

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JULY 20, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:11 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (1:05:03) Present were Mayor Betty Resch; Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were Interim City Manager Juan Ruiz, City Attorney Glen Torcivia and Deputy City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (1:05:22) led by Commissioner Christopher McVoy.

PLEDGE OF ALLEGIANCE: (1:06:00) led by Vice Mayor Herman Robinson.

AGENDA - Additions/Deletions/Reordering: (1:06:24)

In Consent E, Resolution No. 37-2021 - directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2021-2022, the Refuse Assessment would not be changing for fiscal '22; the word increase was not deleted from the final paragraph in the staff report. Presentation D, Presentation by Maui Goodbeer of Streetwaves and Dan Volker of Project Seahorse on youth potential at pool and tourism potential at pier brought forth by Commissioner McVoy, was deleted; there will be a presentation for staff in the near future. Consent I, Settlement of FEMA litigation, was removed from the agenda. New Business item D, Resolution No. 31-2021, an amendment to page 198 of the City's Historic Preservation Design Guidelines to allow Low-E coatings with a minimum visible light transmittance (VLT) of 60% for glazing in the historic districts, was moved to Unfinished Business item C, New Business item L, Approving the use of \$50,000 from American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds to support a partnership with Legal Aid of PBC, Inc. was added to the agenda.

Action: Motion made by Commissioner Malega 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: (1:11:42) there is no public comment on Presentation items)

- A. Presentation to Deborah M. Andrea, former City Clerk, on her retirement (1:11:43)
- B. Proclamation declaring July 2021 as Parks and Recreation Month (1:15:54)
- C. Proclamation recognizing Lake Worth Beach Basketball Team Pride for AAU Memorial Day Classic win (1:18:40)

- D. (deleted) Presentation by Maui Goodbeer of Streetwaves and Dan Volker of Project Seahorse on youth potential at pool and tourism potential at pier brought forth by Commissioner McVoy

COMMISSION LIAISON REPORTS AND COMMENTS: (1:25:28)

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:36:29)

APPROVAL OF MINUTES: (1:56:41)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the following minutes:

- A. Special Meeting - May 11, 2021
- B. Regular Meeting - May 18, 2021
- C. Work Session - May 18, 2021
- D. Special Meeting - May 20, 2021

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

Action: Direction was given to move to only Action Minutes beginning with the June 1, 2021 meeting.

CONSENT AGENDA: (2:01:15) (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve the Consent Agenda.

- A. Ratification of Resolution No. 36-2021 - IMLS Grant Application
- B. Change Order 02-Final to David Mancini & Sons Inc. for Lake Osborne Estates Watermain Improvement Project
- C. Agreement with MAXX Environmental, LLC to provide Annual Pipe Lining Services
- D. Ratification of appointments and reappointments to the various advisory boards
- E. Resolution No. 37-2021 - directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2021-2022 and scheduling the final public hearing for September 13, 2021
- F. Resolution No. 38-2021 - directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2021-2022 and scheduling the final public hearing for September 13, 2021
- G. Resolution No. 39-2021 - establishing the Proposed Tentative Millage Rate for Fiscal Year 2021-2022 and scheduling the first public hearing for September 13, 2021 and the second public hearing for September 22, 2021
- H. Resolution No. 40-2021 - establishing the Proposed Tentative Voter Approved Debt Rate for Fiscal Year 2021-2022 and scheduling the first public hearing for September 13, 2021 and the second public hearing for September 22, 2021

- I. (deleted) Settlement of FEMA litigation (backup to be provided at the meeting)

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

PUBLIC HEARINGS: (2:01:29)

- A. Ordinance No. 2021-04 – First Reading (Quasi-judicial – continued from June 15, 2021 meeting) – amending the Official Zoning Map by approving the creation of a Mixed Use Planned Development, located at 1715 North Dixie Highway (2:02:17)

City Attorney Torcivia 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 on first reading and set the second reading and public hearing for August 17, 2021.

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

- B. Resolution No. 42-2021 - adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector (2:56:04)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 42-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT CLEARING, BOARDING AND SECURING, AND DEMOLITION SERVICES TO ELIMINATE NUISANCE

CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2021 AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Resolution No. 42-2021 adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector.

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

UNFINISHED BUSINESS: (2:58:40)

A. Resolution No. 43-2021 – abandoning an approximately 10-foot-wide section of public right-of-way (alley) located on the north side of 10th Avenue North between North E Street and North F Street (2:58:43)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 43-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ABANDONING AN APPROXIMATELY 10-FOOT-WIDE RIGHT-OF-WAY LOCATED BETWEEN LOTS 1, 2, 3, 14, 15, & 16 OF BLOCK 318 IN THE TOWNSITE OF LUCERNE, (N/K/A LAKE WORTH BEACH) AS RECORDED IN PLAT BOOK 2, PAGES 29 TO 40 IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SUBJECT TO CONDITIONS; AND PROVIDING FOR RECORDING AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Resolution No. 43-2021 – abandoning an approximately 10-foot-wide section of public right-of-way (alley) located on the north side of 10th Avenue North between North E Street and North F Street.

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

B. Ordinance No. 2021-07 – Second Reading (possible Quasi-judicial) – amending the Official Zoning Map by approving the creation of a Residential Urban Planned Development (Lake Worth Apartments) on 10th Avenue North between North E Street and North F Street (2:59:42)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2021-07 – 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 RESIDENTIAL URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED ON THE NORTH SIDE OF 10TH AVENUE NORTH BETWEEN NORTH E STREET AND NORTH F STREET, CONSISTING OF

APPROXIMATELY 0.71 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE MIXED USE - EAST (MU-E) 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 CONDITIONAL USE PERMIT; APPROVING DENSITY BONUS INCENTIVES THROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 24-UNIT RESIDENTIAL URBAN PLANNED DEVELOPMENT; APPROVING A RIGHT-OF-WAY ABANDONMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Ordinance No. 2021-07 amending the Official Zoning Map by approving the creation of a Residential Urban Planned Development (Lake Worth Apartments) on 10th Avenue North between North E Street and North F Street.

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

- C. (moved from New Business D) Resolution No. 31-2021 – (continued from the June 15, 2021 meeting) amending page 198 of the City’s Historic Preservation Design Guidelines to allow Low-E coatings with a minimum visible light transmittance (VLT) of 60% for glazing in the historic districts (3:08:17)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 31-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING HISTORIC PRESERVATION DESIGN GUIDELINES AS A SUPPLEMENT TO THE HISTORIC PRESERVATION ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve Resolution No. 31-2021 amending page 198 of the City’s Historic Preservation Design Guidelines to allow Low-E coatings with a minimum visible light transmittance (VLT) of 60% for glazing in the historic districts.

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

NEW BUSINESS: (3:51:54)

- A. Ordinance No. 2021-10 – First Reading – amending Chapter 23 “Land Development Regulations” regarding changes to floodplain management standards for manufactured homes as required by FEMA (3:52:02)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2021-10 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH AMENDING CHAPTER 23 OF THE LAKE WORTH BEACH CODE OF ORDINANCES RELATED TO FLOODPLAIN MANAGEMENT STANDARDS FOR MANUFACTURED HOMES AND PROVIDING FOR IDENTICAL ELEVATION STANDARDS; PROVIDING FOR APPLICABILITY, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve Ordinance No. 2021-10 on first reading and schedule the second reading and public hearing for the August 3, 2021.

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

- B. Ordinance No. 2021-05 – First Reading – amending the Future Land Use Map from the future land use designation of Mixed Use – East (MU-E) to Public Recreation Open Space (PROS) for the property 32 South B Street (3:55:36)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2021-05 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A SMALL SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATION OF MIXED USE EAST (MU-E) TO THE FLU DESIGNATION OF PUBLIC RECREATION AND OPEN SPACE (PROS) ON PROPERTY LOCATED AT 32 SOUTH B STREET AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Ordinance No. 2021-05 on first reading and schedule the second reading and public hearing for August 3, 2021.

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

- C. Ordinance No. 2021-06 – First Reading – amending the City's Official Zoning Map from the zoning district of Single Family Residential (SFR) to Public Recreation and Open Space (PROS) for the property 32 South B Street (3:59:45)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2021-06 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP FROM THE ZONING DISTRICT OF SINGLE FAMILY RESIDENTIAL (SFR) TO PUBLIC RECREATION AND OPEN SPACE (PROS) FOR THE PROPERTY 32 SOUTH B STREET, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; AND PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Ordinance No. 2021-06 on first reading and to schedule the second reading and public hearing for August 03, 2021.

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

D. (moved to Unfinished Business C) Resolution No. 31-2021 – (continued from the June 15, 2021 meeting) amending page 198 of the City’s Historic Preservation Design Guidelines to allow Low-E coatings with a minimum visible light transmittance (VLT) of 60% for glazing in the historic districts

E. Lease Renewal with FDOT for the Sidewalk Café Permits (4:03:35)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve the Lease Renewal with FDOT for the Sidewalk Café Permits.

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

F. Authorize Drinking Water State Revolving Fund Amendment 3 to Loan Agreement DW501731 for the 2-inch watermain phase 4 project (4:08:37)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to approve the Drinking Water State Revolving Fund Amendment 3 to Loan Agreement DW501731 for the 2-inch watermain phase 4 project.

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

G. First Amendment to Standard Agreement for Legal Services with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC. (4:10:50)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve the First Amendment to Standard Agreement for Legal Services with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.

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

H. Discussion regarding city issued for rent sign policy brought forward by Commissioner Malega (4:20:48)

Action: Consensus was to research the issue and bring it back for a future meeting.

I. Discussion regarding the city manager and utility director residency requirement brought forth by Commissioner Malega (4:30:36)

Action: Consensus was reached to leave the ordinance as it was regarding the residency requirements.

J. Discussion regarding mini roundabouts brought forth by Commissioner Stokes (4:45:25)

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

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

Action: Consensus was to have a resolution supporting a TPA-funded a study regarding traffic calming on Federal Highway to present to FDOT.

K. Designation of voting delegate for the business meeting during the 2021 Florida League of Cities' (FLC) 95th annual conference in Orlando, Florida on August 12-14, 2021 (5:04:27)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Stokes to approve the appointment of Mayor Resch as the voting delegate for the Florida League of Cities Annual Business Meeting at the Florida League of Cities annual conference on August 12-14, 2021 in Orlando, Florida.

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

L. (added) Approving the use of \$50,000 from American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds to support a partnership with Legal Aid of PBC (5:06:20)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to extend the meeting until midnight.

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

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the use of up to \$50,000 from American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds for contracts to be executed to support a partnership with Legal Aid Society of PBC, Inc. and Florida Rural Legal Services for eviction prevention.

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

CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

CITY MANAGER'S REPORT: (6:05:50)

Interim City Manager Ruiz provided the following report:

- sought direction for an ordinance to prevent the flying of drones to protect wildlife in city parks
- asked for direction regarding changing the procurement code policy to give preference to women, minorities and veterans

Action: Consensus was to move forward on both ordinances.

UPCOMING MEETINGS AND WORK SESSIONS:

Tuesday, July 27 – Work Session followed by Electric

Thursday, July 29 - Budget Work Session #3

Monday, August 2 - Work Session

Tuesday, August 3 – Regular

Draft Agenda - August 3, 2021

ADJOURNMENT: (6:17:35)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to adjourn the meeting at 11:21 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 7, 2021

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