CITY OF WESTLAKE



MINUTES

City Council Regular Meeting Monday, July 13, 2020 at 6:30 PM

VIA COMMUNICATIONS MEDIA TECHNOLOGY

This meeting shall be held in accordance with the Governor's Executive Order 2020-69 (as extended by Executive Orders 20-121, 20-123 and 20-139, and 20-150). Due to COVID-19, and the need to ensure public health safety and welfare, this meeting conducted without a quorum of its members present physically or at any specific location and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. Members of the public may participate in the meeting through electronic means and may access as follows:

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

Meeting ID: 132 633 2111 Password: hello

2. Participants may also dial in using your phone with any of the following number(s):

United States Toll: +1-408-418-9388 Meeting ID: 132 633 2111

CITY COUNCIL:

Roger Manning, Mayor
Katrina Long Robinson, Vice Mayor
Patric Paul, Council Member – Seat 1
Kara Crump, Council Member – Seat 2
JohnPaul O'Connor, Council Member – Seat 3

CITY STAFF:

Ken Cassel, City Manager Pam E. Booker, City Attorney Zoie P. Burgess, City Clerk A REGULAR meeting of the City Council of the City of Westlake was held on Monday, July 13, 2020 at 6:30 PM., via Communications Media Technology in accordance with the Governor's Executive Order 2020-69, due to COVID-19 and the need to ensure public health, safety and welfare.

As a preliminary matter, Ms. Burgess confirmed all Council Members, City staff and meeting participants were present and able to hear and speak. Ms. Burgess provided further instruction regarding public comments, noting that comments will be acknowledged by the Mayor and accepted at the appropriate times as indicated in the Agenda and those who wish to speak may use the "virtual" hand raise feature.

Ms. Burgess provided the disclaimer that the meeting is being recorded by both voice and video, reminding the audience that microphones are live. Ms. Burgess further explained that microphones will be muted; however, audience members have the ability to unmute themselves.

CALL TO ORDER

Mayor Manning called the City of Westlake Regular City Council meeting of Monday, July 13, 2020 to order at 6:34 PM.

ROLL CALL

Present and constituting a quorum via communications media technology were:

Mayor Roger Manning
Vice Mayor Katrina Long- Robinson
Councilman JohnPaul O'Connor
Councilwoman Kara Crump
Councilman Patric Paul

Also present via communications media technology:

Kenneth Cassel, City Manager Pam E. Booker, Esq. City Attorney Nilsa Zacarias, AICP, Planning & Zoning Director Zoie P. Burgess, CMC, City Clerk

PLEDGE OF ALLEGIANCE

Mayor Manning led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Manning called for any additions, deletions, or modifications to the Agenda.

There being none, Mayor Manning called for a motion to accept the Agenda as presented.

Motion by Vice Mayor Long-Robinson to approve Agenda as presented, seconded by Councilwoman Crump.

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

PUBLIC COMMENTS AND REQUESTS- (OPEN FORUM NON-AGENDA ITEMS)

This section of the agenda allows for comments from the public to speak on any item not presented on the agenda. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk. When you are called to speak, please go to the podium, and prior to addressing the Council, state your name and address for the record.

Mayor Manning inquired of the City Clerk of any Public Comments.

At the request of Mayor Ms. Burgess read into record mailed correspondence from resident Nancy Bongiovanni expressing her appreciation to staff.

Ms. Burgess noted that there are no additional comments received prior to the meeting and called for additional comments from present attendees. Ms. Burgess gave a moment for any virtual hands, or identification of individuals who wish to comment.

There being no further comments, the next item followed.

CONSENT AGENDA

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

A. Approval of Finance Statement

Financial Report – May

Mayor Manning noted one item on the Consent Agenda and called for a motion to approve.

Motion by Councilwoman Crump to approve Consent Agenda, seconded by Vice Mayor Long-Robinson.

UPON ROLL CALL:

YES
YES
YES
YES
YES

With all in favor, motion carried without dissent (5-0).

PRESENTATIONS/PROCLAMATIONS

There being no presentations or proclamations, the next item followed.

PUBLIC HEARING

B. RESOLUTION 2020 - 11 - A Resolution for the Final Plat for Green Lane

Submitted By: Legal

RESOLUTION 2020-11- A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE FINAL PLAT FOR GREEN LANE, BEING A PORTION OF SECTION 7, TOWNSHIP 43 SOUTH, RANGE 41 EAST AND SECTION 12, TOWNSHIP 43 SOUTH, RANGE 40 EAST, CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR RECORDATION, PROVIDING FOR AN EFFECTIVE DATE.

Mayor Manning introduced Resolution 2020-11, a Resolution for the Final Plat for Green Lane and called for presentation.

Donaldson Hearing - Cotleur & Hearing - On behalf of Minto provided PowerPoint Presentation of the Final Plat for Green Lane.

Mayor Manning requested the City Clerk read into record.

Ms. Burgess read into record, by title only, Resolution 2020-11.

Motion by Councilman O'Connor to adopt Resolution 2020-11, seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

C. RESOLUTION 2020-16 - A Resolution for the Cresswind Palm Beach Amenity Center Site Plan which includes a one (1) story 13,728 square foot Clubhouse, a 4,000 square foot pool, recreational sports areas, covered porches and a plaza.

Submitted By: Legal

RESOLUTION 2020-16 - A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING THE SITE PLAN FOR THE CRESSWIND PALM BEACH AMENITY CENTER INCLUDING A 13,728 SQUARE FOOT CLUBHOUSE BUILDING, A 4,000 SQUARE FOOT POOL, RECREATIONAL SPORTS AREAS, COVERED PORCHES AND A PLAZA, LOCATED AT 15730 CRESSWIND PLACE, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced Resolution 2020-16, a Resolution for the Cresswind Palm Beach Amenity Center Site Plan which includes a one (1) story 13,728 square foot Clubhouse, a 4,000 square foot pool, recreational sports areas, covered porches and a plaza.

Nilsa Zacarias, Planning & Zoning Director presented PowerPoint Presentation for the Amenity Center Site Plan - Application SP-2019-02. Ms. Zacarias confirmed application has been reviewed by applicable staff, Seminole Improvement District and Palm Beach County Fire Rescue. Ms. Zacarias confirmed, that based upon review the Planning & Zoning Department recommends approval.

Donaldson Hearing - Cotleur & Hearing - On behalf of applicant provided PowerPoint Presentation for Cresswind Palm Beach Amenity Center.

Ms. Burgess read into record, by title only, Resolution 2020-11.

Motion by Councilman Paul to adopt Resolution 2020-16, seconded by Vice Mayor Katrina Long-Robinson.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

NEW BUSINESS

D. Education & Youth Advisory Board Interviews and Consideration for Board Nomination and Appointment of three (3) Regular Members to serve a three-year term and one (1) Alternate Member to serve a two-year term

Submitted By: Zoie Burgess, City Clerk

Mayor Manning introduced item - Education & Youth Advisory Board Interviews and Consideration for Board Nomination and Appointment of three (3) Regular Members to serve a three-year term and one (1) Alternate Member to serve a two-year term.

Vice Mayor Long-Robinson inquired if the number of board members can be changed to five (5) members and one (1) alternate member given the response. Ms. Booker noted that an amended ordinance can presented to Council for review and consideration.

Councilman Paul proposed additional time to allow for more applicants.

Councilman O'Connor inquired if a workshop can be held to review the applications. Councilwoman Crump concurred.

Ms. Booker clarified that a motion is needed to amend the number of board members and a separate motion to hold a workshop.

Vice Mayor Long-Robinson wanted to bring to the attention of Council that there are two applicants that do not currently live in Westlake.

Motion by Vice Mayor Long-Robinson to table item until a Council Workshop is held to review applications, seconded by Councilman Paul.

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

Mr. Cassel reviewed dates and confirmed with Council to hold a Workshop July 30, 2020 at 6:30 PM.

Mayor Manning inquired if a motion is required to change the number of members. Ms. Booker clarified that direction is needed to increase that number and it would formally be brought back to Council August 10, 2020.

Motion by Vice Mayor Long-Robinson to increase the number of persons serving on the Education Youth and Advisory Board to five (5) members and one (1) alternate, seconded by Councilman Paul.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

E. Palm Beach County League of Cities Voting Delegate and Alternates

Submitted By: Zoie Burgess City Clerk

RESOLUTION 2020-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, APPOINTING A VOTING DELEGATE AND ALTERNATE VOTING DELEGATES TO THE PALM BEACH COUNTY LEAGUE OF CITIES, INC.; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Manning introduced Resolution 2020-20.

Ms. Burgess provided background on the request to designate Voting Delegate and Alternates.

Councilman O'Connor requested that this item is revisited each year. Mayor Manning agreed. Ms. Booker advised Council that the change would be made in Section 7 to review annually in the month of April when the Vice Mayor is selected.

Mayor Manning called for a Motion.

Motion by Councilman O'Connor, to adopt Resolution 2020-20 with amendment, seconded by Councilman Paul.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES

Vice Mayor Long- Robinson YES Mayor Manning YES

With all in favor, motion carried without dissent (5-0).

F. Federal Emergency Management Agency (FEMA) LOMAR for Hammocks

Submitted By: Kenneth Cassel, City Manager

Mayor Manning identified item.

Mr. Cassel provided the background noting that the Letter of Map Revision for the Hammocks has been received from the Federal Emergency Management Agency after being reviewed for approximately two (2 years). Mr. Cassel explained how it will affect homeowners and noted that it will go into effect July 15, 2020 and no formal action of Council is required.

G. Permanent Standby Generator - Discussion and Presentation

Submitted/Presentation By: Kenneth Cassel, City Manager

Mr. Cassel provided a PowerPoint Presentation to discuss applicable codes used for the review, installation and permitting directive to allow for permanent residential standby generators. Mr. Cassel noted sound levels, spacing, screening from view, clearance, maintenance, and proposed locations are factors under review. Mr. Cassel inquired of Council for direction in determining if they would like to see them on the side of properties, back of properties or to leave at the discretion of the homeowner and installer.

Mr. Berko, the Building Official provided feedback regarding the requirements needed from the manufacturers and the challenges and required specifications of placing generators in the side-yard.

Mr. Cassel acknowledged that staff would create the guidelines, drafting an ordinance to meet required setbacks in the side-yard and bring back to Council.

H. RESOLUTION 2020-17 A Resolution for A Sixth (6th) Time Extension for A Special Permit Application Of A Temporary Gas Utility, Within Pod F Of Westlake TTD

Submitted By: Legal

RESOLUTION 2020-17 - A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, APPROVING A SIXTH (6TH) TIME EXTENSION FOR A SPECIAL PERMIT APPLICATION OF A TEMPORARY GAS UTILITY, WITHIN POD F OF WESTLAKE TTD. THE APPLICANT IS REQUESTING A TWELVE (12) MONTH EXTENSION TO JULY 31, 2021, IN THE CITY OF WESTLAKE, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Mayor Manning introduced Resolution 2020-17 and noted a staff presentation.

Ms. Zacarias presented a PowerPoint presentation for Florida Public Utilities Sixth Time Extension to allow a temporary gas utility. Ms. Zacarias noted that an additional 12 months extension to July 31, 2021 is being requested. Ms. Zacarias further identified the location and site plan also explaining that once the permanent lines are installed, the temporary gas utility will be removed from the property.

Staff is recommending Florida Public Utility submit a written progress report every three (3) months to communicate the status of the project to the City Council.

Mr. Doug Moreland, representative for the applicant, Florida Public Utilities provided additional input noting that they are in the permitting process with several agencies for permanent installation.

Councilman O'Connor requested to see a monthly report on status. Mr. Moreland acknowledged that he would keep in contact with Mr. Cassel. Mr. Cassel stated he will keep Council updated in his reports.

Ms. Burgess read into record, by title only, Resolution 2020-17.

Motion by Councilwoman Crump to adopt Resolution 2020-17, seconded by Councilman O'Connor.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

I. Resolution 2020-18 - Authorizing a Budget Adjustment: Funds Transfer - Legal Services

Submitted By: Kenneth Cassel, City Manager

RESOLUTION 2020-18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING A BUDGET ADJUSTMENT FOR FISCAL YEAR 2019-2020

Mayor Manning identified item.

Mr. Cassel provided the background, noting the need to reallocate funds from the City Council's budget to the legal budget to cover unexpected expenses for services.

Ms. Burgess read into record, by title only, Resolution 2020-18.

Motion by Councilman O'Connor to adopt Resolution 2020-18, seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

J. Approval of Contract with Rick Jarolem, Esquire

Submitted By: Legal

Mayor Manning identified item.

Ms. Booker provided background and identified the items presented to Council, which included the contract and engagement letter with Mr. Rick Jarolem, Esq. and invoice for services. Ms. Booker further noted, included in Council packets, is an opinion letter provided by Mr. Carter from the law firm of

Genovese, Joblove & Battista with claims of a Sunshine Law violation. Ms. Booker stated that she has also included a written opinion back to Council to also address this matter.

Ms. Booker is requesting Council approve Mr. Jarolem's contract and authorize payment of the services provided.

Mr. Cassel requested clarification of the contract total, noting it is currently \$18,795.00; originally \$13,195.00. Mr. Cassel noted that the budget transfer approved would need to be adjusted to \$5,600.00.

Ms. Booker noted that there should be two separate items to amend the budget adjustment and to approve Mr. Jarolem's contract.

Motion by Vice Mayor Long-Robinson to amend Resolution 2020-18 to transfer \$5,600 from the Council's miscellaneous line item to Legal, seconded by Councilman O'Connor.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

Mayor called for motion to approve contract with Mr. Jarolem.

Motion by Councilman Paul for approval of contract with Mr. Jarolem, Esq., seconded by Councilwoman Crump.

UPON ROLL CALL:

Councilman Paul	YES
Councilwoman Crump	YES
Councilman O'Connor	YES
Vice Mayor Long- Robinson	YES
Mayor Manning	YES

With all in favor, motion carried without dissent (5-0).

K. Presentation of the Audited Financial Statements for the Fiscal Year Ended September 30, 2019

Submitted By: Kenneth Cassel, City Manager

Mayor Manning identified item.

Mr. Cassel provided background and identified the annual Audited Financial Statements for the Fiscal Year Ending September 30, 2019 as provided by auditors Berger, Toombs, Elam, and Gaines.

Staff is recommending the acceptance of Audit as presented.

Motion by Councilman Paul to accept the audit, seconded by Vice Mayor Long Robinson.

Councilman Paul YES
Councilwoman Crump YES
Councilman O'Connor YES
Vice Mayor Long- Robinson YES
Mayor Manning YES

With all in favor, motion carried without dissent (5-0).

L. FY 2020-2021 Budget Discussion and setting the preliminary millage rate at 5.125.

Submitted By: Kenneth Cassel, City Manager

Mayor Manning identified item.

Mr. Cassel presented an overview of the proposed budget highlighting the proposed millage rate of 5.125 mills for fiscal year 2020-2021 and the projected ad valorem revenue of \$1,086,636. Mr. Cassel further noted the total budget is \$3,249,200.

Mr. Cassel further presented the revenue breakdown and total percentages expected from developer contributions, licenses, permits and fees. Mr. Cassel also showed and explained the proposed expense breakdown by department.

Vice Mayor Long Robinson inquired of Ms. Booker and the request for additional resources. Ms. Booker noted it is to cover outside counsel services and the anticipated items that are in progress and expected.

Mr. Cassel continued presentation identifying department breakdowns and identifying a budget analysis comparing the city with other municipal agencies within the County.

M. Resolution 2020-19 - Setting the Tentative Fiscal Year 2020/2021 Millage Rate and Setting the Date of the First Public Hearing of the Fiscal Year 2020/2021 Budget

Submitted By: Kenneth Cassel, City Manager

RESOLUTION 2020-19 - A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING THE CITY MANAGER TO SEND A PROPOSED MILLAGE RATE OF 5.125 MILLS TO THE PROPERTY APPRAISER FOR THE FISCAL YEAR 2021 AND SETTING SEPTEMBER 14, 2020 AT 6:30 P.M. AT THE WESTLAKE COUNCIL CHAMBERS, 4005 SEMINOLE PRATT WHITNEY ROAD, WESTLAKE, FLORIDA AS THE DATE, TIME AND PLACE FOR THE FIRST PUBLIC HEARING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mr. Cassel introduced Resolution 2020-19, noting it is to set the proposed millage rate at 5.125, so that it may be provided to Palm Beach County Property Appraiser for TRIM notices as well as setting the first budget hearing from September 14, 2020.

Vice Mayor Long Robinson requested a workshop to discuss the budget, as well as requesting to review a budget reflective of a pandemic. Councilman O'Connor stressed the need to curb spending and also encourages a Workshop.

Mr. Cassel proposed a Budget Workshop date of Tuesday, August 18, 2020 at 6:30 PM.

Ms. Burgess read into record, by title only, Resolution 2020-19.

Motion by Councilman O'Connor to adopt Resolution 2020-19, seconded by Councilwoman Crump.

Councilman Paul YES
Councilwoman Crump YES
Councilman O'Connor YES
Vice Mayor Long- Robinson YES
Mayor Manning YES

With all in favor, motion carried without dissent (5-0).

N. Response to Inquiry regarding Intergovernmental Relationships

Submitted By: Kenneth Cassel, City Manager

Mayor Manning introduced item, noting it was placed on the Agenda at his request to identify any conflicts and the concern of Seminole Improvement District and the City having the same manager and management firm, as well as the Developer and Seminole Improvement District having the same legal counsel.

Mayor Manning continued, noting that legal counsel for the developer and Seminole Improvement District did not respond to the request, however a response was received from Inframark and Mr. Cassel.

Mayor Manning called for any comments.

Councilman Paul expressed his concern for separating the City and Seminole Improvement District.

Mr. Cassel explained his position in serving each Board.

Councilman O'Connor stated there are pros and cons but finds it to be an inappropriate time to make changes during the development phase of the City.

Vice Mayor Long-Robinson finds there is a conflict with the City Manager serving both the City and Seminole Improvement District.

Mr. Cassel acknowledged both entities continue to grow, and a transition plan can be crafted.

Mayor Manning called for any additional questions or comments.

CITY COUNCIL COMMENTS

A. JohnPaul O'Conner - Seat 3

Councilman O'Connor thanked Council and staff.

B. Kara Crump - Seat 2

No additional comments.

C. Patric Paul - Seat 1

Councilman Paul requested resident, Ms. Alicia Torres to post the notice on Facebook for the Education and Youth Advisory Board vacancies. Ms. Torres inquired to the length of time the City will be accepting applications. Councilman O'Connor suggested applications be accepted until the Workshop. Mr. Cassel confirmed that the City Clerk will collect application through July 30, 2020 the date of the workshop.

Councilman Paul requested an update on the local businesses.

Councilman Paul inquired of the cost to have the WebEx meetings, as he would like to see it continue having both in the future. Mr. Cassel would provide that cost to Council.

D. Katrina Long Robinson - Vice Mayor

No additional comments.

E. Roger Manning - Mayor

Mayor Manning inquired if Mr. Carter was available to provide an update on commercial property. There being no response, Mayor Manning had no further comments.

REPORT - STAFF

O. Palm Beach County Fire Rescue - Monthly Reports: May and June

Submitted By: William Rowley, District Chief

For information purposes only. Mayor Manning identified the report included.

P. Palm Beach County Sheriff's Office - District 18 Monthly Report: May

Submitted By: Lieutenant Craig Turner

For information purposes only. Mayor Manning identified the report included.

REPORT - CITY ATTORNEY

Q. Palm Beach County Mortgage Assistance Program

Submitted By: Legal

Ms. Booker updated Council on the housing assistance program, the CARES Act Program being offered by the County.

REPORT - CITY MANAGER

Mr. Cassel updated Council of the kitchen fire that occurred with minimal damage with he fire department responding quickly.

Mr. Cassel informed Council and the public that on Tuesday, July 21, 2020 from 9:00 AM to 4:00 PM at the Amenities Center, there will be COVID-19 Pop up testing site.

Mr. Cassel identified a meeting he is scheduling with the County to discuss facilities and will keep Council updated.

PUBLIC COMMENTS - AGENDA ITEMS ONLY

This section of the agenda allows for comments from the public to speak on items only presented on the agenda. Each speaker will be given a total of three (3) minutes to comment. A public comment card should be completed and returned to the City Clerk.

Ms. Burgess noted there were no public comment cards received prior to the meeting.

Ms. Burgess gave the virtual participants a moment to raise a virtual hand or unmute their devices and provided a reminder to state name and address.

There being no comments, the next item followed.

ADJOURNMENT

Mayor Manning adjourned the meeting at 9:27 PM.

Zoie P. Burgess, City Clerk

Roger Manning, Mayor