

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, OCTOBER 20, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM by teleconference from 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 City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: was led by Commissioner Herman Robinson.

PLEDGE OF ALLEGIANCE: was led by Vice Mayor Andy Amoroso.

AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

Commissioner Robinson stated that an item he had requested to be on the agenda was not included and asked that a discussion about the process of appointments based on the charter be added.

Mayor Triolo said that the matter was to be brought up in the future and asked City Manager Bornstein to update her on the timeline.

City Manager Bornstein stated that the issue related to the District 2 vacancy was to be discussed in December after the qualifying period ended. He said that Commissioner Robinson and City Attorney Goddeau had spoken about the issue.

Commissioner Robinson clarified that his item was to discuss the policy to fill Commission vacancies, not regarding a vote.

City Attorney Goddeau explained that the intent of the motion to table the item had been interpreted that the entire issue was tabled until after qualifications.

Commissioner Robinson stated that his interest was in the process to fill the seat and said that the residents of District 2 deserved to know how the vacant seat would be filled.

Mayor Triolo said that the issue would not be discussed because it was not on the current agenda, but that Commissioner Robinson had a valid point. She requested that Commissioner Robinson continue his conversation with City Attorney Goddeau and then speak with City Manager Bornstein about adding the item to an agenda. She suggested a two-phase approach, one regarding the process and the second regarding an appointment.

City Attorney Goddeau asked for direction to work with Commissioner Robinson to assist him with putting his item on an upcoming agenda.

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

- A. Mayor Triolo read the proclamation celebrating Florida City Government Week. She announced that there would be messages from staff on the City's social media websites.
- B. Mayor Triolo read the proclamation declaring October 2020 as Breast Cancer Awareness Month.
- C. Mayor Triolo said that she had been a victim and the City would support and assist any victims in the City. She read the proclamation declaring October 2020 as Domestic Violence Awareness Month.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maxwell: had no comments.

Commissioner Robinson: thanked PBSO for all of their hard work and said that the City's Electric Company should be recognized for its compassionate and excellent work. He said that Drew Martin received a special service award from the Sierra Club and had expressed interest in working with Vice Mayor Amoroso on banning plastics in the City. He reported that he attended the long Treasure Coast Regional Planning Council meeting and said that he looked forward to addressing the look of outdoor dining downtown. He said that he would miss the passion and thought process that Commissioner Hardy put into his efforts as Commissioner. He questioned whether there would be a presentation on public private partnerships for the oceanfront park.

Vice Mayor Amoroso: thanked the City staff and its residents for their participation in the 2020 Census. He announced that there would be a house decorating contest for Halloween, Little Scream at Bryant Park with social distancing and Day of the Dead events would take place in November. He stated that there would be virtual events for Veterans' Day. He said that there should be a work session regarding term limits in the future.

Mayor Triolo: said that children have returned to school either in person or virtually. She thanked Principal Denise at Barton Elementary who had been disseminating information. She stated that the Commission would work with all of the schools. She announced that there would be a "if I were elected Mayor" contest for 6th through 8th grade students with a deadline in January. She reported that she had met with the TPA and that there would be funding available for projects; she thanked Jamie Brown, Public Works Director, who applied for several grants for work west of Dixie Highway.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk read the comment submitted by the following:

Todd Kimberlain recommended postponing any increase to the sewer rates until after the pandemic ended.

APPROVAL OF MINUTES:

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

A. Regular Meeting - October 6, 2020

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

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

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to approve the Consent Agenda.

A. Resolution No. 46-2020 – Local Agency Program Supplemental Agreement 442094-1-58-01 (SA#1) with Florida Department of Transportation

B. Work Order #5 for The Paving Lady

C. Task Order 22 with Wantman Group (WGI) for the Neighborhood Road Program Year 4 projects

D. Resolution No. 48-2020 - Establish the rates, fees and charges for the Local Sewer System

E. Amendment 1 to Task Order No. 18 with Wantman Group, Inc., for construction engineering and inspection services for Park of Commerce Phase 1B Infrastructure Improvements project

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

PUBLIC HEARINGS:

A. Ordinance No. 2020-13 – Second Reading - Amend the City’s Code of Ordinances Chapter 23 Land Development Regulations (development orders)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2020-13 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 2, “ADMINISTRATION,” DIVISION 3 “PERMITS,” BY ADDING A NEW SECTION “EXPIRATION OF DEVELOPMENT ORDERS” TO PROVIDE FINALITY TO APPROVALS AND CONSTRUCTION PROJECTS; AMENDING ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 1 “GENERALLY,” SECTION 23.1-11 “TIME LIMITATIONS OF APPROVALS,” TO PROVIDE UNIFORM TIME LIMITATIONS ON BUILDING PERMITS FOR ALL USES IN THE LAND DEVELOPMENT REGULATIONS AND AMENDING THE SPECIFIC REGULATIONS TO REFLECT THE UNIFORMITY; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve Ordinance 2020-13 amending the City’s Code of Ordinances Chapter 23 Land Development Regulations (development orders).

Mayor Triolo stated that the ordinance was back for a second reading.

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.

B. Ordinance No. 2020-14 – Second Reading - Amend the City’s Code of Ordinances Chapter 23 Land Development Regulations to update and clarify the quasi-judicial process for land use and zoning matters

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2020-14 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 2, “ADMINISTRATION”, DIVISION 2 “PROCEDURES,” SECTION 23.2-16 “QUASI-JUDICIAL PROCEDURES” AND SECTION 23.2-17 “APPEALS” TO UPDATE AND CLARIFY THE QUASI-JUDICIAL PROCESS FOR LAND USE AND ZONING MATTERS; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance 2020-14 amending the City’s Code of Ordinances Chapter 23 Land Development Regulations to update and clarify the quasi-judicial process for land use and zoning matters.

Comments/requests summary:

1. Commissioner Maxwell asked where the requested changes concerning notifications could be found.

William Waters, Community Sustainability Director, responded that the changes were under 13G; the applicant or affected party could request a 30 day or longer continuance.

Commissioner Maxwell stated that he had requested that the 10 day notification be extended to 30 days. He explained that affected parties would be given an automatic right to a 30 day continuance.

Mr. Waters stated that the verbiage would be included in all public notices and there would not be a fee for a continuance.

Commissioner Maxwell thanked Mr. Waters for the compromise.

2. Commissioner Robinson thanked Mr. Waters and spoke positively about the compromise.

3. Mayor Triolo stated that residents should be comfortable to reach out to City staff for assistance. She thanked Mr. Waters and staff.

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.

- C. Ordinance No. 2020-16 – Second Reading -- providing authority for the issuance of taxable utility bonds to fully fund reserves

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-16 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE INCURRENCE BY THE CITY OF DEBT OBLIGATIONS TO FUND RESERVES FOR CASH FLOW PURPOSES RELATED TO THE CITY'S CONSOLIDATED UTILITY SYSTEM; PROVIDING THAT SUCH OBLIGATIONS OF THE CITY DO NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY OR THE STATE BUT SHALL BE PAYABLE SOLELY FROM UTILITY REVENUES; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance 2020-16 providing authority for the issuance of taxable utility bonds to fully fund reserves.

Mayor Triolo announced that this was the second reading and asked if anyone had any questions or if there was a presentation. There were no questions nor any presentation.

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:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Ordinance No. 2020-19 - First Reading - adopting the Florida Building Code 2020 7th Edition with recommended local amendments to Chapter One

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 Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-19 on first reading and set the second reading and public hearing for November 17, 2020.

Mr. Waters said that there was no formal presentation, but a lot of time had been spent clarifying the administrative code by Peter Ringle, the City's Building Official, and Pamala Ryan, Assistant City Attorney. He stated that the City had adopted the Building Codes three previous times.

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.

B. Resolution No. 47-2020 – authorizing the issuance of Consolidated Utility Revenue Bonds of the City

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 47-2020 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING AND SUPPLEMENTING RESOLUTION NO. 45-2020 OF THE CITY; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$123,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF LAKE WORTH BEACH, FLORIDA CONSOLIDATED UTILITY REVENUE BONDS, SERIES 2020A AND SERIES 2020B (FEDERALLY TAXABLE), TO PROVIDE FUNDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CAPITAL IMPROVEMENTS TO THE CITY'S CONSOLIDATED UTILITY SYSTEM AND FINANCING CERTAIN COSTS OF THE CITY; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING CERTAIN TERMS AND DETAILS OF SUCH BONDS, INCLUDING AUTHORIZING A NEGOTIATED SALE OF SAID BONDS AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT WITH RESPECT THERETO UPON COMPLIANCE WITH CERTAIN PARAMETERS; APPOINTING THE PAYING AGENT AND REGISTRAR WITH RESPECT TO SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING THE PURCHASE OF BOND INSURANCE AND THE EXECUTION AND DELIVERY OF AN INSURANCE AGREEMENT WITH RESPECT THERETO AUTHORIZING THE EXECUTION AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution No. 47-2020 authorizing the issuance of Consolidated Utility Revenue Bonds of the City and authorizing Bond Counsel to make any necessary updates to the resolution.

Mayor Triolo asked if there were any questions from the Commissioners or if City Manager Bornstein would give a brief overview.

City Manager Bornstein explained that the bonds would fuel the anticipated changes in the utilities as money was invested back into the electric utility for system hardening. He thanked the Commission for their leadership.

Mayor Triolo said that the City was making an investment in its utilities as they did with the roads. She stated that great strides had been made.

City Attorney Goddeau announced that there were some changes to the documentation since the agenda had been published. She suggested that authorization be given to Bond Counsel for any changes; authorization was added to the motion.

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:

City Manager Bornstein did not provide a report.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to adjourn the meeting at 6:54 PM.

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

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: November 17, 2020