

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR MEETING OF THE CITY COMMISSION
TUESDAY, JUNE 18, 2019 -- 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 Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Pam Ryan and City Clerk Deborah Andrea.
2. **INVOCATION OR MOMENT OF SILENCE:** given by Commissioner Omari Hardy.
3. **PLEDGE OF ALLEGIANCE:** led by Commissioner Scott Maxwell.
4. **AGENDA - Additions/Deletions/Reordering:**

New Business Item B, Discussion item seeking direction on how Commissioners place items on the agenda, was added.

Consent Item C was moved to New Business C and Consent Item H was moved to New Business D.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to approve the agenda as amended.

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

5. **PRESENTATIONS:** (there is no public comment on Presentation items)

A. Post Legislative update from Representative Michael Caruso
Rep. Caruso reported that the State had passed a balanced budget with reserves of eight million dollars making Florida the strongest state in the union. He said that Gov. DeSantis stressed health care and education and had increased student funding by \$283; Florida colleges were ranked number one in the country and graduates were able to get jobs. He stated that \$686 million had been allocated for the environment and the State was focused on cleaning up the water and doing red tide research and beach nourishment. He said that the Sadowski fund had not been raided this year and money for education should be coming to Lake Worth Beach. He said that there had been funding for Alzheimer's disease and Child Care issues. He reported that an anti-Semitism bill and a sober home bill had been passed.

Mayor Triolo expressed gratitude to Rep. Caruso for all he did for the City in Tallahassee.

Commissioner Hardy thanked him asked for help with education issues in Lake Worth Beach such as more money for VPK seats and hours as the children were not ready for kindergarten. He said that there was a harmful work requirement that a child could not be

placed in VPK if their parent did not work which needed to be addressed as well as the teacher bonus policy where teachers at a lower-performing school could not receive a bonus.

Rep. Caruso expressed interest in working with Commissioner Hardy a bill in August.

Vice Mayor Amoroso thanked Rep. Caruso for helping Lake Worth Beach and being an advocate for home rule.

Commissioner Robinson welcomed Rep. Caruso to Lake Worth Beach and thanked him.

B. Mayor Triolo read the Proclamation declaring June 27, 2019, as National HIV Testing Day and presented it to members of the Compass Center.

6. COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Hardy: stated that he attended a seminar on new urbanism where a new chapter was constituted in Palm Beach County.

Commissioner Maxwell: spoke about the lessons learned in Tallahassee from the denial of funding for ocean current energy. He spoke in Washington with all the City's representatives and the opportunity would be ripe to receive research dollars for the Gulfstream energy project.

Vice Mayor Amoroso: said that the Sober Home Task Force would meet in July and resume in September. He announced that he had been reappointed to the Florida League of Cities and was trying to get grants for a Tri-rail station. He reminded everyone about the 4th of July events. He mentioned Madeline McHendry's passing and reported that the service would be held on Sunday.

Commissioner Robinson: reported that he was at the Congress of new Urbanism where he learned about parking in cities and he looked forward to setting a policy about electric car chargers. He expressed disappointment that the pool would not be discussed until August.

Mayor Triolo: thanked everyone for coming to the Crossing for the Cure which had 225 paddleboarders this year. She said that had been asked to speak at the US Conference of Mayors and that the City would be up for two awards, for the ocean current and solar projects.

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

Myrka Zungia, spoke in support of keeping the portable buildings for one more year at Academy of Positive Learning.

Marleny Olivo spoke in favor of keeping the portable buildings for one more year at Academy of Positive Learning.

Leann Brittain spoke in support of keeping the portable buildings for one more year at Academy of Positive Learning.

Sara Malega thanked the Commission for their support of the upcoming 18th Annual Stonewall Black and White Ball at the Harriet Himmel Theatre and invited everyone to attend.

The following people spoke on various issues but did not write anything on their comment cards: Peggy Fisher, Tammy Panza.

8. APPROVAL OF MINUTES:

There were no Minutes on the agenda.

9. CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to approve the Consent Agenda as amended.

- A. City of Lake Worth Beach Strategic Plan 2020-2025
- B. Resolution No. 22-2019 - declare the City's intent to issue a Revocable Permit for a property located at 1005 North C Street and schedule a public hearing date for July 16, 2019
- C. (moved to New Business D) Resolution No. 23-2019 - Establish a Transfer Development Right Bank
- D. Resolution No. 24-2019 - Directing the development of a preliminary assessment roll for those non-ad valorem assessments levied for the costs of unpaid lot clearing, boarding and securing and demolition special assessments
- E. Change Order #1 to Premier Corrosion Protection Services, Inc. for the concrete deck repairs to the pier concrete walkway
- F. Ratifying of appointment and reappointments of various city advisory boards
- G. First Amendment to Interlocal Agreement R-2008-1114 with Palm Beach County
- H. (moved to New Business D) Purchase Order with SolarMax LED, Inc. for the purchase of LED lighting fixture material
- I. Resolution No. 25-2019 - authorizing the write down of accounts receivable to reflect uncollectable accounts for FY 2008-2010
- J. Resolution 26-2019 - amending the fees and charges schedule for beach and boat ramp parking violations and updating the recreation program and activity fee schedule for the 2018-2019 fiscal year
- K. Exception to Procurement for the Purchase Order issuance to Marquez Landscaping for the City-Wide Lawn and Landscape Maintenance contract through September 30, 2019

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

10. PUBLIC HEARINGS:

Ordinance No. 2019-05 - Second Reading and Public Hearing - Increase Business Tax Receipt rates by five percent (5%)

City Attorney Ryan read the ordinance by title only:

ORDINANCE NO. 2019-05 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 14, "BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS", ARTICLE I, "LOCAL BUSINESS TAX RECEIPT", SECTION 14-24, "BUSINESS TAX SCHEDULE" TO PROVIDE AN INCREASE IN THE LOCAL BUSINESS TAX RECEIPT RATES BY FIVE PERCENT (5%) EFFECTIVE JULY 1, 2019, IN ACCORDANCE WITH SECTION 205.0535(4), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to approve Ordinance 2019-05 on second reading.

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

11. UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

12. NEW BUSINESS:

A. Ordinance 2019-06 - amending the prohibition on open containers of alcoholic beverages in public places

City Attorney Ryan read the ordinance by title only:

ORDINANCE NO. 2019-06 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 5 "ALCOHOLIC BEVERAGES", SECTION 5-9, "NO POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGE OUTDOORS/PUBLIC PLACES OR VEHICLES", TO ADDRESS OPEN CONTAINERS IN COMMERCIAL ESTABLISHMENT PARKING LOTS AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

Motion: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance 2019-06 on first reading.

Comments/requests summary:

1. Vice Mayor Amoroso asked about deputies being able to make arrests when there were no victims and no no trespassing signs.

Lt. Sean Bozdech of PBSO said that PBSO had requested the wording change to

“public place” in the ordinance to allow deputies to make arrests without a victim.

2. Mayor Triolo expressed concern that small businesses would be financially responsible for nuisance abatement if three calls or more calls were made about the property.

Lt. Bozdech replied that PBSO would work with the businesses that were willing to help in reducing issues.

3. Commissioner Hardy said that he appreciated how the ordinance was drafted, enabling the problem to be corrected.

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 Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

- B. Discussion item seeking direction on how Commissioners place items on the agenda.

City Manager Bornstein stated that there was a procedure in place already for putting items on the agenda. He requested direction from the Commission about other ways to go about this.

Comments/requests summary:

1. Mayor Triolo spoke against having items placed on the agenda at the last minute unless it was an emergency and she would say no going forward; if it is not added by the Thursday before the meeting it does not get on the agenda. She said she would enforce the rules regarding the discussion of the items and after 30 minutes it would go to a workshop.
2. Commissioner Robinson expressed frustration that items were sometimes not added to the agenda; items of importance should be brought forth for public discussion.
3. Commissioner Hardy said that additions to the agenda require written justifications which have not been provided to the Commission. He stated that a process would be necessary, with staff's assistance, to get items on the agenda in order to discuss important issues. He said that there had been times when he had asked to have an item on the agenda and had been denied.
4. Vice Mayor Amoroso said that there was a resolution from 2017 in front of the Commission that clearly stated that Commissioners could have items added to the agenda as well as the deadline. He stated that he often suggested items for the agenda but after discussions with staff or the City Attorney decided not to add the item.

Vice Mayor Amoroso left the meeting at 7:18 PM and returned at 7:20 PM.

5. Commissioner Maxwell said that this item would require a workshop. He asked if there was a best practice in another city that the Commission should look at. He stated that

a good leader would bring forth items to implement City priorities; Commissioners do not have the right to impose on staff and there was nothing wrong with the plan already in place.

6. Commissioner Robinson said that West Palm Beach had the practice of bringing up agenda items and asking if they should be added to an agenda. He stated that he would want to discuss and vote on many issues but they were never added to an agenda.
7. Commissioner Hardy said assignments given to staff from the Commission were more important and the Commission should not cede authority to people who had not been elected. He stated that a policy would be necessary for adding actionable items to the agenda.
8. Commissioner Maxwell stated that the Commission was very close to consensus. He said that ideas should be brought up at a workshop before the meeting on a monthly basis where the Commissioners could discuss whether to add items to a future agenda. He expressed frustration when he heard about items that staff was working on and yet his shopping cart item still had not been heard.
9. Mayor Triolo said West Palm Beach had a meeting to hash out all the items before the meeting. She said this discussion had gone beyond 30 minutes and would go to a work session.

Motion: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to extend the discussion.

Mayor Triolo said that there was a rule that an item would go to a work session after a half hour discussion; the Commissioners could not arbitrarily decide whether or not to go to work session. Mayor Triolo stated that she did not recognize the motion.

Motion: Motion made by Commissioner Hardy override the Chair. Mayor Triolo did not recognize the motion and said the item would go to a work session.

Commissioner Hardy left the meeting at 7:38 PM and returned at 7:44 PM.

- C. (moved from Consent Item C) Resolution No. 23-2019 - Establish a Transfer Development Right Bank.

City Attorney Ryan did not read the resolution.

RESOLUTION NO. 23-2019 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, TO ESTABLISH A TRANSFER DEVELOPMENT RIGHT BANK AS MORE SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR RECORDING AND AN EFFECTIVE DATE.

Motion: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution 23-2019 establishing a Transfer Development Right Bank.

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

Tammy Pansa spoke in opposition to the resolution.

William Waters, Community Sustainability Director, responded that the City had not banked all the existing rights; the development rights would only come from the public zoning district and if more development rights were needed, the comp plan could be changed.

Comments/requests summary:

1. Commissioner Robinson asked how taxes would be collected should a non-profit corporation come in and if the rates were competitive. He said that the rates should be increased each year.

Mr. Waters replied that there had been discussion of a payment in lieu of taxes program for non-profits. He stated that the resolution was to establish a plan which would be revisited after a year. He said that a fixed value had been established to stimulate growth and was what the City could ask for additional density, height or floor area ratio.

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

Commissioner Maxwell left the meeting at 7:42 PM and returned at 7:44 PM.

D. (moved from Consent H) Purchase Order with SolarMax LED, Inc. for the purchase of LED lighting fixture material.

Motion: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve the Purchase Order with SolarMax LED, Inc. for the purchase of LED lighting fixture material.

Comments/requests summary:

1. Commissioner Robinson wanted to affirm that the lighting would be in accordance with Dark Sky International recommendations.

Jamie Brown, Public Services Director, responded that the issue had been recently turned over to Public Services by Paul Nicholas so he was unsure about all the technical data, but the lighting would be consistent with the Siemens project.

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

Richard Stowe requested that the SolarMax contract use the 2700 k lighting level that was approved for the City.

Mr. Brown replied that 2700 k would be used.

Mayor Triolo read the comment card from Christopher McVoy who wrote in favor of following the Dark Skies recommendation.

13. LAKE WORTH ELECTRIC UTILITY:

A. PRESENTATION: (there is no public comment on Presentation items)

There were no Presentation items on the agenda.

B. CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

There were no Consent Agenda items on the agenda.

C. PUBLIC HEARING:

There were no Public Hearing items on the agenda.

D. NEW BUSINESS:

1) Ordinance No. 2019-07-Reconstituting the Electric Utility Advisory Board

City Attorney Ryan read the ordinance by title only:

ORDINANCE NO. 2019-07 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REPEALING AND REPLACING ARTICLE XX OF CHAPTER 2 OF THE CODE OF ORDINANCES TO RECONSTITUTE THE CITY'S ELECTRIC UTILITY ADVISORY BOARD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Motion: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to approve Ordinance No. 2019-07 – reconstituting the Electric Utility Advisory Board (EUAB) with the following changes: adding back the former language reflecting a seven member board not a five member board, stating that they would meet once every other month unless the Chair decided there were no pending policy decisions for the Board's consideration and they would have a minimum of four members to constitute a quorum for the Board.

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

Roger St. Martin spoke in favor of the resolution.

Peggy Fisher said that she had been a member of the EUAB but resigned as the board was unnecessary.

Mayor Triolo read the comments on Christopher McVoy's card reflecting his support of an EUAB with seven members meeting monthly.

Justin Hoysradt spoke in favor of approving the ordinance.

Tammy Panza spoke in favor of keeping the EUAB at seven members.

Richard Stowe spoke in favor of keeping the EUAB with seven members and suggested it hold eight meetings a year.

Comments/requests summary:

1. Commissioner Hardy said that staff had recommended meetings held every three months but he spoke in favor of monthly meetings or bi-monthly as a compromise. He stated that the current ordinance was not being followed as the EUAB had not been meeting every month. He said that the ordinance should not be changed to suit the wishes of the Electric Utility Director.
2. Mayor Triolo asked if the ordinance could read that meetings would be held six times a year or more.

City Attorney Ryan replied that the ordinance read that there could be more meetings as directed by the Utility Director or the Commission.

City Manager Bornstein took issue with Commissioner Hardy's comments about Ed Liberty. He said that everyone thinks the City was trying to hide something; Mr. Liberty had been more transparent than any other Electric Utility Director in the City's history. He requested that the issue not be turned into us versus them and that Mr. Liberty's integrity not be impugned; the intention of the ordinance is to improve the function of the EUAB.

3. Mayor Triolo asked if one board was being given more importance than another.

City Manager Bornstein answered that each board served a different function as determined by the Commission. He requested that the ordinance be placed in the concept of good governance and process.

4. Commissioner Hardy said he did not impugn Mr. Liberty's integrity but that Mr. Liberty had made it clear that the EUAB should not be involved with every item.
5. Vice Mayor Amoroso expressed appreciation for the EUAB and stated that there were emergencies that arose where there was not time to consult the EUAB. He stated that some members had said that they did not want to meet just for the sake of meeting, that there should be issues to discuss. He said that specific priorities should be set and the board members reminded that they were governed by the Sunshine Law, not just for the EUAB but for all of the City boards.

6. Commissioner Maxwell asked if the Chair was usually the one to cancel a meeting.

Ms. Ryan responded that the Chair had the right to cancel a meeting.

7. Vice Mayor Amoroso said that he would vote against the ordinance vote as more discussion was needed and it needed to be cleaned up. He stated that the boards needed clear direction.
8. Mayor Triolo stated that it was important to get the EUAB functioning again and then there could be a workshop regarding the other issues.

City Manager Bornstein said that he had been waiting for the Commission on Ethics to make their determination regarding the conflict of interest issue; now that it had been resolved, a meeting would be set.

9. Peggy Fisher said that the Chair never canceled a meeting, notifications came from the electric utility office.

Vote: Voice vote showed: AYES: Mayor Triolo and Commissioner Maxwell, Hardy and Robinson. NAYS: Vice Mayor Amoroso.

14. CITY ATTORNEY'S REPORT:

City Attorney Ryan did not provide a report.

15. CITY MANAGER'S REPORT:

A. Draft Agenda – June 18, 2019, Regular City Commission Meeting

City Manager Bornstein did not provide a report:

16. ADJOURNMENT:

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to adjourn the meeting at 8:29 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell, Hardy and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: July 16, 2019

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