

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, JULY 21, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:02 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 and Herman Robinson. Also present were Assistant City Manager Juan Ruiz, City Attorney Glen Torcivia and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Herman Robinson.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

AGENDA - Additions/Deletions/Reordering:

A proclamation in memory of Congressman Lewis was added as Presentation B.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the agenda as amended.

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

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

A. Proclamation for Patrick Livingston
Mayor Triolo read the proclamation in honor of Patrick Livingston and expressed gratitude for his work on behalf of the community.

Mr. Livingston thanked the Commission for their support and encouragement.

Commissioner Maxwell gave kudos to Mr. Livingston for his hard work over the years.

B. (added) Proclamation in honor of Representative John Lewis
Mayor Triolo read the proclamation in honor of Rep. Lewis.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Hardy: said that more could be done in the wake of Rep. Lewis' passing; Rep. Lewis' advice should be taken regarding voting rights.

Commissioner Robinson: stated that it was still dangerous in public and urged everyone to wear masks and social distance. He said that leadership was needed to show how serious the issue was. He said that Rep. Lewis' words should be lived by.

Vice Mayor Amoroso: thanked Ed Liberty, Electric Utility Director, and his staff for going above and beyond working with City residents and the County. He said that the 2020 Census was very important and LWB was last in the challenge. He stated that food would be distributed as long as it was needed.

Commissioner Maxwell: thanked staff for putting the proclamation together for Rep. Lewis. He spoke about how Rep. Lewis was able to forgive those who had hurt him in the past. He said that the City had done a great job pushing out information regarding COVID-19, but now the situation was getting worse rather than better. He stated the necessity to wear masks and self-distance; there should be a direct mail campaign to every resident in the City featuring a photograph of the Commissioners wearing masks with a message to wear masks.

Mayor Triolo: said that there would be a lot of projects coming to LWB from the Transportation Planning Agency (TPA) and thanked Jamie Brown, Public Works Director, and Felipe Lofaso, Public Works Assistant Director, for putting the information together and submitting the projects. She reported that there would be ADA compliance for the sidewalks and other enhancements in the works. She urged everyone to complete the Census because everything was dependent on being properly counted; the City needed a correct number to receive needed funding.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

Deborah Andrea, City Clerk, read the public comments submitted by the following:

Katie McGiveron wrote that she was very proud to be a long-time resident of Lake Worth Beach, which was a diverse city, and she resented Commissioner Hardy saying that it was racially intolerant and divided as a way to get in front of the news media.

Peggy Fisher wrote that the Commissioners should be united in helping the residents and businesses of Lake Worth Beach at this difficult time and divisiveness served no purpose and overshadowed the important business of the City.

APPROVAL OF MINUTES:

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

- A. Regular Meeting - June 16, 2020
- B. Special Meeting - June 18, 2020
- C. Special Meeting - June 23, 2020
- D. Budget Work Session #2 - June 25, 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 Commissioner Maxwell and seconded by Commissioner Robinson to approve the Consent Agenda.

- A. Ratification of grant applications to Florida Department of Economic Opportunity Rebuild Florida Infrastructure Repair Program
- B. Work Order #4 for The Paving Lady for milling and paving services
- C. Ratifying the Expenditure of \$173,648.94 to make emergency repairs to three homes on North D Street and 3rd Avenue due to a major sewer back up incident
- D. 2nd Agreement Extension Request from 14 S East Coast, LLC for property located at 14 S. East Coast Street, Lake Worth Beach, Florida
- E. Resolution No. 26-2020 - establish the Proposed Tentative Voter Approved Debt Rate for Fiscal Year 2020-2021 and schedule the first public hearing for September 10, 2020 and the second public hearing for September 24, 2020
- F. Resolution No. 27-2020 - Directing the Preparation of the Preliminary Stormwater Assessment Roll for Fiscal Year 2020-2021 and scheduling the final public hearing for September 10, 2020
- G. Resolution No. 28-2020 - Directing the Preparation of the Preliminary Refuse Assessment Roll for Fiscal Year 2020-2021 and scheduling the final public hearing for September 10, 2020
- H. Resolution No. 29-2020 - establish the Proposed Tentative Millage Rate for Fiscal Year 2020-2021 and schedule the first public hearing for September 10, 2020 and the second public hearing for September 24, 2020

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

PUBLIC HEARINGS:

- A. Resolution No. 19-2020 – adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 19-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, RELATED TO THOSE NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED FOR THE COST OF PROVIDING LOT CLEARING, BOARDING AND SECURING, AND DEMOLITION SERVICES TO ELIMINATE NUISANCE CONDITIONS ON PRIVATE REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY; APPROVING THE ASSESSMENT ROLL FOR FISCAL YEAR 2020 AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to approve Resolution No. 19-2020 – adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services.

City Clerk Andrea read the public comment card submitted by the following:

Suhan Junad wrote to request that the item be postponed because the notice was incorrect.

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

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

A. Engaging the Florida Municipal Power Agency (FMPA) and Florida Power and Light (FPL) to determine whether, and for what price, FMPA and its members would release the City from its obligations to them, and whether FPL might be willing to purchase the City's electric utility

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to engage FMPA and ascertain its willingness, and the willingness of its members, to release the City of Lake Worth Beach from its obligations to them for an agreed upon price and to engage FPL and ascertain its willingness to purchase the City's electric utility.

Comments/requests summary:

1. Commissioner Robinson proposed discussing the issue at a work session.
2. Commissioner Hardy thanked staff for getting the item on the agenda. He said that the City should start a conversation because of rates and also to determine the benefit to the City. He stated that there was a question of whether the City reached rate parity with FPL; LWBEU's commercial rates were much higher than FPL's.

Mayor Triolo asked if Commissioner Hardy had reached out to Florida Municipal Electric Association (FMEA), FMPA or FPL on his own and if he had read the minutes from the Commission and EUAB meetings from 2011 regarding the issue.

Commissioner Hardy stated that he had called them all and spoken on his own behalf, not representing the Commission and he was familiar with the history of the question.

Commissioner Robinson opined that the Commissioners should reach out to people with whom the City was doing business to get answers and explore possibilities to move forward. He said that a work session would be necessary.

Commissioner Hardy said that there were customers who did not have a say in the electric utilities because they were not City residents and could not vote in LWB. He showed a rate comparison from the FMEA website by month that depicted higher electric rates for LWBEU than FPL.

Mayor Triolo stated that she had felt the same way when she moved to LWB and that the numbers from FPL did not include credit card charges, which the City did not charge to its customers.

Mr. Liberty corrected some misconceptions; the 2019 data showed FPL residential rates of \$104 versus LWB rates of \$108. He said that the FPL bill would be \$107.25 when the credit card fees were included. He stated that FPL had many different classes of commercial rates that LWB did not have and it would be difficult to compare the two because LWB customers received services bundled in their bills.

Commissioner Hardy said that both residential and commercial LWBEU customers paid more than FPL customers. He stated that the EU study valued the asset, but the operating profit had increased due to Mr. Liberty's good work and would now be more valuable to an outsider. He said that the EU was less valuable to the City because its contribution to the General Fund was being reduced. He stated that both FMPA and FPL should be approached to find out the benefits to the City.

Mayor Triolo stated that she, Vice Mayor Amoroso and Commissioner Maxwell had favored selling the EU years ago and had the EUAB investigate whether to sell the EU, upgrade the EU or purchase power. She said that they examined Vero Beach's sale, which was to net them \$183 million; after they paid off their obligations, they were left with \$40 million.

Commissioner Hardy asked what the buyout would be for the City and said the only way to know would be for the FMPA to value the EU.

Mayor Triolo said that the EU contributed \$4.5 million to the General Fund as well as other contributions for a total of \$8 million.

City Attorney Torcivia stated that the item had passed the 30-minute discussion threshold and must go to work session.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to extend the discussion.

The meeting recessed at 7:28 PM and reconvened at 7:33 PM.

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

Discussion ensued regarding the rules and procedures of the Commission meetings.

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to call the question.

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

City Clerk Andrea read the comment cards submitted by the following:

Megan Williams wrote in favor of selling the LWBEU to FPL.

Jeff Williams wrote in support of FPL buying the LWBEU.

Ruby Bell wrote in opposition to selling the LWBEU to FPL.

Edwin Contreras wrote in opposition to the sale of the LWBEU to FPL.

Greg Rice wrote in opposition to selling the LWBEU to FPL.

Ryan Oblander wrote in favor of having a conversation with FPL and FMPA regarding a sale of the LWBEU.

Martin Welfeld wrote in opposition to selling the LWBEU.

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

B. Resolution 30-2020 in support of the Lake Worth Beach Electric Utility

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 30-2020 OF THE CITY OF LAKE WORTH BEACH ACKNOWLEDGING THE IMPORTANCE AND VALUE OF THE LAKE WORTH BEACH ELECTRIC UTILITY TO THE CITY, ITS IMPACT ON THE SUSTAINABILITY AND VIABILITY OF THE CITY AND STATING THE OWNERSHIP WITH THE RESIDENTS OF THE CITY

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to approve Resolution No. 30-2020 in support of the Lake Worth Beach Electric Utility.

Action: Subsidiary Motion made by Commissioner Hardy and seconded by Commissioner Robinson to approve Resolution No. 30-2020 and strike lines 53-60, turn Section 4 into Section 5 and have Section 4 read "to revisit in two years".

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

Comments/requests summary:

1. Commissioner Maxwell thanked the EUAB for their hard work. He said that the City had invested a lot to get the rates on par with FPL and to harden and improve the system. He stated that the resolution was necessary to clarify that the Commission had no intention to speak with FPL. He opined that it was not fair for a Commissioner who was leaving soon to throw the issue on the table and then leave it unresolved.
2. Commissioner Hardy said that FMPA and FPL had not been approached to see what the LWBEU would be worth to them. He opined that the Commission did not want to get the information and the City lost potential residents because the EU had a bad reputation.

3. Mayor Triolo apologized to the utility workers who were working hard to improve and harden the system. She stated that the City had great relationships with FPL and FMPA and it was disingenuous to threaten staff with losing their jobs during a pandemic.

**Vote on
original
motion:**

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

City Clerk Andrea read the comment cards submitted by the following:

Peggy Fisher wrote in opposition to the resolution.

Ryan Oblander wrote in favor of the resolution.

C. Enacting a new moratorium on utility shutoffs

Action:

Motion made by Commissioner Hardy and seconded by Commissioner Robinson to enact a moratorium on utility shutoffs retroactive to July 17th, 2020, to develop criteria for evaluating whether the moratorium should be lifted and to establish that the moratorium should be lifted only when the criteria for doing so have been met.

Comments/requests summary:

1. Commissioner Hardy said that a moratorium was enacted in March because people needed to wash their hands, cook, have a/c and stay home; all of those reasons still applied. He stated that a payment plan had been put in place and the moratorium ended because other electric utilities were ending theirs and the City's profit was reduced. He said that alternative means of recovering revenue should be explored as well as continuing the moratorium.

City Manager Bornstein asked when the City had enacted its moratorium.

Mr. Liberty replied that the moratorium began on March 18.

City Manager Bornstein stated that FPL never did a press release about disconnections and it was difficult to know what their policies were.

2. Commissioner Robinson asked how the payment plan was going.

Mr. Liberty stated that 300 customers would have been cut when the moratorium ended, but people were looking to get caught up and go on the payment plan. He said that staff called every customer who was subject to service cuts and put door hangers at their homes as well as mailing the information. He said that there was evidence that customers either had the ability to pay or opted to go on the payment plan to defer payment over time. He reported that 96 customers had gone on the County's assistance plan and 300 others were being reviewed; the problem was not knowing how many customers were still in the residences, some would call and agree to go on the plan and those that never called were not in the home. He said that cuts would begin when all attempts to reach the customer had been exhausted.

Commissioner Robinson commended Mr. Liberty for the extra efforts being made to contact customers. He spoke against adjusting the moratorium. He mused if there was more than one visit with the door hangers to see if a property was occupied and if a Go Fund Me could be created for families to help them pay their bills.

3. Mayor Triolo asked what the cost was operationally through the rest of the year.

Mr. Liberty responded that the current aging report showed that \$931,000 or 12.9% of revenue for all utilities was in arrears. He said that there was evidence that people could afford to pay, but it could not be determined if a house was vacant for some who had not paid. He said that the customer base and energy use had been growing.

Commissioner Robinson suggested that the virus had to be considered and the numbers should be revisited on a monthly basis.

Mayor Triolo said that the utility bills covered water and refuse as well as electric.

4. Commissioner Maxwell said that the City had flexibility as a citizen-owned utility to have compassion. He stated that his biggest concern with a moratorium was the length of time for the repayment plan; he said that a mixed message was being sent and asked if the moratorium were extended, would the payment plan be revisited and if anything could be done differently to determine if some residences were vacant.

Mr. Liberty said that registered letters could be sent, but expressed doubt about the value as some residents might not accept them. He stated that there had been 1,963 people on the cut list on June 30 and the current number was 914 from whom the City had not heard; the City would know within a few hours after disconnection if the customer was still at the residence.

Commissioner Maxwell stated that it was a tough situation, but some customers were not communicating with the City even after all the outreach.

5. Commissioner Hardy said that the threat of disconnection could be useful, but the impact to the customer was unknown. He stated that the impact of the moratorium was a smaller profit to the City but could be quite catastrophic for a customer. He opined that customers were not answering the phone because they did not have the money to pay and were afraid of the conversation. He asked if staff could be given leeway to work with customers on a case by case basis formally and in writing.

City Manager Bornstein responded that he had the authority to direct staff if the Commission gave that direction.

Mayor Triolo stated that the City had historically run policies parallel with FPL and asked if the Commission could re-evaluate the effect of the situation on the community when FPL resumed normal operations.

6. Vice Mayor Amoroso said that staff had gone above and beyond to contact the customers but there would come a point where some people would not respond or be able to pay their bill. He reported that there was misinformation about customers

having to pay their utility bills and that the payment of utility bills should be a priority. He asked how long the City would set customers up for failure, especially when they did not return the phone calls.

Mr. Liberty announced that the number of people on the cut list had been reduced by half since June 30 as they migrated onto the payment plan or made some payment.

Action: Motion made by Commissioner Hardy to extend the discussion. **Motion failed for lack of a second.**

City Clerk Andrea read the comment cards submitted by the following:

Ruby Bell wrote in opposition to enacting another moratorium.

Ryan Oblander wrote in favor of extending the moratorium.

7. Commissioner Maxwell thanked Mr. Liberty for the update on the cut list numbers which made it easier to decide how to vote.
8. Mayor Triolo requested that the City's continue the current policy through the end of the month and then re-evaluate after that point. She said that the City would have many issues with which to grapple and there was only so much that could be done with its limited financial resources.

Commissioner Robinson spoke in favor of extending the payback period to 24 months.

Vice Mayor Amoroso stated that people were not stepping up to get help; there was only so much that staff could do.

Action: Amended Motion made by Commissioner Hardy and seconded by Vice Mayor Amoroso to direct staff to employ more flexibility than was provided for in the payment plan resolution and the utility shut off resolution through the end of July.

Mr. Liberty stated that staff would be greatly burdened and put in a difficult position; the customer should speak to the agency that could help with payments.

Commissioner Hardy explained that the motion was to formally sanction what staff was already doing.

Mayor Triolo stated that it might be easier to extend the moratorium through July 31. She suggested that FPL's policies should be monitored.

Mr. Liberty stated that no customers on the cut list had had their service cut.

Commissioner Maxwell suggested using a robocall that would be transferred to a staff member when someone picked up, to free up the resources.

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

The meeting recessed at 9:30 PM and reconvened at 9:40 PM.

D. Discussion of how the City of Lake Worth Beach can assist residential families likely to face eviction when the Governor's eviction moratorium ends

Comments/request summary:

1. Commissioner Hardy expressed regret for the many undocumented residents who were ineligible for benefits or assistance. He said that resources should be identified that were not Federally related. He stated that everything had proceeded with evictions except the Writs of Possession.

City Clerk Andrea read the comment card submitted by the following:

Ruby Bell wrote in opposition to the City assisting residents.

2. Vice Mayor Amoroso said that he had been directing callers to the appropriate agencies for assistance and Code officers did that as well.
3. Commissioner Maxwell suggested having a website with resources.

Vice Mayor Amoroso stated that there was a book being created with resources just for LWB residents.

Mayor Triolo said that residents called her often and stated that there should be an updated list of resources. She stated that perhaps Commissioner Hardy could help the City when he was at the State house.

Commissioner Hardy said that the City should take a more active approach since many residents did not have internet access. He suggested using navigators to catalog available resources then reach out to those in need. He stated that there were three cities that had agreements with Legal Aid to fund tenant disputes and hoped that LWB could do the same. He said that he would bring some ideas to vote on back to the next meeting.

CITY ATTORNEY'S REPORT:

City Attorney Torcivia did not provide a report.

CITY MANAGER'S REPORT:

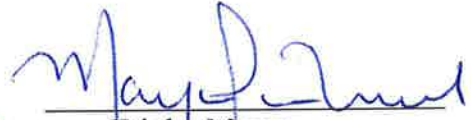
City Manager Bornstein gave the following report:

- A contract was being negotiated with REAL per the Commission's direction
- A draft of the contract would presented to the Commission


ADJOURNMENT:

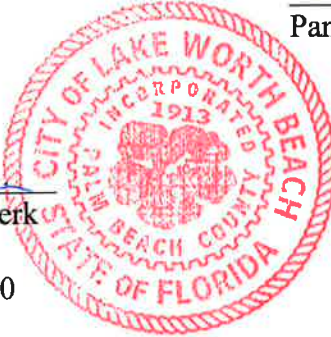
Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to adjourn the meeting at 9:58 PM.

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


Pam Triolo, Mayor

ATTEST:


Deborah M. Andrea, CMC, City Clerk



Minutes Approved: August 18, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.