

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

The meeting was called to order by Mayor Resch on the above date at 6:06 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

**ROLL CALL:** Present were Mayor Betty Resch; and Commissioners Sarah Malega, Christopher McVoy, Kimberly Stokes and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Glen Torcivia and City Clerk Deborah M. Andrea.

**INVOCATION OR MOMENT OF SILENCE:** led by Commissioner Sarah Malega.

**PLEDGE OF ALLEGIANCE:** led by Commissioner Kimberly Stokes.

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

There were no changes to the agenda. Deborah Andrea, City Clerk, clarified that Presentation E, regarding the CDBG funding, would only be a presentation without a vote.

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

**A. Presentation by Ms. Elena Villani, Principal of Highland Elementary School**

Principal Villani gave an overview of the school history and the student, teacher and support staff demographics. She spoke about highlights including the in-house K-5 dual language program, VPK and Head Start, World Class Music Program, Florida Department of Environmental Protection Green Apple School and Green School of Excellence. She listed the partnerships and grants such as the FAU AIT Program, the Guatemalan Mayan Center Partnership for Afterschool Program, Adopt-a-Family, TeamWork USA, Ventus Charitable Foundation and Pew Grants and the barriers to success the school faced including ELA/math/writing/science proficiency, teacher retention and support, kindergarten and school readiness, the transient population and attendance. She said that opportunities for growth would be continuing professional development and coaching for all teachers, continuing oral language and vocabulary development with all students and aligning interventions with areas of weakness. She requested donations for the students to earn prizes and treats and vinyl banners promoting their Positive Behavior Matrices, teacher recognition and appreciation, arranging for artists to paint murals on campus and a new marquee.

**B. Presentation by Dr. Ana Arce-Gonzalez, Principal of South Grade Elementary School**

Principal Arce-Gonzalez gave a brief history and background of the school and spoke about its unique strengths such as its culture and climate – model school gold status, the K-5 dual language program, PBCSD VPK, opportunities for student affiliations with band, FAU band camp, PBSO Partners and clubs i.e. student wellness, chorus, band, soccer and board

game. She listed the multiple partnerships and grants and enumerated the school's strengths including 90% of students were attending in person, the school had attained Model School Gold Status (PBS), and FY19 NGSS Science results increased three percent compared to FY21. She spoke about student demographics and stated that their barriers were the high number of newcomers and migrant students, a transient population, attendance and loss of instruction due to student migration and the pandemic and teacher capacity of teaching to the intended rigor of the standard. She said that continuing to develop capacity in meeting the needs of ELL and SWD students, ensure the right interventions were in place to increase student gains, continuing oral language development with all students and increasing student engagement to include experiential learning were among the opportunities for growth.

C. Presentation by Mary Lindsey regarding the city Library and Little Free Libraries

Mary Lindsay congratulated LWB's library on 80 years of service on North M Street and announced that April 5-9 was National Library Week. She showed pictures of the library, said that half of the residents had a library card and suggested that everyone join the Friends of the LWB library. She showed a photograph of the section of the Unity Wall that the library had funded and said that the library had passed 500,000 books.

D. Proclamation denouncing racism against Asian-Americans

Mayor Resch read the proclamation denouncing racism against Asian-Americans and presented it to members of the Bangladeshi-American Democratic Club.

D. Fiscal Year 2021-2022 Community Development Block Grant Funding (CDBG)

Jerry Kelly, Grants Analyst, explained that the purpose of the Community Development Block Grant Program was to provide communities with resources to address a wide range of unique community development needs and that the U. S. Department of Housing and Urban Development awarded grants to entitlement communities to carry out a wide range of community development activities. He listed the eligible uses, including roadway and sidewalk improvements, parks and recreational facilities, community centers and public facilities; and code enforcement serving an existing CDBG Target Area. He announced that eligible activities must address one of the three National Objectives, such as benefit low and moderate income persons, prevention of slums or blight or address community development needs having an immediate threat to the health or welfare of the community for which other funding is not available. He iterated that the FY 2021-2022 CDBG funds were approximately \$266,560, subject to availability from HUD and approval of the Board of County Commissioners, and the city could only submit one application. He displayed a map of the targeted area and said that there would be a public meeting on Thursday to discuss three proposed projects. He said that a CDBG item would be brought before the commission on April 20.

Commissioner Malega asked if any other options would be available other than the proposed three.

Mr. Kelly answered that it would be the commissioners' decision and other options could be considered.

Commissioner Stokes asked for clarification of the allowable uses and how the County determined the city's share of the funds.

Mr. Kelly responded that the County had wanted only capital improvement projects in the past and then changed to allow a new application each year for funding.

**DESIGNATION OF APPOINTMENTS:**

**A. Appointment of Vice Mayor and Vice Mayor Pro Tem**

Mayor Resch asked Commissioner Robinson if he would be interested to serve as Vice Mayor as he was the elder statesman on the commission.

Commissioner Robinson responded that he would be honored.

Commissioner McVoy said that he would be willing to serve as Vice Mayor based on his experience on the commission in the past.

Commissioner Malega said that she would be interested in serving as Vice Mayor Pro Tem.

**Action:** Motion made by Commissioner Robinson and seconded by Commissioner Malega to appoint Commissioner Robinson as Vice Mayor.

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

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to appoint Commissioner Malega as Vice Mayor Pro Tem.

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

**B. Appointment of commissioners to various organizations:**

Mayor Resch asked for permission to add the Education Task Force as the sixth organization with Commissioner Stokes serving as the liaison.

Commissioner Malega asked City Manager Bornstein if the straw polls regarding the commissioners' choices for liaisons had ever been done.

Mayor Resch replied that they had not and there could be a discussion at the meeting about each commissioner's preference.

Commissioner Stokes stated that she would be interested in serving as the liaison to the Education Task Force.

Commissioner McVoy spoke in support of Commissioner Stokes as Education Task Force liaison and expressed interest in serving on the TPA.

Mayor Resch said that she would like to be the CRA liaison as did Commissioner Malega.

Commissioner Stokes requested more time to learn about what roles the liaisons would play.

Commissioner Malega stated that healing was needed between the residents and the CRA and she had the experience to serve.

Mayor Resch said that she would bring a fresh eye to the CRA.

Vice Mayor Robinson said that he would serve as NAPC liaison if Commissioner Malega was not interested.

Commissioner Malega said that Vice Mayor Robinson should continue to serve.

Mayor Resch asked who would be interested in serving as TCRPC liaison.

Vice Mayor Robinson said that he would be interested.

#### 1. Transportation Planning Authority

**Action:** Motion made by Commissioner McVoy and seconded by Commissioner Stokes to appoint Commissioner McVoy to serve as liaison to the Transportation Planning Authority.

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

**Action:** Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to appoint Commissioner Malega as alternate liaison to the TPA.

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

#### 2. Palm Beach County League of Cities

**Action:** Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to appoint Mayor Resch to serve as liaison to the Palm Beach County League of Cities.

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

#### 3. Treasure Coast Regional Planning Council

**Action:** Motion made by Commissioner McVoy and seconded by Commissioner Stokes to appoint Vice Mayor Robinson to serve as liaison to the Treasure Coast Regional Planning Council.

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

#### 4. Community Redevelopment Agency

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to appoint Mayor Resch to serve as liaison to the Community Redevelopment Agency.

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

5. Neighborhood Association Presidents' Council

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to appoint Commissioner Malega to serve as liaison to the Neighborhood Association Presidents' Council.

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

6. Education Task Force

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to appoint Commissioner Stokes to serve as liaison to the Education Task Force.

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

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

City Clerk Andrea read the comment submitted by the following:

Catherine Kohlmeier wrote that the CRA liaison would provide needed oversight.

**COMMISSION LIAISON REPORTS AND COMMENTS:**

Commissioner Malega: thanked Lauren Bennett and her staff for having an online volunteer sign up for the food distribution. She announced that there would be a clean up for Royal Palm Neighborhood Association.

Commissioner McVoy: stated that several commissioners had attended a public health event to give information about vaccinations. He reported that he had met with staff regarding growth in the city versus resiliency and carbon footprint. He said that the commission had a leadership role and were proactive.

Commissioner Stokes: said that she had attended the prayer, which was wonderful and she had received her vaccination; she urged residents to continue to wear masks and get their vaccinations. She said that she would be following legislation in Tallahassee.

Vice Mayor Robinson: told residents to speak out against hate speech and said that he looked forward to upcoming work sessions. He asked residents to fill out applications for the city's advisory boards.

Mayor Resch: asked if some work session dates could be set up at the end of the meeting. She announced that she had received her first vaccine.

Commissioner McVoy left the meeting at 7:35 PM and returned at 7:37 PM.

**APPROVAL OF MINUTES:**

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

- A. Regular Meeting - March 2, 2021
- B. Special Meeting #1 - March 16, 2021
- C. Special Meeting #2 - March 16, 2021
- D. Special Meeting - March 25, 2021

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

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

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

- A. Change Order No. 1 with Globaltech, Inc. for Utility Radio System Upgrade Phase 1 project
- B. Proclamation declaring April 2021 as Water Conservation Month
- C. Proclamation declaring April 2021 as Florida Water Professional Month
- D. Change Order 02 to David Mancini & Sons Inc. for the Park of Commerce Phase 1B Project

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

**PUBLIC HEARINGS:**

There were no Public Hearings on the agenda.

**UNFINISHED BUSINESS:**

There were no Unfinished Business items on the agenda.

The meeting recessed at 7:37 PM and reconvened at 7:48 PM.

**NEW BUSINESS:**

- A. Agreement for On-Line Bill Pay services with Automated Merchant Systems, LLC

William Waters, Community Sustainability Director, said there an been an 18-month endeavor to allow for online payments by the end of the fiscal year.

Comments/requests summary:

1. Mayor Resch asked what the user fee would be and if it was currently charged.

Mr. Waters responded that there would be a 2.85% credit card fee and credit cards were

not currently accepted.

City Manager Bornstein said that the city was negotiating the credit card fees.

2. Commissioner Malega opined that the fee was very low.

Mayor Resch asked if there were any public comments. No one from the public commented.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the Agreement for On-Line Bill Pay services with Automated Merchant Systems, LLC.

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

B. Ordinance No. 2021-02 – First Reading – Consideration of the establishment of a residential planned development including a development of significant impact, a major site plan, a conditional use, and sustainable bonus incentives for Golden Road Apartments, which includes 230 residential units

Mayor Resch stated that the item was a quasi-judicial hearing to hear the first reading of Ordinance No. 2021-02 and asked City Attorney Torcivia to read the ordinance.

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2021-02 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 PLANNED DEVELOPMENT DISTRICT, LOCATED AT THE NORTHWEST CORNER OF 10TH AVENUE NORTH AND BOUTWELL ROAD CONSISTING OF APPROXIMATELY 6.39 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, THAT IS LOCATED WITHIN THE MIXED USE – WEST (MU-W) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – WEST (MU-W) THAT INCLUDES THE SPECIFIC DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT B; APPROVING A DEVELOPMENT OF SIGNIFICANT IMPACT; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THOROUGH THE CITY’S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A 230-UNIT RESIDENTIAL PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Mayor Resch asked if the commissioners had any ex-parte communications to disclose.

Commissioner Malega said that she had not responded to any emails from Mr. Romano and had met with WGI before her election about general projects.

Commissioner McVoy said that he had corresponded with and spoken to Mr. Romano.

Commissioner Stokes stated that she had not had any conversations with any of the parties.

Vice Mayor Robinson reporting attending a zoom meeting with WGI and receiving emails from Mr. Romano.

Mayor Resch said that she did a zoom meeting with WGI and a site visit as well as receiving many emails from Mr. Romano.

Mayor Resch stated that all those giving testimony in the hearing should stand, raise their right hands, face the City Attorney and be sworn in.

Those giving testimony were sworn in.

Mayor Resch announced that in addition to the applicant, there was an affected party who wished to be heard and under the quasi-judicial rules the city would present first, followed by the applicant and then the affected party, Rodney Romano.

Mayor Resch asked city staff to give the department's presentation.

Mr. Waters spoke about the regulatory documents under the Strategic Plan including the Comprehensive Plan (comp plan) and Future Land Use Map (FLUM), the Land Development Regulations (LDRs), Entitlement Incentive Programs and Guidelines included by reference such as the Major Thoroughfare and Historic Preservation Guidelines. He explained the standards that were examined when considering a new development and said that the intent of a planned development district was to encourage, through height, density and/or intensity incentives, the use of innovative land planning and development techniques to create more desirable and attractive development in the city.

Erin Sita, Community Sustainability Assistant Director, discussed the specifics of the 230-unit multi-family development at the northwest corner of 10th Avenue North and Boutwell Road commonly known as either Golden Roads or Advantis and said that the Planning and Zoning Board had recommended approval by a vote of six to one at their March 3, 2021 meeting. She iterated the request to the commission, recommended by staff, for a Development of Significant Impact, which is required for development with over 100 residential dwelling units, a Residential Planned Development to construct a 230-unit multi-family development, a Major Site Plan for the development of a new multi-family building in excess of 7,500 square feet, a Conditional Use Permit to establish a residential master plan greater than 7,500 square feet and a Sustainable Bonus Program Incentive for an additional 24 feet of height and an additional density of 6 units per acre. She explained the conditions of approval.

Mayor Resch asked the applicant to make its presentation.

Lindsay Libes, Director of PLACE Operations for WGI, Yoan Machado, Project Manager for WGI and Brian Seymour, Attorney, Gunster Law Firm, spoke as the agents for the applicant. Ms. Libes listed the project team and went over the existing location, existing FLU and zoning, the existing approved site plan from 2018, and the permitted and conditional uses for MU-W (mixed-use west). She stated that the proposed development would be built in one phase of 230 multifamily apartments, a 3875 square foot clubhouse and 379 parking spaces. She said that the community would be gated and the developer would immediately build a six-foot high post and panel wall along the north and northeast portion as requested during the neighborhood meeting on February 25, 2021. She compared the proposed elements with the maximum allowed and the plans from 2018 to



2021. She said that there had been a full traffic analysis showing that the project met FDOT and PBC standards and showed renderings of the planned buffers and community. She announced that the project met all of the rezoning criteria for a residential planned development, that no waivers nor variances had been requested and discussed the value that would be added to the city.

Commissioner Malega asked what the rents would be for the different sized apartments.

Navish Chawla of WGI, replied that one-bedrooms would be \$1275-\$1350 and two-bedrooms from \$1450-\$1700.

Mayor Resch asked Rodney Romano, the affected party, to make his presentation.

Mr. Romano stated that residents had never agreed with adding so much more traffic to 10th Avenue North nor with so much traffic, density and height for the project. He stated that the city had created MU-W solely for the project, increasing zoning from eight to 30 units per acre and a 30 foot height limitation and now the successors asked for even more; he was unable to find the history that allowed for more than a doubling of height for a few internal amenities. He iterated that every public record reflected their adamant opposition from the beginning to the traffic concerns, the height and the density. He said that higher density and height toward 10th Avenue were reasonable as the other buildings were set far enough away from the single family residential area, but did not understand so much density had to be packed in. He told the commission that they had ample reason to reject the application outright for traffic issues alone; even if the County allowed the additional traffic, further congesting 10th Avenue would not be right nor good for the City.

Mayor Resch asked City Clerk Andrea if there were any public comments.

City Clerk Andrea read the public comments submitted by the following:

Catherine Kohlmeyer wrote that the city needed more affordable housing.

Nick Paliughi wrote that the city should strongly consider affordable housing requirements for any new developments being proposed.

Matthew Brennan wrote in favor of Golden Road Apartments.

Richard Stowe wrote in opposition to the development due to the projected traffic that would adversely affect 10<sup>th</sup> Avenue North.

Peter Pascal wrote that the property should be fenced to address the homeless people camping there.

Mayor Resch asked if city staff had any questions for the applicant or affected parties.

Ms. Sita replied that staff had no questions.

Mayor Resch asked if the applicant had any questions for city staff or the affected party.

Mr. Seymour questioned Mr. Romano about his qualifications related to property

development, if he was aware that the property had approval for a build out through 2022 and about the allowable uses.

Mayor Resch asked if the affected party had any questions for the applicant or city staff.

Mr. Romano waived his right to question.

City Clerk Andrea stated that someone was waiting virtually to comment.

Jeremiah Romano stated that he was an affected party and was sworn in. He voiced his concerns about adding more residents to the city and increasing the crime rate of one of the most dangerous cities in the country.

Ms. Sita stated that Mr. Jeremiah Romano did not register in time to be an affected party so his comment was more of a public comment.

Mayor Resch asked if the commissioners had questions for Rodney Romano and there were no questions.

Mayor Resch closed the public hearing and asked the commissioners to discuss the request.

Comments/requests summary:

1. Commissioner Malega asked about pricing for the three-bedroom units and if there were elevators in all buildings or security cameras. She said that safety and security would be very important for the development and the surrounding areas; she requested that everyone get a video doorbell and that security cameras be added. She asked about the landscaping regarding privacy and if some of the trees could be saved as well as if the three-story buildings could be lowered to two-story.

Ms. Libes replied that there would be eight three-bedrooms renting for more than \$1700. She said that there would be an elevator in the five-story building, but not in the three-story buildings.

The applicant agreed to installing video doorbells in all units plus adding security cameras and that the plan could be brought back at second reading with two-story buildings.

Ms. Sita responded that the northern property line would have pine trees to provide screening and habitat.

2. Commissioner McVoy asked about the water treatment to protect the outflow to the canal and said that all of the lights be moved to 2700 to comply with the code.

Ms. Libes said that all stormwater would be held underground and treated on site.

Mr. Seymour stated that the water moved into the tanks and was filtered out and that Commissioner McVoy could meet with the engineer before the second reading.

Ms. Sita reported that there was no regulation for dark skies, that it was a best practice.

Commissioner McVoy asked if there were any offsite components to the sustainable bonus.

Ms. Libes responded that there would be a bus shelter on 10<sup>th</sup> Avenue North, a sidewalk and the dedication of a potential right-of-way to the city at its appraised value.

Commissioner McVoy stated that he was interested in sustainable bonuses that would benefit the entire city. He asked for the plan to ensure that the permeable materials would remain permeable.

Ms. Libes responded that the building would be green certified and there would be electric charging stations. She stated that the permeable material would be replaced immediately if it clogged up.

Mr. Seymour stated that the conditions would stay with the property, no matter who owned it, SFWMD would oversee the water discharge and the city's code compliance would issue a violation.

Ms. Libes said that covered parking could be included for the second reading.

3. Commissioner Stokes asked for clarification around the traffic issues, if the study was based on the current conditions or the future configuration.

Commissioner Malega left the meeting at 9:28 PM and returned at 9:34 PM.

Mr. Seymour answered that the future configuration was not included in the study; all of the county regulations were followed.

Commissioner Stokes asked about the sustainable bonus incentives. She said that she was in favor of adding more housing units to the city, questioned why other types of housing had not been included and what would prevent the rates from being raised.

Ms. Libes replied that the rental rates were in line with what the county considered to be workforce housing.

Mr. Seymour stated that the apartments did not have the amenities that would demand an increase in rates.

Commissioner Stokes requested more shade trees in the parking lots rather than carports. She asked if there could be more incentives added outside of the community.

Mr. Seymour stated that the goal was to reach workforce housing rents and the amenities had to be considered to keep the rent from trending up.

Commissioner Stokes encouraged having two-story buildings rather than three-story.

Commissioner McVoy left the meeting at 9:38 PM and returned at 9:40 PM.

4. Vice Mayor Robinson stated that roads developed as people moved to south Florida. He suggested having a shuttle service from several developments to the downtown to

help with traffic. He asked if there would be manned security or just cameras.

Mr. Seymour responded that there would be monitored cameras, but manned security could be added if deemed necessary.

Motion was made to extend the meeting until 11:00 PM.

5. Commissioner Malega asked if there was a study about how much revenue would be projected for the EU.

Mr. Waters replied that the Mid with about 230 units would generate approximately \$100,000 a year.

Discussion ensued regarding the feasibility of a shuttle.

6. Mayor Resch asked if the commission was compelled to have the first reading postponed to allow for the revisions that had been proposed and for the commissioners to meet with the applicant.

City Attorney Torcivia replied that the first reading could be postponed to a date certain or that the applicant could bring back revisions for the second reading. He said that the quasi-judicial hearing could be adjourned and no vote be taken, but no meetings could take place with the applicant.

Mr. Seymour said that the engineering component was very complicated.

The commission agreed that Commissioner McVoy could meet with the engineer.

Mayor Resch expressed concern about the traffic on 10<sup>th</sup> Avenue North when increasing the site from 189 to 230 units.

Mr. Waters answered that the previous project had a commercial component that would have generated more traffic than the proposed development.

Mayor Resch asked why the original plan with the buildings overlooking water was changed to overlook parking.

Commissioner Stokes left the meeting at 10:10 PM and returned at 10:13 PM.

Mr. Seymour replied that the clubhouse and pool were located in the center of the site to allow for each unit to have the same value. He said that he felt that he was up against a losing battle and they were trying to accommodate the neighbors with the redesigns.

Mayor Resch asked if there was guest parking and if the back buildings could be lowered to fit better with the surrounding residential area.

Mr. Seymour answered that there would be guest parking, but the parking was unassigned and that the applicant would look at having two-story buildings in the back as well as the covered parking and other suggestions from the commission.

7. Commissioner McVoy made suggestions for the canal and other variable native plants.

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to continue the hearing until April 20, 2021.

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

- C. Ordinance 2021-01 - First Reading - Consideration of an ordinance to Chapter 23 “Land Development Regulations” regarding changes to allow for takeout establishments by zoning district and to clarify that only one (1) continuance is permitted for all affected parties to ensure that the city does not run afoul of development review time limitations for local governments as set forth in Florida law, and several minor amendments related to definitions and use review processes

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2021-01 - 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” TO ADD AND CLARIFY USE DEFINITIONS; ARTICLE 2, “ADMINISTRATION”, DIVISION 2 “PROCEDURES,” SECTION 23.2-16 “QUASI-JUDICIAL PROCEDURES” TO UPDATE AND CLARIFY PROVISIONS RELATED TO AFFECTED PARTIES; AND AMENDING DIVISION 1 “GENERALLY,” SECTION 23.3-6 “USE TABLES” TO ALLOW FOR TAKE OUT ESTABLISHMENTS BY ZONING DISTRICT AND TO MODIFY THE ZONING DISTRICT AND REVIEW PROCESS FOR SEVERAL USES; AND ADDING A NEW SECTION 23.4-23 – “TAKE OUT ESTABLISHMENTS” TO CREATE DEVELOPMENT REVIEW STANDARDS FOR TAKE OUT ESTABLISHMENT USES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Ms. Sita explained that the ordinance addressed changing market conditions, minor housekeeping modifications and clarified that the intent of the recently adopted affected party continuance provisions was to allow for one (1) continuance for all affected parties as consistent with time limitations set forth in Florida law. She summarized the amendments in each exhibit to add and modify definitions to clarify several existing uses, to define the new use, “Take-out Establishments”, clarified that only one continuance is permitted for all affected parties, amended the city’s use tables to allow for take-out establishments by zoning district, modified the review process for several existing uses and added a new notation that residential uses, except for single-family and two-family uses, greater than 7,500 sf would require a conditional use permit approval.

Comments/requests summary:

1. Mayor Resch asked about continuances.

Ms. Sita replied that that an applicant or affected party had the right to request a continuance which would be granted by right, further requests could be granted by a Board at its discretion.

Mr. Waters explained that the ordinance clarified that affected parties were granted a continuance by right and that any other requests would be up to the Board to allow.

Mayor Resch asked if there were any public comments. No one from the public commented.

2. Commissioner Stokes said that the language was inconsistent and asked that it be firmed up.

Ms. Sita said that the word “request” could be removed for the second reading. She stated that affected parties were attempting to kill a project with multiple continuances, which was a violation of due process in the Florida Statutes.

3. Commissioner Malega asked if medical offices in exhibit A included medical marijuana dispensaries.

Mr. Waters said that it did.

4. Commissioner Stokes inquired about takeout establishments as some restaurants had takeout windows.

Ms. Sita responded that the addition of takeout establishments was to make the downtown more walkable and to give relief to takeout establishments while maintaining the character downtown.

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor Robinson to approve Ordinance No. 2021-01 on first reading and to schedule the second reading and public hearing for April 20, 2021.

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

- D. Task Order No. 7 with Craven Thompson & Associates, Inc. for construction phase engineering services for the 2-inch Watermain Replacement Phase 5&6 Project

Brian Shields, Water Utility Director, explained that the contractor would be inspecting the final phases of the project.

Comments/requests summary:

1. Commissioner Malega asked if the affected residents would be notified.

Mr. Shields responded that there would be door hangers for the residents.

Mayor Resch asked if there were any public comments. No one from the public commented.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Task Order No. 7 with Craven Thompson & Associates, Inc. for construction phase engineering services for the 2-inch Watermain Replacement Phase 5&6 Project.

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

E. Agreement with Amici Engineering Contractors, LLC for construction of the 2-inch Watermain Replacement Phase 5&6 Project

**Action:** Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Agreement with Amici Engineering Contractors, LLC for construction of the 2-inch Watermain Replacement Phase 5&6 Project.

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

F. Third Amendment to Agreement with USP Technologies for Wastewater Odor Control Chemicals and Services

Mr. Shields explained that the item was a piggyback to the contract with Boynton Beach to procure chemicals for odor control throughout the collection system.

Comments/requests summary:

1. Commissioner Stokes asked why the price had increased.

Mr. Shields answered that costs related to supply chain issues and deliveries had increased nationwide and FY 21 was halfway over.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the Third Amendment to Agreement with USP Technologies for Wastewater Odor Control Chemicals and Services.

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

G. First amendment to parking enforcement solutions equipment and related services agreement with IPS Group, Inc.

Lauren Bennett, Leisure Services Director, reported that the city had gone to bid on parking meter and related services in 2018.

City Manager Bornstein explained that the parking revenue would cover the increased cost.

Comments/requests summary:

1. Commissioner McVoy asked if user data was collected and used.

Ms. Bennett answered that the data was collected and used.

2. Commissioner Malega asked if there was an additional cost for credit cards.

Ms. Bennett stated that the cost was built in.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the First amendment to parking enforcement solutions equipment and related services agreement with IPS Group, Inc.

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

H. Resolution No. 13-2021 – Community Project Funding (CPF) Emergency Operation Center (EOC) Grant Application

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 13-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVES AND AUTHORIZES THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE FISCAL YEAR 2022 COMMUNITY PROJECT FUNDING: HOMELAND SECURITY EMERGENCY OPERATION CENTER GRANT PROGRAM ACCOUNT IN THE AMOUNT OF \$2,000,000 FOR CONSTRUCTION OF A MUNICIPAL EMERGENCY OPERATION CENTER; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Jamie Brown, Public Works Director, explained that State Senator Lois Frankel implemented the Community Project Funding initiative with the caveat that a project had to be shovel ready or close to shovel ready to receive funding; the new public works/fleet building was currently in design with an EOC component. He stated that the item required a resolution to be submitted with the application for the April 9 deadline; \$2 M was being requested with the city being responsible for \$500,000 in costs.

Comments/requests summary:

1. Commissioner Malega asked that plans be provided in the future.

Mayor Resch asked if there were any public comments. No one from the public commented.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Resolution No. 13-2021 authorizing the submission of an application for funding under the Community Projects Funding: FY 2022 Homeland Security Emergency Operation Center Grant account for the construction of the City's emergency operation center.

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

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to extend the meeting for another hour.

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

I. Resolution No. 14-2021 – Community Project Funding CRA Small Business Quick Action Emergency Grant Program Application



City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 14-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVES AND AUTHORIZES THE SUBMISSION OF AN APPLICATION FOR FUNDING UNDER THE FISCAL YEAR 2022 COMMUNITY PROJECT FUNDING FISCAL YEAR 2022 TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT ACCOUNT IN THE AMOUNT OF \$400,000 FOR THE LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY SMALL BUSINESS QUICK ACTION EMERGENCY GRANT PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Commissioner Malega explained that the item was an ask was for \$400,000 city-wide from Senator Frankel's CPF funding with the CRA adding \$100,000 and overseeing the distribution.

**Action:** Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve Resolution No. 14-2021 authorizing the submission of an application for funding under the Community Projects Funding: FY Transportation, Housing and Urban Development Grant account for the Lake Worth Beach CRA Small Business Quick Action Emergency Grant Program.

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

J. Agreement with Stantec Consulting Services, Inc for Comprehensive Sustainability Analysis for the city for the FY 2022 Budget not to exceed \$125,119.00

City Manager Bornstein explained that Stantec had done the modeling for the EU's rate structure years ago and the scope had expanded to modeling all of the city funds as a budgeting tool.

Comments/requests summary:

1. Commissioner McVoy said that the modeling was very helpful and was in favor of continuing. He asked if the EU was included.

City Manager Bornstein answered that the modeling included all funds.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the Agreement with Stantec Consulting Services, Inc for Comprehensive Sustainability Analysis for the city for the FY 2022 Budget not to exceed \$125,119.00.

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

K. City of Lake Worth Beach Food Drive

Ms. Bennett said that the item was a joint one with Public Works. She iterated that Special Events had only two staff members who also had to deal with all city functions and they

were being stretched very thin. She requested changing the distribution to the first and third Tuesdays of the month.

Comments/requests summary:

1. Commissioner Malega asked what time the distribution had ended that day.

Ms. Bennett replied that distribution had ended at 9:30, earlier than usual.

2. Commissioner Stokes said that she would favor continuing the distribution on a weekly basis if staff could be given relief through the end of the month and looking for more volunteers. She inquired about the time to put up and take down the tents.

Ms. Bennett said that the tents were very large and took a crew four hours to assemble and take down the tents.

Mr. Brown stated that set up began at 6:30 AM and staff was on site to break down the boxes during the distribution.

3. Vice Mayor Robinson asked if walk ups could be accommodated.

Ms. Bennett said that it would be dangerous to have people walking up and would require additional logistics and staff to add that component. She said that staff and volunteers were on standby if the commission decided to continue the weekly distribution.

4. Commissioner McVoy suggested keeping it weekly through the end of April to see if the demand had fallen.

**Action:** Motion made by Commissioner Stokes and seconded by Vice Mayor Robinson to continue weekly distribution through April 30 and then bring the item back.

**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 requested a 45-minute attorney-client session regarding pending litigation in the case of the city versus FEMA on April 27, 2021 at 5 PM.

### **CITY MANAGER'S REPORT:**

City Manager Bornstein provided the following report:

- There would be a work session following the regular meeting on April 20 to discuss the Capital Improvement Plan (CIP), American Rescue Plan Act (ARPA) funding and the penny sales tax;
- There could be a work session following the EU meeting on April 27 or on May 6 to discuss the Strategic Plan, Comp Plan and strategic processes with the goal of having the commission ready for the budget work sessions beginning on June 3.

Commissioner Malega asked when the commission would receive the financial information from last year.

City Manager Bornstein replied that the documents were being prepared for the commission.

Bruce Miller, Financial Services Director, said that he could provide an update.

Commissioner McVoy requested an overview of the large amounts of money coming in and going out in pie chart form.

- City Manager Bornstein submitted his letter of resignation via email, which would go into effect in sixty days. He said that it had been an honor; he had told his wife he would be with the city for five years, and it had been nine years.

Commissioner Stokes thanked City Manager Bornstein for all of the positive things that had been accomplished under his stewardship.

Mayor Resch expressed shock at the resignation and said that there should be a discussion on replacing the City Manager.

**ADJOURNMENT:**

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to adjourn the meeting at 11:28 PM.

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

---

Betty Resch, Mayor

ATTEST:

---

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: April 20, 2021