment/request summary:

8. Commissioner McVoy commented that he had a big problem with the concept that the Commission was limited in doing their representation of their citizens in order to get out of the meeting by 8:00 PM.

Vice Mayor Maxwell called the question.

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

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

- A. **Ordinance No. 2015-14 – First Reading – create valet parking regulations and schedule the public hearing date for October 20, 2015**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-14 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 19, STREETS AND SIDEWALKS, BY ADOPTING ARTICLE VII "VALET PARKING" TO REQUIRE A PERMIT FOR COMMERCIAL BUSINESSES THAT PROVIDE VALET PARKING SERVICES; PROVIDING FOR DEFINITIONS, APPLICATION CRITERIA AND PROCESS, PERMIT CONDITIONS AND RESTRICTIONS, INDEMNIFICATION AND INSURANCE, ENFORCEMENT AND APPEALS AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-14 on first reading and schedule the public hearing date for October 20, 2015.

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

Loretta Sharpe asked where the valet parking area would be located and said she opposed the area being on Lake Avenue.

Comments/requests summaries:

1. City Manager Bornstein commented that the City would first have to receive a valet parking permit request in order to determine its

location. He said there was angled parking on J Street and valet parking would affect those businesses and traffic on J Street.

2. Commissioner McVoy asked if there was less traffic on the side streets than Lake and Lucerne Avenues.

City Manager Bornstein replied that there was more traffic on Lake and Lucerne Avenues. The permit application would include the number of parking spaces requested. Currently there was no regulation for valet parking. He said the criteria in the ordinance was comprehensive and restricted the number of spaces to request.

3. Vice Mayor Maxwell asked if the City could designate an area to be used.

Mayor Triolo replied that the parking allowed in front of the Lake Worth Playhouse was approved by the City Manager. Other cities had valet parking lots, which were leased. Having these lots provided more parking because the valets took the cars away from the main streets. She said she had no objection to putting the parking area in other areas and believed in providing valet parking. She commented that there was not enough parking, especially during events.

4. Commissioner Maier said the ordinance was an additional layer of protection and made the rules stronger in order to prevent the downtown area from being congested.

Mayor Triolo reopened the time to allow for public comment.

Bridgette Earl asked for valet parking on G Street.

Comment/request summary:

5. Commissioner Amoroso clarified that the City was not offering valet parking, but businesses could request a permit for valet parking.

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

B. Ordinance No. 2015-15 – First Reading – amend the City’s Sidewalk Café ordinance and schedule the public hearing date for October 20, 2015

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2015-15 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 19, STREETS

AND SIDEWALKS, ARTICLE IV, SIDEWALK CAFES, BY AMENDING SECTION 19-52, PERMIT REQUIREMENTS AND FEE, TO ADDRESS RIGHTS-OF-WAY THAT ARE SUBJECT TO A CITY LEASE; PROVIDING FOR COMPLIANCE OF PERMITTEES WITH SUCH LEASE REQUIREMENTS; AMENDING SECTION 19-53, PERMIT APPLICATION, TO ADDRESS FEES; AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2015-15 on first reading and schedule the public hearing date for October 20, 2015.

City Manager Bornstein explained that the ordinance addressed the Florida Department of Transportation's proposed lease agreement terms and conditions and to make the City's sidewalk café permittees aware of and subject to them.

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

Loretta Sharpe said she knew the Florida Department of Transportation wanted to get paid for usage of their right-of-way. She commented that it was easier to fight the State than the residents.

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

C. Discuss the Lake Worth Beach Complex, Casino Building Vacant Space and Municipal Pool Invitation to Negotiate (ITN)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to terminate the Invitation to Negotiate.

Mayor Triolo announced that it was time for public comment.

Katie McGiveron said she hoped the Invitation to Negotiate (ITN) process was ended. She said she was concerned about Hudson Holdings. After the last Commission meeting there was a news conference that none of the Commission knew about. She asked how Hudson Holdings got into the Casino Building for the news conference. She apologized to the Commission for taking them by surprise at the last meeting and said she did not blame them because Hudson Holding made statements on their own.

Loretta Sharpe said she never saw a building like the Casino. It was a disaster and the business plan was a disaster. She said she attended a wedding in Georgia and the facility provided a suite of rooms for the bride,

groom, and their attendants to change their clothes. She said a place like that was where someone went for events and not the crazy Casino Building where the water ran under the doors or where the door handles were rusty. She said the ITN was a mistake, and the building should be made rentable because the City was not rich.

Mary Watson commented that she was shocked to hear about Hudson Holdings' news conference and was surprised that the Commission did not know anything about it. She said this could be a Sunshine Law violation. People were interested in the beach area and Hudson Holdings agreed that a decision about the beach area should be voted on by the people.

Jo-Ann Golden said she was glad that the ITN was ended. It was a travesty to the City and should not have been done. The ITN lacked transparency in government. She said a Private/Public Partnership No. 3 proposal submitted to the City by Hudson Holdings needed to be explained by the Commission and not the proposer. Residents needed to be the leaders. Any description or notice would be through the City and not through the private partner. She said there was a need to make sure the process was transparent.

Action: Amended motion made by Commissioner McVoy and seconded by Commissioner Maier to terminate the Invitation to Negotiate and reject all proposals.

Comment/request summary:

1. Mayor Triolo commented that she understood the City Manager had brought forward the ITN process in order to bring ideas to the table, which was a disaster. She suggested the ITN process not be brought before the City again.

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

No update was provided.

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:

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. October 20, 2015 – draft Commission agenda

City Manager Bornstein provided the following report:

- Announced that there was an initial comprehensive meeting with staff, Siemens, and URS (the City's Owners Representative) this week. Everyone spent several hours talking about the process and the need to receive monthly reports so that the Commission was kept in the loop on the project and acquisition of supplies. He said something should begin in December. He commented that the project included new street lighting, solar panels installed at the landfill, upgraded lighting in City facilities, and replacement of all water and electric meters to improve accuracy and applications to monitor customer usage. He said everyone would be kept informed on the project.
- Reported that meetings with the new Florida Department of Transportation District Secretary were being scheduled. He said they did not want to bring their streets up to standard. He commented that he would not support the Commission accepting their streets without them and the infrastructure being up to standards.
- Announced his attendance at the International City Manager Association's conference. He said he spoke to some of the Commission about bringing forward ideas on communication and outreach into the community. He said other cities were already on the cutting edge with newsfeed and electronic outreach.

16. ADJOURNMENT:

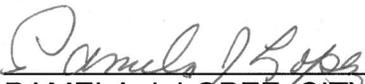
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to adjourn the meeting at 7:41 PM.

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

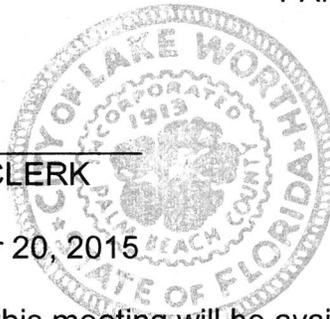


PAM TRIOLO, MAYOR

ATTEST:



PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: October 20, 2015

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

