

**CITY OF LONG BEACH
MINUTES OF THE REGULAR MEETING
OF THE COMMON COUNCIL
HELD JULY 21ST, 2020**

A regular meeting of the City Council of the City of Long Beach was held on Tuesday, July 21st, 2020.

Present were Council President Bendo and Council Members Delury, Mandel, McInnis and Treston.

Corporation Counsel Simone Freeman and City Manager Donna Gayden were also present.

Because of the COVID-19 pandemic, public attendance was suspended for this meeting. The following notice was posted prior to the meeting:

In light of current health concerns and as per Gov. Cuomo's Executive Order 202.1 we are making the following changes for this Council Meeting:

- **Public attendance for this meeting will be suspended.** A live Stream of the meeting will be available on our YouTube channel. Please visit longbeachny.gov/councilmeetings for the link to our YouTube channel.
- If you have any questions about any of the agenda items, please email them in advance to info@longbeachny.gov with CITY COUNCIL MEETING QUESTION in the subject line.
- Since there will be no public attendance for this meeting, there will not be any good and welfare during this meeting. If you have a concern, please email it to info@longbeachny.gov, or call (516) 431-1000

Council Member Delury made a motion to add items number 6 titled "Resolution Amending the City's Agreement for the Construction of an Office of Emergency Management and to Amend the Budget" and item 7 titled "Resolution Authorizing the City Manager to Renew the City's Agreements for Disaster Management Response and Recovery Consulting Services" to the agenda, seconded by Mr. Mandel. The motion was passed unanimously.

The City Manager proceeded to give her report.

City Manager Donna M. Gayden proceeded to give her city update report. She informed the audience that the city had been busy working on policies and procedures regarding the beach and the boardwalk. Ms. Gayden then introduced Acting Police Commissioner Philip Ragona to give an update.

Acting Commissioner Ragona spoke about some changes and modifications that would be taking place. He noted that the beaches were reaching capacity quickly and it resulted in having to turn away our residents from entering the beach and the fact that it was becoming a safety issue. Commissioner Ragona continued to speak about the incidences that had occurred on the beach and boardwalk and the unsafe situations they are causing. He informed the audience of the new beach and boardwalk hours and the new patrolling schedule that will be taking place. Commissioner Ragona also informed the audience that the "foundation block lot" will no longer be available for public parking and signage was being prepared to inform the public.

Councilmember Treston thanked Commissioner Ragona for taking over the Police Commissioner position and for his hard work that was displayed over the past weekend.

Police Commissioner Ragona expressed his appreciation and thanked the council for the opportunity.

City Manager, Donna M. Gayden introduced Mr. Joseph Brand, Parks and Recreation Commissioner to give his update.

Mr. Brand began with an update on the Recreation Department. He discussed some of the activities that will begin and announced that the municipal pool would be opening on August 3rd. He also noted that the sprinkler parks hours would be extended due to the oppressive heat. Mr. Brand also thanked Patti Bourne for securing the community and economic development funding that is specifically earmarked for senior programming. He continued to discuss the situation of shutting down the beach park due to the overcrowding and unfortunate weekend occurrence. Mr. Brand gave a detailed description of the new procedure on purchasing beach passes by non-residents and the restrictions. He also announced that the showers will be turned on at the beaches within the next week. Mr. Brand ended with reading an email he received commending the Lifeguards for the rescues made over the weekend.

Acting Police Commissioner Ragona added that the city would be doing “beach sweeps” in an effort to ensure that every person who is on the beach is in possession of a beach pass. He continued to explain how summonses will be issued to those who do not have a pass while on the beach.

City Manager Gayden also added that everyone has been working hard and that due to the overwhelming amount of lifesaving that has occurred, she wants to ensure that the staff is able to get the crisis support they might need if and when necessary. She noted that the County does provide a crisis team, but felt that having a crisis team right here in Long Beach would allow for a much quicker and attainable outreach time.

Councilmember Delury shared his thoughts on the weekend occurrence and expressed his support for the new beach and boardwalk hours.

President Bendo also shared an incident that took place and what type of situations the City’s first responders are dealing with and how it is necessary to bring back some order to the City.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Meeting of July 8, 2020.

#2 – Resolution Adopting the City Fund Balance Policy

City Comptroller Inna Reznik explained that it is the goal of the administration to create a fiscal policy manual that would contain all the financial policies of the City. She added that they would be working with the financial consultants (CMA) for guidance on best practices and suggestions.

Vice President McInnis thanked Ms. Reznik for putting the policy manual together. She also asked if these policies could be put up on the website.

City Manager Gayden responded that once all the policies were updated and voted on they would be put up on the website.

Vice President McInnis spoke about the unassigned fund balance portion and asked that Ms. Reznik be sure the council follows that policy to help build up that balance. She also asked that the review of the fund balance take place at a January or July meeting in order to have some impact on making sure that the city does build it up again.

Ms. Reznik responded that she would make sure that it would be on the calendar for next July along with any other policies that might be implemented at that time and might need an annual review.

Councilmember Delury thanked Ms. Reznik for her hard work and asked if this particular policy would apply to all of the funds in the city, i.e., general, water and sewer.

Ms. Reznik replied that it would. She added that this policy would apply to all operating funds.

President Bendo noted that this was a step to help get things running more smoothly and in a transparent manner. He also asked if there were any questions on this item from the public.

Mr. John McNally, Executive Assistant to the City Manager noted that there was a question on this item from Roy Lester and proceeded to read it.

Mr. Lester asked: On item number two, you're adopting a city fund balance policy with no numbers, no historical perspective, no percentages other than having to do with the unassigned fund balance and basically a complete lack of transparency with regard to the amounts in these funds now and historically, and how they relate to our budget. Prior to voting, I think it is necessary that those numbers be disclosed to the public.

Mr. McNally noted that he reached out to Ms. Reznik with this question earlier and her response was:

With regard to adopting a fund balance with no numbers, the policy that is being discussed tonight recommends a level of an unassigned fund balance of 5% of the normal prior year expenditures made from its general, water and sewer funds. The number is obviously going to change from year to year, based on the change of the prior year expenditures made from those funds. However, the policy will remain applicable and universal from year to year since it is expressed as a percentage. It is really five percent of the prior year's expenditure.

With respect to no historical perspective, this is a policy and is based on best practices and national standards by bodies that set them, and is always expressed as a percentage of the prior year's expenditures.

As for lack of transparency with the amount of the funds historically how long they are relative to our budget prior to the vote, the fund balance has been discussed extensively especially through the budget process. Since we are just taking a percentage of prior year's expenditures, just take five percent of what the audited financials are from the prior year, and you'll have your number. It's just a simple calculation and those numbers are readily available.

City Manager Gayden added that the Audited Financials are posted on the website.

Vice President McInnis noted that the institution of a policy is actually a tool so that the city council could hold the administration accountable and the council could fulfill its fiduciary responsibilities. She also noted that the five percent is recommended by NYS and other municipalities across the country and that this was exactly what was needed.

Council Member Delury added that he remembered that City Manager Gayden and City Comptroller Reznik put forth a lot of the information that had been in multiple areas and noted that in the last fiscal period, the city was below 1 million dollars and probably much less and therefore starting off the year way underfunded. He continued to note that this current administration's goal was to implement policies so that there is a better understanding on how to implement and meet this goal.

#3 – Resolution Adopting the City Investment Policy

Ms. Reznik, City Comptroller explained how the Investment Policy directs the City Comptroller how and where to invest the City's funds. She added that the both policies go hand and hand and that once the city follows the fund balance policy and accumulates funds to invest, it would become a very relevant and necessary roadmap to follow in terms of investing the city's money. Ms. Reznik also noted that it would have to be both prudent as far as taking a reasonable level of risk as well as appropriate in terms of looking for a reasonable level of return. She ended by announcing that the City would be issuing an RFP (best practices RFP) for banking services at least every five years. Ms. Reznik was not aware if any banking RFP had been issued in the previous five years, therefore, she would be issuing one and once the City Council approves the banking institution, the investment policy would be updated to include the name(s) of the institution.

Vice President McInnis once again thanked Ms. Reznik for the policy and noted that this would be reviewed by the Council. She stated that in Section 3 of the policy, all employees directly associated with the investment process would be bonded, and wanted to be sure the council was aware of that in the annual review and to what amount each employee is bonded.

Ms. Reznik responded in the affirmative.

City Manager Gayden informed the audience that the City has identified all the policies that needed updating. She noted that they were updated and reviewed in-house and then sent to CMA to review in order to ensure that they are applicable to the Financial Government Officers Association best practice policies before they are voted on.

President Bendo asked if there were any questions from the Public.

Mr. McNally read a question from Mr. Roy Lester:

Item #3 you have stated that you're revising and updating the City's investment policy currently in effect and you have given no information on what the policy currently is in effect and how you are now changing it, or the reasons why it is being changed. Please state those reasons and the changes prior to voting on this.

Mr. McNally noted that Ms. Reznik gave a bit of an answer on this and reiterated her response.

Ms. Reznik added that the City's policies must follow general municipal law and whatever standard the governing accounting bodies set for the government. She continued to state that unless there was a major change in those governing documents, the city would not see a major change in the investment policy and as she mentioned in her previous answer, the policy must be reviewed every year and must follow the law. Ms. Reznik noted that if there was in fact a change in the law that would affect the policy, then it would be presented in a new revised version.

#4 – Resolution Authorizing the City Manager to Accept a Charitable Donation and to Amend the Budget

City Manager Gayden informed the audience that this donation was from Ms. Amy Innerfield and her family. She noted the donation was in the amount of \$5,810.00 and it was to be used for the purchase of two beach wheelchairs for the City. Ms. Gayden also added that once the Council votes to accept the donation, the wheelchairs can be ordered. She also noted that the family asked that the wheelchairs be housed at the Neptune Blvd. Beach where their mother enjoyed going.

Council Member Mandel asked how many beach wheelchairs the city presently had.

City Manager Gayden responded that she would get that exact number but she was aware of at least 2 to 3 since she had seen them on the beach. She also noted that if someone was in need of assistance, they could call ahead and a staff member would meet the person at the ramp to assist them.

Vice President McInnis thanked the Innerfield family for the donation in memory of their mother, Rosalind Innerfield.

#5 – Resolution Authorizing the City Manager to Issue a Purchase Order for the Supply, Transport and Delivery of Concrete from the Lowest Responsible Bidder.

DPW Commissioner John Miranda explained that this was an annual contract for concrete when the city was in need of repairs in the road or on sidewalks, i.e., replaced curb stops for the water or cut and cap for the sewer and other repairs that would require concrete.

President Bendo asked about the fees and if they were comparable to what the City was currently paying.

Commissioner Miranda responded that he believed so. He also noted that he did not see it since it was a purchasing document that is sent down to the DPW department for review for the items that are needed before they send it out but that he believed they were in line.

ADDED BY UNANIMOUS CONSENT

#6 - Resolution Amending the City's Agreement for the Construction of an Office of Emergency Management and to Amend the Budget

Mr. Fraser, City Clerk noted that Items #6 and #7 had been posted on the website for the public to view.

Commissioner Miranda gave a brief history on the re-construction of the OEM. He noted that due to several change orders within the contract, it was needed to increase the purchase order for

\$144,000.00. Mr. Miranda stated that these change orders had been approved by the Governor's Office of Storm Recovery and the money was available from them therefore, by the Council approving this resolution, it would allow them to pass this money on to the Contractor.

Council Member Treston asked if the Contractor completed the work.

Commissioner Miranda responded yes and that the OEM was complete including the testing of the generator. He also noted that there were a few things that were added, i.e., computers and phones and that it was internal work that was being completed in-house.

Council Member Treston wanted to state for the record that GOSR was completely covering the cost of the OEM.

Commissioner Miranda replied that it was correct and the money had already been received. He also added that no money needed to be laid out.

President Bendo did inform the audience that the acronym for GOSR is the Governor's Office of Storm Recovery.

Council Member Delury noted a typo in the resolution and asked for it to be corrected.

#7 - Resolution Authorizing the City Manager to Renew the City's Agreements for Disaster Management Response and Recovery Consulting Services

Commissioner Miranda explained that over the past few years the city had several mitigation projects being funded by FEMA. He noted that an RFP was issued and the work was awarded to three different engineering firms to split up based on their areas of their expertise. Mr. Miranda also added that those projects were at various stages of completion and the current agreement with the engineers had expired in April, and the contracts needed to be extended in order for the Engineers to complete the projects. He noted that it wouldn't make any sense to hire new Engineers since they would have to start from the very beginning. Commissioner Miranda also stated that these projects normally take a little longer and gave some examples.

President Bendo asked if the renewal costs would get picked up by FEMA, or whoever is responsible as part of the project.

Commissioner Miranda replied that they would. He noted that GOSR would pay for all the engineering costs as well as the City Staff costs when they are involved with these various projects, which includes the hours they spend on each project.

The voting portion of the meeting was then begun.

Council Member Treston introduced and moved the adoption of the minutes from the June 16, 2020 meeting, seconded by Ms. McInnis, and it was approved with all five council members present voting in the affirmative.

Council Member Delury introduced and moved the adoption of the following resolution, seconded by Ms. McInnis, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #56/20)

Resolution Adopting the City Fund Balance Policy

Council Pres. Bendo introduced and moved the adoption of the following resolution, seconded by Mr. Mandel, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #57/20)

Resolution Adopting the City Investment Policy

Council Member Treston introduced and moved the adoption of the following resolution, seconded by Ms. McInnis, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #58/20)

Resolution Authorizing the City Manager to Accept a Charitable Donation and to Amend the Budget

Council Member Mandel introduced and moved the adoption of the following resolution, seconded by Ms. Treston, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #59/20)

Resolution Authorizing the City Manager to Issue a Purchase Order for the Supply, Transport and Delivery of Concrete from the Lowest Responsible Bidder

Council Pres. Bendo introduced and moved the adoption of the following resolution, seconded by Mr. Mandel, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #60/20)

Resolution Amending the City's Agreement for the Construction of an Office of Emergency Management and to Amend the Budget

Council Member Mandel introduced and moved the adoption of the following resolution, seconded by Mr. Delury, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #61/20)

Resolution Authorizing the City Manager to Renew the City's Agreements for Disaster Management Response and Recovery Consulting Services

There being no further business before the Council, Council Member Treston made a motion to close the meeting. It was seconded by Pres. Bendo and was duly closed, all five council members present voting in the affirmative.

Dated: July 22, 2020

David W. Fraser
City Clerk