

**MINUTES  
CITY OF LAKE WORTH BEACH  
REGULAR MEETING OF THE CITY COMMISSION  
CITY HALL COMMISSION CHAMBER  
THURSDAY, MARCH 25, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

**ROLL CALL:** Present were Mayor Betty Resch; and Commissioners Sarah Malega, Christopher McVoy, Kimberly Stokes and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

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

**PLEDGE OF ALLEGIANCE:** led by Commissioner Sarah Malega.

**AGENDA - Additions/Deletions/Reordering:**

New Business item B, First Amendment to parking enforcement solutions equipment and related services agreement with IPS Group, Inc. and LWBEU Consent Agenda Item 2, Agreement with DataProse, LLC for Utility Bill Printing and Mailing Services, were deleted from the agenda. City Clerk Andrea stated that Presentation C, a Proclamation recognizing Vietnam Veterans Day was added after the additions/deletions were sent out. Consent Item C, Task Order No. 6 with Chen Moore and Associates (CMA) for engineering design services for the District 4 South Palm Park Sea Level Rise Mitigation project, was moved to New Business Item E.

**Action:** Motion made by Commissioner Robinson and seconded by Commissioner McVoy to approve the agenda as amended.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

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

**A. PBC School Board-Digital Wi-Fi**

Mark Howard Chief, Performance Accountability at SDPBC, Adam Miller, Ph.D., Director, SDPBC - Educational Technology, Mike Butler, Director of Network Services at PBC and James Gavrilos, CFRE, President/CEO, Education Foundation of PBC, spoke about the School District of Palm Beach County's (SDPBC) Access for All Digital Inclusion Project whose mission was to grant all students, regardless of zip code, access to reliable internet service in their neighborhoods. Mr. Miller displayed a heat map that showed the number of students impacted and how the Wi-Fi Mesh had been created. Mr. Butler explained how residents had been informed by letters in multiple languages and gave an update on the Mesh Infrastructure in various areas.

Mayor Resch expressed gratitude for the project.

Commissioner Robinson stated that LWB was contributing funds by the donating the pole attachments and asked if the middle and high schools were included.

Mr. Butler responded that the high school had been connected via fiber for several years and the middle school was having the fiber built currently.

Commissioner Stokes asked about the timeline.

Mr. Butler replied that it would take four to six weeks to have the fiber installed; the first areas were being lit for Barton Elementary and would move north from there.

Mr. Gavrilos announced that the new Education Foundation offices would be in the City.

City Manager Bornstein stated that due to the city having its own EU, it participated with attachments on 44 poles, donating the \$64,000 in fees that would normally have been charged.

Mayor Resch thanked the previous commission for their work on the project.

Commissioner McVoy volunteered to do outreach to other communities.

- B. Mayor Resch read the Proclamation declaring April 9, 2021 as The Lord's Place SleepOut Homelessness Awareness Day. Diana Stanley, CEO of The Lord's Place, expressed best wishes for the future with the new commission. She stated that there were programs established in the city with the goal to break the cycle of homelessness.

Commissioner Robinson left the meeting at 6:33 PM and returned at 6:34 PM.

- C. (added) Mayor Resch read the Proclamation declaring March 29, 2021 as Vietnam Veterans Day and said that it had been a difficult time for the country.

Commissioner Robinson acknowledged the sacrifices made by the families and the civilians who had been affected.

### **COMMISSION LIAISON REPORTS AND COMMENTS:**

Commissioner Malega: said that she had attended the Bryant Park and Mango Groves Neighborhood Association meetings via zoom and that Healthier Lake Worth was looking for more participants. She announced that there was space for 56 more artists to contribute to the Unity Wall and the food distribution would become bimonthly in April; she acknowledged Vice Mayor Amoroso for his participation in the food distribution. She reported that State Senator Frankel was looking to fund local projects. She requested that the residents give the commissioners and staff six months to get up to speed and said that she looked forward to serving.

Commissioner McVoy: asked for patience towards the staff and the commission. He stated that many residents had expressed appreciation for the progress on the roads, but that some areas needed more traffic calming. He said that the issue of high utility bills, which combined the water, sewer and electric, had continued from the past and residents were interested in renewable energy. He reported that residents with homes that looked good were complaining that they were being cited rather than those who had unkempt homes.

Commissioner Stokes: said that she had met with staff and was working to get informed; the commissioners would need time to learn about all the issues and departments. She said that she had attended the College Park blood drive which was very successful. She expressed hope that the commission would have a response to the gun violence in Atlanta and asked what the city could do to support those who were affected by racism and other issues.

Commissioner Robinson: congratulated all the commissioners on having been elected by a large turnout of voters. He stated that working with the SDPBC showed what could be accomplished by working together. He expressed hope that the Downtown merchants would be able to participate in the meeting and reported that soccer scholarships would be available for the soccer program. He stated that the pool issue would be addressed and suggested a conservation fund for homes that were not energy efficient. He showed the CRA brochure featuring photographs and descriptions of their recent projects. He wished everyone a Happy Easter and joyous Passover.

Mayor Resch: thanked all of the volunteers who helped get the new commissioners elected and staff for their enthusiasm. She said that she had attended the Bryant Park Neighborhood Association and that the commission would work on the issues that residents had discussed. She stated that the Gulfstream Hotel was moving forward, which was very exciting; she requested that the project use as many local residents as possible. She stated that customer service needed to ramp up to ensure that the phones were answered. She requested that the city hold a celebration of diversity during the winter and that the commissioners visit the schools in their districts.

#### **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**

Tammy Panza thanked the commissioners for taking up a thankless job and suggested that city businesses be listed on the website.

Cliff Kohlmeyer said that something had to be done about the homeless situation.

Todd Townsend requested that the commission not approve the CRA's proposed project next to Toojay's.

Marshall Pass congratulated the commission, urged residents to become involved in their neighborhood associations and said that the NAPC was there to support the commission.

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

Matthew Brennan wrote to ask how the new mayor and commissioners planned to address an uneven code enforcement system.

Deidre Walker-Puryear wrote that the city's elders should stop being targeted.

Audrey Locker wrote to express concern about the excessive fines being charged to seniors living at Palm Beach Mobile Home Park.

Noam Brown wrote in opposition to the targeting of lower income residents by code compliance.

Cara Jennings read her own comment via zoom, congratulating the new commissioners on their historic win and saying that issues such as code enforcement could not wait for six months.

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

Heidi Mehaffey, Esq. on behalf of Holiday II Mobile Home Park, wrote that those residing at Holiday II Mobile Home Park hoped that the new commissioners would stem the unlawful overreach of code enforcement.

Panagioti Tsolkas wrote that the city needed to stop fining the mobile home park residents.

Reinaldo Diaz wrote that the commission should be an active participant in LOSOM (Lake Okeechobee System Operating Manual), the policy that dictated how Lake Okeechobee water was managed.

Mayor Resch asked when the zoning or land use changed at Holiday Mobile Home Park and wanted to examine the issue further.

City Manager Bornstein replied that some of the statements were incorrect and he would provide the information to the commission.

Commissioner Malega stated that there was a program called Neighbors Helping Neighbors that could assist seniors with small code violations.

Commissioner McVoy agreed that the city needed to speak up about Lake Okeechobee. He asked staff for an economic study about the small businesses on Dixie Highway.

**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 Commissioner McVoy and seconded by Commissioner Malega to approve the Consent Agenda.

- A. Resolution No. 09-2021 – FY 2022 Library Services and Technology Act (LSTA) Grant Application
- B. Amendment #1 with AE Engineering for additional professional CEI Services
- C. (moved to New Business E) Task Order No. 6 with Chen Moore and Associates (CMA) for engineering design services for the District 4 South Palm Park Sea Level Rise Mitigation project

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

**PUBLIC HEARINGS:**

There were no Public Hearings on the agenda.

**UNFINISHED BUSINESS:**

There were no Unfinished Business items on the agenda.

**NEW BUSINESS:**

A. Temporary Downtown Sidewalk Cafe Guidelines

Jamie Brown, Public Works Director, explained that the program was brought forward to help the restaurants extend their frontage to comply with social distancing when restaurants re-opened. He stated that there were no restrictions and parking issues had arisen downtown.

City Manager Bornstein stated that the issues were on city streets and asked if the commissioners wanted to continue or change the program.

Comments/requests summary:

1. Commissioner Robinson said that he wanted to hear from the merchants before voting on the issue and that it should be a work session discussion. He expressed concern that Governor DeSantis had relaxed the guidelines and that there was some abuse of the usage.
2. Commissioner Stokes said that more information was needed before deciding and asked if the merchants could be contacted for their input.
3. Commissioner McVoy stated that he needed more information before he could vote and said that there had not been a big outcry about parking.
4. Commissioner Malega expressed concern about the health and safety of the community and supported reining to curb the free for all downtown; how do the merchants come back in compliance with the mandates. She said that a resolution would be necessary to keep the residents safe.
5. Mayor Resch stated that people were congregating closely at bars and expressed concern about restaurants taking all of the parking spaces. She said that staff suggested extending the barricades, which were mandated by law, until May 31. She recommended limiting the parking spaces to two per restaurant and then discuss the issue at the end of May.
6. Commissioner Stokes said that the guidelines should be enforced, including rules regarding noise, but would not be able to take a stance on extending them to cafes.
7. Commissioner Malega stated that if the spaces were set at two per establishment, it would free up 11 parking spaces immediately.

Mayor Resch asked if there were any public comments.

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

Joseph Lipovich, owner of Lilo's Streetfood & Bar, wrote in support of continuing the current parking lot dining program.

Todd Townsend spoke in favor of a one-story parking garage.

Tammy Panza said that sidewalks were important to keep business in the city and suggested a community seating area.

8. Mayor Resch asked staff to reach out to the businesses in the Downtown to ask how they were faring and stated that many restaurants had outside seating.
9. Commissioner Robinson stated that there was a difference in sidewalk depth between the sides of the streets, that some space was excessive and not used.
10. Commissioner Malega said that staff needed to be given direction.

City Manager Bornstein explained that the city was acting under a State of Emergency and if the commission wanted to continue the program, limit the area to two spaces per restaurant or if any other businesses should be included. He said that the program would go away when the State of Emergency was lifted.

11. Commissioner Stokes requested that staff consolidate data from the merchants and have work sessions on more pressing matters.
12. Mayor Resch asked if any parameters had been set.

City Manager Bornstein replied that there had not been any parameters as the city had been trying to assist the restaurants.

Discussion ensued about the necessity for a work session.

Mr. Brown stated that some businesses downtown opposed continuing the program which made it difficult for their establishments.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner McVoy to extend the program until May 31, limiting the area to two parking spots per establishment on the lettered streets and including all establishments that served food and beverages.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

- B. (deleted) First amendment to parking enforcement solutions equipment and related services agreement with IPS Group, Inc.
- C. Agreement with Oracle Elevator for the repairs and upgrades to the PBSO Building elevator

Mr. Brown said that the item was for maintenance of the PBSO offices in a City-owned facility where the main lobby elevator needed a complete upgrade.

City Manager Bornstein explained that the elevator was being funded by the penny sales tax.

Mayor Resch asked if there were any public comments.

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

Cara Jennings said that penny sales tax should fund significant public improvements instead of maintenance needs.

Comments/requests summary:

1. Commissioner Robinson said that maintenance items should be discussed in the upcoming budget and suggested that maintenance items be discussed in contract negotiations.
2. Commissioner McVoy stated that cost sharing should be considered when negotiating the new contracts with PBSO and PBFR and opposed using penny sales tax to fund the elevator.

Mr. Brown replied that multiple repairs had been done and PBSO had done many smaller upgrades to the building, but the burden for larger issues fell to the City.

3. Commissioner Stokes asked about the urgency of the issue.

Mr. Brown replied that the elevator had outlived its usefulness and parts were difficult to obtain for repairs.

4. Mayor Resch said that there had been so much deferred maintenance and ADA guidelines had to be complied with. She asked if there was another fund to pay for the elevator.

City Manager Bornstein responded that there was no other source of funds and the elevator had to be replaced.

Mr. Brown said that the elevator had to be replaced due to the ADA issues.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Robinson to approve the Agreement with Oracle Elevator at a cost not to exceed \$117,182.44.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

- D. Resolution 10-2021 -- to approve the CRA refinance of loans with PNC Bank for property acquisition

City Attorney Torcivia did not read the resolution.

RESOLUTION NO. 10-2021 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AUTHORIZING THE LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ("CRA") TO ISSUE A LOAN IN THE FORM OF A NOTE IN THE AMOUNT OF UP TO \$3,265,000 TO REFINANCE THE OUTSTANDING PRIOR LOANS OF THE LAKE WORTH BEACH COMMUNITY REDEVELOPMENT AGENCY AS

DESCRIBED HEREIN; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS AND AN EFFECTIVE DATE

Joan Oliva, CRA Director, explained that the CRA was refinancing previous loans for purchases at a lower interest rate which would save money and enable the loan to be repaid a year earlier.

Comments/requests summary:

1. Mayor Resch asked for a list of properties that the CRA had purchased.

City Manager Bornstein said that the requested list of properties had been sent to the commission.

2. Commissioner McVoy stated that he did not want to rush into a decision and needed to be convinced why the item should not be tabled for two weeks.

Ms. Oliva replied that the savings at the higher rate would only be \$20,000 versus \$50,000.

Commissioner Malega said that she understood the urgency and that saving \$50,000 was worthy as the money had already been spent.

3. Commissioner Stokes asked for assurance that restructuring the loan would only affect how much money was being paid.

Ms. Oliva responded affirmatively.

4. Commissioner Robinson said that the CRA was less accountable for the citizen's money.

Mayor Resch asked if there were any public comments.

Richard Stowe requested a list of how the properties were purchased.

Greg Richter said that it was fiscally responsible to refinance the loan.

**Action:** Motion made by Commissioner Robinson and seconded by Commissioner Malega to approve Resolution 10-2021 to approve the CRA refinance of loans with PNC Bank for property acquisition.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, Stokes and Robinson. NAYS: Commissioner McVoy.

- E. (moved from Consent Item C) Task Order No. 6 with Chen Moore and Associates (CMA) for engineering design services for the District 4 South Palm Park Sea Level Rise Mitigation project

Brian Shields, Water Utility Director, iterated that the area had experienced severe flooding and Chen Moore had suggested a stormwater pumping station. He said that they were looking for funding from the state for a 50% match and the task order would get the city to



a shovel ready stage.

Commissioner McVoy expressed concern about spending \$600,000 in one area of the city when many residents throughout the city were affected by sea level rise. He asked if the city should wait to determine a more equitable distribution and if it fit within the City's plan.

Mr. Shields responded that there was a list and the project was most needed and did fit within the master plan; Chen Moore was the consultant on the overall study regarding resiliency. He stated that there was a prioritized list.

Mayor Resch announced that it was the time for public comment.

Greg Richter said that there was a sewer line that was affected by the flooding and urged approval of the project.

City Clerk Andrea read the comment submitted by the following:

Cheryl Raskin wrote on behalf of South Palm Park (SPP) that the award of the agreement related to sea level rise mitigation was the first step for relief and offered assistance from its membership.

Comments/requests summary:

1. Commissioner Malega expressed sympathy for the residents in the area and said that action needed to be taken.

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Robinson to approve Task Order No. 6 with Chen Moore and Associates (CMA) for engineering design services for the District 4 South Palm Park Sea Level Rise Mitigation project.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

### **LAKE WORTH BEACH ELECTRIC UTILITY:**

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

**Action:** Motion made by Commissioner Robinson and seconded by Commissioner Stokes to approve the Consent Agenda.

- 1) Task Order No. 4 with Power Engineers, Inc. to complete a feasibility study and conceptual design for the Intercoastal Waterway underground distribution line
- 2) (deleted) Agreement with DataProse, LLC for Utility Bill Printing and Mailing Services
- 3) Resolution 06-2021 and Local Funding Agreement with the Florida Department of Transportation for Signalization & Street Lighting Improvements along Dixie Highway between Lake Avenue and Lucerne Avenue

**Vote:**

Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

**NEW BUSINESS:**

- 1) Task Order No.3 with Power Engineers, Inc., to provide engineering design and construction services for the new 138kV Canal Switchyard

Ed Liberty, LWBEU Director, stated that all three new business items were part of the system hardening and reliability program, the projects were put together by staff and reported on by Stantec as part of the bond financing. He said that the projects were well vetted and were in the public domain. He stated that the switchyard was for a second tie-line to the City, which had outgrown its one tie-line that was insufficient to support the needs of the City. He explained that the city had reached an agreement with FPL to build the tie-line, with the city paying to build the facilities to accept the tie-line; the agreement saved the city \$15 million in costs. He said that the commission was being asked to approve the construction of the station.

Comments/requests summary:

1. Commissioner McVoy said that he would not be comfortable voting on the issues that evening.
2. Mayor Resch asked if FPL stopped at the box.

Mr. Liberty replied that FPL would own everything up to the box and the city would own the box; the city already owned the original tie line. He said that the second tie-line would provide a loop so that there would not be any outages.

3. Commissioner McVoy asked if the million was for both the engineering and construction and what the cost would be for the construction

Mr. Liberty replied that the money was for the engineering and design, plus design oversight, and the cost for construction would be eight million dollars raised through the bond sale; the money could only be used for the construction.

Commissioner McVoy asked for clarification about why the ground system was not included.

Mr. Liberty replied that the construction would be done by another company and that the grounding was already in place. He said that lightning protection would be done and was part of the static system which would be designed separately.

Mayor Resch asked if there were any public comments.

City Clerk Andrea stated that there were no public comments.

**Action:**

Motion made by Commissioner Robinson and seconded by Commissioner Malega to approve Task Order No. 3 to Power Engineers, Inc., to complete the engineering design and construction package for the new 138kV Canal Switchyard not to exceed \$1,138,439.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

- 2) Work Order No. 7 with The L.E. Myers Co. for 7th Avenue North Circuits Storm Hardening & Voltage Conversion construction services

Mr. Liberty said that the station had a single transformer with the poorest ranked circuits in the City. He said that there was a lot of stress on the system due to the age of the equipment and the work order was to rebuild the station, replace the poles and increase the voltage in the area.

Comments/requests summary:

1. Mayor Resch asked if there would be any interruptions to service.

Mr. Liberty replied that there would be interruptions when the system was converted with notice given to the customers.

2. Commissioner Malega asked if the work could be completed by city staff.

Mr. Liberty replied that the city only had one or two crews available, which would not be adequate to complete the work nor did the city not have the equipment.

Mayor Resch asked if there were any public comments.

City Clerk Andrea stated that there were no public comments.

**Action:** Motion made by Commissioner Robinson and seconded by Commissioner Stokes to approve Work Order No. 7 with The L.E. Myers Co. to complete 7th Ave N substation circuits 0702, 0703, 0704 storm hardening and voltage conversion in the amount not to exceed \$3,576,775.09.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

- 3) Work Order No. 8 with The L.E. Myers Co. for 4DR01 Circuit Storm Hardening & Voltage Conversion construction services

Mr. Liberty stated that the conversion was for Palm Beach State College and would cause no power outages at the college. He said that the intent was for the campus to expand.

**Action:** Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Work Order No. 8 with The L.E. Myers Co. for 4DR01 Circuit Storm Hardening & Voltage Conversion construction services.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

**CITY ATTORNEY'S REPORT:**

City Attorney Torcivia requested a 45-minute attorney-client session regarding pending litigation in the case of the city versus FEMA on April 6, 2021 at 5:00 PM.

**CITY MANAGER'S REPORT:**

City Manager Bornstein provided the following report:

- Thanked the commission for their comments regarding pacing themselves and the organization;
- Stated that the new commissioners had received volumes of information and would have to undergo multiple trainings as well as keeping abreast of the legislative session and the budget process;
- Said that he would work with the commissioners to develop a work session schedule to discuss various issues; the pace would be accelerated since the run-off election was over;
- Asked that the commission be patient with staff as they worked to get all the information to them, including the PBSO contract if the intention was to negotiate;
- Opined that the meeting was very productive, but it would take time to get where the commission wanted to go;
- Reported that the city was working with PBC and FoundCare to administer the Johnson & Johnson vaccine via walk-up/drive-through components; he expressed pride in staff for being responsive to people's needs during the pandemic.

City Attorney Torcivia stated that each commissioner had been provided with information about the Sunshine Law and expressed the intent in having a presentation about the Sunshine Law; the commissioners could talk or text with each other about anything other than LWB business.

Mayor Resch asked about the all-day training. City Manager Bornstein answered that he would get the information from the League of Cities regarding training for newly elected officials.

**ADJOURNMENT:**

**Action:** Motion made by Commissioner Malega and seconded by Commissioner Stokes to adjourn the meeting at 9:37 PM.

**Vote:** Voice vote showed: AYES: Mayor Resch and Commissioners Malega, McVoy, Stokes and Robinson. NAYS: None.

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Betty Resch, Mayor

ATTEST:

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Deborah M. Andrea, CMC, City Clerk

Minutes Approved: April 20, 2021