

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
MARCH 22, 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, Assistant City Attorney Christy Goddeau, and Interim City Clerk Karen Hancsak.

2. INVOCATION OR MOMENT OF SILENCE:

Pastor Kris Vos, Sunlight Community Church provided the invocation, on behalf of Mayor Triolo.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Mayor Scott Maxwell.

4. AGENDA - Additions/Deletions/Reordering:

Commissioner McVoy requested that Items 10(F), (G), and (I) be removed from the consent. They were moved to Item 13(B), (C), and (D).

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve the amended agenda.

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

5. DESIGNATE APPOINTMENTS:

A. Vice Mayor and Vice Mayor Pro Tem

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Scott Maxwell as Vice Mayor.

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Commissioner Amoroso as Vice Mayor Pro Tem.

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

B. Various organizational appointments:

1) Metropolitan Planning Organization liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Mayor Triolo as the Metropolitan Planning Organization's liaison.

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

2) Palm Beach County League of Cities liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Vice Mayor Maxwell as the Palm Beach County League of Cities' liaison.

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

3) Treasure Coast Regional Planning Council liaison

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to appoint Commissioner Maier as the Treasure Coast Regional Planning Council's liaison.

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

4) Florida Municipal Power Agency liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Vice Mayor Maxwell as the Florida Municipal Power Agency's liaison.

Vote: Voice vote showed: AYES: Mayor Triolo; Vice Mayor Maxwell;

Commissioner Amoroso, and Commissioner Maier. NAYS:
Commissioner McVoy.

5) Downtown Cultural Alliance liaison

Action: Motion made by Commissioner Amoroso and seconded by Vice Mayor Maxwell to appoint Commissioner Amoroso as the Downtown Cultural Alliance's liaison.

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

6) Community Redevelopment Agency liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Commissioner Amoroso as the Community Redevelopment Agency's liaison.

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

7) Lake Worth Sister City Board liaison

Action: Motion made by Commissioner Amoroso and seconded by Commissioner McVoy to appoint Commissioner Maier as the Lake Worth Sister City Board's liaison.

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

8) Neighborhood Association Presidents' Council liaison

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to appoint Mayor Triolo as the Neighborhood Association Presidents' Council liaison.

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

Mayor Triolo commented that while some boards may have sunsetted she was glad to hear that the Finance Advisory Board has a quorum and requested that they be involved in the upcoming budget process. She also suggested creating an Educational Council Advisory Board, an Arts Advisory Board, and a Roadway Improvement Advisory Board through an ordinance adoption at a future meeting.

Vice Mayor Maxwell suggested it be discussed at a workshop meeting.

Mayor Triolo advised that a workshop meeting still needed to be scheduled regarding creating a Code Enforcement Advisory Board and also to receive an update from the Historical Resource Preservation Board.

6. PRESENTATIONS:

A. Board of Trustees for the Police Retirement System Update

Todd Baer, Board Chair, provided the Commission with an update on the Board's 2015 financial activities.

B. Proclamation declaring April 2016 as Florida Water Professionals Month

Mayor Triolo read a proclamation declaring April 2016 as Florida Water Professionals Month.

Brian Shields introduced himself as the new Water Utility Director and a City Engineer and stated he has 35 years of experience.

C. Proclamation declaring April 2016 as Water Conservation Month

Mayor Triolo read a proclamation declaring April 2016 as Water Conservation Month.

Mr. Shields commented that all residents need to be conscious of water conservation to protect our resources.

Commissioner McVoy clarified that the City tests the water for lead and has programs in place to encourage water conservation. Mr. Shields advised that the programs include: mandatory water restrictions, higher rates for over consumption, and invoice informational inserts. He also advised that testing requirements include a test to 60 residences annually. He added that there has been an overall reduction in per capita water usage since the 2011 dry period.

Commissioner McVoy questioned if code enforcement is also used. Mr. Shields advised that the rates actually drive water reduction, however; code enforcement can also be notified regarding violations.

Commissioner McVoy requested the City Manager provide a study on whether the Town's irrigation and rain out sensors are fully compliant. City Manager Bornstein advised that there is actually a task force currently

in place that can provide these figures. Commissioner McVoy suggested providing this information on the website.

D. Proclamation declaring April 2016 as Autism Awareness Month

Mayor Triolo read a proclamation declaring April 2016 as Autism Awareness Month.

7. COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Maxwell: thanked the public for their support and stated he was grateful to serve another term. He commented that within the next 6 – 12 months he would like to see new programs implemented to address the roadway issues, rectify the Casino and Pool concerns and also to create a parking plan for the future. He added that he was not specifically suggesting parking meters, nor was he advocating for an increase in parking meter rates.

Commissioner McVoy: apologized for not participating in the parade over the weekend as he was in the Keys with a science explorer post. He stated that he learned about a lot of xeriscape plants and water conservation. He expressed his concern regarding a recent newspaper article that included comments from commissioners and staff about the proposed baseball park and he felt the entire Commission should be informed on discussions related to this topic. He stated that he along with many others were opposed to the privatization of public assets for this property.

He also had concerns regarding the projected amount of funding the city may give to the Park of Commerce (grants or otherwise) when staff has not provided a financial analysis on how it will project out and what will be the return for the city.

Commissioner Amoroso: thanked the public for their support on his re-election. He mentioned that the Gay Pride Event was a success. He reminded everyone about the Easter Egg Hunt on Saturday, March 26th and advised that volunteers were needed.

Mayor Triolo: thanked the public for their support and agreed that parking (actually the lack of) is definitely an issue and also agreed that there should be a presentation on the economic viability and job creation for the Boutwell Rd. project.

Mayor Triolo also expressed her disappointment on Governor Scott's recent veto for city funding on the 5 year plan. She added that she plans on meeting with him either locally or in Tallahassee, utilizing her own

funding.

Mayor Triolo also commented that reports of secret dinner meetings between Commissioners prior to Commission meetings were incorrect. She explained that since most of the Commissioners proceed straight to City Hall on meeting nights several people take turns and provide dinner. She added that there is a record of who pays for dinner and who attends.

8. 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: Jon Faust, Maryann Polizzi, Peggy Fisher, Mark Parrilla, Greg Rice, and Jo-Ann Golden.

Mayor Triolo read a comment submitted Kim Wallant relaying her support regarding the City taking steps to update its home occupation code to make this an artist and maker –friendly city and a thriving cultural center.

9. 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 Work Session – February 9, 2016**
- B. **City Commission Meeting – March 1, 2016**

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

10. CONSENT AGENDA:

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

- A. **Contract with seven (7) companies for Fleet Supply and Delivery of Parts and Accessories**
- B. **Contract with eleven (11) companies for external Fleet Services**
- C. **Purchase four new replacement trucks for the Water Utility Department**
- D. **Ratify a member to the Historic Resources Preservation Board**
- E. **Appoint a member to the Police and Employee Retirement Boards**

- F. **2" Watermain Replacement – Phase 1A Construction Agreement with Everglades Contracting, LLC (Relocated to Item 13 B)**
- G. **2" Watermain Replacement – Phase 1A Construction Phase Engineering Services, Task Order No. 026 (Relocated to Item 13 C)**
- H. **Resolution to Consider Abandonment of the right of way located at the Fun Depot Property**
- I. **Tropical Drive & Barton Road Infrastructure Improvements – Construction Phase Engineering Services (Relocated to Item 13 D)**

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

11. PUBLIC HEARINGS:

There were no Public Hearings items on the agenda.

12. UNFINISHED BUSINESS:

A. Extension of Tolling Agreement with REG and Morganti to June 7, 2016

Assistant City Attorney Goddeau explained that negotiations have been ongoing since March 1, 2016 and a proposed solution has been discussed. Therefore, staff is recommending to extend the Tolling Agreement with REG Architects, Inc. and The Morganti Group, Inc. to June 7, 2016.

Attorney Michael Kennedy advised that the key issue may be a drainage issue on the second story deck. Morganti Group will replace the northeast corner of the deck with a porcelain tile and then test it in approximately 8 weeks for viability prior to proceeding further. He recommended extending the Tolling Agreement until June 7th.

Comments/requests summaries:

- 1. Commissioner Amoroso questioned whether there will be any cost to the City to which Attorney Kennedy advised there is no additional cost on the deck issue. No other upgrades are anticipated at this time.
- 2. Vice Mayor Maxwell questioned why it would take another three months to which he was advised it would take approximately 6-8 weeks to mobilize, complete the work, and test the new decking.

If it does not work no other option is contemplated at this time.

3. Vice Mayor Maxwell also asked if the decking was the only outstanding issue. Attorney Kennedy advised that the doors are now in line, the pergolas and trellis nails need replaced with screws, and the shutters are degrading. He was advised that Morganti mobilized at the site but was advised that no work can be completed without proof of insurance, which still has not been provided.
4. Commissioner Amoroso asked if other issues such as the rusted elevators, rusted doorknobs, rusted sprinkler heads, flooding of the tenants downstairs, and leakage within the 5,000 square feet will be addressed. Attorney Kennedy advised it would be addressed, however; some items will be maintenance items because of the passage of time. Attorney Kennedy also clarified that the molded tile issues below will also be addressed with the placement of tongue insets into the scuppers and water curbs to divert the water.
5. Mayor Triolo questioned what was causing the rain to pour down the stairwells and elevator shafts. Attorney Kennedy advised it was caused by the lack of pitching and no water stops. A water stop will be installed.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to extend the Tolling Agreement with REG Architects, Inc. and the Morganti Group, Inc. to June 7, 2016.

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

13. NEW BUSINESS:

A. Ordinance No. 2016-14 – First Reading – Revise the code enforcement lien reduction procedure and schedule the public hearing date for April 5, 2016

Assistant City Attorney Goddeau read the following ordinance by title only:

ORDINANCE NO. 2016-14 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATION", ARTICLE VI, "CODE COMPLIANCE", SECTION 2-69.3, "APPLICATIONS FOR LIEN REDUCTIONS, CONSIDERATIONS FOR SALE, LIEN RELEASES; FEES; FEE CAP" TO ADDRESS THE CAPS IN THE REDUCTION OF LIEN PROCESS; AMENDING SECTION 2-69.3.1, "LIEN REDUCTIONS

AND RELEASE OF LIENS” TO ADDRESS LIEN SEARCHES, TO INCLUDE A RESERVATION OF RIGHTS ON BEHALF OF THE CITY IN THE COLLECTION OF LIENS, TO CLARIFY WHAT COSTS MAY BE CONSIDERED IN THE CALCULATION OF A LIEN REDUCTION, TO ENSURE PROPERTIES SUBJECT TO A PARTIAL RELEASE OF LIEN ARE FREE OF DEBT TO THE CITY AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Ordinance No. 2016-14 on first reading and schedule the public hearing date for April 5, 2016.

William Waters, Community Sustainability Director, explained that the ordinance amends the code to require that an applicant requesting a lien reduction, under certain circumstances, conduct a lien search to determine whether the applicant meets the criteria for a lien reduction and to clarify what is considered a documented expense.

Commissioners Amoroso and McVoy clarified the code amendments and commended the staff for the proposed modifications. Mr. Waters advised that the City is achieving a record number of corrective action and collection on liens in this fiscal year.

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. 2” Watermain Replacement – Phase 1A Construction Agreement with Everglades Contracting, LLC

Commissioner McVoy had requested that Item 10 F and G be removed from the Consent Agenda in order to verify that the costs were appropriate and also that the ratio for the engineering costs as compared to the construction costs was within the typical percentage for this type of work.

Mr. Shields advised that the engineering costs were slightly more than 10%, which he believed was in range for this type of project.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve award of the construction contract for 2” Watermain Replacement – Phase 1A to Everglades Contracting, LLC for

\$382,944.34.

Joanne Golden, 502 North Palmway, was concerned whether the work could be completed at the low bid cost and questioned whether the references were verified. Mr. Shields commented that the references were verified by Mock & Roos & Associates.

Commissioner McVoy commented that he was concerned that there may be future change orders since the bid is the lowest. Mr. Shields advised that they did not foresee issues with the project.

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

C. 2" Watermain Replacement – Phase 1A – Construction Phase Engineering Services, Ask Order No. 026

This item was addressed in Item 13 B.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Task Order No. 026 of the Continuing Engineering Services Agreement (RFQ-12-13-302) with Mock Roos & Associates, Inc. for 2" Watermain Replacement – Phase 1A Construction Phase Services for \$45,867.

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

D. Tropical Drive & Barton Road Infrastructure Improvements – Construction Phase Engineering Services

Commissioner McVoy had requested that Item 10 I be removed from the Consent Agenda in order to verify that the ratio for the engineering costs as compared to the construction costs was within the typical percentage for this type of work.

Mr. Shields advised that with a project of this size it is typical the engineering costs would be slightly lower than the 10% and he believed they were average.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Amoroso to approve Task Order No. 02 of the Standard Professional Consulting Services Agreement (RFQ-12-13-211) with URS Corporation a division of AECOM for Tropical Drive & Barton Road Infrastructure Improvements Construction Phase Services for \$155,707.

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

14. **LAKE WORTH ELECTRIC UTILITY:**

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.

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

Assistant City Attorney Goddeau did not provide a report.

16. **CITY MANAGER'S REPORT**

A. **April 5, 2016 – draft Commission agenda**

City Manager Bornstein did not provide a report.

17. **ADJOURNMENT:**

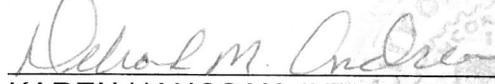
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to adjourn the meeting at 7:15 PM.

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



PAM TRIOLO, MAYOR

ATTEST:



for KAREN HANCSAK, INTERIM CITY CLERK

Minutes Approved: April 5, 2016

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