

**MINUTES  
CITY OF LAKE WORTH BEACH  
REGULAR CITY COMMISSION MEETING  
CITY HALL COMMISSION CHAMBER  
TUESDAY, DECEMBER 15, 2020 - 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 Beach, Florida.

**ROLL CALL:** Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell and Herman Robinson. Also present were Assistant City Manager Juan Ruiz, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

**MOMENT OF SILENCE:** was led by Vice Mayor Amoroso in memory of those who had died of COVID-19.

**PLEDGE OF ALLEGIANCE:** was led by Herman Robinson.

**AGENDA - Additions/Deletions/Reordering:**

Deborah Andrea, City Clerk, announced that New Business Item A, the appeal, was reordered to follow Presentations.

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

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

**PRESENTATIONS:** (there was no public comment on Presentation items)

A. Value of the Electric Utility (EU)

Ed Liberty, Electric Utility Director, introduced Jacob Williams, General Manager/Chief Executive Officer of the Florida Municipal Power Agency (FMPA). Mr. Liberty said that the presentation would show the value provided by the EU and that Mr. Williams had traveled around the state doing the presentation to different municipalities.

Mr. Williams stated that the EU provided an annual economic value of \$14 million to the City. He announced that the City would have the highest percentage of CO<sup>2</sup>-free supply in Florida by 2025 with a carbon footprint much lower than the National target, rates were competitive and costs would continue to decrease with more than a 33% reduction by 2027, residential costs were lower than in 2006 while U.S. rates increased 26%, the EU paid an additional \$4M+ to the City for various charges each year and more than \$4M per year in economic activity to LWB through local jobs, reliability would improve further under SHRIP with over \$14M invested in past two years for reliability improvements and an additional \$100M in the coming years, over 15% of revenue that the City used for general government services was transferred to the General Fund and the EU was owned by the citizens meaning that there were local priorities and control over decisions. He iterated that there would be 38+ Mw of power provided by solar by 2024 and LWB would be a leader in solar watts per customer in the country. He reported that the City restored power more quickly and that it could participate in the Wi-Fi Project Support by offering free

wired pole attachments. He said that in the near future the power costs would be approximately \$9M a year due to the retirement of the St. Lucie debt as well as reduced steam and coal costs and the City had a great asset in the EU.

Mr. Liberty explained the benefits of employing staff who lived and spent money in the City, that the SHRIP work would be done by local companies and the design would be to protect against a category 5 storm along with adding a second tie line. He spoke about storm protection, improvements in reliability and other smaller contributions to other areas of the City other than the General Fund, none of which would be received from another electric provider.

Vice Mayor Amoroso asked Mr. Liberty to discuss the credit card fees that the City absorbed.

Mr. Liberty replied that the EUAB's consensus was to pass that back to the customers and staff was working on getting the lowest fees for the customers.

Mayor Triolo said that the costs involved in being a greener city were high, but LWB was able to build its own solar farm and invest in solar. She requested that the realtors share the true cost of the EU which was within \$4 of FPL, not the from the past. She thanked Mr. Liberty for sharing opportunities with the City.

Mr. Liberty thanked Mr. Williams and the FMPA for their help and support.

Mr. Williams iterated that LWB could chart its own path because it had its own EU and had managed both sides of solar to be competitive.

Commissioner Robinson expressed admiration for the progress the EU had made under Mr. Liberty's leadership. He said that he was concerned about the City's competitiveness in commercial rates and how the payment plan was working for those who were having difficulties meeting their obligations.

Mayor Triolo asked that Mr. Liberty bring the payment plan information to a regular or electric meeting.

Commissioner Maxwell directed staff to create a presentation for the realtor's association to drive the message about the parity of the City's electric rates.

**NEW BUSINESS** (reordered):

- A. Appeal by Thomas J. Baird, Esq. on behalf of 1920 10th Avenue, LLC of PZB Project # 20-00500003, which included site plan and conditional use approvals to allow for the construction of a new vehicle fueling/charging station, single-destination retail, and restaurant at 1900 10th Avenue North (7-Eleven)

Mayor Triolo read the title of the case into the record that this was an appeal by Thomas Baird, on behalf of 1920 10th Avenue LLC, of PZB case number 20-00500003, which included a site plan and conditional use approvals to allow for the construction of a new vehicle fueling/charging station, single destination retail and a restaurant at 1900 10th Avenue, Lake Worth Beach for a project commonly known as 7-Eleven.

Mayor Triolo announced that, before the quasi-judicial hearing began, she recused herself from participating in the case and Assistant City Attorney Pamala Ryan would address the reasons for the recusal which were discussed with her. She said that she would file the appropriate paperwork with the City Clerk (attached herewith) and turned the gavel over to Vice Mayor Amoroso to proceed with the hearing.

Assistant City Attorney Ryan explained that she had spoken with Mayor Triolo, who was a tenant of the appellant of the group, and to avoid the appearance of impropriety, the Mayor would recuse herself from the case.

Mayor Triolo passed the gavel to Vice Mayor Amoroso and left the meeting at 6:43 PM.

Vice Mayor Amoroso stated that this was a quasi-judicial hearing to hear an appeal pursuant to section 23.2-17 of the City's code of ordinances and as stated in other cases, because this was an appeal, no new evidence would be taken but the city, the appellant and the applicant would each be given 10 minutes to make a presentation and thereafter, public comment would be allowed and the commission would ask questions.

Vice Mayor Amoroso asked if the commissioners had any ex parte communications, personal investigations, or campaign contributions to disclose.

Commissioner Maxwell said that he had two short telephone conversations with Mr. Gil prior to the PZB meetings and spoke with Mr. Hiatt, who had contributed to his campaigns. He stated that he conveyed that he could not discuss the issue with the gentlemen.

Commissioner Robinson said that he visited the site with Mr. Hiatt and heard his concerns.

Vice Mayor Amoroso said that he had spoken with Mr. Hiatt to hear his concerns.

Vice Mayor Amoroso asked Keith Sullivan, the City's Webmaster, to promote all appeal participants to panelists for swearing in. He announced that all those giving presentations, answering questions from the commission, or speaking under public comment raise their right hands and be sworn-in.

City Clerk Andrea swore in those speaking and requested that they state their names and addresses for the record and who they represented, if applicable.

Vice Mayor Amoroso said that City's staff would give their presentation first, which could be no longer than ten minutes.

Erin Sita, Community Sustainability Assistant Director, announced that Thomas J. Baird, Esq. on behalf of 1920 10th Avenue, LLC, was appealing a final order of the Planning and Zoning Board (PZB) to allow a 7-Eleven at 1900 10th Avenue North. She said that the subject project was approved with conditions at the July 15, 2020 Planning and Zoning Board (PZB) meeting for a major site plan, vehicle fueling/charging station, single-destination retail, and restaurant conditional uses, and a variance and that the variance determination was being appealed separately at the 15th Judicial Circuit. She summarized the prior actions, stating that on July 15, 2020, the PZB voted 4-2 to approve project 20-00500003, including Major Site Plan, Conditional Use, and Variance, with staff recommended conditions from various departments and the PZB condition that the applicant coordinate with the PBC School District and provide additional signage for

school crossings. She showed the site location and site plan and stated that she reserved the remaining three minutes for closing remarks.

Vice Mayor Amoroso said that the appellant, through Mr. Baird, could make a ten minute presentation.

Mr. Baird gave a presentation stating the reasons the appellant opposed the development. He said that before and at the Board's hearing, Mr. Gil sought a continuance because, as an affected party, he could not retain counsel and be adequately prepared for the hearing and Messrs. Hiatt and Schmidt, also affected parties, objected to the short notice which prevented them from retaining counsel. He reported that the testimony from the three affected parties was that the existing traffic already created congestion, specifically the difficulty to pull out onto Barnett, and the addition of a 7-Eleven of this magnitude and with three retail uses would have a heavy impact on existing traffic contributing to increased congestion especially during rush hours. Mr. Schmidt, a commercial real estate broker in Palm Beach County (PBC), testified that based upon his experience, 7-Eleven's 4,730 square foot store on 1.24 acres was much larger than typical c-stores ranging between 2,000 – 3,000 square feet. Mr. Baird stated that the project was inconsistent with the City's comprehensive plan as it was multiple use, not mixed-use, was inconsistent with the mixed-use west zoning district and did not meet the conditional use criteria of chapter 23.3-18 due to the traffic congestion that would be created. He concluded by stating that the project was not consistent with and did not meet the policies the commission had adopted in its Comprehensive Plan or LDRs, that pursuant to § 163.3194 (6), Fla. Stat., a project which was not consistent with the City's Comprehensive Plan could not be approved, pursuant to §163.3194 (1)(a) & (b), Fla. Stat., all projects must comply with the policies of the City's Comprehensive Plan and its Land Development Regulations and pursuant to §163.3194 (1)(a), Fla. Stat. and because the project was not consistent, the PZB was required to deny the project.

Brian Seymour, attorney for the applicant made an objection to the presentation because the majority was new information and therefore not allowable.

Vice Mayor Amoroso said that the applicant, through Mr. Seymour, could make a ten-minute presentation.

Mr. Seymour relayed the approvals at issue, providing for a 4,730 SF retail/restaurant (4,496 SF retail/234 SF restaurant) and 3,520 SF canopy over 7 fuel pumps (14 positions). He said that the notice was complied with and legal, but the appellant did not hire a lawyer, which was not basis for a continuance. He stated that there was more than enough competent substantial evidence to support the decision and the objections were related to traffic. He reported that traffic analysis had been conducted by Lisa Bernstein, P.E. a licensed traffic engineer and that a condition was added and met, that the project had to be approved by PBC to meet the appropriate levels of service and significant traffic improvements associated with the project such as new signage and a new entry onto 10<sup>th</sup> Avenue North. He stated that the project was four percent of the maximum development allowance for the site and would provide for better traffic circulation and a better traffic pattern, not have an adverse traffic impact.

Vice Mayor Amoroso asked if there were any public comment cards, or if there was a member of the public who wished to make a two-minute public comment.

City Clerk Andrea stated that there were no public comment cards.

Vice Mayor Amoroso asked the commissioners if they had any questions for staff, the applicant, or the appellant, reminding them that only questions for clarification on the issues could be asked, no new information would be allowed.

Vice Mayor Amoroso said that Commissioner Maxwell had asked for a copy of the appellant's presentation, but was told that it was not factual.

Assistant City Attorney Ryan responded that the appellant had not raised the issues about the comp plan previously and the PZB did not have any opportunity to review the information. She explained that it was not fair to present new information at an appeal.

Commissioner Maxwell asked why Assistant City Attorney Ryan did not object during Mr. Baird's presentation.

Assistant City Attorney Ryan replied that she was not to interrupt presentations and urged caution when reviewing Mr. Baird's presentation. She said that Mr. Seymour's presentation contained information that had been presented below.

Vice Mayor Amoroso asked Assistant City Attorney Ryan to highlight the issues that should not be considered.

Commissioner Maxwell stated that in previous hearings, the presentations had been given to the commission before the meeting. He questioned what information was accurate.

Assistant City Attorney Ryan answered that she had not said that the information was inaccurate, but that an analysis of the comp plan had not been presented to the PZB and should not be part of the appeal.

Commissioner Robinson expressed interest in the County's input because there would be an increase in traffic.

Vice Mayor Amoroso asked Ms. Sita to address the upcoming work that would be done on 10<sup>th</sup> Avenue North.

Ms. Sita replied that 10<sup>th</sup> Avenue North would be widened to six lanes and the applicant would be required to coordinate their configuration with the county.

Commissioner Robinson asked for clarification about the results of the court outcome on the commission's decision.

Assistant City Attorney Ryan replied that the variance went to the Circuit Court and was on appeal which was proceeding separately. She said that the case would be appealed to the court no matter the outcome of the appeal, although the Court would look at the PZB's decision. She stated that the appeal could be sent back to the PZB to be fleshed out if the commission desired.

Commissioner Maxwell asked if the applicant owned the property. He expressed concern about when the affected parties had received service.

Mr. Seymour responded that the applicant leased the property and the owner allowed the lessee to file an application.

Ms. Sita replied that the notice was mailed on July 2 with a proof of mailing and the signs were put up the same day. She said that notice needed to be sent 10 calendar days before the hearing.

Mr. Seymour said that mail was delivered on July 3 and the notices could have been sent as late as July 5 to meet the statute.

Commissioner Maxwell said that he believed that property owners had property rights.

Mr. Seymour replied that the appellant said that the notice was proper and had seen the posted signs, but waited to hire counsel until two days before the hearing.

Commissioner Maxwell asked about the Barnett traffic statement and expressed concern about the number of trips.

Assistant City Attorney Ryan said that she did not have the transcript.

Ms. Sita recalled that the applicant's site improvements would improve the traffic on the site and allow for better functionality and were discussed at the PZB meeting.

Commissioner Robinson said that there were property rights on both sides and had the right to develop the property to the letter of the law. He questioned if a majority of two would be allowed.

Assistant City Attorney Ryan replied that according to the City's Charter, three members would have to vote to pass a motion.

Commissioner Maxwell asked Mr. Waters about the traffic study and if the site would not create more traffic.

Mr. Waters responded that the site would be allowed to have much more development with a higher impact and staff concluded that the project would improve the traffic in the area along with the improvements that would be made by the county.

Commissioner Maxwell asked if the county had weighed in on the traffic study and what would happen if the project did not happen.

Ms. Sita replied that the City had received a traffic concurrency letter from the county which was a condition of approval by the PZB.

Mr. Waters stated that the residents had dedicated rights-of-way to the project and there would be lawsuits if the road widening did not take place.

Commissioner Maxwell expressed concern about middle school students milling about after school when there was traffic involved. He asked if the issue had been discussed.

Ms. Sita stated that there was a deadline for additional safety precautions coordinated with the School Board and the City engineer as another condition of approval.

Mr. Waters stated that most projects had extensive lists of conditions of approval prior to the issuance of permits or of a certificate of occupancy.

Vice Mayor Amoroso told the commissioners to discuss the appeal amongst themselves, which they did.

Vice Mayor Amoroso asked for a motion, stating that the considerations substantiating the decision should be discussed, and the standard of review was competent, substantial evidence.

Mr. Waters stated that there were two possible motions on the staff report, plus a third to send the appeal back to the PZB.

Assistant City Attorney Ryan stated that the third motion choice should specify what issues the PZB should further examine.

Mr. Seymour found the statement indicating that both the owner and the lessee filed the application together and said that the lease, the existence of which was testified to under oath, would not be shared with the commission as it was a trade secret.

**Action:** Motion made by Commissioner Maxwell to overturn the decision by the PZB of PZB Project # 20-00500003 for the following reasons: there was not enough competent and substantial evidence brought before the PZB to address some of the issues raised at the appeal such as the ownership of the property and whether the conditions could be met or not. **Motion died for lack of a second.**

**Action:** Motion made by Commissioner Robinson to uphold the PZB's decision as there was competent and substantial evidence presented. **Motion died for lack of a second.**

Assistant City Attorney Ryan opined that there needed to be a motion and a vote.

Mr. Waters asked if it would be appropriate for the Vice Mayor to pass the gavel over to the Vice Mayor Pro Tem in order to second a motion.

**Action:** Motion made by Commissioner Maxwell to kick the appeal back to the PZB. **Motion died for lack of a second.**

Vice Mayor Amoroso passed the gavel to Vice Mayor Pro Tem Maxwell.

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to uphold the decision of the PZB as the evidence presented was competent and substantial.

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

City Attorney Goddeau suggested that the appeal be continued until another commissioner was appointed to increase the number on the dais.

Commissioner Maxwell opposed the suggestion.

Commissioner Robinson asked how a final decision could be expedited.

Mr. Waters asked if the appellant and applicant would agree that if the issue went back to the PZB, the appeal would go directly to the court.

City Attorney Goddeau replied that the parties could agree to waive their right to an appeal before the commission, but the City would not ask them to do so.

**Action:** Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to send the appeal back to the PZB.

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

The meeting recessed at 8:22 PM and reconvened at 8:29 PM with the Mayor resuming the gavel.

### **COMMISSION LIAISON REPORTS AND COMMENTS:**

Vice Mayor Amoroso: said that there had been more funding received for the food distribution which would continue through January. He stated that conversion therapy had come back up, PBC and several cities had put a ban on conversion therapy; he asked City Attorney Goddeau to speak about the issue as Miami Beach was looking for cities to weigh in.

City Attorney Goddeau stated that there was a challenge under the First Amendment to ordinances that ban conversion therapy and that the City of Boca Raton was looking for surrounding cities with conversion therapy ban ordinances to support the briefs of the other cities.

Vice Mayor Amoroso asked for the support of his fellow commissioners which was given.

Commissioner Maxwell: wished everyone happy holidays and that people would be able to celebrate together.

Commissioner Robinson: extended his condolences to Mary Jane McKinnon on her loss. He stated that South Palm Park had a great holiday display in their medians that everyone should see and said that he looked forward to the many upcoming work sessions on various issues. He iterated that everyone should continue to wear masks and wash their hands.

Mayor Triolo: sent love to the McKinnons who were a part of the fabric of the community. She announced that South Palm Park came in second for their holiday decorations. She expressed pride in the City for their creativity with the holiday events and said that the bike giveaway would take place virtually. She reported that "Polar Express" was shown at Bryant Park with social distancing and suggested that residents go to the Events section of the website to see all of the events planned. She said that the commissioners would judge the houses that registered for the house decorating event.

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

City Clerk Andrea read the comments submitted by the following:



Lorien DeBruyn wrote to urge the commission to not allow a four-story building development proposed to the CRA on the parcel of land located on N E Street between Lake and Lucerne Avenues.

David Simms wrote that he expected the commission to show patience and respect during and after public comments were read.

Christopher McVoy wrote to express discouragement in the commissioners' statements before and after the reading of public comment regarding Commissioner Robinson's proposal to require developers to meet with city residents.

Kim Stokes wrote that the City should be proactive in reaching out to its residents to talk about the potential changes coming to the downtown area.

Cliff Kohlmeyer wrote that the commission's response to public comments in the previous meeting were insulting and another example of how citizens felt disregarded by the commission.

Catherine Kohlmeyer wrote to express disappointment at the resistance of the commissioners to the suggestion of more input from the public.

The following individuals read their own comments through Zoom:

Sam Goodstein said that a meeting was not a meeting when no one showed up and that public participation was very important.

Richard Stowe said that he had served on the Tree Board but was speaking on his own behalf and asked that the commission reconsider its decision of December 1, 2020 to sell the property on North F to the CRA and instead convert the lots to planter strips.

**APPROVAL OF MINUTES:**

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the following minutes:

- A. Work Session - November 5, 2020
- B. Regular Meeting - November 17, 2020

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

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

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

- A. Resolution No. 55-2020 - setting the ballot for the March 9, 2021, General Election
- B. Agreement with ACAI Associates for professional services related to the Public Works Fleet Facility design and construction administration services.

- C. Work Order #2 with Bella Construction for the Renovation of the Golf Course Clubhouse Facility
- D. Purchase Order with Nextran Truck for the purchase of a Mack One Arm Garbage Truck
- E. Service agreement with Verizon Wireless to provide mobile communication services
- F. Payments of Fiscal Year 2020 Invoices
- G. Fourth Amendment to Agreement with USIC LOCATING SERVICES, LLC to provide utility locating services for one more year
- H. Electric Utility Easement and Bill of Sale by and between 1601 Dixie, LLC and the City of Lake Worth Beach
- I. Water Utility Easement and Bill of Sale by and between 1601 Dixie, LLC. and the City of Lake Worth Beach
- J. Adopt the Fiscal Year 2021 Staff Count
- K. Resolution No. 56-2020 – 1st Budget Amendment to the Fiscal Year 2021 Budget

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

**PUBLIC HEARINGS:**

- A. Ordinance No. 2020-19 - Second Reading - adopting the Florida Building Code 2020 7th Edition

Mayor Triolo reminded the commission that the ordinance was a second reading and had a presentation at the first reading.

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-19 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-2, "BUILDING CODE ADOPTED", BY ADOPTING THE 2020 BUILDING CODE; AMENDING SECTION 9-2.1, "CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED", BY ADOPTING BY REFERENCE THE CITY OF LAKE WORTH BEACH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2020 EDITION; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-19 - Second Reading - adopting the Florida Building Code 2020 7th Edition.

City Clerk Andrea stated that there were no public comments.

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

**UNFINISHED BUSINESS:**

A. Discussion of appointment of City Commissioner for District 2

Vice Mayor Amoroso asked to hear from the City Attorney.

City Attorney Goddeau explained that the charter gave guidance that the commission shall choose and appoint a successor to serve until a newly elected commission is qualified and that all commissioners had to reside in their district. She said that the options were to make a motion to appoint someone who lived in District 2, someone who either had or had not gone through the qualifying process, give direction to staff to do an official process asking for applications and interviews, setting up a special meeting to make the appointment or having the option to think over the holidays and make an appointment after the holidays. She stated that the commission had voted to list the item as a discussion, but official action could be taken.

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to appoint Carla Blockson with her position to start on Monday, December 21, 2020.

Comments/requests summary:

1. Commissioner Robinson stated that there were consequences of not making decisions as seen by the results of the quasi-judicial hearing.
2. Mayor Triolo said that she knew Ms. Blockson, who did a lot of volunteer work for the City.

City Clerk Andrea stated that there were no public comments.

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

**NEW BUSINESS:**

- A. (reordered to follow Presentations) Appeal by Thomas J. Baird, Esq. on behalf of 1920 10th Avenue, LLC of PZB Project # 20-00500003, which included site plan and conditional use approvals to allow for the construction of a new vehicle fueling/charging station, single-destination retail, and restaurant at 1900 10th Avenue North (7-Eleven)
- B. Ordinance No. 2020-21 – First Reading - Prohibition on Distribution of Plastic Straws at City Facilities
- C.  
City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-21 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, "OFFENSES – MISCELLANEOUS" OF THE CITY'S CODE OF ORDINANCES, BY CREATING A NEW ARTICLE VIII, TO BE ENTITLED, "PROHIBITION ON DISTRIBUTION OF PLASTIC STRAWS AT CITY FACILITIES"; PROVIDING FOR EXCEPTIONS, EDUCATION, ENFORCEMENT, AND PENALTIES; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Goddeau stated that PBSO could enforce the ordinance, but the intent was to have it be enforced through an educational program and through code enforcement.

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-21 on first reading and set the second reading and public hearing for January 5, 2020.

City Clerk Andrea said that there were no public comments.

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

D. Resolution No. 57-2020 - approving the Agreement with the Supervisor of Elections for the March 2021 election

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 57-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING AN AMENDED AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF LAKE WORTH BEACH; DESIGNATING THE CITY'S CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE

**Action:** Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution No. 57-2020 - approving the Agreement with the Supervisor of Elections for the March 2021 election.

City Attorney Goddeau explained that the City wanted to use the Vote by Mail process due to COVID, which could increase the cost of the election.

Mayor Triolo asked if there was a difference in the services being provided to other cities. She asked what had been taken away from the city and had it been returned.

City Attorney Goddeau replied that the new SOE was more amenable to discussion but wanted to cover their costs. She said that the costs were the same across the board and varied by the size of the city.

City Clerk Andrea responded that Susan Bucher would not serve on the City's canvassing board, but Wendy Sartory Link would.

Commissioner Maxwell asked if Vote by Mail ballots would be sent to all registered voters.

City Attorney Goddeau replied that a voter had to request a ballot, it would not be sent automatically, but some voters opted to have Vote by Mail ballots for the next two years.

City Clerk Andrea stated that there were no public comment cards.

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

**LAKE WORTH ELECTRIC UTILITY:**

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

- 1) Second Amendment to the agreement with Simple Mind LLC for continued Professional Consultant Services communication outreach in the amount of \$43,000
- 2) Ratification of Second Amendment to original Agreement with ENCO Utility Services, LLC
- 3) Agreement with Dis-Tran Steel, LLC for steel products for electrical substations
- 4) Purchase Order(s) to McWayne Poles for the Purchase & Delivery of Ductile Iron Poles

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

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

**CITY ATTORNEY'S REPORT:**

City Attorney Goddeau did not provide a report.

**CITY MANAGER'S REPORT:**

Assistant City Manager Ruiz did not provide a report.

**ADJOURNMENT:**

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to adjourn the meeting at 9:10 PM.

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

ATTEST:

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Pam Triolo, Mayor

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Deborah M. Andrea, CMC, City Clerk

Minutes Approved: January 5, 2021