

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
JUNE 7, 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 and Ryan Maier (Commissioner Andy Amoroso was absent). Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia, and Records and Information Manager Deborah Andrea.

2. INVOCATION OR MOMENT OF SILENCE:

The invocation was offered by Pastor Tony Cato on behalf of Commissioner McVoy.

3. PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner McVoy.

Heather James, a student at Dreyfoos School of the Arts, played the Star Spangled Banner on a flute.

4. AGENDA - Additions/Deletions/Reordering:

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

- Reorder Consent Agenda, Item D to New Business as Item B - Interlocal Agreement with Palm Beach County regarding the one cent sales tax;
- Reorder Consent Agenda, Item E to New Business as Item C - First amendments to the contracts for Annual Paving, Concrete Work, Striping and Signage, and Related Services; and
- Approve the agenda as amended.

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

5. PRESENTATIONS:

A. Eden Place Neighborhood Association

Tara Macklin, Association Secretary, thanked the First Congregational

United Church for allowing the association to have their meetings at the church. She said their neighbors' top concerns were potholes and street maintenance, sidewalks and driveway issues, sober houses, and the need for more social events. She announced that the association developed a business directory and welcome program and its members participated in community events, including the annual raft race. She said the association was awarded a grant to start a neighborhood crime watch program.

B. Employee Pension Plan

No one was present to provide an update on the Employee Pension Plan.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maier: announced his attendance at the Treasure Coast Regional Planning Council meeting on May 30, 2016. He commented that the standout issue discussed was water and having enough of it in South Florida. There was a presentation about the Everglades Restoration Project to get water moving south and said the return of natural grasses slowed the flow of water. He announced that red algae bloom was in the St. Johns River and said the Corps of Engineers did not know why. He announced the next Sister City Board meeting was on June 13, 2016, and encouraged everyone to attend. He announced his attendance at the Garden Club on Memorial Day and said the members restored a park and had a service at Pinecrest Cemetery. He said he also attended a meeting at the Quaker Meeting House about Islam, and the group laid out the tenants of Islam about woman and terrorism. He commented that the Lake Worth High School Alumnae Association had a hat contest fundraiser on June 3, 2016, and said enough money was raised to support one entire college scholarship. He said he would be having a little free library beginning this week.

Commissioner McVoy: commented that the All-Aboard Florida high speed group could not do anything about the train horn noise until after all cross road gates were safe. He said he was still pushing to get the train noise issue fixed. He commented that he was dissatisfied with a Code Compliance meeting and wanted life safety, sober homes, and crime issues handled first. He commented about a light pollution technical challenge and said there were health issues with lights coming into windows. He said members of a "Light Up Lake Worth" group paid attention to the light pollution. He advised that the City's Land Development Regulations stated that light pollution had to be done on new buildings.

Vice Mayor Maxwell: requested an agenda item about street lighting issues with the Siemens Group be created. He said street lights were not as bright and/or effective. He asked if a budget work session would be scheduled in July. He said he asked for a Code Compliance overview be scheduled at a future Commission work session, and that he was still waiting for it to be

scheduled. He asked if reflective stripes or signs regarding traffic calming could be installed on 6th Avenue South. He commented that he received feedback from downtown merchants about wanting more Palm Beach Sheriff Office (PBSO) deputies. He said a task force of local business owners met with the PBSO to get a better level of service. He asked if a different term could be used instead of sober homes.

Comments/requests summaries:

1. City Manager replied that he would prepare an agenda item for a future Commission meeting, but said the intent was to install lights on streets with some changes.
2. City Attorney Torcivia replied that the term "half-way house" could be used instead of sober home. He said a task force was created to deal with sober homes, which included members from the County Fire Rescue and PBSO. He said he would inform the Commission when they would meet.

Mayor Triolo: announced her attendance at the Memorial Day Pinecrest Cemetery ceremony and said she wanted to see more people attend next year. She said she wanted to reach out to individuals so that the Veterans Day Parade would be bigger and better. She said she attend the Sacred Heart School graduation, and the event was incredible. She also attended the Lake Worth High School Alumnae Association luncheon fundraiser. She said that when there was discussion about street lighting, the Commission agreed not to impact residents. Street lighting shields could be installed. She said she was disappointed in a Code Compliance meeting and received more complaints since that meeting. She said she asked the Tree Board members to help a woman who had dead grass. She commented that she was frustrated with inconsistencies, sober homes, potholes, and crime. She asked for a moment of silence for residents who recently passed away.

Comment/request summary:

3. Commissioner McVoy requested information about potholes and asked if staff and/or cost was the contributing cause for not fixing them.

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

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

Michael Chase Fox said he wanted the City's Charter changed to a strong Mayor form of government with two commissioners from the north and south. He said he also wanted to see a change because of the animosity he saw at Commission meetings.

Mary Lindsey said the Eden Place Neighborhood Association members were very excited; announced that Flag Day was on June 14, 2016, an event at the Bryant Park Band Shell was scheduled, members from the Scottish Rite Masonic Center would have a short presentation, and said she hoped the Commissioners and Mayor would attend the ceremony.

Katie McGivern announced the Mango Festival was scheduled at the Cultural Plaza next weekend beginning at 9:00 AM, said she wanted more regular pool hours and longer weekend pool hours, and asked the Palm Beach Post to stop writing about crime happening in Lake Worth when it was committed outside the City's limits.

Maryann Polizzi said the PBSO was doing a good job handing out mugs for people crossing within the crosswalks, but said she still saw people jay walking. She commented about two sober homes in her neighborhood.

Peggy Fisher commented that the Land Development Regulations were revised at the Planning and Zoning Board meeting. She requested public work sessions and said information should be provided before changes were made.

Anna Maria Hunt said work was being done at 406 South C Street and that nothing was resolved at a Special Magistrate meeting. She commented that a dead body was found on the property.

Greg Rice thanked the elected officials for attending the Memorial Day event at Pinecrest Cemetery. He encouraged everyone to attend the event next year. He asked if there were pedestrian signs to remind people to cross at intersection crosswalks.

Joseph Torres thanked the City for closing down the license bureau on Dixie Highway. He said individuals were loitering at a Sunoco Station, 12 rounds of gun fire were shot, and girls were not just prostitutes but drug dealers. He said there were drug dealing houses at 4th Avenue and H Street.

Karen Ryan said neighbors from the Eden Place neighborhood were concerned about a half-way house in their area.

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 – May 3, 2016**
- B. City Commission Work Session - May 10, 2016**
- C. City Commission Meeting – May 17, 2016**

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Maxwell, and Commissioners McVoy 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 Items D and E.

- A. **Two year Renewal Contract with Oceanside Beach Services for beach equipment concession rentals at the municipal beach**
- B. **Agreement with Aquifer Maintenance & Performance Systems, Inc. for Wellfield Performance Maintenance & Rehabilitation Services**
- C. **Purchase of compact rear loader Refuse truck**
- D. **(Reordered to New Business as Item B) - Interlocal Agreement with Palm Beach County regarding the one cent sales tax**
- E. **(Reorder New Business as Item C) - First amendments to the contracts for Annual Paving, Concrete Work, Striping and Signage, and Related Services**
- F. **Purchase of okonite copper underground cable from Stuart Irby**
- G. **Purchase of four (4) new 55' Material Handling Bucket Trucks for the Electric Utility**
- H. **Settlements with Pierre-Rich Jeudy, Michele Leger Jeudy and Progressive Insurance Company**
- I. **Settlement with Roman and Elyssa Torres**
- J. **Contract with Foster Marine Contractors, Inc. for the Water & Sewer Improvements in the alley from 5th to 6th Avenue South between E & F Street**
- K. **Utility Easement Amendment by and between Palm Beach County and the City of Lake Worth**
- L. **Pineapple Ridge Settlement Agreement**
- M. **Resolution 31-2016 Repealing Resolution No. 67-2015 to correctly abandon six utility easements**

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

RESOLUTION NO. 31-2016 OF THE CITY OF LAKE WORTH, FLORIDA, REPEALING RESOLUTION NO. 67-2015 IN ORDER TO CORRECTLY IDENTIFY AND ABANDON SIX (6) EXISTING UTILITY EASEMENTS WHICH ARE LOCATED AT THE NORTHEAST CORNER OF LAKE WORTH ROAD AND SOUTH CONGRESS, AS RECORDED IN THE FOLLOWING OFFICIAL RECORDS BOOKS AND PAGES OF PALM BEACH COUNTY, FLORIDA: BOOK 1037, PAGE 270; BOOK 1037, PAGE 273; BOOK 999, PAGE 168; BOOK 999, PAGE 170; BOOK 4382, PAGE 55; AND BOOK 563, PAGE 429; PROVIDING FOR RECORDING AND AN EFFECTIVE DATE.

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

10. PUBLIC HEARINGS:

A. Ordinance No. 2016-18 Second Reading for Changes to Parking Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-18 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 7, "BEACHES, PARKS AND RECREATION", ARTICLE II, "BEACH PARKING", SECTION 7-18, "PARKING GENERALLY" TO CLARIFY MOTORCYCLE PARKING REQUIREMENTS; AMENDING SECTION 7-22, "DISABLED PERSON PARKING" TO CLARIFY THAT OBSTRUCTING DISABLED PARKING SPACES IS A VIOLATION; AMENDING SECTION 7-23, "ENFORCEMENT PROCEDURE" TO MODIFY THE TIME PERIOD TO PAY PARKING VIOLATIONS; AMENDING CHAPTER 21, "TRAFFIC"; ARTICLE I, "IN GENERAL", SECTION 21-4, "VEHICLE LICENSES" TO INCREASE THE PENALTY FOR AN EXPIRED TAG; AMENDING ARTICLE II, "PARKING, STOPPING AND STANDING", SECTION 21-33, "IMPROPER AND PROHIBITED PARKING" TO CLARIFY MOTORCYCLE PARKING REQUIREMENTS AND PROVIDE THAT PARKING IN ALLEYS AND FIRE LANES ARE PROHIBITED; AMENDING SECTION 21-37.2, "DISABLED PARKING SPACE VIOLATIONS" TO CLARIFY THAT OBSTRUCTING DISABLED PARKING SPACES IS A VIOLATION; AMENDING SECTION 21-39, "ENFORCEMENT PROCEDURE" TO MODIFY THE TIME PERIOD TO PAY PARKING VIOLATIONS AND TO CLARIFY SERVICE ON THE VIOLATOR; AND ENACTING SECTION 21-44, "ADMINISTRATIVE REVIEW PROCESS", TO ALLOW FOR ADMINISTRATIVE REVIEW OF PARKING CITATIONS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to approve Ordinance 2016-18 on second reading.

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 and Maier. NAYS: None.

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Resolution 30-2016 to approve new fee schedule for Lake Worth Beach Parking

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

RESOLUTION NO. 30-2016 OF THE CITY OF LAKE WORTH, FLORIDA, APPROVING AND AUTHORIZING THE REVISIONS TO THE FISCAL YEAR 2015-2016 COMPREHENSIVE SCHEDULE OF FEES AND SERVICE CHARGES TO PROVIDE FOR ADDITIONAL FEES REGARDING PARKING CITATIONS AND TO CLARIFY CERTAIN EXISTING FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve Resolution 30-2016.

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

B. (Formerly Consent Agenda Item D) Interlocal Agreement with Palm Beach County regarding the one cent sales tax

Commissioner McVoy said he requested this item be removed from the Consent Agenda to discuss the financial consequences because it impacted the community.

Comments/requests summaries:

1. Mayor Triolo commented that the City had major problems and that, as much as she did not like new taxes, the sales tax funds would give the City money to fix infrastructures. If the Commission did not approve the agreement, then funds would need to be found to fix streets. The sales

tax would allow visitors to help pay to improve City streets.

2. Vice Mayor Maxwell commented that the one cent sales tax was a County initiative, and voters would have to decide if they wanted it. If the voters reject the sales tax, then the County may have to go out for a bond and taxes would increase. He commented that a sales tax would be the "cheaper" way to go because infrastructure needed to be paid for.
3. Commissioner McVoy commented that he appreciated the discussion. The issue of regressive taxes looked at how the burden was distributed to run pipes and roads in the west. Lake Worth residents would have to pay for development which may not be in the City's best interest.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve the execution of the Interlocal Agreement with Palm Beach County regarding the one cent sales tax.

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

Peggy Fisher commented that action on the agreement was not a vote to place this item on a referendum election. The public still had a right to vote on the sales tax at the November 8, 2016, election.

Mark Easten said he heard about this subject at several meetings and Lake Worth's share from the sales tax would be about 24 million dollars. He said other cities had already voted to opt in. If Lake Worth voted not to approve the agreement, then the City would not receive any funds if the sales tax was approved by the voters. He supported the agreement and recommended the City support the County's efforts to get the sales tax approved by the voters.

Greg Rice said he hoped the Commission would approve the agreement. He commented that when construction was doing well, the economy was also doing well.

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

C. (Formerly Consent Agenda Item E) First amendments to the contracts for Annual Paving, Concrete Work, Striping and Signage, and Related Services

Commissioner McVoy said he requested this item be reordered from the Consent Agenda because of comments made about potholes from the Eden Place Neighborhood Association secretary. He asked if the amendments covered fixing potholes. If not, then he asked if the Commission should consider changing the contract.

Comments/requests summaries:

1. Mayor Triolo asked why hot and cold patches were not used to fix all potholes.

Jamie Brown, Public Services Director, replied that the amendments did not relate to potholes. The contracts were for emergency situations when a project was too large. He cited the example of fixing a large section of a sidewalk as an emergency.

City Manager Bornstein replied that requests to fix potholes were on the City's website. Staff was currently working on fixing potholes across the City.

2. Mayor Triolo asked why the City's bond referendum was called "roadway issues" instead of "potholes issues."

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve the First Amendments to the contracts with Rosso Site Development, M&M Asphalt Maintenance, Asphalt Paving Systems, and Adeimy Concrete for the Annual Contract for Paving, Concrete Work, Striping & Signage, and Related Services.

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 and Maier. NAYS: None.

12. LAKE WORTH ELECTRIC UTILITY:

A. CONSENT AGENDA:

There were no Lake Worth Electric Utility Consent Agenda items on the agenda.

B. PUBLIC HEARING:

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

C. NEW BUSINESS:

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

13. CITY ATTORNEY'S REPORT:

City Attorney Torcivia provided the following report:

- Announced that, with regards to the Casino Building and REG Architects and Morganti, there was a period of time for a Statute of Limitations, and the time would "start ticking" again tomorrow. Morganti was testing the Casino Building doorways, and they requested a Tolling Agreement be extended. The City could bring back the Tolling Agreement issue if the Commission thought no action had been taken.

Comments/requests summaries:

1. Vice Mayor Maxwell commented that action on the Tolling Agreement was taken in March, then extended to June 7, 2016.

Robert Carlton, representing Morganti, replied that there were a number of issues, and Morganti had a number of things that had to be done. Two test procedures on the doors were needed. He said his client was ready, willing, and able to go out but his client wanted a testing criteria.

2. Vice Mayor Maxwell commented that nothing had happened. Some tiles were brought in. This issue had gone on much longer than it took to fix the entire building.

Mr. Carlton replied that Morganti's Chief Executive Officer said they were trying to solve the problem. The City had retained an expert, and this was a complex issue. He said Morganti understood the City's frustration, they were not "walking away," and were trying to fix the issues.

3. Vice Mayor Maxwell asked about Morganti's coastal construction experience. He said he wanted Morganti to stop what they were doing and just get it fixed because it was a priority.
4. Commissioner McVoy commented that he heard Vice Mayor Maxwell's frustration, thanked REG Architects and Morganti for being present, and heard that issues were moving forward. He commented that he was in favor of extending the Tolling Agreement and was confident that REG Architects and Morganti were moving forward. He said the only items still open were tile color and testing specifications, and they were in negotiations today.
5. Commissioner Maier commented that he was sympathetic, but was a business owner. There was a way to make customers happy. He said he received feedback, and the Commission needed to be more

comfortable.

6. Mayor Triolo commented that everyone could always find time to get something done. If it was important to REG Architects and Morganti, they would get it done. Both firms were well respected, and she said she wanted to get this issue fixed.
7. City Manager Bornstein commented staff were not engineers. He said he wanted REG Architects and Morganti to give the City a final offer and not ask the City to design the doors. REG Architects and Morganti should fix this and bring the City their offer.

City Attorney Torcivia recommended giving REG Architects and Morganti four months from now.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Maier to extend the Tolling Agreement for four months.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioners McVoy and Maier. NAY: Vice Mayor Maxwell.

14. CITY MANAGER'S REPORT

A. June 21, 2016 – draft Commission agenda

City Manager Bornstein did not provide a report.

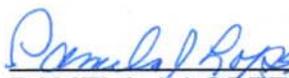
15. ADJOURNMENT:

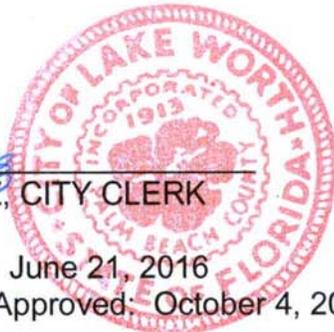
Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to adjourn the meeting at 8:19 PM.

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


PAM TRIOLO, MAYOR

ATTEST:


PAMELA J. LOPEZ, CITY CLERK



Minutes Approved: June 21, 2016
Amended Minutes Approved: October 4, 2016

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