



## **TOWN OF PALM BEACH**

### **Town Clerk's Office**

### **MINUTES OF THE TOWN COUNCIL MEETING HELD ON THURSDAY, FEBRUARY 14, 2019**

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

The regular Town Council Meeting was called to order on Thursday, February 14, 2019, at 9:30 a.m. in the Town Council Chambers. On roll call, all 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 modifications were made to the agenda:**

Item No. XII.B.3. was taken out of order and heard immediately after Item VIII.

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

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

#### **V. PRESENTATIONS**

- A.** Thomas Mettler Scholarship Fund.  
*Jay Boodheshwar, Deputy Town Manager*

Mayor Coniglio introduced the Mettler family and spoke regarding the late Thomas Mettler who was a former Town Council Member and longtime resident.

Chris Mettler, son of Thomas Mettler, spoke on behalf of the family and presented the donation of the Thomas Mettler Scholarship Fund. He spoke regarding his

father's history in the Town and the reasons for the establishment of the scholarship program.

**Motion was made by Council Member Lindsay and was seconded by Council President Moore to accept the donation to the Thomas Mettler Scholarship Fund. On roll call, the motion passed unanimously.**

**VI. COMMENTS OF MAYOR GAIL L. CONIGLIO**

Mayor Coniglio introduced Daniel Mulhall, Ireland Ambassador to the United States. He spoke regarding the Irish economy and the business climate between Ireland and Florida. He also mentioned that an Irish Consulate would be opening next year in Miami.

Mayor Coniglio announced the retirement of Officer Gino Silvestri and wished him well. She congratulated Council Member Zeidman for her hard work on the Public Safety Committee in identifying the employee compensation issues and provided solutions. She thanked Laurel Baker from the Palm Beach Chamber of Commerce and the Planning, Zoning and Building Director Josh Martin for stepping up to the plate to help improve the relations between the Town and the business community. She also thanked Council Member Lindsay for her efforts on the green initiative.

**VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

President Moore announced that the Town Council is replacing the use of plastic water bottles with aluminum bottles and straws in order to be more eco-friendly. She also recognized the one-year anniversary of the Parkland High School shooting and requested that everyone use this day to reflect, remember and practice gratitude with family.

Council Member Lindsay thanked the co-sponsors and panelists of the "Where Have All the Songbirds Gone" discussion. She recognized Town resident Bill Metzger for his talent on filming important projects and discussions here in Town Hall. She announced that he will be condensing the 80 minute long discussion that took place into a 10 minute video.

Bill Metzger, 277 Esplanade Way, spoke regarding a compilation project he is currently working on called "A Living History" that contains interviews and other important programs that are happening within the Town.

Council Member Araskog thanked the Mayor and Council Member Bobbie Lindsay for their efforts with organizing the panel discussion and raising awareness of the green initiative. She thanked Deputy Town Manager Jay Boodheshwar and the Planning, Zoning and Building Director Josh Martin for their efforts on improving the Town's relationship with the business community.

Council Member Zeidman thanked Town Manager Kirk Blouin and Council Member Bobbie Lindsay for their efforts on the green initiative.

## VIII. COMMUNICATIONS FROM CITIZENS

Nicki McDonald, 250 Bradley Place and Underground Utilities Task Force member, provided a progress update on the proposed chicane issues and securing of easements. She spoke regarding her efforts to educate the residents on the chicane and transformer issues along with the Underground Project Manager Steve Stern.

Donald Singer, 2295 S. Ocean Blvd., Co-Chair of the Palm Beach Citizens Association, invited everyone to their annual meeting on February 21, 2019.

Patti Sans, Greater South County Road Association, spoke regarding holding events on a monthly basis at the memorial fountain. She announced the date and time for an upcoming event at the Memorial Fountain and invited the residents and Town Council members to attend.

## IX. APPROVAL OF CONSENT AGENDA

Council Member Lindsay requested that Item IX. C.1 be pulled from the agenda and placed under Item XII. C.1.

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

### A. MINUTES

1. Town Council Meeting Minutes  
*Kathleen Dominguez, Town Clerk*
  - a. December 12, 2018, Town Council Development Review Meeting Minutes
  - b. January 8, 2019, Town Council Meeting Minutes
  - c. January 9, 2019, Town Council Development Review Meeting Minutes
  - d. January 11, 2019, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Commission at its Meeting of January 23, 2019.  
*Josh Martin, Director of Planning, Zoning and Building*

### B. RESOLUTIONS

1. RESOLUTION NO. 02-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Award Of Bid No. 2019-05, Supply, Delivery And Installation Of Dune Vegetation To Aquatic Plants Of Florida, Inc. In The Amount Of \$80,586.75 And Award A Project Budget Of \$85,000.

*Dean Mealy, Purchasing Manager*

2. RESOLUTION NO. 04-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Declaring The Results Of The Town Caucus; Directing The Town Clerk Of Said Town To Place The Names Of Certain Candidates On The Official Ballot For The General Election To Be Held In Said Town On The Twelfth Day Of March 2019; Adopting The Official Ballot To Be Used In Said Election; Authorizing The Town Clerk To Arrange For Voting Equipment To Be Used In Said Election; And Directing The Mayor Of Said Town To Issue A Proclamation Of Said Election, Naming Therein The Candidates Nominated And Named In The Resolution; And, Designating The Town Clerk And Deputy Town Clerk Of The Town Of Palm Beach And The Supervisor Of Elections Of Palm Beach County, Or Their Designees, To Serve As The Canvassing Board.

*Kathleen Dominguez, Town Clerk*

3. RESOLUTION NO. 06-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Sea Turtle Nesting Monitoring Contract with D.B. Ecological Services, Inc. through FY2020, in a Project Amount of \$200,000 for FY2019 and \$200,000 for FY2020, Contingent Upon Funding by the Approved Budget.

*Dean Mealy, Purchasing Manager*

4. RESOLUTION NO. 07-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2019-06 for the E-3, E-4 and G-9 Liftstation Improvements Project and Approving a Construction Contract to Southern Underground, Inc. in an amount of \$1,190,050, authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings, and Establishing a Construction Phase Budget of \$1,300,000, including Contingency for Both Construction and Owner Direct Purchasing.

*Dean Mealy, Purchasing Manager*

## C. OTHER

1. Authorization of Ordinances, Rules, and Standards Committee to Discuss a Potential Ordinance to Prohibit Plastic Straws. – ***PULLED FROM CONSENT***

*Jay Boodheshwar, Deputy Town Manager*

2. Appointment to MINI PERC Commission per MINI-PERC Ordinance Appendix “A”, Section 1.003.

*Danielle Olson, Director of Human Resources*

3. Budget Calendar for FY20 Budget Process.  
*Jane Le Clainche, Director of Finance*

## **X. BOARD/COMMISSION ANNUAL REPORT**

- A. Annual Report of the Investment Advisory Committee.  
*Michael Andrews, Chair*

Chair Andrews provided the annual report.

In response to a question from Council Member Crampton, Director Le Clainche provided the Town's investment benchmarks and the indexes for each of the Town's investment funds and surplus fund earnings.

**It was the consensus of the Town Council to accept the report.**

## **XI. COMMITTEE REPORTS**

- A. Report of the Public Works Committee Meeting Held on December 21, 2018.  
*Bobbie Lindsay, Chair*

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

- B. Report of the Public Safety Committee Meeting Held on January 30, 2019.  
**TIME CERTAIN: 2:00 P.M.**  
*Margaret A. Zeidman, Chair*

*(Clerk's note: Due to this its time certain, this item was heard immediately after Item XII. A. 3.)*

Chair Zeidman provided an overview of the report. She provided background history on the compensation and pension reform from 2012 and the impact it had on the attrition rate for public safety employees. She announced that the Benefits and Compensation Study by Evergreen Solutions will be available on March 19, 2019 and outlined the Public Safety Committee's suggestions for improving the compensation and benefits for public safety employees.

Nicholas Caristo, Acting Chief of Police, presented the data on the Police Department's attrition rate and separation trends of sworn personnel over the past twenty years which included resignations and retirements.

Kirk Blouin, Town Manager, summarized the current issues with the police department's high-turnover rate for the low ranking police officer positions and how it impacts training and succession planning.

Darrel Donato, Fire Rescue Chief, spoke regarding the historic turnover rates in the Fire Department before and after the 2012 pension changes. He provided the data on the current attrition rate, the reasons for the separations and the current challenges with retaining quality fire-rescue members, department promotions and recruiting efforts.

William Hanes, Pension Administrator, provided a brief history on the pension program for public safety employees and the turn-around time for analyzing the proposed pension scenarios once the data from the study by Evergreen Solutions becomes available.

Discussion ensued regarding the timeline and process for analyzing the Evergreen report and any internal collected data in order to fast track and make decisions for the public safety pension and compensation changes.

Public Comment:

Jack McDonald, former Town of Palm Beach Mayor, spoke regarding the negative impact that the pension reform decisions had on the staff and recommended that the Town Council send the strong message now that changes are coming.

In response to a question from former Mayor McDonald, Town Manager Blouin provided the proposed timeline for the decision making process and the implementation of any new changes to the pension.

David Duffy, Public Safety Committee Chair for the Palm Beach Civic Association, spoke regarding the purpose of the Public Community Education and Information Campaign for first responders and issues that impact them. He offered support and thanked the Town Council for their efforts.

John Scarpa, Tim Moran, and President of the Palm Beach Police Foundation, spoke in support of a 10 year S.T.E.P. program and a 25 year retirement plan to fairly compensate and retain fire and police employees.

Bob Wright, Palm Beach Civic Association, spoke in support of raising taxes to improve the public safety turn-over issues.

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

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to direct the Pension Administrator to take the following scenarios to the Actuary for cost analysis: a 25-year service normal retirement**

plan and a 30-year service normal retirement plan for police officers and firefighters. On roll call, the motion passed unanimously.

It was the consensus of the Town Council to direct staff to continue to work on options to address pay progression, compression and inversion issues and determine the budget impact for implementation of a 48-hour workweek for firefighters.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to convene a Special Town Council Meeting on April 1, 2019 to review the pay and benefit data provided by the Evergreen Report and discuss how to proceed in response to the findings. On roll call, the motion passed unanimously.

## **XII. REGULAR AGENDA**

### **A. Old Business**

1. Proposed Town Sponsorship of Business Association Special Event on 4th of July 2019 to be Hosted by the Main Street Association.  
*Richard Zaretsky, Rotary Club President*

**This item was deferred to the April 9, 2019, Town Council Meeting.**

2. Worth Avenue Pilot Valet Parking Program Update.  
*Daren Rubenfeld, Worth Avenue Association*

Daren Rubenfeld, Attorney, 247 Worth Avenue, provided an update on the usage and success of the pilot valet parking program for Worth Avenue since its start on December 10, 2018. He reported that the response so far from the merchants, shoppers, Worth Avenue Association, local residents, employees and store owners has been overwhelmingly positive.

Discussion ensued regarding how to address the lack of available parking spaces taken by store employees and delivery trucks.

Mayor Coniglio recommended partnering with the local hotels to educate new visitors and spoke regarding on-season vs. off-season solutions to assist with employee parking.

President Moore shared her experience using the valet service in December for Christmas shopping as positive and less stressful. She expressed her appreciation to Mr. Rubenfeld and Jane Holzer for introducing and implementing the pilot program.

3. Town Marina Project Update  
*H. Paul Brazil, P.E., Director of Public Works*

Director Brazil described two challenges that were identified during the permit application process that will delay the project. He spoke regarding the modifications that were recommended by the United States Army Corps of Engineers (USACE) to modify the size of the boats slips and the length of the docks. He reported the second challenge was due to a FP&L cable line that was recently identified in the plans that will present a risk for contractors during the dredging process. He noted that the FP& L cable line will need to be addressed at a future meeting and introduced the project consultant, Gordon Thomson.

Gordon Thomson, Baird & Associates, presented alternative concepts to the master plan, which included the bidding process and construction timeline for each concept.

Discussion ensued regarding each concept, the need for consistency with the original layout, maximizing revenue and keeping construction costs down.

In response to questions from Mayor Coniglio, Director Brazil provided a timeline on the approval of the town docks design concept, when the guidelines were provided from USACE, and when the FPL cable issue was identified. He also spoke regarding the inconsistency with the input provided from USACE during the pre-application process versus the actual permitting process.

Mayor Coniglio expressed her concerns with the lack of due diligence in identifying the problems earlier on.

Council Member Lindsay spoke regarding the challenges with environmental permits and the selection committee process.

In response to a question from Council Member Lindsay, Mr. Thomson confirmed that the Palm Way dock could accommodate medium to larger sized boats. He also provided the estimated timeline and next steps involved should the permit process be unsuccessful.

Council Member Araskog expressed concerns with the delay in the permit process, how it will affect revenue; and concerns with the design.

Town Manager Blouin confirmed that the re-design is intended to meet market needs and that the Palm Way dock will be able to accommodate large boats that are smaller than 90 feet.

Director Brazil disclosed that Florida Power and Light (FP&L) has been very responsive to the Town as they address the cable line issue; and he will report on the solutions to that issue later.



Rick Gonzalez, AIA Architects, presented the architectural plans and drawings for the new Town Dock buildings that included input provided by ARCOM at their meeting on January 23, 2019.

Discussion ensued regarding the possibility of lifting the foundations of the buildings to reduce flooding and the importance of the aesthetics.

In response to a question from Council Member Lindsay, Mr. Thomson explained that the building foundation will be increased by 1 foot and possibly more.

Peter Nichols, 369 South Lake Drive, expressed concerns with the increase in the volume of foot traffic from the boat service staff and commercialization of the area and how it will impact the park with increased foot traffic.

In response to Mr. Nichols's comments, Director Brazil confirmed that there are no changes being made to the existing parking lot and will look into providing alternative drop off options for the boat crew staff in order to mitigate the foot traffic.

**Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to approve Concept #3 as the modified plan with the condition that staff works with the Woods Hole Group on the appropriate building elevation levels. On roll call, the motion passed unanimously.**

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

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

Patricia Strayer, Town Engineer, provided a status update on the undergrounding project; she provided an overview of the locations and costs related to shielding LED lights.

b. RESOLUTION NO. 09-2019 A Resolution of The Town Council of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying The Selection Committee Recommendation For RFQ No. 2019-03, For The Town-Wide Overhead Utility Undergrounding Phase 2 And Phase 3 To Kaufman Lynn Construction, Inc.  
*Dean Mealy, Purchasing Manager*

**Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve Resolution No. 09-2019. On roll call, the motion passed unanimously.**

5. Update on the Compensation and Benefit Study.

*Danielle Olson, Director of Human Resources*

Director Olson provided a progress update on the compensation and benefits study and announced that the results will be available in March.

6. Coastal Update  
*H. Paul Brazil, P.E., Director of Public Works*  
**TIME CERTAIN: 10:00 A.M.**

- a. Shore Line Condition Update.

Rob Weber, Coastal Program Manager, provided a presentation on the shoreline conditions for each reach.

In response to a question from Mayor Coniglio, Mr. Weber provided a nearshore dredging project update.

- b. Presentation of Coastal Vulnerability Study.  
*Bob Hamilton, Woods Hole Group*

Bob Hamilton, Woods Hole Group, presented the results of the Coastal Flood Vulnerability Assessment, which included ways to mitigate flood risks for the entire Island.

Discussion ensued regarding the multiple components included in the study and how the information factors into storm management, project planning, budgeting and the Town's current storm drainage system.

**It was the consensus of the Town Council to defer this matter to future meeting.**

**B. New Business**

1. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter and Approval of Addendum to Professional Employment Agreement.  
*Kirk W. Blouin, Town Manager*

Town Manager Blouin provided an overview of his accomplishments during his first year as the Town Manager and requested that 6% of his eligible raise be paid into an ICMARC deferred compensation plan.

**Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to appoint the Town Manager pursuant to Section 4.02(b) of the Town Charter and approve the Addendum to the Professional Employment Agreement. On roll call, the motion passed unanimously.**

2. RESOLUTION NO. 10-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying the Fiscal Year 2017-18 Collective Bargaining Agreement Between the Town and the International Association of Fire Fighters, Local 2928.  
*Danielle Olson, Director of Human Resources*

Director Olson provided an overview of the resolution.

**Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to approve Resolution No. 10-2019. On roll call, the motion passed unanimously.**

3. Consideration of scheduling an Attorney/Client Session immediately following the Town Council meeting on Thursday, February 14, 2019, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to discuss the following matter: Palm Beach County and the Town of Palm Beach vs. City of West Palm Beach, Case No. 18-4773GM. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Danielle H. Moore; Town Council President Pro Tem Margaret A. Zeidman; Town Council Members Julie Araskog, Lewis S. W. Crampton, Bobbie Lindsay; Town Manager Kirk Blouin; Town Attorneys John C. Randolph and Karl J. Sanders, and Pleasanton, Greenhill, Meek & Marsaa Court Reporters.  
*John C. Randolph, Town Attorney*

*(Clerk's Note: This item was taken out of order and heard immediately after Item VIII.)*

Town Attorney Randolph requested approval to meet in a closed-door session immediately following today's meeting in order to discuss the above matter.

**Motion was made by Council Member Araskog and was seconded by Council Member Moore, to approve the scheduling of the Closed-Door Session. On roll call, the motion passed unanimously.**

### **C. Matters Pulled From Consent Agenda**

1. Authorization of Ordinances, Rules, and Standards Committee to Discuss a Potential Ordinance to Prohibit Plastic Straws  
*Jay Boodheshwar, Deputy Town Manager*

Council Member Lindsay proposed revisiting the potential banning of plastic bags in light of the recent ordinance that was passed in the City of Gainesville. She referenced the Town's previous hold on banning plastic bags after the City of Coral Gables was sued for passing a similar Ordinance. She asked the Town Attorney if there was any conflict with

State law should the Town decide to prohibit single-use plastic bags.

Town Attorney Randolph recommended that the Town Council wait a few months for the outcome of the Coral Gables lawsuit before passing a ban on plastic bags.

Council Member Lindsay asked the Mayor to write to the Governor about allowing coastal communities to ban plastic bags if there is no outcome reported from Coral Gables.

**It was the consensus of the Town Council to authorize the Ordinances, Rules and Standards Committee to study the potential ban on plastic straws.**

### **XIII. ORDINANCES**

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

1. ORDINANCE NO. 01-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, As Follows: At Article XIV, Numbering Of Premises, By Adding Section 18-967 That Will Provide Language For The Naming And Renaming Of Streets, Vias And Alleys; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.  
*Josh Martin, Director Planning, Zoning & Building*

Town Attorney Randolph read the ordinance into the record.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to adopt Ordinance No. 01-2019. On roll call, the motion passed unanimously.**

#### **B. First Reading**

1. ORDINANCE NO. 06-2019 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 IV, Police Officers, by Amending Section 82-119, Deferred Retirement Option Program for Police Officers; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.  
*Kirk W. Blouin, Town Manager*

Town Attorney Randolph read the ordinance into the record.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to adopt Ordinance No. 06-2019. On roll call, the motion passed unanimously.**

2. ORDINANCE NO. 07-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places; Article II, Streets; Section 106-48, Unlawful To Solicit From Public Streets, Making It Unlawful To Solicit From Public Streets Or Sidewalks In The Town; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

*Josh Martin, Director of Planning, Zoning & Building*

Town Attorney Randolph provided an overview of the emergency ordinance which will go into effect immediately upon approval.

Discussion ensued regarding the enforcement and penalties for violating this section of the Code.

**Motion was made by Council Member Araskog, and was seconded by Council President Moore, to adopt Emergency Ordinance No. 07-2019. On roll call, the motion passed unanimously.**

**XIV. ANY OTHER MATTERS - NONE**

**XV. ADJOURNMENT**

There being no further business, the February 14, 2019 Town Council meeting was adjourned at 4:30 p.m.

APPROVED:

\_\_\_\_\_  
Danielle H. Moore  
Town Council President

ATTEST:

\_\_\_\_\_  
Kathleen Dominguez  
Town Clerk

Date: \_\_\_\_\_