

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, AUGUST 17, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:03 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:24) Present were Mayor Betty Resch (via Zoom); Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were Interim City Manager Juan Ruiz, City Attorney Christy L. Goddeau and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:50) led by Commissioner Kimberly Stokes.

PLEDGE OF ALLEGIANCE: (1:36) led by Commissioner Sarah Malega.

AGENDA - Additions/Deletions/Reordering: (1:53)

A proclamation for Women's Equality Day was added to the agenda as Presentation D. New Business A, Ordinance No. 2021-11 – amending the candidate qualifying period was reordered to follow Presentation A and Resolution No. 52-2021 – Adoption of the 2021 Lake Worth Lagoon Management Plan was ordered to immediately follow Presentation B. Consent Agenda A was deleted and moved to the first meeting in September.

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

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

PRESENTATIONS: (3:44) there is no public comment on Presentation items)

A. Election Presentation by Wendy Sartory Link, PBC Supervisor of Elections

NEW BUSINESS: (28:23)

A. (reordered) Ordinance No. 2021-11 – First Reading – amending the candidate qualifying period

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2021-11 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,
AMENDING SECTION 2-14.1 OF CHAPTER 2 OF THE CODE OF ORDINANCES
REGARDING CANDIDATE QUALIFYING PERIOD; PROVIDING FOR

SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Ordinance No. 2021-11 on first reading and set the second reading and public hearing for September 9, 2021.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

PRESENTATIONS: (33:38)

B. Lake Worth Lagoon Management Plan Presentation by Palm Beach County Environmental Resources Management

NEW BUSINESS: (50:27)

B. (reordered) Resolution No. 52-2021 – Adoption of the 2021 Lake Worth Lagoon Management Plan

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 52-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE CITY'S SUPPORT OF THE 2021 LAKE WORTH LAGOON MANAGEMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES

Action: Motion made by Commissioner McVoy and seconded by Commissioner Stokes to approve Resolution No. 52-2021 – Adoption of the 2021 Lake Worth Lagoon Management Plan.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

PRESENTATIONS: (51:43)

C. Presentation by Valentina Sustaita, Assistant Finance Director-Purchasing, regarding Procurement Procedure (51:45)

D. (added) Proclamation commemorating Women's Equality Day (1:11:35)

(moved to end of the meeting) **COMMISSION LIAISON REPORTS AND COMMENTS:**

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:14:13)

APPROVAL OF MINUTES: (1:17:43)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve the following minutes:

- A. Regular Meeting - June 1, 2021
- B. Budget Work Session #1 - June 3, 2021
- C. Special Meeting - June 15, 2021
- D. Regular Meeting - June 15, 2021
- E. Special Meeting - June 29, 2021
- F. Budget Work Session #2 - June 30, 2021

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

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

- A. (deleted) Ratification of the agreement with the Legal Aid Society of PBC, Inc. for legal aid eviction support to benefit of Lake Worth Beach residents

PUBLIC HEARINGS: (1:18:44)

- A. Ordinance No. 2021-04 – Second Reading – possible Quasi-judicial – amending the Official Zoning Map by approving the creation of a Mixed Use Planned Development (Deco Green Apartments) located at 1715 North Dixie Highway (1:18:49)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2021-04 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 1715 NORTH DIXIE HIGHWAY CONSISTING OF APPROXIMATELY 2.29 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE – DIXIE HIGHWAY (MU-DH) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – EAST (MU-E) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING THE TRANSFER OF DEVELOPMENT RIGHTS TO OBTAIN AN ADDITIONAL 10 UNITS PER ACRE; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 127-UNIT MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded Commissioner Malega to approve Ordinance No. 2021-04 amending the Official Zoning Map by approving the creation of a Mixed Use Planned Development (Deco Green Apartments) located at 1715 North Dixie Highway.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioner Malega.
NAYS: Commissioners McVoy and Stokes.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS: (2:39:12)

- A. (reordered to follow Presentation A) Ordinance No. 2021-11 – First Reading – amending the candidate qualifying period
- B. (reordered to follow Presentation B) Resolution No. 52-2021 – Adoption of the 2021 Lake Worth Lagoon Management Plan
- C. Resolution No. 53-2021 - authorizing the submission of an application for funding assistance under the Lake Worth Lagoon Initiative (2:39:55)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 53-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO PALM BEACH COUNTY TO REQUEST STATE OF FLORIDA LEGISLATIVE FUNDING IN THE AMOUNT OF \$250,000 UNDER THE LAKE WORTH LAGOON INITIATIVE PROGRAM FOR THE WELLESLEY DRIVE AND 18TH AVNEUE NORTH LAGOON ENHANCEMENT PROJECT; AUTHORIZING THE DESIGNATION OF THE MAYOR OR A CITY COMMISSIONER TO REPRESENT THE CITY BY ATTENDING AND PRESENTING SUPPORT OF THIS PROJECT AT THE LAKE WORTH LAGOON INITIATIVE SELECTION COMMITTEE APPLICANT PRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Resolution No. 53-2021 - authorizing the submission of an application for funding assistance under the Lake Worth Lagoon Initiative.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- D. Resolution No. 54-2021 – FY 2021-2022 CDBG Agreement for Memorial Park (2:44:31)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 54-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING THE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY IN THE AMOUNT OF \$274,506 IN FISCAL YEAR 2021-2022 CONNUNITY DEVELOPMENT BLOCK GRANTFUNDS FOR IMPROVEMENTS TO BE MADE IN MEMORIAL PARK; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Action: Motion made by Commissioner Stokes and seconded by Commissioner McVoy to approve Resolution No. 54-2021 – FY 2021-2022 CDBG Agreement for Memorial Park.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

E. Resolution No. 55-2021 -- authorizing the submission of an application for funding under the Florida Recreation Development Assistance Program for the Phase 1 of the replacement of playground equipment in South Bryant Park (2:49:15)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 55-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF OPERATIONS, LAND AND RECREATION GRANTS FOR GRANT FUNDS IN THE AMOUNT OF \$50,000 PROVIDED THROUGH THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve Resolution No. 55-2021 -- authorizing the submission of an application for funding under the Florida Recreation Development Assistance Program for the Phase 1 of the replacement of playground equipment in South Bryant Park.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

F. Work Order #7 with the Paving Lady (2:52:12)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve Work Order #7 with the Paving Lady.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

G. Agreement with BrightView Maintenance, Inc. for golf course maintenance services for the Lake Worth Beach Golf Club (2:56:41)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve the Agreement with BrightView Maintenance, Inc. for golf course maintenance services for the Lake Worth Beach Golf Club.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

H. Discussion regarding updating the City's Procurement Code (2:58:10)

- I. Ratification of First Amendment to Work Order No. 2 with Service Electric Company for additional construction services for the 138kV Transmission Static Line Project (3:07:26)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the Ratification of First Amendment to Work Order No. 2 with Service Electric Company for additional construction services for the 138kV Transmission Static Line Project.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: None. ABSENT: Commissioner McVoy.

- J. Discussion regarding candidates for City Manager (3:11:12)

CITY ATTORNEY'S REPORT: (3:45:43)

City Attorney Goddeau requested an attorney client session for advice from the Lake Worth Beach City Commission concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the 15th Judicial Circuit of Palm Beach County cases of: Umdasch Real Estate USA Ltd Corp v. City of Lake Worth Beach Florida, Case Number: 2021-Ca-007798 and Umdasch Real Estate USA, Ltd. Corp. v. City of Lake Worth Beach Florida, Case Number: 2021-Ca-007649 and requested an attorney-client session to be scheduled for August 31, 2021, at 5:00 p.m. The estimated length of the attorney-client session would be approximately one hour and be attended by the members of the City Commission; Mayor Betty Resch, Vice Mayor Herman Robinson, Commissioners Sarah Malega, Christopher McVoy and Kim Stokes; and Interim City Manager Juan Ruiz; Assistant City Attorney, Christy Goddeau; and outside counsel Carlos De Zayas. A certified court reporter would be present to ensure that the session was fully transcribed and the transcript would be made public upon the conclusion of the above-cited, ongoing litigation.

CITY MANAGER'S REPORT: (3:48:18)

Interim City Manager Ruiz provided the following report:

- Reported that PBC declared a State of Emergency due to the rise in COVID cases.
- Announced that the work session on Thursday, August 19 would be closed to the public due to the rise in COVID cases; the meeting would be livestreamed on YouTube and public comment could be submitted on the website to be read by the City Clerk or by the individual.
- Requested that the commission reshare the city's information and not share the zoom link which was for internal use only.

(skipped) **COMMISSION LIAISON REPORTS AND COMMENTS:**

UPCOMING MEETINGS AND WORK SESSIONS:

August 19 - Work Session

August 30 - Budget Work Session #4

August 31 - Electric Utility

September 7 – Regular

Draft Agenda - September 7, 2021

ADJOURNMENT: (3:54:30)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to adjourn the meeting at 9:57 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: September 21, 2021

Item time stamps refer to the recording of the meeting which is available on YouTube.