

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

The meeting was called to order by Mayor Resch on the above date at 6:03 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:33) 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: (0:57) was led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (2:05) was led by Vice Mayor Sarah Malega.

ADDITIONS/DELETIONS/REORDERING: (2:27)

The Electric and Water Utility Updates, Presentations A and B, were deleted from the agenda.

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to move Commission Liaison Reports and Comments, City Manager Report, City Attorney Report and Public Participation of Non-Agenda to the end of the meeting.

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

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to delete and table New Business K, Resolution declaring support for a permanent ceasefire in Gaza brought forward by Commissioner McVoy.

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

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

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

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

A. (deleted) Electric Utility Update by Ed Liberty, Director of Electric Utilities

B. (deleted) Water Utility Update by Vaughn Hayduk, Assistant Director of Water Utilities

(moved to end of agenda) **COMMISSION LIAISON REPORTS AND COMMENTS:**

(moved to end of agenda) **CITY MANAGER'S REPORT:**

(moved to end of agenda) **CITY ATTORNEY'S REPORT:**

(moved to end of agenda) **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**

APPROVAL OF MINUTES: (5:01)

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

- A. June 25, 2024 - utility meeting
- B. July 12, 2024 - pre-agenda work session
- C. July 16, 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) (5:08)

Action: Motion made by Commissioner May and seconded by Commissioner Diaz to approve the Consent Agenda.

- A. Standard Insurance Policies for FY 2024/25 Employee Health and Welfare Benefits
- B. Resolution No. 27-2024 – authorizing an amendment to the City of Lake Worth Beach (FPDP) 401(a) Plan concerning employee contributions
- C. Change Order #1 to Agreement with Close Construction Services, LLC for South Palm Park Sea Level Rise Mitigation Stormwater Pump Station Project
- D. Amended and Restated Transmission Operator Alliance Agreement
- E. Seeking approval for the preparation and submittal of an application for a grant under the Department of Transportation (DOT) / Federal Highway Administration (FHWA) Charging and Fueling Infrastructure Discretionary Grant Program
- F. Electric Utility Easement between The School District of Palm Beach County and the City of Lake Worth Beach
- G. Payroll Audit Report
- H. Annual Audit Plan
- I. Additional funds approval for agreement for Legal Services with Akerman, LLP for services regarding employee classification related to the City's Pension Ordinance

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

PUBLIC HEARINGS: (5:20)

- A. Ordinance No. 2024-09 – Second Reading - changing the residency requirement for the City Manager

City Attorney Lenihan read the ordinance by title only.

ORDINANCE NO. 2024-09 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING SECTION 2-3 OF CHAPTER 2 OF THE CODE OF ORDINANCES BY CHANGING THE RESIDENCY REQUIREMENT FOR CITY MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve Ordinance 2024-09, changing the residency requirement for the City Manager.

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

UNFINISHED BUSINESS: (6:05)

A. Authorization to promptly sell 501 Lake Avenue to the Lake Worth Beach Community Redevelopment Agency prior to finalization of a Redevelopment Agreement (6:06)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve the authorization to promptly sell 501 Lake Avenue to the Lake Worth Beach Community Redevelopment Agency prior to finalization of a Redevelopment Agreement.

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

B. Thirteenth Addendum to the Law Enforcement Service Agreement (LESA) (16:42)

Action: Motion made by Commissioner May and seconded by Vice Mayor Malega to approve the Thirteenth Addendum to the Law Enforcement Service Agreement (LESA).

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

C. Resolution No. 25-2024 – amending the City Commission Rules of Procedure (32:14)

City Attorney Lenihan did not read the resolution.

RESOLUTION NO. 25-2024 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE RULES OF PROCEDURE FOR LAKE WORTH BEACH CITY COMMISSION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Diaz to receive and file the resolution. **Motion failed.**

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

Action: Motion made by Commissioner May and seconded by Vice Mayor Malega to approve Resolution No. 25-2024, amending the City Commission Rules of Procedure.

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

Action: Amended Motion made by Commissioner May and seconded by Vice Mayor Malega to approve Resolution No. 25-2024, amending the City Commission Rules of Procedure, with the changes previously agreed to and changing rule 6 #3 to move the line about presentations to another section and having the City Clerk read online comments for Public Hearings, Unfinished Business and New Business.

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

Action: Motion made by Vice Mayor Malega to call the question. **Motion withdrawn and then reinstated.**

D. Discussion regarding Commission compensation (1:27:28)

Action: Consensus to bring an ordinance forward with a bi-annual 3% COLA for the commission beginning in FY 2028.

The meeting recessed at 7:48 PM and reconvened at 8:06 PM.

NEW BUSINESS: (2:04:16)

A. Resolution No. 28-2024 Fiscal Year 2024 – 2025 Community Development Block Grant Agreement for improvements to the Youth Empowerment Learning Center located at 1701 Wingfield Street (2:04:19)

City Attorney Lenihan did not read the resolution.

RESOLUTION NO. 28-2024 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING THE CAPITAL IMPROVEMENTS AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY IN THE AMOUNT OF \$301,586 IN FISCAL YEAR 2024-2025 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE YOUTH EMPOWERMENT LEARNING CENTER IMPROVEMENTS PROJECT; AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Action: Motion made by Vice Mayor Malega and seconded by Commissioner Diaz to approve Resolution No. 28-2024, Fiscal Year 2024 – 2025 Community Development Block Grant Agreement for improvements to the Youth Empowerment Learning Center located at 1701 Wingfield Street.

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

B. Ordinance No. 2024-08 – First Reading - amending Chapter 23 “Land Development Regulations,” Article 4 “Development Standards,” Section 23.4-10 – Off-Street Parking (2:08:10)

City Attorney Lenihan read the ordinance by title only.

ORDINANCE 2024-08 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 “OFF-STREET PARKING,” AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner May and seconded by Commissioner McVoy to approve Ordinance No. 2024-08 on first reading and set the second reading and public hearing for August 20, 2024.

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

C. Agreement with Ferguson Enterprises, Inc. to provide Underground Utility Parts to Water Utility Department (2:20:14)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner McVoy to approve the Agreement with Ferguson Enterprises, Inc. to provide Underground Utility Parts to Water Utility Department.

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

D. Resolution No. 29-2024 – 2020 -- Non-Ad Consolidated Utility Revenue Bond Reauthorization (2:22:01)

City Attorney Lenihan did not read the resolution.

RESOLUTION NO. 29-2024, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING A BUDGET AMENDMENT TO REALLOCATE 2020 NON-AD VALOREM REVENUE BOND FUNDING AND CONSOLIDATED UTILITY REVENUE BOND FUNDING AMONG BOND FUNDED PROJECTS

Action: Motion made by Commissioner Diaz and seconded by Commissioner McVoy to approve Resolution No. 29-2024 – 2020 -- Non-Ad Consolidated Utility Revenue Bond Reauthorization.

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

E. Agreement for Call Center Support Services with Cerida Investment Corp. dba AnswerNet (2:23:56)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve the Agreement for Call Center Support Services with Cerida Investment Corp.

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

F. Approval of Goods and Services Agreement with MVA Power, Inc. to purchase 500MCM insulated conductors for the Intracoastal Waterway Crossing project (2:37:57)

Action: Motion made by Commissioner Diaz and seconded by Vice Mayor Malega to approve the Agreement with MVA Power, Inc. to purchase 500MCM insulated conductors for the Intracoastal Waterway Crossing project.

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

G. Agreement with G & W Electric Company to purchase a 3-Phase Solid Dielectric Multiway Switch and Automatic Transfer Package for the Intracoastal Waterway Crossing project (2:38:31)

Action: Motion made by Commissioner Diaz and seconded by Commissioner May to approve the Agreement with G & W Electric Company to purchase a 3-Phase Solid Dielectric Multiway Switch and Automatic Transfer Package for the Intracoastal Waterway Crossing project.

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

H. Work Order 2 with M & M Asphalt – dba All County Paving (2:38:47)

Action: Motion made by Vice Mayor Malega and seconded by Commissioner May to approve the Work Order 2 with M & M Asphalt – dba All County Paving.

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

I. Agreement with Marquez Landscape Inc. for Citywide Lawn & Landscape Maintenance Services (2:39:02)

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Malega to approve the Agreement with Marquez Landscape Inc. for Citywide Lawn & Landscape Maintenance Services.

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

J. Purchase Order with Global Rental for procurement of a bucket truck for the Public Works Facilities Division (2:40:35)

Action: Motion made by Commissioner May and seconded by Vice Mayor Malega to approve the Purchase Order with Global Rental for procurement of a bucket truck for the Public Works Facilities Division.

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

K. (deleted from the agenda and tabled) Resolution declaring support for a permanent ceasefire in Gaza brought forward by Commissioner McVoy

COMMISSION LIAISON REPORTS AND COMMENTS: (2:42:37)

Action: Consensus to add a second pre-agenda workshop to be held on the 1st and 3rd Fridays of the month at 9:00 AM.

CITY MANAGER'S REPORT: (3:07:40)

Interim City Manager Brown provided the following report:

- A mobility workshop would be held on August 19; there would be one-on-one zoom meetings with WGI in preparation for the workshop
- The RFP was released for lobbyist services and would close on August 27; the commission would serve as the evaluation committee
- Workshops would be held on September 16 for an overview of Community Sustainability and on September 23 workshop for the housing study and short term rentals
- There would be an evaluation meeting to shortlist the respondents to the RFP for the beach property followed by a special meeting to evaluate them
- WMODA was meeting weekly with staff, moving forward with design work and would present their final version to the CRA in September

CITY ATTORNEY'S REPORT:

City Attorney Lenihan did not provide a report.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

(0:00:00)

Action: Motion made by Commissioner McVoy and seconded by Commissioner May to extend the meeting until 11:00 PM.

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

UPCOMING MEETINGS AND WORK SESSIONS:

August 9 @ 9 AM - pre-agenda work session

August 19 @ 6 PM - work session

August 20 @ 6 PM - regular meeting

ADJOURNMENT: (4:54:16)

Action: Motion made Vice Mayor Malega and seconded by Commissioner May to adjourn the meeting at 10:11 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 August 20, 2024

Item time stamps correspond to the recording on YouTube.