

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, MAY 5, 2020 - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:05 PM by teleconference in Lake Worth Beach, Florida.

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

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

PLEDGE OF ALLEGIANCE: led by Commissioner Scott Maxwell.

AGENDA - Additions/Deletions/Reordering:

Request to move Consent Items I, J and K to New Business C, D and E and New Business Item A to be moved to the next Commission meeting.

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

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

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

A. Quarterly update by PBSO given by Captain Todd Baer

Capt. Baer spoke about the 2019 Uniform Crime Report, the plan to address crime, overdose cases within the City and a COVID-19 Update. He expressed disappointment that crime was up for 2019 following three years of decline; street robberies and aggravated assault contributed to the increase but there was a decrease in burglaries. He said that the City was hampered by the low Census numbers from 2010 and urged residents to complete the 2020 Census. He reported that the plan would be to focus on crime and quality of life, applying for grants and working with SAO and USA. He stated that the overdoses were trending downward and there had been no recent complaints regarding sober homes. He said that all leave time had been canceled so PBSO was fully operational to deal with COVID-19; mental health and domestic violence calls were up. He reported that no deputies in the City had tested positively.

Commissioner Robinson asked about domestic violence statistics and about COVID-19 calls.

Capt. Baer replied that domestic violence was up throughout the country. He said that they were keeping track of possible COVID-19 calls and the deputies had plenty of PPE.

Vice Mayor Amoroso thanked PBSO for helping with the weekly food distribution. He asked if the issues arising from the pandemic were being tracked separately. He said that he would give some census flyers to PBSO for distribution.

Capt. Baer said that domestic numbers were up.

Commissioner Maxwell commended PBSO for doing a stellar job.

Capt. Baer said that morale was high.

Mayor Triolo expressed her appreciation for the excellent work by PBSO.

COMMISSION LIAISON REPORTS AND COMMENTS:

Commissioner Robinson: said that it was important for staff to return calls within 24 hours. He congratulated the graduates of Lake Worth High School and said that the five nursing homes in the City were doing well. He wished everyone a Happy Cinco di Mayo.

Commissioner Maxwell: thanked people in the City for helping their neighbors and the community. He asked if something special could be planned for the graduates when the pandemic was over.

Commissioner Hardy: stated that the pandemic was an International tragedy affecting many people who were suffering. He said that there was a conversation about re-opening that took a turn into opening without regard for loss of life; he asked people to be patient and consider what was at stake. He asked that City Attorney Goddeau look at Roberts Rules and the Commission Rules and Procedures regarding removing items from the Consent Agenda. He requested funding public Wi-Fi in the poorest parts of the community because the families did not have the resources to allow their children to learn online. He said that local government zoning decisions had exacerbated health and other disparities in health and after the pandemic, those decisions should be reversed.

Vice Mayor Amoroso: said that he had attended many Zoom meetings for the PB League of Cities and local officials. He stated that they were working on problems like adding hotspots around the City and filling in the gaps with laptops for those without computers. He reported that approximately 700 people were being feed weekly.

Mayor Triolo: reported that she was working on getting mobile testing units in the City. She said that the schools had reached out to express their needs and discuss the feeding programs. She stated that the Pension Board had met and the account was down and she would be tracking the numbers closely. She gave a shout out to Patrick Livingston who was feeding people daily at the south end of town. She thanked Commissioner Maxwell for getting hand sanitizer and supplies to people. She announced that she would be doing a weekly video update and urged residents to maintain social distancing, wash their hands and stay safe.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

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

Bonnie Bergstein wrote to inquire why the fuel charge was so high on her utility bill.

Tammy Pansa wrote to request that Consent Items I, J and K be pulled for discussion and in opposition to the City spending money to buy properties and then give or transfer them to the CRA.

Don Rosenshine wrote to suggest having gift certificates to be purchased from small businesses for redemption in the fall or winter.

APPROVAL OF MINUTES:

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

- A. Regular Meeting - April 9, 2020
- B. Regular Meeting - April 21, 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 Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the Consent Agenda.

- A. Resolution No. 14-2020 – authorizing the submission of an application to the Bureau of Justice Assistance for funding under the Coronavirus Emergency Supplemental Funding program
- B. Resolution No. 15-2020 – Amendment 001 to Interlocal Cooperation Agreement with Palm Beach County
- C. Contracts for the supply of Bulk Fuel, Gasoline, and Diesel for Public Works
- D. Task Order #13 with Baxter Woodman for the Construction Engineering Inspections Services for the Year 4, District 2 Neighborhood Road Program project
- E. Resolution No. 16-2020 – documenting the levy of municipal special assessment liens for unpaid boarding and securing charges
- F. Resolution No. 17-2020 – documenting the levy of municipal special assessment liens for unpaid demolition charges
- G. Resolution No. 18-2020 – documenting the levy of municipal special assessment liens for unpaid lot clearing charges
- H. Proclamation declaring April 2020 as Water Conservation Month
- I. Consideration of a Purchase and Sale Agreement with the CRA for properties located at 1602 Lake Avenue and 15 North B Street
- J. Consideration of an Agreement for Purchase and Sale of Real Property with 7 North B, LLC for property located at 7 North B Street in Lake Worth Beach
- K. Assignment to the CRA of the Agreement for Purchase and Sale of Real Property with 7 North B, LLC for property located at 7 North B Street in Lake Worth Beach

- L. Consideration of settlement with Brenda Marie Velez-Martinez in the amount of \$65,000 (inclusive of attorney's fees)
- M. Amendment 1 to Task Order No. 5 with Craig A. Smith & Associates, Inc. for additional engineering design services for Lake Osborne Estates Water Main Replacement Project – Phase 1

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

PUBLIC HEARINGS:

There were no Public Hearing items on the agenda.

UNFINISHED BUSINESS:

There were no Unfinished Business items on the agenda.

NEW BUSINESS:

- A. Consideration of a vote to utilize the Snook Islands docks brought forward by Commissioner Robinson

Commissioner Robinson stated that the item did not express his intent properly and requested that it be heard at the next meeting. He said that there should be a step towards seeing if the docks could be profitable. He proposed having an RFP to determine out if there were interest in maintaining the docks.

Comments/requests summary:

Vice Mayor Amoroso asked City Manager Bornstein for clarification regarding the docks; he said that letters from FIND and the County indicated that the docks had to be opened to all of the public as the City was only renting the docks.

City Manager Bornstein explained that FIND and the County were not interested in having a commercial enterprise at the docks. He said that there had been a lot of time spent on the issue and with only six spaces, it would not make money.

Vice Mayor Amoroso stated that the docks should be policed to ensure they were not used for storage.

Commissioner Hardy thanked Commissioner Robinson for bringing the item forward. He stated that the City did not need to ask FIND or the County for permission. He requested that the Commissioners keep an open mind when the issue came back as the City needed to take advantage of its underperforming assets.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to postpone of the item until the next regular meeting.

Mayor Triolo opined that boaters would not want to dock with no security. She said that the Sailing Club could use the docks and offer sailing lessons. She explained that she was told that the City could not manage the docks unless it repaid the grant and that with the ongoing pandemic; this was not the time to address the issue.

Commissioner Maxwell said that there were too many obstacles.

Action: Motion to call the question by Commissioner Maxwell and seconded by Vice Mayor Amoroso.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell. NAYS: Commissioners Hardy and Robinson. Motion failed due to the lack of a super majority.

Mayor Triolo said that there had never been a problem with the rules before and now some Commissioners wanted different rules depending on their positions.

Commissioner Robinson said that the docks were being kept empty and that there should be consideration of a method of use for the docks.

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

- B. Discussion to ascertain Commission direction on how to address the impacts of the COVID-19 pandemic as it relates to the businesses who lease facilities from the City at the Beach/Casino and Golf Course

City Manager Bornstein said that his intent would be to bring a finished item back at the next meeting for a vote. He iterated that there had been a discussion at the last meeting regarding the City's tenants including options from which to choose. He explained the caveats with each option; effective period of impact, what the payments would be, had the business applied for and/or received money from the government, had the business been operational, excluding any businesses that were selling its leases or declaring bankruptcy, tourist season, interest calculated and added into the payment. He named the options:

1. Complete deferment: to be paid back over one season from December 1 to April 1;
2. Abatement and deferment: a 25% abatement with a 75% deferment: to be paid back over five months beginning the month after complete reopening;
3. Businesses completely shut down: a 50% abatement with a 50% deferment: to be paid back during season, from December 1 to April 1.

He said that staff sought guidance from the Commission.

Comments/requests summary:

Commissioner Hardy stated that the lessees' financial positions should be examined to see if they needed the money and could repay it. He said that the City should be the last resort; the tenants should seek private equity first. He stated that the interest rate and compounding period would have to be determined and that the program should be on a case by case basis.

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

Barry Freedman, owner of the LWB Tee Shirt Company, wrote asking for leniency with his rent payments as his store had been closed since March and he had no income.

Rafi and Maria Kilwins wrote to request forgiveness of their rent for April, May and June 2020 and lowering the rent after June until things went back to normal.

Anthony Vultaggio, owner of Mamma Mia's on the Beach, wrote in favor of the "alternative option" but hoped for a 75 percent abatement for May and June with no deferral and an abatement and deferral if the situation did not go back to normal.

Vice Mayor Amoroso spoke in favor of deferment and in opposition to getting the businesses' financials because they had a line of credit with the City. He said that his main concern was to get people back to work. He stated that each business was unique and that the receipt of the PPP money should not disqualify them from getting an abatement or deferral from the City; the program should be consistent and the tenants should be able to discuss their needs with the City.

Commissioner Hardy opined that local government should not be involved in commercial real estate. He said that it would be problematic to use City resources for private entities without verifying their financial positions. He stated that there should be flexibility with the payback periods and the City should work with the businesses. He spoke in favor of deferment not abatement. He requested a report from staff regarding how much revenue was lost from parking at the beach.

Mayor Triolo asked if each Commissioner met by phone with the City Manager on a weekly basis and suggested that each do so before the meeting and request that the appropriate staff to answer questions. She said that there should be discussions with the business owners and that there should be agenda items to deal with the pandemic's effect on the City.

Commissioner Hardy stated that any information discussed with the City Manager be made available to the public.

Commissioner Robinson asked if Bruce Miller, Financial Services Director, had any input into the decision. He stated that the season period should be extended and that deferment would be better than abatement. He said that he would not need to see financial positions but would need to see what loans had been applied for. He stated that it would be difficult to be consistent when all the businesses were different.

Commissioner Maxwell said that one size did not fit all; two businesses were part of a chain. He stated that he preferred deferment to abatement. He asked if the businesses had loss insurance. He opined that it would be easier to get capital from a bank than from the City, which would have a shorter repayment period. He expressed the importance of knowing the businesses' financial situations. He asked what the financial impact would be at the beach and the golf course.

Vice Mayor Amoroso explained that consistent meant that what one did for one, one did for the others. He asked if there were letters of credit or financials.

City Attorney Goddeau replied that each business was different; some had letters of credit while others did not require a security deposit. She said that the legal department did not review financials and that Mr. Miller would need to determine who would be able to look over the financials. She stated that the March rent had been paid, but no one had paid rent for April.

Commissioner Maxwell said that using a security deposit for payment should be considered. He expressed concern about leases being granted without financial due diligence and that each lease was different and would be case by case.

Mayor Triolo opined that the City should not be in the commercial business. She said that she would need to see the numbers regarding the financial impact to the City and if the businesses had applied for and received money from the government.

Commissioner Hardy asked City Attorney Goddeau about closed sessions.

City Attorney Goddeau replied that closed sessions were allowed for specific exemptions such as litigation and union negotiations. She said that she was not aware of a closed session being allowed concerning negotiations with the tenants. She suggested having one on one meetings.

City Manager Bornstein thanked the Commission for their comments. He stated that Mamma Mia's had paid their April rent but approximately \$70,000 in lease revenue and \$250,000 in parking revenue and fines was lost in April. He said that there was enough direction to go to the next level of discussions.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

City Manager Bornstein provided the following report:

- The Board of County Commissioners (PBCBCC) voted to send a letter to the Governor urging a move towards Phase 1 for PBC like the rest of the state
- There would be PBCBCC meeting that week to discuss beach re-opening
- Some of the highest rates of infection were in central PBC, but there was hardly any testing
- Asked for consensus for the Mayor to join with the Mayors of Palm Springs and Greenacres to sign a letter to the PBCBCC to urge them to provide more testing

Commissioner Hardy stated that the County did not have a 14-day decrease in cases and should not be going into Phase 1. He asked what the City would do if the County moved too fast since the City did not have any orders in place. He sought a commitment that LWB would not participate without direction from the Commission and requested an order mirroring the County that would be in place if the County ended theirs.

City Manager Bornstein said that there had been consistency across the County, but there was some dissension from some Commissioners. He stated that he would seek direction after the County made a decision. He said that staff had been working on a re-opening plan and had anticipated another few weeks before anything re-opened.

Mayor Triolo suggested that there be a discussion at the next meeting or at an emergency meeting.

ADJOURNMENT:

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to adjourn the meeting at 8:25 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: May 19, 2020

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