



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

ROLL CALL:

INVOCATION OR MOMENT OF SILENCE: led by Commissioner Herman Robinson

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso

AGENDA - Additions / Deletions / Reordering:

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

A. Proclamation for Patrick Livingston

COMMISSION LIAISON REPORTS AND COMMENTS:

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF 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](#)

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

- 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](#)

PUBLIC HEARINGS:

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

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](#)
- B. [Resolution 30-2020 in support of the Lake Worth Beach Electric Utility](#)
- C. [Enacting a new moratorium on utility shutoffs](#)
- 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](#)

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, JUNE 16, 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, Assistant City Attorney Pamala Ryan and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Mayor Pam Triolo.

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell.

AGENDA - Additions/Deletions/Reordering:

Deborah Andrea, City Clerk, announced that there were no changes to the agenda, but the Public Hearing for Consent Item A would be heard at the July 21, 2020 Regular Meeting, not July 7, 2020.

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. Legislative update by Representative David Silvers
Representative Silvers gave an overview of the legislation passed in the recent session. He said that there would be raises for teachers across the board and this was the first year that the Sadowski Fund was not swept into the Trust Fund and would go to Affordable Housing. He stated that there was still an attack on Home Rule and had become a partisan issue. He reported that mental health was one of his top priorities and he had sponsored four comprehensive policy bills dealing with mental health, affordable housing, domestic violence and protection of vulnerable investors were passed by the legislature. He spoke about House Bill (HB) 945 – Children's Mental Health to de-escalate situations so children are less likely to be sent for a traumatic Baker Act evaluation, HB 1459 – Affordable Housing to assist in affordable housing development, HB 241 – Domestic Violence Injunctions to help prevent victims from staying in abusive relationships out of fear for their family pet, and HB 813 – Protection of Vulnerable Investors to protect vulnerable adults from financial exploitation.

Commissioner Hardy thanked Rep. Silvers for his work on mental health and for attending the meeting. He asked about an upcoming special session.

Rep. Silvers replied that there were no discussions with the minority party and he did not

know if the Governor would make cuts across the board instead of cutting entire projects.

Vice Mayor Amoroso thanked Rep. Silvers for his work on behalf of the City and for helping with the Wifi project.

Rep. Silvers stated that the digital divide was affecting children across the state and country. He said that mobile hotspots would not work, but some areas were using school buses as Wifi hotspots.

Commissioner Robinson thanked Rep. Silvers for his initiatives and asked if he had a feeling about what the Governor would sign, about the ocean current project and redrawing the districts.

Rep. Silvers responded that he thought the Governor would sign everything that had passed both Chambers led by the Governor's own party. He said that the appropriation for the ocean current project had not gone through this session and the districts would be redrawn in 2021 after the election process.

Mayor Triolo expressed appreciation to Rep. Silvers and said that the Commission would have him back soon.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Robinson: said that everyone should wear their masks and fill out the census. He drew attention to Pride Month and said that people should take COVID-19 seriously.

Commissioner Hardy: reported that he and Commissioner Robinson had a Sunshine Meeting regarding racial issues and the PBSO contract; the issues should be discussed at length in the future. He said that there was interest by residents and officials to have uncomfortable conversations regarding racial issues and stated that he would put his interests aside to have a special meeting to discuss the issues.

Commissioner Maxwell: stated that Patrick Livingston was honored with the Local Heroes Award and suggested having a proclamation to honor his good work. He said that there was information in the news about the increase in COVID-19 cases and PBC and LWB had large numbers of cases; it would be important to educate and encourage people to social distance, wear masks and sanitize. He said that he distributed informational pamphlets in three languages and that there was a need to do something further to minimize the impact.

Vice Mayor Amoroso: announced that there would be a 2020 Census call to action to try to get the numbers up. He said that Feeding South Florida would continue the drive-up distribution of food through the CRA, Patrick Livingston was giving out food to walk or drive ups and he would be delivering 500 meals to the needy.

Mayor Triolo: stated that there would be a press conference regarding the census. She said that she would attend the TPA meeting and had attended meetings with the Conference of Mayors and another with female leaders in the County to come up with innovative solutions. She said that there were some big issues to discuss, but the way to improve would be to solve the issues together by being real and focusing on real solutions.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

City Clerk Andrea stated that all the public comments were submitted for agendaed items.

APPROVAL OF MINUTES:

There were no Minutes on the Agenda.

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

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

- A. (Public Hearing was moved to July 21, 2020) Resolution 19-2020 - directing the development of a preliminary assessment roll for non-ad valorem assessments for lot clearing, boarding and securing and demolition costs
- B. Ratification of Work Order #3 for The Paving Lady
- C. Purchase Order with Alan Jay Fleet for the purchase of two new Toyota RAV4 Hybrid vehicles for the Building Division
- D. Agreement with AE Engineering for the Park of Commerce Phase 2 project
- E. Agreement with R&D Paving, LLC for construction of the Boutwell Road Lake Worth Park of Commerce – Phase II Project
- F. Agreements with DRC Emergency Services LLC and Sandy James Productions Inc. for food and catering services for disaster recovery
- G. Agreements with B&B Underground Construction, Inc., Johnson-Davis Incorporated, and Hinterland Group, Inc. for Emergency Utility Repairs for Water, Wastewater and Stormwater
- H. Agreements with The L. E. Myers Co. & Michels Power for electric utility storm restoration services for disaster recovery

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

PUBLIC HEARINGS:

- A. Ordinance No. 2020-07 – second reading – Amend Chapter 23 Land Development Regulations (LDRs) of the City’s Code of Ordinances

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-07 amending Chapter 23 Land Development Regulations of the City’s Code of Ordinances with the four words “Shall Not Be Granted” on line 713 that were stricken out, included.

City Attorney Ryan read the ordinance by title only:

ORDINANCE 2020-07 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2,

“DEFINITIONS,” SECTION 23.1-12 - DEFINITIONS; ARTICLE 2, “SITE DESIGN QUALITATIVE STANDARDS” - SECTION 23.2-31. - SITE DESIGN QUALITATIVE STANDARDS; ARTICLE 3 “ZONING DISTRICTS” DIVISION 3, “MIXED USE DISTRICTS,” SECTION 23.3-18 - MU-W MIXED USE WEST; ARTICLE 3 “ZONING DISTRICTS”, DIVISION 6, “PLANNED DEVELOPMENT”, SECTION 23.3-25 - PLANNED DEVELOPMENT DISTRICT; ARTICLE 4 “DEVELOPMENT STANDARDS, SECTION 23.4-10 - OFF STREET PARKING; AND SECTION 23.4-13 - ADMINISTRATIVE USES AND CONDITIONAL USES; AND ARTICLE 5 “SUPPLEMENTAL REGULATIONS”, DIVISION 3, “NONCONFORMITIES”, SECTION 23.5-3 – NON-CONFORMITIES OF THE CITY’S CODE OF ORDINANCES; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

William Waters, Community Sustainability Director, announced that there was a scrivener’s error to be corrected on line 713; the four words that were stricken out, “Shall Not Be Granted” should not be stricken.

City Clerk Andrea stated 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.

B. Authorization of grant applications to Florida Department of Economic Opportunity (FDEO) funding of critical facility hardening projects in impacted communities and invitation of public comment.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Maxwell to approve the submittal of grant applications to Florida Department of Economic Opportunity for funding of critical facility hardening projects in impacted communities.

Brian Shields, Water Utility Director, explained that he was seeking approval to submit grant applications by June 30 to obtain 100% funding for four projects.

City Clerk Andrea stated 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.

UNFINISHED BUSINESS:

A. Rent deferral amendment to the Casino tenants’ leases for COVID-19 closures and authorization to City Manager to sign the Amendments

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve the rent deferral amendment to the Casino tenants’ leases for COVID-19 closures and authorization to the City Manager to sign the Amendments.

City Manager Bornstein stated that there had been two meetings and based on the approval of the lease with Benny’s, there was a suggestion of using that deferral language in the other leases. He explained that the tenants would have one year to repay back rent, but the CAM and other fees would be paid.

Comments/requests summary:

1. Vice Mayor Amoroso asked if all of the tenants had stopped paying at the same time.

City Manager Bornstein replied that Kilwins had paid in April but the other tenants had not paid since March.

2. Commissioner Robinson asked what the response had been regarding abatements for those tenants that had been completely closed.

City Manager Bornstein replied that he spoke with the tenants who favored abatements, but he proceeded with discussions of deferrals per the Commission's direction from two meetings.

3. Mayor Triolo asked which businesses had reopened.

City Manager Bornstein replied that Lake Worth Beach Tee's had been closed completely, but Mamma Mia's and Kilwin's had been able to do some takeout and delivery. He said that the beach club had decided to close.

4. Commissioner Robinson stated that he would favor granting a one-month abatement to LWB Tee's.

Commissioner Maxwell said that it would be unwise and unfair to grant an exception to one business.

Action: Subsidiary Motion made by Commissioner Hardy and seconded by Vice Mayor Amoroso to approve a 100% rent abatement for April and a deferral of May and June's rent in accordance with the rest of the amendment for Lake Worth Beach T's.

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

Barry Freedman, owner of LWB Tee Shirt Company, wrote to request a 50% abatement of the base rent for April and May, putting June's rent on the end of his option on October 31, 2020 and that he would resume his regular payments on July 1, 2020.

City Manager Bornstein explained that LWB Tee's would be deferring those months' rent according to the amendment.

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

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

NEW BUSINESS:

- A. Appeal of the Historic Resources Preservation Board's decision to approve the construction of a new single-family structure at 403 South M Street

Mayor Triolo read the title of the case into the record saying that this was an appeal by Dan Walesky on behalf of Royal Building Group, LLC, appealing the decision of the Historic Resources Preservation Board approving the construction of a new single-family structure with conditions at 403 South M Street. She stated this was a quasi-judicial hearing to hear an appeal pursuant to section 23.2-17 of the City's code of ordinances and under the City's code, the Commissioners would consider only the evidence presented at the HRPB meeting. She explained that there would be no new evidence presented, instead, the city and the applicant will be given up to ten minutes to make a presentation, which should essentially be an overview of what occurred at the HRPB level. She said that the Commission could then ask questions or seek clarification on anything that was covered, brought up, or relied upon at the HRPB meeting and the public would also be given an opportunity to speak. She stated that a supermajority vote of the Commission would be required to overturn the HRPB's decision.

Mayor Triolo asked if there were any questions on the procedure. No one had any questions.

Mayor Triolo then asked if the Commissioners had any ex parte communications personal investigations, or campaign contributions to disclose.

Commissioner Robinson said that he had spoken to the applicant.

Mayor Triolo said that she had not spoken to the applicant.

Commissioner Hardy indicated that he had not had any communication with the applicant.

Commissioner Maxwell said that he had spoken to a member of the public, but not the applicant.

Vice Mayor Amoroso said that he had spoken to a third party, but not the applicant.

Mayor Triolo announced that all those giving testimony, should raise their right hands and be sworn-in.

Deborah Andrea, City Clerk, swore in those giving testimony and requested that they state their names and addresses for the record.

Mayor Triolo asked the Director for Community Sustainability or designee to give the departmental presentation, which could be no longer than ten minutes.

William Waters, Community Sustainability Director, introduced Abraham Fogel, Historic Preservation Planner who would give the presentation.

Mr. Fogel showed the location property on South M Street. He stated that at the February 12, 2020 Historic Resources Preservation Board (HRPB) regular meeting, the Board voted unanimously to approve a new single-family residence on the vacant lot at 403 South M Street with conditions of approval which included the initial staff recommended conditions as well as modifications to conditions 7 and 8 which were amended by the Board at the meeting. He said that the applicant, Dan Walesky, on behalf of Royal Building Group LLC, was appealing the decision by the HRPB contending that the Board amended Conditions 7 and 8 were arbitrary and not supported by any historic context, code, or

ordinance existing in the City of Lake Worth Beach. He explained that the structure's design featured elements that were reminiscent of the Masonry Vernacular or Masonry Minimal Traditional architectural style, but the proposal lacked general features, massing, and detailing of any discernable architectural style. He reported that at the February 12, 2020 HRPB meeting, the Board determined that the proposed single-family residence did not represent a distinct architectural style and contained incompatible front yard site features and the Board discussion focused on the modification of the conditions based on the neighborhood context in order to increase visual compatibility and compliance with the Historic Preservation Ordinance. He summarized the modifications of Conditions 7 and 8 as follows: Condition 7 required that compatibly sized windows should be added to the north and south facades to avoid the long expanses of blank façade and the front porch window and column configuration should be changed to be symmetrical with two vertically oriented single-hung windows with columns spaced evenly across and Condition 8 required that the driveway be reduced in size so that a walkway connecting the front door with sidewalk could be added without going over the front yard impermeable surface provision and the driveway should be reduced from 12 feet to 10 feet wide with flares at the sidewalk.

Mr. Fogel announced that the Applicant's presentation contained new information that was not presented at the HRPB meetings and could not be considered.

City Attorney Ryan said that Mr. Walesky should identify all of the new information.

Commissioner Hardy suggested that the item be postponed until the presentation was compliant with the rules and procedures.

City Attorney Ryan stated that staff could comment on each slide regarding what had been presented to the HRPB.

Mr. Waters said that there would be a special meeting on June 30, with just the Bohemian item and the appeal could be heard then.

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to postpone the appeal until June 30 and empower City Attorney Ryan to decide what was pertinent, relevant and allowable for the hearing in the Applicant's presentation.

Vice Mayor Amoroso asked if the Commission would hear about the Applicant's first appearance at the HRPB.

City Attorney Ryan stated that the Applicant did not amend his application, but started with a new application, which was irrelevant to the proceeding.

Commissioner Maxwell said that the issue would become convoluted if the Applicant did not work with staff to make the presentation compliant.

Commissioner Robinson asked for a definition of arbitrary and capricious regarding HRPB decisions.

City Attorney Ryan stopped Commissioner Robinson because he was deliberating.

Mayor Triolo requested a phone conversation to understand the issues.

City Attorney Ryan said that the appeal had to be done appropriately and she would work with Mr. Walesky to ensure that his presentation met the code.

Vice Mayor Amoroso requested the backup that was shown at the meeting.

Mr. Waters stated that he would include the presentation in the backup.

Commissioner Robinson asked if the Commission could watch the HRPB meetings.

City Attorney Ryan replied that it would be appropriate for the Commission to watch the meetings. She said that the Applicant's presentation was not appropriate for an appeal and the Commission's duty was to decide if HRPB's decision was arbitrary and capricious; she would add the definition to the presentation as well as having staff define HRPB's duties.

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

The meeting recessed at 7:42 PM and reconvened at 7:52 PM.

B. Creating a Task Force to make recommendations to the City Commission on the issue of eradicating systemic racism in the City of Lake Worth Beach

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to set a special meeting to create a Task Force to make recommendations to the City Commission on the issue of eradicating systemic racism in the City of Lake Worth Beach. **Commissioner Maxwell withdrew his motion.**

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to set a special meeting on June 23 to create a Task Force to make recommendations to the City Commission on the issue of eradicating systemic racism in the City of Lake Worth Beach.

Comments/requests summary:

1. Commissioner Robinson said that given that there was a lot of public input, for the sake of moving forward, he would prefer to vote after hearing from the public.
2. Commissioner Hardy stated that he and Commissioner Robinson had discussed the issue during the Sunshine Meeting and that the task force should be speedily established with recommendations coming back from the task force quickly to move forward with police reform.
3. Commissioner Maxwell asked for clarification regarding the issue.

City Attorney Ryan replied that there was to be a presentation at the meeting to help the Commission decide whether to set a special meeting at which action would be taken.

4. Vice Mayor Amoroso said that a 20 to 30-person task force compiling data within 30 days would be problematic. He suggested that the Commission should reach out to groups that were already working to make a presentation and work with them and that the City should have an Office of Racial Equality.

5. Mayor Triolo expressed concern about having a plan without input from the Conference of Mayors and the Obama.org pledge. She said that she was expecting a presentation on the issue. She said that it would be important to reach out to City residents.

Commissioner Robinson said that he was looking for a vote on a task force to include everyone the Mayor had mentioned.

Commissioner Hardy explained that Commissioner Robinson had wanted consent regarding a future meeting to set up a task force, which was the same item on the agenda. He opined that a 10 to 20-person task force would not be unwieldy and if the Commission did not approve a task force, it needed to come up with a plan to address the issue soon.

Mayor Triolo stated that she expected a presentation from Commissioner Robinson because Commissioner Maxwell had asked for information for the Commission to make a decision.

Commissioner Maxwell stated that his motion at the last meeting was for Commissioner Robinson to bring back a presentation regarding the conversation about a task force. He said that the Commission needed to work together to come up with positive results to address difficult issues. He stated that after George Floyd's death, the priority had changed and elected officials had to listen to constituents before answering questions. He said that a conversation was needed once the unrest calmed down and the affected parties who had lived through inequities should lead the conversation. He proposed how the Commission could work with the stakeholders to find out how they felt, the hardships they had experienced, what LWB would need to acknowledge to fix the issues. He iterated that public policy would come out of the conversations and it would be foolhardy to think that 400 years of issues could be solved in 90 days.

Vice Mayor Amoroso requested that the Commission hear from the public.

Commissioner Hardy said that the job of elected officials was to listen to their constituents in order to make public policy and the task force would do that. He stated that civic organizations in the City would choose people to serve on the task force and there were vast sources of literature that could be used as the basis for policy. He spoke in favor of holding a special meeting to determine what the task force would look like.

Commissioner Maxwell stated that he spoke with the Race Equity Division of the National League of Cities established in 2015 which had the resources to facilitate the necessary conversations. He said that all the participants should be heard; the community should tell the Commission what the priorities should be.

Mayor Triolo read the letter written by the U.S. Conference of Mayors to Speaker Pelosi and Minority Leader Schumer stating that Congress should take action to work towards police reform and social justice, that the Conference was committed to working with Congress on the police reform bill and urged Congress to speak with Mayors and Police Chiefs around the Country who had a wealth of experience with the issues. She announced that the National League of Cities (NLC) had a task force comprised of Mayors and members of law enforcement. She said that there would be more traction

to create policies by working with bigger organizations; the City should reach out to the community. She said that the City needed to address the citizens' concerns.

Commissioner Hardy said that some Mayors had no credibility because of their dealings with the peaceful protesters. He stated that having a task force would be a perfect melding.

Mayor Triolo asked if the City could influence some of the issues like banking, unless it worked with other cities to create strength in numbers.

Commissioner Hardy stated that there were issues that the task force could deal with immediately.

Commissioner Robinson stated that either the Commission would address the systemic racism or it would not. He said that the public had an interest in the issue and there should be five committees helmed by one Commissioner each. He suggested setting a date to discuss the item.

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

Patrick Livingston wrote in favor of putting a task force together.

Dr. Carlos Betancourt of the Church of God wrote in opposition to the creation of a task force.

Elie Louissaint, Pastor of Salem Haitian Evangelical Lutheran Church, wrote that the police should be held accountable for their actions.

Ramsay Stevens wrote in support for the establishment of the proposed task force.

Jamas Ward, President of the Memorial Park Neighborhood Association, wrote that the City's ordinances and laws should be enforced as written and sent a list of police reform suggestions.

Edmund Deveaux wrote in opposition to a task force.

Kim Stokes wrote that the public should know what PBSO is doing with the money they receive from the City and a line item budget should be made available.

Jeannie Hoban wrote in opposition to a task force.

City Clerk Andrea read a letter in favor of a task force signed by 15 residents requesting that a meeting be set up quickly for a constructive discussion with PBSO.

Rev. Jason Fairbanks, Pastor of First Congregational United Church of Christ, wrote in favor of the creation of a task force.

Tony Cato, Pastor of the New Hope Missionary Baptist Church, wrote in opposition to a task force.

Sam Goodstein wrote on behalf of the Whispering Palms Neighborhood Association and its President, Retha Lowe, to request that the membership of the task force be representative of the community.

Noah Wilson wrote in favor of a task force.

Sue Welch wrote that the City should reevaluate the contract with PBSO and look at what other cities had implemented.

Autumn Barksdale wrote in favor of establishing a task force and divesting 50% of the budget away from PBSO and reallocate to community services and infrastructure.

Tiffany Griffis wrote in favor of divesting 50% of funding from PBSO and reallocating the funds to community services for minority and low-income groups.

Katherine Clarke wrote requesting the defunding of the police department and reallocating funds for mental health, education and ending the back log of unsolved rapes, etc.

Todd Kimberlain wrote to ask that that a careful analysis of current spending levels be undertaken to reduce the current police budget in favor of spending increases elsewhere within the community.

Collin Barndt wrote in favor of a task force.

Nate Barksdale wrote requesting divesting 50% of funding from PBSO and reallocating the funds to community services for minority and low-income groups.

Bridget Marquez wrote in favor of a proposed systemic racism task force and for divesting 50 percent of the PBSO budget and reallocating it into community services and infrastructure for minority and low-income groups.

Jordan Clemmons wrote in favor of the systemic racism task force and for 50% of the \$13 million committed to PBSO to instead go to the underfunded community where it will have a more positive impact.

Jess Hawkins wrote in favor of the proposed systemic racism task force and for divesting 50 percent of the budget away from PBSO and reallocate it into community services and infrastructure for minority and low-income groups.

Siena M. wrote asking to reallocate the gross amount of money spent on police, surveillance, and punitive measures in Lake Worth into programs that get to root of the problems.

Bobby Love wrote in favor of the proposed systemic racism task force, and for divesting 50 percent of the budget away from PBSO and reallocate it into community services and infrastructure for minority and low-income groups.

Cara Jennings wrote that the City should divest from the police and reinvest in important community programs and to hold the police accountable.

Cameron Stempel wrote to limit the scope of Sheriff Department's activities and cut their

budget in half.

Mason Youell wrote that part of the conversation about defunding the police needed to include reallocating funds from PBSO and investing them back into the community.

Benjamin Brown wrote that the City's contract with the PBSO must be renegotiated.

Stephen Sellas wrote in support of the Anti-Racism Task Force and any measure meant to limit police authority and put it back in the hands of people.

Nick Paliughi wrote in favor of defunding the police and refunding programs that help people get and stay on their feet.

6. Commissioner Maxwell reminded everyone that he had spoken to the affected parties, none of whom were in favor of a task force. He said that the City should do what it could, starting with listening to the residents and he could not vote for the item.
7. Commissioner Hardy said that PBSO deputies in the City had been extremely professional, but the issue was about creating mechanisms of accountability. He stated that a conversation was necessary regarding how to spend police funds and about creating a task force that could speak with the police. He said that he desired to amend his motion to add a date certain.

Mayor Triolo asked City Manager Bornstein about upcoming meeting dates.

City Manager Bornstein replied that the meeting on June 18 included a presentation from the School Board regarding Wifi and a discussion about a utility repayment plan and no meeting was scheduled on June 23.

Mayor Triolo stated that the task force should be subject to the same rules as the advisory boards, no members from the Commission on the task force. She said that it would be necessary to fine tune the items.

Vice Mayor Amoroso said that he would need to discuss various issues with staff and the City Attorney; it should be done right and there should be a determination about what was in the City's scope. He said that he could not vote for the issue as it was written.

Commissioner Robinson said that there was selective input but no commitment to set up a meeting on June 23. He stated that a task force would be necessary to listen to residents with each Commissioner heading one of the committees.

Discussion ensued regarding the establishment, makeup and particulars of the potential task force.

Action: Subsidiary Motion by Commissioner Maxwell and seconded by Vice Mayor Amoroso to direct staff to come back with some direction with respect to how the Commission could utilize either the National League of Cities or the U.S. Conference of Mayors to the resources they had available to them to give guidance on how to establish a task force that provided for the affected parties here in the City of LWB to be directly involved in the process so the Commission could figure out what the community was feeling, what their needs were and how to address them

going forward.

Vote: Voice vote showed: AYES: Mayor Triolo and Vice Mayor Amoroso and Commissioner Maxwell. NAYS: Commissioner Robinson. DID NOT VOTE: Commissioner Hardy.

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

City Attorney Ryan explained that there would be a meeting on June 23 to talk about a task force and staff would try to have someone from the national or local League of Cities to help with the discussion.

CITY ATTORNEY'S REPORT:

City Attorney Ryan did not provide a report.

CITY MANAGER'S REPORT:

City Manager Bornstein did not provide a report.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to adjourn the meeting at 10:00 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell. NAYS: Commissioner Hardy. DID NOT VOTE: Commissioner Robinson.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: July 21, 2020

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

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING
BY TELECONFERENCE
THURSDAY, JUNE 18, 2020, - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:04 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 City Manager Michael Bornstein, City Attorney Christy L. Goddeau and Deputy City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: led by Commissioner Omari Hardy.

NEW BUSINESS:

- A. Report update on the Lake Worth Beach, School District and Palm Beach County (ISS) Wifi Project brought forward by Mayor Triolo and Vice Mayor Amoroso

Erica Whitfield, Palm Beach County School District (PBCSD) Representative, introduced Adam Miller and Mark Howard from the School District and Michael Butler from PBC; she thanked Jessica Savidge from the City. She gave a presentation regarding ensuring access to quality distance learning opportunities for all and stated the School District's Mission and Vision. She said that when COVID-19 started, there was no normal school setting, but the School District was able to give out 68,000 laptops throughout the County. She said that they monitored if students were logging in and teachers would drive by their houses to contact them. She said that some areas in the community did not have access to Wifi and some people would not give any information to sign up. She stated that the solution would be to connect and collaborate with public and private partners to bridge the divide to access sustainable, in-home broadband internet. She spoke about the importance of the various opportunities that would be available to connected students and their families, including education, telemedicine and financial services. She said that lower income Americans only used smartphones to access the internet and that 31.2% of LWB students did not have internet at home. She said that West Palm Beach had created internet infrastructure by accessing points on FPL poles and traffic signals and the families would need a device in their homes. She spoke about the plan for the \$10m in CARES Funds to be used by December 30 for the buildout of infrastructure in coverage areas prioritized with PBC & School District, pole attachments to LWB electric poles and the one-time & recurring costs. She stated that LWB was in an excellent position due to having its own Electric Utility and the recurring annual cost would be \$5,000. She explained the roles that the different agencies would have, how a municipal Wifi mesh would be created and how many students would be impacted. She showed the heat map of LWB with many areas that were struggling and had no internet access, which affected 5,760 students. She expressed appreciation for the City's responsiveness.

Comments/requests summary:

1. Mayor Triolo thanked Mrs. Whitfield and said that she supported the initiative.
2. Commissioner Maxwell thanked Mrs. Whitfield for the presentation and for acknowledging LWB's effort to provide Wifi for all its students. He said that the plan was very exciting and asked how many students would get the Wifi booster.

Mrs. Whitfield stated that they would reach out to fund raising organizations to fund the 5,760 students needing Wifi.

Mr. Miller stated that they would ensure that only students who needed the booster would get it.

Commissioner Maxwell asked about the Wifi speed, the capacity and the timing to receive the equipment.

Mr. Butler replied that it would be on the upper end of basic service and the capacity would be very high. He said that permitting had already begun and the equipment had been ordered; the goal was to be done by the end of July.

City Manager Bornstein stated that there would be some permitting, which could be done quickly and as in-kind contribution for the pole attachments. He said that the City did not own all the poles but planned to advocate for pole attachments from the other companies.

Commissioner Maxwell asked how they School District would ensure the laptops would be returned.

Mrs. Whitfield replied that the laptops could be tracked.

3. Vice Mayor Amoroso thanked everyone who had worked on getting Wifi. He asked if there was a shortage of laptops, if companies like AT&T or Verizon had a buy in and if any non-profits had any funding available.

Mrs. Whitfield stated that most of the children had been covered.

Mr. Miller explained that devices were still being distributed and the School District asked the families who needed devices.

Mr. Howard responded that Comcast was a partner and there were other funders; they were looking for sponsorships to help families that could not afford the \$10 a month. He said the City could use its leverage to ensure that every student would have access.

Mrs. Whitfield stated that they could reach out to some non-profits to see if any funding would be available.

Vice Mayor Amoroso suggested that any new developments in the City for residents

with children could fund the Wifi extenders and asked which cities would come on board.

City Attorney Goddeau replied that the idea should be discussed with the School Board because it was hoping to collect impact fees to cover school costs related to development and that an interlocal agreement between the City and the School Board would be required.

Mrs. Whitfield replied that there were ongoing conversations with the corridor cities.

City Manager Bornstein clarified that there were annual lease payments for the pole connections that would have to be discussed.

4. Commissioner Robinson thanked Mrs. Whitfield and her staff for the important plan. He asked if the County would only give \$10 million to the schools.

Mrs. Whitfield replied that there would be \$50 million for food, but the \$10 million was only for the Wifi project for which the School District had specifically requested funding and there would be Federal funding coming through the State such as \$3 million for summer programs.

Commissioner Robinson asked about the cost of a Wifi connection throughout the City and said that more money should go towards education.

City Manager Bornstein said that he would suggest that the City waive the pole connections for the project.

Mr. Butler said that the School District was looking for any vertical attachments to minimize ongoing expenses and that the City benefitted from having its own poles.

Mrs. Whitfield stated that some areas were not able to connect.

Mr. Howard explained that the goal was to connect the students to Wifi and the \$50 was a one-time fee for the box that would be returned when no longer needed. He said that they were looking for funding for the fee.

5. Commissioner Hardy thanked everyone for their work on behalf of the community. He said that it was essential for students to be connected to the internet and asked if there had been outreach to get responses to the survey concerning internet connectivity.

Mrs. Whitfield said that there was a dashboard that indicated how many students logged in on a daily basis.

Mr. Howard stated that there was data regarding the students' engagement and there were some students who rarely connected. He said that there were paper forms at the food distribution sites and a list of those students was provided to the schools to obtain family information such as barriers or if the students were getting information another way. He said that there would be more engagement when schools were back in session.

Commissioner Hardy asked if the upload and download speeds would hold up, if the County had tested the equipment and about the useful life of the equipment.

Mr. Butler stated that the speeds would be upgraded over time, the County currently used and tested the equipment for several years and could maintain the equipment remotely and a five-year useful life was expected.

Commissioner Hardy said that sustainable bonus program could be used to have developers contribute money towards education.

City Attorney Goddeau replied that she would have to work with William Waters, Community Sustainability Director, for changes to the sustainable bonus or economic development programs. She said the City would have to be careful with the parameters.

Commissioner Hardy said that the lifting of the eviction moratorium could affect the City's plans and should be looked into.

6. Mayor Triolo expressed appreciation for the School Board taking the City's needs into consideration.

Melissa Coyne, Deputy City Clerk, stated that there were no public comment cards.

B. Resumption of Disconnects for Non-Payment and Implementation of Utility Bill Payment Plan

Ed Liberty, Electric Utility Director, gave a summary of the delinquent accounts and said that there had been partial payments, but the total outstanding from the 1789 accounts was \$1.1 million. He said that there was \$722,818 in deposits, but some accounts did not have a deposit. He stated that the average bill for commercial accounts was \$1,366 and \$541 for residential accounts subject to cuts. He said that the again report looked at accounts that were 30 and 60 days late; 14.6% of all utility accounts were late. He said that City Staff had undertaken an outreach program via web on the City's web site, phone and direct mail campaigns to affected customers to make them aware of sources of assistance in paying utility bills; 619 applications for assistance by City utility customers had been received by the Palm Beach County assistance agency; 302 would receive assistance and 55 had received assistance in the amount of \$21,, 216 were being reviewed and the rest were pending additional documentation. He reported that the City had spoken to all the local municipalities to see what their suspension policies were; LWB was one of the most generous, stopping the disconnects early on and ending them possibly on July 17. He showed the re-payment plans being offered by other utilities with a range of six to 12 month for repayment. He stated that there would be a policy discussed by the EUAB and then brought before the Commission in July.

Mr. Liberty said that the EU was looking for direction regarding restarting the disconnects on July 17 in order of the meter read cycles, which would spread disconnects out and give almost a month's notice to customers. He proposed that the repayment plan would include the delinquent and outstanding balances and divide it equally over the repayment period. He suggested that the bill reviews to reset deposits be suspended until the next fiscal year and that suspensions not count against customers going forward; the goal was to help

customers get caught up.

Comments/requests summary:

1. Commissioner Hardy asked how potential evictions after July 1 would affect the City's ability to collect on the accounts and if the repayment plan could follow them.

Mr. Liberty responded that the normal process was for the account to be finalized and the deposit applied to the outstanding balance; if more were due, the tenant would be responsible because the customer's liability followed them indefinitely. He stated that there would be a resolution presented to the Commission to set the policy.

Commissioner Hardy stated that the payment plan should be honored if someone moved.

2. Commissioner Maxwell asked how many customers became delinquent after the disconnections stopped and how a payment plan could be arranged for customers that could not be reached. He asked if a standard form could be put in the utility bills to make it easier for customers to participate and suggested giving customers three options for a repayment plan.

Mr. Liberty replied that about 27 customers had had service disconnected per day before the pandemic and stated that almost all of the delinquent customers became so after the disconnections were suspended. He said that the repayment plan would be heavily advertised so that the delinquent customers would call the City before July 17, but many would call when their service was disconnected and then go on the payment plan. He said that a fixed payment plan would be preferred as it would be difficult to customize a plan for each customer and that the information could be included in the bills.

Commissioner Maxwell said that there would be customers who would not pay the outstanding balance and asked if there could be an incentive for people to pay, like a ten percent discount.

3. Vice Mayor Amoroso asked if Mr. Liberty had considered any waiver or lowering of deposits for new customers.

Mr. Liberty responded that options had been looked at and would be brought forward after input from the EUAB; he stated that there was a concept for no deposits required of new customers who went on a pre-paid plan.

Vice Mayor Amoroso said that the pre-paid option should be discussed at the same time as the repayment plan. He asked if there would be reconnect or late fees.

Mr. Liberty said that there was a concept to convert the repayment plan to the pre-paid system, but the system would have to be tested before it was rolled out. He suggested starting customers on the repayment plan.

4. Commissioner Robinson asked if there were a difference between late and delinquent accounts and if the resolution from 2013 was still operational regarding deposits. He

asked if there would be an option at the July 28 EU meeting regarding the pre-paid option. He commended Customer Service for reaching out to customers and being compassionate.

Mr. Liberty replied that past due accounts had not crossed into delinquent accounts and the EU was operating under Resolution 70-2013, which specified that an external agency would run a credit check and advise the EU about the appropriate deposit. He said that July 28 EU meeting would have a discussion regarding the pre-paid system with a recommendation from the EUAB and would be vetted for legality.

City Attorney Goddeau responded that there should be options regarding deposits so that the City would receive the correct payment; she would be looking into the options.

Commissioner Robinson questioned the subjectivity of the agency determining the deposit amounts and said that people who were struggling should not have more obstacles. He asked what customers could expect on July 18 if they had not paid their bill.

Franco Bellitto, Customer Service Manager, responded that the system would return a red, yellow or green answer to the credit check agency; if the response were green, the deposit would be waived, yellow would have a reduced deposit and red would have a higher deposit. He explained that LWB did not disconnect customers until they had not paid for 42 days. He said that notices would be mailed to all of the delinquent customers with information so that they could establish a payment plan.

Mr. Liberty replied that there would be shut offs beginning on July 18, but only for customers whose meters would be read that day. He said that the philosophy with pre-pay would be to improve the customer's experience and turn on the power remotely.

Commissioner Robinson asked if the in-kind services for the Wifi would be on the EU meeting and if the City could get funds for the EU operation.

Mr. Liberty replied that it would be, as the EU charged fees for pole attachments.

5. Commissioner Maxwell said that the agency doing the credit checks was beneficial to the City and a fair process. He opined that a deposit system was necessary to compensate for people who did not pay their bills. He volunteered to test out the pre-pay system.
6. Commissioner Hardy said that a pre-paid system could address the problem with customers skipping out on their bills and looked forward to voting on the issue. He expressed concern that a customer who was evicted would be able to have the payment plan ported and requested that it be added to the motion.
7. Mayor Triolo asked how July 17 was chosen for the disconnections to resume and if it would be easier and what the financial impact would be to resume on August 1.

Mr. Liberty replied that the date was to have been 30 days from the meeting to give

customers adequate notice.

Commissioner Hardy spoke in favor of extending the moratorium until August 1. He asked how long a person would have to vacate after receiving a Writ of Possession.

Vice Mayor Amoroso asked Mr. Liberty if the payment plan would move with the customer and said that he would add an amendment to his motion as well as for extending the moratorium.

City Attorney Goddeau replied that the Writ could be executed within 24 hours but would vary.

Commissioner Maxwell said that it could take 30 days to get a Writ of Possession and that it was not necessary to extend the moratorium.

Discussion ensued regarding the feasibility of porting the payment plan.

Mayor Triolo stated that the community would assist those having a difficult time and customers could contact the EU to work out payments.

Deputy City Clerk Coyne read the comments submitted by the following:

Ramsay Stevens, as a member of the EUAB, wrote to request that the EUAB be allowed to discuss opportunities to make the utility more sustainable and to provide economic relief to our community.

Cheryl Rashkin wrote that the Utility Fund would have a huge loss to the budget for this fiscal year and asked about persons who needed this assistance.

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

- a) The City utility service disconnects shall resume on July 17, 2020 in order of meter read cycles, and
- b) The implementation of City utility payment plans for customers with accounts subject to service disconnection during the period of March 16, 2020 to July 16, 2020 for non-payment, upon request by customer, and
- c) The payment plans shall provide for payment of current and past due amounts over a period of 12 months for residential customers and 36 months for commercial customers, and
- d) The reviews of utility bill deposits as required in City Resolution 70-2013 Sections 3.A.1, 3.A.3, 3.B.1, and 3.B.3 be suspended for all customers through September 30, 2020, and
- e) When the reviews of utility bill deposit reviews resume (October 1, 2020), that any delinquent payments from any customer during the period of March 16, 2020 through July 16, 2020, not be counted for determination of need for additional deposit, and
- f) (amendment) The payment plans will be portable should a customer move.

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

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso, and seconded by Commissioner Robinson to adjourn the meeting at 8:40 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: July 7, 2020

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

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING - SYSTEMIC RACISM TASK FORCE
BY TELECONFERENCE
TUESDAY, JUNE 23, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:03 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 City Manager Michael Bornstein, Assistant City Attorney Pamala Ryan and Deputy City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

NEW BUSINESS:

- A. Creating a Task Force to make recommendations to the City Commission on the issue of eradicating systemic racism in the City of Lake Worth Beach

Action: Motion made by Commissioner Robinson and seconded by Commissioner Hardy to create a Task Force with five committees to make recommendations to the City Commission on the issue of eradicating systemic racism in the City of Lake Worth Beach, incorporating the input from the National League of Cities' Race, Equity and Leadership (REAL) initiative.

Michael Bornstein, City Manager, introduced Leon T. Andrews, Jr., Director of REAL from the National League of Cities (NLC), who had a presentation for the Commission.

Commissioner Maxwell stated that he had suggested the Commission reach out to other organizations; he said that he was a strong proponent for LWB residents to participate in the conversations to express their needs and concerns. He said that the conversation was very important and no time constraints should be imposed because there were so many issues to address. He expressed enthusiasm to hear what Mr. Andrews had to say on the matter.

Mr. Andrews thanked the Commission for having him and allowing him to share how the NLC was framing the issue and supporting other cities. He played a video about Black Lives Matter and said that over 1,000 cities, towns and villages had had protests. He said that REAL had launched five years ago to prevent further conflict and to support local leaders. He said that there had been trainings and technical assistance to 400 cities around the Country. He explained the three components of effective national practices, normalizing, operationalizing and organizing and said that the NLC did assessments to survey staff, quantify data and how a city brought residents into the conversation. He stated that there was a series of racial equity trainings that was offered; it would be a sustained journey. He explained that the municipality would be developing a learning environment with a safe space, accountability, leaning into the uncomfortable, starting from where each person was and that what was said stayed in the space. He iterated the importance of using words properly; equality meant sameness whereas equity meant justice. He stated that the

goals had to be set. He acknowledged the importance of race and equity; race was the strongest indicator of how well one would do in justice, education and the work force. He said that racial equity required closing the gaps so that race did not predict one's success, while also improving the outcomes for all and that there were levels of racism at the individual, institutional and structural level. He played a clip of "The House We Live In", which addressed the inequitable policies in the housing market. He introduced an example of the tools the NLC used as a process for racial equity and to engage local leaders. He encouraged the Commission to access NLC's website for materials and named six steps to advance racial equity in LWB. He said that there were common themes across different agencies and that the NLC could share the models. He closed by saying that change would happen when people recognized why change was needed and shared a sense of urgency.

Comments/requests summary:

1. Commissioner Maxwell thanked Mr. Andrews and stated that the issue was bigger than the Commissioners; the community needed to start the conversation and lead the Commission.
2. Mayor Triolo thanked Mr. Andrews for the incredible presentation and expressed excitement about creating a plan.
3. Commissioner Hardy thanked Mr. Andrews for a presentation that clarified the issues. He said that when he brought forward zoning changes in the past, his rationale was dismissed and he expressed hope that the Commission would follow through with policy changes, even though the conversation would be uncomfortable. He stated that it was important to learn from what other cities had done and the NLC had created a great resource that could be very helpful to LWB. He said that some issues needed to be dealt with quickly, like police reform.
4. Commissioner Robinson thanked Mr. Andrews and City Manager Bornstein for bringing the presentation to the Commission. He asked Mr. Andrews for his assessment of the five proposed committees in the task force with each Commissioner overseeing one.

Mr. Andrews replied that LWB should ensure that an issue was under its purview before entertaining recommendations from a task force. He said that he did not have context, but advised that the City should have a healing space and be committed to structural changes; there should not be an expectation of being able to change something over which the City did not have control.

Commissioner Robinson expressed confidence that the task force could come up with solutions to issues in all five committees.

5. Vice Mayor Amoroso thanked Mr. Andrews for attending the Commission meeting and said that he had worked with him through the NLC and attended most of his group meetings. He stated the Mr. Andrews did great work and said that he looked forward to working with him and any other organizations to help the City get where it need to regarding the issues.
6. Mayor Triolo said that Commissioner Maxwell and Vice Mayor Amoroso were going

in the same direction. She reported that she had spoken to officials at the County, which had some initiatives in place. She recommended that the travel budget be used to pay for training from the NLC or the Criminal Justice Commission (CJC); Palm Beach County Board of County Commissioner's (PBCBCC) Mayor Kerner had expressed interest. She asked what the next steps should be.

Commissioner Hardy stated that some issues could be addressed more quickly than others because they had been studied extensively and an action plan could be brought back to the Commission.

Mayor Triolo said that Sheriff Bradshaw was not opposed to having body cameras for PBSO deputies, but it was a question of funding and he had to answer to the County Commission.

Commissioner Hardy said that he would favor funding body cameras from the penny sales tax and the Sheriff determined his own budget. He said that the Sheriff's budget was more than \$700 million and the City should go to the Sheriff.

Mayor Triolo stated that there was a lot involved with the body cameras at a cost of approximately \$20 million and that local municipalities should band together to lobby for body cameras from the County Commission. She opined that LWB had a tapestry of compassionate residents and the City could be innovative and do something special and meaningful to impact the community.

7. Commissioner Robinson said that time should be spent deciding how to set up the task force with five committees and prioritize spending. He spoke in favor of using the travel budget on training. He stated that the Sheriff could use his budget for body cameras.

Mayor Triolo asked for guidance from Mr. Andrews.

Mr. Andrews said that there was no one size fits all answer and agreed with having a balance of community members.

Commissioner Robinson stated that the task force would be a vehicle for discussions with the community.

Vice Mayor Amoroso opined that LWB should be working with the other municipalities. He said that there should be discussions with the community and asked how they would proceed.

Commissioner Hardy said that he sought to make a motion to divide the question as to the formation and composition of the task force, the production issue of what would be studied and produced and the time for such.

Action: Amended Motion made by Commissioner Hardy and seconded by Commissioner Robinson to divide the motion into three questions; the formation and composition of the task force, what would be studied and produced and the time for such, if some issues could be fast tracked.

City Attorney Ryan said that the problem with determining the composition of the task

force would be to specify the responsibilities of each committee.

Mayor Triolo expressed concern about the constraints of City staff and if it would be worthwhile to bring in people from other organizations that had systems in place so the Commission would not be recreating the wheel.

Mr. Andrews responded that the NLC did have examples of task forces.

Commissioner Maxwell restated his position and read a petition signed by 70 residents who were disinterested in a top down task force approach; he said that he would vote against a task force as the affected parties only favored a bottom up approach.

Commissioner Robinson asked who had written the petition and who had signed it.

Commissioner Hardy said that there was a lack of trust between him and Commissioner Robinson and Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell and that the conversations were steered in a way to create animosity; he broke the rules to get attention.

Mayor Triolo stated that some Commissioners were bashed on social media by other Commissioners. She said that the rules ensured that everyone could speak in their own time, but the rules were not adhered to; for real change to be made, the Commissioners had to respect one another.

Commissioner Hardy stated that when he felt he was treated unfairly, he would take the argument outside the building. He said that there was animosity that affected the Commissioners' conversations.

Commissioner Robinson asked to move forward with the item.

Commissioner Maxwell apologized for not saying who had written the petition as he had written it and asked if it made a difference.

Commissioner Robinson stated that Commissioner Maxwell had a lot of influence in the community and residents might have signed the petition to appease him.

Commissioner Maxwell asked Commissioner Robinson to speak with the signers of the petition to see if he had forced anyone to sign it.

Mayor Triolo said that each Commissioner had the ability to express their opinions to the community.

The meeting recessed at 8:05 PM and reconvened at 8:24 PM.

Commissioner Maxwell read the names of those who had signed the petition.

Melissa Coyne, Deputy City Clerk, read the comment cards submitted by the following:

Maria Torres-Lopez wrote in opposition to creating a task force.

Edwin Contreras wrote in favor of creating a task force.

Ruby Bell wrote in opposition to creating a task force.

Cameron Stempel wrote in favor of creating a task force.

Noam Brown wrote in favor of creating a task force.

Kim Stokes wrote in favor of creating a task force.

Sue Welch wrote in favor of creating a task force.

Shanna Willis wrote in favor of creating a task force.

Noah Wilson wrote in favor of creating a task force.

Drew Martin wrote in favor of creating a task force.

Mathi Mugilan Paguth Arivalan wrote hesitantly for the creation of the task force.

Richard Guercio wrote in opposition to creating a task force.

Cara Jennings wrote in opposition to creating a task force.

Rachel Kijewski wrote in favor of creating a task force.

Commissioner Maxwell asked if he could make a subsidiary motion.

City Attorney Ryan responded that the incidental motion on dividing the question had to be addressed first.

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

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

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to direct staff to bring back an agreement with NLC's REAL Program to provide consulting services for the Commission on how to work within the community to begin the conversation, facilitate it with respect to race equity and inequalities and to look into Barbara Cheives' organization (the Racial Equity Institute [REI]) as well as the CJC for training for the City Commission and the staff.

Mayor Triolo asked if Commissioner Maxwell would agree to work with the CJC and if Commissioner Maxwell's goal was to use their guidance to create an advisory board. She said that the Commission and staff should attend racial equity training.

Commissioner Maxwell stated that he would approve working with the CJC and added it to his motion. He said that he was looking for a facilitator for conversations with community members and then to bring in support staff to provide resources to the community to address the issues as they arose; the Commission would listen to the community.

Commissioner Robinson opined that the trust from the community had eroded and expressed disappointment that the Commission was kicking the issue down the road.

Commissioner Maxwell responded that he intended to help the community and had its support; the community desired to have the conversation to relay what they had and continued to experience. He said that he represented the most diverse community.

Commissioner Hardy stated that some Commissioners did not listen to the one Commissioner who had suffered from racial inequity. He said that he had asked City Manager Bornstein last year to send staff for diversity training and that he did not trust the other three Commissioners to actually do anything about the issue.

Mayor Triolo expressed frustration that she had tried to get the Commissioners to compromise and affect real progress on innumerable instances.

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

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to bring back a resolution and item to present to the PBCBCC as a request in support of body cameras and the funding thereof.

Vice Mayor Amoroso requested that all funding options were considered.

Action: Amended Motion made by Commissioner Hardy and seconded by Commissioner Robinson to send the same missive to the Sheriff that was sent to the PBCBCC, and that the Sheriff request officially any additional funds that may be required for body cameras for all PBSO deputies from the PBCBCC.

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

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

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to send a letter to the Sheriff requesting that he ask the County Commission for additional funding for body cameras for all of the deputies in the County and commit to funding the cameras out of his own budget if he did not get additional funding from the County Commission.

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

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Commissioner Hardy to adjourn the meeting at 9:17 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: July 21, 2020

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

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION BUDGET WORK SESSION #2
BY TELECONFERENCE
THURSDAY, JUNE 25, 2020 - 6:00 PM**

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

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioner Herman Robinson. Also present were City Manager Michael Bornstein and Deputy City Clerk Melissa Ann Coyne. Commissioners Scott Maxwell and Omari Hardy were absent.

PLEDGE OF ALLEGIANCE: led by Commissioner Herman Robinson.

UPDATES/FUTURE ACTION/DIRECTION:

A. Presentation of Capital Plan for Fiscal Year (FY) 2021 Budget

Michael Bornstein, City Manager, explained that the Capital Plan portion of the budget would be reviewed and introduced Bruce Miller, Financial Services Director.

Mr. Miller announced that he would review the FY 2020 Multiyear Plan, present FY 2021 projects based on the FY 2020 Multiyear Plan and evaluate FY 2021 funding strategies and budget constraints. He started with the detailed spreadsheet, which depicted each program or project for FYs 20-24. He spoke about the different projects by fund for FY 2020 totaling over \$48 million and how they were funded; not every requested project had been funded and would need to be considered going forward. He reviewed the requested projects for FY 2021, based on the FY 2020 plan and said that an appropriation would be needed to fund the \$40 million in requests. He stated that the strategy was to use the pledged revenue bond and penny sales tax to obtain funding. He said that some projects would create a revenue stream and talked about the projects that were unfunded in FY 2020, totaling \$1.15 million. He explained the funding constraints and that unfunded projects were still viable; \$762,000 of unfunded projects were carried over from the General Fund. He stated that there would be negative operating capital if the projects were funded, which could not happen. He stated that the combined utility projects would be funded by debt and new borrowing. He suggested pursuing grants, but in looking at the materiality of the demands, the balance of the penny sales tax was \$7.3 million with \$6 million earmarked for the pool; there was \$8.6 million in additional needs but the City did not have enough capacity to fund any of the capital items.

City Manager Bornstein said that the budget constraints were understood in the past, but the project details had not been included in the budget. He stated that there was a lot of unmet need in the City that staff had identified. He explained that the City was now putting the information out, which was helping staff develop plans to apply for grants and to prioritize. He said that some projects might be funded by grants and expressed appreciation to Mr. Miller and his staff for putting the detailed information together.

Comments/requests summary:

1. Vice Mayor Amoroso recommended starting a discussion to determine what appropriation the City would request from Tallahassee at the next session. He said that there would be a better chance of obtaining an appropriation if the City brought money to the table.

City Manager Bornstein replied that having a match was a good strategy to get funding from the State and there would be money from the Federal Government that the City could access. He reported that 11 grant requests would go out to the Department of Economic Opportunity.

Vice Mayor Amoroso stated that the City would have to be specific when asking for CDBG funds and that more could be done through partnerships and thinking outside the box.

2. Mayor Triolo asked what funds from the penny sales tax money was used for IT projects.

City Manager Bornstein replied that the direction from the Commission had been to fund IT security related items from the penny sales tax funds and \$900,000 was reflected in the budget.

3. Commissioner Robinson asked about the interceptor listed in the budget.

City Manager Bornstein replied that it was a vehicle and automatic read system for the parking.

Lauren Bennett, Leisure Services Director, responded that the vehicle would make parking enforcement more efficient and modern; she would send information to the Commissioners.

Vice Mayor Amoroso asked if the vehicle would be used downtown.

Ms. Bennett replied that the vehicle would be used city-wide.

4. Commissioner Robinson inquired if the funding for roofing was to repair leaks and deterioration.

Jamie Brown, Public Works Director, stated that the roofing issues had to be addressed immediately and were way beyond the maintenance schedule.

5. Commissioner Robinson asked when there would be a discussion about a public private partnership for the oceanfront park.

City Manager Bornstein responded that Juan Ruiz, Assistant City Manager, was the lead on the project and along with the consulting firm would bring the RFP discussion back about what parameters would be included this year. He announced that Commissioner Maxwell sent his apologies as he had a conflicting meeting that he was

attending.

Ms. Bennett answered that the consultant would do the presentation in August.

6. Mayor Triolo asked when the next budget work session would be held and thanked Mr. Miller and his staff.

Mr. Miller replied that the next budget work session would be on Thursday, July 23 and would get into detail about the FY 2021 operating budgets.

City Manager Bornstein announced the upcoming meetings and said that there was a lot of work being done; he thanked the Commission for helping with the policy meetings and discussions.

ADJOURNMENT: The meeting adjourned at 6:52 PM.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: July 21, 2020

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

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Electric Utility

TITLE:

Ratification of grant applications to Florida Department of Economic Opportunity Rebuild Florida Infrastructure Repair Program

SUMMARY:

The Ratification authorizes staff's submittal of the grant applications to FDEO Rebuild Florida Infrastructure Repair Program to fund infrastructure projects in communities impacted by Hurricane Irma.

BACKGROUND AND JUSTIFICATION:

The Florida Department of Economic Opportunity (FDEO) announced the availability of \$100,000,000 in funding available for infrastructure projects in communities impacted by Hurricane Irma. The City submitted ten (10) applications on June 30th, 2020 to FDEO Rebuild Florida Infrastructure Repair Program grants totaling \$75,000,000 for the following City projects:

- 138kV Tie-Line - \$23,000,000
- 6th Avenue South Substation - \$3,800,000
- 6th Avenue South Circuit Hardening - \$23,800,000
- 1W13 Phase 2 & 3 Circuit Hardening - \$7,200,000
- 1W05 Phase 1 & 2 Circuit Hardening - \$4,800,000
- Power Plant S3 and S5 Cooling Tower Repair/Replacement - \$4,600,000
- Power Plant Turbine Hall Roof - \$575,000
- Power Plant S5 Turbine Hall & Motor Control Center - \$5,750,000
- Power Plant 4kV House Breakers - \$1,150,000
- Power Plant Step-Down Transformer - \$575,000

The City is seeking 100% FDEO grant funding for these projects, as these are unfunded needs the City has that are a necessary element of the City's storm mitigation strategy.

MOTION:

Move to approve/disapprove to ratify/ not ratify submittal of grant applications to Florida Department of Economic Opportunity for funding of infrastructure projects impacted by Hurricane Irma.

ATTACHMENT(S):

Fiscal Impact Analysis (N/A)

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Public Works

TITLE:

Work Order #4 for The Paving Lady for milling and paving services

SUMMARY:

The Work Order authorizes The Paving Lady to provide paving work on South N Street from 10th Ave South to 12th Ave South.

BACKGROUND AND JUSTIFICATION:

The City identified South N Street between 10th Ave S and 12th Ave S as infrastructure in very poor condition requiring rehabilitation. The City currently has a contract with the Paving Lady on an as needed basis for roadway related construction. The scope of the work is inclusive of milling and paving South N Street from 10th Ave S to 12th Ave S to re-establish the structural integrity of the roadway. The Work Order is not to exceed \$75,619.50.

MOTION:

Move to approve / disapprove Work Order #4 to The Paving Lady for an amount not to exceed \$75,619.50.

ATTACHMENT(S):

Fiscal Impact Analysis
Work Order #4 – The Paving Lady

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	0	0	0	0	0
Operating Expend	75,619.50	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 75,619.50	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Agenda Expenditure	Balance
001-5020-519-34-50	Contractual Services	N/A	398,800	113,025.37	75,619.50	37,405.87

C. Department Fiscal Review:_____

**ANNUAL CONTRACT FOR PAVING, CONCRETE, STRIPING AND ASSOCIATED
RESTORATION WORK
WORK ORDER NO. 4**

THIS WORK ORDER NO. 4 (“Work Order” hereafter) is made on _____, between the **City of Lake Worth Beach**, a Florida municipal corporation located at 7 North Dixie Highway, Lake Worth, Florida 33460 (“City” hereafter) and **Janice M. Riley, Inc., dba/ The Paving Lady**, a Florida Corporation (“Contractor” hereafter), whose local business address is located at 1000 W. Industrial Ave., Boynton Beach FL 33426.

1. Project Description. The City desires the Contractor to provide all goods, services, materials and equipment as identified herein related to the project generally described as:

1. S. N Street Mill and Pave – S. N Street between 12th Ave N. and 10 Ave N.

(the “Project”). The Project is more specifically described in the plans prepared by N/A , dated N/A , and which are incorporated herein by reference.

2. Scope. Under this Work Order, the Contractor will provide the City of Lake Worth with construction services for the Project as specified in the **Contractor’s proposals attached hereto and incorporated herein as Exhibit “1”**.

3. Schedule and Liquidated Damages. Substantial completion of all services and work under this Work Order shall be within **30 calendar days** from the Effective Date of this Work Order. Final completion of all services and work (and all punch-list items (if any)) under this Work Order shall be within **60 calendar days** from the Effective Date of this Work Order. The Effective Date of this Work Order is the date following the parties’ execution of this Work Order and the City’s delivery of a Notice to Proceed to the Contractor via e-mail, facsimile or other form of delivery as documented by the City. Substantial completion occurs when the services and work has progressed to the point where, in the opinion of the City, the work is sufficiently complete in accordance with the Contract Documents and this Work Order, so that the Project can be utilized for the purposes for which it is intended. Final completion occurs when all services and work (including punch-list items) has been completed and the project becomes fully operational and accepted by the City.

Liquidated Damages. The City and Contractor recognize that time is of the essence under this Work Order and the Contract Documents, and that the City will suffer financial loss if the services and work described in this Work Order and the Contract Documents are not completed within the times specified in this Work Order. The City and Contractor recognize, agree and acknowledge that it would be impractical and extremely difficult to ascertain and fix the actual damages that the City would suffer in the event Contractor neglects, refuses, or otherwise fails to complete the services and work within the time specified. Accordingly, instead of requiring any such proof, the City and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay the City Five Hundred dollars (\$500.00) for each day that expires after the time specified in this Work Order.

4. Compensation and Direct Purchases. This Work Order is issued for a lump sum, not to exceed amount of **Seventy-Five Thousand Six Hundred Nineteen dollars and zero fifty cents (\$75,619.50)**. The attached proposal identifies all costs and expenses included in the lump sum, not to exceed amount. The lump sum, not to exceed amount includes a 10% contingency of \$6,874.50 (the “Contingency”). If the Contractor desires to use any of the Contingency, the City’s Project Manager may authorize the use of such

contingency in writing. The Contractor is not authorized to use the Contingency without written authorization from the City's Project Manager.

The following Direct Purchases are to be made under this Work Order by the City: N/A.

5. Project Manager. The Project Manager for the Contractor is Mauro Comuzzi, phone: 561-572-2600; email: mauro@pavinglady.com; and, the Project Manager for the City is Michael David, phone: 561-586-1720; email: mdavid@lakeworthbeachfl.gov.

6. Progress Meetings. The Contractor shall schedule periodic progress review meetings with the City Project Manager as necessary but every 30 days as a minimum.

7. Contractor's Representations. In order to induce the City to enter into this Work Order, the Contractor makes the following representations:

7.1 Contractor has familiarized itself with the nature and extent of the Contract Documents including this Work Order, work, site, locality, and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work.

7.2 Contractor has obtained at his/her own expense and carefully studied, or assumes responsibility for obtaining and carefully studying, soil investigations, explorations, and test reports which pertain to the subsurface conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the work as Contractor considers necessary for the performance or furnishing of the work at the stated work order price within the Work Order stated time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of the IFB; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or is deemed necessary by Contractor for such purposes.

7.3 Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or is deemed necessary by the Contractor in order to perform and furnish the work under this Work Order price, within the Work Order time and in accordance with the other terms and conditions of the Contract Documents.

7.4 Contractor has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.5 Contractor has given the City's Contract Administrator written notice of all conflicts, errors or discrepancies that he or she has discovered in the Contract Documents and the written resolution thereof by City or its designee is acceptable to the Contractor.

8. Warranty. The Contractor warrants and guarantees to the City that all services and work provided under this Work Order will be in accordance with this Work Order and the other Contract Documents. The Contractor warrants that (a) all materials and parts supplied under this Work Order shall be free from defects for one (1) year from the final completion of all work (unless a longer manufacturer warranty applies); (b) all services and work performed under this Work Order will be free from defects for one (1) year from the final completion of all work and the project shall be fully operational without unreasonable downtime or

failures; and (c) that the services and work will conform to the requirements of the Contract Documents. If, at any time prior to the expiration of the one (1) year warranty period, the City discovers any failure or breach of the Contractor's warranties or the Contractor discovers any failure or breach of the Contractor's warranties, the Contractor will, upon written notice from City or of its own accord, at the Contractor's sole cost and expense, promptly correct such failure or breach (which corrective action must include, without limitation, any necessary removal, disassembly, reinstallation, repair, replacement, reassembly, retesting, and/or re-inspection of any part or portion of the work and any other property damaged or affected by such failure, breach, or corrective action). The Contractor will remedy any such failure or breach so, to the extent possible, to avoid unnecessary disruptions to the operations of City or its systems. In the event the Contractor fails to initiate and diligently pursue corrective action within five (5) days of the Contractor's receipt of the City's notice or the Contractor's discovery of the same, the City may undertake such corrective action at the Contractor's expense.

9. Authorization. This Work Order is issued pursuant to the Contract for Paving, Concrete Striping and Associated Restoration Work between the City of Lake Worth Beach and the Contractor, dated May 7, 2019 ("Contract" hereafter). If there are any conflicts between the terms and conditions of this Work Order and the Contract, the terms and conditions of the Contract shall prevail.

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SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties hereto have made and executed this Work Order No. 4 as of the day and year set forth above.

CITY OF LAKE WORTH BEACH, FLORIDA

By: _____
Pam Triolo, Mayor

ATTEST:

By: _____
Deborah M. Andrea, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED FOR FINANCIAL
SUFFICIENCY

By: _____
Glen J. Torcivia, City Attorney

By: _____
Bruce T. Miller, Financial Services Director

CONTRACTOR: **Janice M. Riley, Inc. d/b/a The Paving Lady**

By: _____

[Corporate Seal]

Print Name: _____

Title: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by _____, who was physically present, as _____ (title), of **Janice M. Riley, Inc. d/b/a The Paving Lady**, which is authorized to do business in the State of Florida, and who is personally known to me or who has produced the following _____ as identification.

Notary Public: _____
Print Name: _____
My commission expires: _____

EXHIBIT 1



**UNIT COST PROPOSAL
BASED ON IFB # 19 -109**

Project: S N Street Mill and Pave
Address: S N Street between 12th Ave N and 10 Ave N

ITEM #	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL
PAVEMENT					
1	MOBILIZATION (LESS THAN 100 SY)		LS	\$ 3,800.00	\$ -
2	MOBILIZATION (OVER 100 SY)	1	LS	\$ 2,500.00	\$ 2,500.00
3	MOT - TYPE 2 BARCADES OR CONES (PER DAY)		EA	\$ 10.00	\$ -
4	MOT - SIGNAGE (PER DAY)		EA	\$ 100.00	\$ -
5	REMOVE/HAULOFF EX. PAVEMENT AND BASE (UP TO 14" DEEP)		SY	\$ 30.00	\$ -
6	12" COMPACTED SUBGRADE		SY	\$ 12.00	\$ -
7	8" BASEROCK (LIMEROCK OR CR. CONC.) (PRIMED)		SY	\$ 18.00	\$ -
8	REWORK EXIST. ASPHALT BASE AND PRIME		SY	\$ 12.00	\$ -
9	1" TYPE S-3 ASPHALTIC CONCRETE	2972	SY	\$ 11.00	\$ 32,692.00
10	2" TYPE S-3 ASPHALTIC CONCRETE		SY	\$ 16.00	\$ -
11	MILL EXIST. ASPHALT 1.5" AVG. DEPTH (3/4" TO 2" DEPTH)	2972	SY	\$ 7.00	\$ 20,804.00
12	MISC. ASPHALT (TYPE S-3) OVERBUILD/LEVELING	73	TN	\$ 140.00	\$ 10,220.00
13	ASPHALT SPEED HUMP COMPLETE W/ STRIPING (PER CITY DETAIL)		EA	\$ 4,500.00	\$ -
14	ASPHALT MILLINGS F&I		TN	\$ 50.00	\$ -
15	SEALCOATING (PARKING LOT)		SY	\$ 0.82	\$ -
CONCRETE					
16	MOBILIZATION (LESS THAN 100 LF)		LS	\$ 2,500.00	\$ -
17	MOBILIZATION (OVER 100 LF)		LS	\$ 1,500.00	\$ -
18	REMOVE EX. 4" CONCRETE		SF	\$ 2.00	\$ -
19	REMOVE EX. 6" CONCRETE		SF	\$ 2.25	\$ -
20	4" CONCRETE SIDEWALK (3,000 PSI)		SF	\$ 6.00	\$ -
21	6" CONCRETE SIDEWALK/ DRIVEWAY (3,000 PSI)		SF	\$ 7.50	\$ -
22	MONOLITHIC CURB AND SIDEWALK		SF	\$ 8.00	\$ -
23	REMOVE EX. CONCRETE CURBING (ALL TYPES)		LF	\$ 9.00	\$ -
24	TYPE F CURB AND GUTTER		LF	\$ 35.00	\$ -
25	VALLEY GUTTER		LF	\$ 26.00	\$ -
26	TYPE D CURBING		LF	\$ 23.00	\$ -
27	ADA TACTILE DOME SURFACE (YELLOW) CAST-IN-PLACE		SF	\$ 80.00	\$ -
STRIPING					
28	MOBILIZATION (LESS THAN 100 SY)		LS	\$ 1,170.00	\$ -
29	MOBILIZATION (OVER 100 SY)	1	LS	\$ 1,100.00	\$ 1,100.00
30	REMOVAL OF EX. STRIPING (GRIND OR WATERBLAST)		LF	\$ 1.95	\$ -
31	4" DOUBLE YELLOW THERMO		LF	\$ 1.82	\$ -
32	4" SINGLE YELLOW THERMO		LF	\$ 0.91	\$ -
33	4" SINGLE WHITE THERMO		LF	\$ 0.91	\$ -
34	6" DOUBLE YELLOW THERMO	100	LF	\$ 1.95	\$ 195.00
35	6" SINGLE YELLOW THERMO		LF	\$ 0.98	\$ -
36	6" SINGLE WHITE THERMO		LF	\$ 0.98	\$ -
37	12" SINGLE WHITE THERMO		LF	\$ 2.99	\$ -
38	18" SIGNLE WHITE THERMO		LF	\$ 3.90	\$ -
39	24" STOP BAR WHITE THERMO	24	LF	\$ 6.50	\$ 156.00
40	RPM'S	12	EA	\$ 6.50	\$ 78.00
41	BIKE LANE SYMBOL STRIPING (THERMO)		EA	\$ 487.50	\$ -
42	HANDICAP PARKING STALL COMPLETE W SIGN (PAINT)		EA	\$ 364.00	\$ -
MISC ITEMS					
44	BAHIA SODDING (INCL. GRADING WORK)		SY	\$ 8.00	\$ -
45	FLORATAM SODDING (INCL. GRADING WORK)		SY	\$ 10.00	\$ -
46	ADJUST EX. MANHOLE RING AND COVER	2	EA	\$ 500.00	\$ 1,000.00
47	ADJUST EX. VALVE BOX		EA	\$ 350.00	\$ -
48	ADJUST EX. CURB INLET/ DRAINAGE INLET		EA	\$ 600.00	\$ -
49	PAVER BRICK REPAID (EXIST. BRICKS)		SF	\$ 6.00	\$ -
					\$ -
ADD	Temp Paint Included	1	LS		\$ -
	MOT by Others (Road Closure by CLW)				\$ -
					\$ -
					\$ -
					\$ -
					\$ -
TOTAL					\$ 68,745.00

10% Contingency = \$6,874.50

Total Work Order = \$75,619.50

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Legal/Risk

TITLE:

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.

SUMMARY:

The Ratification recognizes and authorizes the expenditure of \$173,648.94 for emergency repairs to three homes on North D Street and 3rd Avenue due to a major sewer back up incident in January 2020.

BACKGROUND AND JUSTIFICATION:

There was a major sewer back up incident that occurred on North D Street and 3rd Avenue in Lake Worth Beach at or around January 21, 2020. It affected three properties. After investigation it was determined that the City was responsible for the incident. The sewer back up incident caused significant damage to the properties. The city manager authorized, on an emergency basis, the cleanup and repair of the properties, the replacement of furniture, and putting up the homeowners in hotels until the work was complete. In total the city paid \$52,876.63 for repairs and damages to the home of Ernest and Tamika Ervin, who reside at 311 North D Street; \$68,088.13 for repairs and damages to the home of Forest and Kimberly Woods, who reside at 1410 3rd Avenue; and \$52,684.18 for repairs and damages to the home of Doug and Michele Johnson who reside at 309 North D Street.

Insurance is covering all amounts in excess of the city's \$100,000 self-insurance retention amount. The parties signed general releases in favor of the City.

MOTION:

Move to ratify the emergency expenditure of \$173,648.94 as it relates to the major sewer back up incident that occurred on North D Street and 3rd Avenue.

ATTACHMENT(S):

Fiscal Impact Analysis

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	0	0	0	0	0
Operating Expenditures	173,648.94	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	0	0	0	0	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 0	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Agenda Expenditure	Balance
520-1332-513-45-60	Self-Insurance					

C. Department Fiscal Review: _____

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Legal

TITLE:

2nd Agreement Extension Request from 14 S East Coast, LLC for property located at 14 S. East Coast Street, Lake Worth Beach, Florida

SUMMARY:

The property owner, Bhavin Shah, is requesting a second extension regarding the deadline to demolish the existing structure and replace it with a surface parking lot.

BACKGROUND AND JUSTIFICATION:

Bhavin Shah, as principal for 14 S East Coast, LLC, is developing property at 14 S. East Coast. He received an extension to demolish the property from the City as required by a settlement agreement entered into between the City and the previous owner of the property, Viva Verde South, LLC. The City granted the extension on April 9, 2020, due to the National emergency caused by COVID-19. The extension was also granted to give Mr. Shah an opportunity to bring a vendor to the site. Mr. Shah has not been able to accomplish his goals in the 90 day timeframe and is requesting an additional 90 day extension. During this extension, the City and Mr. Shah will continue to negotiate an amendment to the Declaration of Covenants and Restrictions which will include timelines for development of the property. The Amendment will be brought back for commission consideration, and if negotiations fail, the conditions of the Declaration of Covenants and Restrictions will be enforced.

MOTION:

Move to approve/disapprove the request from 14 S East Coast, LLC, granting a second extension until October 8, 2020, to demolish the building on the Subject Property and replace it with a surface parking lot as required by the Declaration of Covenants and Restrictions, with the understanding that staff will negotiate, in the 90 day timeframe, an amendment to the Declaration of Covenants and Restrictions which will include timelines for development of the property.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Finance

TITLE:

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

SUMMARY:

Resolution No. 26-2020 will establish the Proposed Tentative FY 2020 Voter Approved Debt Rate of 1.11 mils for the FY 2021 General Obligation Bond Fund Levy

BACKGROUND AND JUSTIFICATION:

In November 2016, approximately 67% or two-thirds of Voters of the City of Lake Worth approved the issuance of General Obligation Bonds for Road Improvement Projects in an amount not to exceed forty million dollars.

In FY 2018-2019, the City established a Debt Fund to receive the receipts of debt rate and remit the debt service payments. For FY 2020-2021 the debt service receipts will be in the amount of \$2,152,590. Pursuant to §200.001, Florida Statutes, the City must advise the Palm Beach County Property Appraiser of the Tentative Voter Approved Debt Rate, as well as the date of the City's first public budget hearing scheduled for September 10, 2020. The Tentative Voter Approved Debt Rate approved at this public hearing establishes the maximum rate the City may consider and approve during the budget hearings in September. The Voter Approved Debt Rate may be lowered by the Commission at the hearings, but it cannot be raised (without additional notice being provided to each taxpayer at a cost of approximately \$15,500 for postage).

The Voter Approved Debt Rate adoption process is governed by the State Statute known as Truth In Millage (TRIM). In Florida, properties are assessed by the county Property Appraiser and property taxes are collected by the county Tax Collector. All property is assessed at 100% of real value, which is approximately 85% of market value. The State Constitution restricts the annual increase in taxable value of homestead property to 3% or the increase in the CPI, whichever is less.

Property owners are eligible to receive a homestead exemption of \$25,000 on the first \$25,000 of value of their principal place of residence. In addition, homeowners can receive in whole or in part a second \$25,000 homestead exemption on the third \$25,000 of value of their principal place of residence. For instance, if a home's value is \$50,000 or under, the owner is only entitled to the first exemption. However, for example if the home is worth \$67,000 or \$75,000, the owner would be eligible to receive the second exemption in the amount of \$17,000 or \$25,000, respectively.

The City is required to hold two public hearings for adoption of a Voter Approved Debt Rate. The first public hearing is advertised by the Property Appraiser mailing to each property owner on a TRIM notice. In addition to notification of this first public hearing, the TRIM notice contains the following information:

- The new and prior year's assessed value;
- The tax bill if the current property tax rate is changed for the new year;
- The tax bill if the roll-back rate is levied for the new year; and
- The property tax bill if the proposed budget is adopted

MOTION:

Move to approve/disapprove Resolution No. 26-2020 and schedule the first public hearing for the Voter Approved Debt Rate on September 10, 2020, at 6:00 PM at Lake Worth City Hall and the second public hearing for September 24, 2020

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution No. 26-2020

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RESOLUTION NO. 26-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ADOPTING A TENTATIVE VOTER APPROVED DEBT RATE OF 1.11 MILLS FOR FISCAL YEAR 2020-2021; ESTABLISHING A DATE AND TIME FOR THE FIRST HEARING ON THE TENTATIVE BUDGET AND PROPOSED DEBT RATE; AUTHORIZING THE CITY MANAGER TO SUBMIT THE REQUIRED FORMS TO THE PALM BEACH COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to §200.001, Florida Statutes, the City Commission is required to advise the County Property Appraiser of its tentative voter approved debt rate, and the date, time and place at which a public hearing will be held to consider the proposed voter approved debt rate.

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

Section 1. The City Commission hereby adopts a tentative voter approved debt rate of 1.11 mills for General Obligation Bonds purposes for Fiscal Year 2020-2021.

Section 2. The City Commission hereby establishes Thursday, September 10, 2020, at 6:00 p.m. as the date and time of the first hearing on the tentative voter approved debt rate. The public hearing shall be held at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida 33460. Due to the pending COVID-19 pandemic, the meeting may be conducted via technological means. The City will provide additional information on how the meeting will be conducted on its website.

Section 3. The City Manager is hereby authorized and directed to submit forms DR-422 (Certification of Taxable Value), DR-420TIF (Tax Increment Adjustment Worksheet) DR 422 DEBT (Voted Debt Millage) and DR-420 MM-P (Municipality Maximum Millage Levy Calculation) to the Palm Beach County Property Appraiser's Office.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Andy Amoroso
- Commissioner Scott Maxwell
- Commissioner Omari Hardy
- Commissioner Herman Robinson

The Mayor thereupon declared this resolution duly passed and adopted on the 21st day of July, 2020.

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Finance

TITLE:

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

SUMMARY:

This resolution directs the preparation of the preliminary stormwater assessment roll for FY 2020-2021 in the amount of \$78.25 per residential unit which remains the same as last fiscal year. This resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 10, 2020

BACKGROUND AND JUSTIFICATION:

The City has been charging the Stormwater Assessments as non-ad valorem assessments since 2009.

This resolution directs the preparation of the preliminary stormwater assessment roll for FY 2020-2021 in the amount of \$78.25 per residential unit. This Resolution also schedules the final public hearing on September 10th, 2020 to adopt the Annual Assessment Resolution. The preliminary stormwater assessment roll must be provided to the Property Appraiser's Office by July 24th to be included on the preliminary tax notices.

MOTION:

Move to approve/disapprove 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

ATTACHMENT(S):

Fiscal Impact Analysis - not applicable
Resolution No. 27-2020

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RESOLUTION NO. 27-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DIRECTING THE PREPARATION OF A NON-AD VALOREM ASSESSMENT ROLL RELATED TO STORMWATER MANAGEMENT SERVICES FOR FISCAL YEAR 2020-2021; PROVIDING FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE ANNUAL ASSESSMENT RESOLUTION APPROVING SUCH ASSESSMENT ROLL; DIRECTING MAILED AND PUBLISHED NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This Resolution of the City of Lake Worth Beach, Florida (the "City") is adopted pursuant to City Ordinance No. 2009-22 (as may be amended from time to time, and as codified in Chapter 2, Article XVIII of the City Code of Ordinances, the "Assessment Ordinance"), City Resolution No. 40-2009 (as amended and supplemented from time to time, and as particularly supplemented by Resolution No. 45-2009, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law. Any capitalized terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance and the Initial Assessment Resolution.

SECTION 2. FINDINGS. It is hereby ascertained, determined, and declared as follows:

- (A) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution approving the Stormwater Service Assessment Roll and imposing Stormwater Service Assessments to provide for the funding of Stormwater Management Services for the Fiscal Year Commencing October 1, 2009.
- (B) The Assessment Ordinance requires adoption of an Annual Assessment Resolution for each Fiscal Year confirming or amending the Stormwater Service Assessment Roll.
- (C) The City Commission desires to provide notice required by the Assessment Ordinance of its intent to consider and adopt the Annual Assessment Resolution and approve the Fiscal Year 2020-2021 Stormwater Service Assessment Roll.

SECTION 3. FISCAL YEAR 2020-2021 STORMWATER SERVICE ASSESSMENT ROLL. The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Stormwater Service Assessment Roll for the fiscal year commencing October 1, 2020, in the manner provided in Section 2-154 of the Assessment Ordinance in the amount of \$78.25 per residential unit (which is the same amount as assessed in this current Fiscal Year). The preliminary Stormwater Service Assessment Roll shall include the amount of the Fiscal Year 2020-2021 Stormwater Service Assessment for each individual Tax Parcel within the City, and shall exclude any Tax Parcel otherwise exempted from payment of the Stormwater Service Assessments under the Initial Assessment Resolution. The City Manager shall apportion the Stormwater Service Assessments in the manner set forth in the Initial Assessment Resolution. A copy of the Initial Assessment Resolution and the preliminary Stormwater

51 Service Assessment Roll shall be maintained on file in the office of the City Clerk and
52 open to public inspection. The foregoing shall not be construed to require that the
53 preliminary Stormwater Service Assessment Roll be in printed form if the amount of the
54 Stormwater Service Assessment for each parcel of property can be determined by the
55 use of a computer terminal or internet access available to the public.

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57 **SECTION 4. PUBLIC HEARING.** A public hearing shall be held by the City
58 Commission on September 10, 2020 at 6:00 PM at Lake Worth Beach City Hall, 7 North
59 Dixie Highway, Lake Worth Beach, Florida, at which public hearing all such owners of
60 property may appear to be heard as to any and all matters pertinent to the adoption of an
61 Annual Assessment Resolution approving and finalizing the Fiscal Year 2020-2021
62 Stormwater Service Assessment Roll. Due to the pending COVID-19 pandemic, the
63 public hearing may be conducted via technological means. The City will provide additional
64 information on how the meeting will be conducted on its website.

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66 **SECTION 5. EFFECTIVE DATE.** This resolution shall take effect immediately
67 upon its adoption.

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69 The passage of this resolution was moved by Commissioner _____,
70 seconded by Commissioner _____, and upon being put to a vote, the vote
71 was as follows:

- 72
73 Mayor Pam Triolo
74 Vice Mayor Andy Amoroso
75 Commissioner Scott Maxwell
76 Commissioner Omari Hardy
77 Commissioner Herman Robinson

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79 The Mayor thereupon declared this resolution duly passed and adopted on the 21st
80 day of July, 2020.

81
82 LAKE WORTH BEACH CITY COMMISSION

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84
85 By: _____
86 Pam Triolo, Mayor

87
88 ATTEST:
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90 _____
91 Deborah M. Andrea, CMC, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Finance

TITLE:

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

SUMMARY:

This resolution directs the preparation of the preliminary Refuse Services, Facilities and Programs assessment roll for FY 2020-2021 with a 5% increase from last fiscal year (from \$233.47 per ERU to \$245.15 ERU). This resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 10, 2020

BACKGROUND AND JUSTIFICATION:

The City has been charging the Refuse Services, Facilities and Programs Assessments as non-ad valorem assessments since 2009. The adoption process of each fiscal year's assessments must comply with the City's Assessment Ordinance (Chapter 2, Article XVIII of the City's code) and Chapter 197, Florida Statutes, for the final adoption of the assessments by September 15 of each year.

This resolution directs the preparation of the preliminary Refuse Services, Facilities and Programs assessment roll for FY 2020-2021. The preliminary assessment is based upon a 5% increase in the assessment rate. Currently, the assessment rate is \$233.47 per Equivalent Residential Unit ("ERU"). The proposed assessment rate for FY 2020-2021 is \$245.15 per ERU. This will be the first increase in the assessment rate since October 1, 2009 (which set the assessment rate at \$245.76 per ERU and was later decreased). This Resolution also schedules the final public hearing to adopt the Annual Assessment Resolution for September 10, 2020 at 6 P.M. The preliminary Refuse Services, Facilities and Programs assessment roll must be provided to the Property Appraiser's Office by July 20th to be included on the preliminary tax notices.

If this resolution is adopted, the City will provide direct notice to all affected property owners regarding the proposed increase and the public hearing to adopt the annual assessment resolution for Refuse Services, Facilities and Programs. An ad will also be placed in the Palm Beach Post.

MOTION:

Move to approve/disapprove Resolution No. 28-2020, Directing the Preparation of the Preliminary Refuse Services, Facilities and Programs Assessment Roll for Fiscal Year 2020-2021 and scheduling the final public hearing for September 10, 2020

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution No.28-2020

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RESOLUTION NO. 28-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, DIRECTING THE PREPARATION OF A NON-AD VALOREM ASSESSMENT ROLL RELATED TO REFUSE SERVICES, FACILITIES AND PROGRAMS FOR FISCAL YEAR 2020-2021; PROVIDING FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE ANNUAL ASSESSMENT RESOLUTION APPROVING SUCH ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. This Resolution of the City of Lake Worth Beach, Florida (the "City") is adopted pursuant to City Ordinance No. 2009-22 (as may be amended from time to time, and as codified in Chapter 2, Article XVIII of the City Code of Ordinances, the "Assessment Ordinance"), City Resolution No. 41-2009 (as amended and supplemented from time to time, the "Initial Assessment Resolution"), Sections 166.021, 166.041, and 197.3632, Florida Statutes, and other applicable provisions of law. Any capitalized terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance and the Initial Assessment Resolution.

SECTION 2. FINDINGS. It is hereby ascertained, determined, and declared as follows:

(A) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution approving the Refuse Services, Facilities and Programs (then referred to as Solid Waste Services) Assessment Roll and imposing Assessments to provide for the funding of the Refuse Services, Facilities and Programs for the Fiscal Year Commencing October 1, 2009.

(B) The Assessment Ordinance requires adoption of an Annual Assessment Resolution for each Fiscal Year confirming or amending the Refuse Services, Facilities and Programs Assessment Roll.

(C) The City Commission desires to provide notice required by the Assessment Ordinance of its intent to consider and adopt the Annual Assessment Resolution and approve the Fiscal Year 2020-2021 Refuse Services, Facilities and Programs Assessment Roll.

SECTION 3. FISCAL YEAR 2020-2021 REFUSE SERVICES, FACILITIES AND PROGRAMS ASSESSMENT ROLL. The City Manager is hereby directed to prepare, or cause to be prepared, a preliminary Refuse Services, Facilities and Programs Assessment Roll for the fiscal year commencing October 1, 2020, in the manner provided in Section 2-154 of the Assessment Ordinance **in the amount of \$245.15 per Equivalent Residential Unit ("ERU")**. The preliminary Refuse Services, Facilities and Programs Assessment Roll shall include the amount of the Fiscal Year 2020-2021 Refuse Services, Facilities and Programs Assessment for each individual Tax Parcel within the City, and shall exclude any Tax Parcel otherwise exempted from payment of the Assessments under the Initial Assessment Resolution. A copy of the Initial Assessment Resolution and

49 the preliminary Refuse Services, Facilities and Programs Assessment Roll shall be
50 maintained on file in the office of the City Clerk and open to public inspection. The
51 foregoing shall not be construed to require that the preliminary Refuse Services, Facilities
52 and Programs Assessment Roll be in printed form if the amount of the Refuse Services,
53 Facilities and Programs Service Assessment for each parcel of property can be
54 determined by the use of a computer terminal or internet access available to the public.
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56 **SECTION 4. PUBLIC HEARING.**

57 (A) The Assessment Ordinance provides that if the proposed Assessment for
58 any parcel of property exceeds the maximum amount established in the notice of the
59 hearing to consider the Initial Assessment Resolution, then the City Commission shall
60 provide notice to the owner of such property and conduct a public hearing prior to adoption
61 of the Annual Assessment Resolution.

62 (B) A public hearing shall be held by the City Commission on September 10,
63 2020 at 6:00 PM at Lake Worth Beach City Hall, 7 North Dixie Highway, Lake Worth
64 Beach, Florida, at which public hearing all such owners of property may appear to be
65 heard as to any and all matters pertinent to the adoption of an Annual Assessment
66 Resolution approving and finalizing the Fiscal Year 2020-2021 Refuse Services, Facilities
67 and Programs Assessment Roll. Due to the pending COVID-19 pandemic, the meeting
68 may be conducted via technological means. The City will provide additional information
69 on how the meeting will be conducted on its website.

70 (C) The City Manager shall direct published notice of the public hearing and
71 mailed notice thereof to any owner of property entitled to such notice by the Assessment
72 Ordinance, in the manner set forth in the Assessment Ordinance and Section 197.3632,
73 Florida Statutes.
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75 **SECTION 5. EFFECTIVE DATE.** This resolution shall take effect immediately
76 upon its adoption.
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79 The passage of this resolution was moved by Commissioner _____,
80 seconded by Commissioner _____, and upon being put to a vote, the vote
81 was as follows:
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- 83
84 Mayor Pam Triolo
85 Vice Mayor Andy Amoroso
86 Commissioner Scott Maxwell
87 Commissioner Omari Hardy
88 Commissioner Herman Robinson
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91 The Mayor thereupon declared this resolution duly passed and adopted on the 21st
92 day of July, 2020.
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95 LAKE WORTH BEACH CITY COMMISSION
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By: _____
Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Finance

TITLE:

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

SUMMARY:

Resolution No. 29-2020 will establish the Proposed Tentative Millage Rate of 5.4945 mils, the same rate in the current Fiscal Year budget.

BACKGROUND AND JUSTIFICATION:

Pursuant to §200.065(2)(b), Florida Statutes, the City must advise the Palm Beach County Property Appraiser of the Tentative Operating Millage Rate, as well as the date of the City's first public budget hearing scheduled for September 10, 2020. The Tentative Operating Millage Rate approved at this public hearing establishes the maximum millage rate the City may consider and approve during the budget hearings in September. The Tentative Operating Millage Rate may be lowered by the Commission at the hearings, but it cannot be raised (without additional notice being provided to each taxpayer at a cost of approximately \$15,500 for postage).

Based on information from the Palm Beach County Property Appraiser's Office, the FY 2020 Operating Roll Back Millage is 4.3515. This Operating Roll-Back Millage is the millage rate that will generate the same property tax revenue that was generated in FY 2020.

With the inclusion of the County Fire MSTU millage 3.4581, the maximum available Operating Millage cannot exceed 8.9526 mills. This year continues a trend that began in the last four (4) years with an increase in the taxable value of real and personal property of approximately 9.39%. This rate will result in an increase in the actual tax revenues collected.

The budget and property tax rate adoption process is governed by the State Statute known as Truth In Millage (TRIM). In Florida, properties are assessed by the county Property Appraiser and property taxes are collected by the county Tax Collector. All property is assessed at 100% of real value, which is approximately 85% of market value. The State Constitution restricts the annual increase in taxable value of homestead property to 3% or the increase in the CPI, whichever is less.

Property owners are eligible to receive a homestead exemption of \$25,000 on the first \$25,000 of value of their principal place of residence. In addition, homeowners can receive in whole or in part a second \$25,000 homestead exemption on the third \$25,000 of value of their principal place of residence. For instance, if a home's value is \$50,000 or under, the owner is only entitled to the first exemption. However, for example if the home is worth \$67,000 or \$75,000, the owner would be eligible to receive the second exemption in the amount of \$17,000 or \$25,000, respectively.

The City is required to hold two (2) public hearings for adoption of a property tax rate and budget. The first public hearing is advertised by the Property Appraiser mailing to each property owner on a TRIM notice. In addition to notification of this first public hearing, the TRIM notice contains the following information:

- The new and prior year's assessed value;
- The tax bill if the current property tax rate is changed for the new fiscal year;
- The tax bill if the roll-back rate is levied for the new fiscal year; and
- The property tax bill if the proposed budget is adopted.

MOTION:

Motion to approve/disapprove Resolution No. 29-2020 and schedule the first public hearing date for the annual operating budget on September 10, 2020, at 6:00 PM at Lake Worth Beach City Hall and the second public hearing for September 24, 2020.

ATTACHMENT(S):

Fiscal Impact Analysis – not applicable
Resolution No. 29-2020

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RESOLUTION NO. 29-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, ADOPTING A TENTATIVE OPERATING MILLAGE RATE OF 5.4945 MILLS FOR FISCAL YEAR 2020-2021; ESTABLISHING A DATE AND TIME FOR THE FIRST HEARING ON THE TENTATIVE BUDGET AND PROPOSED MILLAGE RATE; AUTHORIZING THE CITY MANAGER TO SUBMIT THE REQUIRED FORMS TO THE PALM BEACH COUNTY PROPERTY APPRAISER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to §200.065, Florida Statutes, the City Commission is required to advise the County Property Appraiser of its tentative millage rate, its rolled-back millage rate, and the date, time and place at which a public hearing will be held to consider the proposed millage rate and the City’s tentative budget.

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

Section 1. The City Commission hereby adopts a tentative operating millage rate of 5.4945 mills for General Operating Budget purposes for Fiscal Year 2020-2021; which remains the same as last year.

Section 2. The City Commission hereby establishes Thursday, September 10, 2020, at 6:00 p.m. as the date and time of the first hearing on the tentative budget and proposed millage rate. The public hearing shall be held at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida 33460. Due to the pending COVID-19 pandemic, the meeting may be conducted via technological means. The City will provide additional information on how the meeting will be conducted on its website.

Section 3. The City Manager is hereby authorized and directed to submit forms DR-420 (Certification of Taxable Value), DR-420TIF (Tax Increment Adjustment Worksheet) and DR-420 MM-P (Municipality Maximum Millage Levy Calculation) to the Palm Beach County Property Appraiser's Office.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Andy Amoroso
- Commissioner Scott Maxwell
- Commissioner Omari Hardy
- Commissioner Herman Robinson

The Mayor thereupon declared this resolution duly passed and adopted on this 21st day of July, 2020.

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Community Sustainability

TITLE:

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

SUMMARY:

The resolution provides for the adoption of the final Chronic Nuisance Services Assessment Roll, which includes all costs for lot clearings, board and secures, and demolitions that remain delinquent and unpaid as of June 1, 2020 and to certify the final Chronic Nuisance Services Assessment Roll to the Tax Collector.

BACKGROUND AND JUSTIFICATION:

Pursuant to the provisions of sections 12-38 through 12-42 of the Code of Ordinances (the “Lot Clearing Ordinance”), sections 2-75.2 through 2-75.2.7 of the Code of Ordinances (the “Board and Secure Ordinance”), and sections 9-2.2(a) through 9-2.2(t) of the Code of Ordinances (the “Unsafe Building Abatement Code”), the owners of certain parcels of real property were notified of the existence of a public nuisance on their respective properties, failed to abate such nuisances and failed to pay the City for the costs the City incurred in the abatement of the nuisances. In accordance with section 12-42, section 2-75.2.7, and 9-2.2(q), the costs incurred by the City to abate said nuisances were assessed against each property as special assessment liens, and these liens were documented by the City Commission through the adoption of resolutions acknowledging the same. The City has complied with the requirements of Chapter 2, Article XIX, Division 2 “Levy and Collection of Non-Ad Valorem Assessments” of the City’s Code of Ordinances in order to include the special assessments for unpaid chronic nuisance services costs on the property tax bills to be issued in November, 2020. The City Commission adopted Resolution No. 19-2020 which directed the creation of the preliminary Chronic Nuisance Services Assessment Roll; scheduled the date, time, and place of the July 21, 2020 public hearing to receive and consider comments from the public and consider the adoption of the chronic nuisance service roll for 2020; and provided notice by publication and first class mail to those property owners listed on the preliminary assessment roll. At the public hearing on July 21, 2020, the City Commission will receive any written objections to the assessment roll and shall hear testimony from all interested persons as required by section 197.3632, Florida Statutes, and, if appropriate, will adopt the final Chronic Nuisance Services Assessment Roll and direct the certification of the final roll to the Tax Collector. The adoption of the final roll shall constitute a legislative determination that all assessed parcels of real property derive a special benefit from the nuisance violation abatement services provided by the City, and a legal determination that the assessments are fairly and reasonably apportioned to the properties.

Attached is the proposed resolution adopting the final Chronic Nuisance Services Assessment Roll and directing staff to certify the roll to the Tax Collector in compliance with section 197.3632, Florida Statutes, and the City's Code of Ordinances.

The total amount at this time being assessed is roughly \$37,169.39. Of that amount, it is estimated that approximately 40% will be collected in FY 2020 and the remaining will be collected over the next three fiscal years. Many of the properties involved have absent owners and collection of the assessments may involve tax deed sales, which will delay collection.

MOTION:

Move to approve/disapprove Resolution No. 19-2020 adopting the final assessment roll for non-ad valorem assessments levied for Chronic Nuisance Services and directing that such final assessment roll be certified to the Palm Beach County Tax Collector.

ATTACHMENT(S):

Fiscal Impact Analysis

Resolution 19-2020

Exhibit A – Affidavit confirming mailing of notices

Exhibit B – Special Assessment Roll for lot clearing, board and secure and demolition

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	0	0	0	0	0
Operating Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income	14868	7434	7434	7434	0
In-kind Match	0	0	0	0	0
 Net Fiscal Impact	 0	 0	 0	 0	 0
 No. of Addn'l Full-Time Employee Positions	 0	 0	 0	 0	 0

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Account Number	Account Description	Project Number	FY20 Budget	Current Balance	Agenda Expenditure	Balance

C. Department Fiscal Review:_____

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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.

WHEREAS, by sections 2-221, 2-75.2.7, 12-42, and 9-2.2(q) of the Code of Ordinances, the City Commission of the City of Lake Worth Beach (the "City Commission"), declared that any chronic nuisance services costs, defined to include any nuisance violation abatement costs, including, but not limited to, lot clearing, board and secure, and demolition costs, that remain delinquent and unpaid as of June 1st of each year shall be a special assessment levied against the benefitted real property as a non-ad valorem assessment superior to all other private rights, interest, liens, encumbrances, titles and claims upon the benefitted real property and equal in rank and dignity with a lien for ad valorem taxes; and

WHEREAS, the City Commission adopted Resolution No. 49-2011 and Resolution No. 04-2016 regarding the City's intent to use the uniform method of collecting non-ad valorem assessments authorized in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for chronic nuisance services costs, including, but not limited to, lot clearing, board and secure, and demolition costs that remain unpaid; and

WHEREAS, section 2-222 of the City's Code of Ordinances provides that in order to include the special assessment for unpaid chronic nuisance services costs on the property tax bills to be issued in November, the Finance Director shall prepare a preliminary assessment roll; schedule the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the Chronic Nuisance Services Assessment Roll for 2020; and provide notice by publication and first-class mail to those property owners listed on the preliminary assessment roll; and

WHEREAS, the City Commission adopted Resolution No. 19-2020 (the "Initial Assessment Resolution") which directed the creation of the proposed Assessment Roll and notice to assessed property owners; and

WHEREAS, the proposed Assessment Roll has been made available for inspection by the public; and

WHEREAS, notice of the public hearing has been published as required by the terms of the ordinance; and

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WHEREAS, notice of the public hearing was also mailed to each effected property owner as required by the ordinance, providing notice of an opportunity to be heard; and an affidavit of the mailing of such notice is attached hereto as “**Exhibit A**”; and

WHEREAS, a public hearing was held on July 21, 2020, and comments and objections of all interested persons wishing to comment were heard and have been considered.

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

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2. This resolution is adopted pursuant to the provisions of ch. 2, article XIX, division II of the Code of Ordinances, secs. 2-75.2.7, 12-42, and 9-2.2(q) of the Code of Ordinances, article 8, sec. 2(b) of the Florida Constitution, Section 166.021, Florida Statutes, Section 166.041, Florida Statutes, and Section 197.3632, Florida Statutes.

Section 3. Legislative Determinations. It is hereby ascertained and declared that the chronic nuisance services costs, which are defined to include all nuisance violation abatement costs, including but not limited to lot clearing, boarding and securing, and demolition (collectively and individually, the “Chronic Nuisance Services Costs”), provided a special benefit to each parcel assessed, based upon the following legislative determinations:

(A) It is hereby ascertained, determined, and declared that each assessed parcel has benefitted by the City’s provision of nuisance abatement services, including, but not limited to lot clearing, boarding and securing, and demolition, in an amount not less than the amount of the Chronic Nuisance Services Costs imposed against each parcel.

(B) It is fair and reasonable to assess the Chronic Nuisance Services Costs in the amounts actually expended by the City to benefit each assessed parcel.

Section 4. The proceeds of the Chronic Nuisance Services Costs are reimbursement to the City for funds previously expended to provide such services. A portion of the costs to continue to provide Chronic Nuisance Services may be funded from proceeds of the Chronic Nuisance Services Assessment. The remaining costs of providing Chronic Nuisance Services and related operating costs shall be funded by legally available City revenues other than Chronic Nuisance Services Assessment proceeds.

Section 5. The Chronic Nuisance Services Assessment Roll for collection on the November 2020 tax bill, attached as “**Exhibit B**,” is hereby approved and incorporated herein by this reference. The Chronic Nuisance Services Assessments in the amount set forth in the Assessment Roll, as may be corrected and adjusted pursuant to the ordinance, are hereby levied and imposed on all parcels described in the Chronic Nuisance Services Assessment Roll.

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Section 6. The Chronic Nuisance Services Assessment Roll shall constitute a lien upon the assessed parcels equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such liens shall be superior in dignity to all other liens, titles and claims, until paid.

Section 7. The Chronic Nuisance Services Assessments for November 2020 shall be collected and enforced pursuant to the Uniform Assessment Collection Act.

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 9. If any provision of this resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to this end the provisions of this resolution are declared severable.

Section 10. This resolution shall take effect upon adoption.

The passage of this resolution was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Pam Triolo
- Vice Mayor Andy Amoroso
- Commissioner Scott Maxwell
- Commissioner Omari Hardy
- Commissioner Herman Robinson

The Mayor thereupon declared this resolution duly passed and adopted on this ___ day of _____, 2020.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

142
143

Exhibit A

Exhibit B

AFFIDAVIT CONFIRMING MAILING OF NOTICES

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, Sybil Shaw, being duly sworn, depose and say that:

1. I am a(an) Accountant for the City of Lake Worth.
2. I prepared the notices required pursuant to subsection 197.3632(4), Florida Statutes, for each effected property owner listed on the preliminary Chronic Nuisance Service Assessment Roll that was attached to Resolution Numbers 16-2020, 18-2020 and 17-2020. The notices included all information required by subsection 197.3632(4) and the City's Code of Ordinances. I have personal knowledge that these notices were mailed by first-class U.S. Mail twenty (20) or more days prior to the July 21, 2020, public hearing scheduled before the City Commission, as required by law.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made above.

Sybil Shaw

Signature

6/25/2020

Date

The foregoing instrument was acknowledged before me this 25 day of June, 2020, by Sharon Gostnell. She is personally known to me or has produced _____ as identification.

Sharon Gostnell

Notary Public, State of Florida
My Commission Expires



CASE #	OWNER	MAILING ADDRESS	MAILING CITY/STATE	PCN	LEGAL DESCRIPTION	PROPERTY ADDRESS	INVOICE AMOUNT	ASSESSMENT TYPE
18-5432	S PINE ST LAND TRUST MARTIN ANTONIO G ESQ TR	1420 CELEBRATION BLVD STE 200	KISSIMMEE FL 34747 5162	38-43-44-28-03-000-0280	ADD 1 TO LAKEVIEW HGTS LT 28	616 S PINE ST	\$ 567.20	LOT CLEARING
19-1245	RIVASDARDAN AMANDA S & CELESTINA MALDONADO	417 S D ST	LAKE WORTH BEACH , FL 33460-4345	38-43-44-21-15-139-0240	TOWN OF LAKE WORTH LTS 24 & 25 BLK 139	417 S D ST	\$ 2,349.90	LOT CLEARING
19-1074	BARRIOS CARLOS	2520 IDA WAY	WEST PALM BEACH FL 33415 7402	38-43-44-27-01-026-0051	LAKE WORTH TOWN OF ADD 1, LT 5 (LESS E 42.7 FT) BLK 26	912 S J ST	\$ 1,230.24	LOT CLEARING
19-1700	S PINE ST LAND TRUST MARTIN ANTONIO G ESQ TR	1420 CELEBRATION BLVD STE 200	KISSIMMEE FL 34747 5162	38-43-44-28-03-000-0280	ADD 1 TO LAKEVIEW HGTS LT 28	616 S PINE ST	\$ 295.90	LOT CLEARING
19-2287	HOMELESS2HOMEOWNER SHIP 1528LAND TRUST HOMELESS2HOMEOWNER SHIP INC. TRUSTEE	1128 ROYAL PALM BEACH BLVD #317	ROYAL PALM BEACH FL 33411 1607	38-43-44-15-16-003-0070	NORTH LAKE WORTH LOT 7 BLK 3	1528 N N ST	\$ 633.20	LOT CLEARING
19-2636	MALDONADO CELESTINA RIVASDARDAN AMANDA S	417 S D ST	LAKE WORTH FL 33460 4345	38-43-44-21-15-139-0240	TOWN OF LAKE WORTH LTS 24 & 25 BLK 139	417 S D ST	\$ 247.18	LOT CLEARING
19-2598	JOHNSON BRUCE	412 S B ST	LAKE WORTH FL 33460 4338	38-43-44-21-15-137-0061	TOWN OF LAKE WORTH N 25 FT OF LT 6 BLK 137	412 S B ST	\$ 626.43	LOT CLEARING
19-2470	MAESEL SHAWN R	105 E PALMETTO PARK RD	BOCA RATON FL 33432 4801	38-43-44-21-15-118-0091	TOWN OF LAKE WORTH N 1/2 OF LT 9 & LT 10 BLK 118	420 N H ST	\$ 308.43	LOT CLEARING
19-2963	S PINE ST LAND TRUST MARTIN ANTONIO G ESQ TR	1420 CELEBRATION BLVD STE 200	KISSIMMEE FL 34747 5162	38-43-44-28-03-000-0280	ADD 1 TO LAKEVIEW HGTS LT 28	616 S PINE ST	\$ 347.04	LOT CLEARING
19-3016	HOMELESS2HOMEOWNER SHIP 1528LAND TRUST HOMELESS2HOMEOWNER SHIP INC. TRUSTEE	1128 ROYAL PALM BEACH BLVD #317	ROYAL PALM BEACH FL 33411 1607	38-43-44-15-16-003-0070	NORTH LAKE WORTH LOT 7 BLK 3	1528 N N ST	\$ 488.45	LOT CLEARING
19-2852	PADMA RENTAL HOLDINGS LLC	6412 MELALEUCA LN	LAKE WORTH FL 33463 3807	38-43-44-21-15-124-0040	TOWN OF LAKE WORTH LTS 4 & 5 BLK 124	410 N E ST	\$ 626.70	LOT CLEARING
19-3236	DM ENTERPRISE OF THE PALM BEACHES LLC	11924 FOREST HILL BLVD STE 10A	WELLINGTON FL 33414 7028	38-43-44-21-15-503-0141	TOWN OF LAKE WORTH W25 FT OF LT 14 & E25 FT OF LT 15 BLK C	1418 LAKE AVE	\$ 1,026.08	LOT CLEARING
19-3478	MTAG CUST FOR HAYDEN MANAGEMENT LLC	PO BOX 409584	ATLANTA GEORGIA 30384 9584	38-43-44-21-15-082-0010	TOWN OF LAKE WORTH LT BLK 82	302 N G ST	\$ 433.41	LOT CLEARING
19-3317	MAESEL SHAWN R	105 E PALMETTO PARK RD	BOCA RATON FL 33432 4801	38-43-44-21-15-118-0091	TOWN OF LAKE WORTH N 1/2 OF LT 9 & LOT 10 BLK 118	420 N H ST	\$ 296.41	LOT CLEARING
19-3670	S PINE ST LAND TRUST MARTIN ANTONIO G ESQ TR	1420 CELEBRATION BLVD STE 200	KISSIMMEE FL 34747	38-43-44-28-03-000-0280	ADD 1 TO LAKEVIEW HGTS LT 28	616 S PINE ST	\$ 276.78	LOT CLEARING
19-3885	MALDONADO CELESTINA RIVASDARDAN AMANDA S	417 S D ST	LAKE WORTH BEACH FL 33460	38-43-44-21-15-139-0240	TOWN OF LAKE WORTH LTS 24 & 25 BLK 139	417 S D ST	\$ 246.65	LOT CLEARING
19-4294	HAAS ROY H TRUST ROY H HAAS TR	517 N L ST	LAKE WORTH BEACH FL 33460	38-43-44-21-15-154-0230	TOWN OF LAKE WORTH LTS 23 & 24 BLK 154	517 N L ST	\$ 2,318.39	LOT CLEARING
19-4331	CUSTOM LW 511 LLC	4371 NORTHLAKE BLVD STE 305	PALM BEACH GARDENS FL 33410	38-43-44-21-15-213-0071	TOWN OF LAKE WORTH E 45 FT OF N 20 FT OF LT 7 & E 45 FT OF LT 8 BLK	511 6TH AVE S	\$ 801.08	LOT CLEARING
19-4273	JOHNSON BRUCE	412 S B ST	LAKE WORTH BEACH FL 33460	38-43-44-21-15-137-0061	TOWN OF LAKE WORTH N 25 FT OF LT 6 BLK 137	412 S B ST	\$ 271.08	LOT CLEARING
19-4227	KEIRN MICHAEL & SCARCELLA KEIRN ANNETTE	1420 HILLCREST DR	LAKE WORTH BEACH FL 33461	38-43-44-33-07-000-0150	LAKE OSBORNE MANOR LT 15	1420 HILLCERST DR	\$ 919.14	LOT CLEARING

\$ 14,309.69

CASE #	OWNER	OWNER ADDRESS	OWNER CITY/STATE	PCN	LEGAL	PROPERTY ADDRESS	INVOICE AMOUNT	ASSESSMENT TYPE
19-1994	S PINE ST LAND TRUST MARTIN ANTONIO G ESQ TR	1420 CELEBRATION BLVD STE 200	KISSIMMEE FL 34747 5162	38-43-44-28-03-000-0280	ADD 1 TO LAKEVIEW HGTS LT 28	616 S PINE ST	\$ 18,132.90	DEMOLITIONS

\$ 18,132.90

CASE #	OWNER	OWNER ADDRESS	OWNER CITY/STATE	PCN	LEGAL	PROPERTY ADDRESS	INVOICE AMOUNT	ASSESSMENT TYPE
19-3239	DM ENTERPRISE OF THE PALM BEACHES LLC	11924 FOREST HILL BLVD STE 10A	WELLINGTON FL 33414 7028	38-43-44-21-15-503-0141	TOWN OF LAKE WORTH W25 FT OF LT 14 & E25 FT OF LT 15 BLK C	1418 LAKE AVE	\$ 2,015.90	BOARD UPS
19-3245	PADMA RENTAL HOLDINGS LLC	6412 MELALEUCA LN	LAKE WORTH FL 33463	38-43-44-21-15-124-0040	TOWN OF LAKE WORTH LTS 4 & 5 BLK 124	410 N E ST	\$ 2,710.90	BOARD UPS

\$ 4,726.80

TOTAL

\$ 37,169.39

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: City Commission

TITLE:

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

SUMMARY:

Commissioner Hardy brought forward this item so that the City Commission can deliberate and decide the following two questions:

- (1) Should the City Commission engage the Florida Municipal Power Agency (FMPA) to ascertain whether it and its members will release the City from its obligations to them for an agreed upon price?
- (2) Should the City Commission engage Florida Power and Light to ascertain whether it is willing to transact with the City and purchase its electric utility assets?

BACKGROUND AND JUSTIFICATION:

Recently, Commissioner Hardy approached representatives for FPL and asked whether the company had any interest in acquiring the City's electric utility. FPL's representatives advised that before they could answer that question, the City would have to ascertain (1) whether FMPA and its members would allow the City to buy its way out of its obligations to them and (2) how much such a buy-out would cost.

Commissioner Hardy then approached FMPA's Executive Director, Mr. Jacob Williams, and asked how the City might engage FMPA to ascertain (1) its willingness and the willingness of its members to release the City from its obligations and (2) how those obligations would be valued. Mr. Williams advised that such a process could take 3-5 years from the time that FMPA received official communication from the City as to its interest in this matter, and that FMPA's receiving official communication from the City would start the process.

Commissioner Hardy feels that the Commission should be willing to explore this question and determine whether it is feasible for the City to buy its way out of its obligations to FMPA and sell its electric utility to FPL for a windfall. If these transactions are feasible, then the City stands to benefit. If these transactions are not feasible, then engagement with FMPA and FPL will confirm that they are not. But the Commission cannot know that the transactions are infeasible without initiating and completing the process required to answer this very question.

Commissioner Hardy is therefore requesting that the City Commission engage both FMPA and FPL to ascertain the feasibility of taking all steps required to divest the City's electric utility.

MOTION:

Motion to:

- (1) 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
- (2) Engage FPL and ascertain its willingness to purchase the City's electric utility.

ATTACHMENT(S):

Fiscal Impact Analysis - NA

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: Commission

TITLE:

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

SUMMARY:

The resolution supports continued ownership of the Lake Worth Beach Electric Utility by the residents of the City and recognizes the value and importance of the Electric Utility to the City's future.

BACKGROUND AND JUSTIFICATION:

Due to recent public discussion by individual members of the City Commission regarding the ownership of the LWBEU, VMPT Maxwell is bringing forward a resolution to clarify the official position of the City.

MOTION:

Move to approve/disapprove Resolution 30-2020 in support of the Lake Worth Beach Electric Utility.

ATTACHMENT(S):

Fiscal Impact Analysis

1

2

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

8

9 **WHEREAS**, Lake Worth Beach Electric Utility (LWBEU) has been and continues
10 to be an integral part of the history and is playing a vital role in the future of Lake Worth
11 Beach (City); and,

12 **WHEREAS**, Pioneers and their families are defined as those who were living here
13 when the 'lights were turned on in 1914 through the creation of the City's electric utility;
14 and

15 **WHEREAS**; LWBEU profits from the sale of electricity, pole attachments, street
16 and private area lighting are kept locally for the benefit of its citizen owners and
17 consistently provide a substantial subsidization of the City's General Fund and other City
18 Funds helping to pay for such things as Parks, Recreation, Police, Fire & Rescue, Shared
19 City Services, Code Enforcement, Sustainability, and other expenses that tax dollars
20 alone cannot cover; and,

21 **WHEREAS**, by virtue of owning its own electric utility the City has the ability to
22 focus resources and benefits locally and directly for its residents and local customers in
23 meeting their immediate needs; and,

24 **WHEREAS**, LWBEU is today providing over 38% of the electric power needs of its
25 citizen customers from carbon-free resources and will be a state and national leader by
26 increasing that amount to over 50% by 2024; and,

27 **WHEREAS**, LWBEU has committed to being a state leader in renewable energy
28 via commitments to solar energy projects through to at least 2043 and establishing the
29 City as a host for ocean current energy development; and,

30 **WHEREAS**, the City is a member of the Florida Municipal Power Agency (FMPA)
31 and a participant in multiple FMPA Projects that have provided the LWBEU with
32 competitively priced and reliable sources of electric power leveraging the benefits of
33 economies of scale and tax-free debt, access to subject matter experts critical to the
34 ownership and operation of an electric utility, and whose fellow members have provided
35 personnel and equipment to the LWBEU during periods of emergency; and,

36 **WHEREAS**, in 2012/2013 the City of Lake Worth Beach went through a thorough
37 and lengthy process involving residents, elected officials, staff and consultants to review
38 options such as selling the LWBEU during which there were open and public discussions
39 regarding the value of the utility to the City in terms asset worth, its value in the market,
40 and its value in revenue to the General Fund; and,

41 **WHEREAS**, the Electric Utility Advisory Board and its resident and customer
42 membership helped provide input to the City Commission during this process in order to

43 make the decisions and commitments to not sell the LWBEU, to invest in and move the
44 LWBEU forward, resulting in a process to improve rates, improve reliability, and to
45 become a leader in progressive, clean energy; and,

46 **WHEREAS**, the LWBEU has subsequently significantly reduced its operating
47 costs, has negotiated new low-cost energy supply contracts, restructured its operations,
48 has and is executing on neighborhood projects that are yielding improved reliability, has
49 defined and prioritized projects for system hardening and reliability improvement projects,
50 and has had those plans reviewed and endorsed by independent outside engineers; and,

51 **WHEREAS**, the LWBEU is positioned to experience further reductions in operating
52 costs as debt obligations from wise investments made in the 1980s mature; and,

53 **WHEREAS**, there is a movement by members of the Commission to push the issue
54 of selling the utility at a time when it would potentially derail these significant changes and
55 achievements, alters the vision of a largely carbon-free electric supply for its residents
56 and customers, and which through political posturing creates risk and uncertainty that
57 undermines the City's ability to do the best possible job in negotiating financing for the
58 System Hardening and Reliability Improvement Program (SHRIP), impacts retaining and
59 hiring LWBEU staff, and undermines the reputation that has been built over the past eight
60 years; and,

61 **WHEREAS**, it is the responsibility of the City Commission to provide clear and
62 consistent policy direction that demonstrates a commitment towards much needed and
63 long anticipated improvements and investments that will result in clean, affordable and
64 reliable energy for our residents, customers, and businesses; and,

65 **WHEREAS**, the City Commission should clarify its position as a necessary and is
66 a vital part of continuing to move the LWBEU forward; and,

67 **WHEREAS**, the City Commission of Lake Worth Beach supports the continued
68 ownership of the Lake Worth Beach Electric Utility so that it remains in the hands of the
69 Citizens of Lake Worth Beach and makes clear our intent to continue to improve reliability,
70 create competitive rates and aggressively pursue a progressive clean energy
71 commitment.

72 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE**
73 **CITY OF LAKE WORTH BEACH, FLORIDA, THAT:**

74 **SECTION 1.** Each of the above recitals are hereby incorporated herein.

75 **SECTION 2.** The Lake Worth Beach City Commission believes in Citizen Owned
76 Energy is the best way to provide electric utilities to the residents who own the utility.

77 **SECTION 3.** That the City of Lake Worth Beach retaining ownership of the Lake
78 Worth Beach Electric Utility is in the best interests and long-term benefit of the City and
79 affirms that such ownership remains with the City's residents for the foreseeable future.

80 **SECTION 4.** This resolution shall become effective immediately upon its
81 adoption.

82 The passage of this resolution was moved by Commissioner _____, seconded by
83 Commissioner _____, and upon being put to a vote, the vote was as follows:

84
85 Mayor Pam Triolo
86 Vice Mayor Andy Amoroso
87 Commissioner Scott Maxwell
88 Commissioner Omari Hardy
89 Commissioner Herman Robinson
90

91 The Mayor thereupon declared this resolution duly passed and adopted on the ____ day of
92 _____, 2020.

93 LAKE WORTH BEACH CITY COMMISSION
94

95
96 By: _____
97 Pam Triolo, Mayor

98 ATTEST:

99
100 _____
101
102 Deborah M. Andrea, CMC, City Clerk

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: City Commission

TITLE:

Enacting a new moratorium on utility shutoffs

SUMMARY:

Deliberating and deciding whether the City Commission should enact a new moratorium on utility shutoffs for residential utility customers.

BACKGROUND AND JUSTIFICATION:

At the June 30, 2020 electric utility meeting, the City Commission voted 5-0 to approve resolution number 21-2020, a resolution that established a payment plan for utility customers with accounts subject to service disconnection during the period of March 16, 2020 to July 16, 2020 for non-payment. The resolution established a payment plan of 12 months for residential accounts and 24 months for commercial accounts that have become delinquent.

After speaking with members of the community, Commissioner Hardy has come to believe that the Commission ended the moratorium on shutoffs without considering all criteria that were relevant to its initiation in March. He argues that these criteria, when fully considered and given their due weight, suggest not only that the commission should not have ended the moratorium on shutoffs but also that the commission should enact a new one.

In ending the moratorium, the Commission considered primarily whether other utilities were ending their moratoriums and how the City's moratorium affected the electric utility's finances. But Commissioner Hardy feels that other relevant considerations were either not discussed or not given their due weight.

He notes that the country is still in the throes of the COVID-19 pandemic, and that the pandemic is much worse now than it was when the moratorium was initiated. He further notes that residents and customers still need to wash their hands and stay home as much as they can, and he argues that if the Commission enacted a moratorium in March on that basis, then the commission should not have ended the moratorium in July given that the basis for its enactment still applies.

Furthermore, Commissioner Hardy notes that many Floridians remain unemployed or underemployed, and that many such Floridians have been unable to access the benefits they need to make ends meet. The many issues plaguing Florida's unemployment system are well documented.

Commissioner Hardy also notes that the City has a large undocumented population, and that these residents are not eligible for benefits meant to ease the financial strain brought about by the COVID-19 recession. They are not eligible for unemployment benefits, COVID Cares Act stimulus checks, rental assistance money, and so on.

Finally, Commissioner Hardy feels that while the final version of the resolution to end the moratorium on utility shutoffs and establish payment plans for residents with large overdue balances was much better than the resolution first presented to the City Commission, he believes that it will impose a financial strain on many residents that cannot be compared to the city's short-term financial losses due the moratorium. The City can weather this financial storm without catastrophe. The same cannot be said for many of the City's residents. The City should therefore shoulder the burden of weathering this storm and accept the moral responsibility it has to recover lost revenue without indenturing its residents, many of were poor before the COVID-19 recession, many of whom are the brink on financial ruin now that this recession has started.

MOTION:

Motion to:

- (1) Enact a moratorium on utility shutoffs retroactive to July 17th, 2020; and
- (2) Develop criteria for evaluating whether the moratorium should be lifted;
- (3) Establish that moratorium should be lifted only when the criteria for doing so have been met.

ATTACHMENT(S):

Fiscal Impact Analysis - NA

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 21, 2020

DEPARTMENT: City Commission

TITLE:

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

SUMMARY:

Commissioner Hardy would like the City Commission to discuss how the City of Lake Worth Beach can assist residential families likely to face eviction when the Governor's eviction moratorium ends.

BACKGROUND AND JUSTIFICATION:

Due to Covid-19, Governor DeSantis has issued a series of executive orders in an effort to assist struggling families. One such executive order placed a moratorium throughout the State of Florida on evicting persons from residential tenancies. In other words, individuals and families cannot be evicted from their homes because of non-payment during this crisis. The moratorium has been extended by the Governor and is in effect currently. But the moratorium will end at some point, and Commissioner Hardy would like the City Commission to discuss any initiatives the City might put in place to ease the present residents from being evicted and ease the burden of eviction for families that cannot avoid it.

MOTION:

To be determined by the discussion.

ATTACHMENT(S):

Fiscal Impact Analysis - NA