

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, October 04, 2022 at 6:00 PM

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

CITY COUNCIL:

JohnPaul O'Connor, Mayor
Greg Langowski, Vice Mayor
Pilar Valle Ron, Council Member – Seat 1
Julian Martinez, Council Member – Seat 2
Charlotte Leonard, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager
Zoie P. Burgess, CMC, City Clerk
Donald J. Doody, Esq., City Attorney
Nilsa Zacarias, Planning and Zoning Director
Suzanne Dombrowski, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, October 04, 2022, at 6:00 PM., at the Westlake Community Center, 4005 Seminole Pratt Whitney Road. Members of the public also participated in the meeting through electronic means and accessed as follows:

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

Meeting ID: 2632 888 9851

Password: hello

2. Participants also dialed in using phone with the following number:

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

Meeting ID: 2632 888 9851

As a preliminary matter, Ms. Burgess noted that council members are present physically constituting a quorum.

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 microphones are live. Ms. Burgess further explained that microphones will be muted; audience members can 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 Council Members physically present to utilize microphones.

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of October 04, 2022, to order at 6:01 p.m.

Mayor O'Connor acknowledged Yom Kippur.

ROLL CALL

Councilwoman Charlotte Leonard (Via Electronic Media Technology)

Councilman Julian Martinez - Absent

Councilwoman Pilar Valle Ron

Vice Mayor Greg Langowski

Mayor John Paul O'Connor

Also present:

Kenneth Cassel, City Manager

Donald J. Doody, Esq., City Attorney

Zoie P. Burgess, CMC City Clerk

Nilsa Zacarias, Planning and Zoning Director

PLEDGE OF ALLEGIANCE

Mayor O'Connor led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor O'Connor called for any additions, deletions, or modifications to the agenda. Mayor O'Connor noted that there is an addition of the Parking Agreement for the upcoming Eats & Beats event.

Mayor O'Connor called for a Motion to amend the agenda.

Motion by Vice Mayor Langowski to amend agenda, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

Mr. Doody requested clarification of where it will be placed on the agenda. Mayor O'Connor confirmed that it will be placed under new business, as item D.

Mayor O'Connor called for a motion to approve the amended agenda.

Motion by Vice Mayor Langowski to approve amended agenda, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (4-0).

PUBLIC COMMENTS AND REQUESTS

This section of the agenda allows for comments from the public to speak. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium or unmute your device, and prior to addressing Council, state your name and address for the record.

Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, the next item followed.

CONSENT AGENDA

This section of the agenda consists of routine or administrative items that require final approval by the City Council and may be approved in its entirety by a single motion. There will be no discussion of these items unless a Council Member, requests such, in which event, the item will be removed from the Consent Agenda and considered on a future agenda.

- A. Monthly Financial Report - August
- B. Minutes_City Council Budget Workshop - 07.26.2022 - DRAFT
- C. Minutes_City Council Regular Meeting - 08.02.2022 DRAFT
- D. Minutes_City of Westlake and Seminole Improvement District Joint Meeting - 08.23.2022 DRAFT

Mayor O'Connor identified consent agenda item and called for a motion to approve.

Motion by Councilwoman Valle Ron to approve consent Agenda, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (4-0).

PUBLIC HEARING

- A. **CPA-2022-01 (Second Reading):** Application of Minto PBLH, LLC proposing a small scale future land use map amendment to change the future land use designation on a 9.137-acre site from Civic to Downtown Mixed Use designation. The site is located at the southeast corner of Persimmon Blvd and Ilex Way.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF WESTLAKE FUTURE LAND USE MAP AS A SMALL SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION FROM CIVIC CATEGORY TO DOWNTOWN MIXED USE CATEGORY ON PROPERTY DESIGNATED AS POD PC-2, MORE PARTICULARLY DESCRIBED HEREIN AND CONTAINING 9.137 ACRES MORE OR LESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody swore in all witnesses providing testimony and called for an ex parte communication to be disclosed.

Vice Mayor Langowski and Mayor O'Connor disclosed communications with the developer.

Mr. Leon presented a PowerPoint presentation for applicant that's proposing a small-scale future land use map amendment to change the future land use designation on a 9.13-acre site from Civic to Downtown Mixed Used designation. Mr. Leon noted that there have been no changes since the first reading of this item and remains consistent with Chapter 163 of the Florida Statutes and that the amendment is compatible with adjacent land uses and is consistent with the City's Comprehensive Plan.

Based upon the facts and findings contained herein, the Planning & Zoning Department recommends approval of the subject application.

Mayor O'Connor called for any comments from Council and called for Public Comments. Mayor O'Connor closed the public hearing and called for the item to be read into record.

Mr. Doody requested that the applicant be heard.

Ms. Duhy of Lewis, Longman, and Walker, on behalf of the Applicant Minto PBLH, LLC, respectfully requested that the previous presentation be considered in the decision.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor called for a motion to approve on second reading.

Motion by Vice Mayor Langowski to approve adoption of CPA-2022-01 future land use map amendment, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (4-0).

- B. ZC-2022-01 (Second Reading):** Application of Minto PBLH, LLC requesting a zoning change from the Civic (C) zoning district to the Mixed Use (MU) zoning district. The site is located at the southeast corner of Persimmon Blvd and Ilex Way.

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE REZONING OF THE PROPERTY CONSISTING OF APPROXIMATELY 9.137 GROSS ACRES IN SIZE, FOR THE PARCEL REFERRED TO AS POD PC-2 FROM CIVIC DISTRICT TO MIXED USE DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Leon presented a PowerPoint presentation for applicant that's requesting a zoning change from civic zoning district to the mixed-use zoning district.

Mr. Doody swore in all witnesses providing testimony.

Mr. Leon continued, explaining staff's analysis, noting that the mixed-use zoning district allows a minimum gross density of 4 units per acre, the maximum gross density is 16 dwelling units per acre, and a maximum of 3.0 FAR. He noted that this is consistent with the Downtown Mixed Use future land use designation. Mr. Leon also explained that the proposed zoning district is compatible with the existing single-family residential use to the north, south, and east as well as the existing development

to the west and that any future development will be reviewed for traffic impacts and will be required to provide a traffic study and the application will be approved by the City Council.

Based upon the facts and findings contained herein, the Planning & Zoning Department recommends approval of the subject application.

Mayor O'Connor and Vice Mayor Langowski both disclosed communications with the developer.

Mayor O'Connor opened the public hearing and called for any comments. Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, Mayor O'Connor called for the applicant presentation.

Ms. Duhy of Lewis, Longman, and Walker, on behalf of the Applicant Minto PBLH, LLC, respectfully requested that the previous presentation be considered in the decision.

Mr. Doody read item, by title only, into the record.

Mayor O'Connor called for a motion to approve on second reading.

Motion by Councilwoman Valle Ron approve ZC-2022-01, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES

With all in favor, motion carried without dissent (4-0).

NEW BUSINESS

A. FIRST READING: Ordinance 2022-12 – Pedestrian Safety and Public Lodging

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, CREATING CHAPTER _____ OF THE CITY'S CODE OF ORDINANCES ENTITLED "PEDESTRIAN SAFETY AND PUBLIC LODGING" BY SPECIFICALLY CREATING SECTIONS _____ THROUGH _____ DESIGNED TO PROTECT PEDESTRIANS, PANHANDLERS, SOLICITERS, AND BEGGARS IN PUBLIC STREETS AND RIGHTS OF WAY AND PROHIBITING CERTAIN PUBLIC LODGING SUBJECT TO OUTREACH EFFORTS; PROVIDING FOR CODIFICATION, PROVIDING FOR A CONFLICTS CLAUSE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Ms. Zacarias briefly introduced item as presented in agenda packets.

Mayor O'Connor opened to Council for comments, there being none, Mr. Doody read item, by title only, into the record.

Ms. Burgess identified a public Comment from Kathryn Rossmell of Lewis, Longman and Walker, on behalf of the Applicant Minto PBLH, LLC. Ms. noted that there is one minor comment in which they are working with staff to ensure that none of the events that Minto holds, which on occasion involves having tents or tailgating activities, is not excluded by this Ordinance to ensure they are able to continue to conduct these activities consistent with the special events chapter.

Mr. Doody explained that he has been in communication with counsel and ask that Council consider this on first reading and will work with counsel by the second reading and work out any necessary language to be presented at the next meeting, on second reading.

Mayor O'Connor called for a motion.

Motion by Vice Mayor Langowski to approve adoption of CPA-2022-01 future land use map amendment, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Leonard	YES
Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES

With all in favor, motion carried without dissent (4-0).

- B. ORDINANCE 2022-13 - Emergency Ordinance - Declaring a State of Emergency in the City of Westlake

ORDINANCE NO. 2022-13

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF WESTLAKE, FLORIDA; PURSUANT TO CHAPTER 166 OF THE FLORIDA STATUTES; THE CITY COUNCIL HEREBY DECLARES A STATE OF EMERGENCY IN THE CITY OF WESTLAKE GIVEN THE IMPACTS CREATED BY HURRICANE IAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mr. Doody read item, by title only, into the record. Mr. Doody further explained the purpose of the Ordinance and the procedure for emergency ordinances.

Mayor O'Connor called for any comments by Council, there being none, a motion was entertained.

Motion by Councilwoman Leonard to approve Ordinance 2022-13, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (4-0).

- C. Consideration of Engagement Letter with Berger, Toombs, Elam, Gaines & Frank for the Fiscal Year 2022 Financial Audit

Presented By: Administration

Mayor O'Connor introduced item and called for the City Manager to explain item.

Mr. Cassel explained that each year the city financials are audited and Berger, Toombs, Elam, Gaines & Frank have been providing services for the last 4 years, noting the costs has increased slightly due

to the growth and complexity now of the city. He also noted that the city will resolicit for services in the future.

Council discussion and inquiry of the cost increase. Mr. Cassel explained there was an approximate increase from \$5,000 to \$7,000.

There being no further discussion, Mayor O'Connor entertained a motion to authorize the City Manager to execute the engagement letter.

Motion by Vice Mayor Langowski, seconded by Councilwoman Valle Ron.

UPON ROLL CALL:

Councilwoman Valle Ron	YES
Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES

With all in favor, motion carried without dissent (4-0).

D. Parking Agreement for the Eats & Beats Event (Addition to the Agenda)

Mayor O'Connor introduced item, noting it is for the Eats & Beats event, October 7th.

Mr. Cassel further explained that an agreement is needed with the property owner to use the space for the event. The agreement is the same as the FourthFest Event, with minor revisions.

Mr. Doody advised council that they may favorably act upon this item subject to his approval of the agreement and authorize the City Manager to approve thereafter.

Ms. Duhy clarified the changes to include the date of the event, the location update and to remove the fireworks aspect.

Motion by Councilwoman Valle Ron to approve agreement, subject to legal review, seconded by Councilwoman Leonard.

UPON ROLL CALL:

Vice Mayor Langowski	YES
Mayor O'Connor	YES
Councilwoman Leonard	YES
Councilwoman Valle Ron	YES

With all in favor, motion carried without dissent (4-0).

CITY COUNCIL COMMENTS

A. Councilwoman Charlotte Leonard – No comment but acknowledged and recognized the month to be Breast Cancer Awareness Month.

B. Councilman Julian Martinez – Absent. Mayor O'Connor noted that Councilman Martinez is deployed, assisting those affected on the west coast of Florida from Hurricane Ian.

C. Councilwoman Pilar Valle Ron – Thanked staff for the efforts putting together the upcoming event and looks forward to Friday.

D. Vice Mayor Greg Langowski – No Comment.

E. Mayor JohnPaul O'Connor – Mayor O'Connor expressed his excitement for the upcoming Eats & Beats event, and thanked Minto, the landowner for allowing use of the space. Mayor O'Connor announced the next event to be a winter holiday market to be held December 11th, with no objection from council.

Mayor O'Connor brought to the attention of council an issue with the Groves development. He explained that residents were not pleased with the level of landscaping on the berm. For the record, he had staff reach out to engineering which confirmed everything was done according to plan, and both permits are closed.

Mayor O'Connor recognized Seminole Improvement District and their efforts during the storm.

REPORT – STAFF

Mayor O'Connor noted that no staff reports were included in the agenda, but both fire and police reports were presented at the dais.

District Chief Olavarria provided a brief overview of the report submitted and gave an update of occurrences and resources available during the storm incident, as well as services being provided to assist those affected. He also noted that the following week is fire prevention week.

Mayor O'Connor inquired if fire inspections for the food trucks be conducted at the upcoming Eats & Beats event. District Chief Olavarria, acknowledged that they could send staff to conduct.

Further Council discussion and Mayor requesting consensus to start planning a community safety fair. Mr. Cassel suggested that would be a good event to possibly host at the new community center next year.

Sergeant Paul Schofield provided an update on matters with the police department and resources

REPORT - CITY ATTORNEY

No comment.

REPORT - CITY MANAGER

No comment.

PUBLIC COMMENTS AND REQUESTS

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Mayor O'Connor called for public comments.

Ms. Burgess noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment. There being no comments, the next item followed.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 6:49 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor