

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, NOVEMBER 1, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:41) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis (via Zoom), Assistant City Manager Juan Ruiz, City Attorney Glen Torcivia and Deputy City Clerk Shayla Ellis.

INVOCATION OR MOMENT OF SILENCE: (0:59) was led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (1:24) was led by Commissioner Sarah Malega.

ADDITIONS/DELETIONS/REORDERING (1:45)

Consent items C, D and E, the three leases at the Casino, were reordered as New Business items C, D and E. New Business items A-E would be heard before Unfinished Business.

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

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

PRESENTATIONS: (3:26) (there is no public comment on Presentation items)

A. Presentation by Richard Pinsky regarding the FY 2022-2023 Legislative Session (3:28)

B. Special Events Update by Lauren Bennett, Leisure Services Director (20:13)

COMMISSION LIAISON REPORTS AND COMMENTS: (25:33)

CITY MANAGER'S REPORT: (32:28)

City Manager Davis provided the following report:

- currently at symposium for City Managers at the University of Georgia
- participated in Read for the Record where she read to students at Sacred Heart and For the Children

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (35:10)

APPROVAL OF MINUTES: (34:51)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve the following minutes:

- A. Regular Meeting - October 6, 2022
- B. Pre-agenda Work Session - October 12, 2022

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

CONSENT AGENDA: (43:35) (public comment allowed during Public Participation of Non-Agendaed items)

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

- A. Resolution 84-2022 - FDOT License Agreement for 1702 Lake Worth Road
- B. Proclamation declaring November as Native American Indian Heritage Month
- C. (moved to New Business C) Third Amendment to Retail Lease with B. F. Enterprises, Inc., the current tenant
- D. (moved to New Business D) Fourth Amendment to Retail Lease with Pura Vida Treats, Inc., the current tenant
- E. (moved to New Business E) Fifth Amendment to Retail Lease with RVRA, LLC, the current tenant

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

PUBLIC HEARINGS: (43:56)

- A. Ordinance No. 19-2022 – Second Reading – Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to prohibit smoking and vaping in City parks and on the City’s beach (43:57)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-19 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 7 “BEACHES, PARKS AND RECREATION,” ARTICLE I “PARKS, RECREATIONAL FACILITIES AND PUBLIC PROPERTY,” SECTION 7-9 “REGULATION OF CONDUCT IN PARKS AND RECREATION AREAS AND ON PUBLIC PROPERTY” BY CREATING A NEW SUBSECTION (K) TO BE ENTITLED “SMOKING AND VAPING” TO PROHIBIT SMOKING AND VAPING IN CITY PARKS AND PROVIDING FOR ENFORCEMENT; AND ARTICLE VI “MUNICIPAL BEACH AREA AND MUNICIPAL BEACH,” SECTION 7-80 “ADDITIONAL REGULATIONS APPLYING TO THE MUNICIPAL BEACH AREA,” BY CREATING A NEW SUBSECTION (Z) TO BE ENTITLED “SMOKING AND VAPING” TO BAN SMOKING AND VAPING ON CITY BEACH AND TO PROVIDE FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2022-19 to prohibit smoking and vaping in City parks and on the City’s beach.

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

- B. Ordinance No. 2022-22 – Second Reading - Amending Section 15-24.1 “Definitions” and Section 15-24.5 “Enforcement,” to modify the enforcement process for a noise control violation and for other purposes (55:49)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2022-22 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, “OFFENSES--MISCELLANEOUS,” ARTICLE I, “IN GENERAL,” BY AMENDING SECTION 15-24.1 “DEFINITIONS” AND SECTION 15-24.5, “ENFORCEMENT,” WHICH SHALL MODIFY THE ENFORCEMENT PROCESS FOR A NOISE CONTROL VIOLATION AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve Ordinance No. 2022-22 to modify the enforcement process for a noise control violation and for other purposes.

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

- C. Ordinance No. 2022-23 – Second Reading - Amending Chapter 2 “Administration,” Article X “Supplemental Code Compliance Procedures,” Section 2-86 “Code Citation Procedures; Appeals,” Section 2-87 “Civil Penalties,” and Section 2-88 “Classification of Infractions” (57:47)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-23 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE X “SUPPLEMENTAL CODE COMPLIANCE PROCEDURES,” SECTION 2-86 “CODE CITATION PROCEDURES; APPEALS,” SECTION 2-87 “CIVIL PENALTIES,” AND SECTION 2-88 “CLASSIFICATION OF INFRACTIONS,” PROVIDING FOR CONSISTENCY WITH CHANGES IN CODES TO BE ENFORCED AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Commissioner Diaz to approve Ordinance No. 2022-23 amending Chapter 2 “Administration,” Article X “Supplemental Code Compliance Procedures,” Section 2-86 “Code Citation Procedures; Appeals,” Section 2-87 “Civil Penalties,” and Section 2-88 “Classification of Infractions”.

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

NEW BUSINESS: (58:48) (reordered to be heard before Unfinished Business)

A. Resolution No. 85-2022 – Revised Investment Policy System (58:49)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 85-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ESTABLISHING A REVISED INVESTMENT POLICY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution No. 85-2022 – Revised Investment Policy System.

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

B. Resolution No. 86-2022 – FY23 Regional Sewer Budget Amendment (59:39)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 86-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, TO ADOPT A BUDGET AMENDMENT TO INCREASE \$1,216,523 OF REVENUES AND \$1,175,696 OF EXPENDITURES DUE TO SCRIVENER'S ERRORS AND CHANGES IN THE EAST CENTRAL REGIONAL WATER RECLAMATION FACILITY (ECR) BUDGET THAT ARE PASSED ON TO THE LAKE WORTH BEACH REGIONAL SEWER FUND FOR THE FISCAL YEAR 2023 REGIONAL SEWER BUDGET BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve Resolution No. 86-2022 – FY23 Regional Sewer Budget Amendment.

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

C. (moved from Consent C) Third Amendment to Retail Lease with B. F. Enterprises, Inc., the current tenant (1:01:30)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve the Third Amendment to Retail Lease with B. F. Enterprises, Inc.

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

D. (moved from Consent D) Fourth Amendment to Retail Lease with Pura Vida Treats, Inc., the current tenant (1:05:23)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve the Fourth Amendment to Retail Lease with Pura Vida Treats, Inc.

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

E. (moved from Consent E) Fifth Amendment to Retail Lease with RVRA, LLC, the current tenant (1:05:06)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Fifth Amendment to Retail Lease with RVRA, LLC.

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

UNFINISHED BUSINESS: (1:06:46) (reordered to follow New Business)

A. Discussion of proposed redistricting maps and public input

Action: Consensus to accept map option(s) 2 and 3 from FAU and proceed to a final map option presentation.

Action: Consensus to consider three additional alternative map options for the final map presentation.

CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

UPCOMING MEETINGS AND WORK SESSIONS:

November 7 – Work Session @ 5 PM
November 9 - Pre-agenda Work Session @ 9 AM
November 15 - Regular Meeting @ 6 PM
November 23 - Pre-agenda Work Session @ 9 AM
November 29 - Utility Meeting @ 6 PM

ADJOURNMENT: (1:52:33)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to adjourn the meeting at 7:53 PM.

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

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved November 15, 2022.

Item time stamps correspond to the video recordings of the meetings on YouTube.

DRAFT