

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, MAY 19, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:00 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy (absent for roll call; arrived a few minutes later) and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Scott Maxwell.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

AGENDA - Additions/Deletions/Reordering:

There were no changes to the agenda.

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

A. Fire Rescue annual report by Chief Tim McCabe

Chief McCabe gave an update regarding alarm activity, auto accidents, structure fires, fire stations and personnel, fire vehicles and the various PBCFR departments for Fiscal Year 2019. He reported that there had been 7,847 emergency calls, 81% of which were medical and 778 vehicle accidents; the response time had increased a little. He stated that there was a program to install smoke detectors to those with physical or monetary needs. He said that the City had two primary fire stations, 91 and 93, staffed 24 hours a day, and there were four nearby stations to provide backup. He spoke about the various divisions including Operations, which was responsible for the direct delivery of emergency services and maintained 49 fire stations; PBCFR was an "all-hazards" department able to respond to all emergencies, Medical Services for EMS, Training and Safety to train all personnel and the Bureau of Safety Services for fire prevention activities and investigations. He said that there were Community Education Programs for teaching fire prevention and disaster preparedness, fall prevention for the elderly and installing car seats.

Mayor Triolo expressed pride in the amazing job done by PBCFR. She extended warm wishes to everyone.

Vice Mayor Amoroso asked about overdose data.

Chief McCabe said that he could relay the statistics later; overdoses were up and down.

Commissioner Hardy thanked Chief McCabe and Fire Rescue for the outstanding services they performed.

B. Updates/Reports:

- Testing in City of Lake Worth Beach
- Food
- City Operations Plans for re-opening facilities/services

Michael Bornstein, City Manager, stated that one of the big topics for the City was getting testing for residents. He reported that there were more than 40 test sites Countywide, many free and others paid for by health insurance. He said that there had been proposals for a test site in the City, but discovered that a medical office was needed for processing intake and the tests, which was beyond the capability of City staff.

Mayor Triolo stated that she had asked the County Commission for help with testing and heard that the County and Fire Rescue were working on a pop up site in the City for later in the week.

City Manager Bornstein said that he was waiting for confirmation about the testing site. He said that there was a team in the City working with the County to find potential testing sites and there would be partnerships with non-profits to help with testing in the City. He said that the result would be an increase in positive cases and there would have to be information given out to help the community stem the infections.

City Manager Bornstein stated that Vice Mayor Amoroso had been very active in Feeding South Florida and people in the community were taking advantage of the food distribution. He said that although the City did not staff a food distribution center, there was some concern about a strain on the food supply chain; he was coordinating the flow with the County. He stated that the City could not allow residents to be hungry.

City Manager Bornstein said that there were many conversations regarding reopening the City. He stated that City services were going well and there had not been any complaints. He said that the City was looking to start having staff return in a phased approach on June 1. He reported that staff working remotely was going very well and complimented staff on their adaptive behaviors. He said that there would need to be decisions regarding potential upcoming events in the near future.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Maxwell: stated that there would be a \$19 billion bill to help farmers and ranchers get their food supplies up and running as well as purchasing products for food banks. He reminded everyone to be safe, wash their hands, wear masks and maintain their distance. He said that he looked forward to getting back to normalcy.

Commissioner Hardy: thanked Mayor Triolo for her advocacy at the PBCCC regarding testing. He stated that there was a need and hoped that the City would get the help it needed. He said that there should be a stronger Federal response to the pandemic and the Governor had extended the moratorium on evictions until June 2; he opined it should be later.

Commissioner Robinson: said that he appreciated Mayor Triolo speaking to the PBCCC about testing. He mentioned that North Grade Elementary wanted to study storm drains and the effect on pollution. He stated that Memorial Day would be this weekend, which was an important day. He thanked staff for setting up coffee and customer service for dealing well with frustrations. He said that there should be a letter sent to Senators Rubio and Scott about funding going to those who needed it most. He said that he looked forward to City businesses reopening and that there should be a special meeting regarding getting the City back to normal. He said that the City was turning out to be a hotspot for the virus in the County.

Vice Mayor Amoroso: wished City Clerk Deborah Andrea and Commissioner Herman

Robinson happy birthdays. He thanked the CRA for the new signage that was being put up. He reported that food would be distributed at 9 AM on Tuesdays and he was working with restaurants in Palm Beach to have meals delivered to the needy. He stated that Patrick's was feeding five days a week. He said that they were working on getting a list of food providers. He expressed the importance of filling out the Census both on the internet and by phone; everyone would need to be counted. He said that the Park of Commerce was beautiful and thanked Mayor Triolo for fighting for grants over the years.

Mayor Triolo: said that the Park of Commerce would bring in more jobs. She stated that Patrick Livingston had a heart of gold, was a great human being and was providing prepared meals five days a week. She stated that she would take any testing the County could provide; time was of the essence. She reported that there would be a virtual TPA meeting and she was doing a Mayor's Message every Friday and asked for stories about people helping in the Community.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the comment cards submitted online by the following:

Greg Richter wrote about giving forbearance to businesses to allow them to extend their rent payments until times improved and thanked the Commissioners for their hard work.

Jennifer Calderon wrote asking why Priority Towing was chosen to handle all PBSO-directed tows inside the city limits, which cost residents more money.

Ramon Muniz wrote in favor of closing Lake and Lucerne Avenues at least during the weekends to bring more business downtown and to allow restaurants and bars to have tables in the street.

Michael Bradshaw wrote about issues with the Historic Preservation Board regarding the replacement of his leaking roof with a metal roof.

Cheryl Rashkin wrote in opposition to adding more transitional housing on South Federal Highway or to increase the density in that area. She thanked the City Manager, the Mayor and Commissioner Maxwell for their work and help during this challenging time.

Dustin Zacks wrote to encourage more civil times and to invite everyone to Pelican Pete's for a Halloween celebration.

APPROVAL OF MINUTES:

Action: Motion made by Commissioner Hardy and seconded by Vice Mayor Amoroso to approve the following minutes:

- A. Regular Meeting - May 5, 2020
- B. Special Meeting - May 12, 2020

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

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

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

- A. Agreement with Rosso Site Development for the District 2, Year 4 Full Construction Neighborhood Road Program Project
- B. Final Change Order #4 to Harddrives of Delray, Inc. dba Harddrives, Inc. for the Park of Commerce Phase 1A Infrastructure Improvements Project
- C. Consideration of settlement with Ferol Lynne Voltaggio in the amount of \$110,000 (inclusive of attorney's fees)

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell.
NAYS: Commissioners Hardy and Robinson.

PUBLIC HEARINGS:

There were no Public Hearing items on the agenda.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Second Amendment to Lease with RTT-Benny's on the Beach, Inc.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to approve the Second Amendment to the lease with RTT-Benny's on the Beach, Inc.

City Manager Bornstein stated that the two items were related and that the presentation would be by City Attorney Goddeau.

Christy Goddeau, City Attorney, stated that this was a second amendment to the existing lease and clarified that an abatement of rent referred to the base rent; Benny's base rent was \$20,000 a month and Mulligan's was \$15,900 a month. She explained that the two big requests were to address the effects of COVID-19 and infectious diseases in general. She said that beginning June 1, if there, restrictions were still in place, and there would be a 50% abatement and a 50% deferral until the restrictions were completely lifted or until November 1, whichever was earlier. She said that if there were restrictions to indoor occupancy due to an infectious disease, they would go into a deferral based on the restriction percentage.

Comments/requests summary:

1. Mayor Triolo asked when the abatement period would end.

City Attorney Goddeau replied that it would end on November 1.

City Manager Bornstein responded that there was a current provision regarding an abatement following the closure of the pier and the tenant had agreed to pay rent for April through May.

2. Vice Mayor Amoroso asked if the City had been in contact with the other tenants.

City Manager Bornstein responded that there had been two discussions and anticipated that the abatements and deferrals would come back to the Commission after calculating all of the other leases.

3. Commissioner Robinson expressed concern about the other tenants and said that there should be a policy for all tenants. He stated that he would not approve one lease until there were leases for all the tenants.
4. Commissioner Hardy asked if the Benny's and Mulligan's leases were connected.

City Attorney Goddeau stated that they were connected and unconnected; the big difference with Benny's was that there was an existing provision for an abatement that was being waived. She said it would be great to make a one size fits all lease, but it would be best to look at each business individually to determine what would work best for each tenant and the City.

Commissioner Robinson requested a motion to address the other tenants recognizing that they each had individual circumstances.

City Clerk Andrea said that there were no public comment cards.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell and Hardy. NAYS: Commissioner Robinson.

B. Second Amendment to Retail Lease with Mulligans Lake Worth Acquisition, LLC.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Hardy to approve the Second Amendment to the Retail Lease with Mulligans Lake Worth Acquisition, LLC.

City Manager Bornstein stated that the Mulligans lease would be different, as Benny's would be taking over the lease.

City Attorney Goddeau explained that rent would be paid March through June; the amendment would be voided if the rent was not received. She stated that the amendment would allow for the assignment to Mr. Lipton's new corporation of a Mexican themed restaurant. She said that Mr. Lipton would have three months of free rent to allow renovations to convert the space and starting on October 1, the rent would be due. She iterated that the base rent would go up three point five percent a year and the lease term extended for an initial ten-year term with two five-year renewal options. She said that there would be a security deposit covering two full months of base rent, the deferrals are the same as Benny's, but the COVID deferral/abatement would start on October 1 through December 31 if there were COVID restrictions, and beginning January 1 through March 31, 2021, there would be an additional deferral if there were indoor occupancy restrictions. She stated that the repayment period would begin on April 1, 2021 and there would be a one-year deferral with one-year repayment period related to infectious diseases. She iterated that Mr. Lipton would have a six-month Right of First Refusal for the space upstairs.

Comments/requests summary:

1. Mayor Triolo asked if there would be a rate abatement beginning on January 1, 2021.

City Attorney Goddeau replied that there would be a deferral in 2021. She said that the six month Right of Refusal would begin on October 1.

2. Commissioner Hardy wondered if another tenant would get the same deal as Mr. Lipton and said that in the future, other tenants should not get similar concessions without proving that improvements would be made.

3. Commissioner Robinson said that it was wonderful to have Mr. Lipton taking over Mulligan's space. He stated that the City might be acting in haste regarding the second floor and there should be discussions with the other tenants for fairness' sake. He asked about the grass area and said that no proposals had been put out nor any marketing been done for the oceanfront park.

Commissioner Hardy asked if the right of first refusal could be paused if there were restrictions in place during that time.

City Attorney Goddeau responded that a pause would be possible and the timeframe was put in place because the City was looking for a P3 project at the property.

Mayor Triolo stated that she was in support of and excited by a successful businessman in the City investing in another business.

City Manager Bornstein stated that the deal to take over the lease was brought forth by Benny's and Mulligan's, which was why it was an amendment, not a new lease. He said that the owner was okay with it and no RFP was required. He said that Mr. Lipton was on the phone to answer any questions.

City Clerk Andrea said that there were no public comment cards.

Vote:

Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

- A. Commission meeting schedule: Workshops – General, Budget

City Manager Bornstein gave a listing of the upcoming meeting dates: Thursday, May 21 – Special meeting on a budget item followed by a Work Session on vacation rentals; Tuesday, May 26 – remote Electric Utility meeting; Tuesday, June 2- Regular meeting; Tuesday, June 9 – Quasi-Judicial Hearing on the Bohemian followed by a Budget Work Session; Tuesday, June 16 – Regular meeting; Thursday, June 25 – 2nd Budget Work Session; Tuesday, June 30 – Quasi-Judicial Hearing to adopt the Bohemian followed by EU meeting; Tuesday, July 7 – Regular meeting; Tuesday, July 21 – Regular meeting; Thursday, July 23 – 3rd Budget Work Session; Tuesday, July 28 – EU meeting; Thursday, July 30 – Work Session on LDRs and Comp Plan.

Commissioner Robinson inquired about Memorial Day with the American Legion Post.

City Manager Bornstein responded that there was an annual event coordinated with the Boy Scouts being discussed. He urged caution because it involved the age group at high risk for contracting the virus. He asked Juan Ruiz, Assistant City Manager to provide an update.

Assistant City Manager Ruiz said that staff was coordinating to have a condensed Memorial Day event at the cemetery with social distancing in place. He stated that it would be very small with very little promotion and would adhere to the recommended guidelines. He reported that the Boy Scout Troup would still place flags and crosses on the headstones of fallen veterans and there would be a small tent and chairs.

Mayor Triolo reminded the Commissioners that communications on electronic devices were prohibited during meetings.

ADJOURNMENT:

Action: Motion made by Commissioner Robinson and seconded by Vice Mayor Amoroso to adjourn the meeting at 7:54 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.