

CITY OF WESTLAKE



MINUTES

City Council Regular Meeting

Tuesday, February 07, 2023, 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, AICP, Planning and Zoning Director
Suzanne Dombrowski, PE, ENV SP, City Engineer

A regular meeting of the City Council of the City of Westlake was held on Tuesday, February 7, 2023, 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. Ramirez noted that council members are present physically constituting a quorum. Councilman Martinez previously notified staff he would not be present for meeting.

Ms. Ramirez 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. Ramirez provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience microphones are live. Ms. Ramirez further explained that microphones will be muted; audience members can unmute themselves and anyone that has called in should mute their device.

Ms. Ramirez noted that anyone causing a disruption or being inappropriate will be removed from the meeting. Ms. Ramirez reminded Council Members physically present to utilize microphones.

CALL TO ORDER

Mayor O'Connor called the City of Westlake Regular City Council meeting of Tuesday February 7, 2023, to order at 6:01 p.m.

ROLL CALL

Present and constituting a quorum:

Councilwoman Charlotte Leonard
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
Mery Ramirez, Recording 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 called for a new item to be added to agenda under New Business as item E, Discussion of Engagement letter, Fox Rothchild for Special Magistrate.

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).

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

Motion by Councilwoman Leonard to approve agenda as amended, 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).

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. Ramirez noted there were no public comment cards received prior to the meeting and gave the virtual audience a moment to comment.

There being no further 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. Minutes_Regular City Council Meeting - 01.03.2023 DRAFT
- B. Financial Report - December 2022

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

Motion by Vice Mayor Langowski to approve Consent 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 HEARING - QUASI-JUDICIAL

A. A Resolution for Persimmon Boulevard East – Plat 5

Submitted By: Engineering

RESOLUTION 2023-05

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING PERSIMMON BOULEVARD EAST – PLAT 5, BEING A PORTION OF SECTIONS 7 AND 8, TOWNSHIP 43 SOUTH, RANGE 41 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA. PROVIDING FOR RECORDATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor O'Connor introduced item and asked Mr. Doody to swear in individuals who intend to testify.

Mr. Doody asked all those who intend to testify during this proceeding to please stand and raise their right hand to be sworn in.

Mayor O'Connor called for staff presentations.

Mr. Hearing presented the Persimmon Blvd East, Plat 5 PowerPoint presentation. Mr. Hearing discussed the various easements and right of ways.

Public Comment -Tara Duh - **On behalf of MINTO PBLH, LLC** – Ms. Duh requested the plat to be approved subject to legal approval of revised language to the title certification. Ms. Duh noted that the individual named as signatory passed away and the item needs to be updated to reflect the new signatory.

Mr. Doody stated he has no objection as the Plat itself is not being affected.

Mayor O'Connor called for council comments. There being no further comments Mayor O'Connor asked for a motion to approve with contingency of the signatory change.

Mayor O'Connor asked for Mr. Doody to read item by title only.

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

Mayor O'Connor called for public comments.

There being no comments, Mayor O'Connor called for a motion to approve Resolution 2023-05.

Motion by Vice Mayor Langowski to approve Resolution 2023-05, 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).

- B. MSP-2022-04:** The applicant is requesting approval for a Master Signage Plan Modification for Christ Fellowship Church, a one (1) story, 38,155 square foot Worship Center. The applicant is requesting a Master Signage Plan Modification to add three (3) directional signs and eight (8) pole mounted banner signs. The request includes one (1) waiver request to allow identification letters for the pole mounter banner signs. The subject application is located at 16561 Waters Edge Drive, Westlake, Florida, 33470.

Submitted By: Planning and Zoning

Mayor O'Connor introduced item and asked Mr. Doody to swear in individuals who intend to testify.

Mr. Doody swore in those individuals' providing testimony.

Mayor O'Connor called for staff presentations.

Ms. Zacarias presented a PowerPoint presentation for the Master Signage Plan Modification for Christ Fellowship Church. Ms. Zacarias went over zoning of the area and items being requested for modification since last approval.

Ms. Zacarias discussed items that were approved last year and presented to staff the modification being requested to add three additional directional signs and eight total pole mounted banner signs to be mounted on existing light poles. Ms. Zacarias noted Planning and Zoning and Engineering Departments recommend approval of item.

Mr. Hearing presented PowerPoint noting this modification is to help patrons identify various locations and designations through the parking areas.

Councilwoman Leonard asked for clarification on the positive impact to the city and the precedence it will set for future businesses in adding these signs. She believes the parking lot is self-explanatory and easy to navigate.

Mr. Hearing explained that wayfinding signage was not yet contemplated at previous approvals. What is being proposed is directional signs consistent with the city codes. Mr. Hearing further explained that there are no waivers and deviations being requested. The purpose to is to facilitate and help give direction to the people and let them know where they must park and to help traffic move in a consistent way.

Ms. Zacarias discussed what was approved last year for signage. One monument sign and for wall signs with no directional signs. Ms. Zacarias clarified the directional signs should have been brought up previously.

Councilwoman Leonard asked what happens if council did not approve the directional signs.

Further Council discussion on the purpose of the directional signage.

No further discussion, Mayor O'Connor called for public comments.

There being none, Mayor O'Connor asked Mr. Doody to read item by title only. Mr. Doody stated a motion was needed for item as there is no title.

Mayor O'Connor called for a motion to approve Master Signage Plan Modification for Christ Fellowship. Motion by Councilwoman Valle Ron to approve Master Signage Plan Modification for Christ Fellowship, 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).

NEW BUSINESS

A. FIRST READING: Ordinance 2022-16 – Sexually Oriented Businesses

Submitted By: Planning and Zoning

ORDINANCE NO. 2022-16

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY CREATING _____ ENTITLED "SEXUALLY ORIENTED BUSINESSES"; PROVIDING FOR DEFINITIONS OF SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR LICENSING AND REGULATION OF SUCH BUSINESSES AND THEIR EMPLOYEES; PROVIDING FOR A DISTANCE SEPARATION BETWEEN ENTERTAINERS AND PATRONS IN SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

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

Mayor O'Connor asked for staff presentation.

Mr. Leon discussed presentation for Ordinance 2022-16. Mr. Leon discussed the requirements set for the surrounding municipalities for these types of businesses. Mr. Leon clarified these types of businesses are permitted in the mixed-use zoning district only as a conditional use. Mr. Leon also noted staff's recommendation for approval.

Mayor O'Connor asked for council comments.

There being no further comments, Mayor O'Connor called for a motion to approve Ordinance 2022-16.

Motion by Councilwoman Leonard to approve first reading of Ordinance 2022-16, seconded by Councilwoman Valle Ron.

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).

B. Resolution 2023-06 - Minto PBLH, LLC Property Lease Amendment

Submitted by: Administration

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE LEASE AMENDMENT BETWEEN MINTO PBLH, LLC AND THE CITY OF WESTLAKE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

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

Mayor O'Connor asked for the City Manager to further explain item.

Mr. Cassel discussed the various leases that were created with Minto when the city was first incorporated. The lease is now up for renewal and modifications.

Mayor O'Connor asked if this resolution would allow Mr. Cassel to sign the lease.

Mr. Cassel stated it allows the mayor or himself to sign.

Mayor O'Connor called for Mr. Doody to read item by title only.

Mr. Doody stated it was already read into record.

Mayor O'Connor called for a motion to approve Resolution 2023-06.

Motion by Vice Mayor Langowski to approve Resolution 2023-06, seconded by Councilwoman Leonard.

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).

C. Third Addendum to Agreement with Chen Moore and Associates

Submitted by: Administration

RESOLUTION NO. 2023-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE THE THIRD ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND CHEN MOORE & ASSOCIATES, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

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

Mayor O'Connor called for Mr. Cassel to further discuss item.

Mr. Cassel discussed Chen Moore and NZ Consultants merger back in December resulting in the need for NZ Consultant's contract to be terminated with planning services being rolled into Chen Moore's contract. Mr. Cassel explained instead of two accounts they have been merged to create one account.

Council discussed contract logistics.

There being no further comments, Mayor O'Connor called for a motion to approve Resolution 2023-07.

Motion by Councilwoman Valle Ron to approve Resolution 2023-07, seconded by Vice Mayor Langowski.

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. Termination of Agreement - NZ Consultants

Submitted By: Administration

RESOLUTION NO. 2023-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY COUNCIL MEMBER TO EXECUTE A TERMINATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF WESTLAKE AND NZ CONSULTANTS, INC.; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

Mayor O'Connor called for Mr. Cassel to further discuss item.

Mr. Cassel explained the contract with NZ Consultants is now being terminated as NZ Consultants have now merged with Chen Moore and Associates.

There being no further comments, Mayor O'Connor called for a motion to approve Resolution 2023-08.

Mayor O'Connor asked for Mr. Doody to read item by title only, into record.

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

Mayor O'Connor called for a motion to approve Resolution 2023-08.

Motion by Councilwoman Leonard to approve Resolution 2023-08, 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).

E. Discussion of Engagement letter - Fox Rothchild

Submitted By: Legal

Mayor O'Connor introduced item.

Mr. Doody discussed per the request of the City Manager, he set out to find a special magistrate. Mr. Doody stated he received a recommendation for Alex Bronstein whose office is located in Palm Beach County and has experience working with other cities in this capacity. Mr. Doody requested a proposal which his office received last week. Mr. Doody is recommending appointment of Mr. Bronstein. The billing rate is \$240.00 an hour. Mr. Doody stated the retainer is waived per the contract provided.

Mr. Cassel clarified as the city grows certain items need a special magistrate onboard to assist. Mr. Cassel stated he contacted Mr. Doody to help assist in finding someone quickly to help resolve cases that have come up and code compliance issues.

Council discussed item further.

Mayor O'Connor called for a Motion to approve item.

Motion by Vice Mayor Langowski to approve the Engagement Letter, 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).

OLD BUSINESS

- A. Resolution 2023-04 - Complete Streets Policy

Submitted By: Administration

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPROVING AND ADOPTING THE CITY'S COMPLETE STREET POLICY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor O'Connor introduced item.

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

Mayor O'Connor asked for Mr. Cassel to discuss item further.

Mr. Cassel stated he requested the item initially was tabled as there were areas outlined that did not apply to the city. However, language was modified by legal to reflect what the city already provides and what will need to be added and any items that did not apply to the city were removed.

Mayor O'Connor called for a motion to approve Resolution 2023-04.

Motion by Councilwoman Valle Ron to approve Resolution 2023-04, seconded by Vice Mayor Langowski.

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).

CITY COUNCIL COMMENTS

- A. Councilwoman Charlotte Leonard – Councilwoman Leonard inquired of the speed limit signs. Mr. Cassel explained he has been working with traffic and engineering to add more signs to the city streets.
- C. Councilwoman Pilar Valle Ron – Councilwoman Valle Ron had no comments.
- D. Vice Mayor Greg Langowski – Vice Mayor Langowski had no comments.
- E. Mayor JohnPaul O'Connor – Mayor O'Connor discussed art in public places and received assistance from Mr. Cassel to light all common areas and monuments lit red to observe the American Heart Association. Mayor O'Connor is looking forward to adding more lights for other days such as Breast Cancer Awareness Day and lighting the city pink.

REPORT – STAFF

Battalion Chief Olavarria of the Palm Beach County Fire Rescue discussed calls received, number of incidents and response times.

Captain Turner from Palm Beach County Sheriff Office (PBSO) discussed a traffic operation based on Persimmon and Ilex Road. He discussed citations, written warnings and verbal warnings issued to help people slowdown in the area. Lieutenant went over the calls received.

REPORT - CITY ATTORNEY

Mr. Doody had no comments.

REPORT - CITY MANAGER

Mr. Cassel discussed and provided an update of the City's collaboration with Minto to provide PBSO with a site for training for their ATV and off-road staff. Mr. Cassel mentioned the AIPP meeting that was held the night prior, noting it was a successful meeting where the applicant set a high bar. He further noted the item will be brought to council at the next meeting for review. and will be brought to the next council meeting. Mr. Cassel also stated there will be a new program getting the artists approval so that their art and a description may be displayed on the city website. Mr. Cassel also mentioned the city is working hard to get Christ Fellowship open. Publix is also moving forward and are currently pending on their elevator.

Vice Mayor asked if we were selecting a date for the March Meeting. Council discussed the next meeting. Council agreed to hold the next City Council meeting on March 14 at 6:00pm.

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.

Public Comment – Gary Werner – 16005 Key Biscayne Lane

Mr. Werner asked if when a new item is being added to the agenda if they can add a comment section for the public. Mr. Werner stated he would have liked to add some input to an item that was added. He wanted to inquire if a code violation overseen by the magistrate, if there is an opportunity to impose the cost, administer the cost and the magistrate cost.

Mayor O'Connor explained public comments are only requested on Quasi-Judicial items. This is the opportunity to make any comments from any previous items discussed. Mayor O'Connor also stated there is a fee schedule that was provided.

Mr. Doody confirmed there is a process to recover administrative fees and the magistrate fees in the case of a violation.

Public Comment – Sam Blue – 16153 Melogold Drive

Mr. Blue voiced his concerns for the one stop sign located at Christ Fellowship and the flow of traffic.

Mr. Cassel stated he understand there will be two PBSO officers located outside of the event to help direct traffic flow.

Mayor O'Connor called for any virtual comments.

Ms. Ramirez noted there were no virtual comments.

ADJOURNMENT

There being no further business, Mayor O'Connor adjourned the meeting at 7:15 PM.

Zoie P. Burgess, City Clerk

JohnPaul O'Connor, Mayor