



AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING (REVISED)
CITY HALL COMMISSION CHAMBER
TUESDAY, SEPTEMBER 05, 2023 - 6:00 PM

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Vice Mayor Christopher McVoy

PLEDGE OF ALLEGIANCE: led by Mayor Betty Resch

AGENDA - Additions / Deletions / Reordering:

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

- A. Proclamation declaring September 2023 as National Recovery Month brought forward by Commissioner Stokes
- B. The Recovery Community HUB coming to Lake Worth Beach: RCC/RCO's in your Community presented by Darcy Hamilton, Leadership Team Member of the Recovery Community HUB, brought forward by Commissioner Stokes

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. [Special Meeting - August 1, 2023](#)
- B. [Regular Meeting - August 1, 2023](#)
- C. [Budget Work Session #3 - August 7, 2023](#)

PUBLIC HEARINGS:

- A. [Resolution No. 36-2023 - Establish the Refuse Services Annual Assessment for Fiscal Year 2023-2024](#)

UNFINISHED BUSINESS:

- A. [City of Lake Worth Beach v North H Enterprises, Inc., et al., Case No. 50-2020-CA-009354](#)

NEW BUSINESS:

- A. [Transfer \\$2 million of ARPA Funds for Affordable Housing to CRA](#)
- B. [Resolution No. 35-2023 - Intent to abandon an approximately 10-foot-wide section of public right-of-way \(alley\) located on north of 9th Avenue South between South H Street and South](#)

Dixie Highway, and to abandon an approximately 40-foot-wide section of public right-of-way (9th Avenue South) located between South H Street and South Dixie Highway

- C. Resolution No. 34-2023 – Declaring the city a safe and welcoming haven for LGBTQIA+ community and their families brought forward by Mayor Resch
- D. Performance Evaluation Form for Carmen Davis

UPCOMING MEETINGS AND WORK SESSION:

Pre-Agenda Work Session - September 8 @ 9 am
1st Budget Hearing - September 14 @ 6 pm

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
SPECIAL CITY COMMISSION MEETING – ADVISORY BOARD APPOINTMENTS
CITY HALL COMMISSION CHAMBER
TUESDAY, AUGUST 01, 2023 – 5:00 PM

The meeting was called to order by Mayor Resch on the above date at 5:04 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:36) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy and Commissioners Sarah Malega, Kimberly Stokes and Reinaldo Diaz. Also present were Interim Assistant City Manager Jamie Brown, City Attorney Elizabeth Lenihan and City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: (0:56) was led by Commissioner Reinaldo Diaz.

NEW BUSINESS: (1:19)

A. Advisory Board Appointments

1. Business Advisory Board (2:30)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to appoint Erin Allen, Hannah Crawford, Amy Gill, Sam Goodstein, David Mathews, Jacob Roedsens and Camila Zavala to the Business Advisory Board.

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

2. Community Redevelopment Board (9:31)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to appoint Drew Bartlett to the Community Redevelopment Board.

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

3. Construction Board of Adjustments & Appeals (13:12)

There were no applications received nor appointments made.

4. Education Task Force (14:16)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to appoint Ellen Ashford to North Grade Elementary, Melissa Landis to South Grade Elementary, Allan Nosworthy to Barton Elementary, Lindy White to Lake Worth Middle School and Jay Silpe to Lake Worth High School for the Education Task Force. Sacred Heart and Highland Elementary members would be appointed in the near future.

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

5. Electric Utility Advisory Board (28:17)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to appoint Theodore Belloise to the Electric Utility Advisory Board.

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

6. Finance Advisory Board (30:00)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to table appointments to the Finance Advisory Board.

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

7. Library Advisory Board (35:40)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor McVoy to appoint Danielle Rivera to the Library Advisory Board.

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

8. Planning & Zoning Board (39:02)

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to appoint Juan Contin and Dave Mathews to the Planning and Zoning Board. The other two appointments would be made in the near future.

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

9. Tree & Landscape Board (46:00)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to appoint Benjamin Jungles and Priscilla Hallowell to the Tree & Landscape Board.

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

10. Waterways Board (49:03)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Diaz to appoint Emily Billings, Sean Cabrey, Thomas Conboy, Amy Denicolais and Sue Welch to the Waterways Board.

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

11. TPA Citizen Advisory Committee (52:29)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Diaz to appoint James McCormack to the TPA Citizen Advisory Committee.

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

ADJOURNMENT: (54:19)

Action: Motion made by Vice Mayor McVoy and seconded by Commissioner Stokes to adjourn the meeting at 5:58 PM.

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

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved September 5, 2023.

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

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, AUGUST 01, 2023 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:12 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (1:09:05) 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 Elizabeth Lenihan and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (1:09:33) was led by Mayor Betty Resch.

PLEDGE OF ALLEGIANCE: (1:10:10) was led by Commissioner Sarah Malega.

ADDITIONS/DELETIONS/REORDERING: (1:10:28)

There were no changes to the agenda.

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 (1:10:46)
- B. Proclamation declaring August 6, 2023 as Salvadoran-American Day (1:25:07)

COMMISSION LIAISON REPORTS AND COMMENTS: (1:33:32)

CITY MANAGER'S REPORT: (1:44:52)

City Manager Davis did not provide a report.

CITY ATTORNEY'S REPORT: (1:47:27)

City Attorney Lenihan did not provide a report.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA: (1:47:41)

APPROVAL OF MINUTES: (1:52:58)

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

- A. Budget Work Session #1 - July 10, 2023
- B. Pre-agenda Work Session - July 14, 2023

C. Regular Meeting - July 18, 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) (1:53:06)

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

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

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

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 (1:53:17)

City Attorney Lenihan 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 Commissioner Malega and seconded by Commissioner Stokes to approve 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.

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

B. Ordinance No. 2023-15 – Second Reading – sunseting the City Recreation Advisory Board (1:54:04)

City Attorney Lenihan 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 sunsetting the City Recreation Advisory Board.

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

NEW BUSINESS: (1:54:33)

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

Action: Motion made by Commissioner Stokes and seconded by Commissioner Diaz to approve an alcohol beverage distance waiver to allow package sales of alcoholic beverages (beer & wine only) at the Presidente Supermarket at 2505 North Dixie Highway until 10:00 PM.

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

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: (2:16:46)

Action: Motion made by Commissioner Stokes and seconded by Commissioner Malega to adjourn the meeting at 7:21 PM.

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

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved September 5, 2023

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

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION BUDGET WORK SESSION #3
CITY HALL COMMISSION CHAMBER
MONDAY, AUGUST 7, 2023 – 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:04 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:37) Present were Mayor Betty Resch; Vice Mayor Christopher McVoy and Commissioners Sarah Malega, Kimberly Stokes, and Reinaldo Diaz. Also present were City Manager Carmen Davis and Deputy City Clerk Shayla Ellis.

PLEDGE OF ALLEGIANCE: (0:51) led by Vice Mayor Christopher McVoy.

UPDATES / FUTURE ACTION / DIRECTION: (2:09)

A. Fiscal Year 2024 Enterprise Funds
Stantec Detail Analysis

Action: Consensus to increase local sewer rates by 10% and increase the water fund rates by 3.25% for FY 2024. (1:02:35)

The meeting recessed at 7:33 PM and reconvened at 7:45 PM.

Action: Consensus to have Stantec model various scenarios to the Commission addressing the possible increases to the Electric Utility rates for FY 2024. (3:28:51)

Fee Schedule would be addressed at a future meeting.

ADJOURNMENT: (3:31:13)

The meeting adjourned at 9:35 PM.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes Approved: September 5, 2023

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

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 5, 2023

DEPARTMENT: Public Works

TITLE:

Resolution No. 36-2023- establish the Refuse Services Annual Assessment for Fiscal Year 2023-2024

SUMMARY:

This Resolution is the Annual Assessment Resolution setting the Special Assessment fee of \$258.63 per Equivalent Residential Unit (ERU) for Refuse Services for Fiscal Year 2023-2024. The new proposed rate of \$258.63 per ERU represents at 5.5% increase from last fiscal year.

BACKGROUND AND JUSTIFICATION:

Pursuant to the Assessment Ordinance (Chapter 2, Article XVIII of the City's Code of Ordinances) and City Resolution Nos. 41-2009 and 46-2009 (the "Initial Assessment Resolution"), since 2009, the City has adopted an annual special assessment for Refuse Services including facilities and programs (formerly known as, "Solid Waste Services, facilities and programs"). Once adopted, the annual assessment is levied on each assessed property owner's tax bill and collected by the Tax Collector.

This Resolution will adopt the assessment amount of \$258.63 per ERU as the annual assessment and approves the assessment roll which has to be certified to the Tax Collector by September 15, 2023. The new proposed rate represents at 5.5% increase from the prior fiscal year.

The City has provided the required notices and advertisements for this Resolution to be heard at a public hearing as required by the City's Code and section 197.3632, Florida Statutes. At the public hearing, the public may provide comment and objections to the assessment.

MOTION:

Move to approve/disapprove Resolution 36-2023 – establishing the Refuse Services Annual Assessment for Fiscal Year 2023-2024.

ATTACHMENT(S):

Resolution 36-2023

RESOLUTION NO. 36-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATING TO THE PROVISION OF REFUSE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF LAKE WORTH BEACH, FLORIDA; RATIFYING AND CONFIRMING THE INITIAL ASSESSMENT RESOLUTION INCLUDING THE DETERMINATION THAT CERTAIN REAL PROPERTY IS SPECIFICALLY BENEFITED BY REFUSE SERVICES, FACILITIES AND PROGRAMS AND THE METHOD OF ASSESSING ASSOCIATED REFUSE SERVICES COSTS AGAINST REAL PROPERTY SPECIALLY BENEFITED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; APPROVING THE FISCAL YEAR 2023-2024 ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM COLLECTION METHOD; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution of the City of Lake Worth Beach, Florida (the "City") is adopted pursuant to City Ordinance No. 2009-22 (as may be amended from time to time, and as codified in Chapter 2, Article XVIII of the City Code of Ordinances, the "Assessment Ordinance"), City Resolution No. 41-2009 (as amended and supplemented from time to time, and as particularly supplemented by Resolution No. 46-2009, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This resolution constitutes both the Final Assessment Resolution and the Annual Assessment Resolution (the "Annual Assessment Resolution") as defined in the Assessment Ordinance due to the increase in the assessment amount as compared to the prior fiscal years. *See Atlantic Gulf Communities Corp. v. City of Port St. Lucie*, 764 So. 2d 14 (Fla. 4th DCA 1999) (when the assessment is increased, it is deemed to be levied for the first time under section 197.3632(4)(a), Florida Statutes). All capitalized terms in this resolution not otherwise defined herein shall have the meanings defined in the Assessment Ordinance and the Initial Assessment Resolution. "Refuse Services" as used herein shall replace the definition previously used for "Solid Waste Services, including facilities and programs".

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The findings provided in Section 1.04 of the Initial Assessment Resolution are hereby ratified, confirmed, and incorporated as if set forth fully herein.

(B) On August 18, 2009, the City Commission adopted the Initial Assessment Resolution which described the Refuse Services, including facilities and programs (then referred to as the "Solid Waste Services, including facilities and programs"), provided for the funding thereof through Refuse Services Assessments and the method of assessing the cost of such services against the real property located within the City that will be specifically benefited thereby, established a public hearing to consider imposition of the Assessments, directed preparation of the preliminary Refuse Services Assessment Roll and the provision of the notices required by the Assessment Ordinance.

(C) Pursuant to the Assessment Ordinance, the City Commission is required to repeal or confirm the Initial Assessment Resolution, with such amendments as the City Commission deems appropriate, after hearing concerns and receiving comments or objections of interested parties.

(D) Pursuant to Resolution 25-2023, the cost of providing Refuse Services including facilities and programs has increased since adoption of the Initial Assessment Resolution in 2009. For Fiscal Year 2023-2024, the rate of Solid Waste Services Assessments is increased to \$258.63 per ERU per year as set forth in the Assessment Roll.

(E) Pursuant to Resolution No. 25-2023, the Refuse Service Assessment Roll has heretofore been filed at the offices of the City Clerk, 7 North Dixie Highway, Lake Worth Beach, Florida, and made available for public inspection.

(F) As required by the terms of the Assessment Ordinance and the Initial Assessment Resolution, notice of a public hearing has been published and mailed to each affected property owner notifying such property owner of the opportunity to be heard. The proof of publication and mailing are available for inspection at the Financial Services Department.

(G) A public hearing has been duly held on September 5, 2023 and comments and objections of all interested persons have been heard and considered as required by law.

(H) The imposition of Refuse Service Assessments for Refuse Services, including facilities and programs for each fiscal year is an equitable and efficient method of allocating and apportioning the Refuse Services Cost among parcels of Assessed Property.

(I) The Assessments contemplated hereunder will be imposed by the City Commission, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

(J) The benefits derived from the Refuse Services including facilities and programs exceed the amount of the Assessments levied and imposed hereunder. The Assessment for any Tax Parcel subject thereto does not exceed the proportional benefits that such Tax Parcel will receive compared to any other Tax Parcel.

(K) The Refuse Services provided for in the Initial Assessment Resolution and contemplated herein are Essential Services which possess a logical relationship to the use and enjoyment of, and relieve a burden created by and provide a special benefit to the Assessed Property by properly, safely and cost effectively disposing of refuse generated on the property.

(L) Each parcel of Assessed Property within the City will be specially benefited by the City's provision of Refuse Services, facilities, and programs in an amount not less than the Refuse Services Assessment for such parcel, computed in the manner set forth in the Initial Assessment Resolution.

(M) Adoption of this Annual Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Assessment Ordinance, the Initial Assessment Resolution and this Annual Assessment Resolution from the Refuse Services, facilities and programs to be provided and a legislative determination that the Refuse Services Assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

(N) The City Commission hereby finds and determines that the Assessments to be imposed in accordance with this Resolution provide an equitable method of funding the Refuse Services including facilities and programs by fairly and reasonably allocating the Refuse Services Cost among specially benefited property.

SECTION 4. RATIFICATION AND CONFIRMATION OF INITIAL ASSESSMENT RESOLUTION AND PREVIOUSLY IMPOSED ASSESSMENTS.

(A) The Initial Assessment Resolution is hereby ratified and confirmed.

(B) Any and all prior actions of the City Commission associated with the imposition of Refuse Services Assessments or similar fees and charges of every nature whatsoever for previous Fiscal Years, including the fees, charges and non-ad valorem assessments imposed and collected for Fiscal Year 2023-2024, are hereby approved, ratified and confirmed in their entirety.

SECTION 5. APPROVAL OF ASSESSMENT ROLL. The Refuse Services Assessment Roll, which is on file with the City Clerk and incorporated herein by reference, is hereby approved. The Refuse Services Assessment Roll shall be certified to the Tax Collector by September 15, 2023, pursuant to Section 197.3632(5), Florida Statutes.

SECTION 6. REFUSE SERVICES ASSESSMENTS.

(A) The Tax Parcels described in the Refuse Services Assessment Roll are hereby found to be specially benefited by the provision of Refuse Services. The apportionment methodology for the Refuse Services Assessments, as set forth in Section 3.03 of the Initial Assessment Resolution, is hereby approved. Accordingly, a Refuse Services Assessment in the amount of \$258.63 per ERU is hereby levied and imposed against each Tax Parcel described in the Refuse Services Assessment Roll.

(B) The Refuse Services Assessment shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption of this Resolution and shall attach to the property included on the Refuse Services Assessment Roll as of January 1, 2024, the lien date for ad valorem taxes.

SECTION 7. COLLECTION OF ASSESSMENTS. The Refuse Services Assessments imposed hereunder shall be collected pursuant to the provisions of the Initial Assessment Resolution and Uniform Assessment Collection Act. Upon adoption hereof and of the Annual Assessment Resolution for subsequent Fiscal Years, the City Manager shall cause the certification and delivery of the Refuse Services Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

SECTION 8. EFFECT OF ANNUAL ASSESSMENT RESOLUTION. The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein and in the Initial Assessment Resolution (including, but not limited to, the method by which the Assessments are computed and apportioned, the Refuse Services Assessment Roll, the rate of Assessment and the imposition or ratification of Assessments and any and all prior actions of the City Commission associated with the imposition of Assessments or similar fees and charges of every nature for previous years, including fees, charges and non-ad valorem assessments imposed and collected for Fiscal Year 2022-2023), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of the City Commission's adoption of this Annual Assessment Resolution.

SECTION 9. REPEAL OF INCONSISTENT RESOLUTIONS. Any resolutions or parts thereof in conflict herewith are hereby superseded and repealed to the extent of such conflict.

SECTION 10. EFFECTIVE DATE. This Annual Assessment Resolution shall take effect immediately upon its 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 Kim Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 5th day of September 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Coyne, City Clerk

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 5, 2023

DEPARTMENT: City Attorney

TITLE:

City of Lake Worth Beach v North H Enterprises, Inc., et al., Case No. 50-2020-CA-009354

SUMMARY:

The City had previously commenced a foreclosure action relative to the properties located at 219 North H Street, 221 North H Street, and 225 North H Street. The City was successful at the Trial court, and the Court entered an Order granting foreclosure and entering judgment in the City's favor in the amount of \$960,173.00. The Court also ordered the parties to attend mediation. At mediation, the City and property owners agreed to release all liens related to these properties in exchange for the demolition of certain structure and the payment of \$650,000 by the property owner to the City.

BACKGROUND AND JUSTIFICATION:

As set forth in the Summary, the parties have entered into the attached Agreed Mediated Settlement, subject to consideration and approval by the City Commission. The Agreement provides that the rear unoccupied building located at 221 North H Street and the unoccupied building located at 225 North H Street shall be demolished by October 30, 2023. The Agreement also provides that the property owner pay the City the sum of \$650,000 by October 30, 2023.

If the above demolition and payment is timely completed, the City will release all code liens at the subject properties (219 North H Street, 221 North H Street, and 225 North H Street) and dismiss the lawsuit.

If the above demolition and payment is not timely completed, the City will move forward with the sale of the property via foreclosure.

MOTION:

Move to approve/disapprove the Agreed Mediated Settlement.

ATTACHMENT(S):

Agreed Mediated Settlement

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CITY OF LAKE WORTH BEACH, a Florida
Municipal Corporation,

CASE NO.: 50-2020-CA-009354

Plaintiff,

v.

NORTH H ENTERPRISES, INC., a Florida
corporation, and MASTER CONTRACTORS
INC., A Florida corporation.

Defendant.

AGREED MEDIATED SETTLEMENT

Plaintiff, CITY OF LAKE WORTH BEACH (hereinafter referred to as the “CITY”), and counsel for North H Enterprises, Inc., (hereinafter referred to as the “North H”), file this Agreed Mediated Settlement and states as follows:

1. Pursuant to the Court’s Order Requiring Mediation, dated May 9, 2023, the Parties mediated this matter on July 3, 2023 and August 2, 2023.

2. As a result of the mediations, the Parties have entered into a Negotiated Settlement Agreement as follows:


A. North H agrees to obtain the necessary demolition permit from the CITY and complete the demolition, including all inspections, of the rear, unoccupied, building located at 221 North H and the unoccupied building located on 225 North H on or before October 30, 2023;

B. North H agrees to pay and remit to the City a total of SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$650,000.00) on or before October 30, 2023. This payment shall be made by wire transfer with the funds received by the City on or before October 30, 2023;

C. North H shall not remit any payment or commence the demolition set forth in A. above until the City Commission for the City of Lake Worth Beach approves this Negotiated Settlement Agreement.

D. If North H timely completes its obligations under this Negotiated Settlement Agreement, the City will:

- a. File a dismissal of this lawsuit, with prejudice, with each party bearing their own fees and costs; and,
 - b. Close, comply, release and deem satisfied any obligations, monetary or otherwise, that North H owed to the CITY arising out of or relating to the following code enforcement cases and liens:
 - i. Code Enforcement Case 16-0001663, ORB 29158, Page 1583;
 - ii. Code Enforcement Case 17-0002185, ORB 29411, Page 0821;
 - iii. Code Enforcement Case 19-0003684, ORB 31095, Page 0097;
 - iv. Code Enforcement Case 17-0002129, ORB 29411, Page 0819;
 - v. Code Enforcement Case 19-0003686, ORB 31095, Page 0100;
 - vi. Code Enforcement Case 17-0002103, ORB 29411, Page 0817; and,
 - vii. Code Enforcement Case 19-0003697, ORB 31095, Page 0103.
- E. If North H fails to complete its obligations under this Negotiated Settlement Agreement for any reason, the Parties agree that the City shall seek a sale date for the properties located at 219 North H Street, 221 North H Street and 225 North H Street from the Court without objection from North H.
- F. This Negotiated Settlement Agreement resolves the judgment and claims provided within Judge Curley's **ORDER ON PLAINTIFF'S AMENDED MOTION FOR SUMMARY JUDGMENT (AS TO TITLE ONLY) AND MOTION FOR DEFAULT FINAL JUDGMENT AS TO DEFENDANT MASTER CONTRACTORS INC., AS TO CODE ENFORCEMENT CASE NOS. 16-1663, 17-00002185, 17-0002129, AND 17-0002103**, issued on May 9, 2023 in this litigation, and the above listed liens regarding the properties located at 219 North H Street, 221 North H Street and 225 North H Street, which the City had, has or could have asserted through the date of this Agreement. The CITY acknowledges it has not previously assigned the Claims to any other person or entity and is not aware of any other claims against North H as of the date of this Agreement.
- G. Further, all code enforcement claims the City had, has or could have asserted through the date of this Negotiated Settlement Agreement are released, and the City acknowledges such code enforcement claims were not previously assigned to any other person or entity. The City may initiate any code enforcement case for any condition or violation existing on the properties located at 219 North H Street, 221 North H Street and 225 North H Street after the date of this Agreement.

Attorneys for the City of Lake Worth Beach	Attorneys for North H Enterprises, Inc.
<p>GOREN, CHEROF, DOODY & EZROL, P.A. 3099 East Commercial Blvd., Suite 200 Ft. Lauderdale, Florida 33308 Phone: (954) 771-4500</p> <hr/> <p>BRIAN J. SHERMAN Florida Bar No. 42262 BSherman@GorenCherof.com</p>	<p>TOURON LAW 2665 S. Bayshore Drive, Suite 300 Miami, Florida 33133 Telephone: (305) 441-9355</p>  <hr/> <p>FRANCISCO TOURON, III Florida Bar No. 527319 Frank@TouronLaw.com</p>

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 5, 2023

DEPARTMENT: City Manager/CRA

TITLE:

Transfer \$2 million of ARPA Funds for Affordable Housing to CRA

SUMMARY:

In the FY2022/2023 budget, City Commission allocated \$2.5 million of ARPA funds for affordable housing. In 2022, the CRA, in partnership with the City and their non-profit partners applied for Community Project Funding from the federal government, through Congresswoman Lois Frankel's office. The City offered a match of \$2 million. The application was awarded. CRA is ready to received the funds and request the transfer of the \$2 million.

BACKGROUND AND JUSTIFICATION:

The CRA has been at the forefront in providing affordable housing since 2012. The CRA have received \$23 million from the Department of Housing and Urban Development (HUD), the CRA and partners, Adopt-A-Family Habitat for Humanity of Greater Palm Beach, Housing Leadership Counsel, Community Partners, Neighborhood Renaissance, Florida Housing Finance and Community Land Trust plus private firms built over 400 affordable units within the CRA District.

In more recent years, the CRA continued their efforts on affordable housing through land purchasing and donations, environmental testing, inspections, buy downs, down payment assistance, and grants to provide more units for households making less than 120% area median income. Affordable housing funds have also been used for housing home-buyer workshops, down payment assistance and administration.

In 2022, the CRA, in partnership with the City and their non-profit partners applied for Community Project Funding from the federal government, through Congresswoman Frankel's office. The City offered a match of \$2 million. The application was submitted in April of 2022 and the CRA was awarded \$750,000. Although more was requested, the CRA moved forward with the grant award paperwork and prepared to receive the funds from HUD. See the attached Exhibit "A which consists of the fully executed grant agreement and HUD Assistance/Award Amendment Form.

The CRA also applied for \$2 million from the 23/24 round of Community Project Funding with a \$1 million match from the CRA. This grant, if received, would not only assist with affordable housing efforts but also to prevent homelessness working with Adopt-A-Family. See Exhibit "B" for more details of the application submission.

The CRA is requesting the transfer of the \$2 million matching funds from the City to continue meeting the need for more opportunities and units for households making less than 120% AMI. The \$2 million funds are critical to fulfilling the promised match. If the funds are not received, CRA is required to alert HUD which would ultimately jeopardized receiving the \$750,000 award funds and the next application. Attached is the approved resolution on July 11, 2023 from the CRA board (Exhibit "C").

It is suggested that the \$2 million from the City go towards:

<u>City</u>		<u>Community Project Funding</u>
Individual Development Accounts	\$40K	
Purchase of Land for New Rental Units	\$1.2M	\$500K
Purchase of Land for Home Ownership	\$400K	\$150K
Buy Down of Private Housing Units	\$360K	\$100K

The estimates in these categories may change, based on what property is available for purchase and which partner will receive the land or building. However, all funding will be spent on making affordable units as no funds will be spent on plans or administration.

The CRA's draft budget includes another \$1.3 million for affordable housing next year. In the meantime, the CRA is working with their non-profit housing partners to deliver 17 new affordable home-owner occupied units and approximately eight (8) rental units. In addition, CRA is working with the private sector to provide 278* low and workforce housing units. Lastly, the CRA is currently working with three firms who are proposing projects in the CRA district. These may provide the CRA with the opportunity to buy down some of the units to create mixed-income housing.

*Development Names – Perch, Village Flats, Lake Worth Station, 10th St. Apartments, and Madison Terrace

MOTION:

Motion to approve/disapprove the transfer of \$2 million of the ARPA funds allocated to affordable housing to the CRA to develop affordable housing units and programs.

ATTACHMENT(S):

Memo from Joan Oliva to Carmen Davis – regarding City Match for 2022/23 Community Project Funding for Affordable Housing – Resolution #23-03

Exhibit A - fully executed grant agreement and HUD Assistance/Award Amendment Form.

Exhibit B - 2023/2024 round of Community Project Funding application submission.

Exhibit C - CRA board approved resolution on July 11, 2023 from the CRA



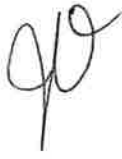
LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY

1121 Lucerne Avenue | Lake Worth Beach, Florida 33460-3346 | T: 561-493-2550

www.lakeworthcra.org

MEMORANDUM

TO: Carmen Davis, City Manager

FROM: Joan C. Oliva, Executive Director 

DATE: Aug. 15, 2023

SUBJECT: City Match for 2022/23 Community Project Funding for Affordable Housing – Resolution #23-03

EXPLANATION:

The Lake Worth Beach CRA has been at the forefront in providing affordable housing since 2012. After receiving \$23M from the Department of Housing and Urban Development (HUD), the CRA and our partners, Adopt-a-Family, Habitat for Humanity of Greater Palm Beach, Housing Leadership Counsel, Community Partners, Neighborhood Renaissance, Florida Housing Finance and the Community Land Trust plus private firms built over 400 affordable units within the CRA District. The CRA relies on their partners to fund the construction of homes with money often coming from the County or other sources. Without this partnership, the impact would be much less.

Over the past two years, the CRA spent \$3M on affordable housing for land purchases and donations, environmental testing, inspections, buy downs, down payment assistance, and grants to provide more units for households making less than 120% area median income. The CRA has also spent funds on hosting home-buyer workshops, down payment assistance and administration. To keep up with the market, the CRA has dipped into its fund balance to help pay for properties that otherwise may have gone to investors or out of town owners.

In 2022, the CRA, in partnership with the City and our non-profit partners applied for Community Project Funding from the federal government, through Congresswoman Frankel's office. The application requested \$2.5 from HUD with a local match of land and TIF dollars. The City offered a match of \$2M. The application was submitted in April of 2022 and the CRA was awarded \$750K. Although more was requested, the CRA moved forward with the grant award paperwork and is now ready to receive the funds (Exhibit "A"). These funds were budgeted in the 22/23 Capital budget.

The CRA has applied for another \$2M from the 23/24 round of Community Project Funding with a \$1M match from the CRA. This grant, if received, would not only help with affordable housing efforts but also to preventing homelessness working with our partner, Adopt-a-Family. For more detail, please see Exhibit "B."

The CRA is requesting the \$2M in matching funds from the City so we can continue providing more opportunities and units for households making less than 120% AMI. This is needed because local prices continue to rise and without the proper funding, the CRA will be able to do much less than promised in the grant award acceptance. A Resolution from the CRA Board, approved at our July 11th meeting, is

attached for review Exhibit "C". If we do not receive the City funds, we are required to alert HUD that the promised match is not available. In turn, this could jeopardize the \$750K payout and our next application.

It is suggested that the \$2M from the City go towards:

City	Community Project Funding
Individual Development Accounts -	\$40K
Purchase of Land for new Rental Units	\$1.2M
Purchase of Land for Home Ownership	\$400K
Buy down of private housing units	\$360K
	\$500K
	\$150K
	\$100K

The estimates in these categories may change, based on what property is available for purchase and which partner will receive the land or building. However, all funding will be spent on making affordable units as no funds will be spent on plans or administration.

The CRA's draft budget includes another \$1.3M for affordable housing next year. In the meantime, the CRA is working with our non-profit housing partners to deliver 17 new affordable home-owner occupied units and approximately 8 rental units. In addition, the CRA is working with the private sector to provide 278* low and workforce housing units. Lastly, the CRA is currently working with three firms who are proposing projects in the CRA District. These may provide the CRA with the opportunity to buy down some of the units to create mixed-income housing.

REQUEST

CRA asks that the City Commission approve the transfer of the \$2M dollars to the CRA for use in our affordable housing program.

* Development Names – Perch, Village Flats, Lake Worth Station, 10th St. Apartments and Madison Terrace



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-1000

OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT

July 2, 2023

Joan Oliva
Lake Worth Beach Community Redevelopment Agency
1121 Lucerne Ave.
Lake Worth Beach, FL 33414
Email: joliva@lakeworthbeachfl.gov

Subject: FY2023 Community Project Funding Grant: Fully Executed Grant Agreement
B-23-CP-FL-0404

Dear Oliva:

The HUD Office of Community Planning and Development, Congressional Grants Division is providing the fully executed Grant Agreement to you for the subject grant. This Grant Agreement, signed by both parties, provides the terms and conditions for this grant, and readies you to be able to spend your grant funds and submit requests for reimbursement. Please retain this document as part of your grant records.

Regarding the Disaster Recovery Grant Reporting (DRGR) system, the administrator for your account will receive notification when they have been set up. The user for the account is the individual listed as the point of contact per your SF424 (under Applicant Information). They will receive an email from DRGR Helpdesk with the User ID and temporary password. The DRGR PIN for this grant is provided here: 30404. The email will include additional instructions on accessing DRGR for the first time.

The DRGR Administrator for your organization will need to add at least one additional user to complete the draw down process. Please refer to the DRGR Quick Guide for additional guidance.

If you, or your staff, have any questions regarding next steps, please review the attached DRGR Quick Guide and feel free to contact, Julie Zavala, CPD Congressional Grants Division at Julie.A.Zavala@hud.gov

Sincerely,

Holly A. Kelly

Holly A. Kelly

Director

Congressional Grants Division

ATTACHMENTS:

HUD 1044 Assistance/Award Amendment Form
Community Project Funding Fully Executed Grant Agreement
DRGR Quick Guide

Assistance Award/Amendment		U.S. Department of Housing and Urban Development Office of Administration											
1. Assistance Instrument <input type="checkbox"/> Cooperative Agreement <input checked="" type="checkbox"/> Grant		2. Type of Action <input checked="" type="checkbox"/> Award <input type="checkbox"/> Amendment											
3. Instrument Number B-23-CP-FL-0404	4. Amendment Number	5. Effective Date of this Action	6. Control Number										
7. Name and Address of Recipient Lake Worth Beach Community Redevelopment Agency 1121 Lucerne Ave. Lake Worth Beach, FL 33414 EIN: 20-2848876 UEI: NTBPRKVS7K59		8. HUD Administering Office CPD, Congressional Grants Division 451 7th Street, SW, Rm 7146 Washington, DC 20410-7000											
10. Recipient Project Manager Joan Oliva		9. HUD Government Technical Representative Julie Zavala											
11. Assistance Arrangement <input type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Cost Sharing <input checked="" type="checkbox"/> Fixed Price	12. Payment Method <input type="checkbox"/> Treasury Check Reimbursement <input type="checkbox"/> Advance Check <input checked="" type="checkbox"/> Automated Clearinghouse	13. HUD Payment Office Chief Financial Officer											
14. Assistance Amount		15. HUD Accounting and Appropriation Data											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%;">Previous HUD Amount</td><td style="width:50%;"></td></tr> <tr><td>HUD Amount this Action</td><td style="text-align: right;">\$750,000.00</td></tr> <tr><td>Total HUD Amount</td><td style="text-align: right;">\$750,000.00</td></tr> <tr><td>Recipient Amount</td><td></td></tr> <tr><td>Total Instrument Amount</td><td style="text-align: right;">\$750,000.00</td></tr> </table>		Previous HUD Amount		HUD Amount this Action	\$750,000.00	Total HUD Amount	\$750,000.00	Recipient Amount		Total Instrument Amount	\$750,000.00	15a. Appropriation Number	15b. Reservation Number EDE 23
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16. Description

Affordable Housing in Lake Worth Beach

This Award consists of the following items which are appended to and hereby made part of this Award:

- (A) Cover Page - HUD 1044
- (B) Grant Agreement

Instructions:

NO PROJECT FUNDS may be committed to the project or drawn down prior to environmental release of funds approval.

Locate your nearest HUD Regional Environmental Officer at

<https://www.hudexchange.info/programs/environmental-review/hud-environmental-staff-contacts/-region-i-regional-and-field-environmental-officers>.

Disclaimer: The information on this form is to be used only for purposes of recordkeeping and facilitating communication between the Recipient identified in box 7 above (which is also referred to as the "Grantee") and the U.S. Department of Housing and Urban Development ("HUD") in relation to the award identified above ("this award").

This document does NOT constitute the grant agreement for this award.

The terms and conditions for this award are as specified in the grant agreement signed by HUD and the Grantee

17. <input type="checkbox"/> Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office.	18. <input checked="" type="checkbox"/> Recipient is not required to sign this document.
19. Recipient (By Name): Joan Oliva	20. HUD (By Name): Robin J. Keegan

The Lake Worth CRA, in partnership with, Adopt-a-Family, Habitat for Humanity, Neighborhood Renaissance, Housing Leadership Council, the Community Land Trust of Palm Beach and the Treasure Coast, Community Partners of South Florida and the City of Lake Worth seek to purchase available, blighted or foreclosed properties, and build, much-needed attainable housing in the CRA District.

The Lake Worth CRA has several land-banked parcels and City funding to leverage any money awarded. Some of our land-banked parcels do have private sector partners. In this case, we can help subsidize a portion of the units to make them attainable to households. This will result in mixed-use, mixed-income units that will help further stabilize the area. In other cases, we will purchase more properties and work with our non-profit partners to build or rehabilitate new attainable units. All units will be deed restricted and for-sale units will have a shared-equity agreement to give the program longevity.

The strategy we are implementing is proven successful. With the \$23M in HUD, Neighborhood Stabilization Funding, the CRA and its partners were able to bring over 400 affordable rental and home-ownership units to the City of Lake Worth since 2012. Although we won't be able to assist as many families as last time due to less funding and higher prices, we are confident we can make positive, lasting strides in making more attainable units with continued affordability.

Without a safe, secure place to live, households are vulnerable to health issues, food insecurity and lower than average educational outcomes. The median price of a home in Palm Beach County exceeds \$500K. Annual home prices have jumped 25.5% in the last three years. The renter affordability gap is just over \$1000 for low income households and over \$600 for moderate income households (Palm Beach Housing for All Plan, 2022). Currently, there is no limit in how much a landlord can increase a household's rent. Construction materials have increased over 17% just in the last year and there is little decline in sight. Without direct intervention by local City's, CRA's and both profit and non-profit partners, housing for our most vulnerable and our local workforce will disappear. Companies will no longer be able to relocate and offer jobs to our local citizens and graduating students. The lack of housing will greatly intensify the need for not only rooftops but also social services. Without a continuum of care, that includes, housing, transportation, food and health options and education, the County will suffer and the largest burden will be placed on households earning less than 120% of Area Medium Income.

This Lake Worth Attainable Housing Program will:

- Acquire much needed properties
- Rehabilitate/construct up to 50 properties to offer affordable rents
- Rehabilitate/construct up to 20 properties for to new homebuyers
- Land bank up to 10 properties for future need
- Seek to build units close to mass transit and schools
- Provide funding mechanisms for up to 30 households
- Provide deep-subsidy for up to 10 households
- Provide credit and home-buyer counseling
- Offer financial literacy classes



OFFICE OF CONGRESSWOMAN LOIS FRANKEL (FL-22)

Community Project Funding (CPF): FY24 Transportation & HUD

Return completed form and required documentation to: becca.flikier@mail.house.gov

Due Date: Tuesday, March 14, 2023

Account and Grantee Eligibility: The Subcommittee will only accept legally eligible requests under the following accounts: Transit Infrastructure Projects, Highway Infrastructure Projects, Airport Improvement Program (AIP) Projects, Port Infrastructure Development Program Projects, Consolidated Rail Infrastructure and Safety Improvement (CRISI) Projects, and Economic Development Initiative (EDI) Projects. Grantee eligibility and project requirements vary by account, please see more information below for each account.

Economic Development Initiative (EDI)

EDI Community Project Funding within the Community Development Fund account of the HUD title is intended for economic and community development activities, consistent with statutory and additional Committee requirements.

Project requests for the FY24 EDI program must be eligible under one or more of the following criteria of the Community Development Block Grant (CDBG) program: 42 U.S.C. 5305(a)(1), 5305(a)(2), 5305(a)(4), 5305(a)(5); which are as follows—but limited to—land or site acquisition, demolition or rehabilitation; blight removal; and construction and capital improvements of public facilities, except for “buildings used for the general conduct of government.” Programmatic and operational expenses are **not eligible**.

Eligible Categories:

- 5305(a)(1)** – acquisition of real property (including air rights, water rights, and other interests therein) which is
- (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth;
 - (B) appropriate for rehabilitation or conservation activities;
 - (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;
 - Please be advised that projects submitted under 5305(a)(1)(C) will be **disfavored** if the only or primary purpose of the project is “beautification” or historic preservation, without evidence of other community development or economic development benefits.
 - D. to be used for the provision of public works, facilities, and improvements eligible for assistance under this chapter;
 - E. or to be used for other public purposes

To Be Completed by Applicant:

General Information Needed from all Applicants

- Entity Requesting Funds (aka non-federal project sponsor):
Lake Worth Beach Community Redevelopment Agency (CRA)
- Primary Point of Contact (name, email, phone number, organization address):
Joan C. Oliva, joliva@lakeworthbeachfl.gov
(561) 493-2550
1121 Lucerne Avenue
Lake Worth Beach, FL 33460
- Project Priority (if non-federal sponsor is submitting more than 1 project): n/a
- Short description of the project to appear in the report:

The Lake Worth CRA, in partnership with our housing and social service partners, will continue our efforts to provide both rental and home-ownership opportunities to households making less than 120% of Area Median Income (AMI) in the District. In addition, we will partner with Adopt-a-Family to fund programs that prevent homelessness.

- Total Project Cost (including breakdown of federal/non-federal shares):
Estimated Budget

Community Project Funding Request	\$2,000,000	(Acquisition, Rehab and New Construction)
Community Project Funding Award '23	\$ 750,000	(Acquisition, Inspections, Environmental Assessment and Testing)
Local Cash Match	\$1,000,000	(Homeless Prevention, Acquisition, Rehab.
Admin. & Social Service Value	<u>\$ 200,000</u>	and New Construction)
	\$3,950,000	

- Requested Amount: \$2,000,000
- Sources of funding for the full share of the cost of the project if amount received is less than amount requested:

The CRA will still allocate at least \$1,000,000 towards providing affordable units in the District and use current administrative Staff to carry out the efforts.

- Whether the project has received Federal funding previously, and if so, the source and amount:
Yes, the CRA and partners received \$750K last year. We are currently undergoing an environmental assessment, which will speed up housing production if our application is chosen. We are extremely grateful for the award, however, with rising prices and the extreme need in the community, more funding can definitely help make a bigger difference.

- **Complete Description of Project (limit 1000 characters, including spaces):**

The Lake Worth Beach Community Redevelopment Agency (CRA), in partnership with Adopt-a-Family, the Community Land Trust of Palm Beach County and the Treasure Coast, Habitat for Humanity, Housing Leadership Counsel, Community Partners of South Florida, Neighborhood Renaissance and the City of Lake Worth Beach seek to purchase available blighted foreclosed or for-sale properties and build much needed attainable housing in the CRA District. Our main focus will be to increase home-ownership in the District although we will seek to rehabilitate and build rental units as well. The CRA has some land-banked properties to use to build affordable units for households making less than 120% of Area Medium Income. All new or rehabilitated housing will be deed restricted.

Questions for EDI Projects:

1. Project Name. Lake Worth Beach Attainable Housing and Homeless Prevention Program

2. General description of the project and why it is needed.

The medium price of a home in Palm Beach County exceeds \$500K. Home prices have jumped 25.5% in the past few years. Rents have also increased exponentially in the last few years. The renter affordability gap grew to over \$1000 for low-income families and \$600 for those making moderate (avg. 140% AMI) incomes. We cannot build our way out of the current situation. Construction materials have increased just over 17% just in the last year and there is little decline in sight as many materials continue to be difficult to obtain (Palm Beach Housing for All Plan, 2022).

Without direct intervention by local City's, CRA's and both profit and non-profit partners, housing for our most vulnerable and our local workforce will disappear. Companies will no longer be able to relocate and offer jobs to our local citizens and graduating students. The lack of housing will greatly intensify the need for not only rooftops but also social services. Without a continuum of care, that includes, housing, transportation, food and health options and education, the County will suffer and the largest burden will be placed on households earning less than 120% of Area Medium Income.

Due to high demand, many property owners are increasing rents and demanding substantial deposits. These increases put rental units out of reach for struggling families in the area. In an effort to stop households from losing their place to call home, we are adding other components to our efforts. These include Rapid-Re-Rehousing which will help local homeless families into permanent housing. In addition, funding will be put aside for Homeless Prevention, which will provide funding for families who are facing homelessness due to rising rents or a family crisis. Meanwhile, the majority of the funding will go to provide more affordable, rental units in the area and offer, for-sale housing opportunities helping to stabilize neighborhoods.

3. What are the benefits of this project and why is it a priority?

This project is a high priority, not only for the Lake Worth CRA, but for all municipalities in the region. Housing is a necessity, yet having a place to stay that is affordable has become a luxury. Housing costs are the largest single component of household expenses in the area. The remainder of a household's income go towards necessities like health-care costs, transportation and groceries.

Owning a home is the largest single asset investment held by most Americans. Housing is the key to reducing intergenerational poverty and increasing economic mobility. For renters, increasing housing costs also slow wealth building and can deplete savings. Research shows that increasing access to affordable housing is the

most cost-effective strategy for reducing childhood poverty and increasing economic mobility in the United States. A stable home allows people to invest in their social relationships, communities, health, and educational endeavors. Without that stability, families can experience stress, job loss, and even low rates of civic engagement (Florida Housing Coalition, 2023).

For younger workers and recent graduates entering the workforce, high housing costs creates a difficult decision as to whether to continue living in the Palm Beach area or move away. Over the past twenty years, Palm Beach County's housing prices have skyrocketed, insurance and the cost of living have steadily risen as well. High relative housing costs for renters and tightening first-time homeowner opportunities can hamper regional talent retention, posing a threat to its sustainability and long-term prospects for advanced regional economic development in high wage, high skill areas (Palm Beach County Housing Assessment, 2022). Without housing for essential workers and those just entering the workforce, the region becomes unsustainable. This will lead to gentrification while also slowing economic and employment growth.

4. Who are the community partners participating in this project?

Adopt-a-Family of the Palm Beaches
Community Land Trust of Palm Beach County and the Treasure Coast
City of Lake Worth Beach
Community Partners of South Florida
Habitat for Humanity of Palm Beach County
Housing Leadership Council
National Community Stabilization Trust
Neighborhood Renaissance
Private, local developers, contractors and acquisition specialists

5. Have local community development organizations with prior experience with HUD programs been consulted?

Yes, the Lake Worth CRA is a recipient of Neighborhood Stabilization Program (NSP-2) funding from the Department of Housing and Urban Development. The community partners included in this application were also sub-recipients and partners for the NSP-2 grant which was extremely successful in bringing over 400 affordable units to the City of Lake Worth.

6. Has the request been submitted to another Subcommittee or Committee this fiscal year? No

7. Is this project consistent with the primary objective of the community development program?

The purpose of a Community Redevelopment Agency is to help stabilize once neglected areas, increase homeownership and economic opportunities and to increase values in an area. Tax Increment Financing (TIF) is used to fund programs and projects that benefit the community. Although the Lake Worth CRA spent all NSP-2 funds on time and had no audit findings, there is much more work to be done.

A neighborhood that lacks affordable housing often lacks housing for the community's essential, low-income workers. Essential workers in South Florida are those who provide health care, law enforcement, teach our children and take care of our elderly. Many essential workers have long-called Lake Worth Beach home. Housing unaffordability is often why local individuals and families experience instability. Our goal with this and other funding opportunities is to prevent displacement and provide safe, clean, secure housing so the existing neighborhoods can not only become stable but also prosper.

This program is part of an overall effort, focused on both community and economic development and growth. Community development activities build stronger and more resilient communities. Activities that have been undertaken in recent years include upgrading crucial infrastructure, economic development projects, public facilities installation, housing rehabilitation, clearance/acquisition, code enforcement, and homeowner assistance. Federal support encourages systematic and sustained action taken by the CRA in the past. Simply put, the CRA, nor the City of Lake Worth can do address the need without this and other funding.

RESOLUTION 23-03

**CITY OF LAKE WORTH BEACH
COMMUNITY REDEVELOPMENT AGENCY**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ("CRA") EXPRESSING THE CRA'S SUPPORT FOR THE CITY OF LAKE WORTH BEACH'S GRANT OF TWO MILLION AND 00/100 DOLLARS (\$2,000,000.00) WHICH SHALL BE UTILIZED IN CONJUNCTION WITH THE CRA'S COMMUNITY PROJECT FUNDING AWARD FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") TO BE UTILIZED BY THE CRA TO PURCHASE AVAILABLE BLIGHTED OR FORECLOSED PROPERTIES FOR THE PURPOSE OF CONSTRUCTION AFFORDABLE AND ATTAINABLE HOUSING WITHIN THE CRA'S COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake Worth Beach Community Redevelopment Agency's ("CRA") submitted a grant application to the United States Department of Housing and Urban Development ("HUD") for Community Project Funding to support the CRA's goals and objectives to acquire blighted or foreclosed properties for the purpose of constructing affordable and attainable housing units within the CRA's Community Redevelopment Area; and

WHEREAS, the CRA's Redevelopment Plan provides for the CRA to acquire property within the CRA's Community Redevelopment Area for the purpose of improving the housing stock within the CRA's Community Redevelopment Area; and

WHEREAS, as part of the CRA's application to HUD for Community Project Funding, the City of Lake Worth Beach pledged its support in the form of a Two Million and 00/100 Dollar (\$2,000,000.00) grant to the CRA for the CRA's attainable housing program; and

WHEREAS, HUD granted the CRA's funding application in the amount of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) to support the CRA's housing acquisition and construction programs, and the CRA has entered into a Grant Agreement with HUD for the grant funds; and

WHEREAS, the CRA Board of Commissioners finds that the CRA's property acquisition program is consistent with the CRA's Community Redevelopment Plan, and is in the best interest of the CRA, the citizens and businesses located within the Community Redevelopment Area and the City of Lake Worth Beach, and expresses its support and appreciation for the City of Lake Worth's grant in support of the CRA's attainable housing program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE COMMISSIONERS OF THE CITY OF LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby incorporated herein.

Section 2. The Board of Commissioners of the City of Lake Worth Beach Community Redevelopment Agency hereby expresses its support and appreciation for the City of Lake Worth Beach's pledge of Two Million and 00/100 Dollars (\$2,000,000.00) in grant funding for the purpose of supporting the CRA's attainable housing program as provided in the Grant Agreement entered into between the CRA and the United States Department of Housing and Urban Development..

Section 3. That all resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is a conflict or inconsistency.

Section 4. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. That the Executive Director is directed to send a copy of this Resolution to the Lake Worth Beach Mayor, City Commissioners, City Manager, and City Clerk.

Section 6. That this Resolution shall become effective upon its passage and adoption by the City of Lake Worth Beach Community Redevelopment Agency Board of Commissioners.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ON THE 11 DAY OF July, 2023.

LAKE WORTH BEACH COMMUNITY
REDEVELOPMENT AGENCY

BY: 
BRENDAN LYNCH, CHAIR

ATTEST:


JOAN OLIVA, EXECUTIVE DIRECTOR

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 5, 2023

DEPARTMENT: Community Sustainability

TITLE:

Resolution No. 35-2023 - Intent to abandon an approximately 10-foot-wide section of public right-of-way (alley) located on north of 9th Avenue South between South H Street and South Dixie Highway, and to abandon an approximately 40-foot-wide section of public right-of-way (9th Avenue South) located between South H Street and South Dixie Highway.

SUMMARY:

Resolution No. 35-2023 is the first of a two-step process to abandon the rights-of-way. The subject abandonment was requested by Madison Terrace, LLC to allow for the construction of a 176-unit multi-family project proposed on the north side of 9th Avenue South between South H Street and South Dixie Highway. This project is commonly referred to as “Madison Terrace.” The subject rights-of-way are approximately 300 feet in length by 10 feet wide (3,000 square feet), and approximately 280 feet in length by 40 feet wide (11,200 square feet). The rights-of-way will also revert back to the other abutting property owners.

BACKGROUND AND JUSTIFICATION:

The procedure to abandon public rights-of-way is established in Section 19-4 of the City’s Code of Ordinances. Section 19-4 states that the City Commission may, by its own initiative or upon request, adopt a resolution declaring the intention of the City Commission to consider the abandonment of rights-of-way.

The proposed abandonment is part of the request by Madison Terrace, LLC for the construction of a 176-unit multi-family project, commonly referred to as “Madison Terrace.” The project is a Mixed Use Urban Planned Development (Residential Only) that offers affordable age-restricted units to senior citizens.

The subject right-of-way is depicted on the attached location map and is described in Resolution No. 35-2023. Staff from Public Works, Water Utilities, and Electric Utilities Departments reviewed the request and had no issues with the abandonment.

MOTION:

Move to approve/disapprove Resolution No. 35-2023 and to schedule the public hearing for October 3, 2023.


ATTACHMENT(S):

Location Map
Resolution 35-2023 Draft

LOCATION MAP



Map Legend

Vacated Rights of Way 

Outline of Property Included in Project 

RESOLUTION NO. 35-2023 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DECLARING THE INTENTION OF THE CITY COMMISSION TO CONSIDER THE ABANDONMENT OF THE APPROXIMATELY 40-FOOT-WIDE 9TH AVENUE SOUTH RIGHT-OF-WAY AND THE APPROXIMATELY 10-FOOT-WIDE ALLEY RIGHT-OF-WAY LAYING BETWEEN 821 SOUTH DIXIE HIGHWAY, 901 SOUTH DIXIE HIGHWAY, 808 SOUTH H STREET, 818 SOUTH H STREET, 824 SOUTH H STREET, 826 SOUTH STREET, 832 SOUTH H STREET, AND 902 SOUTH H STREET AND REVERTING BACK TO THE PROPERTY OWNER OF SAID ABUTTING PROPERTIES (PCN: 38-43-44-21-15-255-0090; 38-43-44-21-15-255-0080; 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0060; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; AND 38-43-44-21-15-253-0010) AS DESCRIBED HEREIN; SUBJECT TO CONDITIONS; AND PROVIDING FOR RECORDING AND AN EFFECTIVE DATE.

WHEREAS, the abutting property owners are Eswin Perez (PCN: 38-43-44-21-15-255-0080) hereinafter referred to as "902 South H Street", Rashda Tariq (PCN: 38-43-44-21-15-255-0090) hereinafter referred to as "901 South Dixie Highway", and BHOJA CORPORATION (PCN: 38-43-44-21-15-253-0060) hereinafter referred to as "808 South H Street"; and,

WHEREAS, Madison Terrace LLC on behalf of BUYERS CHOICE AUTO SALES, has requested the right-of-way abandonment in conjunction with the construction of a 176-unit multi-family project proposed on the north side of 9th Avenue South utilizing the parcels located at 821 South Dixie Highway, 818 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street (PCN: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010). This project is commonly referred to as "Madison Terrace"; and

WHEREAS, a utility easement dedication will be entered into for existing utilities;

WHEREAS, the City Commission seeks to hear the proposed abandonment at a public hearing on October 3, 2023 and consider any comments, objections or protest to the same.

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

Section 1. The foregoing recitals are incorporated into this Resolution as true statements.

Section 2. The City Commission of the City of Lake Worth Beach, Florida, hereby declares its intention to consider the abandonment of the following described right-of-way which will revert back to the property owners as follows:

THE APPROXIMATELY 40 FOOT WIDE 9TH AVENUE SOUTH RIGHT-OF-WAY LAYING BETWEEN LOTS 1 & 8, BLOCK 253 AND LOTS 8 & 9, BLOCK 255 IN THE

TOWNSITE OF LUCERNE, (N/K/A LAKE WORTH BEACH) ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 29 TO 40 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND REVERTING BACK TO THE PROPERTY OWNER OF SAID ABUTTING PROPERTIES (PCN: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0010; 38-43-44-21-15-255-0080 AND 38-43-44-21-15-255-0090) LOCATED ALONG THE EAST AND WEST LINES OF THE RIGHT-OF-WAY.

THE APPROXIMATELY A 10 FOOT WIDE ALLEY RIGHT-OF-WAY LAYING BETWEEN LOTS 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, & 16, BLOCK 253 IN THE TOWNSITE OF LUCERNE, (N/K/A LAKE WORTH BEACH) ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 29 TO 40 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND REVERTING BACK TO THE PROPERTY OWNER OF SAID ABUTTING PROPERTIES (PCN: 38-43-44-21-15-253-0010; 38-43-44-21-15-253-0020; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0060; AND 38-43-44-21-15-253-0110) LOCATED ALONG THE NORTH AND SOUTH LINES OF THE RIGHT-OF-WAY.

Section 3. A public hearing is to be held at 6:00pm on October 3, 2023, or as soon thereafter as the matter can be heard, at City Hall, 7 North Dixie Highway, Lake Worth Beach, FL, to hear and consider comments, objections or protests by the public on the abandonment.

Section 4. This resolution shall become effective immediately upon its passage.

The passage of this resolution 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 resolution duly passed and adopted this _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Coyne, City Clerk

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 5, 2023

DEPARTMENT: City Commission

TITLE:

Resolution No. 34-2023 – Declaring the city a safe and welcoming haven for LGBTQIA+ community and their families brought forward by Mayor Resch

SUMMARY:

Resolution 34-2023 declares that the City of Lake Worth Beach as a safe and welcoming haven for the LGBTQIA+ community and their families.

BACKGROUND AND JUSTIFICATION:

The City of Lake Worth Beach continues to welcome diversity and encourages that all the individuals in the City contribute to the quality of our lives and should be treated fairly, with respect and dignity, and with full human rights. Due to the extensive State and local legislatures who have already introduced over 600 hateful laws targeting the LGBTQIA+ community the City strives to continue to honor a movement that has grown stronger, more vibrant, and more inclusive with every passing year.

Resolution 34-2023 declares that the City is a safe and welcoming haven for the LGBTQIA+ community who honor our City with their presence. We will continue to celebrate the generations of LGBTQIA+ people, who have fought bravely to live openly and authentically. The City will also continue to support the generational work to ensure that everyone enjoys the full promise of equity, dignity, protection, and freedom.

MOTION:

Move to approve/disapprove Resolution 34-2023 - Declaring Lake Worth Beach a safe and welcoming haven for the LGBTQIA+ community and their families.

ATTACHMENT(S):

Fiscal Impact Analysis- N/A
Resolution 34-2023

**RESOLUTION 34-2023 OF THE CITY OF LAKE WORTH BEACH,
FLORIDA, DECLARING THE CITY A SAFE AND WELCOMING HAVEN
FOR THE LGBTQIA+ COMMUNITY AND THEIR FAMILIES; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Lake Worth Beach welcomes diversity and believes that all individuals in the City of Lake Worth Beach add to the quality of our lives and should be treated fairly, with respect and dignity, and with full human rights; and,

WHEREAS, the population of the City consists of people of every race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity or expression, ancestry, age, disability, source of income, marital status, and familial status. Many of these people are discriminated against in employment opportunities, public accommodations, education, healthcare, and housing; and,

WHEREAS, the City of Lake Worth Beach has a long and proud history of acceptance of all individuals with respect and dignity, regardless of an individual's race, ethnicity, color, religion, national origin, sex, sexual orientation, gender identity or expression, ancestry, age, disability, source of income, marital status, and familial status, including but not limited to the areas of housing, public accommodation, education, healthcare, and employment; and,

WHEREAS, the City of Lake Worth Beach recognizes and admonishes the increasing legislation denying respect and dignity particularly on the basis of sexual orientation and gender identity or expression across the United States; and,

WHEREAS, In the current 2023 legislative session, 491 such bills in 46 states have been introduced and many passed into law, according to the American Civil Liberties Union (ACLU). These bills infringe on human rights and restrict fundamentals like healthcare and education and the basic enjoyment of their lives; and,

WHEREAS, in this hostile environment, cities, counties, and states across the country are taking steps to support and protect lesbian, gay, bisexual, transgender, queer, and gender-expansive people, especially youth. A 2022 survey by the Trevor Project, a suicide prevention group focused on LGBTQIA+ youth, found that 86 percent of transgender or nonbinary youth reported negative effects on their mental health stemming from the political debate around these human rights issues, and nearly half had seriously considered suicide in the past year; and,

WHEREAS, the City of Lake Worth Beach is a welcoming environment to all and seeks to serve as a refuge of fairness, respect, and dignity for all individuals and families;

NOW, THEREFORE, BE IT RESOLVED that the City Commission of Lake Worth Beach firmly states its commitment to protecting human rights for all individuals, and

believes that access to healthcare, education and peaceful enjoyment of their lives are fundamental rights to all people in the City;

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

SECTION 1: The City of Lake Worth Beach shall now and forever be considered a safe place, a sanctuary, a welcoming and supportive city for LGBTQIA+ individuals and their families to live in peace and comfort.

SECTION 2: 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 5th day of September, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 5, 2023

DEPARTMENT: City Attorney

TITLE:

Performance Evaluation Form for Carmen Davis

SUMMARY:

Development of a proposed Performance Evaluation Instrument for the City Manager in accordance with her Employment Agreement

BACKGROUND AND JUSTIFICATION:

In accordance with the Employment Agreement between Carmen Davis and the City, attached is a proposed Performance Evaluation instrument that the city attorneys have developed in consultation with Ms. Davis, the Mayor and the Commission. This Evaluation Form is being presented for your consideration and approval. Upon your approval, I would suggest that you schedule a time to individually meet with Ms. Davis to discuss her performance evaluation. This would be followed by her formal evaluation at a Commission meeting.

MOTION:

Move to approve/disapprove the performance evaluation form for City Manager.

ATTACHMENT(S):

Performance Evaluation Form

**LAKE WORTH BEACH
CITY MANAGER
PERFORMANCE EVALUATION**

Evaluation Instructions

This evaluation is an annual critical look at the performance of the City Manager. This is also an introspective look at the relationship between the City Commission and the City Manager; a communication and an opportunity on the part of the City Commission to align expectations. It is an opportunity to re-establish the goals and objectives for the City of Lake Worth Beach. It should be a positive exchange and learning process for both parties.

Responsibilities

In order to meet the objectives of a fair and unbiased evaluation it is important to have evaluations from all City Commission members.

Forms and Process

The following evaluation will consist of several categories for which the City Manager is responsible or has regular involvement. A five-point assessment scale is provided in order to provide a numerical value to each question and/or category. A score of 1 would be unsatisfactory while a score of 5 would be outstanding.

Evaluations will be signed and should be completed independently. Comments in the comment area should be used to support numerical point assessments.

To aid in the discussion of the evaluation, the City Manager will use the same form for a self-evaluation. The City Manager's self-evaluation will be completed and provided to each member of the City Commission. Each member of the City Commission will receive the City Manager's self-evaluation, along with a blank evaluation form to be completed by each member. Thereafter, each Commissioner shall meet individually with the City Manager to discuss that Commissioner's evaluation of the City Manager. All evaluations will be submitted to the Mayor for tabulation at a Commission meeting, at which the Commission will then conduct an oral evaluation based on the written evaluations. It is hoped that a positive free flowing oral discussion will provide the City Manager with the direction of the City Commission for the future.

After a brief recess (if necessary), the City Clerk will provide a Tabulation Summary Page to the City Manager and each member of the City Commission. This page will include individual Commission members (identified by name) scoring, as well as a combined score of the Commission. Also on this page will be the City Manager's self-evaluation score.

There are no perfect evaluations but this should be a thoughtful, sensitive, positive and effective attempt to move forward the needs of the City of Lake Worth Beach.

COMMENTS/SUGGESTIONS:

TOTAL SCORE ___ ÷ 7 = ___

III. Intermediate and Long-Range Planning	RATING				
	1	2	3	4	5
1. Carries out intermediate and long-range planning concerns approved by the City Commission.					
2. Plans and organizes maximum utilization and maintenance of City owned equipment.					
3. Plans and organizes a program of addressing the current needs and requirements of infrastructure and infrastructure needs of the future.					
4. Progress towards implementing the City Commission’s vision of innovation, problem solving and solution-oriented action.					
5. Keeps the Mayor and City Commission aware of new or impending legislation, potential grants and developments in public policy, which may have an impact on the city.					
6. Maintains knowledge of new technologies, systems and methods that may enhance the City’s operations.					

COMMENTS/SUGGESTIONS:

TOTAL SCORE ___ ÷ 6 = ___

IV. Intergovernmental Relationships	RATING				
	1	2	3	4	5
1. Maintains awareness of developments and plans in other jurisdictions, which may impact the City.					
2. Maintains communication with governmental jurisdictions in area of service that improves or enhances City programs.					
3. Initiates communication with other governmental entities or outside parties, which the City may be involved with or become involved.					

COMMENTS/SUGGESTIONS:

TOTAL SCORE ___ ÷ 3 = ___

V. Relationship with the Public	RATING				
	1	2	3	4	5
1. Establishes and maintains an image of the City of Lake Worth Beach to the community that represents service, enthusiasm and professionalism.					
2. Ensures that an attitude and feeling of helpfulness, courtesy and sensitivity to perception exist in employees coming in contact with the public.					
3. Makes an effort to understand issues, concerns, and the values of the community.					
4. Meets with and listens to members of the community to discuss concerns and strives to understand their interests.					
5. Establishes and maintains a liaison with private organizations, service groups or individuals involved in areas of concern that relate to the service or activities of the City.					
6. Promote and provide information to public inquiries regarding activities, services or potential employment development with the City.					
COMMENTS/SUGGESTIONS:					
TOTAL SCORE ___ ÷ 6 = ___					
VI. Management of Employee Relationship	RATING				
	1	2	3	4	5
1. Plans, organizes and maintains training of employees through in-house training or outside training.					
2. Maintains regular staff meetings.					
3. Maintains contact and professional interaction with subordinates at all levels of the organization.					
4. Encourages teamwork, innovation, and effective problem-solving among the staff members.					
5. Maintains an organization that is efficient, helpful and courteous to the employees.					
COMMENTS/SUGGESTIONS:					
TOTAL SCORE ___ ÷ 5 = ___					

VI. Relationship with City Commission	RATING				
	1	2	3	4	5
1. Maintains effective communication, both verbal and written with the City Commission.					
2. Maintains availability to the City Commission.					
3. Provides information needed for City Commission action in a timely manner and is prepared to answer questions of the City Commission.					
4. Provides regular updates to the Council, keeping them informed about current and critical issues.					
5. Provides for clear presentations to the City Commission in the most concise, clear and comprehensive manner possible.					
6. Provides the City Commission with various perspectives of an issue and provides a recommendation and reason to support that recommendation.					
7. Implements City Commission actions in accordance with the intent of the Commission and supports the actions after a decision has been reached, both inside and outside the organization.					
COMMENTS/SUGGESTIONS:					
TOTAL SCORE ___ ÷ 7 = ___					
VII. Professional Development	RATING				
	1	2	3	4	5
1. Is the City Manager viewed with respect as compared to others in Public Administration?					
2. Does the City Manager enthusiastically seek and support professional improvement through pertinent seminars and conferences?					
3. Does the City Manager deal effectively with other governmental managers?					
4. Is the City Manager always interested in learning new techniques or envisioning new ways to conduct business?					
COMMENTS/SUGGESTIONS:					
TOTAL SCORE ___ ÷ 4 = ___					
IX. Personal Characteristics	RATING				
	1	2	3	4	5
1. Imagination: Does the City Manager show originality in approaching problems? Is she able to visualize the implications of various approaches?					
2. Objectivity: Is the City Manager unemotional and unbiased? Does she take a rational viewpoint based on facts and qualified opinions?					
3. Drive: Is the City Manager energetic, willing to spend whatever time is necessary to do a good job?					

ACHIEVEMENTS

List the top three achievements or strong points of the City Manager for the past twelve (12) months.

FUTURE DEVELOPMENT

List three performance objectives for the City Manager that you feel are the most important targets for this year.

Signature of Evaluator