

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, DECEMBER 03, 2024 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:09 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:31) Present were Mayor Betty Resch, Vice Mayor Malega and Commissioners Christopher McVoy, Mimi May and Reinaldo Diaz. Also present were Interim City Manager Jamie Brown, City Attorney Elizabeth Lenihan and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:51) was led by Vice Mayor Sarah Malega.

PLEDGE OF ALLEGIANCE: (3:25) was led by Commissioner Reinaldo Diaz.

ADDITIONS/DELETIONS/REORDERING: (3:47)

Consent items A, B, D, E and F would be voted on separately and Consent item C would be voted on alone. New Business E, Change Order #2 to the contract with Energy Erectors, was moved to follow the Consent Agenda.

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

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

PRESENTATIONS: (there is no public comment on Presentation items) (7:08)

A. Proclamation declaring December 1, 2024 as World AIDS Day

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (15:07)

APPROVAL OF MINUTES: (30:50)

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

- A. October 29, 2024 - special meeting
- B. October 29, 2024 - utility meeting
- C. November 1, 2024 - pre-agenda workshop
- D. November 19, 2024 - regular meeting

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

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items) (30:57)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner McVoy to approve the Consent Agenda items A, B, D, E and F.

- A. Resolution No. 49-2024 – ratifying and confirming the current governing plan document and trust agreement for the City of Lake Worth Beach Deferred Compensation Plan and Trust and their effective date
- B. Resolution No. 51-2024 - setting the ballot for the March 11, 2025 General Election
- D. Application for Federal Highway Administration's (FHA) Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant
- E. Application for the Center for Disease Control (CDC) Youth and Community Violence Prevention Action Teams (VPAT) grant
- F. Application for National Civic League 2025 All-America City Award: Strengthening Environmental Sustainability through Inclusive Community Engagement

Action: Motion made by Vice Mayor Malega and seconded by Commissioner McVoy to disapprove Consent Agenda item C.

- C. Settlement Agreement In re Sunset Drive Holdings, LLC Claim Pursuant to Section 70.51, Florida Statutes (31:05)

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

(reordered) **NEW BUSINESS:** (37:27)

- E. Change Order #2 to the contract with Energy Erectors, Inc. for increased costs due to latent site conditions and additional work at the Canal 138 kV Transmission Switchyard Project

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve Change Order #2 to the contract with Energy Erectors, Inc. for increased costs due to latent site conditions and additional work at the Canal 138 kV Transmission Switchyard Project.

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

PUBLIC HEARINGS: (39:22)

- A. Ordinance No. 2024-17 - First Reading – amending multiple sections of Chapter 23 “Land Development Regulations” to establish definitions, regulations, and performance standards for manufacturing and processing facilities with apparatuses (39:24)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE 2024-17 - 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 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-38 TEMPORARY USE PERMIT; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 1, “GENERALLY,” SECTION 23.3-6 USE TABLES; AND DIVISION 5, “INDUSTRIAL DISTRICTS,” SECTION 23.3-24 – I-POC - INDUSTRIAL PARK OF COMMERCE; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 OFF-STREET PARKING, SECTION 23.4-13 ADMINISTRATIVE USES AND CONDITIONAL USES, AND SECTION 23.4-23 TEMPORARY USES; AND ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-9 PUBLIC PURPOSE DEDICATION; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Diaz to approve Ordinance No. 2024-17 on first reading and set the second reading and public hearing for December 17, 2024. **MOTION FAILED FOR LACK OF A SECOND.**

Action: Motion made by Vice Mayor Malega and seconded by Commissioner Diaz to deny the change in Ordinance No. 2024-17.

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

B. Ordinance No. 2024-21 - First Reading – amending Chapter 15 “Offenses - Miscellaneous,” Article I “In General,” to add Section 15-22 “Facility Rules” and Section 15-23 “Trespass Warnings on Public Property and Other Property Generally Open to the Public” and amend Section 15-29 “Lodging in Public Areas or in Parked Vehicles in Public Spaces” to prohibit sleeping in public areas in the City, in response to legislation effective October 1, 2024 (44:55)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE 2024-21 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15 “OFFENSES—MISCELLANEOUS,” ARTICLE I “IN GENERAL,” BY ADDING SECTIONS 15-22 “FACILITY RULES” AND 15-23 “TRESPASS WARNINGS ON PUBLIC PROPERTY AND OTHER PROPERTY GENERALLY OPEN TO THE PUBLIC,” AND BY AMENDING SECTION 15-29 “LODGING IN PUBLIC AREAS OR IN PARKED VEHICLES IN PUBLIC PLACES” TO PROHIBIT SLEEPING IN PUBLIC AREAS IN THE CITY; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve Ordinance No. 2024-21 on first reading and set the second reading and public hearing for December 17, 2024 with added language.

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

UNFINISHED BUSINESS: (1:20:44)

A. Updated Downtown LWB Parking Study (1:20:44)

Action: Consensus to put a draft parking program together to bring to the commission. (4:37:26)

The meeting recessed at 8:31 PM and reconvened at 8:43 PM.

B. Historic Downtown Home Relocations to Facilitate Development on Downtown Parcels (2:35:31)

Action: Motion made by Commissioner May and seconded by Commissioner McVoy to extend the discussion for 20 additional minutes.

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

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to relocate both buildings at 17 S M to the northwest corner of 1st Avenue South and K Street, the entrance to the parking garage

would be located on 1st Avenue South, 24 S L would be moved to South J Street as an accessory affordable unit, and the feasibility of moving 26 South L to the northeast corner of 1st Avenue South and South K Street to achieve a minimum of at least 18 affordable residential units would be investigated.

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

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

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

Action: Motion made Vice Mayor Malega and seconded by Commissioner McVoy to move New Business F to New Business A.

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

NEW BUSINESS: (2:31:02)

F. (reordered) Interlocal Agreement with the Town of Palm Beach for Beach Nourishment (3:43:47)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve the Interlocal Agreement with the Town of Palm Beach for Beach Nourishment adding a 45 day time limit.

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

A. Resolution No. 52-2024 - Funding Swap Budget Amendment – American Rescue Plan Act (ARPA) (4:21:05)

City Attorney Lenihan did not read the resolution.

RESOLUTION NO. 52-2024, 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 Vice Mayor Malega and seconded by Commissioner May to approve Resolution No. 52-2024 - Funding Swap Budget Amendment – American Rescue Plan Act.

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

B. Resolution No. 53-2024 – establishment of a Recovery Capital Project Fund (4:21:24)

City Attorney Lenihan did not read the resolution.

RESOLUTION NO. 53-2024 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ESTABLISHING A RECOVERY CAPITAL PROJECT FUND FOR PROJECTS THAT WERE PREVIOUSLY FUNDED BY UNRESTRICTED AMERICAN RESCUE PLAN ACT (ARPA) FUNDS, PROVIDING FOR REPEAL OF CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Malega to approve Resolution No. 53-2024 – establishment of a Recovery Capital Project Fund.

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

C. Reallocation of Restricted ARPA Funds between Water Utilities Projects (4:21:49)

Action: Motion made by Commissioner McVoy and seconded by Commissioner May to accept the Reallocation of Restricted ARPA Funds between Water Utilities Projects.

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

D. Professional Services Agreement with Zyscovich, LLC for Municipal Beach Complex Development Professional Services (4:22:03)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to approve the Professional Services Agreement with Zyscovich, LLC for Municipal Beach Complex Development Professional Services.

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

E. (moved to follow the Consent Agenda) Change Order #2 to the contract with Energy Erectors, Inc. for increased costs due to latent site conditions and additional work at the Canal 138 kV Transmission Switchyard Project

F. (moved) Interlocal Agreement w/ Town of Palm Beach for Beach Nourishment

G. Agreement with The Paving Lady for Concrete & Resurface Roadwork Project (4:22:16)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner McVoy to approve the Agreement with The Paving Lady for Concrete & Resurface Roadwork Project.

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

H. Purchase Order for Alan Jay Fleet Sales for the procurement for additional fleet vehicles (4:22:33)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve the Purchase Order for Alan Jay Fleet Sales for the procurement for additional fleet vehicles.

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

COMMISSION LIAISON REPORTS AND COMMENTS: (4:23:44)

CITY MANAGER'S REPORT: (3:20:59)

Interim City Manager Brown provided the following report:

- thanked Alyssa Kirk for her assistance with the three grants on the agenda
- Deputy City Clerk Shayla Ellis was elected as Secretary to the Palm Beach County Municipal Clerks Association
- City Clerk Melissa Coyne, will be Vice President of the PBCMCA following her two terms as Secretary

CITY ATTORNEY'S REPORT: (4:38:14)

City Attorney Lenihan thanked the Commission for meeting with her during the past few weeks.

UPCOMING MEETINGS AND WORKSHOPS:

December 6 @ 9 am - pre-agenda workshop – CANCELED

December 13 @ 9 am – pre-agenda workshop

December 17 - regular meeting

ADJOURNMENT: (3:38:34)

Action: Motion made Vice Mayor Malega and seconded by Commissioner McVoy to adjourn the meeting at 10:47 PM.

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

ATTEST:

Betty Resch, Mayor

Melissa Ann Coyne, MMC, City Clerk

Minutes approved December 17, 2024

Item time stamps correspond to the recording on YouTube.