

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, DECEMBER 17, 2024 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:01 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:37) Present were Mayor Betty Resch and Commissioners Christopher McVoy (arrived at 6:02 PM), Mimi May and Reinaldo Diaz. Also present were Interim City Manager Jamie Brown, City Attorney Elizabeth Lenihan and City Clerk Melissa Ann Coyne. Vice Mayor Malega was absent.

INVOCATION OR MOMENT OF SILENCE: (1:05) was led by Commissioner Reinaldo Diaz.

PLEDGE OF ALLEGIANCE: (1:51)

Commissioner May left the meeting at 6:03 PM and returned at 6:04 PM.

ADDITIONS/DELETIONS/REORDERING: (2:11)

Unfinished Business B, Town of Palm Beach - Beach Nourishment, was moved to follow Approval of Minutes.

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

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy and Diaz. NAYS: None. ABSENT: Vice Mayor Malega and Commissioner May.

PRESENTATIONS: (there is no public comment on Presentation items) (3:00)

- A. Palm Beach Sheriff's Office: Update by Capt. Terrence Carn and Safe Place Initiative by Capt. Beth Krivda (3:03)
- B. Presentation regarding Highland Elementary School's safety patrol trip to Washington D.C. from Christian Kahler, Safety Patrol Sponsor (30:43)
- C. Proclamation commemorating the 110th anniversary of the Woman's Club of Lake Worth, Florida (39:39)

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (45:15)

APPROVAL OF MINUTES: (58:28)

Action: Motion made by Commissioner May and seconded by Commissioner Diaz to approve the following minutes:

- A. December 3, 2024 - regular meeting

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

CONSENT AGENDA:

There were no items on the Consent Agenda.

UNFINISHED BUSINESS: (58:45)

B. (reordered) Town of Palm Beach - Beach Nourishment

The meeting recessed at 8:02 PM and reconvened at 8:12 PM.

PUBLIC HEARINGS: (2:13:05)

A. Ordinance No. 2024-14 - First Reading – amending multiple sections of Chapter 23 “Land Development Regulations” to create a definition for artificial turf and establish regulations and performance standards for artificial turf (39:24)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE 2024-14 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2 “DEFINITIONS”; SECTION 23.1-12 – DEFINITIONS AND ARTICLE 6 “ENVIRONMENTAL REGULATIONS,” SECTION 23.6-1 – LANDSCAPE REGULATIONS, RELATED TO ARTIFICIAL TURF; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner May and seconded by Commissioner McVoy to approve Ordinance No. 2024-14 on first reading and set the second reading and public hearing for January 21, 2025.

Action: Amended Motion made by Commissioner May to approve Ordinance No. 2024-14 on first reading and set the second reading and public hearing for January 21, 2025 removing section B. **MOTION DIED FOR LACK OF A SECOND.**

Vote: Voice vote showed: AYES: Mayor Resch NAYS: Commissioners McVoy, May and Diaz. ABSENT: Vice Mayor Malega.

Action: Motion made by Commissioner Diaz and seconded by Commissioner McVoy to disapprove Ordinance No. 2024-14 on first reading.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

B. Ordinance No. 2024-18 - First Reading – amending Chapter 23, Article 1 to allow the development of two-unit townhouses and remove the definition of a townhouse complex; and Chapter 23, Article 3 to correct inconsistencies for assisted living facilities and nursing home uses; and Chapter 23, Article 3 to revise the minimum lot area and lot width for properties on the west side of Dixie Highway and correct the minimum area per unit (3:23:37)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE 2024-18 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12 – DEFINITIONS; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 1, “GENERALLY,” SECTION 23.3-6 USE TABLES; AND DIVISION 3, “MIXED USE DISTRICTS,” SECTION

23.3-17 – MU-DH - MIXED USE – DIXIE HIGHWAY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to table the item until February, 2025. **MOTION WITHDRAWN.**

Action: Motion made by Commissioner May and seconded by Commissioner Diaz to deny the change in the definition of townhouses. (3:30)

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to approve the correction of inconsistencies for assisted living facilities and nursing home uses.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to approve revising the minimum lot area and lot width for properties on the west side of Dixie Highway and correct the minimum area per unit.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

Action: Motion made by Commissioner McVoy and seconded by Commissioner May to extend the meeting until 11 PM.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

C. Ordinance No. 2024-19 - First Reading – adopting the City’s Mobility Plan and amending the City’s Comprehensive Plan to align with the goals and objectives of the new Mobility Plan (3:47:01)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE 2024-19 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING AND NEIGHBORHOODS ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, AND ECONOMIC DEVELOPMENT ELEMENT OF THE CITY’S COMPREHENSIVE PLAN; ADOPTING THE CITY OF LAKE WORTH BEACH MOBILITY PLAN; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Diaz and seconded by Commissioner McVoy to approve Ordinance No. 2024-19 on first reading, to transmit to the Florida Department of Economic Opportunity for review, and to schedule the second reading after review by the State.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

D. Ordinance No. 2024-20 - First Reading – banning marijuana dispensing facilities within the City of Lake Worth Beach (3:57:56)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE NO. 2024-20 OF THE CITY OF LAKE WORTH BEACH, FLORIDA; AMENDING CHAPTER 23, “LAND DEVELOPMENT REGULATIONS”; AMENDING ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12 “DEFINITIONS” AND ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-10, “MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED” TO PROHIBIT MEDICAL AND NON-MEDICAL MARIJUANA DISPENSING FACILITIES AND RELATED USES WITHIN THE BOUNDARIES OF THE CITY; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION, A MORATORIUM CONTINGENCY, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Diaz and seconded by Commissioner McVoy to disapprove Ordinance No. 2024-20.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

UNFINISHED BUSINESS: (4:18:22)

A. Resolution No. 54-2024 - Funding Swap Budget Amendment – American Rescue Plan Act (ARPA) (4:18:24)

City Attorney Lenihan did not read the resolution.

RESOLUTION NO. 54-2024, BUDGET AMENDMENT OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY’S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner May to approve Resolution No. 54-2024 - Funding Swap Budget Amendment – American Rescue Plan Act (ARPA).

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

B. (moved to follow Approval of Minutes) Town of Palm Beach - Beach Nourishment

NEW BUSINESS: (4:19:09)

A. Purchase Order with GameTime to acquire South Palm Park Playground equipment (4:19:11)

Action: Motion made by Commissioner May and seconded by Commissioner Diaz to approve the Purchase Order with GameTime to acquire South Palm Park Playground equipment.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

B. Agreement with Musco Sports Lighting LLC for design, production and installation of new LED

light fixtures on Dave Manzo baseball field (4:20:49)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Agreement with Musco Sports Lighting LLC for design, production and installation of new LED light fixtures on Dave Manzo baseball field.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

C. Contract with SunFest of Palm Beach County for Street Painting Festival for production and management services (4:26:17)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Contract with SunFest of Palm Beach County for Street Painting Festival for production and management services.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

D. Contract with B&B Underground Construction, Inc. for Construction Services for Lift Station Nos. 5, 13, 15, 18 & 19 Improvements (4:48:46)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Contract with B&B Underground Construction, Inc. for Construction Services for Lift Station Nos. 5, 13, 15, 18 & 19 Improvements.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

E. Agreement with Advanced Environmental Laboratories, Inc. for Laboratory Testing Services for the Water and Electric Utilities Departments on as needed basis (4:48:59)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to approve the Agreement with Advanced Environmental Laboratories, Inc. for Laboratory Testing Services for the Water and Electric Utilities Departments on as needed basis.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

F. Goods and Services Agreement with Gresco to purchase three (3) Three-Phase, Manual Pad-Mounted, Switch Gear assemblies for the Lake Worth Lagoon Crossing project (4:49:12)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Goods and Services Agreement with Gresco to purchase three (3) Three-Phase, Manual Pad-Mounted, Switch Gear assemblies for the Lake Worth Lagoon Crossing project.

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

G. Work Order #14 with NUCAT Corp to provide Inspections, Testing, Repair and Preventative Maintenance for various electrical components at the City's substations and power plant (4:51:09)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to approve Work Order #14 with NUCAT Corp to provide Inspections, Testing, Repair and Preventative Maintenance for various electrical components at the City's substations and power plant

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

H. Electric Utility Easement between BRANDX LLC, and the City of Lake Worth Beach (4:51:25)

Action: Motion made by Commissioner Diaz and seconded by Commissioner McVoy to approve the Electric Utility Easement between BRANDX LLC, and the City of Lake Worth Beach

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

I. Supplemental Wholesale Electric Energy & Capacity Procurement Process (4:51:39)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Supplemental Wholesale Electric Energy & Capacity Procurement Process

Vote: Voice vote showed: AYES: Mayor Resch and Commissioners McVoy, May and Diaz. NAYS: None. ABSENT: Vice Mayor Malega.

J. Fourth Amendment to Retail Lease with RTT-Benny's on the Beach, Inc., the current tenant ("Benny's") (4:56:20)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Fourth Amendment to Retail Lease with RTT-Benny's on the Beach, Inc., the current tenant ("Benny's").

Action: Motion made by Commissioner May and seconded by Commissioner Diaz to call the question.

The meeting automatically adjourned at 11 PM.

COMMISSION LIAISON REPORTS AND COMMENTS:

CITY MANAGER'S REPORT:

CITY ATTORNEY'S REPORT:

UPCOMING MEETINGS AND WORKSHOPS:

January 3 @ 9 am - pre-agenda workshop
January 7 - regular
January 9 - special
January 17 @ 9 am - pre-agenda workshop
January 21 - regular

ADJOURNMENT:

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

Minutes approved January 7, 2024

Item time stamps correspond to the recording on YouTube.

DRAFT