

MEMORANDUM

TO: CITY COUNCIL

FROM: PAM E. BOOKER, CITY ATTORNEY

DATE: March 26, 2021

REFERENCE: March Monthly Legal Update

SID/ITID Litigation:

Review of court files and pleadings to stay apprised of litigation status. The Parties have continued with discovery items. SID has served ITID a First Request for Production of documents and a First Set of Interrogatories. Minto has served ITID a Request for Production and a First Set of Interrogatories.

Ordinances & Resolutions:

Prepare ordinances and resolutions for the following:

- Proposed Amendments to Chapter 3
- POD PC-1 Amenity Center Phase II
- Persimmon Boulevard East 5 Plat
- Town Center Parkway Phase III Plat
- Cresswind Phase III Plat
- Variance Resolution for the Crossings Townhome Project

Research for drafting ordinance for dumpster placement, location, quantity, etc. for amendment and inclusion into Chapter 3, as additional regulations for the City. The amendment to Chapter 3, includes research for drafting ordinance for special events and temporary uses within the City. The initial draft is under discussion with staff, the City Manager and Lewis Longman Walker.

Continued discussions and review of research materials for additional edits to the proposed noise ordinance. Discussions with Minto's counsel and with staff regarding additional changes.

Florida Public Utilities: Discussions with Attorney Jeffrey Decker regarding franchise agreement with Florida Public Utilities and SID's authority regarding the road rights of way and waiver of permit fees. The Parties are awaiting follow-up conference calls regarding the structure of proposed agreement. Discussions between the Parties will continue in April.

Chapter 5, revisions with comments from SID and the agreed upon language by the City Engineer and SID's Engineer. The revisions have been provided to SID and the City Manager. Meetings are being held to finalize the final language for consideration by the Council for first reading.

Code Inquiries: Review the City's Interim code and the City's adopted code in response to potential non-conforming use application for the Packing House. Provide response and direction in responding to applicant. Review codes in preparation for drafting ordinance amendment to Chapter 2, implementing procedures for applicants with non-conforming uses and/or structures.

Discuss process and procedure for Cresswind to obtain a site plan amendment for a temporary use of a single family home for construction services purposes. The proposed code amendments to Chapter 3, may provide a method for the utilization for construction services purposed.

Bond Reviews/Reductions and Release:

The following bond reduction requests have been reviewed and approved through coordination with SID's Engineer, the City Engineer and the Developer.

- Bond Reduction for Water's Edge Drive
- Orchards of Westlake Phase I

Agreements:

Review of Parking Enforcement Agreement for the Meadows with Palm Beach County Sheriff's office. The changes as discussed at the meeting with Minto's Counsel and the Attorney from PBSO will be incorporated into the agreement prior to execution. The document is being circulated for execution.

Public Records Request:

None this month.

Lien Search:

Received, review and draft responses to Lien Search Requests.

HAPPY PROGRAM:

- Review of applications and provide responses to applicants, lenders and attorneys for the applicants regarding the program and status of the files.
- Draft Award Letter, Promissory Note & Second Mortgage for closings.
- Correspond via email and telephone with FBC Mortgage & Loan Depot.
- Review of revised loan documents for applicants with March and April closing dates and follow-up with title companies for closing documents.

General meetings:

Attend regular weekly staff meetings and follow-up as needed for various applications. Phone calls and meetings with City Council members regarding questions, inquiries and agenda review. Prepare items for agenda review and finalization. Provide corrections on agenda items for execution as necessary.

- Attend Regular Council Meeting March 8, 2021
- Attend Workshop on March 22, 2021
- Attend first board meeting for the Education and Youth Advisory Board.

Community Meetings:

Florida Bar Constitutional Judiciary Committee, Florida Bar Meeting
Florida Bar, City, County and Local Government Law Section meeting
Palm Beach County Bar Association
F. Malcolm Cunningham, Sr. Bar Association

Palm Beach County League of Cities Luncheon
First Tee of the Gold Coast Meetings, Board of Directors
PACE Center for Girls Meetings, Board of Directors
Florida Association of Women Lawyers (FAWL)
Suits for Seniors, Mentor