

**MINUTES  
CITY OF LAKE WORTH BEACH  
REGULAR MEETING OF THE CITY COMMISSION  
CITY HALL COMMISSION CHAMBER  
TUESDAY, MAY 4, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:10 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; Vice Mayor Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

**INVOCATION OR MOMENT OF SILENCE:** led by Mayor Betty Resch.

**PLEDGE OF ALLEGIANCE:** led by Commissioner Christopher McVoy.

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

Deborah Andrea, City Clerk, announced that Consent Agenda Item C, Ratification of appointments and reappointments to various Advisory Boards, was revised to delete Commissioner Malega's appointment of Ricardo Martin to the Planning and Zoning Board to fill an unexpired term ending on July 31, 2022, and would be brought back at a future meeting.

**Action:** Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson 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:** (there is no public comment on Presentation items)

A. Presentation regarding cyanobacteria by Reinaldo Diaz

Reinaldo Diaz, President and Founder of Lake Worth Waterkeeper, said that the organization was a 501c3 established in 2017 to protect and restore the historic Lake Worth Lagoon and its surrounding waters from Lake Okeechobee to offshore waters. He said that understanding the lagoon's history would help to better respond to its water issues and its history caused long standing environmental and legal problems. He iterated that the lagoon had entirely manmade connections throughout watershed and was designed and managed for the primary purpose of stormwater management. He showed photographs of the lagoon and spoke about the cyanobacteria environmental and public health risk such as the production of neurotoxins and hepatotoxins linked to neurodegenerative diseases like ALS, Alzheimer's, and Parkinson's as well as to long term gastrointestinal issues such as gastroenteritis, cholestatic liver disease, and growth of cancer cells. He announced that the lagoon was often excluded from important policy decisions to determine where Lake Okeechobee water would be discharged, resulting in more discharges in the future, which meant more cyanobacteria events.

Mayor Resch requested that Commissioner McVoy take the lead on the issue.

Mr. Diaz replied that the lagoon was the base of the economy and the community was concerned about damage to the lagoon should more Lake Okeechobee discharge be released.

Commissioner McVoy stated that he had spoken with Brian Shields, Water Utility Director, and suggested reaching out to other municipalities affected by the issue.

Commissioner Stokes asked if the commission could pass a resolution regarding the issue.

Commissioner McVoy stated that he and Mr. Diaz could prepare a resolution for the next agenda.

B. Mayor Resch read the Proclamation declaring May 13, 2021 as World Falun Dafa Day

C. FDOT Presentation - 10th Ave North & I-95 Interchange

Jamie Brown, Public Works Director, said that the issue was brought to the commission in January, but it was important to update the current commission. He introduced Andrew Nunes, PE, Consultant Project Manager American Consulting Professionals, LLC who would represent Humberto Arrieta, PE, FDOT Project Manager.

Mr. Nunes stated that the environmental review, consultation, and other actions required by applicable federal environmental laws for the project were being, or had been, carried out by the FDOT. He reported that SR-9/I-95 had a 10-lanes divided Interstate with a posted speed limit of 65 mph and 10th Avenue North had four lanes divided west and east of I-95 with a posted speed limit of 40 mph. He explained that a Project Development and Environment (PD&E) Study was done by FDOT to evaluate engineering alternatives, environmental impacts and social, cultural and economic impacts associated with a planned transportation project and spoke about the study process and project limits. He reported that the project's primary criteria were to reduce congestion and improve interchange operations and avoid any traffic spillback onto I-95, improve safety conditions by reducing conflicts and accommodate future traffic demand through the 2045 design year, and the secondary criteria were to improve multimodal (pedestrian and bicycle) connectivity, improve freight access and mobility and enhance emergency evacuation. He explained the existing crash data and lane configurations and spoke about the two different build alternatives, TUDI (tight urban diamond interchange) versus DDI (diverging diamond interchange) as well as the impacts and cost of each.

Mayor Resch asked why the pedestrians would cross over and if pedestrians and bicyclists would share the middle lane.

Mr. Nunes responded that the lane would be wide enough to share.

Commissioner Malega asked if there would be design changes and if the bike lanes could be colored differently.

Mr. Nunes replied that the conflict areas would be looked at when the project went to the design phase.

Mr. Brown stated that Glades and Lantana Roads would be getting similar interchanges.

Commissioner Malega asked how many of the interchanges were near schools.

Mr. Brown said that signals had been requested for safety as well as adding shade trees in the green areas.

Mr. Nunes stated that signalization had been evaluated and approved and landscaping changes would be examined.

Commissioner Malega asked why a pedestrian bridge was not added to the design.

Mr. Arrieta replied that a pedestrian bridge was not part of the scope; operational safety issues would be addressed.

Mr. Nunes answered that the pedestrians would be safer in the new condition as there would be protected barrier walls for protection.

Commissioner McVoy asked if the cars would be stopped far enough away for the children to see that it would be safe to cross. He added that 10<sup>th</sup> Avenue was already horrible for bicyclists; the design needed to be looked at for pedestrian and bicyclist safety.

Commissioner Stokes said that the school could not be moved for another 19 years and asked when the project would be completed.

Mr. Arrieta stated that the project was scheduled to begin in 2027, but could be moved up to 2025 should funding become available and it would take approximately two years to construct.

Mayor Resch noted that the 10<sup>th</sup> Avenue overpass was completed last year and wondered where the DOT dollars were going. She said that other cities had lovely landscaping and asked if the city's landscaping could be looked at as it was forlorn.

Mr. Arrieta responded that the overpass was an interim project to address the issues before the main project could begin in six years. He said that there would be a stand alone landscape project in 2030 after the interchange was completed.

Mayor Resch asked if the city would have any input.

Mr. Arrieta answered that there had been input in October 2020 from the community and elected officials at public workshops and the process was followed.

Commissioner McVoy stated that the current commission had serious concerns about the safety of the intersection and the environmental footprint needed to be examined for A Street. He suggested moving the wall to outside the bike lane.

Mr. Arrieta responded that median inside of the bike lanes would be 20 feet wide for children to use, bikers would not want a wall on the pavement. He reported that there would be two years in which to refine the design to address concerns.

Mayor Resch asked Mr. Brown if he was satisfied with the communication with FDOT.

Mr. Brown replied that he was and he would keep the commission apprised of the design and safety and would know the direction to take.

### **COMMISSION LIAISON REPORTS AND COMMENTS:**

Commissioner Malega: announced that it was National Teacher Appreciation Week and that teachers should be thanked for their hard work. She stated that the past two weeks had been busy with the Neighborhood Associations and that Parrot Cove's block party was amazing. She said that she had attended the NAPC zoom meeting as the liaison and plans were being made for the raft race and Bryant Park had many positive happenings and desired open communication with the Gulfstream. She said that Family Fun Night at the gym was a lot of fun and well received and should be done again.

Commissioner McVoy: stated that he had attended the food drive and attendance had dropped off; staff said that it should continue through the end of May and then reassess. He said that he had a lot of contact with PBSO and had had a zoom meeting with local pastors and PBSO to work on de-escalation and proper training as there was room to increase community interaction to build up relationships. He said that there were many noise complaints to address. He announced that the community and developers had expressed concern about how the city would be moving forward and he saw his role as gathering information.

Commissioner Stokes: reported that she had met with several department heads which had been very informative and had enjoyed the Family Fun Night with her daughters. She said that she had spoken with staff who iterated that they were comfortable with the current food distribution schedule and she had met with the Restoration St. Louis people about how to move the Gulfstream forward.

Vice Mayor Robinson: opined that guns should be taken away when PBSO responded to domestic disputes. He said that a teacher from North Grade Elementary had been on the Rachel Ray show that afternoon. He reported that Restoration St. Louis was committed to moving forward with the Gulfstream Hotel and recognized the value of the city's oceanfront property; he expressed hope that the project would start soon. He stated that the city should require solar panels on buildings and that he was waiting for a quarterly report from the CRA.

Mayor Resch: stated that she had met with Erica Whitfield, the city's school board representative, and that she and the commission were committed to welcoming and integrating the first generation students; she suggested that perhaps the commissioners could adopt a school in their districts. She reported that the Puerto Rican Spanish Chamber of Commerce was interested in a mentoring program and Joan Oliva, CRA Director, suggested using 1213 Lake Avenue. She gave kudos to PBSO for encouraging and practicing de-escalation. She urged citizens to send in applications for the advisory boards as there were openings and said that people should rent an apartment in LWB for a year before buying a house; she announced that she was very impressed by her visit at The Mid. She announced that she would be attending some trainings on how to be an elected official.

Commissioner McVoy said that the commissioners had received information from the Gulfstream and asked if it could be shared with the public. He asked staff to provide financial estimates regarding the letter of understanding and if that information could be made public.

City Manager Bornstein replied that the materials had been presented at public meetings and could be made available to the public.

City Attorney Goddeau responded that all of the information was public record.

Commissioner Malega requested that the Gills create a website to keep the public informed about the progress at the Gulfstream.

Vice Mayor Robinson requested committing \$6 million to the oceanfront park and asked when the issue would be addressed.

Commissioner Stokes asked what the May 25 meeting regarding the Gulfstream would be about.

City Manager Bornstein answered that the intent would be to bring all of the information to the May 25 meeting for public discussion.

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

Wes Blackman requested that May be declared Historic Preservation Month in the city and recommended that the commission review the policy regarding low-e windows.

Mayor Resch said that the policy at LWB was to have a 360° view and should be studied.

Ramsay MacLeod requested that the CRA Board be disbanded and their projects be examined.

Todd Townsend said that the CRA was like a big corporation, building an elite square downtown and that a one-story parking garage should be built.

Tammy Pansa said that the manatees had been decimated and the city should take a stand about the issue and suggested having crossing guards at the intersection at 10<sup>th</sup> Avenue North.

The following spoke about various issues but did not write anything on their public comment cards: Peggy Fisher.

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

Anthony Segrich requested that the commission have the Historic Preservation Board re-visit the recent amendments to the staff COA approval matrix and allow homeowners to take advantage of low-e environmentally friendly options for windows.

Jonathan Wright wrote that PBSO must enforce the city's noise ordinances and should be present on downtown streets from 10 PM – 3 AM Wednesdays through Sundays.

Teresa Miller wrote that there were projects in the works that must move forward, most importantly, the Gulfstream Hotel.

Charles Phillips wrote in support of the HRPB reexamining the recently revised guidelines with respect to the visible light transmittance ratings of generally available low-e window coatings.

Mayor Resch asked if there could be consensus to address the policy as soon as possible.

City Manager Bornstein responded that there would be an item at a work session in June and asked the City Attorney to clarify the process.

City Attorney Goddeau explained that an ordinance affecting HRPB would have to come before that board and then to the commission; if it was a policy, she would have to speak with William Waters, Community Sustainability Director, to see when the issue could come to the commission.

Mr. Waters said that the window issue was an ordinance regarding the HRPB design guidelines which were a part of the LDRs there would be a resolution to the HRPB guidelines in June with an ordinance to follow and he would email the commission regarding resolving the issue.

Discussion ensued regarding low-e glass and the process to change the policy.

**APPROVAL OF MINUTES:**

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

A. Regular Meeting - April 20, 2021

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

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

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

- A. Proclamation declaring May 16-22, 2021 as Water Reuse Week
- B. Proclamation declaring May 2021 as Hepatitis Awareness Month
- C. (revised) Ratification of appointments and reappointments to various Advisory Boards
- D. Approval of Settlement with Milton Jackson for \$50,100 (inclusive of attorney's fees and costs)
- E. Resolution No. 18-2021 – Documenting the levy of municipal special assessment liens for unpaid lot clearing charges
- F. Resolution No. 19-2021 – Documenting the levy of municipal special assessment liens for unpaid boarding and securing charges
- G. Amendment to Lease Agreement regarding the Jewell/Steinhardt Cove Living Shoreline to provide for a 99-year Lease term

- H. Resolution No. 20-2021 – Hurricane Isaias Federally Declared Disaster EM-3533 Subaward and Grant Agreement Z2537
- I. Resolution No. 21-2021 – ALA COVID Library Relief Fund Grant Application
- J. Change Order 01 to B&B Underground Construction, Inc. for the Lift Station 12 & 14 Improvement Projects
- K. First Amendment to Agreement with Cummins Power South for Annual Service Maintenance and Inspection of Generators

**Vote:**

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

**PUBLIC HEARINGS:**

- A. Ordinance No. 2021-02 – Second Reading – 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

City Attorney Goddeau 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 10<sup>TH</sup> 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

Mr. Waters stated that the applicant had made some changes to the site plan in response to comments from the first reading.

Brian Seymour, attorney at Gunster, replied that the five conditions were incorporated into the terms.

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

Comments/requests summary:

1. Commissioner McVoy expressed concern regarding the traffic that would worsen when the project was built.

2. Commissioner Malega thanked Mr. Romano for being a good neighbor and asked if the name of the project would be changed.

Lindsay Libers of WGI replied that the name would be changed to Advantis at Lake Worth.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance 2021-02 on second reading.

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

**UNFINISHED BUSINESS:**

There were no Unfinished Business items on the agenda.

**NEW BUSINESS:**

- A. Resolution 23-2021 – issuing a notice of intent to adopt a temporary moratorium on accepting development applications under the Sustainable Bonus Program

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 23-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ISSUING A NOTICE OF INTENT TO ADOPT A MORATORIUM ON ACCEPTING DEVELOPMENT APPLICATIONS SEEKING HEIGHT, INTENSITY, AND/OR DENSITY BONUSES UNDER THE SUSTAINABLE BONUS PROGRAM; IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF SUCH APPLICATIONS; DIRECTING THE DEPARTMENT OF COMMUNITY SUSTAINABILITY TO PREPARE A TEMPORARY MORATORIUM ORDINANCE FOR REVIEW BY THE PLANNING AND ZONING BOARD AND SCHEDULING THE SAME FOR THE CITY COMMISSION’S CONSIDERATION AND PUBLIC HEARING THEREAFTER; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Waters articulated the philosophy behind the Sustainable Bonus Program which included encouraging on-site improvements to improve the quality of life of residents and greater private investment in projects to build greater taxable value and allowed for a developer to make a payment to the city for infrastructure/sustainable improvements. He stated that the commission reviewed the program annually as part of the budget process to set investment thresholds and allocate funds for infrastructure/sustainable improvements. He gave an overview of the history behind the program that was established in August 2012 as part of the update to the city’s Future Land Use Element of the Comprehensive Plan and cited examples of projects that were using the program such as The Mid, The Bohemian, Golden Roads and Aviara. He explained that the program applied to all projects over two stories in all zoning districts, required \$5 per square foot value for all areas above two floors for standard development governed by the Land Development Regulations (LDRs), required \$10 per square foot value for all requests of increased density, intensity and floor area ratio for planned developments and the investment of value could be on site or through payment to the city’s Sustainable Bonus Incentive Trust Account. He listed the types of on-site improvements: LEED Certification, enhanced landscaping and open space, Affordable/Workforce Housing, on site active or passive recreation, dog parks and tot lots, bus and transit shelters or enhanced security features. He summarized that the Sustainable

Bonus Program provided a clear, concise, consistent and quantifiable process for private investment whose process was predictable and easy to calculate, called for additional investment in projects beyond what was required by Code, encouraged millions of dollars of private investment, facilitated greater increases in tax base than otherwise would have occurred and was easily amended as market forces, development costs and city needs evolved and priorities changed. He spoke about the next steps, listing projects at the conceptual design and due diligence stage that were utilizing program and how to proceed with amending the program by adopting the resolution, discussing policy direction, proposing changes/amendments and interim program parameters, preparing amendments to the LDRs, preparing a funding plan, project priorities and process for the Sustainable Bonus Incentive Trust Account, finalizing an ordinance and project priorities and plan, scheduling public hearings with the Planning & Zoning and Historic Resources Preservation Boards and holding two readings of an ordinance. He proposed doing an official zoning-in-progress rather than a moratorium.

Comments/requests summary:

1. Mayor Resch asked if any of the proposed projects had applied for the program and for an explanation of why writing a check would be beneficial and if it were refundable.

Mr. Waters replied that no applications had been formally submitted and that a developer would write a check into the trust fund for half of the assigned value when a permit was issued and the money would have to stay in place; the commission could decide how to spend the money.

2. Commissioner Malega stated that projects that were already in the pipeline would not be affected and opined that the allowable improvements were appropriate except for active and passive recreation.
3. Commissioner McVoy requested a table indicating the improvements by project that had been used thus far.

Mr. Waters responded that the improvements that had been used were on the list.

Commissioner Malega opined that there was no reason to have a table other than to create work for staff.

4. Commissioner Stokes said that there would be more conversations about the issue and an upcoming work session was scheduled.

City Manager Bornstein stated that there would be a work session on May 18.

Commissioner Stokes said that the program needed to be examined.

Mr. Waters answered that the program could be amended several times without having a moratorium and the projects could move forward.

City Attorney Goddeau explained that the resolution would put a stay in place by stopping the program but could be revised to a zoning in progress determining the amount the developer would pay for the modified program.

5. Commissioner McVoy asked if other cities emulated LWB's program and that developers built in cities without sustainable bonus programs. He stated that the commission would have to determine if the value of the sustainable bonus was beneficial to the city.

Mr. Waters replied that many citizens in other cities were surprised by developments that were built as the programs were not defined. He explained that a developer could not spend more than a certain amount on a project.

Mayor Resch asked if there were any public comments.

Mayor Resch read the comment written by Tammy Panza requesting that the program be reviewed.

Don Rosenshine spoke in favor of a moratorium on the sustainable bonus program.

Mr. Waters stated that code requirements could not count towards the program.

City Clerk Andrea read the comments submitted by the following:

Nestor Rivera wrote to ask the commission how any developer was supposed to complete a project without the capacity to scale in the downtown area.

Tim Carey wrote to ask how the commission planned to attack affordable housing crisis.

Tim Anderson wrote to ask the commission how lower density projects with less foot traffic along Lake & Lucerne helped small businesses struggling to survive.

Brooke Waszak wrote to inquire how the Gulfstream Hotel as currently proposed would get built without a sustainable bonus.

Katie Lillis wrote to ask how the commission expected any developer to pay for land acquired by the CRA if the sustainable bonus were quashed or minimized,

Joan Lills wrote to inquire how would the commission intended to provide hundreds of safer and more affordable living opportunities for Lake Worth renters and residents if the commission curtailed the sustainable bonus program or imposed a building moratorium.

Gael Silverblatt wrote that the amenities for the sustainable bonuses should be entirely off-site and not adjoining the development, to benefit the residents of Lake Worth Beach and not just the residents of the development.

Desmond Moore wrote to ask the commission why the height of the proposed CRA projects was a problem now and how the new CRA projects differed from those that came before.

Vito Giannola wrote in opposition to the resolution.

The owners of Oka Sushi Thai Ramen wrote in opposition to the resolution.

Makayla and Danny Clanton wrote to ask for confirmation that the proposed temporary moratorium would not affect the development of the Gulfstream Hotel.

Shanon Materio wrote that it was unnecessary for the commission to vote on a moratorium because they were elected to exercise their power when an entity or developer requested exceptions.

Suzanne Cabrera from the Housing Leadership Council of Palm Beach County wrote that she had worked with the city for over a decade and stressed that even a temporary moratorium would have a chilling effect on developers who wanted to work with the city.

Cliff Kohlmayer wrote in favor of a temporary moratorium on the sustainability program.

Sidney Lesowitz wrote in favor of approving the forward thinking supported by the investors and supporters of Lake Worth Beach.

Thomas Conboy read his comments via zoom in favor of the moratorium until the commission got a hold of what the program was.

6. Mayor Resch iterated the three options which were to do nothing, to approve the moratorium or to go with the zoning in progress suggested by Mr. Waters.

Mr. Waters said that the value could change if the project changed and any project over two-stories had to participate in the program.

City Manager Bornstein stated that the intent of the program had been to encourage quality development that was not available in the city at the time.

Commissioner McVoy pronounced that things had changed in the city and the program should be re-examined and reiterated what Mr. Waters had proposed.

Mayor Resch asked if some items could be removed from the list.

Commissioner McVoy said that they should look at the list to decide what would be allowed under the zoning in progress.

Mr. Waters explained that the development would have to adhere to code.

Discussion ensued regarding which elements to keep in the program.

Commissioner Stokes stated that there was concern regarding particular development in the city and opined that there should be a work session regarding the downtown area.

Mayor Resch said that the Gulfstream Hotel project was not a part of the issue being discussed.

City Attorney Goddeau stated that the resolution would be revised to a zoning in progress resolution; applications received after approval of the resolution would be subject to the new guidelines and if the project were modified changing the calculations, then an additional amount would have to be paid to the trust fund.

Mr. Waters said that the numbers would be discussed for the FY 22 budget.

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor Robinson to revise Resolution 23-2021 to be a zoning in progress only resolution that would amend the current Sustainability Bonus Program to remove dog parks and tot lots, active and passive recreation, require public art to be off site and public spaces to be available to the public and require that the calculation result in a 50% payment from the developer to the city's Sustainable Bonus Trust Fund.

**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 extend the meeting an hour.

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

B. Agreement with Triple M Roofing for the PBC Fire Rescue Station #2 Roof Replacement Project

Mr. Brown explained that the Fire Station #2 roof was a maintenance issue.

Vice Mayor Robinson requested that maintenance issues be included in the revised contract.

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

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor Robinson to approve the Agreement with Triple M Roofing for the PBC Fire Rescue Station #2 Roof Replacement Project.

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

C. Resolution No. 22-2021 – Budget Amendment for FY 2021 for the Electric Utility to replenish its Vegetation Management account with \$350,000

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 22-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE BUDGET AMENDMENT AND CORRESPONDING APPROPRIATIONS FOR THE NECESSARY OPERATING EXPENSES OF THE ELECTRIC UTILITY BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 AND PROVIDING FOR AN EFFECTIVE DATE

Ed Liberty, Electric Utility Director, explained that the funds would be replenished from the general fund for work that was previously done on impending failures.

Comments/requests summary:

1. Commissioner Malega stated that the funds could not be reimbursed through FEMA.

Mayor Resch asked if there were any public comments.

City Clerk Andrea read the comment submitted by the following:

Thomas Conboy wrote to request that state licensed arborists be required to oversee all tree trimming associated with the funding.

2. Mayor Resch asked who was hired to trim the trees as there had been complaints.

Mr. Liberty replied that EU could trim vegetation and there was a multi-year contract with Davey Tree; the homeowner would be responsible for trimming vegetation near the home. He said that he would speak with the company regarding an arborist and performing the trimming in a better manner.

3. Commissioner Stokes asked if there was notice given to the homeowner regarding trimming vegetation.

Mr. Liberty replied that the rights-of-way were trimmed and the alleyways were mowed on a three-year cycle. He said that trimming could be done immediately in an emergency and requested that he receive any complaints regarding the trimming so that he can correct the work practice if necessary.

Richard Stowe introduced himself to Mr. Liberty as the Vice Chair of the Tree Board and requested that Mr. Liberty attend the next Tree Board meeting.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Resolution No. 22-2021 – Budget Amendment for FY 2021 for the Electric Utility to replenish its Vegetation Management account with \$350,000.

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

- D. Work Order No. 5 with Globaltech, Inc. for Design-Build services for Water Treatment Plant Flash Mixer Improvements

Brian Shields, Water Utility Director, explained that the item was for hydraulic improvements.

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

**Action:** Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve Work Order No. 5 with Globaltech, Inc. for Design-Build services for Water Treatment Plant Flash Mixer Improvements.

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

E. Appointment of a Commission member to the Multi-Jurisdictional Issues Coordination Forum

Comments/requests summary:

1. Commissioner Malega expressed interest in serving as the liaison because the issues would affect the city.

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

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve Commissioner Sarah Malega as the representative to the Issues Forum.

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

F. Appointing the Interim City Manager

Mayor Resch asked if there were any public comments.

City Clerk Andrea read the comment submitted by the following:

Thomas Conboy wrote to suggest that Jamie Brown should be appointed as the interim City Manager.

Richard Stowe said that Juan Ruiz was the Assistant City Manager and asked about the feasibility of bringing in someone from the outside to serve as Interim City Manager.

Comments/requests summary:

1. Commissioner Malega said that she had had multiple conversations with department heads and the NAPC and the city should demonstrate stability. She opined that Mr. Ruiz had earned his place.
2. Commissioner McVoy stated that there were arguments to bring someone in or promote someone from within. He said that he would support Mr. Ruiz as Interim City Manager with the understanding that a national search would be undertaken for the next City Manager.
3. Commissioner Stokes said that stability was important and staff was comfortable with Mr. Ruiz.
4. Mayor Resch said that she had spoke with Mr. Ruiz at length and that it made more sense to have Mr. Ruiz serve as Interim City Manager.

**Action:** Motion made by Commissioner Malega and seconded by Vice Mayor Robinson to approve appointing Juan Ruiz as Interim City Manager and authorizing the City Attorney to negotiate a contract to bring back to the City Commission for approval.

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

**CITY ATTORNEY'S REPORT:**

A. Request for an Attorney-Client closed door session

City Attorney Goddeau requested advice from the Lake Worth Beach City Commission concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the case of City of Lake Worth Beach, Florida v. Federal Emergency Management Agency and Peter T. Gaynor, in his official capacity, Case No. 19-cv-81140-SINGHAL at a closed door session to be held on May 18, 2021 at 5 pm.

**CITY MANAGER'S REPORT:**

City Manager Bornstein provided the following report:

- Reiterated that notes were taken about the conversations with the Gulfstream and staff was working hard to bring the Gulfstream Hotel matter back on May 25.
- Expressed appreciation for the clarity and direction given by the commission and asked for patience as staff dealt with multiple issues in a short amount of time.

**ADJOURNMENT:**

**Action:** Motion made by Vice Mayor Robinson and seconded by Commissioner McVoy to adjourn the meeting at 10:27 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: May 18, 2021