

DRAFT

CITY OF WESTLAKE



MINUTES

City Council Workshop Meeting

Wednesday, May 20, 2020 at 5:00 PM

Westlake Council Chambers
4005 Seminole Pratt Whitney Road
Westlake, Florida 33470

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Via Communications Media Technology

This meeting was held in accordance with the Governor's Executive Order 2020-69. Due to COVID-19, and the need to ensure public health, safety and welfare, this meeting was conducted utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

1. Join the Webex meeting from your computer, tablet or smartphone at the following link:
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Meeting ID: 216 931 557
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United States Toll: +1-408-418-9388
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CITY COUNCIL:

Roger Manning, Mayor
Katrina Long Robinson, Vice Mayor
Patric Paul, Council Member – Seat 1
Kara Crump, Council Member – Seat 2
JohnPaul O'Connor, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Pam E. Booker, City Attorney
Zoie P. Burgess, City Clerk

A WORKSHOP meeting of the City Council of the City of Westlake was held on Monday, May 20, 2020 at 5:00 PM., with a quorum of Councilmembers physically present and various staff and the public attending and participating via Communications Media Technology in accordance with the Governor's Executive Order 2020-69, due to COVID-19 and the need to ensure public health, safety and welfare.

CALL TO ORDER

Mayor Manning called the City of Westlake Workshop City Council meeting of Wednesday, May 20, 2020 to order at 5:01 PM.

ROLL CALL

Present and constituting a quorum physically at: 4005 Seminole Pratt Whitney

Roger Manning, Mayor	Present
Katrina Long-Robinson, Vice Mayor	Present
JohnPaul O'Connor, Councilman	Present
Kara Crump, Councilwoman	Present
Patric Paul, Councilman	Present

Also present were:

Kenneth Cassel, City Manager
Pam E. Booker, Esq., City Attorney
Zoie Burgess, CMC, City Clerk

PLEDGE OF ALLEGIANCE

Mayor Manning led the Pledge of Allegiance.

WORKSHOP AGENDA

A. City Hall Planning

Mayor Manning introduced the first item on the agenda. He expressed his appreciation for the current facilities, but noted they are not sufficient for current needs and there has not been any strategic planning and requested a preliminary presentation from the City Manager to outline his idea of moving forward with a City Hall.

Mr. Cassel addressed a previous memo on record provided to Council and confirmed that it is a matter of timing as it is a decision of Council when to proceed. Mr. Cassel explained that in reviewing the requirements needed for City Hall, based upon technology, contracted employees and conversations with other City Managers, he estimates a facility of 15,000 square foot and estimated cost of \$3.5 million for the structure itself. Mr. Cassel estimated site work at approximately \$2.3 million and design costs for a little of \$700,000. Mr. Cassel estimates a full cost of \$7.5 million dollar.

Mr. Cassel explained that he has laid out a preliminary plan that could change, but will take approximately a year for design, a year for outsourcing, and a year for the completion. Mr. Cassel estimated that if the project began this year, the earliest a City Hall could be constructed would be by the end of 2026. Mr. Cassel provided an additional recommendation of starting out with a smaller City Hall of about half the size of 6 - 7,000 square feet, noting there are a myriad of ways to move forward, including temporary structures on the land once it is acquired.

Mr. Cassel seeks feedback from Council in how they wish to proceed.

Mayor Manning explained that he had hoped to have been further ahead and says a plan needs to be in place to move forward and understands that Mr. Carter has a plan for land and inquires if it will be enough.

Mr. Cassel confirmed, and identified that land anywhere from 2 - 3.25 acres would be sufficient.

Mr. Cassel inquired if the budget should be based off the full 15,000 square feet or 8,000 square feet to start and the time frame to have it constructed.

Vice Mayor Long-Robinson, suggested that Mr. Cassel should provide at least two different options, based on different variations and Council may proceed from that.

Councilman O'Connor stated that the most important step is getting the land and as identified in the memo, it is on track and stays on track for September 30th as nothing can continue until the land is secured.

Mr. Cassel acknowledged that there are commitments in the Developer Agreement. There being no further discussion, the next item followed.

B. SID/CITY Relationship Interaction and Authority

Mayor Manning introduced Item B on the Agenda as he requested it be brought forth due to a conflict between the City and Seminole Improvement District.

Mayor Manning acknowledged that Council has authorized the City Attorney to obtain a second opinion of a subject which will be presented. Mayor Manning identified that Seminole Improvement District will present their position also.

Mayor Manning felt it necessary Council hear both positions in an open forum to determine how to move forward in hopes to avoid litigation as it may hold up construction for the developer and the growth of the City.

Mayor Manning called upon the City Attorney for Presentation.

Ms. Booker acknowledged that she has spoken to each individually, however this evening is the first time brought forth publicly. Ms. Booker further explained that the issue came forth as a result of a bond that was submitted with an additional rider adding Seminole Improvement District to the bond, in which she did not accept. Ms Booker noted that the other bonds received for the City, approximately about 17, did not contain that rider language adding Seminole Improvement District and should that rider be removed and that plat could be recorded.

Ms. Booker explained that she has had many conversations with Mr. Diffenderfer, the City Manager and City Council regarding the bond and not being able to come to a consensus if that rider stays in or not. Ms. Booker added that those conversations also pertain to completing the drafting of Chapter 5, which also includes many different provisions where Seminole Improvement District is included in that process for approval.

Ms. Booker identified that members of Council questioned how this is to be resolved and can it be moved forward, and can a different opinion be sought if there is not an agreement. As a result, Ms. Booker noted that was what was done in this case and a presentation is provided by Rick Jarolem, Esq., to explain to Council the different documents that apply to both Seminole Improvement District and the City, and the application of Florida Statutes Chapter 177, the Interlocal Agreement, Seminole Improvement District's enabling legislation and the uniform land development code.

Mr. Rick Jarolem introduced himself as partner with the Law Firm of Traub Liberman and provided a presentation to identify the powers designated and delegated to the City and to the Seminole Improvement District in regards to land development regulations, in particular platting and plat requirements.

Upon conclusion of Mr. Jarolem's presentation Mayor Manning called for any questions from Council.

Vice Mayor Long-Robinson, not having any questions for Mr. Jarolem, inquired if a presentation was going to be presented by Seminole Improvement District.

Mr. Robert Diffenderfer, Esq. of Lewis, Longman & Walker, P.A., the law firm for Seminole Improvement District, identified that he is present to speak on behalf, but did not have a presentation.

Mr. Diffenderfer identified that he presented briefing material to Council that was previously completed at a Council Workshop in December 2018.

Mr. Diffenderfer acknowledged that Seminole Improvement District does not have platting power nor has Seminole Improvement District identified it has land use power as general law does not allow a special district to have. Mr. Diffenderfer continued in explaining that Seminole Improvement District provides a variety of functions and services in which the same functions can be done by the City, and instruments were crafted to ensure both are not doing the same for purposes of efficiency. He further explained that the reason for any disagreement was to identify who is doing what in terms of overseeing construction, managing construction, certifying completion of construction and holding the developer to account to accomplish it.

Mr. Diffenderfer continued in his explanation to Council.

Ms. Booker further addressed Council explaining that holding a bond is an insurance policy as a guarantee for the City to make sure that water and sewer lines, roads, anything bonded gets completed and noted that the problem that is currently in the language of this rider is that Seminole Improvement District would have to make this decision and they could identify no additional money than what is left for the bond if the City does not agree on what is completed, how it is completed and who completes it.

Ms. Booker noted that in discussions, it has always been clear that the City is not attempting to duplicate public works utility services, but the issue is who protects the residents. Additionally, Ms. Booker, noted that further disagreement is Seminole Improvement District having no role until infrastructure improvements are turned over to them and further is an issue of timing; until it is turned over, they do not own the responsibility if it is not done as it would be a financial obligation of the developer, not Seminole Improvement District as it is land use and zoning.

Mr. Diffenderfer explained that the items that are being built are identified in the Water Control Plan and that Seminole Improvement District would have an interest as it is the purpose of their existence and to see a successful completion.

Councilman O'Connor inquired of what harm exists to have the City listed on the bond as it has been on 17 other occasions.

Mr. Jarolem provided his explanation to Council inquiry of what, if any harm exists to have the City listed on the bond as it has been on previous projects.

Vice Mayor Long-Robinson referenced the letter received from Mr. Diffenderfer and inquired to the date that Seminole Improvement District would become a part of the City.

Several unidentified individuals responded 30 years and Mayor Manning further explained that it may be earlier should both parties agree.

Vice Mayor Long-Robinson further inquired that with the current separation of power for Seminole Improvement District and the City, whether the City can engage in land use planning without Seminole Improvement District's participation as it relates to resources and utilities.

Ms. Booker responded that the City does not and that the City must receive approval from Seminole Improvement District to identify that there will be sufficient capacity to serve the development.

Mayor Manning yielded the floor back to Mr. Diffenderfer.

Councilwoman Crump interjected and inquired regarding the bond in question and if Seminole Improvement District wanted to be listed as a designee.

Mr. Diffenderfer noted that it was an oversight and it should have been listed throughout.

Councilman Paul requested clarification as to why Seminole Improvement District must be named on a bond, if the developer must issue a bond.

Mr. Diffenderfer explained that Seminole Improvement District will own it and be responsible for maintenance therefore making sure that what is permitted, conforms to Seminole Improvement Districts specifications when turned over.

Councilman Paul further inquired for more clarification as to why Seminole Improvement District must be named on the bond.

Mr. Diffenderfer and Mr. Jarolem provided further explanation.

Councilman Paul inquired as to how it may be rewritten what is in place to bring Seminole Improvement District in to play because as it stands the City is responsible.

Mr. Diffenderfer noted that such a change would be a discussion of changing the Interlocal Agreement.

Councilman O'Connor inquired if the City were to be on the bond what would be the worst case scenario for the City.

Mr. Jarolem responded that the City would have no input of who does the work, ensure performance, identify the sequence and that once the plat is recorded the only means for the City's security is the bond.

Mr. Diffenderfer explained that Seminole Improvement District is performing that function and the reason the agreement was entered into.

Ms. Tara Duhy, Esq. of Lewis, Longman and Walker, P.A. on behalf of Minto PBLH, LLC informed Council that additional explanation should be provided to understand the technical aspects if the developer does not build what is required and the bond is recalled.

Mr. John Carter, Vice President of Minto, addressed Council and his responsibilities as the developer and the need to know the process of either serving the City or Seminole Improvement District and the worse case scenario of not seeing these financial instruments released.

Ms. Booker explained that early on in the process this was questioned in her request to have the City Engineer involved in the process to avoid the worst case scenario and not waiting 30 years for the Seminole Improvement District items to be turned over to the City and then be reviewed.

Mayor Manning provided comment that if the bond is for the City and Seminole Improvement District is making sure the City receives what it should, completed properly and is certified that he does not see a problem.

Mr. Carter explained that he would like to see that articulated in writing.

Ms. Booker requested direction from Council as Chapter 5 of the Code will identify these items, but it does not discuss the reliance of the engineering certification and if that is the only issue of Seminole Improvement District she will be able to add, noting that certification is a different issue from the bond.

Ms. Booker clarified that direction is needed if Seminole Improvement District be added as an additional obligee.

Councilman O'Connor noted that it would complicate matters and the City should be the only ones on the bonds, but would like to see language added to Chapter 5.

Vice Mayor Long-Robinson commented that Seminole Improvement District should not be added.

Mayor Manning commented that it should be just the City and a process should be determined to accept the City Engineer's approval and the bond becomes the City's bonds to release.

Councilman Paul identified that they should not be added.

Councilwoman Crump commented that they should not be added.

Ms. Booker requested direction regarding Chapter 5 and if she has authorization to move forward so that Seminole Improvement District is not in the land development places where they should not be, noting that there are places where Seminole Improvement District is identified and this would be the place to write Seminole Improvement District in where the engineer certification would be acceptable at the end of the bond process to turn over, but there are other areas that were not in agreement.

Ms. Booker noted that until Chapter 5 and Chapter 7 are completed the Development Agreement cannot move forward, as it locks in the existing Code on the date it is approved.

Ms. Duhay requested clarification that while they do not expect the City to include Seminole Improvement District where it does not have authority, similarly if there is an issue that falls within Seminole Improvement District's jurisdiction, they would not then have to debate it at the City level if already completed.

Ms. Booker to clarify, provided an example that if there were an issue with the roads and they are not up to standards, and Seminole Improvement District finds there is no issue and the City Engineer identifies there is, whether that problem can be raised. Ms. Booker explained that the City Engineer has to have some authority if there is something obviously wrong or incorrect to make a comment.

Ms. Duhay noted that while they are confident in their team, the City and Seminole Improvement District have in the Interlocal Agreement a dispute resolution process to resolve rather than hold up the developer.

Mr. Diffenderfer acknowledged that they would like to see language.

Ms. Booker will be providing updates and comments received from the City Engineer.

CITY COUNCIL COMMENTS

A. Councilman JohnPaul O'Connor

Councilman O'Connor inquired to the time-frame of 5-6 years to build City Hall.

Mr. Cassel confirmed.

Councilman O'Connor addressed getting these issues resolved faster.

Mayor Manning noted that this is the first issue that has been a problem since day one.

B. Councilwoman Kara Crump

Councilwoman Crump agrees with Council and finds these workshops to be very important and should receive not only the City's opinion, but also Seminole Improvement District's side.

C. Councilman Patric Paul

Councilman Paul inquired if it is possible to hold another workshop like the present as they are other issues to address relating to the Park, easements and open spaces, as well as the City Manager's position with the City and Seminole Improvement District.

D. Vice Mayor Katrina Long-Robinson

Vice Mayor Long commented that communication needs to improve regarding staff and seeing more staff meetings increased. She would like to see them more with Council so that they are informed and able to translate to constituents.

E. Mayor Roger Manning

Mayor Manning noted that in the Interlocal Agreement the City committed to at least two meetings a year and this has not been accomplished and it needs to be done. He noted that he does not want to be unaware of any situations such as in the case with the park, where the City was not aware of what was happening and wants to see better communication. He emphasized that the City Manager be responsible for having these meetings.

CITY MANAGER COMMENTS

There being no further comments, the next item followed.

CITY ATTORNEY COMMENTS

Ms. Booker thanked Council for reviewing this matter and will continue to have individual conversations to ensure Council understands what is presented.

There being no further comments, the next item followed.

PUBLIC COMMENTS

Mayor Manning opened the floor and called for any public comments.

Ms. Burgess noted that there were no public comment cards received prior to the start of the meeting.

Ms. Burgess addressed the online audience calling for any public comments.

Audrey Wolf - Director of Facilities Development and Operations for Palm Beach County - Upon listening to the discussion regarding the early planning for the City Hall site and expressed that they would like to be very involved as it is the City's intent for the County to co-locate on the same parcel.

Ms. Burgess again addressed the online audience calling for any additional public comments.

Mr. John Carter - Vice President for Minto Communities - Thanked City Council for their leadership and provided an update on current development and sales seen over the last year to date.

There being no further comments, the next item followed.

ADJOURNMENT

Mayor Manning adjourned the meeting at 7:32 PM.

Zoie P. Burgess, CMC, City Clerk

Roger Manning, Mayor