

**MINUTES  
CITY OF LAKE WORTH  
REGULAR MEETING OF THE CITY COMMISSION  
JANUARY 5, 2016 – 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 OR MOMENT OF SILENCE:**

The invocation was offered by Pastor Mike Olive, Common Ground, on behalf of Mayor Pam Triolo.

**3. PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was led by Commissioner Christopher McVoy.

**4. AGENDA - Additions/Deletions/Reordering:**

Action: Motion made by Commissioner Maier and seconded by Commissioner McVoy to waive the rules to:

- Reorder Consent Agenda, Item E to New Business as Item D – Task Order with Keith & Schnars for a Traffic Calming Study & Associated GIS Base Map – Phase 1;
- Reschedule Public Hearings, Items A.1, A.2, and A.3 to January 19, 2016 - Property located 200 feet west of the 10th Avenue North and Boutwell Road Intersection:
  - 1) Ordinance No. 2016-01 - Second Reading - voluntary annexation of 6.54 acres
  - 2) Ordinance No. 2016-02 - Second Reading - Small Scale Future Land Use Map Amendment
  - 3) Ordinance No. 2016-03 - Second Reading - rezone property; 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. Proclamation declaring January 18, 2016 as Martin Luther King, Jr. Day**

Mayor Triolo read the proclamation declaring January 18, 2016, as Martin Luther King, Jr. Day.

Former Commissioner Retha Lowe accepted the proclamation and invited everyone to attend the scheduled events on January 18, 2016.

**B. Accept a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada**

Mayor Triolo presented Acting Finance Director Corrine Elliott with a Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ended September 30, 2013.

**C. Sea Level Rise Conference**

Commissioner Maier provided an update on the South Florida Regional Climate Summit that he and several Commissioners attended. He explained that, while Palm Beach County may not see the sea level rise in 40 years, the Federal Flood Insurance program was in bankruptcy. The banking industry currently did not require homeowners to carry additional flood insurance, but, in the coming years, they may require it to be escrowed. As a City, in the future there was a risk of potential lawsuits from residents and insurance companies claiming that the City and State did not do enough in the development plan to protect owners from excess flood insurance. He said a similar lawsuit was dismissed, but that it could be a trend in the future. As a City, there was a need to provide for sea level rise to protect residents. He said that Delray Beach had become a new high risk area

Comments/requests summaries:

1. Commissioner McVoy commented that he attended the Summit and said real estate agents were expected to disclose sea level rise risks to potential buyers. He said portions of South Florida were putting in a level of resources, expertise, and staff to create forward thinking ways to inform residents and develop visions based on that information.
2. Vice Mayor Maxwell commented the he attended the Summit and said the data kept changing, and the issue was a concern for everyone. He commented that a study on risk factors was done and that he was comforted to know that Palm Beach County was low on the list of risk areas. He said there was a need to continue to monitor the situation and try to model what Miami-Dade and Broward Counties were doing.

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

Vice Mayor Maxwell: wished everyone a Happy New Year and said he was looking for a bright and prosperous 2016.

Commissioner McVoy: wished everyone a Happy New Year, announced that today was Democracy in the World Day, and in December 2015 Venezuela had a democratic inauguration. He said there was a lot of community input about policing that was not working and that he met with Captain Baier. He commented that another meeting with Captain Baier was scheduled. There was a need for community workshops or other means to gather input from the community. He announced his graduation from the Good Government Program he had been attending between August and December. He said his name was mentioned in the New Yorker magazine on sea level rise. He commented that he wanted everyone present at this meeting to know that he personally supported the Gulfstream Hotel and its renovation, but that he may be portrayed as not supporting it. He said he favored development, but was more in favor of democracy. A vote regarding height restriction was taken in the past, and the Commission had an opportunity to act on incorporating those height issues in the vote. He announced on January 16, 2016, Sunset Ridge Neighborhood Association was having an event at the Grey Mockingbird Garden at the Masonic Community Center.

Commissioner Amoroso: wished everyone a Happy New Year and said he was looking forward to a happy 2016. He announced that Project Homeless Connect was coming to Lake Worth as an outreach on January 22, 2016, at the Calvary Church on 1<sup>st</sup> Avenue South. The purpose of the event was to reach those individuals who needed help.

Commissioner Maier: said he had been working on the outreach event with the Homeless Coalition. He explained that the event was not to perpetuate homelessness or to promote the City as being a place to come and be homeless. The event was to tap the City's homeless with the resources that were readily available. He wished everyone a Happy New Year.

Comment/request summary:

1. Vice Mayor Maxwell commented that the City would have a booth at the Homeless Coalition event with information on all of the City's available resources. He asked all of the Commission to attend.

Mayor Triolo: asked everyone to make time for the Homeless Coalition event which was scheduled from 9 AM to 1 PM at 334 1<sup>st</sup> Avenue South. She said she spoke to former County Commissioner Shelley Vana about ideas to help the homeless, invited her to attend the Homeless Coalition

event, and said the County wanted to partner with the City on this issue. She announced that a presentation about complete streets and overhauling Dixie Highway to make it attractive, safe, and walkable would be scheduled sometime in 2016. She announced that funding was found for Voluntary Pre-Kindergarten (VPK) centers in the north and south side of the City and that a location on the north side was found to bring programs to children.

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

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

Ruby Bell commented that this was the first Commission meeting she had attended since moving to Lake Worth in 2008 and that safety and use of the parks were the reasons for her family selecting Lake Worth to live. She said her youngest child is now not allowed to go anywhere in the City alone because of the number of homeless and derelicts in the parks. She commented that she understood the City had to make choices and that there were choices for the homeless individuals.

Lynn Anderson thanked Pastor Olive for giving the invocation and said his parish did a lot for the homeless, who were recovered substance abusers. She commented that she feared mortality and Pastor Olive's congregation were very appreciative of his service. She said she hoped everyone would attend his church. She commented that there were 14 items under the Consent Agenda and some of them did not deserve to be there. She said there was a need to look at what was placed under the Consent Agenda because they were not routine and deserved discussion.

Ray Gross commented that he agreed with Commissioner McVoy about community policing and the crime in the City. He said he was here because of the need for major changes. He said he heard President Obama's speech about gun control, his father was a Military Police in the armed services, and there was always guns in his home. He advised that his home on South M Street was now the "hood" for drugs and crime. He said he called the Sheriff's Office about a noise complaint and the Deputy who showed up aimed a gun at him then shot his dog.

Pat Emmert thanked the Commission for scheduling resolutions to oppose the Trans-Pacific Partnership and fracking on the agenda. She thanked Commissioner McVoy for adding these items to the agenda.

Dustin Zacks said he was against the Trans-Pacific Partnership opposition resolution and wished everyone a Happy New Year.

Maryann Polizzo thanked the Commission for addressing the homeless issue and said the homeless individuals did have choices. She advised

that five homeless individuals blocked her from crossing the bridge, they went through people's trash, stole clothing, or took food. She said she knew that the homeless individuals were being brought into the City and said she hoped the Homeless Coalition meeting would take care of the problem.

Elexa Harrison said she wanted to address Bryant Park and said she used to hang out there with her children, but now could not because there was not a good crowd. At Christmas, there were about 20 homeless individuals at the park and asked the Commission to look into changing that issue so that her family could go to Bryant Park and play.

Dylan Harrison said he was a business leader in Lake Worth and did not know where the word "homeless" came from because they were not homeless or veterans. They were 25 year old crack addicts. He held up a bag of used hypodermic needles and showed a picture of needles that were laying on the ground around his children.

Patti Lucia commented that Mother Earth Sanctuary Café had been in Lake Worth for 8.5 years and wanted to stress to the Commission that the homeless activities in the downtown area had a big impact on her business. She said she had to clean defecation with bleach and a broom everyday before she could open her business. In the near future, she said she would have to make a decision on whether Lake Worth was still the place for her business. She said she did not sell alcohol because it was her principle and was not sure if Lake Worth could continue to be a fit for her.

Joseph Torres said he was a new resident in Lake Worth and was embarrassed because of the sober homes and sexual activities going on in his neighborhood. He said there was illegal activities going on at an auto business in his back yard and home owners were renting out rooms for sober homes.

Fran Hollis-Torres thanked Commissioner McVoy for coming to her home. She said abandoned homes were being occupied, prostitutes were going into trucks at night in the North H Street alleyway, and there were drug dealings. She said the next thing to come was gangs.

Teresa Miller said she was seeing homeless individuals all over the City and locals and out of towners had told her that they were approached for money. These individuals were sleeping and urinating in public. The City had to deal with the Americans with Disability Act and laws. She said she was not sure what the City could do, but said the citizens would be behind the City.

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Jo-Ann Golden, Michelle

Sylvester, Barbara Aubel, Peggy Fisher, and Greg Rice.

Mayor Triolo read the comments written by Alicia Vannini. Ms. Vannini wrote that she wanted to thank the City of Lake Worth and the community. [The Retreat at Palm Beach] had a brand new high end substance abuse treatment center opening next month on Lake Worth Road in Palm Springs.

**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 – December 8, 2015**

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

**9. CONSENT AGENDA:**

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

**A. Resolution No. 01-2016 – oppose the Trans-Pacific Partnership**

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

RESOLUTION NO. 01-2016 OF THE CITY OF LAKE WORTH, FLORIDA, OPPOSING THE TRANS-PACIFIC PARTNERSHIP; DIRECTING STAFF TO SEND A COPY OF THE RESOLUTION TO THE HOUSE AND SENATE LEADERSHIP AND FLORIDA HOUSE AND SENATE DELEGATES TO THE 114<sup>TH</sup> CONGRESS; AND PROVIDING FOR AN EFFECTIVE DATE.

**B. Resolution No. 02-2016 – support a statewide prohibition on fracking to explore and produce oil and natural gas in Florida**

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

RESOLUTION NO. 02-2016 OF THE CITY OF LAKE WORTH, FLORIDA, SUPPORTING A STATEWIDE PROHIBITION ON HYDRAULIC FRACTURING, ACID FRACTURING, AND SIMILAR HIGH PRESSURE WELL STIMULATION PRACTICES PERFORMED FOR THE PURPOSE OF EXPLORATION AND PRODUCTION OF OIL AND NATURAL GAS IN THE STATE OF FLORIDA AND SUPPORTING LEGISLATION PROVIDING FOR THE PROHIBITION; AND PROVIDING AN EFFECTIVE DATE.

**C. Resolution No. 03-2016 – agreement with Palm Beach County for improvements to Tropical Drive and Barton Road**

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

RESOLUTION NO. 03-2016 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY IN THE AMOUNT OF \$513,343 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE TROPICAL DRIVE AND BARTON ROAD STREET IMPROVEMENTS PROJECT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

- D. Purchase Order to Garber Chevrolet, Pontiac, GMC Truck for two replacement vehicles for the Code Compliance Division**
- E. (Reordered to New Business as Item D) Task Order with Keith & Schnars for a Traffic Calming Study & Associated GIS Base Map – Phase 1**
- F. Second Amendment to an Agreement with D.S. Eakins Const. Corp. for crews with equipment for specialized underground utility repairs**
- G. First Amendment to an Agreement with Sulphuric Acid Trading Company, Inc. to purchase bulk sulfuric acid for the Reverse Osmosis Water Treatment Plant**
- H. First Amendment to an Agreement with Harcros Chemicals, Inc. to purchase caustic soda for water treatment and odor control**
- I. Amendment to an Agreement with LHoist North America of Alabama, LLC to purchase bulk quicklime for the Water Treatment Plant**
- J. Agreement with Odyssey Manufacturing Co. to purchase sodium hypochlorite (bleach)**
- K. Agreement with Craven Thompson and Associates for engineering design, bid and construction phase services for the 2-Inch Watermain Replacement Program, Years 2 through 6**
- L. Restrictive Covenant for Benzaiten Center for Creative Arts Grant (FEC Train Depot)**
- M. Settlement on attorney's fees for City of Lake Worth v. C & E Holding of Palm Beach County, Inc.**

**N. Agreement with Florida Railroad, LLC for acquisition of certain rights of way and an easement for the Boutwell Road Infrastructure Project**

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

**10. PUBLIC HEARINGS:**

**A. (Rescheduled to January 19, 2016) Property located 200 feet west of the 10<sup>th</sup> Avenue North and Boutwell Road intersection:**

**1. Ordinance No. 2016-01 – Second Reading – voluntary annexation of 6.54 acres**

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

ORDINANCE NO. 2016-01 OF THE CITY COMMISSION OF LAKE WORTH, FLORIDA, ANNEXING THE PROPERTY LOCATED APPROXIMATELY 200 FEET WEST OF THE NORTHWEST PORTION OF THE INTERSECTION OF 10<sup>TH</sup> AVENUE NORTH AND BOUTWELL ROAD, BEING MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING FOR AMENDMENT TO THE CORPORATE LIMITS OF THE CITY OF LAKE WORTH TO INCLUDE THE SUBJECT PROPERTY IN THE OFFICIAL BOUNDARY MAP; PROVIDING FOR ADVERTISING; PROVIDING THAT THIS ORDINANCE SHALL BE FILED WITH THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, THE COUNTY ADMINISTRATOR OF PALM BEACH COUNTY AND THE FLORIDA SECRETARY OF STATE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**2. Ordinance No. 2016-02 – Second Reading – Small Scale Future Land Use Map Amendment**

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

ORDINANCE NO. 2016-02 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY PROVIDING A SMALL SCALE AMENDMENT CHANGE TO THE FUTURE LAND USE MAP OF CERTAIN PROPERTY MORE FULLY DESCRIBED IN EXHIBIT A FROM A COUNTY LAND USE DESIGNATION OF COMMERCIAL HIGH INTENSITY/8 DWELLING UNITS PER ACRE AND COMMERCIAL LOW INTENSITY/8 DWELLING UNITS PER ACRE (CH/8;CL/8) TO A CITY OF LAKE WORTH DESIGNATION OF MIXED USE WEST (MU-W); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

**3. Ordinance No. 2016-03 – Second Reading – rezoning property**

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

ORDINANCE NO. 2016-03 OF THE CITY OF LAKE WORTH, FLORIDA; CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A FROM COUNTY ZONING RESIDENTIAL HIGH INTENSITY (RH) TO CITY OF LAKE WORTH ZONING MIXED USE – WEST (MU-W); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

**B. Ordinance No. 2016-04 – Second Reading and Quasi-Judicial Public Hearing – rezone a portion of the Gulfstream Hotel**

Mayor Triolo said this item was a quasi-judicial public hearing and individuals wishing to speak would be asked whether they wanted to testify or offer comments. She asked each of the Commissioners if they had any ex parte communication to disclose.

Mayor Triolo; Vice Mayor Maxwell; and Commissioners McVoy, Amoroso, and Maier all announced that they had no ex parte communication.

Commissioner McVoy left the meeting at 7:24 PM.

City Attorney Torcivia explained that staff would provide a presentation. If the public wanted to offer testimony they would be sworn in individually and could be cross examined by staff or the applicant. He announced that the public comments, made by individuals who did not want to be sworn in and provide testimony, would hold less weight than those providing testimony. He explained that individuals providing only public comments would not be cross examined. He swore in William Waters and Bonnie Miskel who provided testimony.

Vice Mayor Maxwell left the meeting at 7:26 PM.

Commissioner McVoy returned to the meeting at 7:26 PM.

William Waters, Community Sustainability Director, explained that the ordinance would rezone approximately 0.93 acres of the 1.82 acre site associated with the Gulfstream Hotel, situated on the east side of South Lakeside Drive and north of 1<sup>st</sup> Avenue South in the South Palm Park Historic District from a Medium-Density Multi-Residential (MF-30) zoning designation to Downtown (DT).

Vice Mayor Maxwell returned to the meeting at 7:28 PM.

Commissioner Amoroso left the meeting at 7:29 PM.

Mr. Waters explained that the applicant was preparing applications to renovate and redevelop the historic Gulfstream Hotel properties. The applicant proposed to rezone seven parcels for the proposed project, serving to revitalize the downtown corridor between the retail/restaurants uses and the Beach and Casino area.

On November 18, 2015, the Historic Resources Preservation Board (HRPB) members unanimously recommended approval to the Commission, which covered changing the zoning and included a condition to require the petitioner to implement a Unity of Title for the subject parcels. The HRPB members also suggested, as a condition of approval, that any proposed development be compatible and harmonious with the historic integrity and character of the local historic district.

City Attorney Torcivia separately swore in each of the following individuals who provided testimony:

Barbara Auble testified that she supported the project, hoped it could move forward, and wanted the building to be active.

Teresa Miller cited examples of high-rise structures surrounding the Gulfstream Hotel and asked why anyone would not want to support the hotel. She testified that this was a historic opportunity to change it. Now was the time for those who wanted what was right and good for the City to make them known here at the meeting and in the voting booth.

Kathleen McGiveron testified that it was extremely difficult to get a charter amendment change, required time and money, and was the last resort for the Commissioners not listening to the public. She said the political committee had 27 days to do something, and a height limitation referendum question was placed on the ballot. She said she voted on the issue and three of the five elected officials did not like the results of the election and chose to ignore the vote. She commented that anyone voting in that election were disenfranchised.

Jo-Ann Golden testified that the City had a rich history and was protective of its historic structures. This rezoning request did nothing for the human scale and would allow a height of over 45 feet. The charter amendment protected the downtown heights and this project would create a canyon effect. She asked to let the people get back to basics and prove that the City could pave its streets without adding two additional stories. This rezoning was representative of disregard for the voters. She asked to please protect the City and not approve the ordinance.

Lynn Anderson testified that when she appeared before the Historic Resource Preservation Board the word "standing" was used. She

commented that she lived in Lake Worth most of her adult life with low-rise structures, with the exception of the Lucerne Condominium. The charter height referendum had nothing to do with Hudson Holdings. Everyone who voted for the referendum had a standing and it was their downtown. People moved to Lake Worth because it was not Ft. Lauderdale or Delray Beach. Former Commissioner Jennings was a good commissioner because she voted the way her constituents wanted her to vote. That was what was needed from her representatives.

Ralf Brookes said he was a board city and county lawyer and represented many cities. This item was a quasi-judicial process and must meet the law. The City charter was an essential law and this rezoning would exceed the City's 45 foot height limit. No court had invalidated the charter amendment, and the charter had the force of law in the City. He said he disagreed with the City Attorney who opined that the height referendum was prohibited. He asked that the rezoning be denied, which was within the Commission's discretion.

Peggy Fisher testified that she favored the rezoning. The Planning and Zoning and Historic Resource Preservation Boards had agreed that the rezoning complied with the law. The City already had a lawsuit, the City did not write the Florida Statute, and she asked the Commission to abide by the Laws of the State. She said she did not understand the fight over an upzone because upzoning would be needed to allow home occupation artist to sell their products from their homes.

Maryann Polizzo testified that she did her research on this issue and Hudson Holdings was reducing the number of room and the proposed garage would be available for residents living in a nearby condominium to purchase. She said she wanted to urge the Commission to keep in mind that the Gulfstream Hotel needed improvements. She asked why the residents could not have a beautiful building that would create jobs.

Christina Morrison testified that she did a lot of business in Lake Worth, but did not live in the City. The Gulfstream Hotel was a historic structure left to fallow and should be developed to the most beautiful structure. The hotel was surrounded by high-rise structures and the City needed the tax base to pay for wider streets. She said replacing rotting plumbing infrastructures was needed for a vibrant town. Everywhere was seeing a tourist industry boom, but Lake Worth was "missing the boat."

Michelle Sylvester testified that the Downtown Alliance members supported the rezoning. There was a need for jobs and the City needed the business. The property was located in a hotel zoned district. The request to upzone was approved by the Historic Resources Preservation and Planning and Zoning Boards. There were taller structures adjacent to the hotel, and the State Legislation deemed that the height referendum voted on was null and void. She said she supported the rezoning.

Greg Rice testified that he heard a lot of comments about what the downtown was facing. He commented that he lived in Lake Worth when the charter amendment was proposed and the charter amendment ballot title read, "Amending Charter Building Height Limits in Designated Downtown Area, With Exceptions." He said he was not an attorney, but this rezoning was an exception that was needed. Without a viable downtown district, there would be no city--just a lot of homes scattered around. This rezoning could be a catalyst for the City. For decades the Gulfstream Hotel had struggled. He said he wanted to urge the Commission to send a message to the community that Lake Worth was open for business.

Rosann Malakates testified that she felt bad about accusations being made about people, who wanted to keep the height low, did not want development or the Gulfstream Hotel improved. She said those who wanted to keep the heights at four stories were not against the City and was offended that people thought they did not want to do the right thing. The City did not have Hudson Holdings' plans and the project was not thought out. She commented that the improvements had to be done right.

David Simms testified that there was a conflict between two groups. The first group wanted the Gulfstream Hotel developed to bring in tourist and jobs. The second group wanted to keep the City low-rise and keep it unique. He commented that he did not think it needed to be a big conflict. The Gulfstream Hotel could be developed, jobs could be brought in, and businesses increased without the high-rise. The Gulfstream Hotel could have 120 rooms if another four-story building was constructed with a parking garage. He asked that the rezoning be denied.

Ariana Peters testified that her father had been investing in Lake Worth for years, but that she never understood why. As she got older, she said she began to understand. She commented that she owned businesses in downtown Lake Worth, the downtown area had potential, and the Gulfstream Hotel was a crucial aspect. She said she looked forward to the hotel opening and being one of the best asset Lake Worth had to offer.

Mayor Triolo left the meeting at 8:01 PM and passed the gavel to Vice Mayor Maxwell.

Vice Mayor Maxwell announced that the following individuals provided public comments, were not sworn in, and did not offer testimonies:

Jeanne Fernworth said Hudson Holdings had a history of being a front person and had a history of selling out. The Commission needed to consider who the City was giving a "sweetheart deal" to.

Vice Mayor Maxwell read the comments written by Ginny Powell. Ms. Powell wrote that there may be some valid reasons to move forward with the rezoning as proposed by Hudson Holdings. Although there were no guarantees, if the historic board and planning department held the developer to the same high standards they had set for the rest of the citizens then restoration of the Gulfstream and construction on adjacent properties may: 1) beautify the City and preserve an important piece of [her history]; 2) add revenue critical for the City's financial health; and 3) increase tourism that would benefit businesses. However, city leaders should be honest with residents that they had a vision for the City which expanded building heights beyond the block subject to this rezoning. This rezoning vote appeared to be a convoluted way to circumvent the will of a majority of city residents who voted to limit building heights in 2013. Yes, sorry, going to bring that up again. This was a scary precedence that residents needed to be wary of. The message, your vote did not count. [She wrote that] she somewhat agreed with one of the residents who said at the last meeting on this subject "What was the big deal over a 20 foot increase in building height?" It may not be a big deal if it stayed confined to this one project. Unfortunately, the rezoning would set a precedent for allowing taller buildings to be constructed outside the block now occupied by the Gulfstream property. Once approved there was no turning back. Taller buildings would eventually change the low rise nature of Lake Worth. The City of Delray, once considered a model of good planning, was a good example of how things could go wrong. Now, due to overdevelopment, the downtown area was a traffic and parking nightmare. Potential businesses and residents were shunning the city for other locations. Many people in Lake Worth would say that was way down the road for [residents], [they] did not need to worry or [they] should be so lucky to have Delray's problems. Be careful what you wish for. This rezoning looked like preferential treatment for a business that stood to make a lot of money if approved. It was distressing to those residents who did not receive any breaks as they struggled to improve their small pieces of real estate, especially those who had to jump through extra hoops if they lived in a historic district.

Rod Regan said he was the owner of Brogues Irish Pub and that a lot of good comments were made. This was 2016 and there was a need for progress in Lake Worth. The Commission needed more money for roads and development. The sooner the Gulfstream Hotel was renovated to create jobs then money could be used for road system improvements. He said he hoped the Commission would keep going the way they were. He commented that he employed 40 people, hired people with drug problems, and helped them with rehabilitation. He said he hoped the Commission would make the right decision for the town.

Brendon Lynch spoke in favor of the hotel. He said he had been in the City long enough when the Gulfstream Hotel was vibrant and the restaurant was opened. He commented that the hotel would add so much

to the community and supported the rezoning.

Sally Gonsalves announced that she voted for the height restriction and asked the Commission to support the hotel rezoning. She said she supported the hotel because she had visitors from afar come to Lake Worth, but there was no place in the City for them to stay. She and her husband were boat people, but there was no tie into the downtown city. The hotel would draw people in. The issue was all about improvements and improving the tax base. The Gulfstream Hotel was a beautiful building, it needed to be preserved, allow the project, and said its height did not exceed the surrounding structures.

Vice Mayor Maxwell read the comments written by Cheryl Leventhal. Ms. Leventhal wrote that she was dismayed at a recent Commission meeting to hear all three incumbent representatives supporting what the majority voted against two years ago. Stating that Florida State Legislature voted that such amendments were "null and void" was not justification for ignoring the people.

Richard Stowe said that, in his opinion, everyone was for the restoration of the hotel. The difference was the quality of life and what type of zoning was best for the five block area. He said he would argue that the existing zoning would create a better project for the developer, the City, and the affected neighbors because of the Multi-Family-30 (MF-30) residential zoning; however, the developer was proposing commercial zoning. He asked the Commission to keep the property zoned residential. He said an MF-30 zoning required less impervious surfaces, which was a benefit to the City and had a greater setback.

Connie Fitzgerald commented that she had been coming to Lake Worth, as a visitor, for years and got married at the hotel 15 years ago. She said the hotel was fabulous; she lived in Washington, DC; and everyone was making a big deal about this issue. She said she was buying a condominium in Lake Worth and wanted her children to enjoy the hotel, Bryant Park, and the City's parades. She said "everyone was missing the boat", would vote for those people who wanted to keep the City beautiful, and supported progress.

Mayor Triolo returned to the meeting at 8:16 PM.

Vice Mayor Maxwell read the comments written by Jim Tebbe. Mr. Tebbe wrote that he had no opposition to the proposed zoning change. [The Gulfstream of Lake Worth Condominium] was looking forward to working with the City of Lake Worth and Hudson Holdings to seek a remedy for the condominium's long term parking problems.

Vice Mayor Maxwell read the comments written by Laurence McNamara. Mr. McNamara wrote that the zoning change for the Gulfstream property

voted for by Commission members Pam Triolo, Scott Maxwell, and Andy Amoroso on the first reading was a decision that would delay development of the parcel and renovation of the hotel because it would make the City liable to a lawsuit for violation of the legally amended Lake Worth charter. It was also a violation of the Comprehensive Plan in that it would allow construction, which was incompatible with the adjacent one and two-story structures on 1<sup>st</sup> Avenue South and those on Lakeside Drive. [He wrote requesting] that one of the Commissioners who voted yes on the first reading vote no tonight. A vote more responsive to the concerns of the neighbors and more responsible to the city at large. [The Commission] represent the citizens, not the purported developer. Please vote accordingly. Thank you for your attention and consideration.

Mayor Triolo resumed the gavel.

Commissioner McVoy left the meeting at 8:18 PM.

Mayor Triolo read the comments written by Laurel Decker. Ms. Decker wrote [that] the issue at the heart of this disagreement about heights in her City had nothing to do with State Legislation. The real issue was that voters came out in 2013 to vote democratically on future building heights in her City, and this Commission made a choice to ignore that mandate. Nothing prevented this Commission from amending the Comprehensive Plan to reflect the election results. [The Commission] simply refused to stand up for [residents] and for what was right.

Mary Watson commented that she was against the rezoning, but supported the hotel opening. She said she had no doubt the rezoning would be approved. In St. Petersburg there was a lawsuit about a similar issue. When people were ignored, it made a lot of bad feelings. This was suppose to be a democracy and would come out in the March election.

Marty Welfeld said it seemed like it had been a long time getting here. There were two arguments that a State Law invalidated a charter amendment was caused by a Commissioner. This issue was now a decision on whether or not to do something nice for the community. He said he hoped everyone on the dais wanted to move the City forward and get something done instead of moving it back to the past.

City Attorney Torcivia announced that Cheryl Leventhal, James Thomson, Anne Bussinger, and Andrew Swain submitted the same opposition document, but there were no comment card requests attached.

Commissioner McVoy returned to the meeting at 8:21 PM.

Mr. Williams clarified that the Planning and Zoning Board members did not hear this rezoning request. The property was within the Historic Resource Preservation Board members' responsibility.

City Attorney Torcivia clarified that a lot of people commented on the Gulfstream Hotel's site plan. The issue before the Commission was a request for rezoning.

Bonnie Miskel, on behalf Hudson Holdings, said what was relevant was whether or not this project complied with the law. The public had to provide competent evidence. During the last Commission meeting in December, there was lengthy discussion about the project being in compliance with the City's Comprehensive Plan. During that meeting, she said she made a lengthy presentation on how Hudson Holdings met the criteria for compliance. She advised that she heard no testimony on the project not meeting the competence compliance. There was an opportunity for the opposition to provide competent evidence as a basis for not approving the rezoning. She reminded the Commission that there were two other hotels that were constructed at the same time as the Gulfstream Hotel, and they were both thriving except for the Gulfstream. She said she was overwhelmed by the number of people who took the time to come to this meeting and voice their comments on this project.

Commissioner Amoroso left the meeting at 8:30 PM.

Comment/request summary:

1. Commissioner McVoy asked City Attorney Torcivia to clarify several opinions in a document written by Attorney Ralf Brookes.

City Attorney Torcivia commented that his legal opinions were neutral because he represented the City while Attorney Brookes's opinions were representing his clients' opinions. He explained that the State invalidated the charter amendment regarding heights.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2016-04 on second reading.

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

City Attorney Torcivia announced that the ordinance was not read by title only as required by State Law. He asked for the ordinance to be voted on again after he read the ordinance title.

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-04 OF THE CITY OF LAKE WORTH, FLORIDA;  
CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN  
EXHIBIT A FROM A CITY ZONING OF MEDIUM-DENSITY MULTI-  
FAMILY RESIDENTIAL (MF-30) TO A CITY OF LAKE WORTH ZONING

OF DOWNTOWN (DT); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to approve Ordinance No. 2016-04 on second reading.

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

**C. Ordinance No. 2016-05 – Second Reading – amend the hours of sales for alcoholic beverages**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-05 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 5 “ALCOHOLIC BEVERAGES”, SECTION 5-4, “HOURS OF SALE”, TO ALLOW ALCOHOL SALES ON SUNDAY MORNINGS AND TO PROHIBIT THE SALES OF ALCOHOL FOR OFF-PREMISES CONSUMPTION AFTER 10:00 P.M., SUNDAY THROUGH SATURDAY; 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. 2016-05 on second reading.

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

Captain Todd Baier provided data on alcohol related crime and said this ordinance would help the Palm Beach Sheriff Office.

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

**11. UNFINISHED BUSINESS:**

There were no Unfinished Business items on the agenda.

**12. NEW BUSINESS:**

**A. Ordinance No. 2016-06 – First Reading – provide regulations for “public property” and schedule the public hearing date for January 19, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-06 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 7 "BEACHES, PARKS AND RECREATION", ARTICLE I "PARKS AND RECREATIONAL FACILITIES", TO SET FORTH REGULATIONS GOVERNING PROPERTY THAT IS ZONED PUBLIC AND OWNED BY THE CITY; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-06 on first reading and schedule the public hearing date for January 19, 2016.

Comments/requests summaries:

1. Commissioner Amoroso requested the time be added to the ordinance to close public property from sunset to sunrise.

City Attorney Torcivia replied that the ordinance stated that the hours would be set by resolution. At the next meeting, when second reading of the ordinance would be scheduled, a resolution setting the hours would also be on the agenda.

Mayor Triolo announced that it was time for public comment.

Neily Buff said she was concerned about turning a public space into a park. Changing the ordinance to make a public space into a park would change her neighborhood in the future.

Arthur Broughton said he hoped the ordinance, if passed, would stop people from using drugs and urinating in public spaces.

Lisa Maxwell thanked Commissioner Amoroso for his leadership on this issue. The Cultural Plaza was an important place for activities that were enriching. She said while coming to this meeting tonight, she saw 15 intoxicated people laying around at the Cultural Plaza. This ordinance would prevent people from lying around or doing other unwholesome activities in the City's public places and would preserve and protect the City's public spaces.

Jo-Ann Golden said people needed to be out in the streets more, but there were not a lot of people walking on the sidewalks or in the parks. She said she thought there was a need for more people to use the parks. Once an ordinance like this started, she said she did not know how it could be enforced. This ordinance was a "nice feel good" thing, but if parks were not used, then this was an ordinance without teeth and would prohibit her from using the park and beach after sunset.

Michelle Sylvester commented that she was almost run over by

skateboarders and bicyclists using the sidewalks. She said she would strongly support the ordinance. As a female, it was scary to walk in the Cultural Plaza. This ordinance would give the Palm Beach Sheriff Office (PBSO) the teeth they needed to get rid of unseemly people.

Comments/requests summaries:

2. Commissioner McVoy commented that he was concerned that this ordinance did not solve the problem of bicycles and skateboarding on sidewalks. He commented that it was not illegal to be homeless. The intent of the ordinance was to make it illegal for individuals to be in the Cultural Plaza after sunset. The City had a problem with community policing, but the ordinance would not fix everything. This ordinance may fix a problem in public parks, but more tools would be needed. The PBSO currently had two options for bicyclists on the sidewalks – either give them a warning or arrest them. He suggested another ordinance be created to allow the PBSO to issue fines to bicyclists on the sidewalks.
3. Commissioner Amoroso commented that, as a downtown merchant, he was seeing a lot of scumbags. This ordinance came from people having a love for their city. This ordinance was only one piece that would allow PBSO and the City to move forward and remove the drug addicts and scumbags from public places.

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

**B. Ordinance No. 2016-07 – First Reading – amend various ordinances to include sexual orientation and gender identity or expression and schedule the public hearing date for January 19, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-07 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 20 "CIVIL RIGHTS", ARTICLE I "LAKE WORTH CIVIL RIGHTS ACT", SECTION 20-2, "ADOPTION OF LAKE WORTH CIVIL RIGHTS ACT" AND ARTICLE II "LAKE WORTH FAIR HOUSING ACT", SECTION 20-11, "PURPOSE"; AND AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE III "MERIT SERVICE", SECTION 2-30(b) "POLICY DECLARED" AND ARTICLE XIV "PURCHASING", SECTION 2-111(e) "PROCUREMENT CODE" TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY OR EXPRESSION WITHIN SAID PROVISIONS; PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Ordinance No. 2016-07 on first reading and schedule the public hearing date for January 19, 2016.

Commissioner Amoroso explained that the ordinance amended various sections of the code that did not specifically include the categories of sexual orientation and/or gender identity or expression as it related to equal opportunity within the City. The proposed code amendments included sexual orientation and/or gender identity or expression within the provisions.

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

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

**C. Resolution No. 04-2016 – declare the City’s intent to use the uniform method of collecting non-ad valorem assessments for certain nuisance abatements**

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

RESOLUTION NO. 04-2016 OF THE CITY OF LAKE WORTH, FLORIDA, DECLARING THE CITY’S INTENT TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT CLEARING SERVICES, BOARDING AND SECURING SERVICES AND DEMOLITION SERVICES ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Resolution No. 04-2016.

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

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

**D. (Formerly Consent Agenda, Item E) Task Order with Keith & Schnars for a Traffic Calming Study & Associated GIS Base Map – Phase 1**

Comments/requests summaries:

1. Commissioner McVoy commented that he requested this item be reordered from the Consent Agenda because he had no problem with traffic calming, but had difficulty with spending money on a study. He suggested, instead of the study, have either a public workshop meeting or have Keith & Schnars give a presentation so that the public understood what was going on. The community already knew which streets had problems.

Jamie Brown, Public Services Director, explained that the Task Order provided professional consulting services to collect field data and make observations related to the first phase of a city-wide traffic calming program at a cost not to exceed \$44,600. He said a study was done in 2010, but it did not have GIS data. This 2010 data would be used along with Keith & Schnars GIS data. He advised that this item was not for design, but Keith & Schnars would look at speed limits and identify areas where traffic calming was needed.

Fadi Nassar, Assistant Director with Keith & Schnars, explained that the scope of the study would provide the basics with information from police and community input. This information would be the foundation, using GIS, to find traffic calming locations.

2. Commissioner McVoy commented that he had a concern for the community. A more cheaper and faster way was to listen to the community directly and using that information into a GIS. He said he did not want more studies. He wanted community input to save money.

Mr. Nassar replied that there was a need to find out if speed limits were correct.

Mr. Brown replied that the City did not have a lot of GIS base data, which was needed in order to move forward.

3. City Manager Bornstein commented that this item was the first step in the process. Community input would be sought.
4. Vice Mayor Maxwell commented that this item was an effort to collect data to build a foundation with community input.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve the Task Order.

Mayor Triolo announced that it was time for public comment.

Sally Gonsalves said she did not object to traffic calming, but that it should not take years to get a stop sign.

Peggy Fisher said no one asked her or her neighborhood for their input. The citizens could have their input and suggested scheduling some town hall meetings.

Comments/requests summaries:

5. Commissioner Amoroso commented that, in the past, people complained and stop signs were installed. Then people complained and those same stop signs were removed. The City needed data to justify traffic calming.
6. Commissioner McVoy requested the money be spent on speed limit data.

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

**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:**

**1) Florida Municipal Electric Association membership dues for Fiscal Year 2015-2016**

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve the Florida Municipal Electric Association annual

membership dues for Fiscal Year 2015-2016 in the amount of \$33,345.

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

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

**14. CITY ATTORNEY'S REPORT:**

City Attorney Torcivia wished everyone a Happy New Year.

**15. CITY MANAGER'S REPORT**

**A. January 19, 2016 – draft Commission agenda**

City Manager Bornstein provided the following report:

- Commented that he was very excited about the upcoming year with “cool” things happening;
- There was good input from the community tonight and said he was upbeat and positive; and
- Wished everyone a Happy New Year.

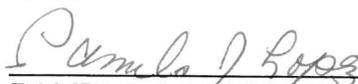
Mayor Triolo commented that she was thankful no one was seriously hurt in the Tri-Rail accident on 6<sup>th</sup> Avenue South today.

**16. ADJOURNMENT:**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to adjourn the meeting at 9:32 PM.

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

ATTEST:

  
PAMELA J. LOPEZ, CITY CLERK

  
PAM TRIOLO, MAYOR

Minutes Approved: January 19, 2016

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