

City of Westlake

4001 Seminole Pratt-Whitney Road
Westlake, FL 33470
561-530-5880
Westlakegov.com

Regular Meeting
Monday, August 22, 2016

Meeting Location
Westlake Council Chambers
4005 Seminole Pratt-Whitney Road
Westlake, FL 33470
7:00 PM

City Council Members

Mayor	Roger Manning
Seat 1	John Stanavitch
Seat 2	Kara Crump
Seat 3	Phillip Everett
Seat 4	Katrina Long-Robinson

City of Westlake

August 18, 2016

City Council
City of Westlake

Dear Mayor and Council:

A regular meeting of the City Council of the City of Westlake will be held Monday, August 22, 2016 at 7:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting.

1. Call to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Audience Comments on Agenda Items (3) Minute Time Limit
5. Consideration of Interim Manager's Recommendation for Engineering and Planning Services
6. Consent Agenda
 - A. Approval of Minutes of July 25, 2016 Meeting
 - B. Acceptance of Financials for July 31, 2016
7. Public Hearings to Adopt Final Ordinances
 - A. Ordinance 2016-1, Adopting the City Seal – Second Reading
 - B. Ordinance 2016-2, Lobbyist Ordinance – Second Reading
8. Finance
 - A. Consideration of Resolution 03-2016, Adopting the Proposed Millage Rate and Setting the Date for Final Public Hearing (Action Item)
 - B. Consideration of Resolution 04-2016, Adopting the Tentative Budget for Fiscal Year 2017 (Action Item)
 - C. Consideration of Lease Agreement with Minto for Use of Facilities
9. Interim City Manager's Report
10. Audience Comments on Other Items (3) Minute Time Limit
11. Adjournment

Any additional supporting material for the items listed above, not included in the agenda package, will be distributed at the meeting. Staff will present their reports at the meeting. I look forward to seeing you, but in the meantime if you have any questions, please contact me.

Sincerely,

Kenneth Cassel

Kenneth G. Cassel
Interim City Manager

cc: Pam E. Booker, Esq
Terry Lewis
John Carter

Sixth Order of Business

6A.

**MINUTES OF REGULAR MEETING
CITY OF WESTLAKE**

The regular meeting of the City Council of the City of Westlake was held on Monday, July 25, 2016 at 7:00 p.m. at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Loxahatchee, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3
Katrina Long-Robinson	City Council Seat 4

Also present were:

Kenneth Cassel	Interim City Manager
Pam E. Booker, Esq.	Interim City Attorney

The following is a summary of the minutes and actions taken during the July 25, 2016 City of Westlake Commission Meeting.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Approval of Agenda

On MOTION by Councilman Everett seconded by Councilman Stanavitch with all in favor the agenda was approved.

FOURTH ORDER OF BUSINESS

**Audience Comments on Agenda Items (3)
Minute Time Limit**

There being no comments on the agenda items, the next item followed.

FIFTH ORDER OF BUSINESS

Consent Agenda

A. Approval of Minutes of July 11, 2016 Meeting

On MOTION by Councilwoman Crump seconded by Councilman Everett with all in favor the consent agenda was approved.

July 25, 2016

SIXTH ORDER OF BUSINESS **Ordinances**

A. Ordinance 2016-1, Adopting the City Seal – First Reading

- Mr. Cassel read Ordinance 2016-1 by title only.
- Ms. Booker explained the seal was approved at the July 11, 2016 meeting. It is coming back before the Council as an ordinance pursuant to Chapter 165.043, Florida Statutes, which allows for penalties if anyone uses the City Seal without authorization.

On MOTION by Councilman Everett seconded by Councilman Stanavitch with all in favor the first reading of Ordinance 2016-1 was approved.

B. Ordinance 2016-2, Lobbyist Ordinance – First Reading

- Mr. Cassel read Ordinance 2016-2 by title only.
- Ms. Booker reviewed the ordinance, which is similar to the County's ordinance for lobbying.

On MOTION by Councilman Stanavitch seconded by Councilwoman Long-Robinson with all in favor the first reading of Ordinance 2016-2 was approved.

SEVENTH ORDER OF BUSINESS **Finance**

A. Adoption of Interim Budget for Fiscal Year 2016 (Action Item)

Mr. Cassel stated the necessary budget to fund expenses for the remainder of Fiscal Year 2016 is \$535,966.

On MOTION by Councilwoman Crump seconded by Councilman Everett with all in favor the interim budget for Fiscal Year 2016 was adopted.

B. Motion to Set August 22, 2016 as the Public Hearing on the Proposed Millage Rate and Tentative Budget for Fiscal Year 2017 (Action Item)

Ms. Booker reviewed the scheduling requirements to adopt the millage rate and tentative budget for Fiscal Year 2017 based on Florida Statutes.

On MOTION by Councilman Stanavitch seconded by Councilwoman Long-Robinson with all in favor the public hearing to approve the proposed millage rate and tentative budget for Fiscal Year 2017 was set for August 22, 2016.

C. Consideration of Funding Agreement with Minto PBLH, LLC (Action Item)

Ms. Booker reviewed the funding agreement and stated provision 2.5 was removed from the agreement at the request of the developer, Minto PBLH, LLC.

On MOTION by Councilman Everett seconded by Councilwoman Crump with all in favor the funding agreement with Minto PBH, LLC was approved as amended.

D. Consideration of Resolution 02-2016, Designating Bank Signatories (Action Item)

Mr. Cassel read Resolution 02-2016 by title only.

On MOTION by Councilman Stanavitch seconded by Councilwoman Long-Robinson with all in favor Resolution 02-2016 was adopted.

EIGHTH ORDER OF BUSINESS

Interim City Manager’s Report

A. Scheduling of Workshop Meeting for August 22, 2016

Staff requested a workshop be scheduled August 22, 2016 at 6:00 p.m. for the developer to provide a presentation explaining the project and the permitting process approved to date.

On MOTION by Councilwoman Crump seconded by Councilwoman Long-Robinson with all in favor a workshop meeting was scheduled for August 22, 2016.

B. Motion to Authorize Manager to Solicit Building Department Services (Action Item)

On MOTION by Councilman Everett seconded by Councilman Stanavitch with all in favor the Interim City Manager was authorized to solicit Building Department services.

C. Motion to Authorize Mayor to be Voting Delegate at the Florida League of Cities Conference and Business Meeting in August 2016 (Action Item)

Mr. Cassel stated the Florida League of Cities has extended a welcome to the Council. They are preparing a resolution to acknowledge the City of Westlake at their August meeting. They have also requested the City designate a voting delegate. Mr. Cassel recommends the Mayor be the first voting delegate at the Florida League of Cities.

On MOTION by Councilman Stanavitch seconded by Councilwoman Long-Robinson with all in favor Mayor Manning was designated the City’s voting delegate for the Florida League of Cities.

NINTH ORDER OF BUSINESS

**Audience Comments on Other Items (3)
Minute Time Limit**

Ms. Christine Schwartz addressed the Board regarding the bank signatories and building services, which will be paid through developer funding.

Mr. Cassel clarified there is more than one bank signatory and funding is coming from the largest taxpayer in the City. One of the hallmarks of the City is that it contracts services instead of having employees. This way the City can find the best performing contractors to do the work.

Ms. Christine Schwartz questioned how the three Council members who do not live in the City were appointed.

Mr. Cassel suggested Ms. Christine Schwartz read the Conversion and Incorporation Plan, which outlines all the details along with the appropriate Statutes that were followed.

Lieutenant Combs of the Palm Beach County Sheriff’s Office addressed the Board and requested permission to use the City’s seal on the Sherriff’s monthly reports to the City as well as the website along with a link to the City’s website.

On MOTION by Councilwoman Long-Robinson seconded by Councilman Stanavitch with all in favor authorization was granted to the Palm Beach County’s Sheriff’s Office to use the City’s seal on their website.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 7:23 p.m.

Kenneth Cassel
Interim City Manager

Roger Manning
Mayor

6B.



MEMORANDUM

TO: Members of the City Council
FROM: Tiziana Cessna, District Accountant, Peter Brill, Accounting Manager
CC: Ken Cassel, District Manager
DATE: August 12, 2016
SUBJECT: July Financial Report

Please find attached the July 2016 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. An overview of each of the District's funds is provided below. Should you have any questions or require additional information, please contact me at Tiziana.Cessna@STServices.com.

General Fund

- Total revenues through July were funded by Minto Community LLC. (Developer).
- Total expenditures through July were approximately 35% of the prorated YTD budget.

City of Westlake

Financial Report

July 31, 2016

Prepared by



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City of Westlake

Financial Statements

(Unaudited)

July 31, 2016

Balance Sheet
July 31, 2016

<u>ACCOUNT DESCRIPTION</u>	<u>TOTAL</u>
<u>ASSETS</u>	
Cash - Checking Account	\$ 535,951
TOTAL ASSETS	\$ 535,951
<u>LIABILITIES</u>	
Accounts Payable	\$ -
Accrued Expenses	45,019
Accrued Wages Payable	17,000
Accrued Taxes Payable	1,301
TOTAL LIABILITIES	63,320
<u>FUND BALANCES</u>	
Unassigned:	472,631
TOTAL FUND BALANCES	\$ 472,631
TOTAL LIABILITIES & FUND BALANCES	\$ 535,951

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending July 31, 2016

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<u>REVENUES</u>				
Developer Contribution	\$ 535,966	\$ 535,966	\$ 535,966	\$ -
TOTAL REVENUES	535,966	535,966	535,966	-
<u>EXPENDITURES</u>				
<u>Legislative</u>				
Mayor/Commission Stipend	51,000	17,000	17,000	-
FICA Taxes	4,000	1,333	1,301	32
Miscellaneous Services	7,000	2,333	-	2,333
Total Administration	62,000	20,666	18,301	2,365
<u>Administration</u>				
ProfServ-Legal Services	69,000	23,000	23,000	-
ProfServ-Mgmt Consulting Serv	29,084	9,695	9,695	-
ProfServ-City Clerk Services	8,074	2,691	2,691	-
ProfServ-Municipal Code Cert	50,000	-	-	-
Auditing Services	5,000	-	-	-
Accounting/Financial Services	6,588	2,196	2,196	-
Communication - Telephone	500	166	-	166
Postage	200	66	-	66
Insurance - General Liability	1,260	1,260	1,260	-
Legal Advertising	3,500	1,167	-	1,167
Start-up Costs	30,000	30,000	-	30,000
General Government	21,260	7,086	1,268	5,818
Misc-Contingency	24,000	8,000	15	7,985
Office Supplies	500	166	-	166
Total Administration	248,966	85,493	40,125	45,368
<u>Planning & Zoning</u>				
ProfServ-Planning/Zoning/Eng Services	10,274	3,425	-	3,425
ProfServ-Planning	50,000	16,667	-	16,667
ProfServ-Clerical Services	14,726	4,909	4,909	-
Total Planning & Zoning	75,000	25,001	4,909	20,092
<u>Other Public Safety</u>				
Contracts-Sheriff	150,000	50,000	-	50,000
Total Other Public Safety	150,000	50,000	-	50,000
TOTAL EXPENDITURES	535,966	181,160	63,335	117,825

Statement of Revenues, Expenditures and Changes in Fund Balances
For the Period Ending July 31, 2016

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
Excess (deficiency) of revenues				
Over (under) expenditures	-	354,806	472,631	117,825
Net change in fund balance	\$ -	\$ 354,806	\$ 472,631	\$ 117,825
FUND BALANCE, BEGINNING (OCT 1, 2015)	-	-	-	
FUND BALANCE, ENDING	\$ -	\$ 354,806	\$ 472,631	

City of Westlake

Supporting Schedules

July 31, 2016

Cash and Investment Report

July 31, 2016

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$535,951
				Total	<u><u>\$535,951</u></u>

City of Westlake

Bank Reconciliation

Bank Account No. 0300 Bank United - GF
 Statement No. 2016-07
 Statement Date 7/31/2016

G/L Balance (LCY)	535,951.00	Statement Balance	535,951.00
G/L Balance	535,951.00	Outstanding Deposits	0.00
Positive Adjustments	0.00		
	<hr/>	Subtotal	535,951.00
Subtotal	535,951.00	Outstanding Checks	0.00
Negative Adjustments	0.00	Differences	0.00
	<hr/>		
Ending G/L Balance	535,951.00	Ending Balance	535,951.00
Difference	0.00		

Posting Date	Document Type	Document No.	Description		Amount	Cleared Amount	Difference
Deposits							
7/26/2016		DEP00001	CONTRIBUTION FROM MINTO COM. LLC	G/L Ac	535,951.00	535,951.00	0.00
Total Deposits					535,951.00	535,951.00	0.00

Seventh Order of Business

7A.

ORDINANCE NO. 2016-1

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE OFFICIAL SEAL OF THE CITY; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 165.043, which provides that a municipality may by ordinance adopt an official municipal seal to be affixed on all official actions or documents of the City and to identify and authenticate documents, the interim City Manager and the interim City Attorney have recommended the adoption of this ordinance; and

WHEREAS, the statute provides for punishment as set forth in Florida Statutes, Sections 775.082 and 775.083, for the unauthorized use, manufacture, display or other employment of any facsimile or reproduction of the municipal seal, except by municipal officials or employees in the performance of their official duties, without the express written approval of the governing body.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

Section 1. Official Seal: The Official Seal for the City of Westlake, Florida shall be as attached in Exhibit "A".

Section 2. Affixation of Seal: Wherever it shall be necessary for the City under the authority of its City Council, City Manager, City Charter, Code of Ordinances, or the general laws of the State of Florida, to execute contracts, deeds, or other documents on behalf of the City, the official seal of the City shall be affixed to such contract, deed or other document.

Section 3. Unauthorized Use of City Seal: It shall be unlawful and a violation of this section for any person, firm, corporation or other legal entity to print for the purpose of sale or distribution or circulate, manufacture, publish, use, display, or offer for sale any letters, papers, documents, or items of merchandise which simulate the official seal of the City or the stationery or a real or fictitious agency, department or instrumentality of the City of Westlake without the expressed written authority of the City Council for the City of Westlake. The unauthorized use shall be punishable as provided in Florida Statutes 775.082 and 775.083.

Section 4. Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

Section 5.
second reading.

Effective Date:

This ordinance shall be effective upon adoption on

City of Westlake
Roger Manning, Mayor

City Clerk

Interim City Attorney
Pam E. Booker, Esq.

7B.

ORDINANCE 2016-2

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE FLORIDA, ADOPTING RULES AND REGULATIONS FOR LOBBYING IN THE CITY OF WESTLAKE, CONSISTENT WITH PALM BEACH COUNTY'S LOBBYIST REGISTRATION ORDINANCE, PROVIDING A CONFLICTS CLAUSE, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about April 2, 2012, Palm Beach County adopted the "Palm Beach County Lobbyist Registration Ordinance", regulating lobbying activities in the county and municipalities located therein, unless a conflicting ordinance is adopted by the municipality; and

WHEREAS, the County's Lobbyist Registration Ordinance requires among other things, lobbying activities be regularly disclosed to the public, creates a central lobbyist registration system, limits communications during the procurement process through a cone of silence, and requires the maintenance of records of lobbyist contacts; and

WHEREAS, the City of Westlake hereby determines that in order to maintain responsible government and ensure integrity in the decision making process of local government, the identity and activities of certain individuals and entities should be disclosed; and

WHEREAS, the City of Westlake elects to adopts the regulations as set forth in the Palm Beach County Lobbyist Registration Ordinance, unless otherwise in conflict as set forth herein;

NOW THEREFORE, the City Council for the City of Westlake, Florida, hereby Ordains the following:

Section 1: The foregoing recitals are hereby affirmed and ratified.

Section 2: Purpose: The purpose of the following sections is to ensure that the activity of person(s) defined as lobbyist disclose their position and maintain a current lobbyist form on file with the County and maintain a log with the City for each principal, item, issue, and/or project for which the lobbyist is lobbying.

Section 3: Definitions: The following definitions shall apply.

Advisory Board shall mean any advisory or quasi-judicial board created by the City of Westlake, Florida, by other local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local governing bodies.

Board will mean the City Council for the City of Westlake, as the municipal governing body for administration of this ordinance.

Central Lobbyist Registration Site will mean the official location for countywide lobbyist registration.

Lobbying shall mean seeking to influence a decision through oral or written communications or an attempt to obtain the goodwill of any member of the City Council, the City Manager, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, or the City Council, whichever is lobbied.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

Lobbyist shall not include:

- (1) Any employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.
 - a. Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.
- (2) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
- (3) Any person who lobbies only in his or her individual capacity for the purposes of self-representation and without compensation.
- (4) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc., lobbying on behalf of that entity.

Official or employee means any official or employee of the City, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the City. The term also includes contract personnel and contract administrators performing a government function, and the City Manager. The term "official" shall mean members of the City Council or City Manager, or other person to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

Palm Beach County Commission on Ethics means the commission established in section 2-254 et seq. to administer and enforce the ethics regulations, and may also be referred to as the "commission on ethics".

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

Section 4: Registration: Prior to lobbying, all lobbyist shall submit an original, dully executed registration form to county administration, which shall serve as the official location for countywide lobbyist registration and which shall be known as the "Central Lobbyist Registration Site." The registration may be submitted in paper or electronic form pursuant to countywide policies and procedures. Each lobbyist is required to submit a separate registration for each principal represented. A registration fee of twenty-five (\$25.00) must be included with each registration form submitted. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited. It is the responsibility of the lobbyist to keep all information contained in the registration form current and up to date.

A. Registration Form: The registration form shall be prepared by county administration and shall require the following information:

- (1) The name, phone number and address of the lobbyist;
- (2) The name, phone number and address of the principal represented;
- (3) The date the lobbyist was initially retained by the principal;
- (4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, member of a local municipal governing body, mayor or chief executive office that is not a member of a local municipal governing body, advisory board member, or employee;
- (5) The area of legislative interest;
- (6) A statement confirming that the registrant is authorized to represent the principal;
- (7) Signatures of both the registrant and principal where such signatures may be made electronically pursuant to countywide policies and procedures; and
- (8) The county or municipalities to be lobbied.

B. Registration Exceptions: Registrations shall not be required for the following:

- (1) Persons under contract with the City who communities with any member of the City Council, the City Manager, advisory board members or employees regarding issues related only to the performance of their services under their contract;
- (2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings, in which the City is a party, who communicates with the City Attorney on issues related only to the subject matter of the judicial

proceeding, arbitration proceeding, mediation proceeding, or formal administrative hearing. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration hearing or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the City attorney is present for those communications.

- C. Existing County Registrations:** All registrations on file and in effect with the County before the effective date of this ordinance shall remain in full force and effect.

Section 5: Reporting of Expenditures: Commencing November 1, of each year, all lobbyist shall submit to the Central Lobbyist Registration Site a signed statement under oath listing all expenditures made by the lobbyist in lobbying City officials and employees in excess of twenty-five (\$25) for the preceding fiscal year commencing on October 1 and ending on September 30. A Statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Political contributions and expenditures which are reported under election laws as well as campaign-related personal services provided without compensation are excluded from the reporting requirements. A lobbyist or principal's salary, office overhead expenses and personal expenses for lodging, meals and travel also are excluded from the reporting requirements. Research is an office expense unless it is performed by independent contractors rather than by the lobbyist or the lobbyist's firm.

The county administrator of the Central Lobbyist Registration Site shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure. In addition to any other penalties which may be imposed under this ordinance, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.

Section 6: False Statements: A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying members of the City Council, the City Manager or advisory board members, or employees.

Section 7: Record of Lobbying Contacts:

- (1) **Contact Log.** Except when appearing before the board, local municipal governing body, or any advisor board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county or municipal government as applicable. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this ordinance, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be maintained by the City for a period of five (5) fiscal years.

- (2) **Lobbying outside of county or municipal offices.** In the event that a lobbyist engages in lobbying which is outside of county or municipal offices as applicable, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise in writing, the member of the City Council, the City Manager, the advisory board member's office, or the employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

Section 8: Cone of Silence means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

- (1) Any person or person's representative seeking an award from such competitive solicitation; and
- (2) Any member of the City Council or the council member's staff, or the City Manager or the City Manager's staff, or any employee authorized to act on behalf of the City Council to award a particular contract.
- (3) For the purpose of this section, a person's representative shall include but not be limited to the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.
- (4) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence applies to any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and shall remain in effect until such response is either rejected by the City or withdrawn by the person or person's representative. Each request for proposal request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence.
- (5) The provisions of this section shall not apply to oral communications at any public proceedings, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, representations made to the City Council, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, any member of the City Council, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.
- (6) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold amount of twenty-five (\$25,000.00) thousand dollars.
- (7) The cone of silence shall terminate at the time the City Council, or any authorized designee acts on behalf of the City Council and awards or approves a contract, reject all bids responses, or otherwise takes action which ends the solicitation process.
- (8) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

Section 9: Enforcement: The enforcement provisions shall be as set forth in the County’s Lobbyist Registration Ordinance.

Section 10: Penalties: Penalties for violations of this ordinance shall be consistent with the penalties as set forth in the County’s Lobbyist Registration Ordinance.

Section 11: Conflicts: Should any provision in this ordinance conflict with any provision in the County’s Lobbyist Registration ordinance, the provision of this ordinance shall control.

Section 12: Severability: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 13: This Ordinance shall become effective immediately upon adoption.

Passed and Approved on this _____ day of _____ 2016.

City of Westlake
Roger Manning, Mayor

Attestation:
Ken Cassel, Interim City Manager

Approved as to Form:


Pam E. Booker, Esq.
Interim City Attorney

Eighth Order of Business

8A.

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, Interim City Manager

From: Pam E. Booker, Interim City Attorney 

Date: August 17, 2016

Subject: Resolution Setting Millage Rate

The City Manager and the City Attorney anticipated resolutions being prepared consistent with the provision in Florida Statutes §200.065, which required obtaining information from the property appraiser and the Department of Revenue prior to the City setting the millage rate for the City of Westlake, for the 2016/2017 fiscal year. Correspondence was sent and received regarding the implementation of ad-valorem taxes for the City of Westlake. A meeting was scheduled with the property appraiser's office to review the process for imposing tax assessments for newly created municipalities. Pursuant to Florida Statutes, §200.066, as a newly created municipality, the City of Westlake can not impose ad-valorem taxes on the properties within the boundaries for the City of Westlake until next fiscal year, 2017/2018, for which revenues will be received by the City in the first quarter of 2018. The statutes provide that ad-valorem taxes shall be imposed no earlier than January first, subsequent to the creation of establishment of the municipality. Therefore, the City would impose the ad-valorem taxes during the next tax cycle in August of next year, consistent with the provisions as set forth in Florida Statutes, §200.065.

The City will move forward with establishing a budget for the 2016/2017 fiscal year. This budget will assist with the projections for the next tax cycle and for the reimbursement of deficits for the City of Westlake by Minto. Should you have any questions, or need any additional information, please do not hesitate to contact me.

AUGUST 22, 2016

RESOLUTION 03-2016

A RESOLUTION OF OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE PROPOSED AD VALOREM MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016, ENDING ON SEPTEMBER 30, 2017.

WHEREAS, pursuant to applicable provisions of law, the City of Westlake has computed a proposed millage rate and prepared a tentative budget for the fiscal year beginning October 1, 2016 and ending on September 30, 2017; and

WHEREAS, a “Notice of Proposed Millage Rate and Tentative Budget Hearings” advising the public that a public hearing on the proposed millage rate and tentative budget would be held on August 22, 2016, at 7:00 pm in the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, in Loxahatchee, Florida, has been published as required by Florida Statute 200.065; and

WHEREAS, said public hearing has been held as stated above and comments from the public concerning said proposed millage rate and tentative budget have been heard and considered; and

WHEREAS, the gross taxable value for operation purposed not exempt from taxation within Palm Beach County, has been certified by the Palm Beach County Appraiser to the City of Westlake as _\$_____; and

WHEREAS, it is the desire of the City Council for the City of Westlake to adopt a Proposed millage rate for the fiscal year beginning October 1, 2016 and ending on September 30, 2016;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA:

- Section 1: That the proposed ad valorem millage rate of \$1,000.00 of assessed value for real and personal property value as established by the Palm Beach County Property Appraiser for the October 1, 2016 to September 30, 2017, fiscal year is hereby set at 5.125 mills.
- Section 2: The operating millage rate for the fiscal year 2016/2017 is set at 5.125 mills, which is ___(%)___ the “rolled-back rate” of _____.
- Section 3: The City of Westlake is a newly incorporated city and does not have voted debt for fiscal year 2016/2017.

Section 4: That a public hearing to adopt a final millage rate and budget shall be held on September 12, 2016, in accordance with Section 200.065, of the Florida Statutes.

Section 5: That this resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by City Council for the City of Westlake, on this _____ day
of _____ 2016.

Roger Manning, Mayor
City of Westlake

City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney

8B.

AUGUST 22, 2016

RESOLUTION 04-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR THE CITY OF WESTLAKE, FLORIDA, AND MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017.

WHEREAS, in accordance with applicable provision of the law, the City Council for the City of Westlake has prepared a tentative budget for the City of Westlake for the fiscal period beginning on October 1, 2016 and ending on September 30, 2017, and determined the amount of available funds on hand, the estimated revenues, and appropriated amounts for the support of various operations of the City for the fiscal period; and

WHEREAS, a "Notice of Proposed Tax Increase" advising the public that the public hearing on the proposed millage rate and the tentative budget would be held on August 22, 2016, at 7:00 pm, at the Westlake Community Center, located at 4005 Seminole Pratt Whitney Road, Westlake, Florida 33470 has been published as required by Florida Statute 200.065; and

WHEREAS, said public hearing has been held as stated above and comments from the public concerning said proposed millage rates and tentative budget have been heard and considered; and

WHEREAS, as set forth during the tentative budget hearing the City Council acknowledges that said tentative budgets reflect the following revenue and expenditure estimates for the fiscal year beginning on October 1, 2016 and ending September 30, 2017 for all funds total \$_____; and

WHEREAS, it is the desire of the City Council for the City of Westlake, to adopt a tentative budget for the fiscal year beginning October 1, 2016 and ending on September 30, 2017;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA:

SECTION 1. There is hereby approved and adopted the tentative budget for the City of Westlake, Florida, as reflected in Exhibit "A", which is attached hereto and made a part hereof, for the fiscal period beginning on October 1, 2016 and ending on September 30, 2017.

SECTION 2. There is hereby appropriated for the funds of the City of Westlake, Florida, the sum of \$_____ as the appropriation for the fiscal year, October 1, 2016 through September 30, 2017.

SECTION 3. That the adopted tentative operation budget for Fiscal Year 2017 established limitations on expenditures/expenses by fund total. Said limitation meaning that the total sum allocated to each fund for total expenditures/expenses may not be increased without specific authorization by a duly enacted resolution effecting such amendment or transfer.

SECTION 4. That during the course of the 2017 fiscal year the City Council may transfer budgeted amounts from one fund or project to another fund or project and otherwise amend the budget by resolution, in accordance with laws of this state and the City Charter.

SECTION 5. This resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED BY the City Council for the City of Westlake, Florida, this _____ day of _____ 2016.

Roger Manning, Mayor
City of Westlake, Florida


City Clerk

Approved as to Form
Pam E. Booker, City Attorney

8C.

MEMORANDUM

To: Mayor Roger Manning
City Council Members
Ken Cassel, Interim City Manager

From: Pam E. Booker, Interim City Attorney 

Date: August 17, 2016

Subject: Lease Agreement for Community Center and
Administrative Offices

Please find a lease agreement attached between the City of Westlake and Minto, PBLH, LLC, for the utilization of the Westlake Community Center and the administrative offices at the Seminole Improvement District's office. The lease provides for a five(5) year term, with the option to renew upon the mutual agreement of the parties. The rent payment under the lease agreement is five hundred (\$500.00) dollars per year, due on the first of October, and annually thereafter. Minto is agreeing to provide for maintenance both internally and externally for each location. The City of Westlake will be required to provide insurance for its use of the facility and Minto will provide insurance for its use of the property as well.

This agreement has been reviewed and approved by Minto and for the City of Westlake and we would recommend approval. Should you have any questions or need any additional information, please do not hesitate to contact me.

LEASE AGREEMENT

THIS LEASE AGREEMENT (“Lease”) is made and entered into this _____ day of _____, 2016, between the **City of Westlake**, Florida, a municipal corporation (“City”), whose address is 4001 Seminole Pratt Whitney Road, Westlake, FL 33470, and **Minto PBLH, LLC**, a Florida Limited Liability Company (“Minto”), whose address is 4400 W. Sample Road, Suite 200, Coconut Creek, Florida 33073.

RECITALS:

Whereas, Minto owns and operates the property, including two structures, located at 4005 Seminole Pratt Whitney Road, Westlake, FL 33470, as generally described in the attached Exhibit “A.” (“Property”); and

Whereas, Minto desires to lease the Property to the City to hold meetings of the City Council and to conduct other City business; and

Whereas, the City of Westlake is currently utilizing the Property to hold meetings of the City Council and to conduct other City business; and

Whereas, the City would like to enter into an agreement for the lease of the Property; and

Whereas, this Lease is being entered into for a proper government purpose;

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which both parties hereby acknowledge, Minto and City hereby enter into this Lease under the following terms and conditions:

- 1. Incorporation of Recitals:** The above recitals are true and correct and are hereby incorporated as if fully set forth herein.
- 2. Lease Property:** The Property to be leased includes a two structures which contain a total of approximately 4,200 square feet, plus associated parking spaces.
- 3. Lease Term:** Minto shall lease the Property to the City for a period of five (5) years (“Initial Term”). The Initial Term shall commence on August 22, 2016, and terminate on August 21, 2026. This Lease may be renewed for additional terms by mutual agreement of the Parties set forth in writing. The Initial Term and any renewal terms are collectively referred to in this Lease as the “Lease Term.”
- 4. Rent Payment:** The City shall pay Minto rent in the amount of Five-Hundred dollars (\$500.00) per year, payable upon execution of this Lease and annually thereafter on October 31 without demand or notice from Minto.

- 5. Improvements:** Minto has prepared the Property for utilization by the City in holding City Council meetings and for use of conducting the City's business including the installation of IT infrastructure and a dais. The City has been given an opportunity to inspect the Property and accepts the Property "as is" as sufficient for its use. Minto has no further obligations to make any additional improvements to the Property for the City's use. Minto shall be responsible for maintenance of the Property.
- 6. Utilities:** Minto shall maintain and be responsible for payment of all utilities related to use of the Property, including but not limited to water, sewer, electricity, garbage collection charges, internet/cable or other communication medium, and gas.
- 7. Surrender of Property:** At the expiration of the Lease Term, the City shall surrender and vacate the Property, leaving the Property in as good a state and condition as it was at the commencement of the Lease Term, except for reasonable wear and tear caused by normal use of the Property and damage by the elements.
- 8. Insurance:** Minto shall maintain insurance on the Property for the duration of the Lease Term. The City shall not be responsible for maintaining insurance on the Property.
- 9. Force Majeure.** In the event that the improvements that exist on the Property as of the date of execution of this Lease become permanently and irreparably destroyed and unusable due to war, crime, hurricane, or other Act of God, Minto shall not be obligated to repair or reconstruct those improvements on the Property. Notwithstanding the foregoing, Minto shall provide alternative facilities for the City to conduct business for public purposes pursuant to this Lease. The City may pro rate the rent payment and deduct the amount of rent proportionate to the time during which the improvements are unusable.
- 10. Indemnification.** To the fullest extent allowed by law, the City shall indemnify, save, and hold harmless Minto, its agents, and its employees from any liability, claim, demand, suit, loss, cost, expense, or damage which may be asserted, claimed, or recovered against or from Minto its agents, or its employees, by reason of any personal injury, including death, sustained by any person whomsoever, which injury is incidental to, occurs as a result of, arises out of, or is otherwise related to the negligent or wrongful conduct of the City. Nothing in this Agreement shall be deemed to affect the rights, privileges, and sovereign immunities of the City as set forth in Section 768.28, Florida Statutes. This paragraph shall not be construed to require the City to indemnify Minto for Minto's own negligence, or intentional acts of Minto, its agents or employees. Each Party assumes the risk of personal injury and property damage attributable to the acts or omissions of that Party and its

employees and agents. Minto shall not be responsible for any personal injury sustained by the City, its agents, or its employees or third parties from any cause whatsoever related to the City conducting business for public purposes pursuant to this Lease during the Lease Term.

- 11. Default.** A default by either party under the Agreement shall entitle the other party to all remedies available at law or in equity. No waiver or breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing.
- 12. Address for Notices:** All notice or other communications required under this Lease shall be in writing and shall be given by hand-delivery or by registered or certified U.S. Mail, return receipt requested, addressed to other Party at the address indicated herein or to such other address as a Party may designate by notice given as herein provided. Notice shall be deemed given on the day on which personally delivered; or if by mail, on the fifth day after being posted or the date of actual receipt, whichever is earlier.

For the City of Westlake: City Manager
 With a Copy to City Attorney
 4001 Seminole Pratt Whitney Road
 Westlake, FL 33470
 (561) 530-5880

For Minto:
 John Carter
 Minto, PBLH, LLC
 4400 W. Sample Road
 Suite 200
 Coconut Creek, FL 33073
 (954) 973-4490

With a Copy to:
 Tara W. Duhly, Esq.
 Lewis, Longman & Walker, P.A.
 515 N. Flagler Drive
 Suite 1500
 West Palm Beach, FL 33401
 (561) 640-0820

- 13. Termination:** This lease may be terminated by either Party, with or without cause, upon forty-five (45) days written notice. Upon the forty fifth (45th) day after written notice of termination, the City shall not be obligated to pay any additional rent to Minto.
- 14. Binding Authority:** Each person signing this Lease on behalf of either Party individually warrants that he or she has full legal power to execute this Lease on behalf of the Party for whom he or she is signing, and to bind and obligate such Party with respect to all provisions contained in this Lease. This Lease shall be

- binding on all Parties hereto, their heirs, executors, legal representatives, successors, or assigns.
- 15. Entire Agreement:** This Lease and all exhibits hereto constitute the sole and entire agreement between the Parties relating to the subject matter herein and correctly set forth the rights, duties, and obligations of each of the other as of its date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Lease are of no force or effect. No modifications or amendment hereto shall be valid unless in writing and executed by properly authorized representative of the Parties hereto.
- 16. Counterparts and Transmissions:** To facilitate execution of this Lease, the agreement may be executed in as many counterparts as may be convenient or required, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The executed signature page(s) from each original may be joined together and attached to one such original and it shall constitute one and the same instrument. In addition, said counterparts may be transmitted electronically (i.e., via facsimile or .pdf format document sent via electronic mail), which transmitted document shall be deemed an original document for all purposes hereunder.
- 17. Severability:** Should any term, covenant, condition or provision of this Lease be rendered or declared invalid by a court of competent jurisdiction, or by reason of any existing or subsequently enacted legislation, or is otherwise determined to be unenforceable or otherwise invalid then such term, covenant, condition or provision shall be deleted from and construed for all purposes not to constitute a part of this Lease, and the remaining provisions of this Lease shall remain in full force and effect, and shall, for all purposes, constitute the entire Lease agreement.
- 18. Governing Law, Jurisdiction and Venue:** This Lease agreement shall be governed by the laws of Florida. Venue for any proceeding or action arising out of or brought to enforce this Lease shall lie in Palm Beach, County, Florida.
- 19. Headings:** The use of headings, captions, and numbers in this Lease are solely for convenience and general reference only and do not define, limit, construe or describe the scope or intent of such sections of this Lease and shall not be considered in construing or interpreting any provision of this Lease.
- 20. Survival.** The provisions of this Lease regarding indemnity, waiver, and insurance shall survive the expiration or termination of this Lease and remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Lease agreement to be executed by their duly authorized representatives on the day and year first written above.

City of Westlake, Florida

Roger Manning, Mayor

Attest:

Sandra Demarco, Clerk

Approved as to Form & Sufficiency

Pam E. Booker, Interim City Attorney

Minto PBLH, LLC

By: John Carter, Vice President

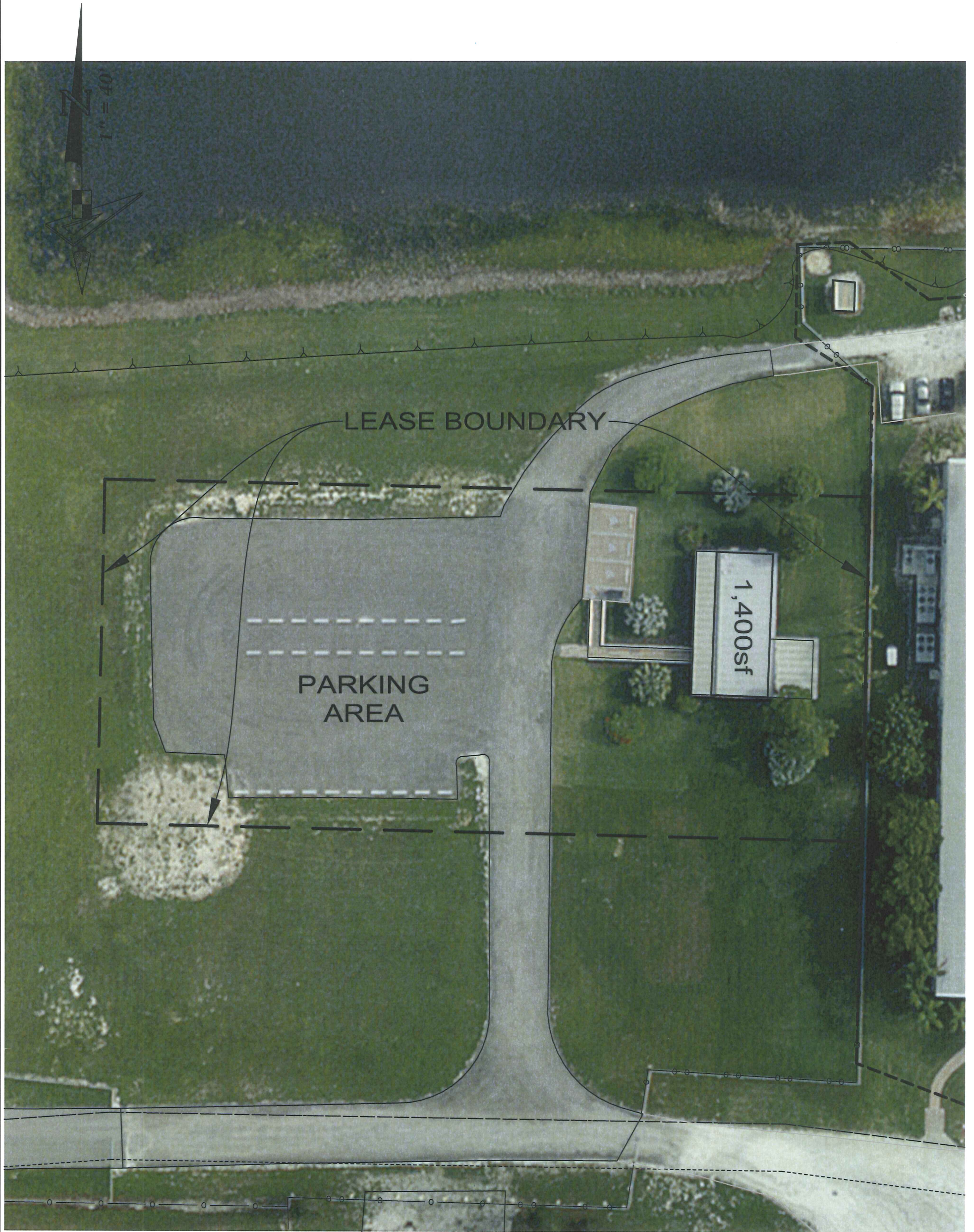
Witnesses:

By: _____

Print Name:

By: _____

Print Name:



Westlake City Council Chambers
 4005 Seminole Pratt Whitney Rd – 1,400sf

REVISIONS			
No.	Date	Description	Dwn.

Prepared For: WESTLAKE
NOTE: NOT A SURVEY



GeoPoint
 Surveying, Inc.

1403 E. 5th Avenue
 Tampa, Florida 33605
 www.geopointsurvey.com
 Phone: (813) 248-8888
 Fax: (813) 248-2266
 Licensed Business Number LB 7768

Drawn: GAR Date: 08/16/16
 Check: P.C.: XXX
 Section: 12 Twn. 43 Rng. 40



Westlake Administration Building
4001 Seminole Pratt Whitney Rd - 2,800sf

REVISIONS			
No.	Date	Description	Dwn.

Prepared For: WESTLAKE

NOTE: NOT A SURVEY

GeoPoint
Surveying, Inc.

1403 E. 5th Avenue
Tampa, Florida 33605
www.geopointsurvey.com

Phone: (813) 248-8888
Fax: (813) 248-2266
Licensed Business Number LB 7768

Drawn:GAR Date: 08/16/16

Check: P.C.:XXX

Section: 12 Twn. 43 Rng. 40

Sheet No. 1 of 1 Sheets