



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 13, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council Meeting was called to order on Tuesday, November 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 - *None*

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

- A.** Presentation by the Florida Department of Environmental Preservation of a Florida Recreation Development Assistance Program Grant Check for Phipps Ocean Park.
Jacob Bennet, Assistant Park Manager, John D. MacArthur Beach State Park

Mr. Bennet presented a grant check for \$50,000 for the funding of the new playground, picnic tables, tennis facility renovations, restrooms, and landscaping improvements at Phipps Ocean Park.

- B.** Presentation by the Palm Beach Committee of the Audubon Islands Sanctuary.
Katie Carpenter, Palm Beach Committee Co-Chair

Katie Carpenter and Campion Platt provided a presentation on their efforts to restore and raise awareness of the Audubon Islands Sanctuary.

- C. Presentation by the Solid Waste Authority of Palm Beach County of Revenue Share Check from the Sale of Recyclables in the Town of Palm Beach.

Willie Puz, Public Affairs Director for the Palm Beach County Solid Waste Authority (SWA), provided an overview of the history, services and mission of the SWA. He also spoke regarding the monies generated by the Town's involvement in the recycling revenue share program over the years and presented a check to the Town in the amount of \$298,000.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by Investment Advisory Committee Applicants.
Kirk Blouin, Town Manager

The following applicant made presented his qualifications to the Town Council:

David McDonald

- B. Appointment to Investment Advisory Committee.
Kirk Blouin, Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to ratify the appointment of David McDonald to the Investment Advisory Committee. On roll call, the motion passed unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed her gratitude and sent her best wishes to the residents.

She congratulated Sean Baker, EMS Coordinator Division Chief on his 2018 Town of Palm Beach Employee of the Year Award and invited him to approach the podium.

Mr. Baker expressed his gratitude for the award and recognition. He acknowledged the public safety staff and spoke regarding their willingness to go beyond the call of duty every day.

Mayor Coniglio brought up an ordinance that was recently presented to the Palm Beach County Board of Commissioners that could potentially conflict with the Town's local ordinance regarding sober homes. She requested the Town Attorney's review of the County's ordinance in order to determine whether or not the Town's Code of Ordinances supersedes the County's ordinance so the Town can take the appropriate action.

She commented on the compensation and benefits study for the employees and asked the community to rally in support of the employee base.

Mayor Coniglio spoke regarding the 2020 US Census and introduced Lisa De La Rionda, Palm Beach County's Public Affairs Director. Ms. De La Rionda spoke regarding the importance of participating in the US Census, the monetary benefits to the County and the Town, and provided an overview of how to participate by mail, in person, by phone or online.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Moore wished the Town residents a Happy Thanksgiving and spoke regarding the potential ban on motorized scooters in Palm Beach. She informed the Town Council that the City of Beverly Hills and other major cities in California have recently adopted legislation banning scooters and other dock less mobility devices. She suggested that staff review these ordinances for future consideration.

Council Member Crampton acknowledged the firefighters who went to the Florida Panhandle and the state of Georgia to help the victims of Hurricane Michael. He thanked Lt. Paramedic Anthony Curtis, Driver Engineer Paramedic Billy Layman, Driver Engineer Paramedic Stephen Montoya, and Firefighter Paramedic Austin Bradshaw.

Council Member Araskog spoke regarding the alarmingly high rate of public safety staff turnover and recommended that the Evergreen Solutions firm focus their attention on the public safety department first in order to yield quicker results, and then address the general employees afterwards.

Council President Pro Tem Zeidman spoke regarding the retention and recruitment issues with public safety. She acknowledged the various reasons for the turnover and the need to invest the time and resources to get to the right solution. She encouraged the residents to get their flu shot and announced that the Fire Department won the chili cook-off on Saturday among 23 other local municipal Fire Departments.

Council Member Lindsay provided some historical background on the budget cuts and pension changes that were made in 2012 and the impact it had on the Pension Fund and the employee base. She mentioned the general employees have not had a compensation study in over 10 years and that they do a great job. She thanked the Town Manager for encouraging the Town Council to speak to the public safety personnel and that she intends to do the same with the general employees.

IX. COMMUNICATIONS FROM CITIZENS

Diane Buhler, Friends of Palm Beach, spoke regarding her commitment and inspiration to end the cycle of homelessness and remove trash from the beaches. She provided dates, times and locations for upcoming beach clean-ups and ways the community can get involved.

Richard Rene Silvin, Australian Avenue, spoke regarding the Preservation Foundation's Water Rising Educational Series and the need to increase awareness of the catastrophic risks of flooding. He encouraged the Town residents to attend and spread the word in order to ensure its success and most importantly, that the proactive steps are taken to keep the Island of Palm Beach safe.

John David Corey, Australian Avenue, spoke regarding the Town Docks project and the need to look at traffic calming measures and beautification for the residential area near the Docks.

X. APPROVAL OF CONSENT AGENDA

Resolution No. 188-2018 was pulled from the Consent Agenda and placed under Item XII. C.

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. October 9, 2018, Town Council Meeting Minutes
 - b. October 10, 2018, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 24, 2018.
Josh Martin, Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 185-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order To Rechten International Trucks,, Inc. For The Purchase Of One 2019 International Dump Truck; And Approval To Fund The Project From The Equipment Replacement Fund In The Amount Of \$88,688, for a Total Budget of \$92,688.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 187-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Submit an Application for the FY2018 Presidential Residence Protection Assistance (PRPA) Grant for Reimbursement of Applicable Law Enforcement Personnel Overtime Expenses Incurred During the Grant Period; And Authorizing the Town Manager and Staff to Execute All Documents Necessary on Behalf of the Town of Palm Beach.
Nicholas Caristo, Acting Chief of Police
3. RESOLUTION NO. 188-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Submit an Application to the Florida Department of Law Enforcement (FDLE) Justice Assistance Grant (JAG) Program Requesting \$50,000 from JAG Residual Funds; For Purposes of Applying Funds Towards the Purchase of a Virtual Training System; and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town Of Palm Beach. – ***PULLED FROM CONSENT.***
Nicholas Caristo, Acting Chief of Police
4. RESOLUTION NO. 189-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Adding a Fee for Failure to Pay

Parking Penalties after 120 days, Amending the Cap-Off and Connection Fee Schedule; and Providing an Effective Date.

Jane Le Clainche, Director of Finance

5. RESOLUTION NO. 191-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Acceptance of State Grant No. A9055 from the Florida Department of Environmental Protection, Under the Florida Recreation Development Assistance Program for \$50,000, at Phipps Ocean Park for Playground and Recreation Equipment and Authorizing Town Capital Improvement Funding to be Reimbursed by the Florida Department of Environmental Protection in the Amount of the Awarded Grant and Authorizing the Town Manager to Execute the Grant Agreement on Behalf of the Town.

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

C. OTHER

1. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts.

Jane Le Clainche, Director of Finance

XI. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on October 11, 2018.

Julie Araskog, Chair

Chair Araskog provided an overview of the report.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve the ORS Report of October 11, 2018. 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.

Steve Stern, Underground Project Manager, provided key project updates, announced the dates and times for the Underground Utilities Project community meeting and reported the reasons for the spotty cell phone coverage in the North end.

In response to questions from Council Member Araskog, Mr. Stern spoke regarding the pending chicane solution for the residents of Seagate Road, the underground conversion process and notification

procedure for the residents in the South end, and provided the status of the construction agreement for the overhead wire removal.

Council Member Crampton announced the data that was released by FP&L to the State regarding service reliability in 2017, which included the average amount of time customers experienced power outages for overhead feeders versus underground feeders.

In response to a question from Council President Pro Tem Zeidman, Mr. Stern provided clarification on the definition of 3-phase power requirements and how it applies to commercial properties and older homes.

Council President Pro Tem Zeidman requested to a see the construction start dates and locations for each phase listed on the Gantt chart provided in the back up.

2. Status of the Compensation and Benefits Study.

Jay Boodheshwar, Deputy Town Manager

Town Manager Blouin provided an overview of the study and the recent modification to expand the project scope to include 70 positions.

Discussion ensued regarding the project scope, timeline, cost, and the high rate of general employee turnover.

Council Member Araskog requested that the Evergreen Solutions firm study the public-safety employees first before studying the town's general employees in order to address the immediate turnover needs of the public safety sector.

Danielle Olson, Human Resources Director, spoke regarding the rate of general employee turnover for the current fiscal year versus previous years.

Discussion ensued regarding the need for a total package analysis that includes both public safety and general employees in order to make the best policy decision.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to not expand the study and keep the project scope to 70 positions. On roll call, the motion passed unanimously.

3. RESOLUTION NO. 176-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for Commercial Real Estate Broker (RFP No. 2018-37) to CRBE; and Approve for the Town Manager to Negotiate a Contract with Awarded Vendor to be Brought Back to Town Council for Final Review and Approval.

Jay Boodheshwar, Deputy Town Manager

Dean Mealy, Purchasing Manager, requested to defer the resolution to a later date so that staff can continue with the negotiation process and provide more options..

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to defer Resolution No. 176-2018 to a future meeting. On roll call, the motion passed unanimously.

(Clerk's Note: Item XII. B. was taken out of order and heard immediately following the above item.)

4. Joint Meeting with Retirement Board of Trustees: Discussion Regarding Actuarial Assumptions and Methods
Kirk W. Blouin, Town Manager
TIME CERTAIN: 2:00 P.M.

(Clerk's Note: Due to its 2:00 p.m. time certain, the above item was heard immediately following Item XIII. A.)

The Joint Meeting with the Retirement Board of Trustees was called to order on Tuesday, November 13, 2018, at 2:00 p.m. in the Town Council Chambers. On roll call, all of the elected officials and Retirement Board members were found to be present with exception of: Daniel Wilkinson.

Town Manager Blouin provided an overview of the strategy to reduce the unfunded actuarial accrued liability by reducing the amortization period.

- a. Presentation by Actuary Pete Strong, GRS.

Pete Strong, GRS, provided a presentation on the methods for reducing the unfunded liability using a hybrid 15-year and 20-year amortization schedule.

- b. Discussion Regarding Actuarial Assumptions and Methods.

Discussion ensued regarding the advantages and disadvantages to reducing the amortization schedule, cost savings, sustainability, and the impact to the Town's operating budget.

- c. Board Action on Actuarial Assumptions and Methods.

Dan Stanton, Retirement Board Member, spoke in support of reducing the amortization schedule and the importance of making a directional decision today.

Pat Cooper, Palm Beach Civic Association, requested that the Town Council look into the assumed rate of return.

Motion was made by Edward Carter, and was seconded by Bradford Kaufman to adopt the hybrid plan approach and reduce the amortization schedule from 25 years to a 15 and 20-year schedule. On roll call, the motion passed unanimously.

The Joint Meeting with the Retirement Board was adjourned and the Town Council reconvened the Regular Meeting.

B. New Business

1. Renaming of Via Demario.

Josh Martin, Director of Planning, Zoning & Building

(Clerk's Note: This item was taken out of order and heard immediately following Item XII. A. 3.)

Director Martin provided an overview of the property owner's request to rename Via DeMario on Worth Avenue to Via Newsome. He explained that the name change would not affect any emergency response systems or mail systems and provided a brief history of the unofficial name change procedure for the Worth Avenue vias.

Peter Carney, Attorney for John Newsome, Jr., explained the reason for the name change.

President Moore suggested that Director Martin research a formal procedure for renaming the Worth Avenue vias for future consideration.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to rename Via Demario to Via Newsome. On roll call, the motion passed unanimously.

2. Worth Avenue Valet Parking Pilot Program.

Josh Martin, Director of Planning, Zoning & Building

Director Martin provided an overview of the plan, which included the circulation pattern, loading/unloading zones, hours, services, parking lot location and valet stand area.

Daren Rubenfeld spoke on behalf of Jane Holzner who sought the vast majority of the property owners along the 200 block of Worth Avenue to approve having valet parking on Worth Ave. He spoke regarding the partnership with the Town in sharing the data collected during the pilot program and the monetary support for the study.

Mayor Coniglio expressed her hopes that the Apollo and Esplanade lots will have participation from the Worth Avenue employees in a manner that is affordable.

C. Matters Pulled From Consent Agenda:

1. RESOLUTION NO. 188-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town of Palm Beach to Submit an Application to the Florida Department of Law Enforcement (FDLE) Justice Assistance Grant (JAG) Program Requesting \$50,000 from JAG Residual Funds; For Purposes of Applying Funds Towards the Purchase of a Virtual Training System; and Authorizing the Town Manager and Staff to Execute all Documents Necessary on Behalf of the Town Of Palm Beach.

Nicholas Caristo, Acting Chief of Police

Town Manager Blouin provided an overview of the virtual training system and how it benefits the police department.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve Resolution No 188-2018. On roll call, the motion passed unanimously.

XIII. ORDINANCES

A. First Reading

1. ORDINANCE NO. 21-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Code Of Ordinances Of The Town Of Palm Beach At Chapter 66, Natural Resource Protection, Article Iv, Vegetation,; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Josh Martin, Director of Planning, Zoning & Building

Council Member Lindsay provided feedback and recommendations from her colleague and professional landscape designer Jorge Sanchez on the following sections: 1) Section 66-311 (d) - replace existing *Ficus benjamina* hedge with a similar plant called *Ficus nitida*. 2) Section 66-285 (3) – reduce 30% to 25% as the achievable ratio for native vegetation requirements 3) Section 66-286 (5) - consider a study on banning the use of dyed mulches. She also noted a correction needed to page 7 under Section 66-212 (1) and suggested placing the word “and” after the word “evapotranspiration”.

Mayor Coniglio expressed concerns about the changes to the definitions and issues with enforcement.

In response to a question from Mayor Coniglio, Director Martin asserted that the definitions are too broad and suggested class regulation instead. He also recommended providing a Native Plant Resource List to help the residents, gardeners and landscape architects.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to defer the Ordinance amending Chapter 66 back to the ORS Committee for further study. On roll call, the motion passed unanimously.

(Clerk's Note: The Town Council recessed for lunch at 12:30 p.m. and reconvened at 2:00 p.m.)

XIV. ANY OTHER MATTERS

Warren Belmar, 130 Sunrise Avenue, requested that the Shore Protection Board meeting scheduled for November 29, 2018 at 9:00 am be added to the meeting schedule attached to the meeting agenda and Town Calendar on the main website.

Mayor Coniglio requested the Town Attorney's interpretation of the Sunshine Law with respect to the Town Council's participation in public meetings and information sessions.

In response to Mayor Coniglio, Town Attorney Randolph spoke regarding the appropriate way the Town Council should participate in discussions in public meetings and advisory board meetings.

XV. ADJOURNMENT

There being no further business, the November 13, 2018, regular Town Council meeting was adjourned at 3:30 p.m.

APPROVED:

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk