

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, JUNE 2, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:01 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy (absent for roll call; arrived a few minutes later) and Herman Robinson. 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 Commissioner Omari Hardy.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

AGENDA - Additions/Deletions/Reordering:

Consent Item F, Revised Second Amendment to Retail Lease with Mulligans Lake Worth Acquisition, LLC, was added to the agenda. Unfinished Business Item A, Amendments to the Casino tenant's leases addressing the COVID-19 closures, was deleted from the agenda, postponed until the June 16 meeting.

Action: Motion made by Commissioner Robinson and seconded by Commissioner Hardy to approve the agenda as amended, including an item to consider a motion to convene a special meeting to create a task focused on local resolutions to the systemic racism and injustices that threaten the nation.

Vote: Voice vote showed: AYES: Commissioners Hardy and Robinson. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to accept the items presented by the Clerk and adding a discussion item regarding a special meeting to create a task force on the City's response generally to police-citizen issues.

Vote: Voice vote showed: AYES: Commissioners Hardy and Robinson. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell.

Action: Motion made by Vice Mayor Amoroso and seconded and amended by Commissioner Maxwell to approve the Clerk's agenda as is and requesting that Commissioner Robinson bring back in writing an outline of how we would like to see a workshop conducted in the future on this issue so we can all prepare for it and make sure we have all the parties that Mayor Triolo requested earlier at the table.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioner Hardy.

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

There were no Presentations on the agenda.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Hardy: reported that he visited the Palm Beach County Commission (PBCC) meeting as the Second Vice President of the Black Caucus Elected Officials (BEO) and that the group had written a letter to the PBCC about people whose taxes pay law enforcement to protect them and keep them safe, but fear surviving an encounter with law enforcement. He said that the BEO asked for changes both at the local and state levels and its members would not endorse any person who did not push for conversation about police reform in their jurisdictions. He stated that African-Americans had repeatedly been victims of police violence for decades and expressed regret for George Floyd's family, for people who had been affected by the Floyd incident such as shop owners who had been affected by the looters and for the Country that was having a crisis on top of a crisis. He stated that the underlying problem had to be addressed to solve the problem and that he would push for policies to enact a change.

Vice Mayor Amoroso: did not make any remarks.

Commissioner Robinson: expressed pride in the City, PBSO and Mayor Triolo for participating in the March to show that the City was a community of diversity. He stated that the Commission would have to make act to address the systemic racism in the City, County, State and Country. He said that he was disappointed that there could not be an immediate meeting to address the issue and spoke in favor of having body cams for all PBSO officers. He stated that he was astounded by the continuing oppression in the Country. He said that William Brown, the City's Auditor, was an asset to the City.

Commissioner Maxwell: thanked Commissioners Hardy and Robinson for their heartfelt comments and looked forward to taking part in the conversation. He stated that LWB was a very diverse City whose residents looked out for one another. He said that his heart was sad for George Floyd's family and all those who had been killed in a horrible way by law enforcement. He stated that the looters were not thinking of Mr. Floyd and his untimely death.

Mayor Triolo: stated that it was a baffling time and that Mr. Floyd's death could happen in 2020 was a travesty. She said that a comprehensive discussion would be necessary to address the issue and that PBSO was very knowledgeable about the subject. She iterated that the Community should come out to speak their minds so that the Commission could make a difference. She stated that LWB could be a shining beacon on moving forward and thanked the Commissioners for their passion and compassion and sending their thoughts to the Floyd family. She announced that the City was providing more testing than any other local cities; there would be continued free testing for residents on Saturday at the Osborne Community Center.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, announced that Barry Freedman had submitted a comment card for the deleted item, which would be read at the June 16 meeting.

APPROVAL OF MINUTES:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the following minutes:

- A. Regular Meeting - May 19, 2020
- B. Special Meeting - May 21, 2020
- C. Work Session - May 21, 2020

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

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

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the Consent Agenda.

- A. Final Change Order #1 to B&B Underground Construction for the Wastewater Pump Station No. 15 & 21 Improvements Project
- B. Final Contract Balancing Reconciliation Change Order #3 to B&B Underground, Inc. for the Neighborhood Road Program District 1, Year 3 Project B Infrastructure Improvements Project
- C. Payments of Fiscal Year 2019 Invoices
- D. Amendment 3 to Agreement with Mock, Roos & Associates, Inc. for additional engineering services for Park of Commerce Phase 1B Infrastructure Improvements Project
- E. Accept and Approve the Contracts Audit Report (IAD091019-06FD)
- F. (added) Revised Second Amendment to Retail Lease with Mulligans Lake Worth Acquisition, LLC

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

PUBLIC HEARINGS:

- A. Ordinance No 2020-04 – second reading – authorizing the incurrence of debt obligations to fund cash flow deficits related to the COVID-19 pandemic

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve Ordinance 2020-04 - authorizing the incurrence by the City of debt obligations to fund cash flow deficits related to the COVID-19/Corona Virus Pandemic.

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-04 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE INCURRENCE BY THE CITY OF DEBT OBLIGATIONS TO FUND RESERVES FOR CASH FLOW DEFICITS RELATED TO THE COVID-19 PANDEMIC; PROVIDING THAT SUCH OBLIGATIONS OF THE CITY DO NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY OR THE STATE BUT SHALL BE PAYABLE FROM LEGALLY AVAILABLE REVENUES APPROPRIATED FOR SUCH PURPOSE; AND PROVIDING AN EFFECTIVE DATE.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

UNFINISHED BUSINESS:

A. (deleted) Amendments to the Casino tenant's leases addressing the COVID-19 closures

NEW BUSINESS:

A. Ordinance No. 2020-06 – Amend Future Land Use Map (FLUM) of the City's Comprehensive Plan

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-06 on first reading and to transmit the proposed Future Land Use Map amendment to the Florida State Department of Economic Opportunity for review.

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-06 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A LARGE SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATIONS OF MIXED USE EAST AND MIXED USE-WEST TO THE TRANSIT ORIENTED DEVELOPMENT FLU DESIGNATION ON PROPERTY GENERALLY LOCATED ALONG THE LAKE WORTH ROAD CORRIDOR BETWEEN BOUTWELL ROAD AND NORTH A STREET AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, welcomed Erin Sita, the new Community Sustainability Assistant Director, who would give the presentation.

Ms. Sita explained that the item was a FLUM amendment proposing to expand the FLUM locations in two areas near the I95 corridor north of Lake Worth Road. She said that the Transit Oriented Development (TOD) boundaries were described as follows: approximately 7.11 acres (24 properties) from Mixed Use East (MU-E) to TOD from Lake Worth Road north to 2nd Avenue, North A Street west to I-95 and the CSX Railroad Tracks and approximately 19.56 acres (10 properties) from Mixed Use West (MU-W) to TOD from Lake Worth Road north to 2nd Avenue, Boutwell Road east to I-95 and the CSX Railroad Tracks.. She stated that it would provide prime locations for TOD in proximity

to the Tri-Rail, Route 61 bus stops, I-95 and US Highway 1 and respond to market driven conditions for economic development by providing the desired TOD FLU designations. She reported that the amendments were consistent with the City's goals of housing diversity and economic development by allowing for mixed use TOD desired in close proximity to the existing TriRail station and were supported by and consistent with the City's Comprehensive and Strategic Plans and consistent with the levels of service.

Comments/requests summary:

1. Commissioner Hardy spoke in support of the changes and said that there should be even more density.
2. Commissioner Robinson thanked staff and asked if the amendment was considered upzoning.

Ms. Sita responded that it was not upzoning, just a change in in the FLUM.

Commissioner Robinson expressed hope that the value of the property had increased.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

B. Ordinance No. 2020-05 – Amend Future Land Use Element of the City's Comprehensive Plan

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to approve Ordinance No. 2020-05 on first reading and to transmit the proposed Future Land Use Element (FLUE) amendment to the Florida State Department of Economic Opportunity for review.

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-05 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING POLICIES IN THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN RELATING TO THE MIXED USE EAST, DOWNTOWN MIXED USE, AND TRANSIT ORIENTED DEVELOPMENT FUTURE LAND USE (FLU) DESIGNATIONS, INCLUDING MODIFICATIONS TO THE FLU DEVELOPMENT REQUIREMENTS, LIMITATIONS, AND GENERAL LOCATION DESCRIPTIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Sita explained that there were five components to the proposed amendments to Future Land Use Element (FLUE) policies and were related to the Mixed Use East, Transit Oriented Development, and Downtown Mixed Use Future Land Use (FLU) designations, including modifications to the FLU development requirements, density limitations, and general location descriptions. She said that the first amendment concerned modifying the allowed density on Federal Highway from 20 units per acre to 30 units per acre and was a controversial item; the advisory boards had recommended not presenting it to the

Commission. She stated that several existing developments did not meet the City's code having between 22 and 53 units an acre and that current projects were in the 30 to 40 units per acre range.

Comments/requests summary:

1. Commissioner Robinson stated that he favored appropriately placed density and a development like the Cloisters with 20 units an acre would be wonderful on South Federal Highway. He said that he opposed increasing the density without having any control over design of a project.
2. Commissioner Hardy opined that the City should not regulate density anywhere, but should regulate form. He said that there were many limitations that developers would have to fit their projects to and that 30 units an acre was perfectly acceptable. He stated that down zoning had made South Federal Highway dysfunctional and that the residents told the Commission to encourage development there to fix the problems with drugs and prostitution in the area or the area would look the same in ten years. He said that there were at least five bus stops on Dixie Highway, less than a half mile from South Federal Highway.
3. Vice Mayor Amoroso said that he supported removing South Federal Highway from the Motion and that there was a parking issue to be addressed in the future.
4. Commissioner Robinson said that the City did not need another highway dividing the City and was looking for quality not quantity in that area. He stated that he would support an increase in density if there was control over the design.
5. Commissioner Hardy stated that there were form based elements in the City's Code and asked Mr. Waters to speak about that. He opined that the broader issue was that the City had not made a leap in progress to improve its competitiveness like that of its neighbors. He asked when the Commission could test the naysayers.

Mr. Waters replied that the adopted updated major thoroughfare guidelines addressed how to deal with the look of projects. He stated that the FLUE amendment would change the density, not the look of a project and that a project would have to come before the Commission for approval. He said that new construction on Federal Highway would have to front the highway

6. Mayor Triolo said that one of the problems with the City was the number of non-conforming properties. She stated that there were huge problems with parking affecting the alleyways. She said that there should be outreach to the Community for them to see the potential projects and have the City address some of the crime issues in the area. She agreed that Federal Highway should be removed.

City Manager Bornstein stated that meetings with the neighborhoods started last year.

7. Commissioner Maxwell said that there needed to be a more comprehensive look at South Federal Highway in its totality and to think out of the box when dealing with the quality of issues there. He stated that he would not support the ordinance and suggested asking South Palm Park residents what they would like in that area.

8. Commissioner Robinson expressed dismay in not being able to see what would be built in that area.
9. Mayor Triolo said that it was an educational process and that residents would understand the ramifications better if they could see a project. She suggested sitting down with the neighborhoods in that area to share the vision.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Commissioner Hardy. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson.

Motion: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to approve all parts of Ordinance 2020-05 that did not pertain to Mixed Use East on Federal Highway.

Commissioner Hardy asked if there had been outreach to the residents who would be affected by the change in the TOD.

Mr. Waters responded that there was information as people bought and sold property in the TOD and people that expressed interest in developing the area in a way similar to the City's Envision Brochure.

Commissioner Hardy said that there should be outreach for the affected residents.

Mayor Triolo stated that there had been public outreach with 27 charrettes regarding the FLUM amendments showing that those areas were within the TOD.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: Commissioner Hardy.

C. Ordinance No. 2020-07 – Amend Chapter 23 Land Development Regulations (LDRs) of the City's Code of Ordinances

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-07 on first reading and to schedule the second reading and public hearing for June 16, 2020.

City Attorney Goddeau read the ordinance by title only:

ORDINANCE 2020-07 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 "GENERAL PROVISIONS," DIVISION 2, "DEFINITIONS," SECTION 23.1-12 - DEFINITIONS; ARTICLE 2, "SITE DESIGN QUALITATIVE STANDARDS" - SECTION 23.2-31. - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 "ZONING DISTRICTS" DIVISION 3, "MIXED USE DISTRICTS," SECTION 23.3-18 - MU-W MIXED USE WEST; ARTICLE 3 "ZONING DISTRICTS", DIVISION 6, "PLANNED DEVELOPMENT", SECTION 23.3-25 - PLANNED DEVELOPMENT DISTRICT; ARTICLE 4 "DEVELOPMENT STANDARDS, SECTION 23.4-10 - OFF STREET PARKING; AND SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5

“SUPPLEMENTAL REGULATIONS”, DIVISION 3, “NONCONFORMITIES”, SECTION 23.5-3 – NON-CONFORMITIES OF THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

Mr. Waters said that all of the items had been discussed in various work sessions with the Commission and the advisory boards had unanimously recommended approval by the Commission. He explained that Article 1 “General Provisions” Division 2, “Definitions” would clarify definitions for Building Height, Parapet, Stand Alone Retail and Vehicle fueling/charging service stations and delete the definition for Convenience Store accessory to gasoline station, Article 2 “Administration” Division 3, “Permits” section 23.2-31 “Site Design qualitative standards” would delete standards for gasoline stations, Article 3 “Zoning Districts” Division 3, “Mixed Use Districts” Section 23.3-18 “MU-W – Mixed Use West” and Section 23.3-25 “Planned Development District” would clarify regulations regarding impermeable surface and urban planned developments west of 95, Article 4 “Development Standards” Section 23.4-10 “Off Street Parking” would delete the parking table and replace it with parking based on classes of uses, provide for electric vehicle charging infrastructure requirements, clarify on-street parking and clarify inconsistencies, Article 4 “Development Standards” Section 23.4-13 “Medium and high intensity conditional uses” would clarify standards for both administrative uses and conditional uses, add standards for vehicle fueling/charging stations and for single destination retail uses including stand-alone retail and single destination commercial uses, Article 5 “Supplemental Regulations Section 23.5-3 “Nonconformities” would clarify inconsistencies within the section. He announced that there would be further LDR changes, including the permitted use table, later in the summer and that the advisory boards had suggested that the LDR amendments be approved by the Commission.

Comments/requests summary:

1. Commissioner Hardy said that he had an issue with the parking requirements on page 10 of the ordinance. He asked about parking regulations for single family homes and duplexes and stated that he favored flexibility with on-site parking.

Mr. Waters replied that currently, single family homes had to have all parking off street and the amendment would allow some on street parking to count towards the off street parking. He said that there was flexibility in other areas that were not strictly residential. He opined that it would not be in the best interest of the City to allow on street parking to count for all the off street parking with the complaints about parking problems.

2. Commissioner Robinson asked about the allowance of artificial turf and if electric charging stations would be required in City parking lots.

Mr. Waters responded that artificial turf would be in the next round of LDRs and if a new parking lot were built or one were substantially improved, there would have to be a pro rata percentage of electric charging stations.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

D. Resolution No 19-2020 - authorizing issuance of Non-Ad Valorem Revenue Bonds Series 2020A and Taxable Series 2020B Bond to fund cash flow deficits related to the COVID-19 pandemic

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution 20-2020 - authorizing the issuance of Non-Ad Valorem Revenue Bonds Series 2020A and Taxable Series 2020B Bond to fund cash flow deficits.

City Attorney Goddeau did not read the resolution.

RESOLUTION 20-2020 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$20,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF LAKE WORTH BEACH, FLORIDA NON-AD VALOREM REVENUE BONDS, SERIES 2020A AND TAXABLE SERIES 2020B, TO PROVIDE FUNDS FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN CAPITAL IMPROVEMENTS IN AND FOR THE CITY AND FINANCING CERTAIN COSTS OF THE CITY; COVENANTING TO BUDGET AND APPROPRIATE CERTAIN LEGALLY AVAILABLE NON-AD VALOREM REVENUES TO PAY DEBT SERVICE ON THE BONDS; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE BONDS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS RESOLUTION.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

City Manager Bornstein provided the following report:

- Thanked staff and expressed gratitude for their professionalism and service to the City in dealing with the pandemic, the protests and hurricane preparedness.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to adjourn the meeting at 7:52 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: July 7, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.