



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON THURSDAY, SEPTEMBER 13, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Thursday, September 13, 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 Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following changes were made to the agenda:

Item XI.A.5 was taken out of order and heard after Item X.A.

IV. APPROVAL OF AGENDA

Motion was made by Council Member Zeidman, and seconded by Council Member Araskog, to approve the Agenda, as amended. On roll call, the motion passed unanimously.

V. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by Code Enforcement Board Applicants.
Kirk W. Blouin, Town Manager

The following applicant made a presentation to the Town Council:

Joel Koeppel

B. Appointment to Code Enforcement Board.

Kirk W. Blouin, Town Manager

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to ratify the appointment of Herbert Roemmele as an Alternate Member of the Code Enforcement Board. On roll call, the motion passed unanimously.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding the Town's partnership with Debra Drum, Director of Environmental Resource Management for Palm Beach County, on the preservation of the native dune plants at Kreusler Park.

She recognized staff members Danielle Olson, Human Resources Director, for effectively managing the Town's health insurance program and Dean Mealy, Purchasing Manager, on his recent recognition as a procurement professional from the Universal Public Procurement Certification Council.

She spoke regarding the Town's efforts to improve cell phone service in the North end and hurricane preparedness.

She also spoke regarding the retention issues in the Public Safety Department and the need for a short-term and long-term option that is cost effective for the Town.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Moore recognized Darrel Donatto and Sean Baker for their attendance at the 9/11 Remembrance Ceremony in Boynton Beach.

Council Member Araskog spoke regarding the reasons for the cancellation of the last Ordinances, Standards, and Rules (ORS) Committee meeting. She suggested that staff meet with additional cell phone carriers in order to resolve the lack of cell service faced by residents in the North end.

VIII. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, spoke regarding her organization's trash collection efforts on the Town's beaches and her experience with pull back due to the increase in trash and limited resources. She announced that her organization will be participating in the International Coastal Clean-up this Saturday and will be cleaning up at the Indian Road access point and encouraged more volunteers. She also thanked Rob Weber for getting her in touch with Debra Drum from the Palm Beach County Environmental Resource Management department for assistance with beach restoration projects.

Linda Essig, 321 North Ocean Boulevard, spoke regarding the undergrounding project and concerns with the cost to the taxpayers.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and moved under Item IX.C.:

- Item XIII. B. 36. Resolution No. 172-2018
- Item XIII.C.4.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, 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. August 15, 2018, Local Planning Agency Meeting Minutes
- b. August 15, 2018, Town Council Meeting Minutes
- c. August 15, 2018, Town Council Development Review Meeting Minutes

2. Approval of Major Matters considered by the Architectural Review Commission at its meeting of August 22, 2018.

Joshua Martin, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. Liability, Property, Workers' Compensation, Automobile & Ancillary Insurance Coverages for FY2019.

RESOLUTION NO. 131-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs For Property, Liability, Workers' Compensation, Automobile And Ancillary Coverages For FY2019 In The Amount Of \$811,767 And Variable Costs In The Amount Of \$1,100,000; Approving A Non-Exclusive Insurance Agent Services Agreement With Relation Insurance Service Of Florida, Inc. "Relation", In The Amount Of \$35,000; Approving A Non-Exclusive Insurance Agent Services Agreement With Arthur J. Gallagher Risk Management Services, Inc., "AJG," In The Amount Of \$10,000; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The

Amount Of \$26,400; Conditioning All Matters Contained Herein Subject To Approval Of The Fiscal Year 2019 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Agent Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.

Danielle Olson, Director of Human Resources

2. RESOLUTION NO. 133-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Renewing a Contract with Murphy Stillings, LLC for one year to Provide Historic Preservation Consulting Services, Establishing a Budget of \$56,000 for Said Services; and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services; Subject to Approval of the Fiscal Year 2019 Town Budget.

Joshua Martin, Director of Planning, Zoning & Building

3. RESOLUTION NO. 134-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Renewing Contracts To Hy-Byrd Incorporated, GFA International Inc., And C.A.P. Government, Inc. For One Year To Provide Plan Review And Inspection Services; Establishing A Budget Of \$340,000 For Said Services, And Authorizing The Town Manager To Take Actions Necessary To Effectuate Implementation Of Said Services; Subject To Approval Of The Fiscal Year 2019 Budget.

Joshua Martin, Director of Planning, Zoning & Building

4. RESOLUTION NO. 135-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County in the Amount of \$82,397.08; Subject to Approval of the Fiscal Year 2019 Budget.

Nicholas Caristo, Acting Chief of Police

5. RESOLUTION NO. 136-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Purchase Orders to Johnson Controls, Inc. for the Annual Maintenance Contract for the Townwide Camera and Security System in the Amount of \$17,998; and for Service and Emergency Repairs of the Townwide Camera and Security System, Not Covered by Said Maintenance Contract, in the Amount of \$40,000; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing for an Effective Date.

Nicholas Caristo, Acting Chief of Police

6. RESOLUTION NO. 137-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving Purchase Orders to Citation Communications, Inc. for the Annual System Maintenance Agreement in the Amount of \$34,908; and for Miscellaneous Repairs and Parts, as needed and Recommended By

Staff, In The Amount Of \$15,000; Establishing a Total Budget Overall of \$52,000; Subject to Approval of the Fiscal Year 2019 Budget.

Nicholas Caristo, Acting Chief of Police

7. RESOLUTION NO. 138-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to Electronic Data Collection Corp. for the Purchase of Annual Software Maintenance in the Amount of \$37,500.00; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

8. RESOLUTION NO. 139-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to Cartegraph Systems Inc. for the Purchase of Annual Software Maintenance in the Amount of \$41,616.00; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

9. RESOLUTION NO. 140-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to ESRI for the Purchase of Annual Software Maintenance in the Amount of \$35,000.00; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

10. RESOLUTION NO. 141-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to MCCI, LLC for the Purchase of Annual Software Maintenance in the Amount of \$42,530.85; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

11. RESOLUTION NO. 142-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to SHI International Corp. for the Purchase of Annual Microsoft Software Maintenance in the Amount of \$95,616.45; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

12. RESOLUTION NO. 143-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to Superion, LLC for the Purchase of Annual Software Maintenance in the Amount of \$108,257.28;

Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

13. RESOLUTION NO. 144-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing and Approving the Issuance of a Purchase Order to Tyler Technologies, Inc. for the Purchase of Annual Software Maintenance in the Amount of \$86,253.39; Subject to the Approval of the Fiscal Year 2019 Budget; and Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

RESOLUTION NO. 145-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order to All American Sweeping, Inc., for Annual Street Sweeping Services in the Amount of \$91,882.44, and Establishing a Project Budget of \$101,070 for FY2019. The Remaining Three Year Project Budget Shall be \$303,210, Which Includes an Annual Cost of \$91,882.44, and a \$27,562.68 Contingency, Contingent on Funding in Future Fiscal Years.

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

14. RESOLUTION NO. 146-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order to Batallan Enterprises, Inc. DBA Property Works, for Town Square Maintenance Services, in the Amount of \$49,591.85, and Establishing a Project Budget of \$57,030 for FY2019. The Remaining Three Year Project Budget Shall be \$171,090, Which Includes an Annual Cost of \$49,591.85 and a \$22,324.45 Contingency, Contingent on Funding in Future Fiscal Years.

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

15. RESOLUTION NO. 147-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Batallan Enterprises, Inc. DBA Property Works, for Grounds Maintenance "Locations", in the Amount of \$64,456.04 and Establishing a Project Budget of \$70,900, Subject to Approval of the Fiscal Year 2019 Budget.

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

16. RESOLUTION NO. 148-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order to Batallan Enterprises, Inc. DBA Property Works for Turf Maintenance, in the Amount of \$104,210.40 and Establishing a Project Budget of \$114,630.

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

17. RESOLUTION NO. 149-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Gsky Plant Systems, Inc., for the Worth Avenue Living Wall Maintenance Program in the Amount of \$28,900, and Establishing a Project Budget of \$31,790 for FY2019. The Remaining Three Year Project Budget Shall be \$95,370, Which Includes an Annual Cost of \$28,900 and a \$8,670 Contingency, Contingent of Funding in Future Fiscal Years.
H. Paul Brazil, P.E., Director of Public Works
18. RESOLUTION NO. 150-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order for Fountain Maintenance and Repair Services to Mako Pools in the Amount of \$24,200, and Establishing a Project Budget of \$27,830 for FY2019. The Remaining Three Year Project Budget Shall be \$83,490 Which Includes an Annual Cost of \$24,200 and a \$10,890 Contingency, Contingent on Funding in Future Fiscal Years.
H. Paul Brazil, P.E., Director of Public Works
19. RESOLUTION NO. 151-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order for Irrigation Services to B. Ellis Enterprises, Inc., in the Amount of \$18,000, and Establishing a Project Budget of \$20,000 for FY2019. The Two Year Project Budget Shall be \$40,000 Which Includes an Annual Cost of \$18,000, and a \$4,000 Contingency, Contingent of Funding in Future Fiscal Years.
H. Paul Brazil, P.E., Director of Public Works
20. RESOLUTION NO. 152-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order to Premium Painters for Curb Painting Services in the Amount of \$21,175.76, and Establishing a Budget of \$24,355 for FY2019. The Remaining One Year Project Budget Shall be \$24,355, Which Includes an Annual Cost of \$21,175.76, and a \$3,129.74 Contingency, Contingent on Funding in Future Fiscal Years.
H. Paul Brazil, P. E., Director of Public Works
21. RESOLUTION NO. 153-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Award Bid No. 2018-11 and Approve Purchase Orders to Universal Electric of Florida, Inc., and C R Dunn, Inc., for Electrical Services, in the Combined Amount of \$140,000, and Establishing a Combined Project Budget of \$160,000 For FY2019. The Remaining Four Year Project Budget Shall be \$640,000, Which Includes an Annual Cost of \$140,000 and a \$80,000 Contingency, Contingent on Funding in Future Fiscal Years.
H. Paul Brazil, P.E., Director of Public Works
22. RESOLUTION NO. 154-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No.

2018-50 and Approving a Contract and Purchase Orders to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of \$315,411.41, and Establishing a Project Budget of \$318,000 for FY2019. The Remaining Extensions for the Following Four Years Shall be Approved Only Upon Satisfactory Performance as Determined at the Sole Discretion of the Public Works Director for an Additional Amount of the Previous Year, an Annual Escalator will be Negotiated Each Year Prior to Renewal for a Four Year Budget of \$1,742,847.13, Contingent Upon Funding in Future Fiscal Years.

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

23. RESOLUTION NO. 155-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order to Oracle Elevator Company for Elevator Maintenance and Repair Services in the Amount of \$12,080, and Establishing a Budget of \$13,892 for FY2019. The Remaining Three Year Project Budget Shall be \$41,676, Which Includes an Annual Cost of \$12,080 and a \$5,436 Contingency, Contingent on Funding in Future Fiscal Years.

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

24. RESOLUTION NO. 156-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order to Batallan Enterprises, Inc. DBA Property Works, for Hedge Trimming Services in the Amount of \$70,697.62 and Establishing a Project Budget of \$77,770, Subject to Approval of the FY2019 Budget.

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

25. RESOLUTION NO. 157-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order for Holiday Lighting and Decoration Services to Florida CDI, LLC/Christmas Designers, Inc., in the Amount of \$89,545.33, and Establishing a Project Budget of \$102,980 for FY2019. The Remaining Three Year Project Budget Shall be \$308,940, Which Includes an Annual Cost of \$89,545.33 and a \$40,304.01 Contingency, Contingent on Funding in Future Fiscal Years.

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

26. RESOLUTION NO. 158-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension and Purchase Order for Street Light and Sign Post Painting Services to Roof Painting By Hartzellin the Amount of \$38,215, and Establishing a Project Budget of \$43,950 for FY2019. The Remaining One Year Project Budget Shall be \$43,950 Which Includes an Annual Cost of \$38,215, and a \$5,735 Contingency, Contingent on Funding in Future Fiscal Years.

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

27. RESOLUTION NO. 160-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Piggybacking The City Of Lake Worth Contract For Office Clerical Staffing With Office Team And Authorizing The Town Manager To Execute An Agreement On Behalf Of The Town.
Joshua Martin, Planning, Zoning & Building Director
28. RESOLUTION NO. 161-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase Order in the Amount of \$99,091.40 to Yamaha Golf Car Company for Thirty 2019 Yamaha Drive2 Quietech Gas Golf Carts and One 2019 Yamaha U-Max 2 Gas Utility Vehicle for the Par 3 Golf Course, and Establishing a Project Budget of \$105,000.00.
Jay Boodheshwar, Deputy Town Manager
29. RESOLUTION NO. 166-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Unifirst Corporation for Uniform Rental and Cleaning Services, in the Amount of \$25,596.48 and Establishing a Budget of \$30,000, Subject to Approval of the Fiscal Year 2019 Budget.
H. Paul Brazil, P.E., Director of Public Works
30. RESOLUTION NO. 167-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Seacoast Embroidery, Inc. dba Seacoast Uniforms in the Amount of \$35,000 for Fiscal Year 2019; for the Purchase of Police Department Uniforms and Accessories; Allowing for an Overall Budget of \$46,000; Subject to Approval of the FY2019 Budget; and Providing an Effective Date.
Nicholas Caristo, Acting Chief of Police
31. RESOLUTION NO. 168-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2019 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.
Jane Le Clainche, Director of Finance
32. RESOLUTION NO. 169-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Awarding RFP No. 2018-46 to TD Bank, N.A. for Banking and Merchant Services, and Authorizing the Town Manager to Execute an Agreement on Behalf of the Town.
Jane Le Clainche, Director of Finance

33. RESOLUTION NO. 170-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the use of the State of Florida Department of Management Services Contract for Office Supplies to Office Depot, Inc. and Approve a Budget of \$75,000 for Fiscal Year 2019 and a Forty-Two Month Proposed Budget of \$275,000 Subject to Annual Town Council Review and Authorization.
Jane Le Clainche, Director of Finance
34. RESOLUTION NO. 171-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of the Contract to Supply Unleaded and Diesel Fuel through the Southeast Florida Governmental Purchasing Cooperative Group RFP E-13-18 to Port Consolidated Inc. in the Amount of \$190,000 and Establishing a Budget of \$190,000 for FY2019. The remaining Three-Year Project Budget Shall be \$570,000, which includes an Annual Cost of \$190,000, contingent on funding in Future Fiscal Years.
Jane Le Clainche, Director of Finance
35. RESOLUTION NO. 172-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Town Docks and Golf Course Enterprise Fund's Reserve Policies; Providing an Effective Date.
*Jane Le Clainche, Director of Finance- **Pulled from Consent***
36. RESOLUTION NO. 173-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing A Twelve Month Extension Of The Contract, With No Changes To Terms, To Applied Business Services D/B/A Security Collection Agency To Provide Billing Account Collections For Emergency Medical Services And Other Accounts Receivable And Authorizing The Town Manager To Execute The Same On Behalf Of The Town.
Darrel Donatto, Fire Rescue Chief

C. OTHER

1. Relocation of Historic/Specimen Tree from 520 Island Drive.
H. Paul Brazil, P.E., Director of Public Works
2. Road Closure of Cocoanut Row Between Worth Avenue and Peruvian Avenue to Install a Generator.
H. Paul Brazil, P.E., Director of Public Works
3. Health Insurance Rates for 2019.
Danielle Olson, Director of Human Resources
4. Request for ORS to Review a Draft Ordinance Pertaining to the Planting of Ficus Benjamina.

Bobbie Lindsay, Council Member – Pulled from Consent

5. Proposed Town Sponsorship of Business Association Special Event on November 10, 2018, to be Hosted by the Worth Avenue Association.
Jay Boodheshwar, Deputy Town Manager

X. APPEALS

- A. Appeal of the ARCOM decision for the project A-029-2018, 340 Seaview Avenue.

Joshua Martin, Director of Planning, Zoning and Building

Director Martin provided an overview of the Town's appeal process with regard to ARCOM decisions and provided a summary of the Town's appeal to the ARCOM decision that was made at their August 22, 2018 meeting regarding the denial of the proposed changes to the Recreation Center project and their recommendations.

Nelo Freijomel, Stephen Boruff Architects + Planners, Inc., presented the modifications requested by ARCOM, which were to add back the cast stone hardscape to certain areas of the building and entryways. He also presented the hardscape options recommended by staff in response to the ARCOM decision and the additional cost for each.

Discussion ensued regarding the additional cost to add back the hardscape in certain areas, long-term maintenance costs, safety and durability of cast stone pavers, the type of hard scape used by the surrounding buildings and the overall functionality and necessity of ARCOM's recommendations to the design of the project.

Jay Boodheshwar, Deputy Town Manager, provided the cost breakdown for the Town and the funding partners should they decide to move forward with adding back the cast stone material to the exterior of the building. He further explained the discussion that took place with the funding partners and reported that they agreed to fund their share for additional cast stone material for the vertical work but not the flat work. He also informed Council that a decision does not need to happen today but cautioned them to keep volatility in prices in mind.

Michael Small, ARCOM Vice Chair, 156 E. Inlet Dr., spoke regarding ARCOM's reason for strongly recommending that the original architecture that was proposed a year ago get added back to the current GMP.

In response to a question from Council Member Araskog, Mr. Small requested that the Town retain as much of the cast stone as possible in the

project design and requested that staff continue to present all future proposed changes to ARCOM.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the addition of the cast stone detail to the project design for the recreation center building and tennis pavilion, as was originally presented and to defer the flat work design options to the October 9, 2018 Town Council meeting. On roll the motion passed unanimously.

(Clerk's note: Item No. XI.A.5., Resolution No. 174-2018, was taken out of order and heard immediately after this item.)

XI. REGULAR AGENDA

A. Old Business

1. Town-Wide Undergrounding Project

- a. Review of Project and Dashboard, Summary of Project Status
Steve Stern, Project Manager

Project Manager Stern reported the key project updates and project dashboard. He spoke regarding the communication efforts between the contractors and residents, the construction activities in the North and South, and the design and easement progress.

In response to a question from Council Member Araskog, Finance Director Le Clainche spoke regarding the Town's budget allocations for the bond interest.

- b. Accept Withdrawal of the Construction Management At Risk (CMAR) Bids and Contract to Whiting-Turner Contracting Company for the Town-Wide Utility Undergrounding Phase 2 South.

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

Patricia Strayer, Town Engineer, provided an overview of the of the Town's recommendation to accept the termination of the current Construction Manager At Risk (CMAR) contract with Whiting-Turner, re-solicit bids for engineering services and revise the project scope so that it includes the combination of Phases 2 and 3 South.

She spoke regarding the selection process for a Construction Manager At Risk (CMAR) contract for project engineering services of this magnitude and the criteria and legal requirements of the Consultant's Competitive Negotiation's Act (CCNA).

Dean Mealy, Purchasing Manager, spoke regarding the pricing issues that occurred with Whiting-Turner and their sub-contractors and how it led to the termination of their contract.

Town Manager Blouin announced the sale of the \$60 million bond for the Townwide Undergrounding Utility project.

It was the consensus of the Town Council to accept the termination of the Construction Manager At Risk (CMAR) contract with Whiting-Turner Construction Company, direct staff to resolicit engineering service proposals for a CMAR with the project scope of Phases 2 and 3 South combined. On roll call, the motion passed unanimously.

2. Coastal Update

a. Shore Line Condition Update

Coastal Program Manager Rob Weber presented the shoreline conditions for each reach.

In response to a question from Council Member Crampton, Mr. Weber provided information on the sand fore passing project scheduled for Reach 2 and stated the he will look into the Town's options for additional sand placement at Reach 8.

Council Member Lindsay spoke regarding the heavy Sargassum seaweed build-up on the Town's beaches this year. She also recognized the Public Works department for the Inlet dock project finishing on schedule.

b. RESOLUTION NO. 162-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 18PB2, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Monitoring Reimbursement for the 2016 Phipps Ocean Park Beach Nourishment Project, in the Amount of \$27,690, and Authorizing the Town Mayor to Execute Same on Behalf of the Town.

c. RESOLUTION NO. 163-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Increase in Regard to Awarded Bid No. 2016-28 to Coston Marine Services, Inc., in the Amount of \$70,405.50 to Remove Additional Rock for the Construction of the Lake Worth Lagoon Waterway Access Maintenance Dredging; Increasing the Contract Amount from \$1,311,940.00 to \$1,382,345.50 and Establishing a New

Construction Phase Budget of \$1,432,345.50, Including Contingency, Contingent Upon Town Council Acceptance and Receipt of Donations to Fully Fund this Project and the Respective Construction Administration Services.

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

Coastal Program Manager Weber provided an overview of Resolution No. 162-2018 and Resolution No. 163-2018.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve Resolution No. 162-2018. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Resolution No. 163-2018. On roll call, the motion passed unanimously.

3. RESOLUTION NO. 164-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Environmental Permitting Consulting Services to Edgewater Resources LLC, in an Amount of \$137,862 for the Town Docks Replacement, and Establishing an Environmental Permitting Consulting Services Budget of \$150,000.

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

Director Brazil provided an overview of Resolution No. 164-2018.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve Resolution No. 164-2018. On roll call, the motion passed unanimously.

4. RESOLUTION NO. 165-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design, Bid, and Construction Phase Engineering Services to W.F. Baird & Associates Ltd., in an Amount of \$1,562,066 for the Town Docks Replacement, and Establishing a Design, Bid and Construction Phase Engineering Services Budget of \$1,650,000.

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

Director Brazil provided an overview of Resolution No. 165-2018.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve Resolution No. 165-2018. On roll call, the motion passed unanimously.

5. RESOLUTION NO. 174-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for the Construction Management At Risk (CMAR)

Contract to Hedrick Brothers Construction Company, Inc., for the Seaview Park and Recreation Center Improvements in an Amount Not-to-Exceed \$299,062 and Establishing a Total Guaranteed Maximum Price (GMP) Construction Budget of \$11,901,580 and Establishing an Overall Project Budget of \$14,094,321.

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

(Clerk's note: This item was taken out of order and heard after Item X. A.)

Deputy Town Manager presented the revised Resolution No. 174-2018 as follows:

RESOLUTION NO. 174-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for the Construction Management At Risk (CMAR) Contract to Hedrick Brothers Construction Company, Inc., for the Seaview Park and Recreation Center Improvements in an Amount Not-to-Exceed ~~\$299,062~~ **\$167,327** and Establishing a Total Guaranteed Maximum Price (GMP) Construction Budget of ~~\$11,901,580~~ **\$11,769,845** and Establishing an Overall Project Budget of ~~\$14,094,321~~ **\$13,962,586**.

Council Member Crampton announced that he will not vote on Resolution No. 174-2018 and recused himself. He reported the reason as a potential conflict of interest due to the business relationship he has with Dale Hedrick, who is a principal at Hedrick Brothers Construction Company and sits on the Board of Directors at the Science Center where Mr. Crampton holds the seat as Board President.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 174-2018, as amended above. On roll call, the motion passed 3 to 1 with Council Member Araskog dissenting and Council Member Crampton recused.

B. New Business

1. Discussion Regarding Financial Dashboard Report.

Kirk W. Blouin, Town Manager

Director Le Clainche presented the Financial Dashboard Report.

Discussion ensued regarding staff time, frequency of reporting, formatting and the data on display with regarding to the Town's general budget and financial status.

It was the consensus of the Town Council to approve the distribution of the financial dashboard report by posting it online and providing hard copies in the Finance Department.

2. Discuss Scheduling a Joint Meeting with the Town Council and the Retirement Board of Trustees.

Kirk W. Blouin, Town Manager

Town Manager Blouin presented the request by the Retirement Board of Trustees to hold a joint meeting with the Town Council in the month of November.

It was the consensus of the Town Council to approve a joint meeting with the Retirement Board of Trustees and give staff with the option to schedule the meeting on either November 13 or 14, 2018.

3. Discussion Regarding Deferred Retirement Option Plan (DROP) Extension Program.

Kirk W. Blouin, Town Manager

Town Manager Blouin provided an overview of the draft ordinance with proposed amendments to the Town's Deferred Retirement Option Program (DROP). He spoke regarding the unique staffing situation in the public safety department with regard to positions lost due to attrition and the current DROP participants. He proposed extending the DROP period for an additional 36 months under certain conditions for a period of three years.

Discussion ensued regarding recruitment and retention challenges in the public safety department, succession planning, gaps in leadership, retention and recruitment issues, costs to the Town, positive and negative impacts to the salary and pension benefits.

In response to a question from Council President Moore, Town Manager Blouin explained the vetting process that went into drafting the proposed ordinance and the collective bargaining process with the Firefighters union.

Town Attorney Randolph read the ordinance by title. He also spoke regarding the next steps involved with respect to presenting the Ordinance to the Fire Fighters' Union (Professional Firefighters/Paramedics of Palm Beach County, Local Chapter 2928) before final adoption.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Ordinance 19-2018, on first reading. On roll call, the motion passed 3 to 2, with Council Members Araskog and Moore dissenting.

C. Matters Pulled From Consent Agenda:

1. RESOLUTION NO. 172-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Town Docks and Golf Course Enterprise Fund's Reserve Policies; Providing an Effective Date.

Jane Le Clainche, Director of Finance

In response to a question from Council Member Crampton, Director Le Clainche provided an overview of the Resolution and explained the reasons for separating the fund reserves.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve Resolution No. 172-2018. On roll call, the motion passed unanimously.

2. Request for ORS to Review a Draft Ordinance Pertaining to the Planting of Ficus Benjamina.

Bobbie Lindsay, Council Member

Council Member Lindsay spoke regarding the need to address landscaping regulation without placing too many restrictions on the residents. She suggested that ORS review the salient sections of Chapter 66 that deal with landscape requirements in order to address native plant requirements.

It was the consensus of the Town Council to direct staff to work with the Ordinances, Rules and Standards (ORS) Committee on reviewing the previously considered ordinance; as well as the pertinent sections of the landscape regulation sections in Chapter 66 of the Town Code of Ordinances.

XII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 17-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2017, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read the ordinance by title.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Ordinance No. 17-2018, on first reading. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 18-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 118, Traffic and Vehicles, Article III, Parking, Stopping and Standing, Division 1, Generally, At Section 118.93, Delinquency Penalty for Nonpayment of Parking Violation Penalties; Section 118-94, Service Charge for nonpayment of parking violation penalties, Division 2, Parking Meters, At section 118-127, Expired Meter; Section 118-128, Service Charge for Nonpayment of Parking Violation Penalties; Section 118-133, Violations, Penalty; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read the ordinance by title.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to approve Ordinance No. 18-2018, on first reading. On roll call, the motion passed unanimously.

XIII. ANY OTHER MATTERS

Director Le Clainche announced the sale of the Town's General Obligation Bond and reported that the final true interest cost came in a 3.64%, which was lower than anticipated.

Chair Araskog spoke regarding the need for golf cart cover solutions and ways to protect the Town from increasing Consumer Price Index numbers.

It was the consensus of the Town Council to send the above items to the Town Manager.

Town Attorney Randolph spoke regarding the follow up action needed with regard to the action taken towards the City of West Palm Beach and presented a resolution invoking the conflict-resolution procedures as provided by Chapter 164 of the Florida Statutes in the Governmental Conflict Resolution Act.

RESOLUTION NO. 175-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Stating the Intention of the Town Council to Initiate the Conflict Resolution Procedures Provided by the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, and Authorizing the Town Manager to Take Necessary Actions to Commence the Conflict Resolution Procedures on Behalf of the Town.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve Resolution No. 175-2018. On roll call, the motion passed unanimously.

XIV. ADJOURNMENT

There being no further business, the Town Council meeting of September 13, 2018 was adjourned at 2:00 p.m.

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date