

# CITY OF WESTLAKE



## MINUTES

### **City Council Workshop Meeting** Monday, March 22, 2021 at 6:30 PM

This meeting took place at the **Westlake Community Center/City Council Chambers located at 4005 Seminole Pratt Whitney Road, Westlake, Florida, 33470 and publicly viewed Via Communications Media Technology.** Members of the public participated in the meeting through electronic means with access as follows:

1. Webex meeting from computer, tablet or smartphone at the following link:  
<https://cityofwestlake.my.webex.com/>

Meeting ID: 132 296 9946

Password: hello

2. Participants may also dial in using your phone with any of the following number(s):

United States Toll: +1-408-418-9388

Meeting ID: 132 296 9946

### **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, March 22, 2021, at 6:30 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road.

As a preliminary matter, Ms. Burgess noted that Mayor Roger Manning, Vice Mayor Katrina Long-Robinson, Councilman Patric Paul, Councilwoman Kara Crump, Councilman JohnPaul O'Connor were present physically.

Ms. Burgess noted that City Manager Kenneth Cassel and City Attorney Pam Booker and City Engineer Suzanne Dombrowski, were present physically.

City Clerk Zoie Burgess was present via communications media technology.

Ms. Burgess provided further instruction regarding public comments, noting that comments will be acknowledged by the Mayor and accepted at the appropriate times as indicated in the Agenda and those who wish to speak may use the "virtual" hand raise feature.

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience that microphones are live. Ms. Burgess further explained that microphones will be muted; audience members have the ability to unmute themselves and anyone that has called in should mute their device. Ms. Burgess noted that anyone causing a disruption or being inappropriate will be removed from the meeting.

Ms. Burgess reminded participants physically in attendance, when speaking to project their voices and speak clearly for an accurate recording is produced.

### **CALL TO ORDER**

Mayor Manning called the City of Westlake Workshop City Council meeting of March 22, 2021 to order at 6:32 PM.

### **ROLL CALL**

Present and constituting a quorum:  
Councilman JohnPaul O'Connor  
Councilwoman Kara Crump  
Councilman Patric Paul  
Vice Mayor Katrina Long-Robinson  
Mayor Roger Manning

Also, present:

Kenneth Cassel, City Manager  
Pam E. Booker, Esq. City Attorney  
Zoie P. Burgess, CMC, City Clerk - Present via communications media technology  
Suzanne Dombrowski, City Engineer

## **PLEDGE OF ALLEGIANCE**

Mayor Manning led the Pledge of Allegiance.

## **WORKSHOP AGENDA**

### A. Conflict Resolution Update

Mayor Manning introduced item.

Dr. Dale Sugerman of The International Institute For Leadership Development and Training provided his background and experience in local government and his role, goals and processes in working with Ms. Booker and Mr. Cassel in identifying conflicts and efforts to move forward in trust. He said that the Myers Briggs Personality Test Type style was used as the learning tool to better predict how and why both reacted in different situations. He advised that they came up with 6 commitments that Ms. Booker and Ms. Cassel were willing to make and explained what came out of the commitments. He thanked the Council for allowing him to work with Mr. Cassel and Ms. Booker.

Ms. Booker and Mr. Cassel shared their feedback and takeaways regarding the conflict resolution process and identified commitments to achieving a positive working relationship.

Mayor Manning thanked Ms. Booker and Mr. Cassel for devoting their time and energy to resolve their problems. He said that it is difficult sitting back here when having conflicting views as it can be confusing. He mentioned that communication has been an issue and he does appreciate the time spent trying to resolve the issue and learn how we can get through with little conflict as possible.

Dr. Sugerman mentioned that from his perspective you want as much diversity as possible; you do not want disagreement, but you want a different perspective; therefore, invite differences and perspectives. He advised that if there are any additional questions, he is available to answer.

Councilman O'Connor inquired if the process continues.

Mr. Cassel mentioned that as Dr. Sugerman stated once a student always a student. He will be calling if he has any questions. He said that it is a never-ending process and it helped him to see how he responds to things and helps me to understand where Ms. Booker is coming from. He mentioned that he is looking forward to the potential of building back trust between Ms. Booker and himself and we are building on this.

Dr. Sugerman noted that if Council is interested in discovering more about their own personality and ability to work together, he would be available for that. Going forward his hourly rate of work with Mr. Cassel and Ms. Booker is done.

### B. Chapter 5 Discussion and Clarification

Mayor Manning introduced item.

Mr. Cassel explained the reason for revisiting and discussing Chapter 5. He said that from his perspective he thought we were settled after several lengthy meetings with everyone and after the November 30th meeting. He referenced the September 2nd memo that said what we were going to do; the fact that the engineers had agreed to the language which is now Section 11 in Seminole Improvement District's Code (SID); and the statement from the engineers. He provided examples of other Palm Beach County Agencies that use language "as reference by code" in their entity's codes and standards therefore the entity does not have to go back and change their language.

Ms. Booker commented by further explaining the identified edits and changes in Chapter 5 from the November 30th meeting. She said that it was her understanding and recollection that Vice Mayor Long-Robinson was inquiring if the engineers had agreed upon the stormwater language. She advised that City Engineer Suzanne Dombrowski indicated that the engineers had agreed upon language to be included in the City's Code based on her recommendation. She referenced several highlights, questions

for discussion, recommended deletions requested by SID and the edits in red before Council to see if the language should stay in or not. She mentioned her conversation with Kathryn Romsell of Lewis Longman and Walker regarding Chapter 5; the question came up what the Council's intent at the November 30th meeting was; should any of the stormwater language be in or should it all be adopted by reference. She mentioned that she does not recall Council providing directive to adopt the code by reference. There is language adopting language accepting certification by SID that has been added. Minutes of the meeting were requested by Legal and Councilman O'Connor as to what the motion exactly said; those minutes were provided to Council along with the question requesting the intent and for Council to provide directive. She mentioned a meeting to be held next Tuesday with Ms. Romsell to review minor changes in order to have this heard before Council at the May meeting for first reading. SID is due to adopt Section 11 at their next meeting and her recommendation is that the language be in the code; could we adopt by reference, we could but it does not give the City the best legal position should it go to litigation. She advised that if there are any changes then SID and the City should be communicating.

Mr. Cassel asked Ryan Wheeler, District Engineer for Seminole Improvement District whether the agreed language and requirements have been followed with Ms. Dombrowski since the November meeting.

Mr. Wheeler responded yes. He said that all parties have come up with the adoption of Chapter 11 from an engineer's perspective. In addition to, we have come up with a cover letter and a checklist to ensure that everything that SID reviewed is covered and we hold bi-weekly meetings.

Ms. Dombrowski mentioned that the sections Ms. Booker pointed out will not be identical word for word; it is really the same intent it is just how you are saying it and we have no issue with it. She said that there are a few things here and there and we are all comfortable with it.

Mayor Manning inquired if engineering totally agrees with adopting SID's language.

Ms. Dombrowski responded yes; we think the language is adequate for the City.

Mayor Manning inquired does this come down to whether the language is put into City and SID codes.

Mr. Cassel responded yes.

Councilwoman Crump inquired has it been a smooth process.

Mr. Wheeler responded yes.

Mayor Manning inquired if SID were to make any changes how the City would be notified and would the City have any input and voting rights at that point to say no or yes.

Mr. Cassel said that with the working relationships that the engineers have the two engineers would be discussing those changes long before the City Manager and Legal being involved before that change is made. He said that they know that both sides are agreeable as to what is going on. If there are any changes it would be communicated between both Boards.

Mr. Wheeler commented that if there are any changes it would be way down the road which would be minor and not major.

Councilman Paul inquired if SID could change something at their leisure and then notify the City Attorney.

Ms. Burges advised that Mr. Diffenderfer would like to speak.

Mayor Manning opened the floor for Mr. Diffenderfer to speak.

Robert Diffenderfer of Lewis Longman and Walker commented that at the November 30th meeting the issue was not whether the standards should be in Chapter 5; it was who had responsibility for the issue. He noted the motion made by Vice Mayor Long-Robinson that SID be responsible for all stormwater review, seconded by Councilman O'Connor and said that Councilman O'Connor went on to observe that there is an exclusive line in the agreement that was clear. He noted that he will take one issue with what Ms. Booker said, that the City's position is compromised. He said that the City does not

lose any enforceability by incorporating the “by reference” language as City's and County's do this all the time. The City can enforce and interpret that.

Councilman Paul commented on the email received today regarding the property being sold and a neighbor complaining about flooding on their property and inquired if this is something that falls within the parameters.

Mr. Cassel said that it becomes a Code Enforcement issue as the work was done without permits.

Further council discussion.

Tara Duh of Lewis, Longman, and Walker on behalf of Minto PBLH, LLC said that she recalled the discussion being as to who had exclusive jurisdiction over these issues and the resolution being SID. She provided Council with a highlighted copy of the City's Chapter 2 Code language with Palm Beach County. She commented do the same thing with SID. She said that we would object to doing a repetition with the standards with the City's Code as we believe it is a violation of the Interlocal Agreement, Charter and Comprehensive Plan.

Mayor Manning commented that he does not recall anyone saying that language would be included by reference in the Code. He advised that if the City and SID code is the same then there is no conflict; if there is, it is written into both and the only conflict would be if the City or SID made changes without the other knowing.

Mr. Cassel explained that if a different City Engineer reads and interrupts the language differently other than what the language means then there is a conflict.

Further Council Discussion.

Councilman O'Connor thanked the engineers for working together and inquired why this item is still a discussion noting that the Council needs to allow SID to be SID and adopt by reference.

Vice Mayor Long-Robinson noted that she had hoped there was clarification at the November 30th meeting. She said that if Council does not allow SID to be SID there will be conflict. She agrees to allow it to go by reference and it is a trust factor amongst us. If Ms. Booker is asking for clear direction let us give her clear direction so we can move forward.

Ms. Booker noted that if there were a situation where the City was trying to enforce on a development applicant, or something went wrong in the field the City would be challenged in the court on jurisdiction; if it says that SID has exclusive jurisdiction. She referenced the legal conflicts discussed tonight and at the November 30<sup>th</sup> meeting where there would be no interpretation as the requirements have been met. She said trust but verify; City is working with everyone collectively and she does not think that anyone has any bad intent; this is just protection for the City, as well as to make sure that everyone is held accountable.

Councilman O'Connor inquired if a motion has to be made.

Mr. Cassel advised that it must be a consensus with the Board to adopt by reference and give direction to the City Attorney and himself to move forward.

Councilman O'Connor said that he wants to adopt by reference.

Mayor Manning commented that no one necessarily has to say what their position is.

Mr. Cassel said it would be helpful for each Board member to provide their perspective and whatever the majority is, is the direction that will be taken.

Councilwoman Crump said to adopt by reference.

Councilman Paul said no.

Mayor Manning said no clarity.

Vice Mayor Long-Robinson said for the City to incorporate by reference.

Mayor Manning advised that there is nothing else to talk about; it is the consensus of the Council to adopt by reference.

### **CITY COUNCIL COMMENTS**

A. Councilman JohnPaul O'Connor

Councilman O'Connor thanked Council for their leadership. He thanked Council and Mr. Cassel and Ms. Booker for going through the process with Dr. Sugerman; he would like to see less getting caught up on winning and more about resolving conflict.

C. Councilman Patric Paul

Councilman Paul said that he would like to discuss Code Enforcement at the next Council meeting for the future as we must protect future buyers.

B. Councilwoman Kara Crump

No Comment.

D. Vice Mayor Katrina Long Robinson

No Comment.

E. Mayor Roger Manning

Mayor Manning thanked everyone for their efforts as it is a tough job that we have to make decisions that effects the livelihood of residents and developers. He thanked Dr. Sugerman for working with Mr. Cassel and Ms. Booker.

### **CITY ATTORNEY COMMENTS**

No comments. She thanked Council for providing direction on the Code.

### **CITY MANAGER COMMENTS**

Mr. Cassel thanked everyone for the additional clarification.

### **PUBLIC COMMENTS**

Mayor Manning called for any public comments.

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

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

There being no further comments, the next item followed.

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**ADJOURNMENT**

Mayor Manning adjourned the meeting at 7:46 PM.

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Zoie P. Burgess, City Clerk

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Roger Manning, Mayor