



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, NOVEMBER 15, 2022 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Reinaldo Diaz

PLEDGE OF ALLEGIANCE: led by Mayor Betty Resch

AGENDA - Additions / Deletions / Reordering:

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

- A. Proclamation declaring November 2022 as Lung Cancer Awareness Month
- B. Proclamation declaring November 12-20, 2022 as National Hunger & Homelessness Week
- C. Proclamation declaring November 14-18, 2022 as American Education Week
- D. Proclamation declaring November 20, 2022 as Transgender Day of Remembrance
- E. Proclamation declaring November 26, 2022 as Small Business Day

COMMISSION LIAISON REPORTS AND COMMENTS:

CITY MANAGER'S REPORT:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [Regular Meeting - October 18, 2022](#)
- B. [Pre-agenda Work Session - October 26, 2022](#)
- C. [Regular Meeting - November 1, 2022](#)

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

- A. [Lease Renewal with FDOT for the Sidewalk Café Permits](#)

NEW BUSINESS:

- A. [Resolution No. 87-2022 – FY23 Refuse Fund Budget Amendment](#)

CITY ATTORNEY'S REPORT:

UPCOMING MEETINGS AND WORK SESSIONS:

Utility Meeting - November 29 @ 6 PM
Regular Meeting - December 1 @ 6 PM

ADJOURNMENT:

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 81-2022). The Rules of Decorum are posted within the City Hall Chambers, City Hall Conference Room, posted online at: <https://lakeworthbeachfl.gov/government/virtual-meetings/>, and available through the City Clerk's office. Compliance with the Rules of Decorum is expected and appreciated.

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
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, OCTOBER 18, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:01 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:15) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:31) was led by Vice Mayor Christopher McVoy.

PLEDGE OF ALLEGIANCE: (2:09) was led by Commissioner Kimberly Stokes.

ADDITIONS/DELETIONS/REORDERING (2:33)

The City Attorney's Report was reordered to follow the Consent Agenda. Presentation A, the Presentation by County Commissioner Mack Bernard regarding the housing bond issue on the November ballot was deleted from the agenda.

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

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

PRESENTATIONS: (3:56) (there is no public comment on Presentation items)

- A. (deleted) Presentation by County Commissioner Mack Bernard regarding the housing bond issue on the November ballot
- B. The LWB Pool Complex and the path to the 350 million dollar a year Grand Cayman 7-mile beach economy presented by Dan Volker, creator of South Florida Dive Journal, brought forward by Vice Mayor McVoy (3:59)
- C. PBSO quarterly presentation by Captain Todd Baer (20:20)
- D. Presentation of Certificate of Completion for 2022 Institute for Elected Municipal Officials II from Florida League of Cities to Commissioner Malega (42:40)
- E. Proclamation declaring October 17-23, 2022 as Florida City Government Week (44:50)
- F. Proclamation declaring October 2022 as Breast Cancer Awareness Month (47:06)
- G. Proclamation declaring October 23-31, 2022 as Red Ribbon Week (50:07)
- H. Proclamation declaring October 2022 as Domestic Violence Awareness Month (51:57)

COMMISSION LIAISON REPORTS AND COMMENTS: (57:28)

CITY MANAGER'S REPORT:

City Manager Davis provided the following report:

- announced that the mammo van would be at City Hall on November 3, 2022 from 9 AM to 2 PM as part of the employee wellness program
- reported that there was a Care to Share box to check on the electric bills for those residents who wished to contribute and there were options for Customer Services to work with residents on payment plans

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:03:27)

APPROVAL OF MINUTES: (1:42:05)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve the following minutes:

- A. Regular Meeting - September 20, 2022
- B. Special Meeting - September 22, 2022

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

CONSENT AGENDA: (1:42:12) (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Diaz to approve the Consent Agenda:

- A. Second Amendment to the Interlocal Agreement between Palm Beach County and the City for the Homeless Resource Center
- B. Resolution No. 80-2022 – Recognizing the 100th Anniversary of the Florida League of Cities, Inc. (FLC)

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

(reordered from after New Business) **CITY ATTORNEY'S REPORT:** (1:42:20)

- A. Report regarding governance of the CRA

Action: Motion made by Vice Mayor McVoy directing City Attorney Torcivia to prepare an ordinance for the City Commission to take over as the governing board of the CRA. Motion failed for lack of a second.

The meeting recessed at 9:02 PM and reconvened at 9:16 PM.

UNFINISHED BUSINESS: (3:15:30)

- A. Resolution No. 81-2022 – Amending the City Commission's Rules of Procedure

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 81-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE RULES OF PROCEDURE FOR LAKE WORTH BEACH CITY COMMISSION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution No. 81-2022 – Amending the City Commission’s Rules of Procedure adding language that the minutes should be Action Minutes with each item time stamped, requiring a speaker to state their name and address before making a public comment, changing Rule 1 regarding rescheduling meetings the day after a holiday to as soon as reasonably possible following the holiday and adding that public comment would be posted on the website with the first ten comments for each item read by the City Clerk.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy and Commissioners Malega, Stokes and Diaz. NAYS: None.

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to extend the meeting until 11 PM.

Vote: Voice vote showed: AYES: Mayor Resch, and Commissioners Malega, Stokes and Diaz. NAYS: Vice Mayor McVoy.

NEW BUSINESS: (3:53:38)

A. Resolution No. 82-2022 – Establishing the rates, fees and charges for the Local Sewer System (3:53:42)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 82-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, PROVIDING FOR RATES, FEES AND CHARGES FOR USE OF SEWAGE DISPOSAL SYSTEM OF THE CITY OF LAKE WORTH BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS OR PARTS OF RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve Resolution No. 82-2022 – Establishing the rates, fees and charges for the Local Sewer System.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Stokes and Diaz. NAYS: Commissioner Malega.

B. Base Salary increase for City Manager Carmen Davis (3:58:44)

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve the base salary increase for City Manager Carmen Davis.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

- C. Ordinance No. 2022-22 – First Reading - Amending Section 15-24.1 “Definitions” and Section 15-24.5 “Enforcement,” to modify the enforcement process for a noise control violation and for other purposes (4:05:48)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2022-22 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, “OFFENSES--MISCELLANEOUS,” ARTICLE I, “IN GENERAL,” BY AMENDING SECTION 15-24.1 “DEFINITIONS” AND SECTION 15-24.5, “ENFORCEMENT,” WHICH SHALL MODIFY THE ENFORCEMENT PROCESS FOR A NOISE CONTROL VIOLATION AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve Ordinance No. 2022-22 on first reading, setting the second reading and public hearing for November 1, 2022 with the discussed amendments.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

- D. Ordinance No. 2022-23 – First Reading - Amending Chapter 2 “Administration,” Article X “Supplemental Code Compliance Procedures,” Section 2-86 “Code Citation Procedures; Appeals,” Section 2-87 “Civil Penalties,” and Section 2-88 “Classification of Infractions” (4:36:29)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-23 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE X “SUPPLEMENTAL CODE COMPLIANCE PROCEDURES,” SECTION 2-86 “CODE CITATION PROCEDURES; APPEALS,” SECTION 2-87 “CIVIL PENALTIES,” AND SECTION 2-88 “CLASSIFICATION OF INFRACTIONS,” PROVIDING FOR CONSISTENCY WITH CHANGES IN CODES TO BE ENFORCED AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Ordinance No. 2022-23 on first reading, setting the second reading and public hearing for November 1, 2022 with the discussed amendments.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

CITY ATTORNEY'S REPORT:

A. (reordered to follow the Consent Agenda) Report regarding governance of the CRA

UPCOMING MEETINGS AND WORK SESSIONS:

October 25 - Utility Meeting @ 6 PM

October 26 - Pre-agenda Work Session @ 9 AM

November 1 - Regular Meeting @ 6 PM

ADJOURNMENT: (4:48:59)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to adjourn the meeting at 10:49 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Stokes and Diaz. NAYS: None. ABSENT: Commissioner Malega.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved November 15, 2022.

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION PRE-AGENDA WORK SESSION
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 26, 2022 - 9:00 AM**

The meeting was called to order by Mayor Resch on the above date at 9:01 AM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:31) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy, Commissioners Sarah Malega and Reinaldo Diaz. Also present were City Manager Carmen Davis, City Attorney Glen Torcivia, and Deputy City Clerk Shayla Ellis.

UPDATES / FUTURE ACTION / DIRECTION:

Action: Consensus for Commissioner Diaz to draft a resolution in support of Medicare for All and to include, if possible, specific information regarding the city. (3:00)

ADJOURNMENT: (1:02:31)

The meeting adjourned at 10:02 AM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: November 15, 2022

Item time stamps refer to the recording of the meeting which is available on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, NOVEMBER 1, 2022 – 6:00 PM**

The meeting was called to order by Mayor Resch 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: (0:41) Present were Mayor Betty Resch, Vice Mayor Christopher McVoy, Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were City Manager Carmen Davis (via Zoom), Assistant City Manager Juan Ruiz, City Attorney Glen Torcivia and Deputy City Clerk Shayla Ellis.

INVOCATION OR MOMENT OF SILENCE: (0:59) was led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (1:24) was led by Commissioner Sarah Malega.

ADDITIONS/DELETIONS/REORDERING (1:45)

Consent items C, D and E, the three leases at the Casino, were reordered as New Business items C, D and E. New Business items A-E would be heard before Unfinished Business.

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

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

PRESENTATIONS: (3:26) (there is no public comment on Presentation items)

A. Presentation by Richard Pinsky regarding the FY 2022-2023 Legislative Session (3:28)

B. Special Events Update by Lauren Bennett, Leisure Services Director (20:13)

COMMISSION LIAISON REPORTS AND COMMENTS: (25:33)

CITY MANAGER'S REPORT: (32:28)

City Manager Davis provided the following report:

- currently at symposium for City Managers at the University of Georgia
- participated in Read for the Record where she read to students at Sacred Heart and For the Children

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (35:10)

APPROVAL OF MINUTES: (34:51)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve the following minutes:

- A. Regular Meeting - October 6, 2022
- B. Pre-agenda Work Session - October 12, 2022

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

CONSENT AGENDA: (43:35) (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve the Consent Agenda:

- A. Resolution 84-2022 - FDOT License Agreement for 1702 Lake Worth Road
- B. Proclamation declaring November as Native American Indian Heritage Month
- C. (moved to New Business C) Third Amendment to Retail Lease with B. F. Enterprises, Inc., the current tenant
- D. (moved to New Business D) Fourth Amendment to Retail Lease with Pura Vida Treats, Inc., the current tenant
- E. (moved to New Business E) Fifth Amendment to Retail Lease with RVRA, LLC, the current tenant

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

PUBLIC HEARINGS: (43:56)

- A. Ordinance No. 19-2022 – Second Reading – Adopting amendments to Chapter 7 “Beaches, Parks and Recreation” to prohibit smoking and vaping in City parks and on the City’s beach (43:57)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-19 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 7 “BEACHES, PARKS AND RECREATION,” ARTICLE I “PARKS, RECREATIONAL FACILITIES AND PUBLIC PROPERTY,” SECTION 7-9 “REGULATION OF CONDUCT IN PARKS AND RECREATION AREAS AND ON PUBLIC PROPERTY” BY CREATING A NEW SUBSECTION (K) TO BE ENTITLED “SMOKING AND VAPING” TO PROHIBIT SMOKING AND VAPING IN CITY PARKS AND PROVIDING FOR ENFORCEMENT; AND ARTICLE VI “MUNICIPAL BEACH AREA AND MUNICIPAL BEACH,” SECTION 7-80 “ADDITIONAL REGULATIONS APPLYING TO THE MUNICIPAL BEACH AREA,” BY CREATING A NEW SUBSECTION (Z) TO BE ENTITLED “SMOKING AND VAPING” TO BAN SMOKING AND VAPING ON CITY BEACH AND TO PROVIDE FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2022-19 to prohibit smoking and vaping in City parks and on the City’s beach.

Vote: Voice vote showed: AYES: Mayor Resch, and Commissioners Malega, Stokes and Diaz. NAYS: Vice Mayor McVoy

- B. Ordinance No. 2022-22 – Second Reading - Amending Section 15-24.1 “Definitions” and Section 15-24.5 “Enforcement,” to modify the enforcement process for a noise control violation and for other purposes (55:49)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2022-22 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 15, “OFFENSES--MISCELLANEOUS,” ARTICLE I, “IN GENERAL,” BY AMENDING SECTION 15-24.1 “DEFINITIONS” AND SECTION 15-24.5, “ENFORCEMENT,” WHICH SHALL MODIFY THE ENFORCEMENT PROCESS FOR A NOISE CONTROL VIOLATION AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to approve Ordinance No. 2022-22 to modify the enforcement process for a noise control violation and for other purposes.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

- C. Ordinance No. 2022-23 – Second Reading - Amending Chapter 2 “Administration,” Article X “Supplemental Code Compliance Procedures,” Section 2-86 “Code Citation Procedures; Appeals,” Section 2-87 “Civil Penalties,” and Section 2-88 “Classification of Infractions” (57:47)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2022-23 – AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE X “SUPPLEMENTAL CODE COMPLIANCE PROCEDURES,” SECTION 2-86 “CODE CITATION PROCEDURES; APPEALS,” SECTION 2-87 “CIVIL PENALTIES,” AND SECTION 2-88 “CLASSIFICATION OF INFRACTIONS,” PROVIDING FOR CONSISTENCY WITH CHANGES IN CODES TO BE ENFORCED AND FOR OTHER PURPOSES; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Stokes and seconded by Commissioner Diaz to approve Ordinance No. 2022-23 amending Chapter 2 “Administration,” Article X “Supplemental Code Compliance Procedures,” Section 2-86 “Code Citation Procedures; Appeals,” Section 2-87 “Civil Penalties,” and Section 2-88 “Classification of Infractions”.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

NEW BUSINESS: (58:48) (reordered to be heard before Unfinished Business)

A. Resolution No. 85-2022 – Revised Investment Policy System (58:49)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 85-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ESTABLISHING A REVISED INVESTMENT POLICY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution No. 85-2022 – Revised Investment Policy System.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

B. Resolution No. 86-2022 – FY23 Regional Sewer Budget Amendment (59:39)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 86-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, TO ADOPT A BUDGET AMENDMENT TO INCREASE \$1,216,523 OF REVENUES AND \$1,175,696 OF EXPENDITURES DUE TO SCRIVENER'S ERRORS AND CHANGES IN THE EAST CENTRAL REGIONAL WATER RECLAMATION FACILITY (ECR) BUDGET THAT ARE PASSED ON TO THE LAKE WORTH BEACH REGIONAL SEWER FUND FOR THE FISCAL YEAR 2023 REGIONAL SEWER BUDGET BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve Resolution No. 86-2022 – FY23 Regional Sewer Budget Amendment.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

C. (moved from Consent C) Third Amendment to Retail Lease with B. F. Enterprises, Inc., the current tenant (1:01:30)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve the Third Amendment to Retail Lease with B. F. Enterprises, Inc.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

D. (moved from Consent D) Fourth Amendment to Retail Lease with Pura Vida Treats, Inc., the current tenant (1:05:23)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to approve the Fourth Amendment to Retail Lease with Pura Vida Treats, Inc.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

E. (moved from Consent E) Fifth Amendment to Retail Lease with RVRA, LLC, the current tenant (1:05:06)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to approve the Fifth Amendment to Retail Lease with RVRA, LLC.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

UNFINISHED BUSINESS: (1:06:46) (reordered to follow New Business)

A. Discussion of proposed redistricting maps and public input

Action: Consensus to accept map option(s) 2 and 3 from FAU and proceed to a final map option presentation.

Action: Consensus to consider three additional alternative map options for the final map presentation.

CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

UPCOMING MEETINGS AND WORK SESSIONS:

November 7 – Work Session @ 5 PM
November 9 - Pre-agenda Work Session @ 9 AM
November 15 - Regular Meeting @ 6 PM
November 23 - Pre-agenda Work Session @ 9 AM
November 29 - Utility Meeting @ 6 PM

ADJOURNMENT: (1:52:33)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to adjourn the meeting at 7:53 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor McVoy, and Commissioners Malega, Stokes and Diaz. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved November 15, 2022.

Item time stamps correspond to the video recordings of the meetings on YouTube.

STAFF REPORT REGULAR MEETING

AGENDA DATE: November 15, 2022

DEPARTMENT: Public Works

TITLE:

Lease Renewal with FDOT for the Sidewalk Café Permits

SUMMARY:

The Lease Renewal with FDOT authorizes an additional 5 years of Sidewalk Café leasing of sidewalk and valet parking space.

BACKGROUND AND JUSTIFICATION:

On June 13, 2016, the City entered into a Lease Agreement with the Florida Department of Transportation (FDOT) for the leasing of public sidewalk and valet parking space along Lake and Lucerne Avenue that fall within the FDOT right-of-way. The lease agreement allows the City to coordinate with local businesses along Lake and Lucerne to provide additional sidewalk and valet parking space that can then be utilized by these businesses.

City staff has successfully worked with numerous local businesses on this program since entering into the agreement back in 2016. The original Lease Agreement expired on July 6, 2021 and was not available for renewal at the time because FDOT was holding internal discussions on the best method to manage sidewalk café leases. Recently, FDOT determined that it would continue managing sidewalk café's as it had in the past and subsequently provided the City with a new Lease Renewal. The simplified process involves the City receiving a lease payment from a local business based on square footage of the space leased and in turn then pays FDOT for the total amount of space leased. This renewal provides for an additional 5-year lease term to continue the sidewalk café and valet parking space rental. If approved, this lease agreement will be retroactively dated for July 7, 2021.

MOTION:

Move to approve/disapprove the Lease Renewal with FDOT for the Sidewalk Café Permits.

ATTACHMENT(S):

Fiscal Impact Analysis
Lease Renewal

FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Inflows					
Program Income	\$11,968.25	\$11,968.25	\$11,968.25	\$11,968.25	\$11,968.25
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows					
Operating	\$8,287.50	\$8,287.50	\$8,287.50	\$8,287.50	\$8,287.50
Capital	0	0	0	0	0
Net Fiscal Impact	\$3,680.75	\$3,680.75	\$3,680.75	\$3,680.75	\$3,680.75
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

New Appropriation Fiscal Impact:		
	Revenue Source	Expenditure
Department		Public Services
Division		Administration
GL Description	Bldg Permits / Public Services	Other Contractual Service
GL Account Number	001-0000-322-10-50	001-5010-519-34-50
Project Number		
Requested Funds		\$8,287.50

Budget Transfer Impact		
	Revenue Source	Expenditure
Department		
Division		
GL Description		
GL Account Number		
Project Number		
Requested Funds		

Contract Award - Existing Appropriation	
	Expenditure
Department	
Division	
GL Description	
GL Account Number	
Project Number	
Requested Funds	

LEASE RENEWAL

The lease between the State of Florida Department of Transportation, **Lessor**, and the City of Lake Worth, a political subdivision of the State of Florida **Lessee**, originally entered into on June 13, 2016, for a period of five (5) years, is hereby renewed on this date, _____, pursuant to Paragraph 1 of said original Lease Agreement dated June 13, 2016, for an additional five (5) year period beginning on July 7, 2021, and ending on July 6, 2026, subject to the following revision(s):

1. Consideration for the renewal of (5) year term shall be \$5.00 per square-foot for each permitted sidewalk café and valet parking queue on Lake Avenue along with Lucerne Avenue, paid annually beginning July 7, 2022.
2. Lessee acknowledges that the leased area cannot be and is not being used for site plan approval in conjunction with any development order, permits, or any other governmental requirements.
3. Any changes in the use of or improvements/alterations made on or to the leased property shall require a permit issued from Lessor's Permits Office and/or a lease amendment, when applicable. Lessor will advise Lessee of the appropriate document upon request.
4. This lease is subject to all utilities remaining in place and in use or relocated at the expense of Lessee.
5. Lessee agrees to provide Lessor with a copy of any local, state, or federal permit(s) obtained that include the leased area.
6. Lessee acknowledges that the leased area cannot be and is not being used to obtain any grant, award, donation, endowment, subsidy, or allotment for any reason, whether repayable or non-repayable.
7. Lessee agrees that this lease shall not be recorded in the public records without the express written consent of the Department.
8. Nothing is permitted to be discharged into drains/inlets on or adjacent to the leased property, if applicable.
9. The limits of insurance listed in paragraph # 7 are hereby amended to one million dollars (\$1,000,000) for bodily injury or death to any one person or any number of persons in any one occurrence and not less than one million dollars (\$1,000,000) for property damage, or a combined coverage of not less than two million dollars (\$2,000,000).

All other provisions, terms and conditions of the original Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first written above.

City of Lake Worth (LESSEE)

By: _____

Date: _____

Name: _____

Title: _____

ATTEST:

Signature

Print name

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION (LESSOR)

By: _____

Date: _____

Name: Gerry O'Reilly, P.E.

Title: District Four Secretary

ATTEST:

Signature (Seal)

Name: Alia E. Chanel

Title: Executive Secretary

APPROVED AS TO FORM:

Signature

Name: Elizabeth Quintana

Title: Senior Attorney

STAFF REPORT REGULAR MEETING

AGENDA DATE: November 15, 2022

DEPARTMENT: Public Works

TITLE:

Resolution No. 87-2022 – FY23 Refuse Fund Budget Amendment

SUMMARY:

Resolution 87-2022 adopts a budget amendment to the FY23 Refuse Fund increasing \$127,000 in salaries and benefits for the hiring of two additional “Equipment Operator II” employees.

BACKGROUND AND JUSTIFICATION:

The Solid Waste and Recycling Division of the Public Works Department is actively engaged in the collection and disposal of refuse and recyclable materials throughout the City. As part of these activities it is necessary that adequate staffing levels be maintained to facilitate daily completion of assigned routes. Unavoidable staffing shortages caused by injury and illness result in insufficient staffing levels resulting in longer shifts for equipment operators as well as incomplete assigned routes. This can lead to reduced staff efficiency, moral, and safety as well as generate public health concerns due to the delayed collection of putrescible waste. The funding of two equipment operator positions will improve the divisions ability to meet staffing requirements. These two positions were included and authorized in the employee position count approved at the 2nd Budget Hearing. This item is to fund the previously approved positions.

This budget amendment increases salaries and benefits by \$75,000 and \$52,000, respectively, which will be funded by current revenues. The FY23 refuse fund budget currently projects a revenue surplus equaling approximately \$562,000. This budget amendment will negatively impact the projected revenue surplus from approximately \$562,000 to \$435,000.

Resolution 87-2022 establishes the amended budget for FY23.

MOTION:

Move to approve/disapprove Resolution No. 87-2022 to adopt the budget amendment to the FY23 Refuse Fund, increasing expenditures by \$127,000.

ATTACHMENT(S):

Fiscal Impact Analysis
Resolution 87-2022

FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Inflows					
Current Appropriation	0	0	0	0	0
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows					
Operating	\$127,000	0	0	0	0
Capital	0	0	0	0	0
Net Fiscal Impact	(\$127,000)	0	0	0	0
No. of Addn'l Full-Time Employee Positions					
	2	0	0	0	0

New Appropriation Fiscal Impact:		
	Revenue Source	Expenditure
Department	N/A	Public Services
Division	N/A	Residential Collection
GL Description	N/A	Salaries & Wages
GL Account Number	N/A	410-5081-534.12-10
Project Number	N/A	N/A
Requested Funds	N/A	\$75,000

New Appropriation Fiscal Impact:		
	Revenue Source	Expenditure
Department	N/A	Public Services
Division	N/A	Residential Collection
GL Description	N/A	Benefits (FICA, Pension, Health Insurance etc....)
GL Account Number	N/A	Various
Project Number	N/A	N/A
Requested Funds	N/A	\$52,000

Contract Award - Existing Appropriation: N/A	
	Expenditure
Department	
Division	
GL Description	
GL Account Number	
Project Number	
Requested Funds	

RESOLUTION NO. 87-2022 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, TO ADOPT A BUDGET AMENDMENT TO INCREASE \$127,000 OF EXPENDITURES FOR THE HIRING OF TWO ADDITIONAL EMPLOYEES WITHIN THE REFUSE FUND BUDGET FOR THE FISCAL YEAR 2023 BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the "City") previously adopted the Fiscal Year (FY) 2023 Annual Operating Budget pursuant to Resolution No. 69-2022 on September 22, 2022;

WHEREAS, the City finds it is necessary and essential to amend the budget for the Refuse fund to reflect amounts needed to fund operating expenditures and meet staffing requirements for FY 2023;

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, 2022, and ending and including September 30, 2023.

Section 3 The funds and available resources and revenues that are set out in the previously adopted FY2023 Annual Operating Budget for the Refuse fund and incorporated herein by reference, will provide the monies to pay the necessary additional expenditures.

Section 4. The sums set out in the respective fiscal impact 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 revised budget for the operation of the City and its other enterprises for the fiscal year.

Section 5. Except as amended in the fiscal impact hereto, the remainder of the FY 2023 Annual Operating Budget for the fiscal year remains in full force and effect.

Section 6. This resolution shall become effective immediately upon its passage.

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

Mayor Betty Resch

Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 15th day of November 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk