



TOWN OF PALM BEACH

Town Clerk's Office

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

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, October 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 Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following items were added to the agenda and discussed under Item XIV.:

- Ordinances, Rules, and Standards (ORS) Committee - Study of Chapter 66 of the Town Code of Ordinances
- ARCOM procedures for revised plan submissions

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

- A. Presentation by Anne M. Gannon, Constitutional Tax Collector.
Anne M. Gannon, Constitutional Tax Collector

Ms. Gannon provided an overview of the Tourist Development Tax Ordinance for short-term rental properties in Palm Beach County.

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

Alex Patterson, UpMarkets, presented a progress update on the company's efforts to negotiate a lease and secure a tenant for the Royal Poinciana Plaza. She reported that they are in talks with five (5) potential operators.

Discussion ensued regarding the collaborative efforts between UpMarkets and the local community groups and concern over the restaurant being the focus instead of the theater.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by Planning and Zoning Commission Applicants.
Kirk W. Blouin, Town Manager

The following applicants made presentations to the Town Council:

Ronald Burke
Eric Christu
Richard Kleid

Brian Vertesch, on behalf of applicant Jorge Sanchez, announced that Mr. Sanchez withdrew his application.

At Council Member Araskog's request, each applicant provided input on how the Planning and Zoning Commission is handling Town wide matters and what they would do differently.

- B.** Appointments to Planning and Zoning Commission.
Kirk W. Blouin, Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to ratify the appointments of Michael Ainslie and Richard Kleid, as Regular Members of the Planning and Zoning Commission. On roll call, the motion passed unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio announced the resignation of Jim Miller from the Public Safety department and asked the residents and community to wish him well. She reminded the Town residents to remain vigilant of hurricane season in light of Hurricane Michael approaching the Panhandle. She spoke regarding the mid-term election and encouraged the residents to visit the Florida League of Cities website for information on the amendments that will be appearing on the ballot. She commented on the timing of the Underground Utilities bond closing and reported that the interest payments increased by 21 points on the day of closing.

Mayor Coniglio also spoke regarding the recent trend of electric scooter rental programs and the problems they are creating in other cities. She reported that the Town Manager and his staff are researching the Town's existing Ordinances and other local municipal ordinances that will inform their efforts on enforcing and regulating the rental companies and the use of electric scooters on the Island.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Moore thanked everyone who reached out to her during a difficult time.

President Pro Tem Zeidman spoke regarding public safety concerns with electric scooters and the ongoing problem with poor cell phone service in certain areas of the Town.

Steven Stern, Underground Utilities Project Manager, spoke regarding his recent meeting with Verizon Wireless representatives to learn more about the Town's cell phone signal strengths in each area and steps to improving cell phone service.

Town Manager Blouin spoke regarding his efforts to address the problem with poor cell phone coverage.

Council Member Lindsay commented on the public nuisance for city streets and sidewalks that are occurring due to the trend of station less shareable scooter rentals.

Town Manager Blouin stated that he is working with staff and the Town Attorney on ways to regulate the use of motorized scooters and will report his findings to the Town Council and seek direction on how to proceed.

Council Member Crampton spoke regarding recent articles on sea level rise and the sea wall under construction near the Royal Poinciana Church. He inquired about the Town's coastal vulnerabilities and oversight for these matters.

Paul Brazil, Director of Public Works, spoke regarding the preparation of the Coastal Vulnerability Study by the Woods Hole Group in order to help the Town deal with forecasted impacts of coastal hazards in the future.

Warren Belmar, Shore Protection Board member, thanked Paul Brazil for his work and commented on the role of the Shore Protection Board with overseeing matters related to coastal protection.

Council Member Araskog commented on safety concerns with electric scooters and the recent issues with poor cell phone coverage. She also requested that the Town Council consider deferring the discussion on the frequency of Shore Protection Board meetings to the November meeting.

IX. COMMUNICATIONS FROM CITIZENS

Warren Belmar, 130 Sunrise Avenue, spoke regarding the role of the Shore Protection Board and commented on the memorandum with staff's recommendation to address the

frequency of Shore Protection Board meetings and the necessity of the Board. He requested that this item be discussed at a later meeting with the Shore Protection Board members in attendance.

Dieudonnee McNamara, 422 N. Lakeside Drive, Lake Worth, thanked the Town Council for their efforts with finding a theater operator for the Royal Poinciana Playhouse.

Rene Silvin, Australian Ave., spoke regarding his travel experience over the summer lecturing at popular venues along the Northeast and the outside intrigue with the Town's architectural history and current leadership especially with respect to the handling of presidential visits.

Diane Buhler, Friends of Palm Beach, announced future beach clean-up dates and locations and commented on the important role of the Shore Protection Board.

Bill Metzger, 277 Esplanade Way, echoed the comments of Property Appraiser Anne Gannon on the importance of the bed tax receipts to the local cultural arts organizations and commended the Town Council for their comments about the Royal Poinciana Theater and restaurant.

X. APPROVAL OF CONSENT AGENDA

The following amendment was made to the Consent Agenda:

- Item X. C. 4 was pulled and heard before item XI.

Motion was made by Council Member Araskog, 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

- September 12, 2018, Town Council Development Review Meeting Minutes
- September 13, 2018, Town Council Meeting Minutes
- September 13, 2018, Special Town Council Meeting Minutes - Closed Door Session
- September 13, 2018, Special Town Council Meeting Minutes – First Budget Hearing
- September 20, 2018, Special Town Council Meeting Minutes - Second Budget Hearing

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of September 26, 2018.

Josh Martin, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 179-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Palm Beach County for Maintenance and Repair of Fire Rescue Fleet Apparatus in an Amount Not to Exceed an Established Budget of \$134,000.
Dean Mealy, Purchasing Manager

C. OTHER

1. Appointment of Employee Representative to PERC pursuant to Ordinance Appendix "A" Section 1.003.
Danielle Olson, Director of Human Resources
2. Maintenance and Improvements of Town Owned Property at Angler Avenue
H. Paul Brazil, P.E., Director of Public Works
3. Approval of Proposed Stipulation Relating to 247 Miraflores Drive, El Paraiso Subdivision.
John C. Randolph, Town Attorney
4. Consideration of Conditional Settlement Agreement Regarding Palm House/Royal 160 LLC.
*John C. Randolph, Town Attorney – **Pulled from Consent Agenda***

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 159-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Sewer Easement Within the Property Commonly Known as 1576 South Ocean Boulevard, in the Town Of Palm Beach, Florida.
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the Resolution to authorize the abandonment of an existing public sewer easement with the condition that the property owner pays all the related fees.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve Resolution No. 159-2018. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. RESOLUTION NO. 180-2018 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 the Amount of \$59,980 and Establishing a Total Guaranteed Maximum Price (GMP) Construction Budget of \$11,829,825 and Establishing an Overall Project Budget of \$14,022,566.

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

Director Brazil provided an overview of the pavement installment options and estimated costs for the flatwork design portion of the Seaview Park and Recreation Center Improvements Project.

Discussion ensued regarding the effectiveness and annual maintenance costs for the selected cast stone pavement areas, aesthetic impact, potential public safety hazards and funding sources.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve Resolution No. 180-2018, with the caveat that funds for the Town's portion will be taken from the Capital Improvement Fund Contingency and paid back with existing project contingency funds. On roll call, the motion passed 4 to 1, with Council Member Crampton dissenting.

2. Coastal Update:

- a. Shore Line Condition Update

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

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

In response to questions from Council Member Crampton, Mr. Weber reported on the development of the Record of Decision from the United States Army Corps of Engineers (USACE) that will detail their analysis of the Reach 8 Environmental Impact Statement.

In response to questions from Council Member Lindsay, Mr. Weber reported on the level of Red tide on the Town's beaches and stated that there should be no impact to the Lakeside because it dissipates in fresh water.

In response to questions from Mayor Coniglio, Mr. Weber provided an update on the groin replacement project dates for Reach 2 and Reach 8, the FEMA reimbursement and reconstruction timeline for sand nourishment on the beaches in the South-end, Mid-Town and Phipps Park.

3. Town-Wide Undergrounding Project:

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

Project Manager Stern reported on the key project updates and provided an overview of the project dashboard. He spoke regarding the mail campaign to all the residents with easements to inform them of the installation of FP&L and AT&T equipment.

Mr. Stern reported on an upcoming comprehensive presentation with a Q&A opportunity for the residents on Phases 3 and 4 of the project and provided a progress summary of the construction activities in the North and South, and the design and easement progress.

In response to questions from Council Member Crampton, Mr. Stern outlined the process for the subscriber cut-overs to the condominiums in the South end.

- b. Chicane/Street Choker Installation in Phase 2 North.
Patricia Strayer, P.E., Town Engineer

Patricia Strayer, Town Engineer, presented an overview of the challenges with securing easements for transformers on certain streets in the North end and the recommendation to install chicane on the roadway. She spoke regarding the staff's efforts to work with the residents in order to resolve the easement issues.

Discussion ensued regarding, the effectiveness of marking the right-of-way area where the potential chicanes would be installed, cost to the taxpayers, and the safety benefits of installing chicane on certain streets.

Bill Metzger, 277 Esplanade Way, spoke regarding his experience with staff and neighbors with maintaining the beautification on his street. He commented on his surprise over the proposed chicane installation for his street and his confliction with the lack of information regarding the transformer easement agreements between the Town and his neighbors.

Council President Moore requested that staff meet with Mr. Metzger to address his concerns and resolve the communication issues.

- c. RESOLUTION NO. 181-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Contract to All County Paving, Inc., for Pavement Improvements from Onondaga Avenue to East Inlet Road in the Amount of \$368,957.60 and Establishing a Total Construction Budget of \$400,000.

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

Town Engineer Strayer provided an overview of Resolution No. 181-2018.

In response to a question from Council Member Lindsay, Ms. Strayer clarified the project scope with respect to the road paving, profiling and re-surfacing.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve Resolution No. 181-2018. On roll call, the motion passed unanimously.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to accept the contribution of \$185,000 from Florida Public Utilities. On roll call, the motion passed unanimously.

B. New Business

1. Presentation and Approval of Palm Beach Civic Association's Palm Tree Project.

Kirk W. Blouin, Town Manager

Ned Barnes and John David Corey presented an overview of the Palm Beach Civic Association's Palm Tree Project.

Discussion ensued regarding long-term maintenance and cost.

Motion was made by Council Member Crampton, and was seconded by President Moore, to approve the Palm Beach Civic Association's Palm Tree Project with the condition that the Palm Beach Civic Association and staff work together to set up a five (5) year endowment fund. On roll call, the motion passed 4 to 1 with Council Member Lindsay dissenting.

2. Discussion Regarding the Frequency of Shore Protection Board Meetings.

Kirk W. Blouin, Town Manager

Town Manager Blouin requested that the Town Council consider limiting the frequency of Shore Protection Board meetings so that they only occur on an as needed basis.

Discussion ensued regarding the history and role of the Shore Protection Board, the effectiveness of the Beach Management

Agreement, the need for balance and efficiency, and the frequency of shoreline presentations from staff at each Town Council meeting.

Warren Belmar, Shore Protection Board member, spoke regarding concerns with the process and that the members of the board were not provided copy of the staff memorandum.

It was the consensus of the Town Council to allow the Town Manager to work with the Shore Protection Board on determining the frequency of the meetings and shoreline presentations.

3. Discussion Regarding Peanut Island.
Gail L. Coniglio, Mayor

Mayor Coniglio spoke regarding concerns with the dredging project and erosion issues at the south end of Peanut Island and the potential impacts to the County budget related to the recently landmarked Kennedy Bunker.

4. RESOLUTION NO. 182-2018 A Resolution of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Approving Award of Selection Committee Recommendation To Evergreen Solutions, LLC that Will Provide Town-Wide Employee Benefit And Compensation Study, RFP 2018-49; and Request Approval To Fund The Project From General Contingency For Amount Of \$32,500 And Establishing A Project Budget of \$40,000 And Authorizing The Town Manager To Execute The Same on Behalf of The Town.
Dean Mealy, Purchasing Manager

Purchasing Manager Mealy provided an overview of the Selection Committee recommendation to award a contract to Evergreen Solutions, LLC to conduct the Town-wide Employee Benefit and Compensation Study and requested approval for funding from the Town's General Contingency Fund.

Danielle Olson, Human Resources Director, provided an overview of the job classifications included in the study in order to focus on the areas with the highest turnover.

Discussion ensued regarding expanding the scope to include more positions, the selection process, and the legal parameters that apply to appointing a Council member to attend the staff meetings with the vendor as a liaison.

Pat Cooper, Palm Beach Civic Association, spoke regarding the need to determine the final scope and their willingness to support the Town in this endeavor.

Motion was made by President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 182-2018. On roll call, the motion passed 4 to 1 with Council Member Araskog dissenting.

5. RESOLUTION NO. 183-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing New Purchasing Thresholds for Town Manager and Purchasing Manager.
Dean Mealy, Purchasing Manager

Purchasing Manager Mealy provided an overview of the resolution to establish new purchasing thresholds for fiscal year 2019.

Council Member Araskog requested to see a report of high-ticket purchase orders.

Motion was made by Council Member Crampton, and was seconded by President Pro Tem Zeidman, to approve Resolution No. 183-2018. On roll call, the motion passed 4 to 1 with President Moore absent.

C. Matters Pulled From Consent Agenda:

1. Consideration of Conditional Settlement Agreement Regarding Palm House/Royal 160 LLC.
John C. Randolph, Town Attorney

(Clerk's Note: This item was pulled from the Consent Agenda and heard before Item No. XI. Public Hearings)

Cary Glickstein, Receiver for the Palm House, provided an overview of the settlement agreement and the auction process. He reported that all outstanding violations have been satisfied and that no profit made will be made from the bankruptcy to the previous owner or any other entity.

Mr. Glickstein informed the Town Council that the effective date on the global agreement was amended to begin January 31, 2019 instead of December 31, 2018.

Town Attorney Randolph verified that the monies the Town received for the code violations has exceeded the amount of out of pocket expenses for the attorney fees.

Discussion ensued regarding the negotiation process.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the settlement agreement, with the amended effective date of January 31, 2019. On roll call the motion passed unanimously.

XIII. ORDINANCES

A. Second 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

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to adopt Ordinance No. 17-2018, on second and final reading. On roll call, the motion 4 to 1 with President Moore absent.

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

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to adopt Ordinance No. 18-2018, on second and final reading. On roll call, the motion 4 to 1 with President Moore absent.

3. ORDINANCE NO. 19-2018 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 III, Firefighters, By Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Amending Subdivision IV, Police Officers, By Amending Section 82-119, Deferred Retirement Option Program For Police Officers; Amending Subdivision V, General Employees And Lifeguards, By Amending Section 82-139, Deferred Retirement Option Program For Members Of Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
Kirk W. Blouin, Town Manager

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to adopt Ordinance No. 19-2018, on second and final reading. On roll call, the motion 4 to 1 with President Moore absent.

XIV. ANY OTHER MATTERS

1) Ordinances, Rules and Standards (ORS) Committee – Study of Chapter 66

Council Member Araskog requested that Ordinance No. 28-2017 be brought back to the Town Council in its entirety for a second reading and discussion.

It was the consensus of the Town Council to defer the Ordinance to the ORS Committee for review.

2) ARCOM Procedures for revised plan submissions

Council Member Araskog requested that 3D renditions or physical models be required with all revised ARCOM applications.

It was the consensus of the Town Council to defer this matter to ARCOM and the Ordinances, Rules and Standards Commission.

XV. ADJOURNMENT

There being no further business, the Town Council meeting of October 9, 2018 was adjourned at 3:30 p.m.

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date