

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, SEPTEMBER 20, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:05 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:15) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega (via Zoom), Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (1:07) led by Commissioner Reinaldo Diaz.

PLEDGE OF ALLEGIANCE: (1:52) led by Commissioner Kimberly Stokes.

ADDITIONS/DELETIONS/REORDERING (2:11)

A proclamation for Hispanic Heritage Month was added as Presentation A, with the other presentations being reordered to follow. Unfinished Business A, update and discussion regarding the housing crisis was moved to follow the presentation on housing initiatives. New Business F, Discussion of a Linemen Apprenticeship Program, New Business G, Creation of Utility Payment Plans, New Business H, Resolution No. 78-2022 establishing an education fund and New Business I, Resolution No. 29-2022, 12th budget amendment, were added to the agenda.

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes 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: (4:07) (there is no public comment on Presentation items)

- A. (added) Proclamation declaring September 15 – October 15, 2022 as Hispanic Heritage Month (4:14)
- B. (reordered) Presentation by Lourdes M. Figueroa, Victim Advocate Violent Crimes Division, PBSO (8:56)
- C. (reordered) Presentation from Suzanne Cabrera, President and CEO, of the Housing Leadership Council of Palm Beach County, on the status of affordable and workforce housing initiatives and study for Palm Beach County (25:58)

UNFINISHED BUSINESS: (53:49)

- A. (reordered to follow housing presentation) Update and discussion regarding the housing crisis

COMMISSION LIAISON REPORTS AND COMMENTS: (1:37:28)

CITY MANAGER'S REPORT: (1:44:48)

City Manager Davis provided the following report:

- would attend the “Facing the Crisis” event on Thursday regarding the opioid crisis
- the City would host the PBC League of Cities Ethics Training on October 13th

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:46:39)

APPROVAL OF MINUTES: (1:54:19)

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

- A. Pre-agenda Work Session - August 24, 2022
- B. Special Meeting - August 25, 2022
- C. Budget Work Session #5 - August 29, 2022
- D. Regular Meeting - September 6, 2022

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

CONSENT AGENDA: (1:54:32) (public comment allowed during Public Participation of Non-Agendaed items)

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

- A. Proclamation declaring September 17-23, 2022 as Constitution Week
- B. Proclamation declaring September 21, 2022 as Alzheimer's Awareness Day
- C. Third Amendment to Retail Lease with Pura Vida Treats, Inc., the current tenant/assignee
- D. Fourth Amendment to Retail Lease with RVRA, LLC, the current tenant
- E. Facility Construction Agreement with Florida Power & Light for New Interconnection Project

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

The meeting recessed at 8:00 PM and reconvened at 8:08 PM.

PUBLIC HEARINGS: (2:03:04)

- A. Ordinance No. 2022-16 – Second Reading - Establishing a Business Advisory Board (2:03:17)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-16 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION," ADDING A NEW ARTICLE XXIII "BUSINESS ADVISORY BOARD," PROVIDING FOR A NEW BUSINESS ADVISORY BOARD, TERMS, COMPOSITION AND DUTIES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve Ordinance No. 2022-16 establishing a Business Advisory Board, adding a hospitality category to include restaurants, bars and hotels.

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

- B. Ordinance No. 2022-18 – Second Reading - Repeal of sections 15-91 "Definitions," 15-91 "Prohibited acts regarding panhandling," and 19-14 "Right-of-way solicitors and canvassers" (2:10:53)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-18 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REPEALING SECTIONS 15-90 "DEFINITIONS," 15-91 "PROHIBITED ACTS REGARDING PANHANDLING," AND 19-14 "RIGHT-OF-WAY SOLICITORS AND CANVASSERS" OF THE CITY CODE OF ORDINANCES WHICH MAKE CERTAIN INSTANCES OF PANHANDLING OR SOLICITING IN PUBLIC AREAS UNLAWFUL; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

Action: Motion made by Commissioner Diaz and seconded by Vice Mayor McVoy to approve Ordinance No. 2022-18 repealing sections 15-91 "Definitions," 15-91 "Prohibited acts regarding panhandling," and 19-14 "Right-of-way solicitors and canvassers".

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

- C. (continued from September 6 meeting) Ordinance No. 2022-15 – First Reading - approval of a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as "Lake Worth Station" located at 930 N G Street to construct a 5-story, 81 dwelling unit mixed use development with 39 multi-family units proposed to qualify as workforce housing and office space. The sustainable bonus request is for additional density and height. The property is zoned Transit Oriented Development – East (TOD-E) (2:32:47)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2022-15 -- 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 MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 930 NORTH G STREE TO CONSTRUCT AN APPROXIMATELY 5-STORY, 81-UNIT MIXED USE DEVELOPMENT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE TRANSIT ORIENTED DEVELOPMENT - EAST (TOD-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A CONDITIONAL USE PERMIT; APPROVING HEIGHT AND DENSITY BONUS INCENTIVES THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Commissioner Malega left the meeting at 9:33 PM.

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to extend the meeting to 11:00 PM. (3:49:05)

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

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to table Ordinance No. 2022-15 to a date uncertain.

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

UNFINISHED BUSINESS:

A. (continued from September 6, 2022 meeting) Ordinance No. 19-2022 – First Reading - Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to prohibit smoking and vaping in City parks and on the City’s beach (4:19:37)

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 Vice Mayor McVoy and seconded by Commissioner Stokes to postpone Ordinance No. 2022-19 until the October 6, 2022.

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

- B. (reordered to follow housing presentation) Update and discussion regarding the housing crisis
- C. Ordinance No. 2022-12 – First Reading – Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” and Article 2 “Administration”, Division 3 “Permits” adding a new Section 23.2-39 “Affordable/Workforce Housing Program,” providing for a Lake Worth Beach Affordable/Workforce Housing Program (4:24:25)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-12 - 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,” ADDING A NEW DEFINITIONS “ANNUAL GROSS HOUSEHOLD INCOME,” “GROSS RENT” AND “OVERALL HOUSING EXPENSE;” AND ARTICLE 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” ADDING A NEW SECTION 23.2-39 “AFFORDABLE/WORKFORCE HOUSING PROGRAM,” PROVIDING FOR AN AFFORDABLE/WORKFORCE HOUSING PROGRAM WITHIN THE CITY OF LAKE WORTH BEACH; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance No. 2022-12 on first reading and set the second reading and public hearing for October 6, 2022, changing the time period for the deed restriction from 20 to 25 years.

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

- D. Ordinance No. 2022-13 – First Reading – Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-Units,” providing for Micro-Unit Housing (4:39:58)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-13 - 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,” ADDING A NEW DEFINITION “MICRO-UNIT;” AND ARTICLE 4 “DEVELOPMENT STANDARDS,” ADDING A NEW SECTION 23.4-25 “MICRO-UNITS,” PROVIDING FOR DEVELOPMENT STANDARDS FOR MICRO-UNITS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance No. 2022-13 on first reading and set the second reading and public hearing for October 6, 2022, changing the mixed-use component range from 15 to 25%.

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

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to extend the meeting to midnight. (4:45:37)

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

E. Ordinance No. 2022-14 – First Reading – Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions”, and Article 2 “Administration”, Division 3 “Permits,” Section 23.2-31 “Site Design Qualitative Standards,” providing standards for buildings (4:46:32)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-14 - 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,” ADDING THERETO NEW DEFINITIONS “SOCIAL JUSTICE” AND “SUSTAINABILITY;” AND “ARTICLE 2 “ADMINISTRATION,” DIVISION 3 “PERMITS,” SECTION 23.2-31 “SITE DESIGN QUALITATIVE STANDARDS,” PROVIDING FOR STANDARDS FOR BUILDINGS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve Ordinance No. 2022-14 on first reading and set the second reading and public hearing for October 6, 2022.

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

The meeting recessed at 11:00 PM and reconvened at 11:06 PM.

NEW BUSINESS:

A. Property and Insurance Services renewals with Brown & Brown Inc. and City insurance

coverage for FY 2022-2023 (5:00:45)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Property and Insurance Services renewals with Brown & Brown Inc. and City insurance coverage for FY 2022-2023.

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

B. Purchase Orders to Ace Pole Co. and Koppers Utility & Industrial Products for delivery of wood utility poles (5:02:42)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Purchase Orders to Ace Pole Co. and Koppers Utility & Industrial Products for delivery of wood utility poles.

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

C. Second Amendment to Agreement with Gresco Utility Supply, Inc. for the purchase and delivery of distribution transformers (5:03:16)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Second Amendment to Agreement with Gresco Utility Supply, Inc. for the purchase and delivery of distribution transformers.

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

D. Purchase Order with G&W Electric for Viper Recloser External CT Kit (5:03:52)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Purchase Order with G&W Electric for Viper Recloser External CT Kit.

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

E. Agreement with Energy Erectors, Inc. for the construction of the Canal Distribution Substation (5:04:27)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Agreement with Energy Erectors, Inc. for the construction of the Canal Distribution Substation.

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

F. (added) Discussion of a Linemen Apprenticeship Program (5:04:59)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve the Linemen Apprenticeship Program with the Electric Utility having the flexibility to determine the number of participants.

Action: Motion amended by Vice Mayor McVoy and seconded by Commissioner Diaz to approve the Linemen Apprenticeship Program, not exceeding two apprentices.

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

Action: Motion amended by Vice Mayor McVoy and seconded by Commissioner Diaz to approve the Linemen Apprenticeship Program with one apprentice.

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

G. (added) Creation of Utility Payment Plans (5:51:41)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Creation of Utility Payment Plans which would be approved by the City Manager.

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

H. (added) Resolution No. 78-2022 – Establishment of a Public Education Fund (5:53:09)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 78-2022 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ESTABLISHING A PUBLIC EDUCATION FUND; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

No action as the meeting was ended at midnight. Item would be moved to the October 6, 2022 meeting.

I. (added) Resolution No. 79-2022 – FY 2022 Budget Transfer

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 79-2022, 12th 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, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

Item would be moved to the October 6, 2022 meeting.

CITY ATTORNEY'S REPORT:

UPCOMING MEETINGS AND WORK SESSIONS:

September 21 - public meeting (redistricting) @ 6 PM
September 22 - 2nd Budget Hearing @ 5:01 PM
September 28 - Pre-agenda Work Session @ 9 AM
October 6 - Regular Meeting @ 6 PM

ADJOURNMENT:

City Clerk Coyne declared the meeting ended at midnight.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved October 18, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.