

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, JULY 7, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:02 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were Assistant City Manager Juan Ruiz, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

INVOCATION OR MOMENT OF SILENCE: led by Vice Mayor Andy Amoroso.

PLEDGE OF ALLEGIANCE: led by Commissioner Omari Hardy.

AGENDA - Additions/Deletions/Reordering:

Deborah Andrea, City Clerk, requested that New Business Item C be reordered to New Business Item A.

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

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

PRESENTATIONS: (there was no public comment on Presentation items)
There were no Presentations on the agenda.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Robinson: stated that LWB did itself proud with the challenges due to events being canceled for the 4th of July. He extended condolences to the Lowe family on Grady's passing. He said that everyone should wear masks.

Commissioner Maxwell: said the entire City mourned Grady Lowe's passing and gave information about the upcoming service. He reported that Governor DeSantis had signed an Executive Order reopening the schools in August and that he would support anything the School Board did; the School Board would make the final decisions regarding how the reopening would look and he would report back. He stated that many neighborhoods had some 4th of July events and there were a lot of fireworks.

Vice Mayor Amoroso: iterated how important the 2020 Census was and that everyone needed to step up to improve the numbers for the City; the deadline had been extended until October. He thanked Lauren Bennett and her staff for arranging some virtual activities on the website. He reported that he was distributing hot meals three days a week and that the elected officials were attending many zoom meetings.

Commissioner Hardy: expressed condolences to Retha Lowe and her family. He said that a constituent had asked how racial inequity would be addressed in the City. He stated that there had not been a timeline established and would need to hear a detailed plan from City Manager Bornstein. He said that COVID-19 was still a big problem and the consequences of opening the schools could be dire. He stated that it was a big distraction for the City to be in the electric utility business and that FMPA should be contacted to see if the City could contact FPL about its interest in buying the LWBEU.

Mayor Triolo: stated that the Commission was one body and no Commissioner could contact other entities on behalf of the City. She said that Parrot Cove had a great event and everyone had a wonderful time. She announced that LWB was in the Census League and was probably in last place for responses; all the monies received by the City were dependent on the Census and it was imperative to the Community.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

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

Noam Brown wrote that the public comment cards had not been available online the entire week leading up to the meeting, the email address for the City Clerk was not listed in the "how to make a public comment" section and that the two minutes should be readily available and easily accessible to the public.

Michael Smollon wrote that his tires had blown out after hitting the choker curbs at 6th Avenue South because the choker curbs were less than the nine feet required by FDOT.

Allen Mentser wrote that he was having lien issues with Code Compliance and had not heard back from staff.

Richard Guercio wrote to request that the Commission take action in response to Commissioner Hardy's undignified behavior.

APPROVAL OF MINUTES:

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

- A. Regular Meeting – June 2, 2020
- B. Special Meeting – June 9, 2020
- C. Budget Work Session #1 – June 9, 2020

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

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

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

- A. Agreement with ADP for the payroll processing and time keeping services
- B. Resolution No. 22-2020 – Hurricane Dorian Federally Declared Disaster 4468 Subaward and Grant Agreement Z1571
- C. Standard Insurance Policies for FY 2020/21 Employee Health and Welfare Benefits
- D. Task Order No. 4 with RADISE International, LC for geotechnical engineer services for Test Wells 17A and 18A Project
- E. Agreement and Work Order No. 1 with Insituform Technologies, LLC for a subaqueous watermain crossing rehabilitation by Insituform
- F. Task Order No. 6 with Stantec Consulting Services, Inc. for hydrogeologic services
- G. First Amendment to Settlement Agreement to extend the deadlines for the development of properties located at and 7 North B Street, 15 North B Street and 1602 Lake Avenue

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

PUBLIC HEARINGS:

- A. Ordinance No. 2020-09 – First Reading and First Public Hearing – Amend the Comprehensive Plan to include an updated water supply plan and transmit the plan to the State of Florida for review

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Ordinance No. 2020-09 on first reading and transmit the plan to the State of Florida for review.

City Attorney Goddeau read the ordinance by title only:

ORDINANCE NO. 2020-09 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING POLICIES IN THE INFRASTRUCTURE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN AND ADOPTING THE 2020 WATER SUPPLY PLAN BY REFERENCE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. BY INCORPORATING A WATER SUPPLY PLAN AND AMENDING THE INFRASTRUCTURE ELEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

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:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. (moved from NB-C) Resolution No. 25-2020 -- amending and supplementing Resolution No. 20-2020 authorizing the issuance of Non-Ad Valorem Revenue Bonds, Series 2020A and Taxable Series 2020B

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 25-2020 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING AND SUPPLEMENTING RESOLUTION NO. 20-2020 OF THE CITY; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$32,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF LAKE WORTH BEACH, FLORIDA NON-AD VALOREM REVENUE BONDS, SERIES 2020A AND TAXABLE SERIES 2020B, TO PROVIDE FUNDS FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN CAPITAL IMPROVEMENTS IN AND FOR THE CITY AND FINANCING CERTAIN COSTS OF THE CITY ; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; PROVIDING CERTAIN TERMS AND DETAILS OF SUCH BONDS, INCLUDING AUTHORIZING A NEGOTIATED SALE OF SAID BONDS AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT WITH RESPECT THERETO UPON COMPLIANCE WITH CERTAIN PARAMETERS; APPOINTING THE PAYING AGENT AND REGISTRAR WITH RESPECT TO SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT THERETO; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; AUTHORIZING THE PURCHASE OF BOND INSURANCE ABD THE EXECUTION AND DELIVERY OF AN INSURANCE AGREEMENT WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to approve Resolution No. 25-2020 - City of Lake Worth Beach Non-Ad Valorem Revenue Bonds, Series 2020A and Taxable Series 2020B

Bruce Miller, Financial Services Director, explained that the intent of the change regarding the amendment to Resolution 25-2020 was to satisfy the recommendation of both Bond Counsel and Bond Underwriters. He stated that the original borrowing strategy was to include both the Stormwater and the Sanitation Enterprise Fund’s capital requests in the “Combined Utility Fund” borrowing, which also included the Electric, Water and Wastewater Enterprise Funds, however, the recommendation was subsequently made to remove Stormwater and Sanitation projects from the Combined Utility Borrowing, and add them to the Working Capital Borrowing. He said that based on the change, it was recommended to increase the not-to-exceed borrowing limit from \$27 million to \$32 million, thereby allowing additional borrowing capacity for Stormwater and Sanitation projects, which included Neighborhood Road Program Districts 3 and 4, Park of Commerce Projects, repair, lining and valves for outfall pipes, lift station improvements and heavy truck replacements. He iterated that the recommended amendment would not change the overall debt profile of the City since the overall borrowing amounts, or projects, were not changing, only the debt issuance that the projects would include. He said that the increase in annual debt service would be approximately \$380,000, with a similar decrease in the combined utility bond annual debt service.

Comments/requests summary:

1. Commissioner Robinson asked if the Commission would know how the money would be spent specifically or if it would be given in a lump sum to the departments and

expressed concern about repaying the debt.

Mr. Miller replied that the borrowing was for projects that had already been approved by the Commission for Capital projects for FY 2020. He explained that \$5 million was being shifted to a different bond.

Commissioner Robinson asked why the additional \$5 million was needed.

Mr. Miller said that the \$5 million had to be removed from the Utility Bond and added to the Working Capital Bond.

2. Commissioner Hardy said that there was tremendous uncertainty in the economy and asked if all projects should be put on hold.

Mr. Miller responded that the City could pay debt service even if the Penny Sales Tax Revenue declined 40%. He said that the working capital piece was based on the uncertainty of the effect of the pandemic on the City's cash flow and had morphed into an opportunity for the City to repay itself for having paid cash for projects over the years. He stated that \$16 million of the funds was to repay the City and would be working capital. He said that the majority of the projects were prioritized and the Penny Sales Tax could only be used for certain capital items.

Commissioner Hardy asked how the projects had been formally prioritized.

Mr. Miller said that the ranking was done administratively, not by the Commission.

Commissioner Hardy said that money had been allocated for certain projects, but since it was unknown what Penny Sales Tax funds would be available, the projects should be put on hold until the economy recovered.

Juan Ruiz, Assistant City Manager, clarified that the majority of the spending was to be spent over five years, the plan had elasticity to spread projects out, but some like the Motor Pool, were in dire straits, there were years of deferred capital projects that equaled \$1.2 million and the City could handle the debt. He stated that the City would track the Sales Tax funds and could make any necessary adjustments; the borrowing would be for five years of projects.

Mr. Miller reported that the true bonding of the projects would be discussed in the future; the current discussion was for working capital and for moving the sanitation and stormwater projects therein. He said that the funds could be reprioritized as long as they were used for a similar purpose; the sales tax proceeds were not involved in the bond being discussed.

3. Commissioner Robinson expressed concern about repaying the money and raising the water and sewer rates.
4. Mayor Triolo said that the streets still needed to be fixed even during a pandemic; basic public safety had to be maintained.

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. (reordered from NB-A) Resolution No. 23-2020 – urging the Palm Beach County Board of County Commissioners (PBCBCC) to rename “Dixie Highway”

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 23-2020 OF THE CITY OF LAKE WORTH BEACH URGING THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO RENAME “DIXIE HIGHWAY” AND CEASE UPHOLDING THE STATE OF FLORIDA’S SHAMEFUL AND RACIST HISTORY IN THE CONFEDERACY, SLAVERY, AND WHITE SUPREMACY AND PROMOTE INSTEAD A NEW ERA OF HEALING AND RACIAL EQUALITY.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to approve Resolution No. 23-2020 urging the Palm Beach County Board of County Commissioners to rename “Dixie Highway”.

Comments/requests summary:

1. Commissioner Hardy explained that the issue was long overdue and spoke about the origin of “Dixie”, which had a lot of racial baggage. He opined that it was inappropriate to have a highway running through such a diverse City with such a name. He named several municipalities that had voted to rename Dixie Highway. He asked that the Commission vote to send the resolution to the PBCBCC requesting that they rename Dixie Highway.
2. Mayor Triolo said that Dixie Highway was an FDOT road; Riviera Beach had renamed Old Dixie Highway and asked who would decide about the renaming.

City Manager Bornstein responded that Old Dixie Highway was an FDOT road and they would make the decision.

3. Commissioner Robinson said that Dixie Highway had many different names throughout the State and it was time to take a leadership position and recognize that the Confederacy should not be celebrated for trying to destroy the Country. He spoke in favor of an action-type of name such as Liberty Highway.

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

Audrey Locker wrote in favor of renaming Dixie Highway.

Jae Kanella wrote in support of renaming Dixie Highway.

Nicole Morse wrote in support of renaming Dixie Highway.

Wes Blackman wrote in opposition to renaming Dixie Highway.

Sean Oliver wrote in opposition to renaming Dixie Highway.

Noam Brown wrote in favor of renaming Dixie Highway.

Echo Steiner wrote in support of renaming Dixie Highway.

Ruby Bell wrote in opposition to renaming Dixie Highway.

Melodie Malfa wrote in favor of renaming Dixie Highway.

Alistaire Leahy wrote in favor of renaming Dixie Highway.

Jonathan Leahy wrote in support of renaming Dixie Highway.

Evan Leahy wrote in favor of renaming Dixie Highway.

Jaspar Leahy wrote in favor of renaming Dixie Highway.

Lourdes Thomas-Leahy wrote in support of renaming Dixie Highway.

Melissa Winchester wrote in favor of renaming Dixie Highway.

Michael Allison wrote in opposition to renaming Dixie Highway.

Richard Guercio wrote in opposition to renaming Dixie Highway.

Flavia Franco wrote in favor of renaming Dixie Highway.

Siena M. wrote in favor of renaming Dixie Highway.

Suki deJong wrote in support of renaming Dixie Highway.

Annelyn Martinez wrote in favor of renaming Dixie Highway.

KaShamba Miller-Anderson wrote in favor of renaming Dixie Highway.

Penny Darling wrote in favor of renaming Dixie Highway.

Andrea Trainor wrote in favor of renaming Dixie Highway.

Nick Paliughi wrote in favor of renaming Dixie Highway.

Jorge Sigler wrote in support of renaming Dixie Highway (his comment was not read due to submission after the deadline).

4. Commissioner Maxwell said that the initiative was well intentioned and spoke about the wall on Wingfield Street that had been erected to separate the black and white residents. He said that he learned that the Community had to be asked and the wall was still standing as they had not decided. He opined that the renaming was a top down decision and many members of the Community did not support the renaming of Dixie Highway.

Action: Amended Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to take the renaming back to the Community to get their support and then bring it to the PBCBCC.

City Attorney Goddeau explained that there could be discussion on an amended motion.

5. Vice Mayor Amoroso asked if the item would have to go on the ballot.

City Attorney Goddeau stated that the Supervisor of Elections (SOE) would not allow any ballot initiatives until the March 2021 election.

6. Commissioner Hardy opined that the SOE did not have the constitutional right to determine when a City could have initiatives on the ballot. He said that Commissioner Maxwell did not want to vote on certain issues and would prefer to have them put on the ballot and that the issue should be put on the November ballot when turnout was highest.

Mayor Triolo said that a Commissioner should not speak for another Commissioner.

7. Commissioner Maxwell expressed disappointment that Commissioner Hardy was speaking for other Commissioners. He stated that he did not suggest that the issue should be put on ballot, that it should be brought to the Community. He said that Commissioner Hardy had brought divisiveness to the City and was campaigning from the dais.

8. Commissioner Robinson said that the citizens had spoken four to one in favor of renaming Dixie Highway and that leadership was lacking to move forward on various issues. He opined that the wall was an embarrassment.

Mayor Triolo explained that PBSO was going to come in with a fence in that area and the community did not want that.

9. Commissioner Hardy said it had not been determined how discussions with the community would take place nor how decisions would be made.

Mayor Triolo said that just because someone said something was true did not make it true.

Commissioner Hardy stated that African-Americans were afraid to speak up when suffering indignities and had to put up with racial issues.

10. Mayor Triolo said that she had not had an opportunity to speak on the issue. She stated that there were financial ramifications of changing the name and she said if there were grants to help the business community should the name be changed.

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

City Attorney Goddeau explained that the Commissioner Maxwell's motion amended the original motion to add that the Commission would move forward based on engagement with the community.

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

The meeting recessed at 8:30 PM and reconvened at 8:43 PM.

C. (reordered from NB-B) Resolution No. 24-2020 – presenting a request in support of body cameras and the funding thereof to the Palm Beach County Board of County Commissioners

City Attorney Goddeau did not read the resolution.

RESOLUTION 24-2020 OF THE CITY OF LAKE WORTH BEACH URGING THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE FUNDING TO AND COORDINATION WITH THE PALM BEACH COUNTY SHERIFF'S OFFICE FOR THE IMPLEMENTATION AND USE OF BODY WORN CAMERAS.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve Resolution No. 24-2020 presenting a request in support of body cameras and the funding thereof to the Palm Beach County Board of County Commissioners.

Action: Amended Motion by Commissioner Hardy and seconded by Commissioner Robinson to ask the Sheriff to request funds from PBCBCC and commit to funding the cameras from his own budget should the PBCBCC not provide the funding.

Comments/requests summary:

1. Commissioner Robinson stated that the Sheriff's office should fund the body cameras and not get money from the PBCBCC.

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

Ruby Bell wrote in opposition to requesting funding for body worn cameras.

2. Commissioner Maxwell said that resolution should not be clouded by amending the resolution.

3. Commissioner Hardy said that the resolution would not move the issue forward in a meaningful way because the Sheriff would present a budget to the PBCBCC for approval or amendment. He stated that the PBCBCC did not have the authority to tell the Sheriff how to spend the money and he questioned the resolution. He said that the Sheriff had not requested the money and the Commission would have to engage the Sheriff about the issue.

Mayor Triolo reported that other municipalities agreed with a request for body cameras and it would be more powerful for them to work together.

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

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

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

City Manager Bornstein did not provide a report.

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 8:55 PM.

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

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: August 18, 2020

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