

**MINUTES
CITY OF LAKE WORTH BEACH
CITY COMMISSION WORK SESSION
CITY HALL COMMISSION CHAMBER
THURSDAY, MAY 6, 2021 - 4:30 PM**

The meeting was called to order by Mayor Resch on the above date at 4:45 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; Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

UPDATES / FUTURE ACTION / DIRECTION

A. Discuss Commission Rules and Procedures

City Attorney Goddeau explained that the commission had the history of all of the resolutions related to the commission rules and procedures. She said that the intention was to discuss the rules and if changes were desired, a resolution would be brought back to the commission. She proceeded to go over each rule, beginning with rule one and brought up some issues that had arisen in the past. She pointed out that there was a rule regarding items being moved to a work session if they were discussed for more than 30 minutes and said that the commission could waive the rule by majority vote.

Vice Mayor Robinson asked if there would be a work session about rules and procedures after every election and how the current one had been scheduled. He opined that there should be work sessions about more pressing issues.

Commissioner Malega said that the commission had newly elected officials who needed to know what the rules were.

Mayor Resch said that it seemed that subsection three could stand. She asked if the district public forums in subsection four had taken place.

City Manager Bornstein replied that the resolution stated “may” not “shall” and the forums took place haphazardly.

Mayor Resch stated that the forums should take place and begin after the budget process starting with District 1 then rotating.

City Attorney Goddeau stated that rule three should be amended to extraordinary circumstances without listing them and allow for two members to zoom in as long as there was a physical quorum.

Mayor Resch suggested adding physically before absent.

City Attorney Goddeau pointed out that at times the Chair would give the gavel to the Vice

Chair in order to make or second a motion. She continued with rule five stating that the order could be revised by a majority vote.

Commissioner McVoy asked if there would be a way to alert participants via zoom that their item was up next.

City Manager Bornstein recommended investigating the issue and then bringing it back.

Commissioner Malega opined moving staff items earlier in the agenda so they could go home.

City Manager Bornstein said that the agenda items could be ordered with staff in mind.

Commissioner Stokes inquired if quasi-judicial hearings could be heard earlier.

City Attorney Goddeau said that quickest items could be heard first under New Business. She mentioned that many cities were discussing proclamations, deciding that only those proclamations where someone would be present would be read, the others would be under consent.

Commissioner McVoy asked if an agenda item could indicate who put it on there along with their contact information.

Mayor Resch stated that items from a commissioner would be indicated, not from staff.

Commissioner Stokes asked how proclamations were brought forward.

City Manager Bornstein said that there were particular proclamations at certain times of the year or others would be requested by the commission.

City Attorney Goddeau said that presentations were traditionally 10 minutes but could be extended at the discretion of the Chair.

Commissioner Malega opined that presentations should be capped at 10 minutes with one or two questions per commissioner.

Commissioner Stokes said that giving an extra minute or two would be fine.

Discussion ensued regarding a time clock and how to notify that time was almost up. City Clerk Andrea said that she would speak to IT about the issue.

City Attorney Goddeau suggested that commissioners bring items as discussions on the agenda which would proceed if there was consensus to do so.

Mayor Resch stated that if the public brought forth an issue, the commission could direct staff to get information to the person.

City Attorney Goddeau explained that the public could speak for three minutes during public participation but two minutes on each agenda item. She said that once a motion was made, each commissioner was supposed to get two bites of the apple during the discussion, but in the past, this was abused. She suggested that the commission should hold to two

minutes when making the discussion.

Mayor Resch stated that she preferred to have discussion before a motion was made.

Commissioner Stokes said that sometimes she did not the chance to speak before a motion was made.

Mayor Resch suggested have each commissioner speak for two minutes before making the motion.

Vice Mayor Robinson said that he hoped everyone could accept new ideas and there should not be a limit on bites at the apple.

Commissioner Malega stated that there should be questions during agenda review.

Commissioner McVoy said that questions should be asked in public for transparency.

Mayor Resch said that the public should look at the backup online and question their commissioners before the meeting.

Commissioner McVoy iterated that sometimes the backup online was different from what was handed out at the meeting and there should be a rule about when it could be changed.

Mayor Resch said that the deadline for adding something to the agenda was 11 days before the meeting.

Discussion ensued regarding having public comment if issues were raised during the meeting that were not on the agenda.

City Attorney Goddeau said that if there was consensus, the item would come back on an agenda for official action, but there could not be official action if the public did not know that the item was being discussed.

Commissioner Malega recommended that any information that was provided after the meeting should be available on the website.

Commissioner Stokes stated that there should be enough backup about an agenda item for the public to know if they were interested in the item.

City Attorney Goddeau continued through the rules. She spoke about the two types of minutes that were done by the Clerk's office, action Minutes and summary.

Commissioner Malega suggested changing the timing of receiving the minutes in rule nine to five days prior to the next meeting.

City Attorney Goddeau went through rules 10-12, speaking about the deadline for submitting items. She said that there was nothing to specify what was included in an item added by a commissioner. She stated that items should only be added to an agenda after the deadline if it was an emergency. She iterated that if a commissioner submitted an item it would be added to the agenda.

Discussion ensued about rule 13 regarding using technology during the meetings.

Consensus was that as long as the commission did not contact each other, it would not be a problem as long as it was not abused.

City Attorney Goddeau stated that rule 13 could be stricken and the other rules renumbered.

City Manager Bornstein suggested that all those making public comments should direct them only to the Chair.

Mayor Resch opined that the public should speak to their commissioner after the meeting about an issue.

City Attorney Goddeau said that she would remove the language in rule 14, section b about referencing the rules of decorum. She mentioned that sometimes the meeting after a holiday would be canceled.

Commissioner Malega asked for clarification about invocations.

City Clerk Andrea stated that there had been an issue about invocations at the time when guest speakers could request to speak.

City Attorney Goddeau said that it was changed to the commissioners giving the invocation or inviting a guest occasionally, but the public could not give an invocation.

Commissioner Stokes stated that religion was a touchy subject and the public might be uncomfortable with religious invocations.

Mayor Resch said that there could be a moment of silence.

City Attorney Goddeau said that the commission should decide if they wanted a formal process regarding having a meeting after a holiday.

City Manager Bornstein said that the practice was to set meetings according to work flow, but with the new commission, staff had been setting up the meetings.

Commissioner Malega said that the CRA meeting next Tuesday night conflicted with the next commission meeting and asked how it could be changed.

City Manager Bornstein stated that there would be a better job of avoiding conflict going forward.

Vice Mayor Robinson asked if there could be a work session on vacation rentals.

City Manager Bornstein said that the work sessions were set up to get the commission ready for the budget process. He stated that vacation rentals were important, but appeals had to be done by a certain date. He reported that the legal vehicle for the Letter of Understanding (LOU) with the Gulfstream would be based on the outcome of the conversation with the commission at the May 25 meeting; there would be a meeting with the Gills the next day to go over what each commissioner had discussed. He stated that the project would not have to proceed if either side was not happy with it and he intended one-

on-one conversations about the meeting with each commission; an additional work session could be scheduled before the May 25 meeting.

Commissioner Malega questioned why the previous commission did not sign the LOU and had left it for the current commission to deal with.

Discussion ensued regarding being in an awkward situation regarding the LOU and the timeline involved.

City Manager Bornstein explained that the Gulfstream Hotel project would have proceeded earlier if not for the pandemic.

City Attorney Goddeau stated that the LOU was non-binding and the letter was for the developers to secure financing.

City Manager Bornstein stated that the conversation was being heard in St. Louis and the developers were the first that the residents liked. He cautioned the commission not to drop the ball because their feelings were hurt because the project was very important to the city. He said that it was not ideal and he would be bringing each commissioner's concerns to the meeting tomorrow.

Consensus was to have a work session on May 11 at 4 PM before the special meeting.

City Attorney Goddeau asked if the commission was good with setting work sessions as needed and having a discussion item on the agenda regarding upcoming meetings.

Consensus was to have future meetings listed on the agendas as a discussion item.

B. Board Appointment Process

City Attorney Goddeau gave the history of board appointments in the past, which had been quite a lengthy process, and explained the change to the current process where each commissioner got appointments to the various boards. She said that the current process could be changed if the commission so chose.

Commissioner Malega said that she had worked on board appointments while she was campaigning and that the sitting commissioners could appoint new members even if the term was not up. She reported that she contacted all of her appointees to see if they wanted to continue to serve and those who did not respond were replaced.

City Attorney Goddeau explained that the commissioners were notified when a board had an opening and a commissioner would have to publicly state if they removed a board member before their term was up.

Mayor Resch expressed caution about removing board members and asked City Attorney Goddeau to research the property right issue.

Vice Mayor Robinson stated that the intent was to take the politics out of appointments and should reflect the entire commission, not just one commissioner.

Commissioner McVoy stated that he was on the commission when the previous process

was in place and opined that interest in the boards decreased when the process changed. He said that those up for appointments got to meet all of the commissioners and built a stronger relationship with the community. He spoke in favor of returning to a process similar to what was done previously.

Mayor Resch said that when a new State's Attorney was elected, all employees had to submit letters of resignation.

Commissioner Malega announced that she had gone through all of the applications from the past 18 months and her appointments were not political. She disagreed with requiring all board members to resign and that having appointments only once a year was not a good idea.

Commissioner Stokes asked why the board terms were so random and not aligned with the city elections. She said that some boards had a lot of sway with what happened in a city and the voters stated that they were not happy with the development coming to the city. She expressed concern about all of the commissioners having to vote on a candidate if the commission was split.

Commissioner McVoy stated that the commission was divided when he was on it, but it was not a problem. He said that there was not a problem in asking board members to resign and to revisit the boards.

Commissioner Malega asked if the CRA was considered an advisory board. She stated that a business advocacy board would be important to the city and asked for the support of the commission.

City Attorney Goddeau said that the appointment process was different for the CRA.

Mayor Resch said that she would not oppose having all of the board members resign, but it did not seem a popular choice. She asked how the process could be changed practically and suggested that the commissioners bring forward their candidates and everyone would vote on it.

Commissioner McVoy asked the commissioners to determine which process was a better way to appoint board members.

City Attorney Goddeau stated that she would research the property rights issue regarding the boards.

Commissioner Malega suggested having the appointments under New Business rather than on the Consent Agenda.

Commissioner McVoy said that discussing an appointment as a commission was very different than voting to approve one commissioner's appointment.

Vice Mayor Robinson said that there was a sequence to the appointments and recognition should come from the whole commission.

Commissioner Stokes asked when a transition to a new process would take place because it would go from her appointees to the commission's appointees.

Commissioner McVoy opined that those board members who were interested in continuing to serve would apply and that it was not as democratic a process currently.

Commissioner Stokes expressed concern about doing all of the boards at once and inquired what would happen if she had two great candidates but they were not chosen in a field of many candidates.

Mayor Resch said that there were some board members who needed to be changed out.

City Attorney Goddeau asked if there was consensus to return to the former policy or continue with the current one.

Commissioner Stokes suggested keeping the current process until the new commissioners made their appointments and then to move to the new process as openings occurred. She said that many appointees aligned with the commission's vision.

Mayor Resch summarized that the current policy would be in force until January 1, 2022 when any openings would be decided by the entire commission.

Commissioner Stokes suggested that the charter review committee could be decided democratically.

Vice Mayor Robinson said that the two appointees for the charter review committee would be asked to resign and reapply.

City Attorney Goddeau stated that there was an ordinance regarding how members were appointed and a revised resolution could be brought forward to change the process for the charter review committee. She said that she would come up with a revised resolution for the May 18 meeting and then a meeting date could be determined to pick the appointees.

Commissioner Malega suggested a day other than Saturday to be mindful of staff who had been working extremely hard since the pandemic.

Discussion ensued regarding a potential date for a special meeting. Consensus was to have the meeting at 4 PM on May 25.

ADJOURNMENT:

The meeting adjourned at 8:20 PM.

Betty Resch, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: May 18, 2021