

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, OCTOBER 19, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:07 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:15) 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 City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:34) led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (1:02) led by Commissioner Sarah Malega.

AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

PRESENTATIONS: (1:27) there is no public comment on Presentation items)

A. Proclamation recognizing the week of October 18-24, 2021 as Florida City Government Week (2:10)

Action: Consensus to send a letter of encouragement to all of the cities in Florida to oppose HB1 spearheaded by Vice Mayor Robinson.

B. Audit Presentation regarding the Annual Comprehensive Financial Report as of September 30, 2020 by RSM US LLP auditors Brett Friedman, Partner and Harris Anil, Senior Manager (5:36)

COMMISSION LIAISON REPORTS AND COMMENTS: (32:17)

Action: Consensus to bring forward a naming policy for City facilities/activities/sponsorships.

Action: Consensus for each commissioner to have five minutes to present their ideas at the work session on Thursday, October 21, 2021.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:24:01)

APPROVAL OF MINUTES: (1:29:29)

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

- A. Regular Meeting - September 21, 2021
- B. Special Meeting - September 24, 2021
- C. Special Meeting - September 27, 2021

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

CONSENT AGENDA: (1:29:39) (public comment allowed during Public Participation of Non-Agendaed items)

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

- A. Resolution No. 72-2021 – requesting funding for a FUSION Mini-Project Grant Application for South End Recreation Programs
- B. Change Order 02-final to Globaltech, Inc. for the Utility Radio System Phase 1 Project
- C. Proclamation recognizing October as National Breast Cancer Awareness Month
- D. Proclamation recognizing October as Domestic Violence Awareness Month
- E. Settlement with Kathleen Clack for \$45,000 (inclusive of attorney’s fees and costs)

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

PUBLIC HEARINGS: (1:29:52)

- A. Ordinance No. 2021-13 and Ordinance No. 2021-14 – First Reading – amending the Future Land Use Map (FLUM) amendment (Ordinance 2021-13) and the Zoning Map (Ordinance 2021-14) on behalf of the PBC School District as follows: (1) a FLUM amendment from the Single Family Residential (SFR) FLU to the Public (P) FLU; and (2) a rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road

Mayor Resch read the ordinances by title only.

ORDINANCE NO 2021-13 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 SINGLE FAMILY RESIDENTIAL (SFR) TO THE PUBLIC (P) FLU DESIGNATION ON PROPERTIES GENERALLY LOCATED AT THE NORTHWEST CORNER OF BARTON ROAD AND 16TH AVE SOUTH AT 1509 BARTON ROAD, 1511 BARTON ROAD, 1515 BARTON ROAD, AND 1421 BARTON ROAD AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT

CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

ORDINANCE NO. 2021-14 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP FROM THE ZONING DISTRICT OF SINGLE FAMILY – RESIDENTIAL (SF-R) TO PUBLIC (P) ON PROPERTIES GENERALLY LOCATED AT THE NORTHWEST CORNER OF BARTON ROAD AND 16TH AVE SOUTH AT 1509 BARTON ROAD, 1511 BARTON ROAD, 1515 BARTON ROAD, AND 1421 BARTON ROAD, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; AND PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve Ordinance 2021-13 on first reading and set the second reading and public hearing for November 16, 2021.

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 Vice Mayor Robinson to approve Ordinance 2021-14 on first reading and set the second reading and public hearing for November 16, 2021.

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

The meeting recessed at 7:45 PM and reconvened at 7:53 PM.

UNFINISHED BUSINESS: (1:45:55)

A. Discussion regarding potential ballot questions for the March 2022 municipal election

Action: Consensus to proceed with questions 1, term limits of two consecutive terms for a given seat; 2, in any election a candidate may concede without forcing a run off; 3, changing to single-member district voting, mayor at large and 4, allow election by plurality should the leading candidate get 40% plus 1 of the vote. Consensus to add a fifth ballot question regarding setting the timing to fill commission vacancies to occur no later than 24 hours prior to the beginning of the qualifying period.

NEW BUSINESS: (2:20:35)

A. Purchase Order with Atlantic Machinery, Inc. for the procurement of a new RAVO Compact Street Sweeper (2:20:40)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the purchase of a new RAVO Compact Street Sweeper.

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

- B. Resolution No. 73-2021 – authorizing the submission of a State Water-quality Assistance Grant Application for the Wellesley and 18th Avenue North Stormwater System Improvements Project (2:29:23)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 73-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF WATER RESTORATION ASSISTANCE TO REQUEST STATE WATER QUALITY ASSISTANCE GRANT FUNDING FOR THE WELLESLEY DRIVE AND 18TH AVENUE NORTH STORMWATER SYSTEM IMPROVEMENTS PROJECT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to approve Resolution No. 73-2021 – authorizing the submission of a State Water-quality Assistance Grant Application for the Wellesley and 18th Avenue North Stormwater System Improvements Project.

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

- C. Ordinance No. 2021-15, amending the Procurement Code (2:31:43)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2021-15 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE XIV, PURCHASING, SECTION 2-117, ASSISTANCE TO LOCAL BUSINESSES AND SMALL BUSINESSES, BY EXPANDING THE USE OF LOCAL AND SMALL BUSINESS PREFERENCES, ADDING A VETERAN BUSINESS ENTERPRISE PREFERENCE, AND ADDING A "GREEN INITIATIVES" PREFERENCE AND ADDING CLARIFICATIONS ON THE AUTHORIZED PREFERENCES AND ORDER OF PRECEDENCE OF THE PREFERENCES; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to approve Ordinances No. 2021-15 on first reading and set the second reading and public hearing for November 2, 2021.

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

- D. Agreement with JP Morgan Chase Bank, N.A., for citywide banking services (2:40:38)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor Robinson to approve the agreement with JP Morgan Chase Bank, N.A. for citywide banking services.

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

E. Discussion of Vacant Property Ordinance (2:51:36)

Action: Consensus to have Mr. Waters bring back an ordinance.

Action: Motion made by Malega and seconded by Commissioner Stokes 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.

The meeting recessed at 10:01 PM and reconvened at 10:07 PM.

F. Discussion regarding inactive advisory boards (4:00:00)

Action: Consensus to sunset the C-51 Canal and the Citizen's Advisory Committee for the Bond Referendum and for the Charter Review Committee to continue through April, 2022.

CITY ATTORNEY'S REPORT: (4:43:34)

City Attorney Torcivia stated that he desired advice from the Lake Worth Beach City Commission concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the 15th Judicial Circuit of Palm Beach County cases of: UMDASCH REAL ESTATE USA LTD CORP V CITY OF LAKE WORTH BEACH FLORIDA, CASE NUMBER: 2021-CA-007798 and UMDASCH REAL ESTATE USA, LTD. CORP V CITY OF LAKE WORTH BEACH FLORIDA, CASE NUMBER: 2021-CA-007649 and requested an attorney-client session to be scheduled for October 26, 2021, at 4:00 p.m. The estimated length of the attorney-client session would be approximately one hour and the session would be attended by the members of the City Commission: Mayor Betty Resch; Vice Mayor Herman Robinson; Commissioners Sarah Malega, Christopher McVoy and Kim Stokes; Interim City Manager Juan Ruiz; Interim City Attorney, Christy Goddeau; and outside counsel Carlos De Zayas. A certified court reporter would be present to ensure that the session was fully transcribed and the transcript would be made public upon the conclusion of the above-cited, ongoing litigation.

- Announced that the Urban League of Palm Beach County would be holding a 3 V event, vaccines, voter registration and veggies, on October 24, 2021.

CITY MANAGER'S REPORT:

Interim City Manager Ruiz did not provide a report.

UPCOMING MEETINGS AND WORK SESSIONS:

October 21 - work session
October 26 - electric utility
November 2 - regular
November 8 - work session

Pg. 6, Regular Meeting, October 19, 2021

A. Draft Agenda - November 2, 2021

ADJOURNMENT: (4:48:09)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to adjourn the meeting at 10:55 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 November 2, 2021.

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