



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, April 10, 2018

1 **I. CALL TO ORDER AND ROLL CALL**

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The Regular Town Council meeting was called to order on Tuesday, April 10, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

7 **II. INVOCATION AND PLEDGE OF ALLEGIANCE**

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

11 **III. APPROVAL OF AGENDA**

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Motion was made by Council Member Araskog, and was seconded by President Pro Tem Zeidman, to approve the Agenda. On roll call, the motion carried unanimously.

16 **IV. RECOGNITIONS**

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A. Recognition of James M. Ballentine for his Service on the Code Enforcement Board from April 2008 through April 2018.

Mr. Ballentine was recognized for his service on the Code Enforcement Board and was presented with a plaque by Mayor Coniglio.

B. Recognition of Cynthia Van Buren for her Service on the Code Enforcement Board from April 2007 through April 2018.

Ms. Van Buren was recognized for her service on the Code Enforcement Board and was presented with a plaque by Mayor Coniglio.

1 **V. PRESENTATIONS**

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- A. Legislative Session Update Presentation by The Honorable Bobby Powell, Florida Senate District 30

State Senator Bobby Powell, Senate District 30, provided an update of the legislative session which included a PowerPoint presentation on key issues and the state budget.

- B. Royal Poinciana Playhouse Update by Alex Patterson, UpMarkets

Alex Patterson, UpMarkets, reported on the negotiations with the potential plaza operator and the successful activities of the plaza. She stated that the negotiations were unsuccessful but the efforts to find a tenant will continue.

- C. Presentations by Code Enforcement Board Applicants.

The following applicants presented their qualifications:

- Rosemary Carpenter
- Matthew Natale
- Linda Wartow

- D. Presentations by Recreation Advisory Commission Applicants.

The following applicants presented their qualifications:

- John Hartz, Jr.
- Gail Ellen Howe

- E. Presentations by Applicants for the Retirement Board of Trustees.

The following applicant presented his qualifications:

- Herbert Roemmele

VI. BOARD/COMMISSION APPOINTMENTS

- A. Appointments to the Code Enforcement Board.
Kirk W. Blouin, Town Manager

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to ratify the appointments of Rosemary Carpenter, Matthew Natale and Linda Wartow as regular members of the Code Enforcement Board. On roll call, the motion carried unanimously.

1 **Motion was made by President Pro Tem Zeidman, and was seconded by Council Member**
2 **Crampton, to ratify the appointment of Steven Meltzer as an alternate member of the Code**
3 **Enforcement Board. On roll call, the motion carried unanimously.**

4 B. Appointments to the Recreation Advisory Commission.
5 *Kirk W. Blouin, Town Manager*
6

7 **Motion was made by Council Member Lindsay, and was seconded by Council President**
8 **Pro Tem Zeidman, to ratify the appointments of Alexandra Woodfield and G. Ellen Howe**
9 **as regular members of the Recreation Advisory Commission. On roll call, the motion**
10 **carried unanimously.**

11
12 **Motion was made by Council Member Lindsay, and was seconded by Council Member**
13 **Crampton to reappoint John Hartz, Jr. as an alternate member of the Recreation Advisory**
14 **Commission. On roll call, the motion carried unanimously.**

15 C. Appointments to the Retirement Board of Trustees.
16 *Kirk W. Blouin, Town Manager*
17

18 **Motion was made by Council Member Lindsay, and was seconded by Council Member**
19 **Crampton, to ratify the appointment of Daniel Stanton as a regular member of the**
20 **Retirement Board of Trustees. On roll call, the motion carried unanimously.**
21

22 **VII. COMMENTS OF MAYOR GAIL L. CONIGLIO**

23 Mayor Coniglio applauded Town Manager Blouin and staff on the Budget and Long Term
24 Financial Plan. She spoke regarding the legislative attacks on home rule and encouraged the
25 residents to sign the online home rule petition on the Town's website.

26 **VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER - None**

27 **IX. COMMUNICATIONS FROM CITIZENS**

28
29 Rene Silvin, Australian Avenue, spoke regarding the deportation proceedings against Javier
30 Gonzalez, Manager of Pizza Al Fresco. He introduced Mr. Gonzalez, 630 Claremont Drive,
31 West Palm Beach, who presented his case to the Council and informed them that he is facing a
32 deportation hearing on April 20th.
33

34 Mayor Coniglio expressed her sympathy and well wishes for Mr. Gonzalez. Council President
35 Pro Tem Zeidman wished him reason, compassion and intelligence regarding his hearing.
36

37 Burt Handelsman of Worth Avenue, requested the Council to write a letter to the President of
38 the United States regarding the deportation of Mr. Gonzalez.
39

40 Council Members Araskog and Lindsay spoke in support of sending a letter to the President.
41

42 Town Attorney Randolph advised that the Mayor can send a letter to the President on behalf of
43 the Council or each member could send a letter individually.

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2 **Motion was made by Council Member Araskog, and was seconded by Council Member**
3 **Crampton, to direct the Mayor to write a letter on behalf of the Town Council regarding**
4 **the matter of Javier Gonzalez’s deportation. On roll call, the motion carried unanimously.**

5 Simon Taylor, spoke regarding his discontent with the delay from UpMarkets in getting a
6 tenant for the Royal Poinciana Theater.

7 Scott Lewis, Scott Lewis Gardening, spoke regarding the various heavy (noisy) equipment used
8 in Town during the weekends and requested that the Town set the same standards for its
9 contractors as it does for the lawn service companies.

10 Bill Metzger, 277 Esplanade Way, spoke regarding the Royal Poinciana Playhouse and the
11 community efforts of the Performing Arts Center Volunteer Task Force.
12

13 **X. APPROVAL OF CONSENT AGENDA**

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15 **Motion was made by Council Member Crampton, and was seconded by Council Member**
16 **Lindsay, to approve the Consent Agenda. On roll call, the motion carried unanimously.**
17

18 A. MINUTES

19 1. TOWN COUNCIL MEETING MINUTES

20 *Kathleen Dominguez, Town Clerk*

21
22 a. March 20, 2018, Town Council Meeting Minutes

23 b. March 21, 2018, Development Review Meeting Minutes

24 *Deferred to the May 8, 2018, Town Council Meeting*

25 2. Approval of major matters considered by the Architectural Commission at
26 its meeting of March 28, 2018.

27 *Paul Castro, Acting Director of Planning, Zoning and Building*

28 B. RESOLUTIONS

29 1. RESOLUTION NO. 041-2018 A Resolution of the Town Council of the
30 Town of Palm Beach, Palm Beach County, Florida, Authorizing the
31 Purchase of Two (2) Police Motorcycles in the Amount of \$47,970 from
32 Bruce Rossmeyer’s Daytona Harley Davidson; Via the Florida Sheriff’s
33 Association Bid #FSA 17-VEL 25.0; Providing an Effective Date.

34 *Ann-Marie Taylor, Acting Chief of Police*

35 2. RESOLUTION NO. 044-2018 A Resolution of the Town Council of the
36 Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No.
37 2018-21 and Approving a Construction Contract To A.U.M. Construction,
38 Inc., for the Signalization and Mast Arm Improvements at the Bradley
39 Place/Sunrise Avenue and Clarke Avenue/Cocoanut Row Intersections, in

1 the Amount of \$532,618 and Establishing a Construction Phase Budget of
2 \$586,000.

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

- 4 3. RESOLUTION NO. 045-2018 A Resolution of the Town Council of the
5 Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase
6 Order in an Amount of \$63,627.50 to Kimley-Horn And Associates Inc., for
7 Construction Phase Engineering Services for the Mast Arm Replacement
8 and Signalization Improvement Project at the Bradley Place/Sunrise
9 Avenue and Clarke Avenue/Cocoanut Row Intersections, and Establishing
10 a Construction Phase Budget of \$70,000.

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

- 12 4. RESOLUTION NO. 046-2018 A Resolution of the Town Council of the
13 Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No.
14 2018-26 for the Mid-Town Bathroom and Lifeguard Building Repairs and
15 Approving a Construction Contract to Creative Contracting Group, in the
16 Amount of \$115,000 and Establishing a Construction Phase Budget of
17 \$126,000.

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

- 19 5. RESOLUTION NO. 047-2018 A Resolution of the Town Council of the
20 Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase
21 Order for Construction Phase Engineering Services to Kimley-Horn and
22 Associates, Inc., in an Amount of \$21,928.75 for the Mid-Town Bathroom
23 Repairs, and Establishing a Construction Phase Engineering Services
24 Budget of \$25,000.

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

26 C. OTHER

- 27 1. Approval of the Selection Committee's Recommendation of the Ranking
28 of Firms for RFP No. 2018-17 for Wi-Fi Services for the Town Docks,
29 With BEACON Digital Media Marina WiFi - MarinaCams Networking
30 Being the Highest Ranked Proposer and Authorizing Permission to
31 Negotiate an Agreement on Behalf of the Town.

32 *Beth Zickar, Director of Recreation*

- 33 2. Waiver to Town Code for 89 Middle Road LLC for an Extension of Time
34 for Installation of Utility Improvements.

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

- 36 3. Request by the City of West Palm Beach for Town Sponsorship in the
37 Amount of \$12,000 for the City's Fourth on Flagler Event.

38 *Kirk W. Blouin, Town Manager*

- 39 4. Approve a Change Order to the Construction Manager at Risk Contract to
40 Whiting-Turner Contracting Company for the Phipps Ocean Park

1 Restroom Improvements.
2 *H. Paul Brazil, P.E., Director of Public Works*

3 5. Weeks Ethics Complaint against Town Attorney.
4 *John C. Randolph, Town Attorney*

5 **XI. BOARD/COMMISSION ANNUAL REPORT**

6 A. Annual Report of the Architectural Commission.
7 *Robert J. Vila, Chair*

8
9 Chair Vila presented an overview of the report.

10
11 Discussion ensued regarding the main reason for the ARCOM deferrals and concerns with
12 the applicants meeting with the individual Commissioners before the meeting.

13
14 **Motion was made by President Pro Tem Zeidman, and was seconded by Council Member**
15 **Crampton, to accept the Annual Report of the Architectural Commission presented by**
16 **Robert Vila. On roll call, the motion carried unanimously.**

17
18 **XII. REGULAR AGENDA**

19 A. **Old Business**

20 1. Request for a Fourth Extension of the Town's Conditional Abatement
21 Period for Palm House.
22 *Cary Glickstein, Receiver*

23
24 Mr. Glickstein provided an overview of his request and the reasons for the fourth extension.

25
26 **Motion was made by Council Member Lindsay, and was seconded by President Pro Tem**
27 **Zeidman, to approve the Receiver's fourth request to extend the abatement period to 120**
28 **days subject to the same terms and conditions approved in the third request. On roll call,**
29 **the motion carried unanimously.**

30 2. Town-wide Undergrounding Project:
31 *Steven N. Stern, Underground Utilities Project Manager*

32 a. Review of Project and Dashboard, Summary of Project Status.

33 Project Manager Stern provided a status update on the underground
34 utilities project and an overview of the Dashboard.

35 Town Manager Blouin provided a timeframe for the negotiations process
36 with AT&T.

37 Discussion ensued regarding the cost and the timeline for construction of
38 Phase 2, the telecommunications consultant contract and the related costs

1 outside of the contract.
2

3 3. Coastal Update:
4 *H. Paul Brazil, Director of Public Works*

5
6 a. Groin Rehabilitation Update

7 Rob Weber, Coastal Program Manager, introduced Thomas Pierro,
8 Director of Operations for APTIM, who presented the Groin
9 Rehabilitation Plan.

10 Discussion ensued regarding liability issues with groin ownership, the
11 permitting process and the cost benefit for shore protection.

12 Director Brazil spoke regarding the guidelines pertaining to the use of
13 Individual Project Approvals (IPA) under the Beach Management
14 Agreement.

15 **It was the consensus of the Town Council to direct staff to explore the liability issue**
16 **and the IPA approach with the Town Attorney and report back to the Town Council**
17 **at a future meeting.**

- 18
19 b. RESOLUTION NO. 050-2018 A Resolution of the Town Council
20 of the Town of Palm Beach, Palm Beach County, Florida, Increasing
21 Purchase Order No. 170736 to Woods Hole Group, Inc., in the
22 Amount of \$59,950, for Dynamic Modeling for the Coastal
23 Vulnerability Assessment, Thereby Increasing the Purchase Order
24 From \$100,000 to \$159,950, and Thereby Increasing the Task Budget
25 From \$110,000 to \$169,950.

26
27 Coastal Program Manager Weber provided an overview of the
28 Resolution.

29
30 **Motion was made by Council Member Araskog, and was seconded by President Pro Tem**
31 **Zeidman, to approve Resolution 050-2018. On roll call, the motion carried unanimously.**

- 32
33 c. RESOLUTION NO. 20-2018 A Resolution of the Town Council of
34 the Town of Palm Beach, Palm Beach County, Florida, Approving a
35 Purchase Order for Professional Coastal Engineering Services to
36 Gahagan & Bryant Associates, Inc., in an Amount of \$26,240 for the
37 Sand Transfer Plant Feasibility Study, and Establishing a Task
38 Budget of \$30,000.

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

40
41 Coastal Program Manager Weber provided an overview of the

1 Resolution.

2
3 **It was the consensus of the Council to deny this Resolution.**

4 4. Recreation Center Project
5 TIME CERTAIN: 10:30 AM

6
7 a. Update from the Friends of Recreation.

8 Chair Matthew Smith provided an update on the fundraising efforts for the
9 Recreation Center. He reported that they have surpassed their goal of \$3.7 Million
10 and gave a breakdown of the donations received. He stated that the excess funds
11 will be used to create an endowment fund.

12
13 b. Project Update.

14 Director Brazil provided a brief status update on the construction of the new
15 center. He spoke regarding the design stage and stated that the plans for about
16 90% and some value engineering were complete. He stated that since the litigation
17 has been resolved, the construction manager is developing the Guaranteed
18 Maximum Price (GMP). Staff will review the GMP and report to the Town
19 Council at the June Town Council Meeting.

20
21 c. Funding Source(s) For Town's Share of Project Costs.
22 *Jane Le Clainche, Director of Finance*

23
24 Director Le Clainche presented the available funding sources for the Town's
25 share of the project costs of \$3.7M.

26
27 **Motion was made by President Pro Tem Zeidman, and was seconded by Council Member**
28 **Crampton, to allocate \$1.85M each from the Health Insurance and Risk Reserve Funds to**
29 **satisfy the Town's share of the project costs. On roll call, the motion carried 4 to 1 with**
30 **Council Member Araskog dissenting.**

31
32 Director Le Clainche stated that an Ordinance amending the budget will be presented at
33 the next Town Council Meeting for first reading.

34 **B. New Business**

35 1. Town Docks Project
36 TIME CERTAIN: 11:00 AM

37
38 a. Presentation of Draft Master Plan for the Town Docks
39 and Accessory Structures.
40 *Beth Zickar, Director of Recreation*

41
42 Beth Zickar, Director of Recreation, provided an overview of the selection

1 process for awarding the contract to W.F. Baird & Associates for the Draft
2 Master Plan for the Town Docks. She introduced Gordon Thomson,
3 P.E.D., C.E., of W.F. Baird & Associates who presented the draft master
4 plan.

5
6 Public Comments:

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8 Dennis Keith, Board President of 455 Australian Avenue, Palm Beach
9 representing the Royal Park Association.

10
11 Zachary Shipley of 228 Seaspray Avenue, Palm Beach.

12
13 Joe Carol, Yacht Captain, of Sag Harbour, NY.

14
15 Connie Geisler of 315 S. Lake Drive, Palm Beach.

16
17 Sharon McGinley, Boat Owner.

18
19 Susan Watts, 44 Cocoanut Row, Palm Beach.

20
21 Dr. Ellen Howe, 2295 S. Ocean Blvd., Palm Beach.

22
23 John Sprague, J. Sprague Consulting, LLC.

24
25 Town Manager Blouin spoke regarding dock usage and revenue.

26
27 Mike Horn, Town Dock master, provided an overview of the slip owners at the
28 docks including residents vs. non-residents.

29
30 Discussion ensued regarding the hurricane rating for the proposed docks,
31 dredging, cost and timeline, current maximum vessel size the Town Docks can
32 accommodate, market rates and grant funding requirements, revenue generation,
33 and keeping a town-serving element.

34
35 **Motion was made by Council Member Lindsay, and was seconded by Council Member**
36 **Crampton, to adopt alternative 3 of the design recommendations of the Town Docks**
37 **Master Plan. On roll call, the motion carried unanimously.**

38
39 b. Authorization to Issue RFQ for Design Consultant
40 Services for Town Dock Replacements.
41 *H. Paul Brazil, Director of Public Works*

42
43 Director Brazil provided an overview of the selection committee and the next
44 steps regarding the Design Consultant Services for the Town Dock
45 Replacements.
46

1 **Motion was made by President Pro Tem Zeidman, and was seconded by Council Member**
2 **Lindsay, for authorization to issue an RFQ for Design Consultant Services for Town Dock**
3 **Replacements with the environmental permitting done separately. On roll call, the motion**
4 **carried unanimously.**

- 5 2. Discussion of Section 18-166 of the Town Code of Ordinances Relative to
6 ARCOM Memberships and Appointments.

7 *Paul Castro, Acting Director of Planning, Zoning and Building*

8 Acting Director Castro provided an overview of the proposed amendments to Chapter 18
9 as it relates to the ARCOM memberships and appointments procedure.

10 Discussion ensued regarding the need for flexibility in the Code to appoint an ARCOM
11 member with Master Gardener expertise and opening it up to non-residents.

12 **It was the consensus of the Town Council to direct staff to amend Section 18-166 of the Town Code**
13 **to allow for state registered architects that are Florida residents.**

- 14 3. Comprehensive Annual Financial Report Fiscal Year Ended September 30,
15 2017.

16 *Jane Le Clainche, Director of Finance*

17 Director Le Clainche, provided an overview of the CAFR report.
18

19 **Motion was made by Council Member Crampton, and was seconded by President Pro**
20 **Tem Zeidman, to accept the Comprehensive Annual Financial Report (CAFR) for the**
21 **fiscal year ended September 30, 2017. On roll call, the motion carried unanimously.**

- 22 4. Request for Authorization to Study a Possible Zoning Text Amendment to
23 Change the Off-Street Parking Requirements for Private Social,
24 Swimming, Golf, Tennis and Yacht Clubs

25 *Paul Castro, Acting Director of Planning, Zoning and Building*

26 Acting Director Castro provided an overview of the request.
27

28 Discussion ensued regarding whether or not the Planning and Zoning Commission should
29 study this item.
30

31 **It was the consensus of the Town Council to take no action on this item.**

- 32 5. Proposed Amendment to the Town Code relating to the Administrative and
33 Personnel Committee Hearing Process.

34 Director of Human Resources Olson provided an overview of the proposed amendments to
35 the APC hearing process.

36 **Motion was made by Council Member Crampton, and was seconded by Council Member Araskog,**
37 **to amend Chapter 82 of the Town Code of Ordinances, removing the Administrative and Personnel**

1 Committee and replacing it with a Special Magistrate. On roll call, the motion passed unanimously.

2 C. Matters Pulled From Consent Agenda: *None*

3 **XIII. ORDINANCES**

4 A. Second Reading

- 5
6 1. ORDINANCE NO. 05-2018 An Ordinance of the Town Council of the
7 Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 18,
8 Buildings and Building Regulation, of the Town Code of Ordinances at
9 Section 18-112 of Article II, Division 5, Prohibition on Demolition, to
10 Provide for a Prohibition of Demolition of Structures During the Period of
11 the Year Commencing on the Monday Prior to Thanksgiving of Each Year
12 and Ending on March 31 of the Following Year, Including Good Friday;
13 Providing for Severability; Providing for Repeal of Ordinances in Conflict;
14 Providing for Codification; Providing an Effective Date.
15

16 **Motion was made by President Pro Tem Zeidman, and was seconded by Council Member**
17 **Araskog, to adopt Ordinance No. 05-2018, on second and final reading. On roll call, the**
18 **motion carried unanimously.**

19 B. First Reading

- 20
21 1. ORDINANCE NO. 06-2018 An Ordinance of The Town Council of The
22 Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82
23 of The Town Code of Ordinances Relating To Personnel, At Article II,
24 Employee Benefits, Division 2, Retirement System; Amending
25 Subdivision I, In General, By Amending Section 82-53, Membership;
26 Termination of Membership; Providing For Severability; Providing For
27 Repeal of Ordinances In Conflict; Providing For Codification; Providing
28 An Effective Date.
29

30 **Motion was made by Council Member Lindsay, and was seconded by President Pro Tem**
31 **Zeidman, to adopt Ordinance No. 06-2018, on first reading. On roll call, the motion carried**
32 **unanimously.**
33

34 **XIV. ANY OTHER MATTERS**

35
36 President Pro Tem Zeidman announced that a Public Workshop on Hurricane Preparedness will
37 be occurring during the month May on a date to be announced.

38 **Council Member Araskog requested that staff change the name of the Town's Rumor**
39 **Control Line to "Hurricane Hotline".**

40

1 **XV. ADJOURNMENT**

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3 There being no further business, the regular Town Council meeting of April 10, 2018 was
4 adjourned at 3:30 p.m.

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APPROVED:

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10 Danielle H. Moore, Town Council President

11

12 ATTEST:

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16 Kathleen Dominguez

17 Town Clerk

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20 Date: _____