

**MINUTES
CITY OF LAKE WORTH
REGULAR MEETING OF THE CITY COMMISSION
SEPTEMBER 20, 2016 – 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:02 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:

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:

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

- Delete Presentations, Item B – Community Redevelopment Agency update;
- Delete Presentations, Item C – City Recreation Board update;
- Delete New Business, Item B – Ordinance No. 2016-28 – First Reading – adopt the County's solicitation and distribution on public roads ordinance and schedule the public hearing date for October 4, 2016; 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. Palm Beach Sheriff's Office Community Police update

Captain Todd Baer provided an update on crime statistics between January and June 2016. He reported that there were 220 cases involving narcotic overdose between January and August 2016. He provided an update on city-wide prostitution operations, partnership with the State Attorney's Office

to push for stiffer sentences for repeat offenders, proactive policing, and implementing newly adopted City ordinances.

Lengthy discussion ensued regarding when the five additional deputies would begin; effectiveness of the opiate antidote called "Narcan" for emergency overdose treatment; Palm Beach Sheriff's Office (PBSO) providing an update on whether or not the change in hours to sell alcohol affected the number of crimes; misusing Fentanyl causing overdoses; warning everyone not to pick up narcotic needles with their bare hands; thanked the PBSO for the way they did their jobs; PBSO enforcing small crime, such as parking violations because officers were dealing with more serious crime; need for a work session to discuss comprehensive parking issues; Heroine Task Force created a sub-committee to find temporary housing for recovering addicts; registering properties that installed cameras on buildings; PBSO's plan to install ten cameras per year around the City; need to release a warning about picking up narcotic needles without protective gloves; the number of overdose cases reported by PBSO did not include the number of Fire/Rescue cases; and overdosing was not an arrestable crime.

B. (Deleted) Community Redevelopment Agency update

C. (Deleted) City Recreation Board update

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner McVoy: did not provide a report.

Vice Mayor Maxwell: announced that he went to Washington, D.C. with members from the Florida League of Cities. He said he lobbied against legislation to tax municipal bonds and discussed with legislators the unfairness of not paying sales tax for internet purchases. He reported that the legislators were looking to change laws to close Federal Emergency Management Agency (FEMA) cases. He announced a joint statement about sober, or group homes would be released soon and invited everyone to attend Chief Assistant State Attorney Al Johnson's overview plan to charge sober homes at the Scottish Rite Masonic Center on September 26, 2016. He said on September 17, 2016, students from Lake Worth High School, members from the Rotary Club, and himself painted trash cans along Dixie Highway.

Commissioner Maier: commented that he attended the Treasure Coast Regional Planning Council's meeting and the only issue that affected Lake Worth was discussion about the chain of lakes project called "Blueway Trail." He said many members of the Council supported the project, and they voted to approve. The State's Environmental Resources Management Department weighed in on the project, and everyone admitted that there were manatees in the water. He said no one knew how to solve the

manatee problem. He reported that salt water intrusion was also discussed and moving forward with the Blueway Trail project would increase that intrusion. He also reported that residents living near the project would see a dramatic change in their lives and properties. He announced that the Sister City Board was unable to meet last week due to a lack of quorum. He said he wanted to encourage the members to attend their next meeting. He commented that the Commission had given Code Compliance staff direction to not waste their time enforcing the height of grass because there were so many other worse cases.

Commissioner Amoroso: thanked Vice Mayor Maxwell for painting trash cans along Dixie Highway. He announced his attendance at a National League of Cities board meeting and said the members were writing a policy for their new president about use of Community Development Block Grant funds. There was also discussion about opium use and sober home issues. He commented that the National, Florida, and County League of Cities' were working together to address opium use and sober homes.

Mayor Pam Triolo: congratulated Father Frank from the Guatemalan Center for receiving an award. She announced the Mayan Festival was on September 24, 2016; invited everyone to attend the solar field grand opening event at the former landfill on October 11, 2016; announced the Lake Worth Library building was 75 years old; and announced the Metropolitan Planning Organization included \$3 million in their five-year transportation plan for Lake Worth.

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

Herman Robinson spoke on various issues; however, he did not write anything on his comment card.

8. PUBLIC HEARINGS:

A. Resolution No. 42-2016 – Second Public Hearing – establish the Fiscal Year 2016-2017 final general City millage rate

Mayor Triolo announced that the purpose of this meeting was to convene the second mandatory public hearing on the Fiscal Year 2016-2017 proposed millage rate and proposed operating budget as required by and pursuant to sections 166 and 200.65 of the Florida Statutes.

On July 19, 2016, the Commission set a tentative millage rate of 5.4945 mils and was advertised in the Truth-in-Millage (TRIM) notices sent to property owners. On September 16, 2016, the second public hearing was published in the Palm Beach Post announcing a proposed rate increase over the roll back rate and budget appropriation summary. She announced that the City had received the proof of publication.

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 42-2016 OF THE CITY OF LAKE WORTH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA; LEVYING MUNICIPAL TAXES ON ALL TAXABLE PROPERTY WITHIN THE CITY OF LAKE WORTH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; REPEALING ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve Resolution No. 42-2016 which adopted a final millage rate of 5.4945 mils for the Fiscal Year 2016-2017.

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. Resolution No. 43-2016 – Second Public Hearing – adopt the Fiscal Year 2016-2017 final City budget

City Attorney Torcivia read the following resolution by title only:

RESOLUTION NO. 43-2016, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve Resolution No. 43-2016 on second public hearing to adopt the final Fiscal Year 2016-2017 annual operating budget of the City of Lake Worth.

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. Ordinance No. 2016-25 – Second Reading and Public Hearing – amend jurisdiction and applicability to the Land Development Regulations

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-25 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 23, "LAND DEVELOPMENT REGULATIONS", ARTICLE 1, "GENERAL PROVISIONS", DIVISION 1, "GENERALLY", SECTION 23.1-4, "JURISDICTION AND APPLICABILITY" TO CLARIFY THAT NON-COMPLIANCE WITH CONDITIONS PLACED ON A DEVELOPMENT PROJECT SHALL BE DEEMED A VIOLATION OF THIS CODE AND SHALL BE SUBJECT TO THE CITY'S CODE COMPLIANCE PROCESS; 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 Maier to approve Ordinance No. 2016-25 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, Amoroso, and Maier. NAYS: None.

D. Ordinance No. 2016-26 – Second Reading and Public Hearing – designate the restricted/committed/assigned fund balances for Fiscal Year 2016 in accordance with GASB 54

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-26 OF THE CITY OF LAKE WORTH, FLORIDA, ESTABLISHING COMMITTED FUND BALANCES; DESIGNATING THE CITY MANAGER TO ASSIGN FUND BALANCES IN ACCORDANCE WITH THE CITY OF LAKE WORTH CODE; AND PROVIDING FOR THE EFFECTIVE DATE.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner Maier to approve Ordinance No. 2016-26 on second reading to designate the Committed Fund Balances for Fiscal Year 2016 in accordance with GASB 54.

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.

9. APPROVAL OF MINUTES:

There were no Approval of Minutes items on the agenda.

10. CONSENT AGENDA:

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

- A. **Task Order No. 11 for Construction Management and Administrative services and two amendments to agreements with Baxter & Woodman, Inc. dba Mathews Consulting**
- B. **Agreement with B&B Underground Construction, Inc. for the 8th Avenue South Watermain Improvements project**
- C. **Interlocal Agreement with the Town of South Palm Beach for maintenance of a lift station**
- D. **Task Order No. 4 with Kimley-Horn and Associates, Inc. to provide transportation and traffic professional services**
- E. **Agreement with W. Craig Lawson, P.A. for legal services**
- F. **Accepting the Proposal for Insurance Coverage submitted by Public Risk Insurance Agency (PRIA)**
- G. **Settlement and General Release Agreement with Belki Hernandez**
- H. **Ratify a board member to the Electric Utility Advisory Board**

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. 2016-27 – First Reading – adopt the County’s curbstoning ordinance and schedule the public hearing date for October 4, 2016**

City Attorney Torcivia read the following ordinance by title only:

ORDINANCE NO. 2016-27 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 7, “BEACHES, PARKS AND RECREATION”, ARTICLE VI, “MUNICIPAL BEACH AREA AND MUNICIPAL BEACH”, SECTION 7-69, “COMMERCIAL ACTIVITIES; PEDDLING”; AMENDING CHAPTER 21, “TRAFFIC”, ARTICLE I, “IN GENERAL”, SECTION 21-21,

"APPLICABILITY OF "PALM BEACH COUNTY CURBSTONING ORDINANCE" TO PROVIDE THAT THE PALM BEACH COUNTY CURBSTONING ORDINANCE SHALL APPLY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF LAKE WORTH; 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 Amoroso to approve Ordinance No. 2016-27 on first reading and schedule the public hearing date for October 4, 2016.

City Attorney Torcivia explained that the Ordinance adopted the County's curbstoning ordinance that related to the sale of motor vehicles from public and semi-public areas.

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

Comments/requests summaries:

1. Commissioner Maier commented that reference to aggressive panhandling should be included in Ordinance No. 2016-28 when it comes back to the Commission and not in Ordinance No. 2016-27. He said he would not support any aggressive panhandling ordinance, but would support this ordinance.

City Attorney Torcivia replied that reference to aggressive panhandling was already in the City's Code. He asked if the Commission wanted him to readdress the panhandling ordinance in the future.

2. Commissioner Amoroso defined aggressive panhandling as someone who followed people around and asked for money or cigarettes. He commented that he did not have a problem with aggressive panhandling language included in the ordinance.

City Attorney Torcivia replied that the Commission had already adopted an aggressive panhandling ordinance, which was in the same section of the Code that was being amended by the curbstoning ordinance.

3. Mayor Triolo asked why the ordinance "meshed" both the County and City ordinances together.

City Attorney Torcivia replied that when Palm Beach Sheriff Office (PBSO) deputies were assigned to Lake Worth, they came from different districts throughout the County and had to learn both County and Lake Worth ordinances. He explained that the City did not need either Ordinance No. 2016-27 or the deleted Ordinance No. 2016-28, but both ordinances would make it easier for PBSO deputies to conform to Lake

Worth's laws because the language would be the same as the County's.

4. Commissioner Maier asked why there would be a need for the deleted Ordinance regarding solicitation and distribution on public roads since the City already had a Code about aggressive panhandling.

City Manager Bornstein replied that Commissioner Maier's comments about the need for an ordinance regarding solicitation and distribution on public roads could be discussed when it came back before the Commission. He explained that the County's ordinance only addressed roadway intersections.

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

B. (Deleted) Ordinance No. 2016-28 – First Reading – adopt the County's solicitation and distribution on public roads ordinance and schedule the public hearing date for October 4, 2016

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

ORDINANCE NO. 2016-28 OF THE CITY OF LAKE WORTH, FLORIDA, AMENDING CHAPTER 19, "STREETS AND SIDEWALKS", ARTICLE VI, "PEDESTRIAN AND VEHICULAR RIGHTS-OF-WAY AND OTHER PUBLIC PROPERTY", SECTION 19-87, "PEDDLERS, SOLICITORS, OR CANVASSERS PROHIBITED IN DOWNTOWN AREA AND MAJOR THOROUGHFARES; EXCEPTIONS" AND ADOPTING SECTION 19-89, "APPLICABILITY OF "PALM BEACH COUNTY SOLICITATION AND DISTRIBUTION ON PUBLIC ROADS ORDINANCE" TO PROVIDE THAT THE PALM BEACH COUNTY SOLICITATION AND DISTRIBUTION ON PUBLIC ROADS ORDINANCE SHALL APPLY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF LAKE WORTH; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

13. LAKE WORTH ELECTRIC UTILITY:

A. CONSENT AGENDA:

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

B. PUBLIC HEARING:

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

C. NEW BUSINESS:

1) Notification letter to Orlando Utilities Commission (OUC) to extend the term of the purchased power agreement

Jack Borsch, Electric Utility Director, explained that the notification letter excised the City's option to extend the term of an agreement with Orlando Utilities Commission (OUC) for a fifth year at the same terms and conditions. He said the notice to extend the term of an agreement must be given no later than December 31, 2016.

Action: Motion made by Vice Mayor Maxwell and seconded by Commissioner McVoy to authorize the City Manager to execute a Notification Letter to Orlando Utilities Commission to extend the term of the Orlando Utilities Commission-Purchased Power Agreement through 2018.

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.

14. CITY ATTORNEY'S REPORT:

City Attorney Torcivia provided the following report:

- Announced that the plaintiff in a lawsuit regarding rezoning against the City for the Hudson Holding development of the Gulfstream Hotel was being appealed. He said the City could seek recovery of legal fees if the plaintiff did not win their appeal.

15. CITY MANAGER'S REPORT

A. October 4, 2016 – draft Commission agenda

City Manager Bornstein provided the following report:

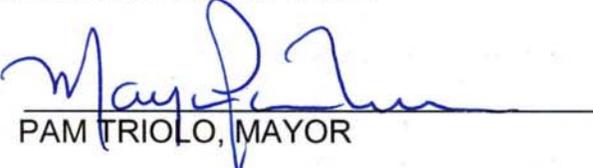
- Commented that he was aggravated with an article in the Palm Beach Post newspaper about a City employee. He said the article was written in such a way as to skip over facts, and the reporter did not write about a relationship between an employee and an individual who received a business license.
- Announced that the deadline to receive a report about the Casino Building was October 5, 2016. He said a work session with the Commission was scheduled at 6 PM on October 6, 2016, at the Casino Building to discuss the report. A presentation about solutions for the

Casino Building's balconies and doors would be discussed.

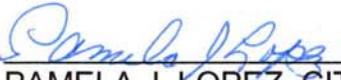
16. ADJOURNMENT:

Action: Motion made by Commissioner Amoroso and seconded by Commissioner Maier to adjourn the meeting at 7:38 PM.

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


PAM TRIOLO, MAYOR

ATTEST:


PAMELA J. LOPEZ, CITY CLERK

Minutes Approved: October 4, 2016

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

