



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JANUARY 05, 2021 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Herman Robinson

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell

AGENDA - Additions / Deletions / Reordering:

PRESENTATIONS: (there is no public comment on Presentation items)

- A. Presentation by Erica Whitfield regarding educational issues
- B. Barton Elementary School Presentation given by Principal Denise Sanon

COMMISSION LIAISON REPORTS AND COMMENTS:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [Work Session - November 19, 2020](#)
- B. [Regular Meeting - December 1, 2020](#)
- C. [Regular Meeting - December 15, 2020](#)
- D. [Special Meeting - December 21, 2020](#)

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- A. [Proclamation recognizing January 18, 2021 as Dr. Martin Luther King, Jr. Day](#)
- B. [Ratification of a reappointment to the Division 1 of the Firefighters' Retirement Board of Trustees](#)
- C. [Payments of Fiscal Year 2020 Invoices](#)
- D. [Resolution No. 01-2021 – Budget amendment to the 5-Year CIP Plan](#)
- E. [Authorize Amendment 1 to Drinking Water State Revolving Fund Loan Agreement DW501740 for the Lake Osborne Estates watermain improvement project](#)

NEW BUSINESS:

- A. [Authorization to execute a quit claim deed to Constru American LLC, for property located at 503 North K Street](#)

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION WORK SESSION - BALLOT ISSUES & VACATION RENTALS
THURSDAY, NOVEMBER 19, 2020 – 6:00 PM**

The meeting was called to order by Vice Mayor Andy Amoroso on the above date at 6:05 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were; Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

PLEDGE OF ALLEGIANCE: Commissioner Herman Robinson.

UPDATES / FUTURE ACTION / DIRECTION

A. Discussion regarding Short Term and Vacation Rentals

City Clerk Andrea read the public comment submitted by the following:

Theresa Miller wrote to thank the commission for addressing the issue, which was having a negative effect in her community.

Mayor Triolo iterated that the item would be a discussion to give the commissioners to speak publicly about the issue and how to move forward.

City Manager Bornstein said that the topic had been spoken about for quite some time. He stated that William Waters, Community Sustainability Director, and Christy Goddeau, City Attorney, would be doing the majority of the conversation. He asked Mr. Waters to give a brief overview.

Mr. Waters reported that the issue had been percolating for approximately ten years. He stated that there was consternation because the use was not specifically prohibited, but according to the City's code and LDRs, if a use was not expressly allowed, it was by default not allowed. He relayed that the number of short term accommodations had been growing and there were a couple of hundred operating in the City without proper business licenses or classification. He said that there had been an attempt to create a self-regulating association seven years ago which failed when terms could not be agreed upon. He stated that the City would need to come to consensus regarding a direction for the issue and that he and Ms. Goddeau had written a paper with regulations if the commission decided to allow short term rentals. He announced that only code compliance would be able to enforce the regulations but that it could take a very long time to bring a property into compliance or to foreclose on the property if the owner refused and it would be very difficult to get rid of the nuisance.

City Attorney Goddeau explained that since the preemption by the State had gone into effect in 2011, the City had interpreted that the code prohibited any transient rentals of less than 60 days. She stated that the preemption still existed and vacation rentals could be

regulated, except for the frequency and duration, but the City could put in other regulations such as the options provided in the memo. She opined that if vacation rentals were allowed, it would have to be citywide.

Comments/requests summary:

1. Vice Mayor Amoroso said that if the City allowed short term rentals then those already operating one would be grandfathered in. He inquired if a moratorium could be enacted until the Commission learned how many short terms rentals were in operation and some rules and regulations could be crafted.

City Attorney Goddeau responded that a moratorium could not be done and the time frame the City was under was whether or not someone would sue the City. She explained that a moratorium would not be appropriate and in order to be legally operating, in PBC as a vacation rental, a state license, county registration and payment of the tourist development tax were required.

Vice Mayor Amoroso asked if the City could prevent the operation of those not meeting the criteria and if sales tax was being paid.

City Attorney Goddeau stated that if the City allowed vacation rentals, regulations would be put in place with them having to at least meet the three criteria and additional regulations could be imposed for life safety measures. She said that she would have to research any tax implications.

Mr. Waters iterated that short term rentals do not appear in the City's business tax schedule which has not be allowed to be revised since the 1990s. He said that they could be classified as single family rentals which would generate more income then a hotel/motel classification. He stated that the City could not create a sales tax just on vacation rentals.

2. Mayor Triolo asked what short term rentals paid the City.

City Attorney Goddeau answered that they would have to pay a registration and type of administrative fee for a business license.

Discussion ensued regarding a residential versus commercial classification of vacation rentals and the requirements of bringing properties up to current code with use and occupancy inspections.

Vice Mayor Amoroso suggested looking at the chronic nuisance cases.

Mayor Triolo said that there were good owners, but if they were not present, the renters could abuse the rules. She stated that rules needed to be put in place because there were properties throughout the City where parties were being held and regulations not being enforced. She opined that the City should get a benefit from the businesses and the owners should step up and take care of their properties.

City Manager Bornstein reminded the commission that the issue had been forced on the City because of the preemption created by the State, another example of going

around Home Rule. He stated that it had been an evolution and the memo contained best practices implemented by other cities.

City Attorney Goddeau stated that having insurance or a waiver of liability for the City, platform advertisements could be required with a business tax application. She said that the City could consider reduced regulations if the owner resided on the property. She said that the difficulty was trying to balance the making the regulations a deterrent to everyone who wanted to have a vacation rental and having regulations to have good vacation rentals that would not cause problems.

Vice Mayor Amoroso reported that local legislation and home rule for AirBnBs were on the list of local initiatives with the PBC League of Cities.

3. Commissioner Maxwell iterated that his understanding was that there would be a joint work session with AirBnB operators to learn more about real world situations and how they policed themselves. He expressed disappointment that the step had been skipped because the commission had a list of proposed regulations which all came down to code enforcement. He asked where the discussion would lead and opined that it would be necessary to get the AirBnB operators before the commission to work together.
4. Mayor Triolo asked City Manager Bornstein if the City had reached out to the operators.

City Manager Bornstein responded that he and City Attorney Torcivia had met with operators and residents years ago and Mr. Waters and City Attorney Goddeau had spoken with people who desired to be able to operate short term rentals. He suggested that there could be another work session or the City could do survey work with the residents and business owners; the current City code as it existed, would either need to be pursued or retracted and the City would move forward with the recommended lists. He said that if the commission needed more information and input, there could be a zoom meeting.

Commissioner Maxwell said that there would be a meeting with the commission and AirBnB to glean information to make a logical decision; it had to be done right which could involve additional work sessions.

City Clerk Andrea read the comment submitted by the following:

Tammy Panza wrote that public meetings should be held in public where people would have actual responses.

5. Commissioner Robinson requested another work session in January with information about how other cities were operating and including anyone who wished to participate because a decision needed to be made.

Mayor Triolo stated that the direction was to have another work session in January to include all interested parties.

The meeting recessed at 7:29 PM and reconvened at 7:43 PM.

B. Ballot Questions Discussion

City Manager Bornstein stated that issues had arisen over the past year that raised the issue of whether or not to consider putting items on the ballot for the voters to decide to amend the City's Charter. He said that several issues had been passed successful in recent years and that the commission had mentioned some issues to consider. He iterated that there could be discussion to see if any idea would move forward and be brought back in a formal ordinance format for the Supervisor of Elections to place on the ballot in March. He announced that the issues would not have to be on the March ballot but could go on a list for another round at another election. He read the list which included:

- Term Limits for elected officials
- Resign to Run restrictions or filing to run again
- Clarifying the practice of Declarations of Emergency by Mayor and City Manager
- Adding a timeframe or guidance for filling a commission vacancy
- Residency requirement for Utility Director (not in the Charter, so could be changed by ordinance)

Comments/requests summary:

1. Vice Mayor Amoroso stated that he had heard about all of the items on the list from residents. He asked if the intent was to have staff bring the issues back to the commission. He recommended term limits of two three-year terms in any position.
2. Commissioner Maxwell suggested giving the voters a choice of no term limits, two three-year terms or three three-year terms.

City Attorney Goddeau stated that according to Florida Statutes, there would have to be an individual ordinance for each option which could create an inconsistency. She said that the residents would vote and if the measure failed, an alternative could be put on another ballot.

Commissioner Maxwell expressed indifference as to what the term would be.

3. Commissioner Robinson inquired if there was interest in a charter review committee that he had requested and if cherry picking items by individual commissioners was the most efficient way to address the issues.

Vice Mayor Amoroso said that there was an active group put together by Commissioner Robinson reviewing the charter; he had been contacted for his input but could not give it due to the Sunshine Laws.

Commissioner Robinson explained that a group of citizens, knowing his interest in the issue, had begun conversations but he was not participating.

Mayor Triolo said that she was in favor of a charter review. She said that the commission should decide if there were issues to put on the ballot or have a Charter review.

Commissioner Robinson requested that a charter review committee be set up, including some commissioners and representatives from the public, to spend two to three months reviewing the charter. He asked on which ballot the issues could be placed.

City Manager Bornstein replied that it was less costly to piggyback on a Presidential or Gubernatorial election rather than having a special election.

Vice Mayor Amoroso asked City Attorney Goddeau about setting up a charter review committee.

City Attorney Goddeau responded that typically, an officially sanctioned committee comprised of citizens would be established to do the charter review. She explained that due to the Sunshine Laws, members of the governing body would not be on the committee; the appointed members would propose recommended charter changes to the governing body which would vote on the issues to send forward in ordinance form to the ballot. She said that the committee could be established by resolution with the makeup determined by the commission and would be subject to the Sunshine Laws, notice of meetings and minutes taken. She said that the committee members could speak with the elected officials, but not amongst themselves outside of a meeting.

Mayor Triolo asked if members of the commission could speak with the committee members off the dais.

City Attorney Goddeau stated that the commissioners could speak one-on-one with committee members and tell them what they thought needed to be changed in the charter and the committee member could bring that back to the officially noticed committee meeting to discuss with the rest of the committee.

Commissioner Maxwell iterated that committee members could not tell the commissioners what other members had said. He suggested having a presentation about Sunshine Law and how it worked for all boards and committees.

City Attorney Goddeau said that the city attorneys had given a presentation to another city about Sunshine Law and public records to apprise the committee/board members of what was and was not allowed. She reported that charter review committees often had an attorney appointed to attend the meetings to answer relevant legal questions.

Vice Mayor Amoroso stated that a professional would need to be on the committee, definitely an attorney plus any other professional deemed appropriate.

Mayor Triolo asked if the commissioners wished to put any of the issues on the March ballot.

Commissioner Maxwell replied that it would be disingenuous to put anything on the ballot until after the committee had given its findings.

City Manager Bornstein stated that a resolution would be brought back to establish a charter review committee with parameters and time frames to make recommendations for the March 2022 ballot.

ADJOURNMENT:

The meeting adjourned at 8:10 PM.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes approved: January 5, 2021

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, DECEMBER 1, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: was led by Mayor Pam Triolo.

PLEDGE OF ALLEGIANCE: was led by Commissioner Scott Maxwell.

AGENDA - Additions/Deletions/Reordering:

Presentation B, Proclamation for World AIDS Day, was added to the agenda. Consent C was moved to New Business D. Public Hearings A, Ordinance No. 2020-19, was moved to the December 15, 2020 meeting.

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

PRESENTATIONS: (there was no public comment on Presentation items)

A. Mayor Triolo read the Proclamation for Farmer's Girl Restaurant.

B. (added) Mayor Triolo read the Proclamation for World AIDS Day and expressed regret at not being able to read the proclamation at the Compass event occurring subsequently to the meeting.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maxwell: said that he hoped everyone had a wonderful Thanksgiving. He announced that he had participated in a turkey and grocery giveaway of 18 tons of food for the neediest families in the City and volunteered at Farmer Girl Restaurant on Thanksgiving Day. He wished everyone the best for the holidays.

Commissioner Robinson: stated that one got from giving and Thanksgiving was a wonderful time of year to give to others. He expressed appreciation to Ed Liberty for informing FDOT that the bridge lights were their responsibility and sent condolences to May Goodstein's family. He said that he looked forward to the December 15 meeting where agenda review could be discussed as well as a public private partnership for the oceanfront park.

Vice Mayor Amoroso: reported that the food donation would be continued on Tuesdays through the end of December. He thanked Commissioner Maxwell for donating extra food, Emeric Jeancome, Assistant Event Coordinator, and the parking team for volunteering at the food giveaway and thanked everyone who voted for him for Best Elected Official.

Mayor Triolo: announced that the LWB Jaguars won their district games and would be advancing. She wished everyone a Happy Thanksgiving and said that the tree lighting was done virtually where she read “The Night Before Christmas”. She said that the Jazzy Seniors did so much for the community and she attended the bench dedication at the Osborne Center. She relayed that the lights at South Palm Park would be up on December 12. She said that there was a conversation with the U.S. Conference of Mayors regarding Covid and suggested having a member of the County speak about the vaccine distribution plan to come.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the comment submitted by the following:

Wes Blackman wrote to implore the City to increase its messaging about the importance of wearing masks, social distancing and discouraging even small gatherings to provide needed public health and safety information until the crisis passed.

APPROVAL OF MINUTES:

There were no Minutes on the agenda.

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve the Consent Agenda.

- A. Consideration of settlement with Plaintiff, Glenda Funes, in the amount of \$47,500 (inclusive of attorney’s fees)
- B. Resolution No. 53-2020 – FY 2020 – 2021 State Aid to Libraries Grant Application
- C. (moved to New Business D) CRA purchase of vacant property to facilitate Development located at 1003 North F Street, Lake Worth Beach, FL from the City of Lake Worth Beach (“City”)
- D. Interlocal Agreement between Palm Beach County and City of Lake Worth Beach for design of utility adjustments for Lake Osborne Drive over Lake Bass Canal Bridge Replacement project
- E. Resolution No. 35-2020 – Amended to correct scrivener’s error in the original resolution

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

PUBLIC HEARINGS:

Mayor Triolo reminded the Commission that the ordinances were all second readings with presentations at the previous meeting.

- A. (moved to the December 15, 2020 meeting) Ordinance No. 2020-19 - Second Reading - adopting the Florida Building Code 2020 7th Edition
- B. Ordinance No. 2020-15 – Second Reading - amending Chapter 23 “Land Development Regulations” regarding changes to commercial vehicle parking, open air operations, temporary banner signage for new construction and landscaping requirements

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2020-15 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2, “DEFINITIONS,” SECTION 23.1-12 - DEFINITIONS; ARTICLE 4, “DEVELOPMENT STANDARDS” - SECTION 23.4-15 - CEMETERIES/MAUSOLEUMS/COLUMBARIUMS.; ARTICLE 4, “DEVELOPMENT STANDARDS” SECTION 23.4-19 -OUTDOOR STORAGE; ARTICLE 4, “DEVELOPMENT STANDARDS” NEW SECTION 23.4-22 - PARKING, STORING OR KEEPING OF COMMERCIAL VEHICLES IN NON-RESIDENTIAL DISTRICTS; ARTICLE 4 “DEVELOPMENT STANDARDS” SECTION 23.5-1(12) TEMPORARY SIGNS; ARTICLE 6 “ENVIRONMENTAL REGULATIONS”, SECTION 23.6-1 LANDSCAPE REGULATIONS OF THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-15 amending Chapter 23 “Land Development Regulations” regarding changes to commercial vehicle parking, open air operations, temporary banner signage for new construction and landscaping requirements.

City Clerk Andrea stated that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

- C. Ordinance No. 2020-17 – Second Reading - Approve the establishment of a mixed-use urban planned development for Village Flats

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-17 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 1216, 1220, 1230, & 1310 LAKE AVENUE, AND 1207, 1209, 1211, 1213, 1215, & 1401 LUCERNE AVENUE CONSISTING OF APPROXIMATELY 1.1 ACRES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, THAT IS LOCATED WITHIN THE MIXED USE – EAST (MU-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF MIXED USE – EAST (MU-E) THAT INCLUDES THE SPECIFIC DEVELOPMENT STANDARDS DESCRIBED IN EXHIBIT B; APPROVING A CONDITIONAL USE PERMIT; APPROVING DENSITY AND HEIGHT BONUS INCENTIVES THOROUGH

THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE CONSTRUCTION OF A MIXED USE URBAN PLANNED DEVELOPMENT CONSISTING OF 41 RESIDENTIAL UNITS INCLUDING 10 LIVE/WORK UNITS; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance No. 2020-17 - approving the establishment of a mixed-use urban planned development for Village Flats.

City Clerk Andrea said that there were no public comments.

Comments/requests summary:

1. Commissioner Robinson asked if the project had had any changes since the presentation to the CRA and if the park would be public.

William Waters, Community Sustainability Director, replied that there had been changes based on comments from various City departments, the park element had been added and one building had been made smaller. He said that the park would only be for residents.

Commissioner Robinson expressed concern about phase 2 and opined that the project could be improved.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell. NAYS: Commissioner Robinson.

- D. Ordinance 2020-18 (PZB 20-01300002) - Second Reading - Request for a City-initiated rezoning for 118 North A Street, 116 North A Street, 127 North B Street, 121 North B Street, 119 North B Street, 113 North B Street, 1500 Lucerne Avenue, and 128 North C Street from either Single Family – Two Family Residential (SF-TF-14) or Multi-family Residential 20 (MF-20) to Mixed Use – East (MU-E)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-18 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP FROM THE ZONING DISTRICTS OF SINGLE FAMILY – TWO FAMILY RESIDENTIAL (SF-TF-14) AND MULTI-FAMILY RESIDENTIAL 20 (MF-20) TO MIXED USE – EAST (MU-E) ON PROPERTIES GENERALLY LOCATED NORTH OF LUCERNE AVENUE, SOUTH OF 2ND AVENUE NORTH, AND BETWEEN NORTH A STREET AND NORTH D STREET, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve Ordinance No. 2020-18 - City-initiated rezoning.

City Clerk Andrea stated that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell

and Robinson. NAYS: None.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Proposed ban on plastic straws in facilities owned, operated or managed by the City of Lake Worth Beach

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to request that the City Attorney prepare an ordinance related to the ban of plastics in City owned or City managed properties and at City sponsored events.

Comments/requests summary:

1. Vice Mayor Amoroso stated that a lot of business owners were stepping up and would use alternatives to plastics; the lease agreements contained a plastic ban. He said that residents were being encouraged to bring their own bags.
2. Mayor Triolo asked if the plastic ban was only for the City.

Vice Mayor Amoroso replied affirmatively and said that education was being implemented for the merchants and residents.

City Manager Bornstein stated that the intent was to bring an official ordinance back related to City events and City-owned property.

Vice Mayor Amoroso iterated that they did not want to force business owners to do anything costly at the present time.

City Clerk Andrea said that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

- B. Discussion item brought forward by Comm. Robinson regarding additional required public meetings for development projects

Comments/requests summary:

1. Commissioner Robinson stated that the public deserved transparency and was requesting that developers be required to meet with the community to give them information.
2. Mayor Triolo asked if the process was different for the CRA and the City.

City Manager Bornstein responded that the CRA was not a regulatory agency, the Commission was; the CRA operated in a free manner, but a development would have to go through the City's regulatory process to ensure it met all the requirements.

Mayor Triolo stated that a project would have to go to the Planning and Zoning Board and/or the Historic Preservation Board, all public meetings where the public could comment, before being presented to the Commission, where the public could also comment.

3. Commissioner Maxwell asked how many public meetings would take place before a project was approved.

Mr. Waters responded that there was a minimum of five public meetings for a CRA project; a meeting with the review team, followed by a PZB meeting with the public invited to comment, followed by two readings with the Commission.

Commissioner Maxwell said that projects moved through the process with the public stating that they did not know about the project. He said that it was bothersome to say that there was not transparency which was against the State's Sunshine Law. He stated that the City had many residents who were involved, but many chose not to be so adding another public meeting would not change anything.

4. Vice Mayor Amoroso said that he did not understand the attacks on the CRA, which had brought many projects to increase the tax base in the City, and Community Sustainability had won multiple awards.

Commissioner Robinson stated that he was looking for more information from the specific developers to improve the process and have the community celebrate a development. He said that he was not attacking the CRA and that the developer should have a meeting with the community. He opined that transparency was a perception and he was attempting to eliminate the perception that the City was not transparent.

5. Mayor Triolo said that there was an issue in the past that had 54 meetings but the public said no information was given. She stated that the process was lengthy and the public should feel that they were able to express their opinions.

City Clerk Andrea read the public comments submitted by the following:

Cliff Kohlmeyer wrote in favor of an ordinance to ensure there was adequate public input in the planning stages of any major development.

Ramsay MacLeod wrote in favor of an ordinance to ensure there was meaningful public input in the planning stages of any major development.

David Simms wrote in support of requiring public meetings for all future developments in the City.

Katy Norusis wrote in favor of an ordinance to ensure there was meaningful public input in the planning stages of any major development.

Catherine Kohlmeyer wrote in favor of an ordinance to ensure there was meaningful public input in the planning stages of any major development.

John Wright wrote in support of Commissioner Robinson's proposal.

Lori B. Long wrote in favor of an ordinance to ensure there was meaningful public input in the planning stages of any major development.

Betty Resch wrote in support of Commissioner Robinson's proposal.

Tom Conboy wrote that the CRA and/or the City should engage the services of a professional, neutral, AICP-certified urban planner, to conduct a public meeting/charette to allow residents to share ideas and goals for the downtown.

Christopher McVoy wrote in support of any Commissioner's efforts to make sure that residents and businesses of Lake Worth Beach have meaningful opportunities to participate in the planning stages of new projects.

David Savage wrote in favor of more public involvement in the planning stages of any project.

Barbara Reeve wrote in favor of an ordinance to ensure there was meaningful public input in the planning stages of any major development.

Ginny Powell wrote in support of Commissioner Robinson's proposal regarding public meetings.

Don Rosenshine wrote to inquire how the CRA prioritized their projects, expended their funds and by which procedures they abided.

Gael Silverblatt wrote in support of a proposal to have additional public meetings before an RFP was sent out by the CRA.

Richard Stowe wrote in support of public meetings where residents could engage in discussion before the CRA issued an RFP.

6. Mayor Triolo asked City Attorney Goddeau for a suggestion on how to proceed.

City Attorney Goddeau responded that an ordinance should be drafted regarding a policy that all developers in the City be required to hold public meetings specific to the development to provide more public information.

Commissioner Robinson said that other communities had similar requirements for developers.

Mayor Triolo stated that the City had numerous meetings for City-owned projects. She asked Commissioner Robinson to clarify his intentions for the item.

Commissioner Robinson replied that he sought a requirement for a meeting with the developer to provide information to the affected residents.

City Manager Bornstein stated that the CRA had a different process and a developer would be judged on the RFP requirements; there would have to be a developer chosen first.

7. Vice Mayor Amoroso asked for clarification about how the CRA worked and said that the CRA brought value to the City.

City Manager Bornstein responded that there were many infill properties in the City that were covered by the CRA. He said that there was a 30% poverty level in the City and the CRA's intent was to balance that by bringing development to the City. He stated that there was no project submitted for L and M Streets.

Vice Mayor Amoroso relayed that no city brought the public in before an RFP was issued. He said that there were lawsuits being filed which ended any conversation.

Commissioner Robinson opined that it would make it easier for a developer to have input from the community and lawsuits were filed to get attention.

Mayor Triolo stated that people were investing in the City and there were new businesses opening in the middle of a pandemic. She said that an ordinance would have to be specific and it would be difficult for a developer to discuss a project that did not exist.

8. Commissioner Maxwell iterated that the City needed growth and development, but the project belonged to the developer and the community should have input, but could have a chilling effect because some residents were against any change. He said that rules, regulations and stipulations had been put in place in the past decade and it was time to move forward.

Commissioner Robinson asked staff to bring back a requirement that a developer meet with residents after being chosen.

Mayor Triolo asked if there would be another meeting after the plans were drawn up.

Vice Mayor Amoroso stated that the process was working and the public did not show up to meetings; he said that he was not comfortable requiring another meeting when there were five already.

Mayor Triolo requested that Commissioner Robinson bring an item back with backup from other cities regarding the meeting requirement.

The meeting recessed at 7:52 PM and reconvened at 8:05 PM.

- C. Resolution No. 54-2020 Municipal CARES ACT Interlocal Agreement with Palm Beach County

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 54-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY SEEKING \$1,032,897 IN FUNDING MADE AVAILABLE UNDER PALM BEACH COUNTY'S MUNICIPAL CARES ACT REIMBURSEMENT PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ALL RELATED DOCUMENTS; PROVIDING FOR AN

EFFECTIVE DATE; AND FOR OTHER PURPOSES

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution No. 54-2020 - Municipal CARES ACT Interlocal Agreement with Palm Beach County.

City Manager Bornstein explained that the County had received money from the government and the City was seeking reimbursement for money spent related to the pandemic.

Comments/requests summary:

1. Commissioner Maxwell asked if the reimbursement included informational materials in three languages.

City Manager Bornstein replied that it did. He thanked staff for tracking all of the emergency expenses,

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

D. (moved from Consent C) CRA purchase of vacant property to facilitate Development located at 1003 North F Street, Lake Worth Beach, FL from the City of Lake Worth Beach (“City”)

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the CRA purchase of vacant property to facilitate Development located at 1003 North F Street.

Comments/requests summary:

1. Commissioner Robinson said that he had no objection to the sale but the item should not have been on the Consent Agenda.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

City Manager Bornstein did not provide a report.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to adjourn the meeting at 8:11 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: January 5, 2021

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, DECEMBER 15, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell and Herman Robinson. Also present were Assistant City Manager Juan Ruiz, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

MOMENT OF SILENCE: was led by Vice Mayor Amoroso in memory of those who had died of COVID-19.

PLEDGE OF ALLEGIANCE: was led by Herman Robinson.

AGENDA - Additions/Deletions/Reordering:

Deborah Andrea, City Clerk, announced that New Business Item A, the appeal, was reordered to follow Presentations.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

PRESENTATIONS: (there was no public comment on Presentation items)

A. Value of the Electric Utility (EU)

Ed Liberty, Electric Utility Director, introduced Jacob Williams, General Manager/Chief Executive Officer of the Florida Municipal Power Agency (FMPA). Mr. Liberty said that the presentation would show the value provided by the EU and that Mr. Williams had traveled around the state doing the presentation to different municipalities.

Mr. Williams stated that the EU provided an annual economic value of \$14 million to the City. He announced that the City would have the highest percentage of CO²-free supply in Florida by 2025 with a carbon footprint much lower than the National target, rates were competitive and costs would continue to decrease with more than a 33% reduction by 2027, residential costs were lower than in 2006 while U.S. rates increased 26%, the EU paid an additional \$4M+ to the City for various charges each year and more than \$4M per year in economic activity to LWB through local jobs, reliability would improve further under SHRIP with over \$14M invested in past two years for reliability improvements and an additional \$100M in the coming years, over 15% of revenue that the City used for general government services was transferred to the General Fund and the EU was owned by the citizens meaning that there were local priorities and control over decisions. He iterated that there would be 38+ Mw of power provided by solar by 2024 and LWB would be a leader in solar watts per customer in the country. He reported that the City restored power more quickly and that it could participate in the Wi-Fi Project Support by offering free

wired pole attachments. He said that in the near future the power costs would be approximately \$9M a year due to the retirement of the St. Lucie debt as well as reduced steam and coal costs and the City had a great asset in the EU.

Mr. Liberty explained the benefits of employing staff who lived and spent money in the City, that the SHRIP work would be done by local companies and the design would be to protect against a category 5 storm along with adding a second tie line. He spoke about storm protection, improvements in reliability and other smaller contributions to other areas of the City other than the General Fund, none of which would be received from another electric provider.

Vice Mayor Amoroso asked Mr. Liberty to discuss the credit card fees that the City absorbed.

Mr. Liberty replied that the EUAB's consensus was to pass that back to the customers and staff was working on getting the lowest fees for the customers.

Mayor Triolo said that the costs involved in being a greener city were high, but LWB was able to build its own solar farm and invest in solar. She requested that the realtors share the true cost of the EU which was within \$4 of FPL, not the from the past. She thanked Mr. Liberty for sharing opportunities with the City.

Mr. Liberty thanked Mr. Williams and the FMPA for their help and support.

Mr. Williams iterated that LWB could chart its own path because it had its own EU and had managed both sides of solar to be competitive.

Commissioner Robinson expressed admiration for the progress the EU had made under Mr. Liberty's leadership. He said that he was concerned about the City's competitiveness in commercial rates and how the payment plan was working for those who were having difficulties meeting their obligations.

Mayor Triolo asked that Mr. Liberty bring the payment plan information to a regular or electric meeting.

Commissioner Maxwell directed staff to create a presentation for the realtor's association to drive the message about the parity of the City's electric rates.

NEW BUSINESS (reordered):

- A. Appeal by Thomas J. Baird, Esq. on behalf of 1920 10th Avenue, LLC of PZB Project # 20-00500003, which included site plan and conditional use approvals to allow for the construction of a new vehicle fueling/charging station, single-destination retail, and restaurant at 1900 10th Avenue North (7-Eleven)

Mayor Triolo read the title of the case into the record that this was an appeal by Thomas Baird, on behalf of 1920 10th Avenue LLC, of PZB case number 20-00500003, which included a site plan and conditional use approvals to allow for the construction of a new vehicle fueling/charging station, single destination retail and a restaurant at 1900 10th Avenue, Lake Worth Beach for a project commonly known as 7-Eleven.

Mayor Triolo announced that, before the quasi-judicial hearing began, she recused herself from participating in the case and Assistant City Attorney Pamala Ryan would address the reasons for the recusal which were discussed with her. She said that she would file the appropriate paperwork with the City Clerk (attached herewith) and turned the gavel over to Vice Mayor Amoroso to proceed with the hearing.

Assistant City Attorney Ryan explained that she had spoken with Mayor Triolo, who was a tenant of the appellant of the group, and to avoid the appearance of impropriety, the Mayor would recuse herself from the case.

Mayor Triolo passed the gavel to Vice Mayor Amoroso and left the meeting at 6:43 PM.

Vice Mayor Amoroso stated that this was a quasi-judicial hearing to hear an appeal pursuant to section 23.2-17 of the City's code of ordinances and as stated in other cases, because this was an appeal, no new evidence would be taken but the city, the appellant and the applicant would each be given 10 minutes to make a presentation and thereafter, public comment would be allowed and the commission would ask questions.

Vice Mayor Amoroso asked if the commissioners had any ex parte communications, personal investigations, or campaign contributions to disclose.

Commissioner Maxwell said that he had two short telephone conversations with Mr. Gil prior to the PZB meetings and spoke with Mr. Hiatt, who had contributed to his campaigns. He stated that he conveyed that he could not discuss the issue with the gentlemen.

Commissioner Robinson said that he visited the site with Mr. Hiatt and heard his concerns.

Vice Mayor Amoroso said that he had spoken with Mr. Hiatt to hear his concerns.

Vice Mayor Amoroso asked Keith Sullivan, the City's Webmaster, to promote all appeal participants to panelists for swearing in. He announced that all those giving presentations, answering questions from the commission, or speaking under public comment raise their right hands and be sworn-in.

City Clerk Andrea swore in those speaking and requested that they state their names and addresses for the record and who they represented, if applicable.

Vice Mayor Amoroso said that City's staff would give their presentation first, which could be no longer than ten minutes.

Erin Sita, Community Sustainability Assistant Director, announced that Thomas J. Baird, Esq. on behalf of 1920 10th Avenue, LLC, was appealing a final order of the Planning and Zoning Board (PZB) to allow a 7-Eleven at 1900 10th Avenue North. She said that the subject project was approved with conditions at the July 15, 2020 Planning and Zoning Board (PZB) meeting for a major site plan, vehicle fueling/charging station, single-destination retail, and restaurant conditional uses, and a variance and that the variance determination was being appealed separately at the 15th Judicial Circuit. She summarized the prior actions, stating that on July 15, 2020, the PZB voted 4-2 to approve project 20-00500003, including Major Site Plan, Conditional Use, and Variance, with staff recommended conditions from various departments and the PZB condition that the applicant coordinate with the PBC School District and provide additional signage for

school crossings. She showed the site location and site plan and stated that she reserved the remaining three minutes for closing remarks.

Vice Mayor Amoroso said that the appellant, through Mr. Baird, could make a ten minute presentation.

Mr. Baird gave a presentation stating the reasons the appellant opposed the development. He said that before and at the Board's hearing, Mr. Gil sought a continuance because, as an affected party, he could not retain counsel and be adequately prepared for the hearing and Messrs. Hiatt and Schmidt, also affected parties, objected to the short notice which prevented them from retaining counsel. He reported that the testimony from the three affected parties was that the existing traffic already created congestion, specifically the difficulty to pull out onto Barnett, and the addition of a 7-Eleven of this magnitude and with three retail uses would have a heavy impact on existing traffic contributing to increased congestion especially during rush hours. Mr. Schmidt, a commercial real estate broker in Palm Beach County (PBC), testified that based upon his experience, 7-Eleven's 4,730 square foot store on 1.24 acres was much larger than typical c-stores ranging between 2,000 – 3,000 square feet. Mr. Baird stated that the project was inconsistent with the City's comprehensive plan as it was multiple use, not mixed-use, was inconsistent with the mixed-use west zoning district and did not meet the conditional use criteria of chapter 23.3-18 due to the traffic congestion that would be created. He concluded by stating that the project was not consistent with and did not meet the policies the commission had adopted in its Comprehensive Plan or LDRs, that pursuant to § 163.3194 (6), Fla. Stat., a project which was not consistent with the City's Comprehensive Plan could not be approved, pursuant to §163.3194 (1)(a) & (b), Fla. Stat., all projects must comply with the policies of the City's Comprehensive Plan and its Land Development Regulations and pursuant to §163.3194 (1)(a), Fla. Stat. and because the project was not consistent, the PZB was required to deny the project.

Brian Seymour, attorney for the applicant made an objection to the presentation because the majority was new information and therefore not allowable.

Vice Mayor Amoroso said that the applicant, through Mr. Seymour, could make a ten-minute presentation.

Mr. Seymour relayed the approvals at issue, providing for a 4,730 SF retail/restaurant (4,496 SF retail/234 SF restaurant) and 3,520 SF canopy over 7 fuel pumps (14 positions). He said that the notice was complied with and legal, but the appellant did not hire a lawyer, which was not basis for a continuance. He stated that there was more than enough competent substantial evidence to support the decision and the objections were related to traffic. He reported that traffic analysis had been conducted by Lisa Bernstein, P.E. a licensed traffic engineer and that a condition was added and met, that the project had to be approved by PBC to meet the appropriate levels of service and significant traffic improvements associated with the project such as new signage and a new entry onto 10th Avenue North. He stated that the project was four percent of the maximum development allowance for the site and would provide for better traffic circulation and a better traffic pattern, not have an adverse traffic impact.

Vice Mayor Amoroso asked if there were any public comment cards, or if there was a member of the public who wished to make a two-minute public comment.

City Clerk Andrea stated that there were no public comment cards.

Vice Mayor Amoroso asked the commissioners if they had any questions for staff, the applicant, or the appellant, reminding them that only questions for clarification on the issues could be asked, no new information would be allowed.

Vice Mayor Amoroso said that Commissioner Maxwell had asked for a copy of the appellant's presentation, but was told that it was not factual.

Assistant City Attorney Ryan responded that the appellant had not raised the issues about the comp plan previously and the PZB did not have any opportunity to review the information. She explained that it was not fair to present new information at an appeal.

Commissioner Maxwell asked why Assistant City Attorney Ryan did not object during Mr. Baird's presentation.

Assistant City Attorney Ryan replied that she was not to interrupt presentations and urged caution when reviewing Mr. Baird's presentation. She said that Mr. Seymour's presentation contained information that had been presented below.

Vice Mayor Amoroso asked Assistant City Attorney Ryan to highlight the issues that should not be considered.

Commissioner Maxwell stated that in previous hearings, the presentations had been given to the commission before the meeting. He questioned what information was accurate.

Assistant City Attorney Ryan answered that she had not said that the information was inaccurate, but that an analysis of the comp plan had not been presented to the PZB and should not be part of the appeal.

Commissioner Robinson expressed interest in the County's input because there would be an increase in traffic.

Vice Mayor Amoroso asked Ms. Sita to address the upcoming work that would be done on 10th Avenue North.

Ms. Sita replied that 10th Avenue North would be widened to six lanes and the applicant would be required to coordinate their configuration with the county.

Commissioner Robinson asked for clarification about the results of the court outcome on the commission's decision.

Assistant City Attorney Ryan replied that the variance went to the Circuit Court and was on appeal which was proceeding separately. She said that the case would be appealed to the court no matter the outcome of the appeal, although the Court would look at the PZB's decision. She stated that the appeal could be sent back to the PZB to be fleshed out if the commission desired.

Commissioner Maxwell asked if the applicant owned the property. He expressed concern about when the affected parties had received service.

Mr. Seymour responded that the applicant leased the property and the owner allowed the lessee to file an application.

Ms. Sita replied that the notice was mailed on July 2 with a proof of mailing and the signs were put up the same day. She said that notice needed to be sent 10 calendar days before the hearing.

Mr. Seymour said that mail was delivered on July 3 and the notices could have been sent as late as July 5 to meet the statute.

Commissioner Maxwell said that he believed that property owners had property rights.

Mr. Seymour replied that the appellant said that the notice was proper and had seen the posted signs, but waited to hire counsel until two days before the hearing.

Commissioner Maxwell asked about the Barnett traffic statement and expressed concern about the number of trips.

Assistant City Attorney Ryan said that she did not have the transcript.

Ms. Sita recalled that the applicant's site improvements would improve the traffic on the site and allow for better functionality and were discussed at the PZB meeting.

Commissioner Robinson said that there were property rights on both sides and had the right to develop the property to the letter of the law. He questioned if a majority of two would be allowed.

Assistant City Attorney Ryan replied that according to the City's Charter, three members would have to vote to pass a motion.

Commissioner Maxwell asked Mr. Waters about the traffic study and if the site would not create more traffic.

Mr. Waters responded that the site would be allowed to have much more development with a higher impact and staff concluded that the project would improve the traffic in the area along with the improvements that would be made by the county.

Commissioner Maxwell asked if the county had weighed in on the traffic study and what would happen if the project did not happen.

Ms. Sita replied that the City had received a traffic concurrency letter from the county which was a condition of approval by the PZB.

Mr. Waters stated that the residents had dedicated rights-of-way to the project and there would be lawsuits if the road widening did not take place.

Commissioner Maxwell expressed concern about middle school students milling about after school when there was traffic involved. He asked if the issue had been discussed.

Ms. Sita stated that there was a deadline for additional safety precautions coordinated with the School Board and the City engineer as another condition of approval.

Mr. Waters stated that most projects had extensive lists of conditions of approval prior to the issuance of permits or of a certificate of occupancy.

Vice Mayor Amoroso told the commissioners to discuss the appeal amongst themselves, which they did.

Vice Mayor Amoroso asked for a motion, stating that the considerations substantiating the decision should be discussed, and the standard of review was competent, substantial evidence.

Mr. Waters stated that there were two possible motions on the staff report, plus a third to send the appeal back to the PZB.

Assistant City Attorney Ryan stated that the third motion choice should specify what issues the PZB should further examine.

Mr. Seymour found the statement indicating that both the owner and the lessee filed the application together and said that the lease, the existence of which was testified to under oath, would not be shared with the commission as it was a trade secret.

Action: Motion made by Commissioner Maxwell to overturn the decision by the PZB of PZB Project # 20-00500003 for the following reasons: there was not enough competent and substantial evidence brought before the PZB to address some of the issues raised at the appeal such as the ownership of the property and whether the conditions could be met or not. **Motion died for lack of a second.**

Action: Motion made by Commissioner Robinson to uphold the PZB's decision as there was competent and substantial evidence presented. **Motion died for lack of a second.**

Assistant City Attorney Ryan opined that there needed to be a motion and a vote.

Mr. Waters asked if it would be appropriate for the Vice Mayor to pass the gavel over to the Vice Mayor Pro Tem in order to second a motion.

Action: Motion made by Commissioner Maxwell to kick the appeal back to the PZB. **Motion died for lack of a second.**

Vice Mayor Amoroso passed the gavel to Vice Mayor Pro Tem Maxwell.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to uphold the decision of the PZB as the evidence presented was competent and substantial.

Vote: Voice vote showed: AYES: Vice Mayor Amoroso and Commissioner Robinson. NAYS: Commissioner Maxwell. RECUSED: Mayor Triolo.

City Attorney Goddeau suggested that the appeal be continued until another commissioner was appointed to increase the number on the dais.

Commissioner Maxwell opposed the suggestion.

Commissioner Robinson asked how a final decision could be expedited.

Mr. Waters asked if the appellant and applicant would agree that if the issue went back to the PZB, the appeal would go directly to the court.

City Attorney Goddeau replied that the parties could agree to waive their right to an appeal before the commission, but the City would not ask them to do so.

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Robinson to send the appeal back to the PZB.

Vote: Voice vote showed: AYES: Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None. RECUSED: Mayor Triolo.

The meeting recessed at 8:22 PM and reconvened at 8:29 PM with the Mayor resuming the gavel.

COMMISSION LIAISON REPORTS AND COMMENTS:

Vice Mayor Amoroso: said that there had been more funding received for the food distribution which would continue through January. He stated that conversion therapy had come back up, PBC and several cities had put a ban on conversion therapy; he asked City Attorney Goddeau to speak about the issue as Miami Beach was looking for cities to weigh in.

City Attorney Goddeau stated that there was a challenge under the First Amendment to ordinances that ban conversion therapy and that the City of Boca Raton was looking for surrounding cities with conversion therapy ban ordinances to support the briefs of the other cities.

Vice Mayor Amoroso asked for the support of his fellow commissioners which was given.

Commissioner Maxwell: wished everyone happy holidays and that people would be able to celebrate together.

Commissioner Robinson: extended his condolences to Mary Jane McKinnon on her loss. He stated that South Palm Park had a great holiday display in their medians that everyone should see and said that he looked forward to the many upcoming work sessions on various issues. He iterated that everyone should continue to wear masks and wash their hands.

Mayor Triolo: sent love to the McKinnons who were a part of the fabric of the community. She announced that South Palm Park came in second for their holiday decorations. She expressed pride in the City for their creativity with the holiday events and said that the bike giveaway would take place virtually. She reported that "Polar Express" was shown at Bryant Park with social distancing and suggested that residents go to the Events section of the website to see all of the events planned. She said that the commissioners would judge the houses that registered for the house decorating event.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

City Clerk Andrea read the comments submitted by the following:

Lorien DeBruyn wrote to urge the commission to not allow a four-story building development proposed to the CRA on the parcel of land located on N E Street between Lake and Lucerne Avenues.

David Simms wrote that he expected the commission to show patience and respect during and after public comments were read.

Christopher McVoy wrote to express discouragement in the commissioners' statements before and after the reading of public comment regarding Commissioner Robinson's proposal to require developers to meet with city residents.

Kim Stokes wrote that the City should be proactive in reaching out to its residents to talk about the potential changes coming to the downtown area.

Cliff Kohlmeyer wrote that the commission's response to public comments in the previous meeting were insulting and another example of how citizens felt disregarded by the commission.

Catherine Kohlmeyer wrote to express disappointment at the resistance of the commissioners to the suggestion of more input from the public.

The following individuals read their own comments through Zoom:

Sam Goodstein said that a meeting was not a meeting when no one showed up and that public participation was very important.

Richard Stowe said that he had served on the Tree Board but was speaking on his own behalf and asked that the commission reconsider its decision of December 1, 2020 to sell the property on North F to the CRA and instead convert the lots to planter strips.

APPROVAL OF MINUTES:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the following minutes:

- A. Work Session - November 5, 2020
- B. Regular Meeting - November 17, 2020

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve the Consent Agenda.

- A. Resolution No. 55-2020 - setting the ballot for the March 9, 2021, General Election
- B. Agreement with ACAI Associates for professional services related to the Public Works Fleet Facility design and construction administration services.

- C. Work Order #2 with Bella Construction for the Renovation of the Golf Course Clubhouse Facility
- D. Purchase Order with Nextran Truck for the purchase of a Mack One Arm Garbage Truck
- E. Service agreement with Verizon Wireless to provide mobile communication services
- F. Payments of Fiscal Year 2020 Invoices
- G. Fourth Amendment to Agreement with USIC LOCATING SERVICES, LLC to provide utility locating services for one more year
- H. Electric Utility Easement and Bill of Sale by and between 1601 Dixie, LLC and the City of Lake Worth Beach
- I. Water Utility Easement and Bill of Sale by and between 1601 Dixie, LLC. and the City of Lake Worth Beach
- J. Adopt the Fiscal Year 2021 Staff Count
- K. Resolution No. 56-2020 – 1st Budget Amendment to the Fiscal Year 2021 Budget

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

PUBLIC HEARINGS:

- A. Ordinance No. 2020-19 - Second Reading - adopting the Florida Building Code 2020 7th Edition

Mayor Triolo reminded the commission that the ordinance was a second reading and had a presentation at the first reading.

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-19 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 9, "BUILDINGS AND STRUCTURAL REGULATIONS", ARTICLE I, "IN GENERAL", SECTION 9-2, "BUILDING CODE ADOPTED", BY ADOPTING THE 2020 BUILDING CODE; AMENDING SECTION 9-2.1, "CITY OF LAKE WORTH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODES ADOPTED", BY ADOPTING BY REFERENCE THE CITY OF LAKE WORTH BEACH ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE 2020 EDITION; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-19 - Second Reading - adopting the Florida Building Code 2020 7th Edition.

City Clerk Andrea stated that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

UNFINISHED BUSINESS:

A. Discussion of appointment of City Commissioner for District 2

Vice Mayor Amoroso asked to hear from the City Attorney.

City Attorney Goddeau explained that the charter gave guidance that the commission shall choose and appoint a successor to serve until a newly elected commission is qualified and that all commissioners had to reside in their district. She said that the options were to make a motion to appoint someone who lived in District 2, someone who either had or had not gone through the qualifying process, give direction to staff to do an official process asking for applications and interviews, setting up a special meeting to make the appointment or having the option to think over the holidays and make an appointment after the holidays. She stated that the commission had voted to list the item as a discussion, but official action could be taken.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to appoint Carla Blockson with her position to start on Monday, December 21, 2020.

Comments/requests summary:

1. Commissioner Robinson stated that there were consequences of not making decisions as seen by the results of the quasi-judicial hearing.
2. Mayor Triolo said that she knew Ms. Blockson, who did a lot of volunteer work for the City.

City Clerk Andrea stated that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

NEW BUSINESS:

- A. (reordered to follow Presentations) Appeal by Thomas J. Baird, Esq. on behalf of 1920 10th Avenue, LLC of PZB Project # 20-00500003, which included site plan and conditional use approvals to allow for the construction of a new vehicle fueling/charging station, single-destination retail, and restaurant at 1900 10th Avenue North (7-Eleven)
- B. Ordinance No. 2020-21 – First Reading - Prohibition on Distribution of Plastic Straws at City Facilities
- C.
City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2020-21 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, "OFFENSES – MISCELLANEOUS" OF THE CITY'S CODE OF ORDINANCES, BY CREATING A NEW ARTICLE VIII, TO BE ENTITLED, "PROHIBITION ON DISTRIBUTION OF PLASTIC STRAWS AT CITY FACILITIES"; PROVIDING FOR EXCEPTIONS, EDUCATION, ENFORCEMENT, AND PENALTIES; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Goddeau stated that PBSO could enforce the ordinance, but the intent was to have it be enforced through an educational program and through code enforcement.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-21 on first reading and set the second reading and public hearing for January 5, 2020.

City Clerk Andrea said that there were no public comments.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

D. Resolution No. 57-2020 - approving the Agreement with the Supervisor of Elections for the March 2021 election

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 57-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, APPROVING AN AMENDED AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF LAKE WORTH BEACH; DESIGNATING THE CITY'S CANVASSING BOARD; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution No. 57-2020 - approving the Agreement with the Supervisor of Elections for the March 2021 election.

City Attorney Goddeau explained that the City wanted to use the Vote by Mail process due to COVID, which could increase the cost of the election.

Mayor Triolo asked if there was a difference in the services being provided to other cities. She asked what had been taken away from the city and had it been returned.

City Attorney Goddeau replied that the new SOE was more amenable to discussion but wanted to cover their costs. She said that the costs were the same across the board and varied by the size of the city.

City Clerk Andrea responded that Susan Bucher would not serve on the City's canvassing board, but Wendy Sartory Link would.

Commissioner Maxwell asked if Vote by Mail ballots would be sent to all registered voters.

City Attorney Goddeau replied that a voter had to request a ballot, it would not be sent automatically, but some voters opted to have Vote by Mail ballots for the next two years.

City Clerk Andrea stated that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

LAKE WORTH ELECTRIC UTILITY:

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items)

- 1) Second Amendment to the agreement with Simple Mind LLC for continued Professional Consultant Services communication outreach in the amount of \$43,000
- 2) Ratification of Second Amendment to original Agreement with ENCO Utility Services, LLC
- 3) Agreement with Dis-Tran Steel, LLC for steel products for electrical substations
- 4) Purchase Order(s) to McWayne Poles for the Purchase & Delivery of Ductile Iron Poles

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to approve the Consent Agenda.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

Assistant City Manager Ruiz did not provide a report.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Robinson to adjourn the meeting at 9:10 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Robinson. NAYS: None.

ATTEST:

Pam Triolo, Mayor

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: January 5, 2021

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL MEETING OF THE CITY COMMISSION
Monday, December 21, 2020 – 5:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 5:02 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

1. ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell and Herman Robinson. Also present were City Attorney Glen Torcivia (via Zoom) and Deputy City Clerk Melissa Ann Coyne.

2. PLEDGE OF ALLEGIANCE

3. SWEARING IN OF NEWLY APPOINTED OFFICIAL BY THE CITY ATTORNEY:

A. Commissioner, District 2 – Carla Blockson

4. NEWLY ELECTED OFFICIAL'S COMMENTS:

A. Commissioner Carla Blockson: thanked the Commissioners for giving her the opportunity to serve and thanked her husband, Paul, and her family. She said that she looked forward to serving the residents of District 2 and the entire City of LWB. She wished everyone Happy Holidays.

5. ADJOURNMENT:

Action: Motion made by Commissioner Blockson and seconded by Vice Mayor Amoroso to adjourn the meeting at 5:06 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Blockson and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: January 5, 2021

**CITY OF LAKE WORTH BEACH
LAKE WORTH BEACH, FLORIDA**

PROCLAMATION

WHEREAS, On Monday, January 18, 2021, the Nation will recognize Reverend Dr. Martin Luther King, Jr. Day; and

WHEREAS, The City of Lake Worth Beach and the MLK Event Committee will sponsor events in honor of Dr. Martin Luther King, Jr. to promote the harmony, peace, courage and inspiration for which Dr. Martin Luther King, Jr. gave his life; and

WHEREAS, These events include, a Celebration of Great African-American Visual Artists on Sunday, January 17, 2021 at 4:00 pm, and a full slate of activities on Monday, January 18, 2021 encompassing a Unity Interfaith Breakfast from 11:30 am to 12:00 noon at Bryant Park, a Candlelight March gathering at City Hall at 4:30 pm, followed by a MLK Commemorative Program at 5:30 pm at the Cultural Plaza, in Downtown Lake Worth Beach; and

WHEREAS, The MLK Event Committee encourages the resident of the City of Lake Worth Beach to celebrate by following the “28 Days of Anti-Racism” by participating each day in February in a moment of racial solidarity, learning or inspiration; and

WHEREAS, Dr. Martin Luther King, Jr.’s dream encompassed the hopes and dreams of all Americans.

NOW, THEREFORE, I, PAM TRIOLO, Mayor of the City of Lake Worth Beach, Florida, by virtue of the authority vested in me, do hereby acknowledge:

JANUARY 18, 2021

as

DR. MARTIN LUTHER KING, JR. DAY

and ask every racial, religious and ethnic group in Palm Beach County to join Lake Worth Beach residents in their celebration of the diversity of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Lake Worth Beach to be affixed this 5th day of January, 2021.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 5, 2021

DEPARTMENT: City Commission

TITLE:

Ratification of a reappointment to the Division 1 of the Firefighters' Retirement Board of Trustees

SUMMARY:

Ratification of a reappointment to the Division 1 of the Firefighters' Retirement Board of Trustees.

BACKGROUND AND JUSTIFICATION:

On February 5, 2013, the Commission adopted an ordinance amending the board member appointment process to allow for the selection of board members by individual elected officials. In accordance with the ordinance, the board appointments would be effective upon ratification by the Commission as a whole.

The following reappointment is requested to be ratified.

Division 1 of the Firefighters' Retirement Boards of Trustees

City Commission's reappointment of Valerie Hurley to the Division 1 of the Firefighters' Retirement Board of Trustees for a term ending on July 31, 2022.

MOTION:

Move to approve/disapprove the ratification of the City Commission's reappointment of Valery Hurley to the Division 1 of the Firefighters' Retirement Board of Trustees for a term ending on July 31, 2022.

ATTACHMENT(S):

Fiscal Impact Analysis: N/A
Membership board log
Board application



BOARD OF TRUSTEES - FIREFIGHTERS’ PENSION TRUST FUND DIVISION I

Two-Year Terms

MEMBERS	APPOINTED	PHONE	ETHICS TRAINING	TERM EXPIRES
Rory Kimbrell (Secretary) (Employee Member)			YES	05/31/2020
Barry Ruf (Employee Member)			YES	05/31/2019
VACANT (Citizen Member) (Appointed by City Commission)				07/31/2021
Valerie Hurley 320 Columbia Drive Gibsongirl860@aol.com (Citizen Member) (Appointed by City Commission)	07/23/12	H: 547-0762 C: 385-5636	YES	07/31/2020
Richard Seamon 15895 Edgefield Road Wellington, 33414 (Selected by Majority of other four members and appointed by City Commission as ministerial duty)	08/14/13	W:	YES	09/30/2019

The Board shall administer the Relief and Pension Fund and finally decide all claims to relief.

This Board consists of five members: two City Firefighters elected by Fire Department; two citizen members appointed by City Commission; and a fifth member selected by a majority of the other four members (Ord. No. 86-36, passed 12/15/86) and appointed (as ministerial duty) by City Commission. Chairman and Secretary shall be elected by a majority vote of Board members. **Citizen members appointed by Commission must be residents; employee members elected by co-workers need not be residents.** Meetings: Scheduled by the Board.

Ord. No. 2003-25, enacted 8/5/03, established attendance requirements: a member who fails to attend three consecutive regularly scheduled meetings or 25% of all meetings held within a 12-month period shall have his/her seat declared vacant by the City Clerk and the City Commission shall promptly fill such vacancy.

Ord. No. 2008-14, effective 7/10/08, amended attendance requirements: a member who fails to attend three consecutive regularly scheduled meetings or 20% of regularly scheduled meetings held within a 12-month period shall have his/her seat declared vacant by the City Clerk and the City Commission shall promptly fill such vacancy.

Financial Disclosure Forms are required.

Pension Administrator: Margie Adcock, Administrator / The Resource Centers, LLC
4360 Northlake Boulevard, Suite 206, Palm Beach Gardens, FL 33410
Phone: 561-624-3277 / Fax: 561-624-3278 / margie@resourcecenters.com



City of
**Lake Worth
Beach**
FLORIDA

VOLUNTEER ADVISORY BOARD – REAPPOINTMENT APPLICATION

7 North Dixie Highway, Lake Worth Beach, FL 33460 – Phone: 561-586-1600 – Fax: 561-586-1750

SECTION 1

Full Name: Valerie Y. Hurley

Name of the Advisory Board / Committee you are currently serving on, for which you wish to be considered for reappointment: Firefighters' Retirement Board

Has your information changed since your appointment or last reappointment? YES _____ NO

If you selected YES, please fill out below. If you selected NO, please go to SECTION 2.

Residence Address: _____

City: _____ State: _____ Zip Code: _____

Business Address: (If applicable) _____

City: _____ State: _____ Zip Code: _____

Mailing Address: (If different from residence / business) _____

City: _____ State: _____ ZIP Code: _____

Home Phone: _____ Business Phone: _____

Cell Phone: _____ Email Address: _____

Proof of residency attached: _____

SECTION 2

By signing this form I acknowledge that the information above is true and correct and that I am required to complete Ethics Training and submit the Ethics Training Certificate of Acknowledgement to the City Clerk's Office at least once a year and that the attendance policy will be in effect as per the ordinance governing the board for which I am seeking reappointment.

Valerie Hurley
Signature

12/10/2020
Date

Information regarding the duties and responsibilities of any board/committee can be found by visiting our website at www.lakeworthbc-actfl.gov. If you need additional information, please contact Silvina Donaldson at sdonaldson@lakeworthbeachfl.gov, 561-586-1730.

This form has been updated on October 2019

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 5, 2021

DEPARTMENT: Financial Services

TITLE:

Payments of Fiscal Year 2020 Invoices

SUMMARY:

Authorization for payment of multiple outstanding invoices for goods and services provided in Fiscal Year 2020 not paid prior to the closure of the accounts for the fiscal year.

BACKGROUND AND JUSTIFICATION:

Financial Services Division received multiple invoices for goods and services provided to City Departments during Fiscal Year 2020. Though the goods and services were approved and provided for in Fiscal Year 2020 the invoices for said goods and services provided by multiple Vendors were not paid prior to the Fiscal Year 2020's books being closed. As such, the payment for the services requires authorization of the use of Fiscal Year 2021 funds to cover the expenditures.

The item provides for the necessary authorization by the City Commission to utilize Fiscal Year 2021 funds in the amount of \$40,778.95 to cover the expenses incurred and goods and services received in Fiscal Year 2020.

MOTION:

Move to approve/disapprove authorization of the use of Fiscal Year 2021 funds to pay for expenditures and services incurred in Fiscal Year 2020.

ATTACHMENT(S):

Fiscal Impact
Invoice List

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	0	0	0	0	0
Operating Expenditures	40,778.95	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

See attached spreadsheet.

Department	DATE	Invoice Number	PO #	GL Account	Amount	Company Name
ELECTRIC	6/29/2020	A538872	181317	401-6031-531.44-20	\$4.63	ACCELERATED BUSINESS SOLUTIONS
ELECTRIC	8/17/2020	S011383153.001		421-6034-531.63-15	\$23,924.00	IRBY
FINANCE	6/30/2020	SMA-M0620-17838		001-1220-513.34-50	\$2,347.87	PFM ASSET MANAGEMENT, LLC
FINANCE	7/31/2020	SMA-M0620-17838		001-1220-513.34-50	\$2,159.84	PFM ASSET MANAGEMENT, LLC
FINANCE	8/30/2020	SMA-M0620-17838		001-1220-513.34-50	\$1,511.75	PFM ASSET MANAGEMENT, LLC
HR	9/1/2020	29224	183748	520-1331-513.34-50	\$920.00	MD NOW
HR	9/1/2020	29544	183748	520-1331-513.34-50	\$70.00	MD NOW
LEISURE	8/26/2020	3104150576	183042	140-8050-579.34-50	\$122.22	PITNEY BOWES
LEISURE	9/15/2020	18369753	183042	140-8050-579.34-50	\$366.66	PITNEY BOWES
PUBLIC WORKS	8/11/2020	184436137-001		001-5062-519.46.10	\$1,005.55	UNITED RENTALS
PUBLIC WORKS	8/31/2020	8132854	184001	401-6034--531.52-10	\$180.06	NEXAIR
PUBLIC WORKS	9/30/2020	8217820	184001	401-6034--531.52-10	\$176.79	NEXAIR
WATER UTILITIES	9/8/2020	85675	183391	405-7421-535.46-27	\$5,485.00	SHENANDOAH
WATER UTILITIES	11/12/2020	22121275	182440	402-7010-533.44-20	\$817.79	CANON
PUBLIC WORKS	9/18/2020	114-10967772		001-5010-519.34-50	\$694.52	UNITED SITE SERVICES
PUBLIC WORKS	9/18/2020	114-10967774		001-5010-519.34-50	\$347.27	UNITED SITE SERVICES
PUBLIC WORKS	9/21/2020	122724		404-8030-575.46-10	\$645.00	FARMER & IRVIN
					\$40,778.95	

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 5, 2021

DEPARTMENT: Leisure Services and
Community Sustainability

TITLE:

Resolution No. 01-2021 – Budget amendment to the 5-Year CIP Plan

SUMMARY:

Leisure Services – This resolution will amend the current 5-Year CIP and appropriate CDBG grant funds for Howard Park.

Community Sustainability – 17 S. M Street - Relocation and renovation of the contributing historic structures.

BACKGROUND AND JUSTIFICATION:

Leisure Services

The Improvements Project consists of restoring the playground, pavilion, sports courts, bathrooms and associated grounds. The project will enhance the park and provide an amenity for the public that is of high standards for quality and aesthetic.

Community Sustainability

The relocation to Bryant Park and renovation of a contributing historic two-story single-family structure and a one and half story garage structure for public use. Potential uses for the relocated structures include: leisure services offices, snack/concessions bar, and/or a marina dockmaster facility.

MOTION:

Move to approve/disapprove Resolution No. 01-2021 - Budget amendment to adjust the 5-Year CIP for Leisure Services.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 01-2021
Project request forms

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	325,560	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
Net Fiscal Impact	(325,560)	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY21 Budget	Current Balance	Agenda Expenditure	Balance
180-0000-331.40-01	Parks & Recreation/CDBG		0	0	(\$266,560)	
103-0000-395.00-00	Use of Fund Balance		\$800,000	\$335,160	(\$59,000)	\$276,160

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RESOLUTION NO. 01-2021, A GENERAL APPROPRIATION RESOLUTION OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "City") previously adopted the Fiscal Year (FY) 2021 Annual Capital Budget pursuant to Resolution No. 37-2020 on September 24, 2020;

WHEREAS, the City finds it is necessary and essential to amend the FY 2021 Annual Capital Budget as set forth in this resolution; and

WHEREAS, adoption of the FY 2021 Annual Capital Budget amendments set forth herein serves a valid public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The above recitals are hereby ratified and confirmed as being true and correct and are hereby incorporated into this resolution.

Section 2. As hereinafter stated in this resolution, the term "fiscal year" shall mean the period of time beginning October 1, 2020, and ending and including September 30, 2021.

Section 3 The funds and available resources and revenues that are set out and attached as Exhibit "A" and incorporated herein by reference, be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the City for the fiscal year.

Section 4. The sums, which are set out in Exhibit "A" and herein incorporated by reference, listed as operating and other expenses of the respective funds and departments of the City, be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for the fiscal year.

Section 5. The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as set out in the Amended City of Lake Worth Capital Budget for the fiscal year as attached in Exhibit "A".

Section 6. The sums set out in Exhibit "A" are hereinbefore incorporated by reference and based upon departmental estimates prepared by the City Manager and the Finance Director, shall be, and the same hereby are, fixed and adopted as the amended budget for the operation of the City and its other enterprises for the fiscal year.

47 Section 7. Except as amended in Exhibit "A" hereto, the remainder of the FY 2021
48 Annual Capital Budget for the fiscal year remains in full force and effect.

49
50 Section 8. This resolution shall become effective immediately upon passage.

51
52 The passage of this resolution was moved by Commissioner _____,
53 seconded by Commissioner _____, and upon being put to a vote, the vote was
54 as follows:

55
56 Mayor Pam Triolo
57 Vice Mayor Andy Amoroso
58 Commissioner Scott Maxwell
59 Commissioner Carla Blockson
60 Commissioner Herman Robinson

61
62 The Mayor thereupon declared this resolution duly passed and adopted on the 5th
63 day of January 2021.

64
65 LAKE WORTH BEACH CITY COMMISSION

66
67
68 By: _____
69 Pam Triolo, Mayor

70
71 ATTEST:
72
73
74 _____
75 Deborah M. Andrea, CMC, City Clerk
76

77

Exhibit A

Project Title	FY 2021 Adopted	FY 2022 Adopted	FY 2023 Adopted	Cumulative Requests	FY 2021 Amendment
<i>Governmental Funds</i>					
General Fund					
Leisure Services					
Re-surface court - Howard Basketball Court	80,000.00	-	-	80,000.00	-
Equipment Replacement - Howard Park Playground	-	-	85,000.00	85,000.00	-
Bath / Tables - Howard Park Pavilion	25,000.00	-	-	25,000.00	-
Roof - Howard Park Pavilion	-	30,000.00	-	30,000.00	-
Total Leisure Services	105,000.00	30,000.00	85,000.00	220,000.00	266,560.00
Community Sustainability					
17 S. M Street	-	-	-	-	59,000.00
Total Community Sustainability	-	-	-	-	59,000.00
Total Amendment Requests	-	-	-	-	325,560.00

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**Capital Improvement Program (CIP)
Project Request Form
(For Projects / Items Costing Over \$50,000)**

Leisure Svs. Fund 21

Department Recreation	Project Duration FY21	Life Expectancy 15 years	Priority 1
---------------------------------	---------------------------------	------------------------------------	----------------------

Project Title
Howard Park Playground Improvements Project

Relevant Graphic Details (GIS or photo inserted)

Project Location
1699 Wingfield (Howard Park)



Project Description/Justification
The Improvements Project consists of restoring the playground, pavilion, sports courts, bathrooms and associated grounds. The project will enhance the park and provide an amenity for the public that is of high standards for quality and aesthetic.

Strategic Goals Relevance/Categorical Criteria
5-A Provide safe services

Project's Return on Investment
Maintain safe, updated playground for residents.

FISCAL DETAILS		2021
Account Number	Account Description	-
Account Number	Account Description	266,560
	Total Expenditures	\$ 266,560

Operating Cost Impact

The park is existing and current maintenance costs will be similar to prior to improvements.

Howard Park
Playground
Improvements Project

Project's Impact on Other Departments

n/a

The Improvements Project consists of restoring the playground, pavilion, sports courts, bathrooms and associated grounds. The p

Expenditures	Prior Years	FY21	FY22	FY23	FY24	FY25	TOTAL
Capital Costs							
Project Development							-
Design							-
Permitting							-
Land/ROW Acquisition							-
Construction		266,560					266,560
Equipment							-
Testing							-
Operating Costs							
On-Going Operations							-
Maintenance							-
Personnel Costs							-
Other (SPECIFY)							-
Total Expenditures	\$ -	\$ 266,560	\$ -	\$ -	\$ -	\$ -	\$ 266,560
Off-Set Categories							
New Revenues							-
Other (CDBG Grant)		266,560					266,560
Total Off-Sets	\$ -	\$ 266,560	\$ -	\$ -	\$ -	\$ -	\$ 266,560
NET COST	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Funding Sources	Prior Years	FY21	FY22	FY23	FY24	FY25	TOTAL
CDBG Grant		266,560					-
Total Funding Sources	\$ -	\$ 266,560	\$ -	\$ -	\$ -	\$ -	\$ -

This section must be completed for all applicable projects. Please list future revenues and expenses once project is completed and fully operational.

Net Operational Impact:							
A. Revenues Generated:		B. Expenses Incurred:					
A.1- Revenue #1	-	B.1- Personnel:	-	B.5- Utilities:	-		
A.2- Revenue #2	-	B.2- Debt Service Costs:	-	B.6- Materials/Supplies:	-		
A.3- Revenue #3	-	B.3- Contract Services:	-	B.7- Equipment:	-		
A.4- Revenue #4	-	B.4- Fixed Costs:	-	B.8- Miscellaneous:	-		
Revenue Totals (A.1 -to- A.4)	-	Expense Totals (B.1 -to- B.8)					-



Capital Improvement Program (CIP) Project Request Form (For Projects / Items Costing Over \$25,000)

Department	Project Duration	Life Expectancy	Priority
Administration	FY21-24	30+	

Project Title

17 S M Street -Relcoation and renovation of the contributing historic structures

Project Location

Relocation to Bryant Park

Project Description / Justification

The relocation to Bryant Park and renovation of a contributing historic two-story single-family structure and a one and half story garage structure for public use. Potential uses for the relocated structures include: leisure services offcies, snack/concessions bar, or a marina dockmaster facility.

Strategic Goals Relevance/Categorical Criteria

Preserve, Restore, Repurpose, and Activate Historic City Owned Assets and Provide superior public amenities and services to retain existing and entice new residents and businesses

Project's Return on Investment

ROI for this project will be based on reduced costs associated with the reolocation of an existing structure over the construction of a new city facilities.

Relevant Graphic Details



FISCAL DETAILS

			2021
?	Schematic/Conceptual Design Preliminary Engineering	\$	39,000
?	Design Development / Construction Drawings	\$	20,000
	Total Expenditures	\$	59,000

Operating Cost Impact

This project is not expected to have any major impacts to operating costs.

Project's Impact on Other Departments

No major impacts on other departments.

Expenditures	Prior Years	FY20	FY21	FY22	FY23	FY24	TOTAL
Capital Costs							
Project Development	\$ -	\$ -	\$ 39,000	\$ -	\$ -	\$ -	\$ 39,000
Design			\$ 20,000	25,000			45,000
Permitting	-	-	-	-	-	-	-
Land/ROW Acquisition	-	-	-	-	-	-	-
Construction					150,000	150,000	300,000
Equipment	-	-	-	-	-	-	-
Testing	-	-	-	-	-	-	-
Operating Costs							
On-Going Operations	-	-	-	-	-	-	-
Maintenance	-	-	-	-	-	-	-
Personnel Costs	-	-	-	-	-	-	-
Other (SPECIFY)	-	-	-	-	-	-	-
Total Expenditures	\$ -	\$ -	\$ 59,000	\$ 25,000	\$ 150,000	\$ 150,000	\$ 384,000
Off-Set Categories							
New Revenues	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Line Loss Avoidance	-	-	-	-	-	-	-
Total Off-Sets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
NET COST	\$ -	\$ -	\$ 59,000	\$ 25,000	\$ 150,000	\$ 150,000	\$ 384,000
Funding Sources							
	Prior Years	FY20	FY21	FY22	FY23	FY24	TOTAL
							\$ -
							-
Other Financing/City Funds	-	-	-	-	-	-	-
Total Funding Sources	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

This section must be completed for all applicable projects. Please list future revenues and expenses once project is completed and fully operational.

Net Operational Impact:

A. Revenues Generated:		B. Expenses Incurred:	
A.1- Revenue #1	-	B.1- Personnel:	-
A.2- Revenue #2	-	B.2- Debt Service Costs:	-
A.3- Revenue #3	-	B.3- Contract Services:	-
A.4- Revenue #4	-	B.4- Fixed Costs:	-
Revenue Totals (A.1 -to- A.4)	-	Expense Totals (B.1 -to- B.8)	\$ -

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 5, 2021

DEPARTMENT: Water Utilities

TITLE:

Authorize Amendment 1 to Drinking Water State Revolving Fund Loan Agreement DW501740 for the Lake Osborne Estates watermain improvement project

SUMMARY:

Amendment 1 adjusts the State Revolving Fund Loan DW501740 construction project completion and adjust the due date of the first semiannual loan payment.

BACKGROUND AND JUSTIFICATION:

This Amendment extends the completion of the projects' construction date of loan DW501740 by 240 days. This changes the project completion date from August 15, 2020 to April 15, 2021. In addition, the first semiannual loan payment will be due on October 15, 2021. This amendment matches the time request extension in the construction contract change order to David Mancini and Sons, Inc.

The City Water Utility Department has planned the replacement of inaccessible watermain in the Lake Osborne Estates Neighborhood. To fund this capital improvement the Utility sought water system revenue financing from the Drinking Water State Revolving Fund.

MOTION:

Move to approve/disapprove authorization of Amendment 1 to Drinking Water State Revolving Fund Loan Agreement DW501740.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Extension offer letter
Amendment 1



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

November 19, 2020

Mr. Giles Rhoads, P.E.
Utilities Engineer
City of Lake Worth Beach
301 College Street
Lake Worth Beach, Florida 33460

Re: DW501740 – Lake Worth Beach
Water Distribution Replacement Project- Osborne

Dear Mr. Rhoads:

Attached is a copy of proposed Amendment 1 to the City's State Revolving Fund loan agreement. The amendment provides the City additional time to complete construction activities.

Please have the appropriate officials sign and seal two copies and return them to us within three weeks at 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida, 32399-3000. We will sign the documents and mail a fully executed original to you.

If you have any questions about this amendment, please call Amber Douglas at (850)245-2915.

Sincerely,

A handwritten signature in blue ink that reads "Angela Knecht".

Angela Knecht, Program Administrator
State Revolving Fund Management

AK/ad

Attachment

cc: Brian Shields, P.E. – City of Lake Worth Beach
Michael Bornstein – City of Lake Worth Beach

**STATE REVOLVING FUND
AMENDMENT 1 TO LOAN AGREEMENT DW501740
CITY OF LAKE WORTH BEACH**

This amendment is executed by the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (Department) and the CITY OF LAKE WORTH BEACH, FLORIDA, existing as a local governmental entity (Project Sponsor) under the laws of the State of Florida. Collectively, the Department and the Project Sponsor shall be referred to as “Parties” or individually as “Party”.

The Department and the Project Sponsor entered into a State Revolving Fund Loan Agreement, Number DW501740; and

Loan repayment activities need rescheduling to give the Project Sponsor additional time to complete construction; and

Certain provisions of the Agreement need revision and revisions need to be added to the Agreement.

The Parties hereto agree as follows:

1. Section 1.01 of the Agreement is amended to include the following definitions:

“Electric System” shall mean all facilities owned by the Project Sponsor for supplying electricity for residential, commercial, industrial, and governmental use.

“Final Unilateral Amendment” shall mean the Loan Agreement unilaterally finalized by the Department after Loan Agreement and Project abandonment under Section 8.06 that establishes the final amortization schedule for the Loan.

“Sewer System” shall mean all facilities owned by the Project Sponsor for collection, transmission, treatment and reuse of wastewater and its residuals.

2. Subsections 1.01(7), (14), and (16) of the Agreement are deleted and replaced as follows:

(7) “Gross Revenues” shall mean all income or earnings received by the Project Sponsor from the ownership or operation of its Water, Sewer, and Electric Systems, including investment income, all as calculated in accordance with generally accepted accounting principles. Gross Revenues shall not include proceeds from the sale or other disposition of any part of the Water, Sewer, or Electric System, condemnation awards or proceeds of insurance, except use and occupancy or business interruption insurance, received with respect to the Water, Sewer, or Electric System.

(14) “Operation and Maintenance Expense” shall mean the costs of operating and maintaining the Water, Sewer, and Electric Systems determined pursuant to generally accepted

accounting principles, exclusive of interest on any debt payable from Gross Revenues, depreciation, and any other items not requiring the expenditure of cash.

(16) “Pledged Revenues” shall mean the specific revenues pledged as security for repayment of the Loan and shall be the Gross Revenues derived yearly from the operation of the Water, Sewer, and Electric Systems after payment of the Operation and Maintenance Expense and the satisfaction of all yearly payment obligations on account of the Senior Revenue Debt and any senior or parity obligations issued pursuant to Section 7.02 of this Agreement.

3. Subsection 2.01(8), of the Agreement is deleted and replaced as follows:

(8) The Project Sponsor shall maintain records using Generally Accepted Accounting principles established by the Financial Accounting Standards Board. As part of its bookkeeping system, the Project Sponsor shall keep accounts of the Water, Sewer, and Electric Systems separate from all other accounts and it shall keep accurate records of all revenues, expenses, and expenditures relating to the Water, Sewer, and Electric Systems, and of the Pledged Revenues, Loan disbursement receipts, and Loan Debt Service Account.

4. Section 4.05 of the Agreement is deleted and replaced as follows:

4.05. PROHIBITION AGAINST ENCUMBRANCES.

The Project Sponsor is prohibited from selling, leasing, or disposing of any part of the Water, Sewer, or Electric System which would materially reduce operational integrity or Gross Revenues so long as this Agreement, including any amendments thereto, is in effect unless the written consent of the Department is first secured.

5. Article V of the Agreement is deleted and replaced as follows:

ARTICLE V - RATES AND USE OF THE WATER, SEWER, AND ELECTRIC SYSTEMS

5.01. RATE COVERAGE.

The Project Sponsor shall maintain rates and charges for the services furnished by the Water, Sewer, and Electric Systems which will be sufficient to provide, in each Fiscal Year, Pledged Revenues equal to or exceeding 1.15 times the sum of the Semiannual Loan Payments due in such Fiscal Year. In addition, the Project Sponsor shall satisfy the coverage requirements of all Senior Revenue Debt and Parity Debt obligations.

5.02. NO FREE SERVICE.

The Project Sponsor shall not permit connections to, or furnish any services afforded by, the Water, Sewer, or Electric System without making a charge therefore based on the Project Sponsor's uniform schedule of rates, fees, and charges.

5.03. MANDATORY CONNECTIONS.

The Project Sponsor shall adopt, as necessary, and enforce requirements, consistent with applicable laws, for the owner, tenant or occupant of each building located on a lot or parcel of land which is served, or may reasonably be served, by the Sewer System to connect such building to the Sewer System.

5.04. NO COMPETING SERVICE.

The Project Sponsor shall not allow any person to provide any services which would compete with the Water, Sewer, or Electric System so as to adversely affect Gross Revenues.

5.05. MAINTENANCE OF THE WATER, SEWER, AND ELECTRIC SYSTEMS.

The Project Sponsor shall operate and maintain the Water, Sewer, and Electric Systems in a proper, sound and economical manner and shall make all necessary repairs, renewals and replacements.

5.06. ADDITIONS AND MODIFICATIONS.

The Project Sponsor may make any additions, modifications or improvements to the Water, Sewer, and Electric Systems which it deems desirable and which do not materially reduce the operational integrity of any part of the Water, Sewer, or Electric System. All such renewals, replacements, additions, modifications and improvements shall become part of the Water, Sewer, and Electric Systems.

5.07. COLLECTION OF REVENUES.

The Project Sponsor shall use its best efforts to collect all rates, fees and other charges due to it. The Project Sponsor shall establish liens on premises served by the Water, Sewer, or Electric System for the amount of all delinquent rates, fees and other charges where such action is permitted by law. The Project Sponsor shall, to the full extent permitted by law, cause to discontinue the services of the Water, Sewer, and Electric Systems and use its best efforts to shut off water service furnished to persons who are delinquent beyond customary grace periods in the payment of Water, Sewer, and Electric System rates, fees and other charges.

6. Article VI of the Agreement is deleted and replaced as follows:

ARTICLE VI - DEFAULTS AND REMEDIES

6.01. EVENTS OF DEFAULT.

Upon the occurrence of any of the following events (the Events of Default) all obligations on the part of Department to make any further disbursements hereunder shall, if Department elects, terminate. The Department may, at its option, exercise any of its remedies set forth in this Agreement, but Department may make any disbursements or parts of disbursements after the happening of any Event of Default without thereby waiving the right to exercise such remedies and without becoming liable to make any further disbursement:

(1) Failure to make any Monthly Loan Deposit or to make any installment of the Semiannual Loan Payment when it is due and such failure shall continue for a period of 30 days.

(2) Except as provided in Subsections 6.01(1), failure to comply with the provisions of this Agreement, failure in the performance or observance of any of the covenants or actions required by this Agreement or the Suspension of this Agreement by the Department pursuant to Section 8.14, below, and such failure shall continue for a period of 30 days after written notice thereof to the Project Sponsor by the Department.

(3) Any warranty, representation or other statement by, or on behalf of, the Project Sponsor contained in this Agreement or in any information furnished in compliance with, or in reference to, this Agreement, which is false or misleading, or if Project Sponsor shall fail to keep, observe or perform any of the terms, covenants, representations or warranties contained in this Agreement, the Note, or any other document given in connection with the Loan (provided, that with respect to non-monetary defaults, Department shall give written notice to Project Sponsor, which shall have 30 days to cure any such default), or is unable or unwilling to meet its obligations thereunder.

(4) An order or decree entered, with the acquiescence of the Project Sponsor, appointing a receiver of any part of the Water, Sewer, or Electric System or Gross Revenues thereof; or if such order or decree, having been entered without the consent or acquiescence of the Project Sponsor, shall not be vacated or discharged or stayed on appeal within 60 days after the entry thereof.

(5) Any proceeding instituted, with the acquiescence of the Project Sponsor, for the purpose of effecting a composition between the Project Sponsor and its creditors or for the purpose of adjusting the claims of such creditors, pursuant to any federal or state statute now or hereafter enacted, if the claims of such creditors are payable from Gross Revenues of the Water, Sewer, or Electric System.

(6) Any bankruptcy, insolvency or other similar proceeding instituted by, or against, the Project Sponsor under federal or state bankruptcy or insolvency law now or hereafter in effect and, if instituted against the Project Sponsor, is not dismissed within 60 days after filing.

(7) Any charge is brought alleging violations of any criminal law in the implementation of the Project or the administration of the proceeds from this Loan against one or more officials of the Project Sponsor by a State or Federal law enforcement authority, which charges are not withdrawn or dismissed within 60 days following the filing thereof.

(8) Failure of the Project Sponsor to give immediate written notice of its knowledge of a potential default or an event of default, hereunder, to the Department and such failure shall continue for a period of 30 days.

6.02. REMEDIES.

All rights, remedies, and powers conferred in this Agreement and the transaction documents are cumulative and are not exclusive of any other rights or remedies, and they shall be in addition to every other right, power, and remedy that Department may have, whether

specifically granted in this Agreement or any other transaction document, or existing at law, in equity, or by statute. Any and all such rights and remedies may be exercised from time to time and as often and in such order as Department may deem expedient. Upon any of the Events of Default and subject to the rights of others having prior liens on the Pledged Revenues, the Department may enforce its rights by, *inter alia*, any of the following remedies:

(1) By mandamus or other proceeding at law or in equity, cause to establish rates and collect fees and charges for use of the Water, Sewer, and Electric Systems, and to require the Project Sponsor to fulfill this Agreement.

(2) By action or suit in equity, require the Project Sponsor to account for all moneys received from the Department or from the ownership of the Water, Sewer, and Electric Systems and to account for the receipt, use, application, or disposition of the Pledged Revenues.

(3) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the Department.

(4) By applying to a court of competent jurisdiction, cause to appoint a receiver to manage the Water, Sewer, and Electric Systems, establish and collect fees and charges, and apply the revenues to the reduction of the obligations under this Agreement.

(5) By certifying to the Auditor General and the Chief Financial Officer delinquency on loan repayments, the Department may intercept the delinquent amount plus six percent, expressed as an annual interest rate, penalty of the amount due to the Department from any unobligated funds due to the Project Sponsor under any revenue or tax sharing fund established by the State, except as otherwise provided by the State Constitution or State law. Penalty interest shall accrue on any amount due and payable beginning on the 30th day following the date upon which payment is due.

(6) By notifying financial market credit rating agencies and potential creditors.

(7) By suing for payment of amounts due, or becoming due, with interest on overdue payments together with all costs of collection, including attorneys' fees.

(8) By accelerating the repayment schedule or increasing the interest rate on the unpaid principal of the Loan to as much as 1.667 times the Financing Rate.

6.03. DELAY AND WAIVER.

No course of dealing between Department and Project Sponsor, or any failure or delay on the part of Department in exercising any rights or remedies hereunder, shall operate as a waiver of any rights or remedies of Department, and no single or partial exercise of any rights or remedies hereunder shall operate as a waiver or preclude the exercise of any other rights or remedies hereunder. No delay or omission by the Department to exercise any right or power accruing upon Events of Default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised as often as may be deemed expedient. No waiver or any default under this Agreement

shall extend to or affect any subsequent Events of Default, whether of the same or different provision of this Agreement, or shall impair consequent rights or remedies.

7. Section 7.02 of the Agreement is deleted and replaced as follows:

7.02. ADDITIONAL DEBT OBLIGATIONS.

The Project Sponsor may issue additional debt obligations on a parity with, or senior to, the lien of the Department on the Pledged Revenues provided the Department's written consent is obtained. Such consent may be granted if the Project Sponsor demonstrates at the time of such issuance that the Pledged Revenues, which may take into account reasonable projections of growth of the Water, Sewer, and Electric Systems and revenue increases, plus revenues to be pledged to the additional proposed debt obligations will, during the period of time Semiannual Loan Payments are to be made under this Agreement, equal or exceed 1.15 times the annual combined debt service requirements of this Agreement and the obligations proposed to be issued by the Project Sponsor and will satisfy the coverage requirements of all other debt obligations secured by the Pledged Revenues.

8. Section 8.06 of the Agreement is deleted and replaced as follows:

8.06. ABANDONMENT, TERMINATION OR VOLUNTARY CANCELLATION.

Failure of the Project Sponsor to actively prosecute or avail itself of this Loan (including e.g. described in para 1 and 2 below) shall constitute its abrogation and abandonment of the rights hereunder, and the Department may then, upon written notification to the Project Sponsor, suspend or terminate this Agreement.

(1) Failure of the Project Sponsor to draw Loan proceeds within eighteen months after the effective date of this Agreement, or by the date set in Section 10.07 to establish the Loan Debt Service Account, whichever date occurs first.

(2) Failure of the Project Sponsor, after the initial Loan draw, to draw any funds under the Loan Agreement for twenty-four months, without approved justification or demonstrable progress on the Project.

Upon a determination of abandonment by the Department, the Loan will be suspended, and the Department will implement administrative close out procedures (in lieu of those in Section 4.07) and provide written notification of Final Unilateral Amendment to the Project Sponsor.

In the event that following the execution of this Agreement, the Project Sponsor decides not to proceed with this Loan, this Agreement can be cancelled by the Project Sponsor, without penalty, if no funds have been disbursed.

9. Section 9.03 of the Agreement is deleted and replaced as follows:

9.03. INSURANCE REQUIRED.

The Project Sponsor shall cause the Project, as each part thereof is certified by the engineer responsible for overseeing construction as completed, and the Water, Sewer, and Electric Systems (hereafter referred to as “Revenue Producing Facilities”) to be insured by an insurance company or companies licensed to do business in the State of Florida against such damage and destruction risks as are customary for the operation of Water, Sewer, and Electric Systems of like size, type and location to the extent such insurance is obtainable from time to time against any one or more of such risks.

The proceeds of insurance policies received as a result of damage to, or destruction of, the Project or the other Revenue Producing Facilities, shall be used to restore or replace damaged portions of the facilities. If such proceeds are insufficient, the Project Sponsor shall provide additional funds to restore or replace the damaged portions of the facilities. Repair, construction or replacement shall be promptly completed.

10. Unless repayment is further deferred by amendment of the Agreement, Semiannual Loan Payments as set forth in Section 10.05 shall be received by the Department beginning on October 15, 2021, and semiannually thereafter on April 15 and October 15 of each year until all amounts due under the Agreement have been fully paid.

11. The items scheduled under Section 10.07 of the Agreement are rescheduled as follows:

(2) Completion of Project construction is scheduled for April 15, 2021.

(3) Establish the Loan Debt Service Account and begin Monthly Loan Deposits no later than April 15, 2021.

(4) The first Semiannual Loan Payment in the amount of \$81,551 shall be due October 15, 2021.

12. All other terms and provisions of the Loan Agreement shall remain in effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to Loan Agreement DW501740 may be executed in two or more counterparts, any of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the Loan Agreement to be executed on its behalf by the Secretary or Designee and the Project Sponsor has caused this amendment to be executed on its behalf by its Authorized Representative and by its affixed seal. The effective date of this amendment shall be as set forth below by the Department.

for
CITY OF LAKE WORTH BEACH

Mayor

Attest:

Approved as to form and legal sufficiency:

City Clerk

SEAL

City Attorney

for
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Secretary or Designee

Date

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: January 5, 2021

DEPARTMENT: Legal/Community Sustain.

TITLE:

Authorization to execute a quit claim deed to Constru American LLC, for property located at 503 North K Street

SUMMARY:

In 2017, the City acquired the subject property by quit claim deed from then owner Luis A. Patino to satisfy code enforcement liens in a settlement negotiated by a collections agency. There were significant property taxes due on the property and the property was bought at a tax deed sale in November 2018 by Constru American LLC, but the City's quit claim deed is a cloud on title. Constru American is seeking a quit claim deed from the City to clear title.

BACKGROUND AND JUSTIFICATION:

The City had code enforcement liens on the subject property and turned the collection of same over to a collections agency. The collections agency negotiated a deal where the property owner at the time, Luis A. Patino, agreed to quit claim the property to the City in lieu of paying the liens. In 2018, the property was sold at a tax deed sale to recover taxes owed to the County. City staff made a decision that it was more cost effective for the property to be bought by someone willing to pay taxes and improve the vacant property than for the City to pay the taxes due on the property and attempt to sell it at a higher cost.

Constru American purchased the property at the tax deed sale and is attempting to sell it to private owners. However, the City's quit claim deed on the property is a cloud on title even though the interest was wiped out at the tax deed sale. To clear title, Constru American is requesting the City execute a quit claim deed in its favor. Constru American has paid the application fee to have these issues presented to the City Commission.

MOTION:

Move to authorize/not authorize the Mayor to execute the quit claim deed for property located at 503 North K Street, Lake Worth Beach.

ATTACHMENT(S):

Quit Claim Deed

Return to:
North American Title Company
1019 North State Road 7, Suite B
Royal Palm Beach, FL 33411

This Instrument Prepared
under the supervision of:
Mark J. Loterstein, Esq.
North American Title Company
1019 North State Road 7, Suite B
Royal Palm Beach, FL 33411

Our File No.: 11605-20-05976

QUIT CLAIM DEED

This Quit Claim Deed made on this _____ of _____, 202_, by THE CITY OF LAKE WORTH BEACH, a Florida Municipal Corporation, and having its principal place of business at 7 N. DIXIE HIGHWAY, LAKE WORTH BEACH, FL 33460, hereinafter called the grantor(s), to CONSTRU AMERICAN LLC, a Florida limited liability company, hereinafter called the grantee(s):

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH:

That the grantor(s), for and in consideration of the sum of \$10.00 (ten dollars) and other valuable considerations, receipt whereof is hereby acknowledged, hereby remise, release and quit-claim unto the grantee all the right, title, interest, claim and demand which the grantor has in and to that certain land situate in Palm Beach County, State of Florida, viz:

Lot 31, Block 152, Townsite of Lucerne (Now Lake Worth), according to the Plat thereof, as recorded in Plat Book 2, page 29, of the public records of Palm Beach County, Florida.

PCN 38-43-44-21-15-152-0310
503 N K St., Lake Worth Beach, Florida

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the said grantee forever.

IN WITNESS WHEREOF, the grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

CITY OF LAKE WORTH BEACH, FL

First Witness

Printed Signature

By: _____
Pam Triolo, Mayor

Second Witness

Printed Signature

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this _____ day of January, 2021, by Pam Triolo as Mayor of the CITY OF LAKE WORTH BEACH, a Florida Municipal corporation, on behalf of the Corporation, who has produced _____ as Identification or is personally known to me to be the persons therein.

My commission expires: _____
Notary Public, State of Florida

Seal