

MEMORANDUM

TO: CITY COUNCIL

FROM: PAM E. BOOKER, CITY ATTORNEY

DATE: February 28, 2021

REFERENCE: February Monthly Legal Update

SID/ITID Litigation:

Review of court files and pleadings to stay apprised of litigation status. The Parties filed a Joint Motion to Compel Mediation on November 17, 2020, in an attempt to resolve the outstanding dispute. Mediation was held on February 3, 2021, with retired Judge Fred Hazouri as the mediator. The Parties did not resolve the outstanding issues. The Parties subsequently filed a Joint Motion to Lift Abeyance and Drop Affirmative Defenses. Circuit Court Judge Janis Brustares Keyser, entered an order on or about February 9, 2021, granting the Agreed Order Lifting Abeyance and Dropping Affirmative Defenses. Copies of the pleading are available upon request. The case will proceed through discovery and normal litigation proceedings.

Review of proposed local bill for Indian Trail Improvement District, presented by Betty Argue to revise the boundaries of the District, providing a procedure for a feasibility study of an elector-initiated conversion of the District to a municipality, requiring execution of agreements, providing powers for a Safe Neighborhood Program, providing for a transition schedule, providing for a referendum and an effective date. Schedule of conference call with the City Manager and District Council regarding the proposed local bill. The public hearing on the local bill was held on January 7, 2021. The bill passed favorably by the Delegation on January 7, 2021.

Ordinances & Resolutions:

Prepare ordinances and resolutions for the following:

- Proposed Amendments to Chapter 3
- Orchards of Westlake Phase 2 Plat
- Community Outreach and Advisory Board
- POD M-2 Crossings of Westlake Plat
- Temporary Uses and Dumpster locations

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 and the City Manager.

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 March.

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, review and revise golf cart applications for consistency with Florida Statutes and the City's adopted ordinance. The revisions have been implemented by the City Clerk.

Discuss process and procedure for Cresswinds to obtain a site plan amendment for a temporary uses 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.

Review of documents for approval of recordation of Letter of Credit for Sky Cove South plat recordation.

Review reduction of bond for Persimmon Blvd East Phase 2

Review reduction of bond for Persimmon Blvd East Phase 3A

Review reduction of bond for Persimmon Blvd East Phase 4

Review reduction of bond for Green Lane

Review reduction of bond for Ilex Way Phase 2

Review reduction of bond for Ilex Way Phase 3

Agreements:

Review of Parking Enforcement Agreement for the Meadows with Palm Beach County Sheriff's office. Documents were submitted to Palm Beach County Sheriff's office for review and approval. Continued discussions with Attorney from PBSO and Minto regarding final edits and suggested changes. 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.

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 February 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.

- Attended Regular Council Meeting February 8, 2021
- Attend first board meeting for the Education and Youth Advisory Board.
- Attended State Mandated Continuing Education in Ethics Course.

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