



# TOWN OF PALM BEACH

Town Clerk's Office

## MINUTES OF THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, AUGUST 15, 2018

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

The Town Council meeting was called to order on Wednesday, August 15, 2018, at 9:45 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 provided the invocation. Council President Moore led the Pledge of Allegiance.

### **III. MODIFICATIONS TO THE AGENDA - *None***

### **IV. APPROVAL OF AGENDA**

**Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the agenda, as printed. On roll call, the motion passed unanimously.**

### **V. RECOGNITIONS**

- A.** Recognition of Jay N. Nisberg, Code Enforcement Board, from April 2015 through May 2018.

Mayor Coniglio thanked Mr. Nisberg for serving on the Code Enforcement Board and presented him with a recognition plaque.

## **VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS**

### **A. Presentations by Landmarks Preservation Commission Applicants.**

*Kirk Blouin, Town Manager*

The following applicants presented their qualifications to the Town Council:

- Marcia Mulford Cini, who resides at 1 North Breakers Row
- Jacqueline Weld Drake, who resides at 275 Tradewind Drive
- Susan Patterson, who resides at 710 North Ocean Avenue

In response to questions from Council Members Araskog and Lindsay, each applicant spoke regarding their view on property owners who appeal a Landmark designation recommendation and how they feel about the demolition of a landmarked property.

### **B. Appointments to the Landmarks Preservation Commission.**

*Kirk Blouin, Town Manager*

**Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to ratify the appointments of Kim Coleman as a Regular Member and Anne Metzger as an Alternate Member to the Landmarks Preservation Commission. On roll call, the motion passed unanimously.**

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

Mayor Coniglio welcomed the new Planning, Zoning, and Building Director Joshua Martin to the Town of Palm Beach and thanked Zoning Administrator Paul Castro for stepping into the role of the Acting Director during the past eight months.

She announced the upcoming retirement of Police Officer Carlos Rodriguez and Deputy Chief of Police Ann-Marie Taylor. She thanked them for their dedication and service to the community and sent her best wishes.

She spoke regarding the importance of the Town's Compensation and Benefits Study and improving employee retention and morale. She also spoke regarding environmental protection and the potential ban on plastic straws.

Mayor Coniglio requested that the Town Council consider extending the pay period for parking regulation violations to 14 days instead of 7 days.

## **VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

Council Member Lindsay spoke regarding her reasons for proposing a ban on plastic straws.

Council Member Crampton spoke regarding the creation of a quarterly financial dashboard report that he created with staff in the interest of educating the public on the Town's key financial issues.

**It was the consensus of the Town Council to discuss the quarterly financial dashboard report at the September 13, 2018 Town Council meeting before finalizing and distributing the information to the public.**

Council Member Araskog spoke regarding the Town's recently adopted policy for an additional contribution of \$5.42 million each year to the pension fund. She requested that this policy be sent to the Retirement Board of Trustees for discussion at their meeting on August 24, 2018. She also requested a Town Hall for the residents in order to discuss the first phase of undergrounding, a future discussion on the Town's Bond rating with respect to borrowing for future projects, and how to safely control and treat the Town for whiteflies.

## **IX. COMMUNICATIONS FROM CITIZENS**

Diane Buhler, Friends of Palm Beach, spoke regarding her organization's weekly trash collection on the Town's beaches. She announced that the Green's Pharmacy Diner has switched from using plastic straws to paper straws and that her volunteer weekly beach clean-up efforts will commence on Saturday at the Dolphin Road ocean access point.

John C. Dotterer, 1470 N. Ocean Blvd., commended Town Attorney Margaret Cooper on her briefing to the United States District Court for the Southern District of Florida in a case upholding an Architectural Commission (ARCOM) decision on a Development Review application. He spoke regarding the complexity of the case, Ms. Cooper's interpretation of the Town's ARCOM Ordinances, and her position that those Ordinances are valid and constitutional.

Bill Bone, 322 Pendleton Lane, spoke regarding the Palm Beaches Marathon event and the reasons why the Town should approve their request to hold a portion of their race in the Town of Palm Beach.

## **X. APPROVAL OF CONSENT AGENDA**

**The following items were pulled and heard under Item XII. C:**

- **Item No. X.C.5**
- **Item No. X.C.6**

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the Consent Agenda, as amended. On roll call, the motion passed unanimously.**

**A. MINUTES**

1. TOWN COUNCIL MEETING MINUTES  
*Kathleen Dominguez, Town Clerk*
  - a. July 9, 2018, Special Town Council Meeting Minutes
  - b. July 10, 2018, Town Council Meeting Minutes
  - c. July 11, 2018, Development Review Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its meeting of July 25, 2018.  
*Paul Castro, Acting Director of Planning, Zoning and Building*

**B. RESOLUTIONS**

1. RESOLUTION NO. 103-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Changes To The Town Of Palm Beach Master Fee Schedule, And Providing An Effective Date.  
*Paul Castro, Acting Director of Planning, Zoning and Building*
2. RESOLUTION NO. 104-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Copy and Duplication Services Fee Schedule, and Providing an Effective Date.  
*Kathleen Dominguez, Town Clerk*
3. RESOLUTION NO. 105-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Alan Jay Ford Lincoln Mercury in the Amount of \$125,662.56 for the Purchase Of Three (3) 2019 Ford Interceptor Police Rated Utility Vehicles, as Recommended by Staff; and Previously Considered and Approved During the FY2018 Budget Process and Included in the Town's Equipment Replacement Program; Establishing A Total Budget Of \$130,000; and Providing an Effective Date.  
*Ann-Marie Taylor, Acting Chief of Police*
4. RESOLUTION NO. 106-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Security Agreement between the School Board of Palm Beach County, Florida and the Palm Beach Police and the Town of Palm Beach; and Authorizing the Mayor, Town Manager and Other Town Staff to Execute

Same, As Needed, On Behalf of the Town; and Providing an Effective Date.

*Ann-Marie Taylor, Acting Chief of Police*

5. RESOLUTION NO. 107-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal To Regions Security Services, Inc.; Approving A Purchase Order To Regions Security Services, Inc. In The Amount Of \$64,971.00.; Establishing A Budget Of \$67,000.00 For Such Services, Subject To Approval Of The Fiscal Year 2019 Budget; And Authorizing The Town Manager To Take Further Actions Necessary To Effectuate Provisions For Said Services.

*Beth Zickar, Director of Recreation*

6. RESOLUTION NO. 108-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A One Year Contract Renewal With Faneuil, Inc. To Provide Contractual Labor Services; Establishing A Budget For Said Services, Subject To Approval Of The Fiscal Year 2019 Budget; And Authorizing The Town Manager To Take Actions Necessary To Complete Said Services.

*Beth Zickar, Director of Recreation*

7. RESOLUTION NO. 109-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for the Town Docks for Fiscal Year 2019.

*Beth Zickar, Director of Recreation*

8. RESOLUTION NO. 112-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting a Non-Exclusive Utility Easement Upon Town-Owned Land Within Palm Beach Estates Lots 120, 121, 124, 125, and 126 Palm Beach, Florida, as Recorded in Plat Book 8, Page 3 Public Records of Palm Beach County, Florida, as Described in Exhibit A, to Florida Power & Light Company for Conduit, Wires and Equipment to Provide Lighting within Phipps Ocean Park.

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

9. RESOLUTION NO. 113-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2018-45, and Approving a Disaster Debris Services Contract to Arbor Tree and Land, Inc., for First Pass, Cut and Toss, Sand and Vegetation Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

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

10. RESOLUTION NO. 114-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Award RFP No.

2018-24 and Approve a Purchase Order to Overtime Building Maintenance, Inc., for Janitorial Services, in the Amount of \$132,711.60 and Establishing a Project Budget of \$146,000 for FY2019. The Five Year Project Budget Shall Be \$730,000, Which Includes an Annual Cost of \$132,711.60 and a \$66,442 Contingency, Contingent on Funding in Future Fiscal Years.

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

11. RESOLUTION NO. 115-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing Authorization for a Contract Extension for the Worth Avenue Commercial District Maintenance Program to Battalan Enterprises dba Property Works, in an Amount Not-to-Exceed \$154,402 and Establishing a Project Budget of \$167,800 for the Worth Avenue Commercial District Maintenance Program Which is a Non-Ad Valorem Assessment Paid for by the Property Owners Within the Assessment Area.

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

12. RESOLUTION NO. 116-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Annual Dissolved Sulfide Reduction and Odor Control Treatment Services to Kemira Water Solutions, Inc., in the Amount of \$126,420, and Establishing an Overall Budget of \$139,062, Contingent on Final Approval of the FY19 Budget.

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

13. RESOLUTION NO. 117-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Honoring Fifty Years of Municipal Home Rule in the Florida Constitution and Committing to an Educational Initiative to Help Floridians Understand this Beneficial Right.

*Mayor Gail L. Coniglio*

## **C. OTHER**

1. Approve Request by Akerblom Contracting, Inc. to Close North Lake Way as Part of the E-1, E-2, and G-1 Liftstation Improvements Project.

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

2. Waiver to Town Code for Extended Construction Hours and Lane Closure for Allegiance Crane & Equipment to Close Worth Avenue Between Hibiscus Avenue and Golfview Road to Replace Two (2) A/C Units

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

3. Request to Consider Ordinance No. 15-2018 Prior to 5:00 p.m. at a Public Hearing.

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

4. Accept an Anonymous Donation of \$100,000 to the Town of Palm Beach.  
*Kirk Blouin, Town Manager*
5. Ratification of the Selection Committee's Recommendation for Professional Engineering Services for Town Docks Replacement Project (RFQ No. 2018-43).  
*H. Paul Brazil, P.E., Director of Public Works – **Pulled from Consent Agenda***
6. Ratification of the Selection Committee's Recommendation for Marine and Coastal Environmental Consulting Services for Town Docks Replacement (RFQ 2018-42).  
*H. Paul Brazil, P.E., Director of Public Works – **Pulled from Consent Agenda***

## **XI. COMMITTEE REPORTS**

- A. Report of the Public Works Committee Meeting Held on July 12, 2018.  
*Bobbie Lindsay, Chair*

Chair Lindsay provided an overview of the report.

Discussion ensued regarding the East Central Regional Treatment Plant Facility.

In response to a question from Council Member Crampton, Public Works Director Brazil, spoke regarding the future improvement projects at the treatment facility and how it benefits the Town.

**Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the report. On roll call, the motion passed unanimously.**

## **XII. REGULAR AGENDA**

### **A. Old Business**

1. Town-wide Undergrounding Project:  
*Steve Stern, Project Manager*

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

Project Manager Stern reported on the progress of the easements and the construction projects for Phase 1 and Phase 2 North and South. He spoke regarding completion dates, communication outreach efforts, financing options and the status of the construction agreements with communication service providers.

In response to a request by Council President Moore, Project Manager Stern stated that he will work with the construction crew on rescheduling the September 10<sup>th</sup> *Coffee With the Crew* meeting so that it does not conflict with the Jewish holiday.

Discussion ensued regarding the negotiation process for pre-construction agreements with a communication service provider for each phase of the project.

Town Manager Blouin spoke regarding the Town's efforts to work out an agreement with a communication service provider.

- b. RESOLUTION NO. 118-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Management At Risk (CMAR) Contract to Burkhardt Construction, Inc., for the Town-Wide Utility Undergrounding Phase 2 North and Drainage Improvements for Osceola Way in the Amount of \$4,070,866.92, and Establishing a Project Budget of \$4,270,866.92.  
*H. Paul Brazil, Director of Public Works*

Town Engineer Strayer provided an overview of the resolution and spoke regarding the bidding environment, the overall project cost versus the engineer's estimate, inflation and other factors that led to the price increase, and bringing over contingency monies from the Phase 1 budget in order to offset the cost increase.

Purchasing Manager Dean Mealy spoke regarding the competitive bidding process as it relates to the Town's effort to reduce the project cost.

**Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 118-2018. On roll call, the motion passed unanimously.**

- c. RESOLUTION NO. 119-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn & Associates, Inc., for Construction Phase Engineering Services for the Town-Wide Overhead Utility Undergrounding Phase 2 North Project and Associated Capital Improvements Broken Down as Follows: Phase 2 North Utility Undergrounding in an Amount of \$248,121, and Establishing a Construction Phase Engineering Services Budget of \$273,000 from the Town-Wide Undergrounding of Utilities Fund; and Drainage Improvements on Osceola Way and North Ocean Way in the Amount of \$5,261 and Establishing a Construction Phase Engineering Services Budget of \$6,000 from the



Accelerated Capital Improvements Phase 2 Fund for a Total Purchase Order in the Amount of \$253,382, and Establishing a Total Construction Phase Engineering Budget of \$279,000.

*H. Paul Brazil, Director of Public Works*

Town Engineer Strayer provided an overview of the Resolution.

In response to questions from Council Member Crampton, Town Engineer Strayer spoke regarding the roles of Kimley Horn and Associates and Burkhardt Construction. She also spoke regarding the lessons learned in Phase 1 of the project with respect to the roads and how those lessons will be applied during Phase 2 North.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 119-2018. On roll call, the motion passed unanimously.**

- d. RESOLUTION NO. 120-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Issuance of its General Obligation Bonds (Underground Utility Project), Series 2018 in a Principal Amount of Not to Exceed \$60,000,000, for the Purpose of Financing or Refinancing a Portion of the Cost of the Underground Utility Project, Retiring the Town's Outstanding Public Improvement Commercial Paper Revenue Notes, Series 2017 and Paying Costs of Issuance; Providing for Registration Through a Book-Entry System; Approving the Form and Authorizing the Distribution of a Preliminary Official Statement and the Execution and Delivery of a Final Official Statement; Establishing Criteria for Determining the Date, Interest Rates, Provisions for Redemption and Maturity Schedule of the Bonds; Authorizing the Town Manager to Award the Sale of the Bonds to the Underwriter on a Negotiated Basis; Providing Covenants as to Continuing Disclosure; Approving the Form and Authorizing the Execution and Delivery of a Bond Purchase Agreement and the Conditions and Criteria of Such Sale or Sales; Authorizing all Proper Officials to do all Things Necessary in Connection with the Issuance, Sale and Delivery of the Bonds; and Providing an Effective Date.

*Jane Le Clainche, Director of Finance*

Jay Glover, PFM Financial Advisers, provided an overview of the general obligation bond issue and his recommendation to lock-in a long-term fixed interest rate.

Rick Miller, Locke Lord, Bond Counsel for the Town, spoke regarding the Resolution and the reasons for suggested adoption.

**Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve Resolution No. 120-2018. On roll call, the motion passed unanimously.**

2. Coastal Update:

a. Shoreline Condition Update

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

Coastal Program Manager Rob Weber provided a PowerPoint presentation of the Town's shoreline condition for each reach.

Discussion ensued regarding the large amount of seaweed showing up on the shoreline and the upcoming projects at Mid-Town Beach and South-end.

3. Palm Beach Marathon Request.

*Kirk Blouin, Town Manager*

Town Manager Blouin provided an overview of the request and his opinion that residents did not view the Marathon as a Town serving event.

He introduced Kenneth Kennerly of Jupiter, FL, President & CEO of K2 Sports Ventures, the sponsors of the marathon.

Mr. Kennerly provided an overview of the marathon and the course details. He requested permission to enter and exit the Town as part of the marathon route.

Discussion ensued regarding staffing issues and safety concerns especially during a potential presidential visit.

**Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to deny the Palm Beach Marathon application. On roll call, the motion passed 4 to 1, with Council Member Crampton dissenting.**

**B. Matters Pulled From Consent Agenda:**

1. Ratification of the Selection Committee's Recommendation for Professional Engineering Services for Town Docks Replacement Project (RFQ No. 2018-43).

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

Council Member Lindsay spoke regarding the selection committee process.

Dean Mealy, Purchasing Manager, provided an overview of the various steps involved in the selection committee process.

Director Brazil spoke regarding the permitting process and various issues related to the dredging operation including hardness of the rock, mobilization costs, disposal of the dredged material, wall design and revetment.

**Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to ratify the Selection Committee's Recommendation for Professional Engineering Services for Town Docks Replacement Project (RFQ No. 2018-43) and authorize staff to begin negotiations. On roll call, the motion passed unanimously.**

2. Ratification of the Selection Committee's Recommendation for Marine and Coastal Environmental Consulting Services for Town Docks Replacement (RFQ 2018-42).  
*H. Paul Brazil, P.E., Director of Public Works*

**Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve the Selection Committee's Recommendation for Marine and Coastal Environmental Consulting Services for Town Docks Replacement (RFQ 2018-42) and authorize staff to begin negotiations. On roll call, the motion passed unanimously.**

### **XIII. ORDINANCES**

#### **A. Second Reading**

1. ORDINANCE NO. 13-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article I, In General, Section 134-38, Filing Fees For Rezoning, Special Exception Use, Variance, Appeal Or Other Matters Requiring Public Hearing By Correcting The Title; Eliminating The Filing Fees From The Ordinance And Cross Referencing The Town Of Palm Beach Master Fee Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

**Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to adopt Ordinance No. 13-2018. On roll call, the motion passed unanimously.**

2. ORDINANCE NO. 14-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-57, Board Of Trustees; Administrative Duties; Investment Of Retirement System

Assets; Providing For Severability; Providing For Repeal Of Ordinances  
In Conflict; Providing For Codification; Providing An Effective Date.  
*Kirk Blouin, Town Manager*

**Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to adopt Ordinance No. 14-2018. On roll call, the motion passed unanimously.**

**XIV. ANY OTHER MATTERS**

Discussion ensued regarding the potential ban of plastic straws. Staff was instructed to place this item on the agenda for the next Ordinances, Rules and Standards Committee Meeting.

**XV. ADJOURNMENT**

The Town Council Meeting was adjourned at 1:25 p.m.

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Danielle H. Moore  
Town Council President

ATTEST:

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Kathleen Dominguez  
Town Clerk

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Date