

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
MARCH 1, 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 (arrived 6:01 PM); and Commissioners Christopher McVoy, Andy Amoroso, and Ryan Maier. Also present were City Manager Michael Bornstein, City Attorney Christy Goddeau, and City Clerk Pamela Lopez.

2. INVOCATION OR MOMENT OF SILENCE:

A moment of silence was offered by Commissioner Ryan Maier.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Andy Amoroso.

4. AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

5. PRESENTATIONS:

A. Proclamation declaring March 2016 as Florida Bicycle Month

Commissioner McVoy read a proclamation declaring March 2016 as Florida Bicycle Month.

B. Proclamation declaring March 2016 as Ethics Awareness Month

Mayor Triolo read a proclamation declaring March 2016 as Ethics Awareness Month.

C. Planning and Zoning Board update

Greg Rice, Chairperson, explained the Board's powers and duties. He provided an update on the Board's 2015 number of meetings, advisory decisions, changes to the Land Development Regulations, commercial development major site plan approvals, Boutwell Business Center, and status update on approved development projects. He said the members attended ethics training and thanked City staff and members of the Board for all of their work. He commented that a member of the public had made

slanderous statements about board members secretly meeting and violating the Sunshine Law. He asked that individual to make a public apology before the March 15, 2016, election.

Length discussion ensued regarding the Park of Commerce development and infrastructure improvements.

Comment/request summary:

1. Mayor Triolo asked to have further discussion about the Park of Commerce development at a future meeting.

D. Royal Poinciana Neighborhood Association update

Sarah Parr-Malega, President, said their neighbors distributed business size cards, written in three languages, notifying people in their community about their meeting dates. She commented that they had 44 members, were a crime watch neighborhood, would apply for grants for a pocket park, and that crime in their neighborhood dropped about 80%.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: commented that there were unfounded accusations from the community about a City policy to stop door-to-door refuse service in one of the City's mobile home parks. He asked City Manager Bornstein to "set the record straight."

City Manager Bornstein explained that the owner of a mobile home park on Boutwell Road had issues with their residents. The residents were upset because they believed the City would no longer provide door-to-door refuse service. He said the park was owned by a commercial entity, and City staff was doing an audit of all commercial customers. Staff contacted the commercial entity and requested getting together with them to discuss their rates. He explained that, at no time, did the door-to-door refuse service end. He advised that rumors about ending the park residents' refuse service because of development was not true. He said there was a demonstration in front of city hall because of the rumor. He advised that the park could stay at its location forever as long as the commercial entity wanted to continue to operate.

Vice Mayor Maxwell commented that he did not see the letter sent by staff to the park's owner about getting together to discuss refuse changes. He said he was concerned about the accusations made during the demonstration in front of city hall and that there were many emails sent making claims that the City was going to take the mobile home park land for development in the Park of Commerce. He said two Commissioners were at city hall during the demonstration and asked why they did not

inform the public that the rumors were not true.

Jamie Brown, Public Services Director, explained that he did not know where the public got the idea that the City was taking the park land away from them.

Vice Mayor Maxwell asked for answers because the accusations made against administration were serious.

City Attorney Torcivia replied that if other members of the Commission wanted to make a comment on this issue, they could if they wanted.

Commissioner McVoy: commented that he was invited by the Guatemalan community to come and watch a movie called "Abrazos." He explained the movie's storyline and recommended people watch it. He explained that he came to city hall and that the mobile home association president had contacted him about a refuse issue. There was a protest at city hall. He said he did not talk to the press, but did talk to an older woman who was very upset. He said later he received emails because the issue had escalated. He commented that the Mayor had sent a letter that began with "the lies being said...." which upset the park residents even more. He said the City may not be formally throwing the park residents out, but the residents were seeing the writing on the wall. He said he had no idea if there was misinformation, but that one could understand someone, who was on a fixed income and seeing all of the development, would think they were being pushed off their land. If he was a park resident, he said the Mayor's letter would not have assured him. He commented that the agenda included a proclamation about bicycles and ethics, and said that it bothered him that neighborhood associations had invited three incumbent candidates to speak and that their flyer used the City's logo, which was illegal. He said the park had signs supporting the incumbent candidates and that the three incumbent candidates were seen talking to each other, which was a Sunshine Law violation.

Commissioner Amoroso: commented that last week there was a Great Taste of Lake Worth event, and the tickets were sold out. He thanked all of the Street Painting Festival volunteers and said it was a great signature event. He said he attended the Arts United event over the past weekend and invited everyone to attend the Gay Pride event and parade on March 6, 2016.

Commissioner Amoroso left the meeting at 6:53 PM.

Commissioner Maier: commented that he attended the Treasure Coast Regional Planning Council's meeting on February 19, 2016. The meeting began with representatives from Palm Beach Gardens discussing a

development in their community that was located near a conservation area. He said the discussion was interrupted by a Senator who wanted to discuss water flow. He provided a history about the State's decision, years ago, to divert water flow away from the south. The Senator said there were limited State funds to change the water flow. He commented that on February 27, 2016, he, Mayor Triolo, Vice Mayor Maxwell, Commissioner McVoy, and the City Manager attended the Mayor's Ball fundraiser for the Homeless Coalition.

Commissioner Amoroso returned to the meeting at 6:59 PM.

Mayor Triolo: commented about her request to schedule a summit regarding the homeless issue and asked when that meeting could be scheduled. She provided an update on the Metropolitan Planning Organization's meeting she attended and said there was discussion about the All Aboard Railway project, which Lake Worth would benefit from. She commented that funding for the All Aboard Railway was still unclear and the project was about two years away. She said she received correspondence from Congresswoman Frankel about a law that would change on how long the Federal Emergency Management Agency (FEMA) could come after municipalities for money. She explained that this law would alleviate the burden on municipalities to repay FEMA money. She commented that it was sad that a refuse issue had turned into a fear of residents' losing their homes. She said she sent a letter to the homeowners that was not threatening. People were making innuendoes because it was election time, but it was not right to put fear in people about them losing their homes. She said the Mayor's Ball for the Homeless Coalition was not noticed at city hall. During the event, two Commissioners were seen talking to each other. Based on Commissioner McVoy's comments and thinking, the two Commissioners would have been talking about City business outside of the Sunshine Law. To insinuate that three incumbent candidates were talking to each other meant they were talking about City business was not right.

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

The following individuals spoke on various issues; however, they did not write anything on their comment cards: Gary Antieau, Maryann Polizzi, Michelle Sylvester, and Peggy Fisher.

8. **APPROVAL OF MINUTES:**

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

A. **City Commission Meeting – February 16, 2016**

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

9. CONSENT AGENDA:

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

- A. Agreement with Midrange Support and Services to purchase an IBM Power 8 System to replace the City's IBM System I 520**
- B. Agreement with Everglades Contracting, LLC for construction of the 11th Avenue South and South F Street Watermain project**
- C. Purchase and Sale Agreement with Granite and Marble World, Inc. for additional right-of-way needed to Boutwell Road Phase 1 improvements**
- D. Ratify members to various City advisory boards**

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

10. PUBLIC HEARINGS:

There were no Public Hearings items on the agenda.

11. UNFINISHED BUSINESS:

- A. Declare REG Architects, Inc., The Morganti Group, Inc., and The Insurance Company of the State of Pennsylvania in default**

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to declare REG Architects, Inc., The Morganti Group, Inc., and The Insurance Company of the State of Pennsylvania in default.

City Attorney Torcivia explained that the above motion was not staff's recommendation, but a carryover from the February 16, 2016, Commission meeting. He announced that negotiations were somewhat successful and asked for a substitute motion to extend a Tolling Agreement until March 22, 2016. He commented that solutions were being proposed.

Vice Mayor Maxwell and Commissioner Amoroso withdrew their motion and second.

Comments/requests summaries:

1. Vice Mayor Maxwell commented that the Casino Building project began almost eight years ago. When the project was approved there was a certain time frame and there were deficiencies. He asked how two professional companies could hang Lake Worth "out to dry" without any resolution. The City was losing money because the second floor space could not be rented.

Rick Gonzalez, REG Architects (REG), replied that REG won the design contract and said the best solution for the project was to bring back the essence of the Casino Building. The project budget was \$9 million, including the sides. He said the City paid \$6 million for an \$8 million project. The location of the building was volatile because of the environment and there were Americans with Disability Act (ADA) issues. The building was substantially completed in January 2013. Maintenance and repairs were required to handle the drainage and decking. He commented that this was a harsh location, which required more maintenance. In October 2015, REG proposed a good solution and they were waiting for a response from the City's experts.

2. Vice Mayor Maxwell commented that he was assured by both REG and The Morganti Group (TMG) that they had extensive experience with coastal construction. With that experience, he said they should have designed a building for the coast.

Mr. Gonzalez replied that the former City Manager insisted that the cost of the project be \$6 million. Also the former Commission insisted that the second floor area remain open. There was supposed to have been a restaurant on the second floor, but then the City decided not to rent the second floor.

3. Vice Mayor Maxwell commented that it was unconscionable for it to take three years to solve the issues between REG and TMG. He said neither did right by the City.

Jerry Kelly, TMG, replied that the parties were getting very close to a final solution with the doors and remaining balcony deck. He said they were waiting for the experts to get back to them.

4. City Manager Bornstein commented that the building leaked before it opened and that there were volumes of documentation.

Attorney Michael Kennedy replied that everyone should not discuss in detail when the City learned about the issues. The consultants were trying to determine a solution. He said REG provided additional

information about the slope for drainage. He said he was receiving comments daily and asked the Commission for two additional weeks.

5. Commissioner Maier asked how many times, since 2013, REG was hired by the City or Community Redevelopment Agency (CRA).

Mr. Gozalez replied that he did some work for the CRA prior to 2013.

6. Commissioner Maier asked how the City could get to this level while still doing business with the same company knowing that there was an issue since 2013.

Attorney Kennedy replied that this issue could be closed with an amicable conclusion; however, not everyone would be happy.

7. Commissioner McVoy asked for confirmation that REG and TMG had enough time to find a solution by March 22, 2016, before he voted to extend the Tolling Agreement.

Attorney Kennedy replied that two weeks would give everyone time to be at a point where a decision could be made.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to extend the Tolling Agreement to March 22, 2016.

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

Attorney Winslow Hawkes, representing REG, said his client did not want to be in this situation, and they were looking for what was best for Lake Worth. His client supported extending the Tolling Agreement to March 22, 2016, to give his client time to submit a proposal and to receive comments from the City's consultants. He said that if there was no solution, then everyone would be back to where they were. The doors were the same as on the first and second floor, but there was no overhang on the second floor. Since 2013, REG had been trying to find a solution, and they think they were close.

Peggy Fisher said she did not hear about the problem, but saw pictures of cascading water coming down the stairs. She asked for confirmation that the cascading water was one of the problems to be solved. She said the CRA hired REG and that the CRA was a separate entity from the City.

Comments/requests summaries:

8. Attorney Kennedy replied that the cascading water concern was raised and understood that it was the issue.

9. Mayor Triolo commented that the timetable was unacceptable. She wanted the business model to work and asked everyone to get it done.

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

Mayor Triolo recessed the meeting at 7:41 PM and reconvened at 7:55 PM.

12. NEW BUSINESS:

- A. **Ordinance No. 2016-11 – First Reading – Small Scale Future Land Use Map Amendment and schedule the public hearing date for April 5, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-11 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 CITY OF LAKE WORTH LAND USE DESIGNATION OF PUBLIC (P) TO A CITY OF LAKE WORTH DESIGNATION OF MIXED USE EAST (MU-E); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-11 on first reading and schedule the public hearing date for April 5, 2016.

William Waters, Community Sustainability Director, explained that the ordinance amended the City's Future Land Use Map to change the designation of approximately .4646 acre, located on the northeast corner of Lucerne Avenue and North F Street, from Public (P) to Mixed Use – E (MU-E). He said the applicant was preparing applications to develop the second phase of the Urban Arts loft.

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

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

B. Ordinance No. 2016-12 – First Reading – rezone property located at the northeast corner of Lucerne Avenue and North F Street and schedule the public hearing date for April 5, 2016

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-12 OF THE CITY OF LAKE WORTH, FLORIDA; CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A FROM CITY OF LAKE WORTH ZONING PUBLIC (P) TO CITY OF LAKE WORTH ZONING MIXED USE – EAST (MU-E); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Amoroso to approve Ordinance No. 2016-12 on first reading and schedule the public hearing date for April 5, 2016.

William Waters, Community Sustainability Director, explained that the ordinance would rezone approximately .4646 acre from Public (P) to Mixed Use-East (MU-E) zoning district. He said REG Architects was hired by Renaissance and there was no direct contract with the City or the Community Redevelopment Agency.

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

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

C. Resolution No. 12-2016 – authorizing the levy of municipal special assessment liens totaling \$60,315.09 for unpaid lot clearing charges

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

RESOLUTION NO. 12-2016 OF THE CITY OF LAKE WORTH, FLORIDA, ASSESSING THE COST INCURRED BY THE CITY PURSUANT TO SECTION 12-42 OF THE CITY CODE OF ORDINANCES FOR THE ABATEMENT OF CERTAIN NUISANCES (LOT CLEARING) WITHIN THE CITY; LEVYING LIENS ON SAID PROPERTIES IDENTIFIED HEREIN; PROVIDING FOR THE RECORDING OF THIS RESOLUTION IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Resolution No. 12-2016.

William Waters, Community Sustainability Director, explained that the resolution would assess the costs incurred by the City for unpaid lot clearing services and levied those costs as special assessment liens against 56 properties identified in the resolution.

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. Resolution No. 13-2016 – authorizing the levy of municipal special assessment liens totaling \$78,107.62 for unpaid demolition charges

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

RESOLUTION NO. 13-2016 OF THE CITY OF LAKE WORTH, FLORIDA, ASSESSING THE COST INCURRED BY THE CITY PURSUANT TO SECTION 9-2.2(Q) OF THE CITY CODE OF ORDINANCES FOR THE ABATEMENT OF CERTAIN NUISANCES (DEMOLITIONS) WITHIN THE CITY; LEVYING LIENS ON SAID PROPERTIES IDENTIFIED HEREIN; PROVIDING FOR THE RECORDING OF THIS RESOLUTION IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to approve Resolution No. 13-2016.

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

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

E. Resolution No. 14-2016 – authorizing the levy of municipal special assessment liens totaling \$52,326.45 for unpaid boarding and securing charges

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

RESOLUTION NO. 14-2016 OF THE CITY OF LAKE WORTH, FLORIDA, ASSESSING THE COST INCURRED BY THE CITY PURSUANT TO SECTION 2-75.2.7 OF THE CITY CODE OF ORDINANCES FOR THE ABATEMENT OF CERTAIN NUISANCES (BOARDING AND SECURING) WITHIN THE CITY; LEVYING LIENS ON SAID PROPERTIES

IDENTIFIED HEREIN; PROVIDING FOR THE RECORDING OF THIS RESOLUTION IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; PROVIDING A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to approve Resolution No. 14-2016.

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

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

13. LAKE WORTH ELECTRIC UTILITY:

Jack Borsch, Electric Utility Director, provided an update on costs and revenue increases during Fiscal Year 2016. He said he credited his staff and the weather for the increase in revenues. He provided an update on his Fiscal Year 2016 budget and explained that there was a lot of money in a Holding Fund, which would be released into the Electric Fund when projects were completed.

Comment/request summary:

1. Commissioner McVoy requested printed information on trends and numbers to share with the community in order to build support for the utility. He asked for this type of information to be included in the Commission's backup material and uploaded to the City's website.

A. CONSENT AGENDA:

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

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

15. CITY MANAGER'S REPORT

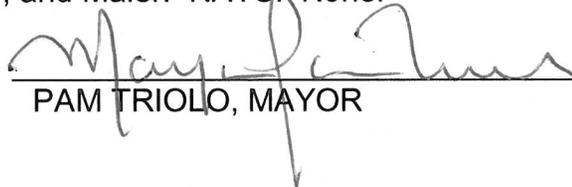
A. March 22, 2016 – draft Commission agenda

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 8:16 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: March 22, 2016

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