



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON

Tuesday, June 11, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, June 11, 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. Council President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

A correction was made to the purchase amount in Item X., B.,3. Resolution No. 39-2019 from ~~\$178,957~~ to \$178,967

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Legislative Session Update

Clerk's Note: This item was deferred to the July 9, 2019, Town Council meeting.

B. Scholarships Provided by the Palm Beach Country Club

Mayor Coniglio introduced and thanked Ron Passaggio, General Manager/COO of the Palm Beach Country Club, for the scholarship awards and for hosting the employee appreciation luncheon and golf outing last month.

Mr. Passaggio announced the names of the following scholarship award recipients from the Palm Beach Country Club Scholarship Fund:

Joshua Alber, Tyler Alber, Christopher Barber, Miranda Boodheshwar, Christina Caristo, Caleb Castro, Casey Castro, Connor Dunnam, Frank Guelli, Maxwell Guelli, Colt Keehan, Kevin LeBrun, Desiree Lovell, Amanda Marx, Denic Morine, Nicholas Pataca, Caytlin Pinto, Sofia Rivero, Megan Rogers, Emily Rojas, and Christopher Wilson.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Recreation Advisory Commission Applicants

The following applicant presented his qualifications:

Peter W. Harris

B. Appointment to the Recreation Advisory Commission

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the appointment of Peter W. Harris as an Alternate Member to the Recreation Advisory Commission. On roll call, the motion passed unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio reminded the residents to prepare for the upcoming hurricane season.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

President Moore commented on the appearance of large iguanas in the North end and announced that staff is looking into safe capture and removal methods for the residents.

Council Member Araskog commented on the invasive iguanas and warned residents against trying to capture them by hand. She shared concerns received by residents about the recently approved pilot-parking program on N. County Road. She spoke regarding the dangers of vines growing on utility poles and preparing for the upcoming hurricane season. She also thanked President Moore for hosting the employee appreciation party in her home last month.

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Donald Singer, Palm Beach Citizen's Association, commented on the recent refurbishment and installation of the benches on Sloan's Curve. He thanked Director of Public Works Paul Brazil and his staff for refurbishing the benches and installing a new "Entering the Town of Palm Beach" sign just south of the Lake Worth Beach.

Diane Buhler, Friends of Palm Beach, spoke in support of the ordinance banning plastic bags, containers and straws. She reported on the large amount of debris collected from the recent beach cleanup and ocean reef clean-up events. She also recommended the Iguana Busters Company as an aid in the Town's efforts towards capturing and removing iguanas.

Frederick Grace, 241 Bradley Place, spoke regarding the lack of free parking available to the employees and tenants due to the recently approved pilot placard program on N. County Road and Bradley Place.

Town Manager Blouin announced an issue with the live streaming feature of the meeting audio and requested a short recess so staff could resolve the issue.

(Clerk's Note: The Town Council recessed for 20 minutes.)

X. APPROVAL OF CONSENT AGENDA

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk
 - a. May 14, 2019, Town Council Meeting Minutes - *pulled from Consent Agenda and placed under Item XI.C.*
 - b. May 15, 2019, Local Planning Agency Meeting Minutes
 - c. May 15, 2019, Development Review Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 29, 2019

B. RESOLUTIONS

1. RESOLUTION NO. 31-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Recommendation of the Selection Committee for RFP No. 2019-10, for the Worth Avenue Commercial District Maintenance Program to Batallan Enterprises, DBA, Property Works in the amount of \$183,817 Annually, and for a Proposed Five Year Contract Amount of \$1,105,798, funded from the Non-Ad Valorem Assessment Paid for by the Property Owners within the Assessment Area. The Town negotiated cost savings from the

original proposal amount in the amount of \$8,161 annually or \$40,805 for the term of the contract.

2. RESOLUTION NO. 35-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Revising the Defined Contribution Retirement Plan; Approving Amendments to the Administration of the Plan; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.
3. RESOLUTION NO. 39-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Invitation to Bid No. 2019-17 Award Recommendation for Skees Landfill Improvements to Johnson-Davis, Inc. in the amount of \$178,967.
4. RESOLUTION NO. 41-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the Selection Committee Recommendation and Award of RFQ No. 2019-13 for Civil Engineering Consultants to Mock, Roos and Associates, Kimley-Horn and Associates, Inc., and Chen-Moore and Associates.
5. RESOLUTION NO. 42-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$138,182 to Applied Technology & Management, Inc., for Town-wide 2019 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$150,000.
6. RESOLUTION NO. 43-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$199,856 to Coastal Eco-Group, Inc., for the 2019 Annual FDEP BMA Cell-wide Biological Monitoring, and Establishing a Cell-wide Biological Monitoring Phase Budget of \$220,000.
7. RESOLUTION NO. 44-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Project Partnership Agreement Between the Town of Palm Beach and the United States Army Corps of Engineers for Initial Project Construction and Continued Renourishments of the Palm Beach County Federal Shore Protection Project, Mid-Town Segment. (Agreement Provided Under Separate Cover)
8. RESOLUTION NO. 45-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$198,932 to Aptim Environmental & Infrastructure, LLC (Aptim), for Permitting and Construction Support of the Palm Beach County Federal Shore Protection Project, Mid-Town

Segment, and Establishing an Engineering Task Budget Including Contingency of \$239,000.

9. RESOLUTION NO. 48-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.

C. OTHER

1. Appointment to "Blue Ribbon" Panel Per PERC Ordinance Appendix "A" Section 1.003
2. Authorization for Road Closure and Waiver to Town Code for Extended Construction Hours for the Florida Department of Transportation to Construct Drainage Improvements on South County Road Just West of the South Ocean Boulevard Intersection
3. Acceptance of a Donation in the amount of \$80,000 from an Anonymous Donor, Designated to Purchase the Following: 1) Surveillance Vehicle (Van, Camera and Electronics) 2) Worth Avenue Holiday Tree and Ornaments 3) Contract for Beach Cleanup (Seaweed Removal) Between Via Marina and Gulfstream Road

XI. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Retirement Board of Trustees
TIME CERTAIN: 10:00 A.M.

Dan Stanton, Chairman, provided the annual report of the Town's retirement fund performance over the past year. He spoke regarding the current financial status of the pension fund, the Rate of Return (ROR) assumption percentage used to measure the fund's performance, and the management of the asset allocations.

Chairman Stanton also commented on the Unfunded Actuarial Accrued Liability (UAAL) and the proactive steps taken by the Town Council to reduce it. He spoke regarding the historical performance of the retirement fund, the current state of the financial market and lowering the assumed ROR to a more reasonable percentage. He recommended that a discussion about lowering the (ROR) assumption from 7.2% to 6% take place at the next Retirement Board meeting in the fall.

Ed Carter, Vice Chair, spoke in support of Chairman Stanton's recommendation to lower the assumed rate of return. He also recommended that all future Town Council predecessors be educated and informed on the intricacies of government pension plans.

Tom Parker, Retirement Board member, spoke regarding the Town's obligation to payout the Town's retirees as a long-term promise and asked the residents and Town Council not to be too preoccupied with today's market numbers.

Pat Cooper, Palm Beach Civic Association, spoke regarding the need for multiple funding sources to pay down the UAAL and outlined the procedure involved for raising taxes by 1 million.

Discussion ensued regarding strategies for managing and reducing the Town's UAAL.

Town Manager Blouin thanked Chairman Stanton for his recommendation to change the assumption rate and for helping the Town identify the issues with paying down the UAAL.

It was the consensus of the Town Council to direct staff to schedule a Finance and Taxation Committee meeting to discuss additional funding opportunities for reducing the Unfunded Actuarial Accrued Liability and study lowering the Rate of Return assumption percentage.

It was the consensus of the Town Council to accept the Retirement Board of Trustee's annual report.

XII. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee Meeting Held on May 30, 2019

Chair Araskog provided the highlights of the ORS meeting. She requested that staff amend the motions related to the truck traffic discussion to reflect the following actions:

- Staff to research how other communities handle issues with over-sized trucks traversing through narrow residential streets.
- Staff to draft an ordinance that will provide a measure for screening the different types of construction-related trucks entering the Island through the building permit process.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to accept the report of the May 30, 2019 ORS Committee meeting, as amended above. On roll call, the motion passed unanimously.

XIII. REGULAR AGENDA

A. Old Business

1. **Ongoing Review of the Compensation Study**
TIME CERTAIN: 10:00 A.M.

Danielle Olson, Director of Human Resources, presented a summary of the approved compensation and retirement benefit changes to date and went over the remaining decisions up for discussion. She presented the total estimated costs for implementing all of the retirement benefit and compensation changes at the 75th and 65th market percentile.

Town Manager Blouin clarified the implementation process as it applies to the compensation changes once the market percentile policy is established.

Director Olson thanked the Town Council for their comments and discussion on this matter. She also thanked her peers, the department directors and staff for all of their assistance throughout the process.

Jane Le Clainche, Director of Finance, presented the following options to cover the increase to the UAAL and the ongoing costs for the approved employee compensation and retirement benefit changes:

- Option A - *UAAL Reduction* - Pay off the UAAL increase upfront by drawing from the Town's excess General Fund Unassigned Fund Balance reserves.
- Option B - *Property Tax Increase*
- Option C - *Prepaid Retirement Contribution* - Use the available balance of \$560,945 in the retirement fund to offset the initial cost of the retirement fund impacts of the police officer and firefighter pension changes.
- Option D - *Reduction of Coastal Transfer*
- Option E - *FY20 Budget Savings*

Discussion ensued regarding funding options, the Town's emergency reserves, and replenishing the surplus money through budget cuts.

Mayor Coniglio spoke regarding the Coastal Fund Program and requested that staff delineate the Coastal Fund from the overall budget and identify what is excess vs. necessary. She cautioned against the transfer of funds from the coastal program before receiving financial assistance from the Federal Emergency Management Agency (FEMA). She also recommended that a discussion take place about the groin rehabilitation program and beach re-nourishment plan.

In response to the comments and questions from Mayor Coniglio, Town Manager Blouin explained that the programs funded by the Coastal Budget will be presented and discussed at the budget workshop scheduled for July 11, 2019.

Pete Strong, Actuary from Gabriel, Roeder and Smith, spoke regarding the UAAL impact and the benefits of prepaying the UAAL increase upfront.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the continuation of the 75th market percentile policy as the established maximum paygrade for general employees, with final individual pay ranges to be determined by management staff. On roll call, the motion passed unanimously.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to adopt options A, C, D, and E as outlined and recommended by staff for reducing the increase to the UAAL and offsetting the costs related to the compensation and retirement benefit changes. On roll call, the motion passed unanimously.

2. Town-wide Underground Project:

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

Project Manager Stern provided an overview of the underground utilities project dashboard and progress summary of the construction projects. As a follow up to the May Town Council meeting discussion, he spoke regarding the Palmo Way Park easement options and presented revisions to the original design that would be more aesthetically pleasing while meeting the needs of Florida Power and Light (FPL).

In response to a question from Council President Moore, Town Engineer Patricia Strayer spoke regarding a challenge with removing the wires from the utility poles on some of the more narrow streets in the North end.

Discussion ensued regarding the costs and benefits of fiber versus copper cable installation for broadband service, state law requirements for the “like-for-like” cable conversion process, options available for residents who wish to upgrade to fiber cables and alternative funding options and costs for the Palmo Way Park redesign.

In response to a question from Council Member Crampton, Mr. Stern verified that the master project design considers coastal flooding and vulnerability before installing any underground switchgear.

In response to a question from Council Member Crampton, Town Engineer Patricia Strayer and Public Works Director Paul Brazil provided background on the Construction Manager at Risk (CMAR) approach for the underground utility project and the cost analysis of a CMAR vs. a low bid project. Ms. Strayer also added that the CMAR process does not always cost 20 to 25% of the project.

In response to questions from Council Member Araskog, Town Engineer Strayer spoke regarding the reason for the delay with the removal of the FPL utility poles and antennas and the easement acquisition issues for the Phase 3 North and South projects.

In response to a question from Council Member Lindsay, Town Engineer Strayer spoke regarding the revised schedule for the pole removal in Phase 1 North. She stated the expected completion date for the pole removals is mid-July with the milling and resurfacing of the roads completed by Labor Day (September 2, 2019).

It was the consensus of the Town Council to request that staff consider all park vistas and uses when working with FPL on switchgear placements.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the use of Option 2 for the design of the Florida Power and Light's easement in Palmo Way Park. On roll call, the motion carried 4 to 1, with Council Member Moore dissenting.

b. [Street Lighting Status and Update](#)
[Patricia Strayer, P.E., Town Engineer](#)

Town Engineer Strayer provided an update on the replacement of the Cobrahead Roadway Light Fixtures with decorative LED light poles.

Discussion ensued regarding the look, cost, height and lumens of the decorative poles and light fixtures and the need for consistent look throughout the Town.

Town Manager Blouin requested that Ms. Strayer provide the location, cost, look and other pertinent details of the installed light fixtures to the Town Council members.

c. [RESOLUTION NO. 46-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 23-2016, Re-establishing the Underground Utilities Task Force to Review Matters Related to the Undergrounding of Utilities; Memorializing the Citizens Oversight Function of the Underground Utilities Task Force During Design and Construction Phases of the Proposed Project; Providing for Seven Seats on the Underground Utilities Task Force, Creating one Alternate Position, Implementing Term Limits and Providing for Method of Appointment, and Providing an Effective Date.](#)
[Steve Stern, Project Manager](#)

Project Manager Stern provided an overview of the resolution.

Discussion ensued regarding the implementation of term limits, term duration, removing the exception that allows an appointee to serve on the Retirement Board during their term on the task force, establishing two alternate positions instead of one (1), and dissolving the task force after ten (10) years.

It was the consensus of the Town Council to amend Resolution No. 46-2019 to include criteria for sunseting the task force and language that allows an alternate member to serve two (2) terms (not including the alternate term) and bring it back to the Town Council Meeting for final approval at the June 12, 2019, Development Review meeting.

3. [Town Marina Project Update](#)

Gordon Thomson, Baird and Associates, presented a revised project timeline with a construction schedule and cost. He also presented the proposed dock and marina designs.

Discussion ensued regarding the timeline for completion, potential cost and revenue for holding a soft opening, deck surface options and the cost for each.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the May 1, 2020 construction start date. On roll call, the motion passed unanimously.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve the use of standard brushed concrete as the dock deck finish. On roll call, the motion passed unanimously.

4. [Discussion Regarding Limitations to the Issuance of Special Events Permits](#)

Deputy Town Manager Jay Boodheshwar provided background information on the recommendation by the Ordinances, Rules and Standards (ORS) Committee to limit or prohibit special event permits in smaller parks. He presented a list of the 16 parks/public spaces covered under Section 106, Article VII. of the Town's Code of Ordinances. He also presented options to consider for implementing restrictions on the issuance of special event permits for parks that are less than one (1) acre.

Discussion ensued regarding concerns with placing limitations for events at public parks, not over-regulating and over-reacting to the Carriage House discussion, and sending the final approval for special event applications for walks and runs associated with charities to the Town Council.

Town Attorney John Randolph expressed concerns with freedom of assembly and freedom of speech in public places.

In response to a question from Council President Pro Tem Zeidman, Town Attorney Randolph stated that language will need to be created that defines the criteria for turning away an event without being discriminatory.

Anita Seltzer, 44 Cocoanut Row, expressed concern with not allowing certain groups of people to have immunity or impunity with respect to events that use amplified sound.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to direct staff to prepare an ordinance that requires all Phipps Park Plaza special event permit applications be presented to the Town Council for approval, with a three-year sunset provision. On roll call, the motion passed unanimously.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to direct staff to prepare an ordinance requiring all fundraising related special event permit applications that involve leaving the primary event location (public or private) to walk or run on and through public properties, sidewalks, and streets be presented to the Town Council for approval. On roll call, the motion passed 4 to 1, with Council Member Moore dissenting.

5. [Update on Proposed Addition of Stairs to Memorial Fountain](#)

Deputy Town Manager Boodheshwar provided an overview of the response from the Florida Division of Historical Resources with their position on the proposed addition of stairs to the Memorial Park Fountain. He also provided an overview of the Town's request to pursue further clarification on the State's decision.

Deputy Town Manager Boodheshwar pointed out that the state's letter contained two (2) errors related to the restrictive covenants review and the property's placement on the National Register that may have factored into their decision. He clarified that the restrictive covenant does not apply to both grant awards and that the Memorial Fountain is not listed on the National Register. He also added that the Division Director of Historical Resources Dr. Timothy Parsons indicated in his correspondence that he would be open to a meeting in person or by conference call to discuss this matter in further detail.

Bill Bone, Palm Beach resident and Centennial Commission member, spoke regarding the majority decision of the Town Council and Landmarks Preservation Commission approving the addition of a staircase at the Memorial Park Fountain. He encouraged the Town Council to stay on course with the proposed plan and pursue a meeting in person with the State Historic Preservation Officer Dr. Timothy Parsons to reconsider the Town's proposal.

Addison Linck, 251 Esplanade Way, spoke regarding Dr. Parson's review of the proposed project as outlined in his letter. He recommended looking at landscape

solutions for the south facing side of the Memorial Fountain as a temporary aesthetic solution while the Town goes through the reconsideration process with the state. He spoke in opposition to the addition of the stairs and provided his opinion on the final outcome of this matter.

Robert Linck, 251 Esplanade Way, spoke regarding Addison Mizner's original intent and design inspiration for the fountain. He brought up comments shared by Addison Mizner's godson Tom Miller against modifying the fountain and encouraged the Town Council to keep the original design.

Susan Watts, 44 Cocoanut Row, spoke in opposition to the addition of stairs to the Memorial Fountain. She commented on the complication of the review process and that the Memorial Fountain is intended to be a historic monument honoring fallen heroes.

Amanda Skier, Executive Director of the Preservation Foundation, expressed concerns with adding a staircase to the Memorial Park Fountain. She requested that the State Historic Preservation Officer's position be respected and the restricted covenant adhered to.

Brian Vertesch, SMI Landscape Architecture, spoke regarding the original project plans, review process and the development of the proposed design with the added staircase.

Anita Seltzer, 44 Cocoanut Row, spoke regarding flaws found in the 2014 Memorial Fountain restoration project application with respect to the property information and requested the Town file a new application with the State in order to correct the matter. She expressed concerns with the Centennial Commission applying for the project as a violation of the Sunshine Law. She also spoke regarding the language in the Town Charter that requires a referendum for improving Memorial Park and other properties. She spoke in opposition to the addition of stairs and added that the park serves as a quiet contemplative space to honor fallen heroes.

Bill Metzger, Palm Beach resident and Centennial Commission member, spoke regarding Planning, Zoning and Building Director Josh Martin's research and notes on the Secretary of Interior's decision and appeal process. He also pointed out the invisibility of the backside of the fountain in the original design was due to the tall Australian Pines.

Discussion ensued regarding staff time, the original grant award, the level of Town Council's involvement in the process, and letting the Centennial Commission take the lead with meetings and a visit with Dr. Parsons to reconsider.

Motion was made by Council Member Araskog, and was seconded by Council President Moore, to not pursue Dr. Timothy Parson's letter and ask for clarification

on his decision regarding the addition of stairs to the Memorial Fountain. On roll call the motion passed 3 to 2, with Council Members Crampton and Zeidman dissenting.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to reconsider the previous motion. On roll call, the motion passed 3 to 2, with Council Members Araskog and Moore dissenting.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council President Moore, to approve staff involvement or sanction of the Town's involvement in pursuing the addition of stairs to the Memorial Fountain up to the limit of a conference call or a visit from Dr. Timothy Parsons, State Historic Preservation Officer. On roll call, the motion passed 4 to 1, with Council Member Araskog dissenting.

B. New Business

1. [2020 Election Date Change Due to Presidential Preference Primary](#)

Kathleen Dominguez, Town Clerk, spoke regarding the upcoming 2020 Presidential Preference Primary (PPP) election and the need to change the Town's general election date in 2020 to be in conjunction with the PPP and to accommodate the Palm Beach County Supervisor of Elections (SOE) ballot language deadline. She recommended adding language to Chapter 34 of the Town's Code of Ordinances that provides a procedure for conducting the Town's general election concurrently with statewide Presidential Preference Primary elections. She also recommended amending the specific articles within the Town Charter that reference the general and run-off election dates, Town Caucus date and qualifying period so that there are no future conflicts with this once-in-every-four-years statewide election schedule change.

She also pointed out that the date specified in Section 3.02 of the Town Charter for electing a President and President Pro Tem conflicts with the date scheduled for the Town's general election during PPP election years. She recommended amending the Charter to allow the Town Council to elect a President and President Pro Tem at the next regular meeting following the Town's general election.

It was the consensus of the Town Council to approve the Town Caucus date of Tuesday, December 3, 2019, and the qualifying period as Wednesday, December 4, 2019, as recommend by staff.

It was the consensus of the Town Council to direct staff to work with the Town Attorney to prepare an ordinance with language for conducting the Town's general election on the same date as the statewide presidential preference primary election.

C. [Matters Pulled From Consent Agenda](#)

1. Town Council Meeting Minutes

Kathleen Dominguez, Town Clerk

a. May 14, 2019, Town Council Meeting Minutes - *pulled from Consent Agenda*

Council Member Araskog expressed concerns with the use of the term "town sponsored" in the meeting minutes and requested an amendment.

Town Attorney Randolph stated that the term "town sponsored" was used correctly and is the term referenced in the Town's Code of Ordinances with respect to outdoor events.

It was the consensus of the Town Council to direct staff to work with the Town Attorney to amend the Town's Code of Ordinances where it references the term "town sponsored" to "town approved" or "town sanctioned" events.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve the May 14, 2019 Town Council Meeting Minutes. On roll call, the motion passed unanimously.

2. [RESOLUTION NO. 39-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Invitation to Bid No. 2019-17 Award Recommendation for Skees Landfill Improvements to Johnson-Davis, Inc. in the amount of \\$178,967.](#)

Paul Brazil, Director of Public Works, provided an overview of the resolution and spoke regarding staff's plans to come back to the Town Council with the landfill improvements project.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to approve Resolution No. 39-2019. On roll call, the motion passed unanimously.

3. [Appointment to "Blue Ribbon" Panel Per PERC Ordinance Appendix "A" Section 1.003](#)

Danielle Olson, Human Resources Director, provided an overview of the Blue Ribbon panel and their role in recommending a Public Employees Relations Commission (Mini-PERC) member to the Town Council for appointment.

In response to a question from Council Member Araskog, Town Manager Blouin explained the appointment and recruitment process of the blue ribbon panel.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to approve the appointment to the "blue ribbon" panel, as

described by staff. On roll call, the motion passed 4 to 1, with Council Member Araskog dissenting.

4. Authorization for Road Closure and Waiver to Town Code for Extended Construction Hours for the Florida Department of Transportation to Construct Drainage Improvements on South County Road Just West of the South Ocean Boulevard Intersection

Director of Public Works Paul Brazil provided an overview of the project for drainage improvements and the necessity for the Florida Department of Transportation to close down that section of the road for excavation and safer travel during the project.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to authorize the road closure and waiver to Town Code for extended construction hours for the Florida Department of Transportation to construct drainage improvements on South County Road just west of the South Ocean Boulevard intersection. On roll call, the motion passed unanimously.

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 21-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372 "Definitions" and Section 42-376, "Timing Of Fertilizer", Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to adopt Ordinance No. 21-2019 on second and final reading. On roll call, the motion passed unanimously.

2. ORDINANCE NO. 22-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 102, Solid Waste, Article I, in General, at Section 102-5 Deposit in Unauthorized Place, by Revising Verbiage to Read "No Person Shall Deposit or Cause to be Deposited any Refuse in any Place not Authorized for Disposal. The Public Works Director or Their Designee Shall Determine the Authorized Location for Collection and Disposal. Garbage Placed for Collection in an Unauthorized Place will not be Collected and Procedures Set Forth in Section(s) 102-48 and 102-7 will be Administered" Providing for Severability; Providing for Repeal of

Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to adopt Ordinance No. 22-2019, on second and final reading. On roll call, the motion passed unanimously.

3. ORDINANCE NO. 24-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article X, Titled Prohibition Of Polystyrene Containers And Single Use Carry Out Plastic Bags; Providing For Definitions; Prohibiting The Use Of Expanded Polystyrene Containers And Single Use Carry Out Plastic Bags Within The Corporate Limits Of The Town; Providing For Exemptions; Providing For Penalties And Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Repeal Of Ordinances In Conflict; Providing For Severability; Providing For Codification; Providing An Effective Date.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to adopt Ordinance No. 24-2019, on second and final reading. On roll call, the motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 23-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County , Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article XI, Titled Prohibition Of Plastic Straws Within The Corporate Limits Of The Town; Providing For Definitions; Prohibiting The Sale, Distribution Or Use Of Single Use Plastic Straws And Stirrers; Providing For Exemptions; Providing Penalties For Any Such Distribution; Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to approve Ordinance No. 23-2019, on first reading. On roll call, the motion passed unanimously.

XV. ANY OTHER MATTERS – *None*

XVI. ADJOURNMENT

There being no further business, the Town Council meeting of June 11, 2019 adjourned at 5:50 p.m.

Danielle H. Moore, Town Council President

Kathleen Dominguez, Town Clerk

Date