

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
THURSDAY, APRIL 9, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:05 PM by teleconference in 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 City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell.

AGENDA - Additions/Deletions/Reordering:

Consent Item C was deleted from the agenda.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell 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. Presentation by staff regarding COVID-19 response

Michael Bornstein, City Manager, gave an update and clarified the City's role related to the County since the Governor declared a State of Emergency on March 9, 2020. He explained that there was an Emergency Management Plan in place and that the City was small and did not have the resources available to surrounding cities like Boynton Beach or West Palm Beach. He iterated the responsibilities the City had to its residents including: public safety, which was provided through the partnership with PBSO that had more resources than the City; emergency medical and fire services through a partnership with PBC Fire Rescue, which brought vast resources and staffing; and water, sewer, electric, sanitation and permits, all of which were being provided in creative ways by the City staff. He spoke highly of the Finance, Human Resource, IT and Leisure Services departments that were doing a great job. He stated that Lake Worth Beach was one of the few cities holding a meeting currently, and thanked Ben Kerr, Keith Sullivan, Lauren Bennett and Juan Ruiz. He said that there were administrative orders coming from the State, which the City was adjusting to in real time, such as closing the beaches and parks but allowing for food pickup and delivery from the restaurants in those places. He stated that the City was working with the County to enact the orders in a creative way. He announced that the administrative orders were temporary stopgap measures to address the problems arising from the pandemic and that the City was in the lead by implementing telecommuting and split shifts.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Hardy: did not have any comments.

Vice Mayor Amoroso: thanked staff for going above and beyond. He reported that the CRA and the City were working with Feeding South Florida and thanked all the volunteers. He spoke in appreciation of the County and State elected officials who were helping with obtaining funding for the City. He reported that the CRA was working on funding for local businesses and that Patrick was providing food at 12th Avenue South and Wingfield; the City was working on more food programs for residents.

Commissioner Maxwell: stated that he wanted to make sure that all residents were healthy and safe, wearing masks, washing hands and thanked the members of the community and neighbors helping neighbors; everyone was coming together. He reported that people were helping getting groceries and the food distribution at the Hatch had fed hundreds of people. He said that he had been trying to find hand sanitizer and toilet paper and working on a plan to get supplies and distribute them as a care package. He thanked the staff, including Public Works, as there had been no glitches. He encouraged all the residents to visit the website for the latest information.

Commissioner Robinson: said that he appreciated all the efforts to put the virtual meeting together, but it did not take away from everyone having to fill out the census to be counted. He iterated that he looked forward to a Charter Review Committee. He stated that the budget was coming but he did not there would be an extension. He expressed hope that the City would continue to forward with the public private partnership discussed before the virus and the NAPC was still hoping that the raft race would take place. He reminded the public to be vigilant about current scams. He said that commercial electric rates could be adjusted for City businesses and mentioned a non-profit to collect money for the unemployed. He wished everyone a Happy Easter and Happy Passover.

Mayor Triolo: read a prepared statement about being a business owner and a resident, that people in the Community knew that she had a heart. She reported that Commissioner Hardy and she had both apologized and he did not condone the death threats and other threats to her family. She stated that the global pandemic was more important and that most of the comments were not from Florida. She said that Lake Worth Beach was known for having passionate meetings, but just like families, everyone banded together. She thanked her neighbors and residents for their support and prayers.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

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

Robert Robinson wrote that the pier be opened for limited occupancy.

Pavlina Merkova wrote asking why the City had not declared a state of emergency.

Debra Robert wrote on behalf of the neighbors in the Downtown Jewell District that the sidewalks should be pressure washed.

Dustin Zacks wrote about the positive accomplishments of the Commission and that it should continue to act competently.

Nick Paliughi wrote thanking the City for its involvement in the food distribution efforts and for the efforts to get the residents through this time.

APPROVAL OF MINUTES:

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

- A. Regular Meeting - February 18, 2020
- B. Regular Meeting, March 3, 2020
- C. Work Session - March 5, 2020
- D. Special Meeting - March 19, 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 Vice Mayor Amoroso to approve the Consent Agenda.

- A. Agreement with Collective Water Resource, LLC for the Multi-Jurisdictional Climate Change Vulnerability Assessment
- B. Ratification of Proclamation for Bangladesh Day
- C. (deleted) Agreement with Rosso Site Development for the District 2, Year 4 Full Construction Neighborhood Road Program Project
- D. Work Order #4 with All County Paving for the District 1, Year 4 Pushbutton Neighborhood Road Program Project
- E. Resolution No. 12-2020 of the City of Lake Worth Beach endorsing the City's applications for the PBC TPA's 2020 Local Initiatives and Transportation Alternatives Programs

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

PUBLIC HEARINGS:

- A. Ordinance 2020-03 – second reading – adopting the official City seal

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-02 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 ENTITLED “LAND DEVELOPMENT REGULATIONS”

OF THE CODE OF ORDINANCES BY AMENDING ARTICLE I "GENERAL PROVISIONS" RELATING TO DEFINITIONS; ARTICLE 3 "ZONING DISTRICTS" BY CREATING A CULTURAL ARTS DISTRICT OVERLAY; AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Ordinance 2020-03 adopting the City seal.

Mayor Triolo announced that this was the time for public comment. City Clerk Andrea read the comment card from Mary Lindsay in favor of the City seal and Dustin Zacks in opposition to the City seal.

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

NEW BUSINESS:

A. Ratification of Temporary/Emergency Compassionate Code Compliance Policy (Administrative Order [AO] No.: 2020-03)

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to ratify the Temporary/Emergency Compassionate Code Compliance Policy.

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

B. Discussion regarding upcoming responses to the City's COVID-19 response

Action: Discuss and provide input regarding the various issues and challenges, which the City organization was addressing.

City Manager Bornstein explained that the item was for a discussion regarding implementing policies that would either be brought before the Commission or established as AOs. He stated that the City would apply for reimbursement from FEMA where applicable. He spoke about adjusting operations to proactively aiding residents and gave the example of having the Electric Utility (EU) Conservation staff provide information about assistance programs. He said that staff would work towards having infrastructure projects ready when funding became available.

Comments/requests summary:

Commissioner Hardy iterated that there should be two AOs related to Personal Protective Equipment (PPE), one requiring that citizens must wear masks to receive service and the other for the employers to provide PPE to essential workers.

Commissioner Maxwell said that people should be both protecting themselves and protecting their neighbors and employers should be responsible for providing PPE. He opined that it would be difficult to force people to wear facemasks and be difficult to enforce from a law enforcement prospective. He suggested a motion

for the City Manager should draft an AO on both points, one to strongly encourage the wearing of facemasks in public and the second for employers to provide PPE.

City Attorney Goddeau explained that consensus or direction was being sought from the Commission, as there could not be a motion on a discussion item.

Vice Mayor Amoroso asked if a Commissioner sending in an email late in the afternoon on the day of the meeting gave the public enough time to comment.

Commissioner Maxwell asked that the Commission craft direction to the City Manager.

City Manager Bornstein said that it seemed that the consensus from the Body was a modification of Commissioner Hardy's request from mandating to strongly encouraging the wearing of masks.

Commissioner Robinson thanked Commissioner Hardy for bringing the topic forward and said that the wearing of facemasks should be a mandate, not a suggestion.

Vice Mayor Amoroso expressed concern about having a mandate that could result in a person walking miles to Publix to be turned away.

Lengthy discussion ensued regarding whether to encourage or mandate the wearing of masks and how it would be enforced.

Capt. Baer said that although he and his family were using masks, it was essential for measures to be consistent on a County basis to avoid confusion. He stated that education and persuasion were being used for compliance and anything requiring enforcement should be done at the County level.

Mayor Triolo stated that she had spoken with many mayors throughout the County who agreed that the cities should work together as a County. She spoke in favor of encouraging businesses and residents regarding masks, she had ordered masks and gloves but had had a hard time getting them so a mandate would be difficult when the supplies were unavailable. She suggesting a discussion at the next meeting.

City Manager Bornstein reported that Assistant City Manager Ruiz had been on calls with the County every day and that County Administrator Verdenia Baker stated that the County had not decided nor was not inclined to have a mandate for masks.

Mayor Triolo said that it was the time for public comment. City Clerk Andrea read the comment submitted by Rodney Moser. Mr. Moser wrote in appreciation of the Commissioners' intentions to keep the residents safe and inquired about FEMA reimbursements.

City Manager Bornstein said regarding food sanitation and household basics distribution, he was trying to find programs with which the City could partner and

he would take advantage of those that could help the residents and apprise the Commission.

Mayor Triolo said that she was in favor of anything the City could do to help the community.

City Manager Bornstein said he would move forward with an AO strongly encouraging residents to wear masks.

Vice Mayor Amoroso requested that correct the information out about resources and scams be disseminated. He thanked the County and Mayor Kerner for doing a good job to get information out.

City Manager Bornstein said that there were ongoing internal discussions regarding the businesses that had leases with the City, such as those at the beach and asked the Commissioners if they would support a program to help the tenants.

Commissioner Hardy stated that he would need more information regarding the businesses' financial situations.

Commissioner Maxwell requested that the City Manager bring back potential recommendations with their financial impacts to the Commission. He expressed concern about local businesses and asked to discuss if the City could assist in any way.

City Manager Bornstein reported that FPL was considering a fuel charge discount for their customers; this discount was mandated to be done over a year but FPL would do the discount in May. He stated that the Commission might give direction for LWEU to have a similar plan. He asked Mr. Liberty to speak about the impact on the bottom line.

Ed Liberty, Electric Utility Director, thanked all of the EU employees who had been very accommodating. He stated that the trajectory for the LWEU was \$5.2 million ahead of budget due to lower fuel costs and higher an increase in delivering power to customers. He explained that there were projections for losing from five to fifteen percent of revenue since neither late fees nor reconnection fees were being collected, but he did not know which percentage it would be. He reported that there had been an average of 26 disconnections per day before the moratorium but that the current average would be 79 a day. He said that customers who miss the due dates for their bills are receiving information about agencies that could help and that all customers would receive a reminder about assistance programs in the monthly bills. He stated that matching the reduction from FPL would affect the operating budget by about \$1 million and that hurricane costs were not in the budget, but cost approximately two to three million dollars.

Vice Mayor Amoroso opined that the LWEU should not give a rebate to customers currently because reserves could be needed during hurricane season.

Commissioner Hardy asked if the City's resolution regarding rate parity would affect the rebate.

City Manager Bornstein responded that it had been an ordinance regarding rate parity and had expired.

Commissioner Hardy said that the intent of the ordinance was to have parity with FPL so the City should match the rebate.

Mr. Liberty stated that any money above the budget was being reinvested into the system and reliability improvements and that although FPL rates would go down in May, the rates would go back up in June.

Commissioner Maxwell expressed pride in the City for having reached rate parity with FPL but said that the City was not in the same financial position. He said that a rebate discussion would be easier in October because no one knew how long the pandemic would last nor what the hurricane season would bring.

Commissioner Robinson said that the commercial electric rates needed to should be discussed.

Commissioner Hardy spoke in favor of a rebate for both commercial and residential customers.

Mayor Triolo said that the City would help members of and businesses in the community where it could while maintaining the resources to run a safe City.

City Manager Bornstein inquired if there was consensus for direction regarding a rebate.

Mayor Triolo stated that more information was needed and she would meet with Mr. Liberty.

City Manager Bornstein replied that he would ensure that all of the Commissioners received the information. He said that there was a consultant studying the electric rates.

- C. Agreement Extension Request from 14 S East Coast, LLC for property located at 14 S. East Coast Street, Lake Worth Beach Florida

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to approve the request from 14 S East Coast, LLC, granting an extension until July 8, 2020, to demolish the building on the Subject Property and replace it with a surface parking lot as required and set forth in section 3B of the Declaration of Covenants and Restrictions.

Mayor Triolo announced 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:

City Manager Bornstein provided the following report:

- Thanked staff for their hard work to put the meeting together
- Announced that the Planning and Zoning Board would be using the virtual meeting model
- Stated that the next regular Commission meeting would be on April 21, the agenda was being worked on and the intent was to have meetings to take place as scheduled
- Said that the commercial electric rate study pre-dated the pandemic and asked Mr. Liberty to give a brief explanation

Mr. Liberty stated that the study was a cost of service study of all categories of customers being done by Leidos and began in March.

City Manager Bornstein iterated that the audited financials would be completed at the end of April. He stated that it would be unproductive to discuss commercial rates until the study was completed.

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 9:22 PM.

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