



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 9, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, January 9, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following items were amended:

- ITEM XII.B.3.- The order of sub-items b. and c. were switched and discussed as c/b
- ITEM IX.B.1. – Resolution No. 01-2018 – content was revised at Section 1 Line 7
- ITEM XI.A. – ORS Committee Report was revised
- ITEM XIII.B.1. – Ordinance No. 01-2018 - The language regarding the annual salary for elected officials was removed

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to approve the Agenda, as amended. On roll call, the motion passed 4 to 1 with Council Member Moore dissenting.

1 **IV. RECOGNITIONS**

- 2
3 A. Recognition of John Page, Director of Planning, Zoning, and Building from
4 November 2007 to January 2018.

5
6 Mayor Coniglio recognized Director John Page on his upcoming retirement from
7 the Planning, Zoning, and Building Department. She expressed her gratitude and
8 appreciation for his many years of service to the Town, honored him with a
9 plaque and sent her best wishes.

10
11 **V. PRESENTATIONS**

- 12
13 A. Presentation by Applicants for the Recreation Advisory Commission.
14 *Beth Zickar, Director of Recreation*

15
16 Kristen Schonwald-Vila presented her application.

17
18 **VI. COMMENTS OF MAYOR GAIL L. CONIGLIO**

19
20 Mayor Coniglio spoke regarding the Royal Park Bridge lane closures and the Town's
21 efforts to work with FDOT and the City of West Palm Beach to expedite traffic
22 operations effectively across the bridge.

23
24 **VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

25
26 Town Manager Bradford clarified the Underground Utility Project claims on the lien
27 assessments and the strategy for extracting easements from property owners.

28
29 Council Member Araskog spoke regarding a water main break incident that occurred
30 over the weekend and expressed her gratitude to the Fire Rescue Department, Public
31 Safety Department, and the Deputy Town Manager for their assistance in fixing the
32 problem.

33
34 **VIII. COMMUNICATIONS FROM CITIZENS**

35
36 Diane Buhler, Friends of Palm Beach, spoke regarding her volunteer group's trash
37 pickup efforts and announced a limited-time special exhibition display at the Mounts
38 Botanical Garden of aquatic animal sculptures created from collected plastic beach
39 debris.

40
41 **IX. APPROVAL OF CONSENT AGENDA**

42
43 The following items were pulled from the Consent Agenda:

- 44
45 • Item IX.A.1. and IX.A.2. were heard under Item XII.C.

46
47 **Motion was made by Council President Pro Tem Moore, and was seconded by**
48 **Council Member Araskog, to approve the Consent Agenda, as amended. On roll**
49 **call, the motion carried unanimously.**

1 **A. MINUTES**

2
3 1. TOWN COUNCIL MEETING MINUTES: - *Pulled from Consent*
4 Kathleen Dominguez, Town Clerk

- 5
6 a. December 11, 2017, Special Town Council Meeting Minutes
7
8 b. December 12, 2017, Town Council Meeting Minutes
9
10 c. December 13, 2017, Local Planning Agency Meeting Minutes
11
12 d. December 13, 2017, Development Review Town Council
13 Meeting Minutes

14
15 2. Approval of major matters considered by the Architectural Review
16 Commission at its meeting of December 15, 2017. - *Pulled from*
17 *Consent*

18
19 *John S. Page, Director of Planning, Zoning and Building*
20

21 **B. RESOLUTIONS**

22
23 1. RESOLUTION NO. 01-2018 A Resolution of the Town Council of the
24 Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town
25 Manager and Finance Director to enter into an Agreement with Bank of
26 Montreal, To Provide the Town of Palm Beach with Credit By Way of a
27 Corporate MasterCard Account.

28
29 *Jane Struder, Director of Finance*
30

31 **C. OTHER**

32
33 **X. BOARD/COMMISSION ANNUAL REPORT**

34
35 **A.** Recreation Advisory Commission Annual Presentation
36 *Matthew Smith, Chair*

37
38 Chair Smith provided the annual report.
39

40 **Motion was made by Council President Pro Tem Moore, and was seconded**
41 **by Council Member Zeidman, to accept the report. On roll call, the motion**
42 **passed unanimously.**
43
44

45 **XI. COMMITTEE REPORTS**

46
47 **A.** Report of the Ordinances, Rules and Standards Committee Meeting of
48 December 7, 2017. *Bobbie Lindsay, Chair*
49

Chair Lindsay provided a summary of the report, which included a request to study the Town Code that pertains to demolition hours.

It was the consensus of the Town Council to direct the ORS Committee to study demolition hours.

Motion was made by Council Member Zeidman, and was seconded by Council President Pro Tem Moore, to accept the report. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project:

Steven N. Stern, Underground Utilities Project Manager

a. Review of Project & Dashboard, Summary of Project Status.

b. Commercial Paper Update.

c. RESOLUTION NO. 02-2018 - A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc., in the Amount of \$944,336 for Phase 3 Engineering Design Services of the Town-Wide Undergrounding of Utilities Program.

Project Manager Stern provided key project updates and an overview of the dashboard and project status.

In response to a question from Council Member Araskog, Director of Finance Struder provided clarification on the Nightingale and La Puerta Way underground conversion project expenses listed on page 132 of the back-up.

In response to a question from Council Member Araskog, Kevin Schanen, Project Engineer from Kimley-Horn and Associates, explained the reason why certain project areas are expanded in the South-end versus the North-end.

In response to a question from Council Member Araskog, Town Manager Bradford spoke regarding the Town's responsibility for the costs associated with the design and construction fees assessed by FP&L and Comcast.

In response to a question from Council Member Zeidman, Project Manager Stern and Project Engineer Schanen spoke regarding the budget for the equipment costs for Phase 1 North and South.

1
2 President Kleid pointed out that the project status on the Gantt chart is
3 in the green meaning that the Town is on schedule and within budget.
4

5 Director Brazil and Town Engineer Strayer explained the occurrences
6 with the gas line hits and the meetings with Florida Public Utilities to
7 address and prevent these issues from occurring in the future.
8

9 **Council Member Lindsay requested data on the number of potential infrastructure**
10 **projects identified water main projects that were eliminated due to the**
11 **undergrounding project, including the phases and locations, in order to prevent**
12 **any community impacts.**
13

14 In response to a question from Council Member Araskog, Project
15 Engineer Schanen explained the strategy for avoiding impact by reason of
16 Phase 2 of the Project during presidential visits.
17

18 Discussion ensued regarding the construction schedule for Phase 3 and
19 traffic integration.
20

21 In response to questions from Council Members Araskog and Lindsay,
22 Director Brazil spoke regarding the reason for the water main break
23 occurrence over the weekend and the Town's water service agreement
24 with the City of West Palm Beach.
25

26 Town Manager Bradford provided an update on the commercial paper
27 financing program.
28

29 In response to a question from Council Member Araskog, Town Manager
30 Bradford explained possible impacts to the underground utilities project
31 assessment program should the lawsuit be successful.
32

33 **Motion was made by Council Member Zeidman, and was seconded by Council**
34 **President Pro Tem Moore, to approve Resolution No. 02-2018. On roll call, the**
35 **motion passed unanimously.**
36

37 2. Coastal Update:
38

39 a. Shore Line Condition Update
40

41 Coastal Program Manager Weber provided an overview of the
42 shoreline conditions for each reach.
43

44 Discussion ensued regarding the flooding occurrences on the
45 Lake Trail and the sand forepassing project in Reach 2.
46

47 Lew Crampton, 2335 S. Ocean Blvd, inquired on the release of
48 the Environmental Impact Study (EIS). Coastal Manager Weber

1 stated that he expects to report an update on the status of the
2 EIS at the next Shore Protection Board meeting.
3
4

- 5 b. RESOLUTION NO. 03-2018 A Resolution of the Town Council of
6 the Town of Palm Beach, Palm Beach County, Florida, Approving
7 a Purchase Order for Professional Coastal Engineering Services to
8 Applied Technology & Management, Inc. in an Amount of
9 \$189,732 for the Breakers/Clarke Avenue/Mid-Town Detailed
10 Design and Phase 1 Permitting, and Establishing a Task Budget of
11 \$209,000.

12 *H. Paul Brazil, P.E., Director of Public Works*
13

14 Coastal Program Manager Weber provided an overview of
15 Resolution No. 03-2018.
16

17 Discussion ensued regarding total cost, FDEP's involvement in
18 the project, sharing the cost and partnering with the Breakers,
19 possible grant monies, historic overview of the original groin
20 removal from mid-town beach referenced on page 132 of the
21 back-up and the cause for the sand disappearance in 2012.
22

23 **Motion was made by Council Member Zeidman, and was seconded by Council**
24 **President Pro Tem Moore, to approve Resolution No. 03-2018. On roll call, the**
25 **motion passed unanimously.**
26

- 27 c. RESOLUTION NO. 04-2018 A Resolution of the Town Council
28 of the Town of Palm Beach, Palm Beach County, Florida,
29 Authorizing State Grant of Florida Department of Environmental
30 Protection Contract No. 18PB1, Between the State of Florida
31 Department of Environmental Protection and the Town of Palm
32 Beach Under the Florida Beach Management Funding Assistance
33 Program, Specifically Reimbursement for the 2015 Mid-Town
34 Beach Nourishment Project, in the Amount of \$6,529,783, and
35 Authorizing the Mayor to Execute Same on Behalf of the Town.
36

37 *H. Paul Brazil, P.E., Director of Public Works*
38

39 Coastal Program Manager Weber provided an overview of
40 Resolution No. 04-2018.
41

42 **Motion was made by Council Member Araskog, and was seconded by Council**
43 **Member Lindsay, to approve Resolution No. 04-2018. On roll call, the motion**
44 **was passed unanimously.**
45

46 **B. New Business**
47

- 48 1. Appointment of one (1) Alternate Member to the Recreation
49 Advisory Commission.

Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to ratify the appointment of Kristen Schonwald-Vila as an alternate member to the Recreation Advisory Commission. On roll call, the motion passed unanimously.

2. Presentation of Redesigned Town Website
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided a presentation of the Town's newly designed website.

3. Proposed Strategies for the Recruitment of a Town Manager
Thomas G. Bradford, Town Manager

(Clerk's Note: Sub-items b. and c. were discussed as c/b)

a. Report of the President

President Kleid provided his report.

b. National Search

Town Manager Bradford provided an overview of the process and timeline for a Nationwide Search.

It was the consensus of the Town Council to not proceed with a National Search.

c. Promotion from Within

Town Manager Bradford announced the internal candidates who have expressed interest in the position: Kirk Blouin, Director of Public Safety; Jay Boodheshwar, Deputy Town Manager; and Paul Brazil, Director of Public Works.

Discussion ensued regarding the Council's role with selecting a town manager, the importance of following a hiring process, whether or not the candidates should be vetted in a public forum, reasons for not going forward with a national search, views on the internal prospects, complex issues going in the Town, transparency and public input, appropriate timing to make the final decision, and the process becoming too political.

Town Attorney Randolph read correspondence from Retirement Board Attorney Jim Linn regarding Director

1 Blouin's involvement in the Deferred Retirement Option
2 Plan (DROP) and possible options for employment as the
3 Town Manager.

4
5 Director Blouin spoke regarding his interest to serve as the
6 Town Manager.

7
8 Deputy Town Manager Boodheshwar spoke regarding his
9 interest to serve as the Town Manager.

10
11 Director Brazil spoke regarding his interest to serve
12 as the Town Manager.

13
14 Public Comments:

15
16 Robert Wildrick, 229 Nightingale Trail, spoke
17 regarding his past service on the Town Council and his
18 experience with the internal procedures. He
19 encouraged the Council to make a decision today and
20 thanked Town Manager Bradford for all of his service
21 to the Town.

22
23 Allen Wyett, 1145 N. Lake Way, expressed his
24 appreciation to Town Manager Bradford and spoke in
25 support of the Council making a decision today.

26
27 Jack McDonald, 44 Cocoanut Row, spoke regarding
28 his experience with the past national search for a
29 Town Manager. He expressed his appreciation to
30 Town Manager Bradford and his view that the
31 council should vet the internal candidates before
32 making the choice.

33
34
35 Michael Scharf, 229 Dunbar Road, spoke regarding
36 the Town Council's role in selecting a Town
37 Manager and as the fiduciary stewards of the Town.
38 He wished Town Manager Bradford well.

39
40 Ned Barnes, Palm Beach County Civic Association,
41 expressed his thanks for Town Manager Bradford
42 and spoke in support vetting the candidates and
43 allowing the residents to provide input on the hiring
44 process.

45
46 Pam McIver, 695 Island Dr., spoke in support of
47 waiting to make a final decision and allow time to
48 vet the candidates in a public forum.

1 Michael Ainslie, 202 Plantation Road, expressed his
2 support for vetting the internal candidates at a special
3 meeting.

4
5 Council Member Zeidman read a letter from resident
6 and previous Council Member David Rosow
7 expressing support of appointing Kirk Blouin.
8

9 **Motion was made by Council Member Araskog, and was seconded by Council**
10 **Member Zeidman, to nominate Kirk Blouin as the Town Manager, subject to**
11 **working out the terms of employment agreement and DROP participation. On**
12 **roll call, the motion carried 3 to 2 with Council Members Kleid and Moore**
13 **dissenting.**

14
15 **After the motion, Council President Kleid and Council President Pro Tem**
16 **Moore stated their dissent vote was because of the lack of process.**

17
18 d. Transition

19
20 Director Blouin spoke regarding changes to his
21 participation in the DROP and his employment agreement.

22
23 Discussion ensued regarding the Director of Public Safety
24 position and his role as the liaison with secret service
25 during presidential visits, the role of Tom Bradford as the
26 interim Town Manager and the Undergrounding Project
27 and the CROTO, and allowing staff to work together on the
28 transition.

29
30 Warren Belmar, 130 Sunrise Ave., expressed concern
31 regarding a Council member's use of the word "majority"
32 when referring to the Council and the decision to approve
33 the Town Manager's contract as a whole as opposed to
34 leaving it to a representative of the majority.

35
36 **It was the consensus of the Town Council to permit Kirk Blouin to negotiate the**
37 **terms of an employment agreement with the Town Attorney and the Retirement**
38 **Board Attorney and bring it back to the Town Council at the February Town**
39 **Council meeting.**

40
41 **It was the consensus of the Town Council to allow Tom Bradford, Kirk Blouin and**
42 **Jay Boodheshwar and staff to work out a contractual relationship with Tom and**
43 **present the plan at the February Town Council meeting.**

44
45 e. Discussion on the Timing of the Annual Evaluation of the
46 Town Manager and the Annual Reappointment of the Town
47 Manager.

48 *Bobbie Lindsay, Town Council Member*
49

Chair Lindsay provided a historic overview on the reasons for Tom Bradford's performance evaluation occurring in the month of December.

Discussion ensued regarding the appropriate timeline for evaluating and reappointing the Town Manager.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Moore, to approve the timeline for the evaluation of the Town Manager as follows:

- 1) Evaluation To Occur 60 Days Prior To Contract Renewal**
- 2) Evaluations Are To Be Distributed In October**
- 3) Performance Evaluated In November**
- 4) Contract Renewed In December**

On call for a vote, the motion passed unanimously.

4. Approval of Town Sponsorship of Worth Avenue Association Special Event Proposal for Fork to Fashion event on February 21, 2018.

Beth Zickar, Director of Recreation

Director Zickar spoke regarding the request for a Town Sponsorship for the event.

In response to questions from Council Member Araskog, Mariana Abate spoke regarding ROW permits for Worth Ave in order to avoid blocking access to the Everglades Club, verified the site plan and the amplified announcements.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve the Town sponsorship of the event with the caveat that a Right-of-Way permit will be obtained in order to avoid blocking access to the Everglades Club. On roll call, the motion passed unanimously.

5. RESOLUTION NO. 05-2018 A Resolution of The Town Council of The Town of Palm Beach, Florida, Opposing Legislative Efforts To Impede The Constitutional Right Florida's Citizens Have Enjoyed For Nearly 50 Years To Govern Themselves Under Municipal Home Rule Powers; Opposing The Legislature's Persistent Intrusion Into Local Finances, Which Are Necessary To Provide Financial Stability And Essential Services Uniquely Required By Municipal Residents And Local Businesses; Directing City Administration To Transmit A Certified Copy Of This Resolution To The Florida League Of Cities, The Palm Beach County Legislative Delegation And Any Other Interested Parties; Providing For Conflicts; Providing For Severability; And Providing An Effective Date.

1 *Gail L. Coniglio, Mayor*

2
3 Mayor Coniglio provided an overview of the Resolution.

4
5 **Motion was made by Council Member Lindsay, and was seconded by Council**
6 **Member Araskog, to approve Resolution No. 05-2018. On roll call, the motion**
7 **carried unanimously.**

8
9 **C. Matters Pulled From Consent Agenda:**

10
11 1. TOWN COUNCIL MEETING MINUTES:

12 Kathleen Dominguez, Town Clerk

13
14 a. December 11, 2017, Special Town Council Meeting Minutes

15
16 b. December 12, 2017, Town Council Meeting Minutes

17
18 c. December 13, 2017, Local Planning Agency Meeting Minutes

19
20 d. December 13, 2017, Development Review Town Council
21 Meeting Minutes

22
23 Discussion ensued regarding the current format of the meeting
24 minutes, issues with the representation of the meeting
25 discussions, switching to verbatim minutes, utilizing voice
26 recognition software, and availability of the meeting audio
27 online.

28
29 **It was the consensus of the Town Council to direct staff to research other**
30 **formatting options for the meeting minutes and bring back for discussion**
31 **at the February Town Council meeting.**

32
33 **It was the consensus of the Town Council to defer the approval of the**
34 **Town Council Meeting minutes to the February meeting.**

- 35
36 2. Approval of major matters considered by the Architectural Review
37 Commission at its meeting of December 15, 2017. - ***Pulled from***
38 ***Consent***

39
40 *John S. Page, Director of Planning, Zoning and Building*

41
42 **Motion was made by Council Member Araskog, and was seconded by Council**
43 **Member Lindsay, to approve the minutes of the ARCOM meeting of December 15,**
44 **2017. On roll call, the motion carried unanimously.**

45
46 **XIII. ORDINANCES**

47
48 **A. Second Reading**

- 1
- 2 1. ORDINANCE NO. 34-2017 An Ordinance of the Town Council of the
- 3 Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82
- 4 of the Town Code of Ordinances Relating to Personnel, at Article II,
- 5 Employee Benefits, Division 2, Retirement System; Amending
- 6 Subdivision I, In General, By Amending Section 82-67, United States
- 7 Internal Revenue Code Qualification; Providing for Severability;
- 8 Providing for Repeal of Ordinances in Conflict; Providing for
- 9 Codification; Providing an Effective Date.

10

11 *Thomas G. Bradford, Town Manager*

12

13 Town Attorney Randolph read Ordinance No. 34-2017 into the record.

14

15 **Motion was made by Council Member Araskog, and was seconded by Council**

16 **Member Zeidman, to adopt Ordinance No. 34-2017 on second and final reading.**

17 **On roll call, the motion carried unanimously.**

18

19 **B. First Reading**

- 20 1. ORDINANCE NO. 01-2018 An Ordinance of the Town Council of The
- 21 Town of Palm Beach, Palm Beach County, Florida, Amending The Town
- 22 Charter At Section 3.01, Town Council: Composition. Modifying the
- 23 Dates of the Election of the President And President Pro Tem; ~~Further~~
- 24 ~~Amending Section 3.08 Compensation So As To Provide Compensation~~
- 25 ~~For Elected Officials In The Amount of One Dollar Per Year;~~ Providing
- 26 For Codification; Providing For Severability; Providing For Effective
- 27 Date.

28 *Thomas G. Bradford, Town Manager*

29

30 Town Manager Bradford provided an overview of the ordinance and the

31 amendment to the language regarding the annual salary.

32

33 Town Attorney Randolph read the ordinance, as amended, into the record.

34

35 **Motion was made by Council Member Araskog, and was seconded by Council**

36 **President Pro Tem Moore, to approve Ordinance No. 01-2018, as amended. On roll**

37 **call, the motion carried unanimously.**

38

39

- 40 2- ORDINANCE NO. 02-2018 An Ordinance of the Town Council of the
- 41 Town of Palm Beach, Palm Beach County, Florida, Amending The Town
- 42 Code of Ordinances At Section 2-636. – Shore Protection Board Created;
- 43 Appointments; Terms; Qualifications; Advisory Function; Requirements;
- 44 Officers; Procedure; (A) Generally and/or (B) Alternate Members – To
- 45 ~~Delineate One of The Members or Alternate Members May Be A~~
- 46 ~~Nonresident of The Town Provided Said Member or Alternate Member~~
- 47 ~~Has A Special Skill As It Relates To Shore Protection.~~

48 *Thomas G. Bradford, Town Manager*

49

Discussion ensued regarding the qualifications for the board and whether the need exists for a non-resident expert to serve as an alternate member.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to modify Ordinance No. 02-2018 by removing the non-resident language from the Shore Protection Board section in the Code and defer it to the February 13, 2018 Town Council meeting. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 03-2018 An Ordinance of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Chapter 42, Environment, Article V, Noise; Amending Section 42-198, Relating To The Operation of Certain Machinery; Expanding The Period Of The Year During Which There Is A Prohibition On The Operation Of Said Machinery; Providing For Additional Prohibitions; Amending Section 42-199, Hours For Construction Work, At Subsection (B) So As To Expand The Limitations On The Months, Dates And Times During Which Construction Work May Be Undertaken; Amending Section 42-230, Lawn Maintenance Equipment Noise, So As To Provide That Lawn Maintenance Shall Be Limited To The Hours Outlined For Construction Work Set Forth In Section 42-199; Providing Exceptions For The Operation Of Lawn Maintenance Equipment By Residents, And For Golf Course Maintenance Equipment; Providing Regulations Relating To The Operation Of Leaf Blowers, And Prohibiting The Commencement of Large Scale Landscape Installation At Any Time on Saturdays; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

TIME CERTAIN: 11:00 A.M.

Jay Boodheshwar, Deputy Town Manager

It was the consensus of the Town Council to give the Ordinance to the Town Attorney for amendments and to bring it back later in the meeting for further review.

XIV. ANY OTHER MATTERS

Council Member Araskog spoke regarding board/commission members leaving their board meetings before the adjournment without an excuse or true emergency.

It was the consensus of the Town Council to direct staff to draft a memorandum from the Town Council President to send to each board/commission member addressing the issue with leaving the meeting early.

Council Member Araskog spoke regarding complaints from the residents regarding the bright construction lights on the Southern Boulevard Bridge.

It was the consensus of the Town Council to direct staff to contact FDOT and address the lighting during the bridge replacement project.

1 **XV. ADJOURNMENT**

2
3 There being no further business, the regular Town Council meeting of January 9, 2018
4 was adjourned at 5:35 p.m.
5

6
7 APPROVED:

8
9
10
11 _____
12 Richard M. Kleid
13 Town Council President

14 ATTEST:

15
16
17 _____
18 Kathleen Dominguez
19 Town Clerk

20
21
22
23 Date: _____
24