



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, AUGUST 01, 2023 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Mayor Betty Resch

PLEDGE OF ALLEGIANCE: led by Commissioner Sarah Malega

AGENDA - Additions / Deletions / Reordering:

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

- A. Presentation regarding Community Partnership School at Lake Worth High School by Rebecca A. Harley, MS, Director brought forward by Mayor Resch
- B. Proclamation declaring August 6, 2023 as Salvadoran-American Day

COMMISSION LIAISON REPORTS AND COMMENTS:

CITY MANAGER'S REPORT:

CITY ATTORNEY'S REPORT:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES:

- A. [Budget Work Session #1 - July 10, 2023](#)
- B. [Pre-agenda Work Session - July 14, 2023](#)
- C. [Regular Meeting - July 18, 2023](#)

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

- A. [Resolution No. 29-2023 -- approving the FY 2023 Justice Assistance Grant Application](#)

PUBLIC HEARINGS:

- A. [Ordinance No. 2023-14 – Second Reading - Revising Sections 2-82 & 2-83 relating to the City Tree Board, and changing its name to the Tree & Landscape Board](#)
- B. [Ordinance No. 2023-15 – Second Reading - sunseting the City Recreation Advisory Board](#)

NEW BUSINESS:

- A. [Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages \(beer & wine only\) at the Presidente Supermarket at 2505 North Dixie Highway](#)

UPCOMING MEETINGS AND WORK SESSIONS:

August 7 @ 6 pm - Budget Work Session #3
August 11 @ 9 am - Pre-Agenda Work Session
August 15 @ 6 pm - Regular Meeting

ADJOURNMENT:

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 13-2023). 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
CITY COMMISSION BUDGET WORK SESSION #1
CITY HALL COMMISSION CHAMBER
MONDAY, JULY 10, 2023 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:08 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:45) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy and Commissioners Sarah Malega and Reinaldo Diaz. Also present were City Manager Carmen Davis and Deputy City Clerk Shayla Ellis. Commissioner Kimberly Stokes was absent.

PLEDGE OF ALLEGIANCE: (1:10) led by Commissioner Reinaldo Diaz.

UPDATES / FUTURE ACTION / DIRECTION: (2:03)

A. Overview of the City's FY 2024 Operating and Capital Budgets (6:05)

Action: Consensus to schedule a discussion regarding the upper-level of the casino ballroom space and the current upper-level office spaces. (2:32:54)

ADJOURNMENT: (2:41:3507)

The meeting adjourned at 8:46 PM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: August 1, 2023

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
FRIDAY, JULY 14, 2023 - 9:00 AM**

The meeting was called to order by Mayor Resch on the above date at 9:05 AM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (1:08) 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 City Clerk Melissa Ann Coyne. Commissioner Kimberly Stokes was absent.

UPDATES / FUTURE ACTION / DIRECTION: (1:34)

Action: Consensus to not accept wedding applications going forward. (21:09)

ADJOURNMENT: (55:40)

The meeting adjourned at 9:58 AM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: August 1, 2023

Item time stamps correspond to the recording of the meeting on YouTube.

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, JULY 18, 2023 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:03 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:29) 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: (0:57) was led by Vice Mayor Christopher McVoy.

PLEDGE OF ALLEGIANCE: (1:50) was led by Commissioner Sarah Malega.

ADDITIONS/DELETIONS/REORDERING:

There were no changes to the agenda.

PRESENTATIONS: (3:09) (there is no public comment on Presentation items)

- A. Presentation of Challenge Coins to Lt. Rafel Suarez, Paramedic Brandon Sharp and Firefighter Angelica Bondonese from Palm Beach County Fire Rescue (3:12)
- B. Presentation by Melissa Landis, Education Director of Lake Worth Waterkeeper, regarding the State of our Water (6:27)
- C. Proclamation declaring July 2023 as National Parks and Recreation Month (21:32)
- D. Proclamation declaring July 19, 2023 as the 12th Annual KidsFit Jamathon (25:13)
- E. PBSO Community Policing Update by Capt. Todd Baer (27:07)

COMMISSION LIAISON REPORTS AND COMMENTS: (58:14)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega nominating Mayor Resch as the voting delegate for the Florida League of Cities' annual meeting in August

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

CITY MANAGER'S REPORT: (1:29:11)

City Manager Davis provided the following report:

- stated that she had received the annual report from Palm Beach Fire Rescue
- announced that Lake Worth Beach's Got Talent sponsored by For The Children, would be held on August 4 at the Lake Worth High School at 6 PM
- extended the economic development agreement for the Gulfstream Hotel for 180 days; any further extensions would be brought to the commission

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:3:41)

APPROVAL OF MINUTES: (1:49:47)

Action: Motion made by Commissioner Diaz and seconded by Commissioner Malega to approve the following minutes:

- A. Pre-Agenda Work Session - June 9, 2023
- B. Regular Meeting - June 20, 2023

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

CONSENT AGENDA: (public comment allowed during Public Participation of Non-Agendaed items) (1:49:59)

- A. Ratification of Memorandum of Understanding (MOU) between the City of Lake Worth Beach and the International Brotherhood of Electrical Workers (IBEW)
- B. Standard Insurance Policies for FY 2023/24 Employee Health and Welfare Benefits
- C. 2023 Internal Auditor's Annual Audit Plan
- D. Resolution No. 22-2023 - Establish the Proposed Millage Rate for fiscal year 2023-2024
- E. Resolution No. 24-2023 - Establish the Proposed Tentative Voter Approved Debt Rate for fiscal year 2023-2024
- F. Resolution No. 25-2023 - Directing the preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2023-2024
- G. Resolution No. 26-2023 - Directing the preparation of the Preliminary Stormwater Assessment Roll for fiscal year 2023-2024

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

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

The meeting recessed at 7:53 PM and reconvened at 8:04 PM.

PUBLIC HEARINGS: (2:01:27)

- A. Ordinance No. 2023-06 - First Reading – Amending multiple sections of Chapter 23 “Land Development Regulations” to address several housekeeping and minor changes for clarity, to provide for a reduction in the side setback requirements to 5 feet for accessory structures and pools on lots greater than 50 feet, to provide for new standards for street walls, and to expand and clarify the waiver provisions (2:01:43)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE 2023-06 - 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 2 “ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-27 - WAIVER; ARTICLE 2 “ADMINISTRATION,” DIVISION 3, “PERMITS,” SECTION 23.2-31 - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-7 – SF-R - SINGLE-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-8 – SF-TF 14 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-10 – MF-20 - MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-11 – MF-30 - MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 3 “ZONING DISTRICTS,” DIVISION 2, “RESIDENTIAL DISTRICTS,” SECTION 23.3-12 – MF-40 - HIGH DENSITY MULTI-FAMILY RESIDENTIAL; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-1 – SECONDARY (ACCESSORY) DWELLING UNIT; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-10 – OFF-STREET PARKING; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; ARTICLE 4 “DEVELOPMENT STANDARDS,” SECTION 23.4.16. – MECHANICAL SYSTEMS / EQUIPMENT FOR EXISTING RESIDENTIAL STRUCTURES, ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 – SIGNS; ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-3 – NONCONFORMITIES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Diaz to approve Ordinance 2023-06 on first reading, setting the second reading and public hearing for August 15, 2023, striking the text “to this subsection for the purpose of providing affordable / workforce housing, or to allow for an accommodation for accessibility,” in Exhibit I as recommended by the Planning & Zoning Board, for second reading.

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

- B. Ordinance No. 2023-10 - First Reading - Amending the City's Comprehensive Plan adding a new property rights element as required by F.S. 163.3177(6)(i) (2:35:55)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to approve Ordinance No. 2023-13 2023-10 on first reading, transmitting to the Florida Department of Economic Opportunity for review, and scheduling the second reading and public hearing after review by the State.

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

UNFINISHED BUSINESS: (2:38:25)

- A. Consideration of an Amended and Restated Purchase and Sale Agreement with the Lake Worth Beach Redevelopment Agency (CRA) for properties located at 1602 Lake Avenue and 15 North B Street (2:38:27)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the amended and restated Purchase and Sale Agreement with the Lake Worth Beach Redevelopment Agency (CRA) for properties located at 1602 Lake Avenue and 15 North B Street.

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

- B. Resolution No. 13-2023 – Amending the City Commission Rules of Procedure (2:44:52)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 13-2023 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 Commissioner Malega and seconded by Commissioner Diaz to approve Resolution No. 13-2023 amending the City Commission Rules of Procedure

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

- C. Resolution No. 21-2023 – Approving a Correction to the Fees & Charges for Cemetery Fees related to the reconveyance of plots to the City (2:56:20)

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 21-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CORRECTING THE FEES AND CHARGES SCHEDULE FOR CEMETERY FEES, RECONVEY PLOT TO CITY, FOR FISCAL YEAR 2023; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Malega to approve Resolution No. 21-2023 approving a Correction to the Fees & Charges for Cemetery Fees related to the reconveyance of plots to the City.

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

- D. Ordinance No. 2023-14 – First Reading - Revising Sections 2-82 & 2-83 relating to the City Tree Board, and changing its name to the Tree & Landscape Board (2:56:55)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-14 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 2-82 AND SECTION 2-83 TO RENAME THE "CITY TREE BOARD" TO THE "TREE & LANDSCAPE BOARD," TO REVISE THE BOARD'S ADVISORY DUTIES FOR CLARITY AND SPECIFICITY, TO REDUCE THE MEMBERS FROM SEVEN TO FIVE, AND TO MODIFY THE BOARD'S MEMBERS, TERMS AND VACANCY REQUIREMENTS FOR CONSISTENCY WITH ORDINANCE 2022-02; AND PROVIDING FOR SEVERABILITY, THE REPEALS OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to approve Ordinance No. 2023-14 on first reading, setting the second reading and public hearing for August 1, 2023.

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

NEW BUSINESS: (3:28:35)

- A. Ordinance No. 2023-15 – First Reading – sunseting the City Recreation Advisory Board (3:28:38)

City Attorney Torcivia read the ordinance by title only.

ORDINANCE NO. 2023-15 OF THE CITY OF LAKE WORTH BEACH, FLORIDA,

REPEALING ARTICLE XI OF CHAPTER 2 OF THE CODE OF ORDINANCES IN ORDER TO SUNSET THE CITY RECREATION ADVISORY BOARD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2023-15 on first reading, setting the second reading and public hearing for August 1, 2023.

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

B. Purchase Order with Nextran Truck Center for the procurement of a new 60/40 Recycle Collection Truck (3:34:17)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve the Purchase Order with Nextran Truck Center for the procurement of a new 60/40 Recycle Collection Truck.

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

CITY ATTORNEY'S REPORT: (3:35:32)

City Attorney Torcivia provided the following report:

The City Attorney desired advice from the City Commission concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the case of City of Lake Worth Beach v. North H Enterprises, Inc., 15th Judicial Circuit Court (Case No. 50-2020-CA-009354), and was requesting an attorney-client session to be scheduled for July 25, 2023, at 5:00 p.m. The estimated length of the attorney-client session would be approximately one (1) hour. The session would be attended by the members of the City Commission: Mayor Resch, Vice Mayor McVoy; Commissioner Malega, Commissioner Stokes and Commissioner Diaz. City Manager Carmen Davis, City Attorney Glen Torcivia, and outside counsel Brian Sherman. A certified court reporter would also be present to ensure that the session was fully transcribed, and the transcript would be made public upon the conclusion of the above-cited, ongoing litigation.

UPCOMING MEETINGS AND WORK SESSIONS:

July 20 @ 6 pm - Work Session
July 24 @ 6 pm - Budget Work Session #2
July 25 @ 5 pm - Attorney-Client Session
July 25 @ 6 pm - Utility Meeting
July 29 @ 9 am - Board Interviews
August 1 @ 6 pm - Regular Meeting

ADJOURNMENT: (3:37:47)

Action: Motion made by Commissioner Malega and seconded by Vice Mayor McVoy to adjourn the meeting at 9:41 PM.

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

ATTEST:

Betty Resch, Mayor

Melissa Ann Coyne, City Clerk

Minutes approved August 1, 2023

Item time stamps correspond to the video recording of the meeting on YouTube.

DRAFT

STAFF REPORT REGULAR MEETING

AGENDA DATE: August 1, 2023

DEPARTMENT: Leisure Services

TITLE:

Resolution No. 29-2023 -- approving the FY 2023 Justice Assistance Grant Application

SUMMARY:

The resolution approves and authorizes the submission of an application to the Bureau of Justice Assistance for the City's Fiscal Year 2023 Justice Assistance Grant formula award of \$36,560. The City intends to use these funds to support the Literacy Program Specialist position to provide general management, oversight and coordination of the City's out-of-school literacy, prevention and education programs for at-risk youth to be conducted at the City's Municipal Library and in the community.

BACKGROUND AND JUSTIFICATION:

The Department of Justice, Bureau of Justice Assistance (BJA) has recently notified the City of its eligibility for Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) funding under the Local JAG solicitation in the amount of \$36,560. These funds are made available to the City for eligible local initiatives and activities that include law enforcement, programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment and enforcement programs, planning, evaluation and technology programs, and crime victim and witness programs. The term of the award is from October 1, 2023 through September 30, 2027.

The City proposes to use this allocation of Fiscal Year 2023 JAG program funding for the continued support of the Literacy Program Specialist position. This full-time position is fully grant funded and is responsible for general management, oversight and coordination of the out-of-school literacy, prevention and out-of-school programs offered at the City's public library, as well as in the community. This is an eligible prevention and education program under the JAG program guidelines.

Resolution No. 29-2023 approves the submission of the City's application for Fiscal Year 2023 JAG funding for this purpose. It further authorizes the Mayor to execute the Certification and Assurances form once all public comment requirements have been satisfied. The City must make its proposed application available to the public for review and comment prior to submission.

The JAG program guidelines allow the City to submit a Grant Adjustment Modification (GAM) request to change the scope of the project if it becomes necessary to re-purpose the use of these funds after they have been awarded. The revised project scope proposed in the GAM can redirect the JAG award funding to support any of the aforementioned eligible uses.

MOTION:

Move to approve/disapprove Resolution No. 29-2023 approving the submission of the City's application for Fiscal Year 2023 JAG funding in the amount of \$36,560, and authorizing the Mayor to execute the Certification and Assurances form once all public comment requirements have been met.

ATTACHMENT(S):

Fiscal Impact Analysis -N/A
Resolution 29-2023
Certification and Assurances Form

RESOLUTION NO. 29-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR GRANT FUNDS PROVIDED THROUGH THE FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM IN THE AMOUNT OF \$36,560; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has received notification from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance of its eligibility to apply for assistance under the Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) program via the Local JAG program solicitation; and

WHEREAS, the Fiscal Year 2023 JAG program allocation of the City has been established by formula in the amount of \$36,560 for eligible local initiatives and activities; and

WHEREAS, the provision of out-of-school programs for at-risk youth is an eligible youth is an eligible prevention and education activity under JAG program guidelines; and

WHEREAS, the City desires to apply for Fiscal Year 2023 JAG program funds to support the Literacy Program Specialist position to provide general oversight, management and coordination of the out-of-school literacy, prevention and education programs for at-risk youth at the City's public library and in the community; and

WHEREAS, this will serve a valid public purpose.

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

SECTION 1: The City Commission of the City of Lake Worth Beach, Florida, hereby approves the submission of an application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for grant funds made available through the Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant program in the amount of \$36,560 to support the Literacy Program Specialist position to provide general oversight, management and coordination of the out-of-school literacy, prevention and education programs for at-risk youth at the City's public library and in the community. .

SECTION 2: The City Commission of the City of Lake Worth Beach, Florida hereby authorizes the Mayor to execute the Certification and Assurances form once all public comment requirements have been satisfied.

SECTION 3: Upon execution of the resolution, one copy shall be forwarded to the Leisure Services Director. The fully executed original shall be maintained by the City Clerk as a public record of the City.

SECTION 4: This resolution shall become effective upon adoption.

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 _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Memorial Justice Assistance Grant Program FY 2023 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2023 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government

STAFF REPORT REGULAR MEETING

AGENDA DATE: August 1, 2023

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2023-14 – Second Reading - Revising Sections 2-82 & 2-83 relating to the City Tree Board, and changing its name to the Tree & Landscape Board

SUMMARY:

At the May 16, 2023 City Commission meeting, the City Commission provided direction on proposed changes to the name and official duties / functions of the City Tree Board. The proposed ordinance is intended to reflect that direction, including renaming the board to the Tree & Landscape Board.

BACKGROUND AND JUSTIFICATION:

The City Tree Board was created in 1990. Sections 2-82 & 2-83 of the City's Code of Ordinances, which establish the board's advisory function and composition, were last amended in 2004 (Ordinance 2004-48). At the April 17, 2023 work session, the City Commission provided direction on desired future changes to the name of the board, and its functions and composition. An initial draft (Ordinance 2023-08) was presented to the City Commission on May 16, 2023, where the Commission requested modifications to the proposed ordinance for clarity and to continue the first reading to July. The proposed modified ordinance with a new ordinance number (Ordinance 2023-14) is presented for the review and approval of the City Commission.

The revisions to the Ordinance include: changing the name of the board; reducing the number of members from seven (7) to five (5); providing for technical qualifications for two (2) of the five (5) board members; modifying language regarding board member terms for consistency Section 2-9; clarifying the board's authority to reflect its existing activities, including outreach and public education; and, allowing for the review of changes to City's landscaping review for consistency with the University of Florida's Florida-Friendly Landscaping Program and industry best practices only.

The ordinance passed unanimously on first reading at the July 18, 2023 meeting.

MOTION:

Move to approve/disapprove Ordinance No. 2023-14 revising Sections 2-82 & 2-83 relating to the City Tree Board, and changing its name to the Tree & Landscape Board .

ATTACHMENT(S):

Ordinance 2023-14

ORDINANCE NO. 2023-14 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE IX OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 2-82 AND SECTION 2-83 TO RENAME THE "CITY TREE BOARD" TO THE "TREE & LANDSCAPE BOARD," TO REVISE THE BOARD'S ADVISORY DUTIES FOR CLARITY AND SPECIFICITY, TO REDUCE THE MEMBERS FROM SEVEN TO FIVE, AND TO MODIFY THE BOARD'S MEMBERS, TERMS AND VACANCY REQUIREMENTS FOR CONSISTENCY WITH ORDINANCE 2022-02; AND PROVIDING FOR SEVERABILITY, THE REPEALS OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Worth Beach wishes to encourage citizen participation in the beautification of our community through education and outreach on the importance of shade trees and the recommendations by the University of Florida's Florida-Friendly Landscaping Program; and

WHEREAS, the City Commission wishes to reapply and maintain the National Arbor Foundation designation as a "Tree City USA" in an effort to promote understanding of the importance of trees in Lake Worth Beach; and

WHEREAS, the City Commission wishes to update and clarify the renamed Tree & Landscape Board's advisory functions.

WHEREAS, the City Commission wishes to modify the Board's members, terms and vacancy requirements for consistency with Ordinance 2022-02.

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

Section 1. Chapter 2, Article IX, of the Code of Ordinances is hereby amended to read as follows:

Chapter 2

ADMINISTRATION

• • •

ARTICLE IX. CITY TREE & LANDSCAPE BOARD

• • •

Sec. 2-82. Creation; Advisory function.

There is hereby created and established an official city tree & landscape board to serve in a planning and advisory capacity to the city commission on tree and landscaping related

~~issues as follows: The purpose of the board is to establish policy and provide standards within the city landscape ordinance for tree preservation and protection, both public and private. This policy will include, but not be limited to: providing educational materials on proper planting, pruning techniques, insect and disease control; planting of native species; inventory of existing trees; permit guidelines including rules for tree removal; opportunities for citizen involvement; and city tree sales. The board will also recommend the planting of trees which will provide a continuing shade canopy into the future.~~

- ~~(a) Review and provide a recommendation on the City's landscaping work plan addressing the planting and maintenance of trees and landscaping on City property;~~
- ~~(b) Review and provide a recommendation on amendments to the City's landscape requirements based on consistency with the University of Florida's Florida-Friendly Landscaping Program and industry best practices;~~
- ~~(c) Review and provide recommendations on public information and outreach related to the promotion of shade trees and the University of Florida's Florida-Friendly Landscaping Program. Public outreach may include educational materials and events on proper planting, pruning techniques, insect and disease control; planting of native species and tree preservation;~~
- ~~(d) Advise on public outreach events related to Arbor Day observances including festivals and tree giveaways or sales in support of maintaining the City's Tree City USA designation; and~~
- ~~(e) Provide recommendations to the city commission on expenditures from the Tree Canopy Restoration Fund.~~

Sec. 2-83. Members, terms and vacancies.

- ~~(a) The official city tree board of the City of Lake Worth shall be comprised of the following members: seven (7) resident members. Effective July 31, 2013, two (2) resident members shall be appointed for one-year terms, two (2) resident members shall be appointed for two-year terms, and three (3) resident members shall be appointed for three-year terms. Thereafter, all succeeding resident members would serve three-year terms. The city horticulturist shall be the advisor to the board. The official tree & landscape board shall be composed of five (5) volunteer members, appointed by the city commission, to serve in that capacity unless and until he/she/they is removed from office pursuant to law or a vacancy that otherwise occurs as consistent with the Section 2-9 – City board appointment process, terms of office and residence. The provisions in Section 2-9 shall serve as the members, terms and vacancies requirements for the tree & landscape board unless otherwise stated in this section.~~
- ~~(b) The membership of the tree & landscape board shall include two (2) members to the extent available who have certifications, licenses and/or education as a landscape architect, arborist, horticulturist, master gardener or have education/training/degree in one of the following areas: landscape architecture, botany, ecology, horticulture, agriculture, sustainability or a related field. The remaining three (3) members shall be members at large, who have demonstrated an interest, appreciation, understanding and/or knowledge of South Florida friendly landscapes.~~
- ~~(c) The tree & landscape board shall elect its own chairperson and vice chairperson annually at the first meeting in January. The board shall vote to approve written minutes of each meeting taken by the secretary, which shall also include the meeting attendance. The City Horticulturalist or designee shall serve as the secretary and staff~~

liaison in a non-voting capacity.

~~(b) The board shall elect its officers annually for a term of one (1) calendar year at the first meeting in January:~~

~~(1) Chairperson. Presides at meetings of the board and makes presentations, written and oral, on behalf of the board to the city commission and the city manager.~~

~~(2) Vice chairperson. Performs the duties of the chairperson in his/her absence.~~

~~(3) Secretary. Records the minutes and attendance at each meeting.~~

Section 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions or this Ordinance are declared severable.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall become effective ten (10) days after passage.

The passage of this ordinance on first reading was moved by Vice Mayor McVoy, seconded by Commissioner Diaz, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Christopher McVoy	AYE
Commissioner Sarah Malega	AYE
Commissioner Kimberly Stokes	AYE
Commissioner Reinaldo Diaz	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 18th day of July, 2023.

The passage of this ordinance on second reading was moved by _____, seconded by Commissioner _____, as amended 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 ordinance duly passed on the _____ day
of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

STAFF REPORT REGULAR MEETING

AGENDA DATE: August 1, 2023

DEPARTMENT: Leisure Services

TITLE:

Ordinance No. 2023-15 – Second Reading - sunseting the City Recreation Advisory Board

SUMMARY:

The Ordinance repeals Article XI of Chapter 2 of the Code of Ordinances in order to sunset the City Recreation Advisory Board.

BACKGROUND AND JUSTIFICATION:

In 2005, the City Commission created the City Recreation Advisory Board (Rec Board) to make advisory recommendations to the City Commission, City Manager and Recreation Manager on matters affecting recreation policies, programs, finances and future land or facility capital projects. The Board also assists in promoting community awareness and involvement in recreation programs and initiatives. By its ordinance, the Board is required to meet monthly with four (4) board members present to constitute a quorum. However, since October, 2016, the Recreation Advisory Board has failed to meet due to a lack of quorum. At this time, there are 4 vacancies on the Board which have not been filled.

The City certainly values all of its board members and appreciates their service. However, when the Rec Board was established in 2005, the city and its needs were vastly different. The Recreation Manager has evolved into the Leisure Services Director who oversees many divisions in addition to recreation. The requirements of the department have changed, making the Rec Board, in its current form, unnecessary. In addition, the continual cancellation of meetings for lack of a quorum wastes the active board members' time. The proposed Ordinance seeks to repeal the Recreation Advisory Board ordinance in order to sunset the Board so that its active members can be better utilized by the City in other productive capacities. The Ordinance passed first reading unanimously on July 18.

MOTION:

Move to approve/disapprove Ordinance No. 2023-15 sunseting the Recreation Advisory Board..

ATTACHMENT(S):

Ordinance 2023-15

Ordinance 2005-36 creating the Recreation Advisory Board

ORDINANCE NO. 2023-15 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REPEALING ARTICLE XI OF CHAPTER 2 OF THE CODE OF ORDINANCES IN ORDER TO SUNSET THE CITY RECREATION ADVISORY BOARD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, in 2005, the City Commission of the City of Lake Worth Beach created the City Recreation Advisory Board to make recommendations to make advisory recommendations to the City Commission, City Manager and Recreation Manager on matters affecting recreation policies, programs, finances and future land or facility capital projects; and, to assist in promoting community awareness and involvement in recreation programs and initiatives; and

WHEREAS, by its ordinance, Article XI of Chapter 2, the Recreation Advisory Board is required to meet monthly with four (4) board members present to constitute a quorum; and

WHEREAS, since October, 2016, the Recreation Advisory Board has failed to meet due to a lack of quorum; and

WHEREAS, at this time, there are 4 vacancies on the Board which have not been filled; and

WHEREAS, while the Recreation Advisory Board has provided invaluable advisory assistance and recommendations to the City in the past, the City Commission believes the Recreation Advisory Board's role has concluded and the Board's active members should be utilized in other capacities to further assist the City; and

WHEREAS, the City Commission of the City of Lake Worth Beach deems it to be in the best interests of the citizens and residents of the City to sunset the City Recreation Advisory Board.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Chapter 2, Article XI, entitled "City Recreation Advisory Board" of the Code of Ordinances of the City of Lake Worth Beach, is hereby repealed which includes repealing sections 2-91, 2-92, 2-93, 2-94 and 2-95.

Section 3: If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the

provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

Section 4: That any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5: This ordinance shall become effective ten (10) days after passage.

The passage of this ordinance on first reading was moved by Commissioner Malega, seconded by Commissioner Stokes and upon being put to a vote, the vote was as follows:

Mayor Betty Resch	AYE
Vice Mayor Christopher McVoy	AYE
Commissioner Sarah Malega	AYE
Commissioner Kimberly Stokes	AYE
Commissioner Reinaldo Diaz	AYE

The Mayor thereupon declared this ordinance duly passed on first reading on the 18th day of July, 2023.

The passage of this ordinance on second reading was moved by _____, seconded by _____, 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 ordinance duly passed on the ____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

ORDINANCE NO. 2005-36 OF THE CITY OF LAKE WORTH, FLORIDA, ADDING ARTICLE XI AND SECTIONS 2-91 THROUGH 2-95 OF THE CODE OF ORDINANCES TO CREATE THE CITY RECREATION ADVISORY BOARD; PROVIDING THE PURPOSE, DUTIES, MEMBERSHIP, AND MEETINGS OF THE BOARD; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH, FLORIDA, that:

Section 1. Article XI and sections 2-91 through 2-95 of Chapter 2 of the Code of Ordinances are added to read as follows:

Chapter 2

ADMINISTRATION

ARTICLE XI. CITY RECREATION ADVISORY BOARD

Sec. 2-91. Creation; advisory function.

There is hereby created and established a City Recreation Advisory Board to serve in an advisory capacity to the City Commission, the City Manager, and the Recreation Manager. The Board shall serve as liaison between the Recreation Department and the citizens of the community. The Board shall consult with and advise the City Manager, Recreation Manager, and the City Commission in matters affecting recreation policies, programs, finances and future land or facility capital projects related to the total community recreation program and to its long-range plans. It is also the purpose of the Board to assist in promoting community awareness and involvement in recreation programs and initiatives and to assist the City in planning for future facility and program needs.

Sec. 2-92. Duties.

It shall be the duty of the Board to:

1. Solicit and gather input from citizens concerning parks and recreation facilities and programs and relate this information to the Recreation Manager.
2. Continually review the Recreation Department's programs, sites, and facilities and submit any suggestions they may have.
3. Assist in the promotion of recreation programs and encourage community involvement and volunteerism.
4. Assist with the planning for and the development of adequate passive and active park and open space, recreational sites, and activities in accordance

with funds allocated to the Recreation Department through the general fund budget and the Capital Improvements Plan.

Assist in identifying alternative sources of funding to improve the overall delivery of recreation services including grants and to seek approval from the City Commission to initiate the necessary application for such funds.

6. To assist in studies and research into the area of parks and recreation as deemed necessary.

L Submit written reports to the City Commission, City Manager, and Recreation Manager when deemed necessary.

Sec. 2-93. Membership.

(a) The Recreation Advisory Board shall be comprised of the following members: six resident members appointed by the City Commission and one student member appointed by the Lake Worth Teen Advisory Council. The resident members shall serve for three (3) year terms. The student member shall serve a one (1) year term and have voting rights, but shall not be counted for the purpose of creating a quorum.

(b) If any member of the Board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty five (25) percent of the meetings of the Board held within any 12-month period, the city clerk shall declare the member's office vacant, and the City Commission shall promptly fill such vacancy.

Lc/ The City Commission may remove any member of the Board for misconduct or neglect of duty.

(d) The Board shall elect its officers for a term of one calendar year, not to exceed the member's appointed term.

Chairperson - Presides at meetings of the Board and makes presentations, written and oral, on behalf of the Board to the City Commission and the Recreation Manager.

if Vice-Chairperson - Performs the duties of the Chairperson in his/her absence.

L9.) Secretary - Records the minutes and attendance at each meeting.

Sec. 2-94. Meetings.

(a) The Board shall meet at least once a month.

(b) Four (4) members of the Board shall constitute a quorum for the performance of the duties of the Board at any time.

Sec. 2-95. Recreation Manager.

The Recreation Manager is an ex-officio member (by virtue of his/her office) of the Board and attends Board meetings. The Recreation Manager shall serve only in an advisory capacity. The Manager shall have a continuing responsibility to explain the organization, responsibilities and program objectives to the Board. The Manager shall work closely with the Board in matters of interest to the operation of efficient programs and inform the Board concerning the interests, needs, objectives, progress, plans, and other factors of importance. The Manager shall be the official medium of communication between the Recreation Department and the Board. A Recreation Department staff member shall attend Board meetings in the Manager's absence.

Section 2. Section 1 of this Ordinance shall be codified.

Section 3. This Ordinance shall become effective ten (10) days after passage.

The passage of this Ordinance on first reading was moved by Commissioner Lowe, seconded by Vice Mayor McKinnon, and upon being put to a vote, the vote was as follows:

Mayor Marc J. Drautz	AYE
Vice Mayor Colburn H. McKinnon	AYE
Commissioner Retha Lowe	AYE
Commissioner Nadine Burns	AYE
Commissioner Joe Egly	AYE

The Mayor thereupon declared this Ordinance duly passed on first reading on the 4th day of October 2005.

The passage of this Ordinance on second reading was moved by Vice Mayor McKinnon, seconded by Commissioner Lowe, and upon being put to a vote, the vote was as follows:

Mayor Marc J. Drautz	AYE
Vice Mayor Colburn H. McKinnon	AYE
Commissioner Retha Lowe	AYE
Commissioner Nadine Burns	AYE
Commissioner Joe Egly	AYE


The Mayor thereupon declared this Ordinance duly passed and enacted on the 18th day of October 2005.

LAKE WORTH CITY COMMISSION

By: _____

Marc J. Drautz, Mayor

ATTEST:


Pamela J. Lopez, City Clerk



STAFF REPORT REGULAR MEETING

AGENDA DATE: August 1, 2023

DEPARTMENT: Community Sustainability

TITLE:

Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages (beer & wine only) at the Presidente Supermarket at 2505 North Dixie Highway

SUMMARY:

The applicant, Ariel Martinez on behalf of Presidente Supermarket, is requesting an alcohol beverage distance waiver to allow beer and wine packaged sales (2APS License) for Presidente Supermarket. The property, 2505 North Dixie Highway, is a plaza known as Arbor Square located at the 2500 block of North Dixie Highway, southwest corner of North Dixie Highway and the West Palm Beach Canal. Presidente Supermarket occupies 25,600 square feet of the existing building. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

BACKGROUND AND JUSTIFICATION:

An alcohol distance waiver is required since Presidente Supermarket will be located within a 500ft radius of other alcoholic beverage establishments, protected land uses, and residential properties. The subject property is located within 500ft of:

- The City's **Spillway Park**,
- The residential **Sunset Ridge** and **College Park** neighborhoods,
- An existing restaurant at 2543 North Dixie Highway (**Don Juan Pizzeria**) within the same plaza is licensed for on-site consumption of beer only, and
- An existing store at 2507 North Dixie Highway (**Family Dollar**) that was granted a recent alcohol distance waiver for packaged sales (beer and wine) on May 2, 2023.

There are several relevant factors for this application's review, including the orientation of the plaza which limits direct impacts to protected uses, and the proximity of a recently granted alcohol distance waiver in the same plaza. These issues are detailed in the attached Planning & Zoning Board staff report. An additional consideration is that an anchor grocery store with accessory package alcohol sales historically took place at this location. Staff is seeking policy direction from the City Commission on the appropriateness of accessory beer and wine sales for grocery stores, as well as a determination of this application's consistency with the City's review criteria for an alcohol distance waiver.

At the July 19, 2023, Planning and Zoning Board (PZB) meeting, the board unanimously voted to recommend approval of the alcohol distance waiver to the City Commission. The PZB also recommended a future code change to exempt grocery stores with accessory beer and wine sales from the minimum distance requirements for alcohol sales provided that less than 10% of the sales floor area is dedicated to beer and wine products. This exemption would be similar to the one allowed for restaurants serving at least 51% of its gross revenue from the sales of food and nonalcoholic beverages.

MOTION:

Move to approve/disapprove the alcohol distance waiver for the sale of packaged beer and wine at Presidente Supermarket at 2505 N. Dixie Highway.

ATTACHMENT(S):

PZB Staff Report
Supporting Documents

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00600003: Consideration of an alcohol beverage distance waiver to allow package sales of alcoholic beverages at the Presidente Supermarket at 2505 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: July 19, 2023

Property Owner: ARBOR SQUARE REALTY CO LLC

Applicant: Ariel Martinez – Presidente Supermarket

Address: 2505 North Dixie Highway

PCNs: 38-43-44-16-25-001-0000

Size: 6.6-acre lot / ±25,600 square feet of use area

General Location: 2500 block of North Dixie Highway at the southwest corner of North Dixie Highway and the West Palm Beach Canal

Existing Land Use: Shopping Center

Current Future Land Use Designation: Mixed Use East (MU-E).

Zoning District: Mixed Use – Dixie Highway (MU-DH)

Location Map



RECOMMENDATION

Staff has reviewed the documentation and materials provided, applying the applicable guidelines and standards found in the City of Lake Worth Zoning Code. Staff recommends that the Planning and Zoning Board reviews this information to determine if the proposed alcohol beverage distance waiver meets the criteria of the Comprehensive Plan and LDRs, considering that an alcohol distance waiver for a similar use (Family Dollar) was recently granted in the same plaza. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided on page 4 of this report.

PROJECT DESCRIPTION

The applicant, Ariel Martinez on behalf of Presidente Supermarket, is requesting an **alcohol beverage distance waiver to allow beer and wine packaged sales** (2APS License) for Presidente Supermarket. The property, 2505 North Dixie Highway, is a plaza known as Arbor Square located at the 2500 block of North Dixie Highway, southwest corner of North Dixie Highway and the West Palm Beach Canal. Presidente Supermarket occupies 25,600 square feet of the existing building.

COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

BACKGROUND

Below is a timeline summary of the commercial property based on Palm Beach Property Appraiser's records and City records:

- Development History
 - 1978 – The construction of a 20-retail space shopping center on a 6.6-acre site at 2505 North Dixie Highway was approved by the City.
 - 1980 – The retail plaza was constructed on the 6.6-acre site at 2505 North Dixie Highway.
- Business License History (Excludes records prior to the year 2000)
 - Monterey Market was licensed in 2013 and 2014.
 - Sedano's Supermarket was licensed in 2001, and between 2008 and 2013.
 - President Supermarket applied for a business license on May 22, 2023. The use and occupancy inspection was conducted on June 13, 2023, and the business license was issued on June 20, 2023.
- Recent Building Permit History
 - March 10, 2023 – Building Permit #23-407 was issued for commercial fire sprinklers.
 - January 13, 2021 – Building Permit #20-3392 was issued for a new dumpster enclosure.
 - July 17, 2021 – Building Permit #20-1431 was issued for major interior renovations.
 - September 4, 2020 – Building Permit #20-306 was issued for façade renovations.
- Recent Code Enforcement History
 - There are no active code cases associated with this property.
- Other Alcoholic Beverage Approvals
 - At the May 2, 2023, City Commission meeting an alcohol distance waiver for packaged sales (beer and wine) was approved for Family Dollar at 2507 North Dixie Highway.
 - Within the existing plaza, an existing restaurant at 2543 North Dixie Highway (Don Juan Pizzeria) is licensed for on-site consumption of beer only.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). Per Policy 1.1.1.5, the MU-E FLU provides for a mixture of residential, office, service, and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The proposed alcohol distance waiver allows Presidente Supermarket within the Arbor Square shopping plaza to further expand its offering of products. Therefore, it is consistent with the intent of the MU-E FLU. The subject alcohol distance waiver allows the packaged sales of beer and wine (accessory use to the principal use). As such, review of the strategic plan is not applicable to an application of this scale.

Consistency with the City's Land Development Regulations

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning alcoholic beverages.

Section 5.5(d) – Standards for Review/Decision

A decision on a request for a waiver shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

Staff Analysis: Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. The City's Spillway Park is located within five hundred (500) of the subject parcel. Additionally, residential uses in the Sunset Ridge and College Park neighborhoods are located five (500) feet from the parcel. Within the existing plaza, an existing restaurant at 2543 North Dixie Highway (Don Juan Pizzeria) is licensed for on-site consumption of beer only within five hundred (500) feet of the proposed packaged alcoholic beverage sales. At the May 2, 2023, City Commission meeting an alcohol distance waiver for packaged sales (beer and wine) was approved for Family Dollar at 2507 North Dixie Highway. Therefore, the alcohol distance waiver is required since Presidente Supermarket will be located within a 500ft radius of other alcoholic beverage establishments, protected land uses, and residential properties. However, the parcel size, plaza orientation, and the location of the business in the plaza is such that the proposed alcohol beverage establishment's location is greater than 500ft in travel distance on existing roads and sidewalks to protected land uses. Based on the location of Presidente Supermarket within the plaza, direct impacts to protected use are not anticipated. Furthermore, an anchor grocery store with accessory package alcohol sales historically took place at this location.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

Staff Analysis: The proposed beer and wine packaged sales will be an accessory use to Presidente Supermarket. If approved, staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the sales of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

Staff Analysis: The subject property is does not contain a designated historic property, therefore this criterion is not applicable.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

Staff Analysis: The waiver is necessary to allow the packaged sales of beer and wine at the subject Presidente Supermarket. Staff has added several conditions of approval so that the business operates within the allowed hours of sale to ensure the proposed accessory use is not detrimental to the health, safety, and welfare and surrounding community.

CONCLUSION AND CONDITIONS

Based on the location of the Presidente Supermarket within the plaza, the proposed accessory packaged alcoholic beverage sales are not anticipated to have direct impact on protected land uses, and is not detrimental to the health safety and welfare of the neighborhood and public. Further, an anchor grocery store with accessory package alcohol sales historically took place at this location. Staff recommends that the Planning and Zoning Board reviews this information to determine whether to waive the prohibition of packaged alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties. If the Planning and Zoning Board recommends approval to the City Commission of the request, conditions of approval have been provided below:

1. The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the packaged alcohol sales as an accessory use to the existing business.
2. On-site alcohol consumption is not permitted.
3. No person shall sell, deliver, or permit the sale, delivery, of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages, having more than one (1) percent of alcohol by weight (Section 5-4) shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.

BOARD POTENTIAL MOTION:

I MOVE TO RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600003 of the alcohol distance waiver for the sale of packaged beer and wine based on the data and analysis in the staff report and the testimony at the public hearing.

I MOVE TO NOT RECOMMEND APPROVAL OF PZB PROJECT NUMBER 23-00600003 of the alcohol distance waiver for the sale of packaged beer and wine is not consistent with the waiver criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning and Zoning Board will be making a recommendation to the City Commission on the alcohol distance waiver request.*

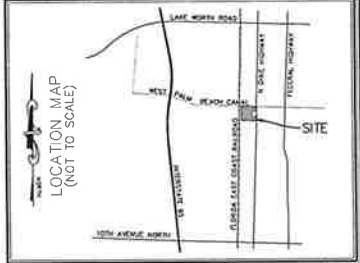
ATTACHMENTS

- A. Application Package

ZONING = RPD
USE MUNICIPAL

ZONING = AI
USE = WAREHOUSE

ZONING = MU-DIXIE
USE = DEPARTMENT STORE



P.C.N: 38434416250010000
ADDRESS: 2505 NORTH DIXIE HIGHWAY
ZONING - MU-DIXIE
USE - SHOPPING CENTER COMMUNITY

SITE TABULATIONS

ITEM	QUANTITY	UNIT
TOTAL SITE AREA	5,814	SQUARE FEET
IMPERVIOUS	81,794	SQUARE FT.
CONCRETE DRIVE AND SIDEWALKS	4,182	SQUARE FT.
PARKING AREA, ASPHALT AND CURB	173,116	SQUARE FT.
TOTAL IMPERVIOUS	259,092	SQ. FT.
TOTAL PARKING	36,327	SQUARE FT.

BUILDING USE TABULATIONS

USE	TOTAL AREA	ADJUSTED AREA
RETAIL	62,134 SQUARE FEET	62,134 SQUARE FEET
RESTAURANT	2,825 SQUARE FEET	2,825 SQUARE FEET
	64,959 SQUARE FT.	64,959 SQUARE FT.

PARKING TABULATIONS

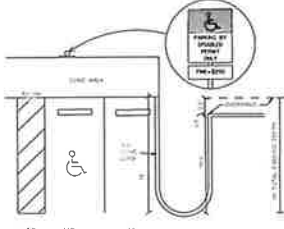
ITEM	REQ.	PROVIDED
RETAIL (1 SPACE PER 200 S.F.)	151	348
RESTAURANT (1 SPACE PER 75 S.F. SERVICE AREA)	38	348

DESCRIPTION

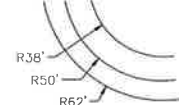
TRACT A, THE ARBOR, AS RECORDED IN PLAT BOOK 36 AT PAGE 115 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
SAID LANDS SITUATE IN THE CITY OF LAKE WORTH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 6.624 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

BUILDING & SITE REGULATIONS

	REQUIRED	PROPOSED
MIN. LOT AREA	4,000 S.F.	258,541 S.F.
MIN. LOT FRONT	N/A	N/A
MIN. FRONT SETBACK	10'	100'
MAX. USE	2F	2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F
MAX. SEAM	10'	45'



Typical Parking Layout



Typical Fire Truck Radius



REV.	DATE	BY



ARBOR SQUARE
SITE PLAN

DATE: 03/13/2020
DRAWN BY: CAW
P.B. / P.C.

LIMITED BY:
ALL RIGHTS RESERVED
LAND SURVEYING & ENGINEERING
STATE OF FLORIDA
C.S. No. 12,500
DATE: JUL 17, 2010

JOB # 8884
SHEET
SP-1
OF 1 SHEETS



PRESIDENTE SUPERMARKETS
3001 N.W. 17TH AVENUE
MIAMI, FL 33142
catherine@presidentesupermarkets.com
305-310-5422

6/13/23

Abraham Fogel, GGEP
Senior Community Planner
Community Sustainability Department
City of Lake Worth Beach
1900 Second Avenue North
Lake Worth Beach, FL 33461

Reference: Arbor Square Proximity Waiver
Presidente Supermarket No. 58, Inc.
2505 N. Dixie Highway
Lake Worth, FL 33460

Subject: Narrative/Justification Statement regarding Distance Waiver

Dear Mr. Fogel:

We herewith offer this narrative as justification in support of a distance waiver with regards to the referenced, and newest, of our supermarket chain's store – Presidente Supermarket No. 58, Inc. located at 2505 N. Dixie Highway, Lake Worth, FL 33460.

Our mission is as follows:

“Presidente Supermarkets offer the best quality and most competitive prices for retail grocery products directed to benefit the surrounding communities with their shopping needs. The ability to service EBT programs from day one allows the entire neighborhood to enjoy an affordable shopping experience.

We carry the freshest produce available from locally and imported sources. The freshest meats and seafoods are offered daily with personalized customer service. The dairy department offers an extensive variety of products. The general grocery items are vastly assorted and continuously available. In addition to the “cafecito” and the “pastelitos”, the coffee shop is a favorite for quick hot and cold foods prepared daily. We also offer a large variety of beers and wines for package sales only.

It is our pleasure to welcome customers to enjoy our newest grocery store in the City of Lake Worth and are honored to be of service to a growing community. Our goal is to provide the best products and the best prices in the cleanest environment for the benefit of our customers and our employees. The store will provide employment opportunities for many families. We look forward to being responsible neighbors and to enjoy a mutually beneficial future.”

Our mission provides for a model retail grocery store with full customer service in all departments and package sales only of beer and wine as part of our services. This model is the outline for our entire chain of 40+ stores throughout the State of Florida. We adhere strictly to all rules and regulations provided by DBPR with strict internal training and disciplinary procedures regarding all sales of beer and wine.

Our commitment to this mission is the reason we request a distance waiver for Presidente Supermarket No. 58, Inc. and that our model be continuous throughout the State of Florida providing uniformity and reliability to our



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customers that all our stores are committed in the same way to providing the same high quality of products and services throughout our entire chain, wherever the stores are located.

With regard to Section 5-5(d) of the Lake Worth Beach Municipal Code:

- Whether approval of the waiver will result in two or more alcoholic beverage establishments having a license within 500 feet of a protected land use or each other, or within 500 feet of a property zoned for residential uses:

We were advised by the City of Lake Worth Beach that other businesses at this shopping center have the alcohol license, those being the Family Dollar and the pizza shop.

- Whether the license is being added to or is a license upgrade of an exiting use or to an establishment which is relocating to the subject location:

We are applying for the waiver as our entity model includes beer and wine for package sales only, no consumption on premises. Furthermore, in prior years, this same location was also a retail grocery store, Monterey Supermarket, and had its respective alcohol license at this same address. Thus, this location is not new for this use.

- If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character:

This section is not applicable in this case, the location is not of historic architectural significance.

- Whether the waiver promotes the health, safety and welfare of the neighborhood and the public:

The waiver would promote an opportunity for the community to do all of its shopping in one very clean, thus healthy; surveilled with cc cameras and live security, thus safety; and as to welfare of the neighborhood by providing one stop convenience for the entire family's needs.

We look forward to a favorable response with the hopes of being granted the opportunity to maintain our model intact as we move forward offering the community a decent place to shop and to work.

Please feel free to contact us at your earliest convenience to discuss this matter further.

Kind Regards

Catherine Valdes

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