



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON

Tuesday, September 10, 2019

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, September 10, 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

The following modifications were made to the Agenda:

- Resolution No. 81-2019 (Item No. IX.B.2.) was corrected to read as an award to Vigilant d/b/a Millennium Products, Inc.
- Two minor corrections were made to Resolution No. 82-2019 (Item No. IX.B.3.) and Resolution No. 90-2019 (Item No. IX.B.9) on the Consent Agenda. Corrected copies were provided, the page numbers in the backup and the description of each correction were noted on the agenda modification sheet.
- Resolution No. 112-2019 (Item No. IX.B.24) was removed from the Consent Agenda and placed under New Business on the Regular Agenda as Item No.XI.B.3.

- Resolution No. 15-2019 (Item No. XI. A.1) under New Business, was pulled from the Agenda and deferred to a later meeting.
- A correction was made to Item No. XI.B.1 under New Business, to the recommended Town Council Meeting Schedule for 2020. The corrected dates were noted on the agenda modification sheet.
- Proposed Town Sponsorship of Business Association Special Event on December 8, 2019 (Item No. XI.B.2.) under New Business, was moved to Presentations as Item V. B.

IV. [APPROVAL OF AGENDA](#)

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

V. [PRESENTATIONS](#)

- A. Presentation on Royal Poinciana Playhouse
Alexandra Patterson, UpMarkets

Alexandra Patterson, UpMarkets, provided an update on leasing efforts for the Playhouse. Ms. Patterson assured the Town Council they were continuing to work hard to obtain a lease.

It was the consensus of the Town Council to request Ms. Patterson return with a status update at the November 12, 2019, Town Council meeting.

- B. Proposed Town Sponsorship of Business Association Special Event on December 8, 2019 to be hosted by the Worth Avenue Association
Kathleen Dominguez, Town Clerk

Kathleen Dominguez, Town Clerk, introduced Marianna Abbate, who provided an overview of the Town sponsored business proposal.

Ms. Abbate, Worth Avenue Association, provided an overview of the event and requested partial road closure on the south side of Worth Avenue for the Palm Beach Concourse event on Saturday December 8, 2019. She explained their partnership with Palm Beach Classics to work with residents of Palm Beach Island Collectors to display cars valued between \$150,000 to \$3M, up and down Worth Avenue, and planned to bring in eight police officers for the event.

Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the request from the Worth Avenue Association for a Town Sponsored Business Event to be held on December 8, 2019, as presented. On roll call, the motion passed unanimously.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed her gratitude that Palm Beach had been spared the devastation suffered by the Bahamas during Hurricane Dorian. She reported almost 3500 residents had signed up for the Town's alert system and urged residents to leave the Island for Category 3, 4, and 5 storms. She complimented Town staff for securing the Island's safety and announced the Town's partnership with the Town of Palm Beach United Way to provide matching dollars for donations for the long-term recovery of the Bahamas.

Mayor Coniglio congratulated Town Clerk Kathleen Dominguez, for obtaining her Certified Municipal Clerk designation and deemed her as the Town's Official Queen of the Court.

Mayor Coniglio thanked Frank Cerabino from the Palm Beach Post, for his article about Palm Beach's ban on plastic bags getting overturned by the State legislature. She spoke regarding the legislature superseding local municipalities to ban plastic bags. She expressed hope that the Palm Beach Post, and other local groups and municipalities would band together to continue their efforts to ban plastic bags from an environmental perspective and a home rule perspective.

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Lindsay added to the Mayor's comments regarding the great service provided by staff during Hurricane Dorian. She spoke regarding her home in the Bahamas, the total devastation in Marsh Harbor and the little off-shore islands, and the people's determination to rebuild. She expressed her disappointment with rescinding the plastic bag ordinance at today's meeting for legal reasons. She urged everyone to change their habits and to write to the legislators to rescind the law, which is affecting coastal communities and impedes home rule.

Council Member Araskog reported that Germany was now set to ban all plastic bags, and commented on the worldwide movement to protect the oceans and environment. She expressed hope everyone would write to both State and Federal legislators about this serious environmental issue and fight for home rule to protect their community. She agreed with the Mayor and Council Member Lindsay that everyone should do whatever they can to help those in the Bahamas. She commended staff for protecting the Town during the storm, acknowledged that they did not get to protect their homes and families, and thanked them for their dedication. She recognized the efforts of Kirk Blouin and Jay Boodheshwar and thanked them for their exceptional service.

Council President Pro Tem Zeidman thanked the Mayor and staff for helping things go smoothly during the storm. She commented on the fact that Kirk Blouin and Jay Boodheshwar slept at the Town and handled things very professionally during the storm. She commented on the enjoyable report written by Council Member Lindsay on the Public Works Committee Green Initiative and recommended that everyone read it. She shared a recommendation from a former Council Member Bob Wildrick, who suggested that since the Council decided in August to provide an incentive for people who were removing ficus benjamina, to dispose of it free of charge.

It was the consensus of the Town Council to discuss possible free ficus benjamina disposal during the Public Works Committee Report.

Council Member Crampton mentioned the Science Center in West Palm Beach is affiliated with United Way and is a drop-off center for items such as generators and other large items designated for the Bahamas relief efforts.

Town Manager Blouin reported stories from the Bahamas, and asked residents who decided not to evacuate when a Category 5 storm was approaching to realize they were not only putting their own lives at risk, but they were also putting the lives of Public Safety personnel at risk.

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Simon Taylor, 234 Oleander Ave., expressed appreciation for Alexandra Patterson and her efforts on behalf of the Royal Poinciana Playhouse. He listed the positive aspects of the update and stated his view that the project must happen.

Diane Buhler, Friends of Palm Beach, commented on the plastic bag issue and recommended wearing closed toe shoes when walking on the beach, due to debris washing up onshore from Hurricane Dorian. She announced Turtle Tuesday that night, Worth Avenue Association's clean-up at The Colony from 5-7 p.m.; and noted on Saturday her group would participate in the International Coastal Clean-Up from Dolphin Road and would hand out T-shirts. She commented it was not just Germany but the European Union (EU) that had passed a ban on single-use plastic bags. She thanked Rob Weber for his help removing the sailboat that crashed ashore on the north end by the jetty.

Town Manager Blouin clarified for the public that the group who threatened to sue the Town for enacting a ban on single use plastic bags was The Florida Retail Federation. He further explained that a similar case had been decided recently for the City of Coral Gables where the courts ruled in favor of the State and their pre-emption. He added that with that same set of facts, Palm Beach could not have won, so strategy had been re-adjusted to lobby legislators and encourage non-use of single-use plastic bags and other items.

Mayor Coniglio acknowledged staff had a process in place to determine what to do with seaweed, and reported the hurricane had cleared the seaweed away. She thanked Diane Buhler and the Friends of Palm Beach for all they do to keep the beaches clean and safe.

In response to Ms. Buhler's comments above, Council Member Araskog commented that while the EU was working on the plastic bag ban, Germany had actually drafted their bill and was moving forward. She asked Ms. Buhler about dune protection when plastic is collected. Ms. Buhler explained that her group uses long reach grabbers and volunteers are educated before going in to clean-up. She commented that it is not a good idea for people to go on their own to try to clean the dunes.

Mrs. Macnamera, Lake Worth, commented she had been involved in city government and was aware of what had happened in Palm Beach with the Royal Poinciana Theater. She requested the Town Council expedite the reopening of the theater and help the Palm Beach Theater Guild to do so.

IX. APPROVAL OF CONSENT AGENDA

Council President Moore reminded the Town Council that Resolution No. 112-2019, was pulled from the Consent Agenda and relocated to the Regular Agenda under New Business.

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
 - a. July 11, 2019, Town Council Meeting Minutes (Amended)
 - b. August 14, 2019, Town Council Meeting Minutes
 - c. August 14, 2019, Development Review Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 28, 2019.

B. RESOLUTIONS

1. RESOLUTION NO. 80-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs For Property, Liability, Workers' Compensation, Automobile and Ancillary Coverages for FY2020 In The Amount of \$877,113 and Variable Costs In The Amount Of \$1,647,500; Approving A Non-Exclusive Insurance Broker Services Agreement With Relation Insurance Service Of Florida, Inc. 'Relation', In The Amount Of \$35,000; Approving A Non-Exclusive Insurance Broker Services Agreement With Arthur J. Gallagher Risk Management Services,, Inc., "AJG" In The Amount Of \$10,000; Approving A Third Party Administration Services Agreement With Preferred Governmental Claim Solution "PGCS" In The Amount Of \$26,400; Conditioning All Matters Contained Herein Subject To Approval Of The Fiscal

Year 2020 Budget; And Authorizing The Town Manager To Execute The Non-Exclusive Insurance Broker Services Agreements With Relation, AJG And PGCS On Behalf Of The Town.

Danielle Olson, Director of Human Resources

2. RESOLUTION NO. 81-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approves The Award of GSA Contract No. GS-07F-0031W to Millennium Products Inc. in the Amount of \$93,520 From the Equipment Replacement Fund, Contingent Upon Budget Approval for the Replacement of Five License Plate Readers and Chalking System in the Five Parking Enforcement Vehicles.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 82-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Removal of the Sole Source Designation for Johnson Controls, Incorporated Approved by Resolution No. 61-2014.
Dean Mealy, Purchasing Manager
4. RESOLUTION NO. 83-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2019-30 for Plan, Review and Inspection Services to the Following firms; C.A.P. Government Inc., Diversified Building Department Management, Evans-Hughes Code Inspections, Inc., GFA International, Inc., Hy-Byrd Inspections, Inc. and M.T. Causley, LLC in the Annual Amount of \$240,000, Contingent Upon Budget Approval and a Five-Year Award of \$1,200,000..
Dean Mealy, Purchasing Manager
5. RESOLUTION NO. 84-2019 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 the Fire Rescue Fleet Apparatus in an Amount Not-to-Exceed \$126,000, Contingent Upon Budget Approval.
Dean Mealy, Purchasing Manager
6. RESOLUTION NO. 86-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2019-24, Historic Site Survey Services to Environmental Services, Inc. in the Amount \$93,528, and a Total Project Budget of \$107,528.
Dean Mealy, Purchasing Manager
7. RESOLUTION NO. 88-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to SHI International Corporation, Utilizing the State of Florida Contract No. 43230000-15-02 for Microsoft Office Software and Operating Systems Licensing in an Amount Not-to-Exceed \$107,250 Contingent upon Budget Approval.
Dean Mealy, Purchasing Manager

8. RESOLUTION NO. 89-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Superion, LLC for Annual Purchase of Software Maintenance in an Amount Not To Exceed \$114,500, To Support Police Operational Requirements, Contingent upon Budget Approval.
Dean Mealy, Purchasing Manager
9. RESOLUTION NO. 90-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Tyler Technologies, Inc., for Software Support and Licensing in an Not-to-Exceed \$89,000, Contingent Upon Budget Approval.
Dean Mealy, Purchasing Manager
10. RESOLUTION NO. 92-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of Invitation to Bid No. 2019-26, Temporary Staffing Services for the Department of Business Development and Operations to Sur Employment, Inc. as the Primary Vendor and AP Recruiters, and Associates as the Secondary Vendor in the Annual Contract Amount of \$428,000, Contingent Upon Budget Approval and a Five-Year Proposed Contract Valued at \$2,247,000 Based on Vendor Performance and Contingent Upon Budget Approval.
Dean Mealy, Purchasing Manager
11. RESOLUTION NO. 93-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Extension of Bid No. 2017-22, Street Sweeping and Bike Trail Sweeping to All American Sweeping, Inc. in the Amount of \$93,000 and a Three-Year Proposed Contract in the Amount of \$279,000 Contingent upon Budget Approval.
Dean Mealy, Purchasing Manager
12. RESOLUTION NO. 94-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Authorization to Extend the Award of Contract 2018-45, for Disaster Debris First Pass, Cut and Toss to Arbor Tree and Land, Inc. for Services Post-Storm or Hurricane During the Initial Seventy-two Hour Post Event.
Dean Mealy, Purchasing Manager
13. RESOLUTION NO.95-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Regions Security Services in the Amount of \$40,000, Contingent upon Budget Approval.
Dean Mealy, Purchasing Manager
14. RESOLUTION NO.96-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Extension of Contract No. 90-2016 for Painting Services to Sun Art Painting in the Amount of \$25,000, Contingent upon Budget Approval.

Dean Mealy, Purchasing Manager

15. RESOLUTION NO. 97-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Extension of Bid No. 2017-12, Worth Avenue Living Wall Maintenance to GSKY Plant Systems, Inc., in the Amount of \$31,000, and a Three-Year Proposed Contract Amount of \$93,000, Contingent upon Budget Approval.

Dean Mealy, Purchasing Manager

16. RESOLUTION NO. 98-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Extension of Contract No. 117-2015 for Carpentry Services to Nulite Sliding Doors and Window in the Amount of \$100,000, Contingent upon Budget Approval.

Dean Mealy, Purchasing Manager

17. RESOLUTION NO. 99-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Extension of Contract No. 2016-27 for Roof Inspections to Knoph and Associates, Inc, in the Amount of \$20,000, Contingent upon Budget Approval.

Dean Mealy, Purchasing Manager

18. RESOLUTION NO. 100-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing an Extension of Six Contracts with Batallan Enterprises, Inc. dba Property Works for Contract 2015-23, Grounds Maintenance, 2017-23, Hedge Trimming, 2014-02, Landscape Maintenance, 2014-02, Peruvian Ave Maintenance, 84-2014, Mulch Application and 2014-38, Landscape Fertilization and Pest Control for a Period of Sixty Days in the Total Amount of \$40,000 While the New Bid is Vetted for Background Checks and Vendor Responsibility, Contingent Upon Budget Approval.

Dean Mealy, Purchasing Manager

19. RESOLUTION NO. 101-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving Authorization to Extend Contract 2016-05, and 2016-03 for Disaster Debris Post-Storm or Hurricane to DRC Emergency Services, LLC., Phillips and Jordan and Rostan Solutions, LLC., for Fiscal Year 2020.

Dean Mealy, Purchasing Manager

20. RESOLUTION NO. 102-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Final Extension of Bid No. 2015-06, Maintenance of Beds at Royal Palm Way and Southern Blvd., and the Circular Beds on Royal Poinciana Way to Batallan Enterprises, dba, Property Works in the Amount of \$35,000, Contingent Upon Budget Approval.

Dean Mealy, Purchasing Manager

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21. RESOLUTION NO. 103-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Piggyback of the Osceola County Contract No. RFP 16-4469-TP, for Town-Wide Security Surveillance Equipment, Maintenance and Installation to Miller Electric Company, dba, Site Secure in the Amount of \$80,000, Contingent Upon Budget Approval.
Dean Mealy, Purchasing Manager
22. RESOLUTION NO. 109-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving the Termination of Bid No. 2019-08 to C&W Pipeline for the Worth Avenue Infrastructure Improvements and Award to Johnson-Davis, Inc. to Complete the Project For a Proposed Budget of \$1,221,995 and a Total Project Budget of \$1,405,294.
Dean Mealy, Purchasing Manager
23. RESOLUTION NO. 111-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2020 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances
Jane Le Clainche, Director of Finance
24. RESOLUTION NO. 112-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting an Amendment to the Town of Palm Beach Retirement System Investment Policy Statement, Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.
Jane Le Clainche, Director of Finance
(This item moved to Regular Agenda, New Business, Item 3)
25. RESOLUTION NO. 113-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending the Funding Policy for the Town of Palm Beach Retirement System; Providing an Effective Date.
Jane Le Clainche, Director of Finance

C. OTHER

1. Health Insurance Rates for Plan Year 2020
Danielle Olson, Director of Human Resources

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Meeting Held on July 8, 2019
Julie Araskog, Chair

Chair Araskog explained she had given the full ORS Report the previous month, but there had been no motion to approve.

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to accept the report of the July 8, 2019, ORS meeting. On roll call, the motion passed unanimously.

1. Resolution No. 68-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the Study and Development of a Truck Traffic Regulation Plan in the Amount of \$39,864 to be funded From the General Fund Contingency. *H. Paul Brazil, P.E., Director of Public Works*

Council Member Araskog spoke regarding a recent safety issue she experienced with a large truck. She commented that Public Works has gone as far as they could go with regard to the issues with trucks all over town from safety and landscape perspectives. She suggested proceeding with the Kimley-Horn presentation today, and vote on it during tomorrow's meeting when a related ordinance is discussed.

Town Manager Blouin reported both Kimley-Horn and Assistant Planning and Zoning Director Wayne Bergman were present today and recommended hearing the item today.

It was the consensus of the Town Council to hear the Kimley-Horn presentation today and discuss the related ordinance on the Development Review agenda scheduled for tomorrow, as scheduled.

Kevin Schanen, Kimley-Horn and Associates, introduced Chris Hagen, Senior Partner and Traffic Engineer with Kimley-Horn, who presented the details of the firm's proposed approach to the truck study. Mr. Hagen provided an overview of the study which included: looking at best practices from other municipalities that can be applied to the Town, studying at least five different intersections to see what size truck could make the turns safely, considering Town ordinances to see what would fit with existing ordinances, then in the implementation phase, decide the form and how to define various aspects such as signage, restrictions and regulations, and how to codify and communicate to all parties involved.

In response to questions from Council Member Araskog, Mr. Hagen explained that this would be a town-wide project that includes other intersections and the intent was to come up with a plan for applicability on a town-wide basis. He added they would work with Public Works to define critical issues and it was likely that one of the representative intersections would be the small right-of-way roadway intersecting with North Lake Way or North County Way.

In response to questions, Mr. Hagan discussed how this study would be different from a regular traffic study and provided details regarding the bridge counts.

Mayor Coniglio expressed concern with spending taxpayer dollars to accumulate knowledge that she believed was already generally known. She suggested staff review the municipalities who have implemented a truck policy and provide recommendations where applicable. She also added that the Police Department, Code Enforcement, and Planning and Zoning staff are already familiar with the Town's ordinances. She recommended taking a slow approach and waiting until the results of the construction management ordinance are known. She also added that Code changes are being considered, which may affect the construction traffic. She also expressed concern with spending \$40,000 for the study when the Town has little resources for enforcement.

Town Manager Blouin expressed concern with giving false expectations to the community on any recommended plan from the Kimley-Horn study.

Mr. Hagan suggested establishing parking zones for construction and other types of trucks and issuing that information during the building permit application process. He also suggested parking administration or a right-of-way enforcement, since that staff was already patrolling the streets.

Mr. Schanen suggested handing out an information packet when enforcement was needed, to gradually educate contractors and individuals on the new regulations.

Mayor Coniglio commented that what is being proposed and described in the study, is addressed in the new ordinance.

Wayne Bergman, Assistant Director of Planning Zoning and Building, spoke regarding the purpose and intent of the new ordinance for managing truck traffic. He explained that it provides another plan for use at Development Review Committee, ARCOM, and Landmarks Commission meetings to show construction staging, where materials would be delivered and stored, parking, dumpster, and portable toilet locations, and public roads in some cases, according to the size of the site. He also explained that the concept of the ordinance includes the construction timeline, benchmarks of the project progression and truck logistics, and could also tell the Town how they would access the site, possibly the number of trucks, and the critical path. He further added that although this would change during the construction process, it would cause the owner and design team to think about providing comfort to the Town so that problems now being experienced would not happen in the future.

Council President Pro Tem Zeidman expressed her appreciation for the presentation, but felt it would provide nothing new that had not already been considered.

In response to a question from President Pro Tem Zeidman, Mr. Hagan provided a similar example in Hollywood that was solved by signage, new parking areas, and bringing in representatives of companies that use trucks to communicate the Town's regulations.

Council Member Crampton asked the Council not to prejudge the study and spoke regarding the amount of complaints on this issue. He recommended proceeding with the study as a supplement to Mr. Bergman's ordinance for construction staging.

Council Member Araskog commented that the study would tell the Town what they legally could do with regard to signage and other solutions. She added that this was a great safety concern of the residents and she did not want to wait any longer to take care of the safety of residents and their properties.

Council Member Lindsay commented that the Hollywood example mentioned earlier as a comparison with Palm Beach was a stretch for her. She agreed that most of the problems are caused by construction deliveries, which is a huge issue for the residents. She added she was not against the study, but wanted to give the new ordinance time to succeed, confirmed with the Town Attorney that a study was not required to back up signage, and commented if the new ordinance did not solve the issue she was happy to go forward with the study.

Paul Brazil, Director of Public Works, commented that regular landscaping trucks made up the majority of trucks in the Right-of-Way next to the construction trucks. He suggested trying the ordinance first as a way to regulate the rights-of-way issues and if that does not work then to proceed with the study.

In response to questions, Town Attorney Randolph advised that an engineer study is needed to legally support any truck traffic regulations.

In response to questions, Mr. Hagen commented that the study outcome would include recommendations for conceptual signage that was based upon the engineering criteria in the Manual of Uniform Traffic Control Devices.

Public Comment

Tom Bradford, former Town Manager, resident of Tequesta, Florida, commented that the State statute was very clear and that if you need to

regulate length, width or weight of a truck and where it can and cannot go, you need the study.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Resolution No. 68-2019. On roll call, the motion passed unanimously.

Council Member Araskog offered to ask the individual who offered to contribute to a traffic study a year ago and see if they would contribute at least \$10,000.

(Clerk's Note: The Town Council took a 3 minute recess at 11:10 a.m.)

It was the consensus of the Town Council to break for lunch from 1 p.m. to 2 p.m.

B. Report of the Public Works Committee Held on August 15, 2019
Bobbie Lindsay, Chair

Chair Lindsay provided the highlights of the meeting and the progress of the Green Initiative. She gave Public Works staff credit for answering the right questions and leaving no stone unturned to go toxin free. She explained the three areas exempted from being toxin free: golf courses, ficus canopy, and native Royal Palms. She reported areas of plant materials that would be removed and that the matrix was approximately 90% complete and able to track how alternative treatments were performing. She thanked the Recreation and Public Works Departments for great progress. She reported on the discussion that had been held about paving in Phase One North. She commended Jason Debrincat from Public Works and his crew for going above and beyond the call of duty before the storm to vacuum out the storm drains.

Council President Pro Tem Zeidman credited former Council Member Bob Wildrick, for raising the possibility of providing free disposal services to residents who have their ficus benamina removed from their property, and opened this matter for discussion.

Council Member Crampton congratulated Public Works staff on great work. He suggested the golf course personnel or Director Carolyn Stone contact Golf Course Superintendents of America (GCSAA) who constantly experiment with alternatives to pesticides and fertilizers. He advised there was the opportunity to obtain a certification for the golf course for accomplishing a number of best practices and Par 3 should qualify.

In response to a question from Council Member Crampton, Director of Public Works Brazil responded that once the work on the East Central Regional Water Reclamation Facility is completed, it will be classified as a secondary water treatment plant.

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Council Member Araskog commended the Public Works Department and staff. She agreed with the free ficus benjamina disposal suggestion and requested the cost for providing disposal services.

Mayor Coniglio agreed with finding out the cost of disposal for both construction sites and residential properties. She suggested the Public Works Committee work and staff with other municipalities for cost savings.

Council Member Lindsay recalled that the disposal fee was figured around \$400 per 100 linear feet plus the disposal fee (with overhead added). She recommended allowing the free disposal for a 2-3 year period and suggested the Town accelerate their own ficus benjamina removal. She also recommended offering free removal with the condition that the hedges are replaced with one of the seven listed native hedge materials. She suggested finalizing this plan and bringing it back to the next meeting.

Council Member Araskog recommended including reconstruction in the parameters.

Town Manager Blouin provided the disposal fee costs: \$700 for the first 100 linear feet, \$300+ for the next 100 linear feet, but stated the real cost depended on how many calls there were for this service. He agreed with the recommendation to place conditions in order to receive a free pick up for disposal as a way to encourage people to get rid of ficus benjamina. He mentioned that not many calls are expected this time of year and recommended reintroducing this service toward the end of the season. He advised that the East Central Regional Water Reclamation Plant as it relates to the budget, is the one uncontrollable expense of the Town and is accelerating at a rapid pace.

Council Member Lindsay agreed with the Town Manager and suggested bringing this back to the next Public Works Committee meeting. She expressed hope if material had not been purchased for current projects that administrative changes could be made so they could have permission to put in one of the seven (7) listed native hedges. She estimated this might affect 20-30 homes.

Town Attorney Randolph confirmed so long as the screening for landscape projects had been approved by ARCOM, the hedge replacement material could be changed.

Council Member Lindsay asked that Planning and Zoning contact the homeowners. She noted there was a Tree Specialist, a consultant who was paid when needed, and she felt the trees had improved vastly since he had been retained. She asked the Council's permission to look the cost of bringing in a botanist/horticulturist for beds, parks, and other areas. She also suggested exchanging information between Public Works and Recreation regarding tree trimming, and to give both the same resources.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to accept the report of the Public Works Committee Meeting held August 15, 2019. On roll call, the motion passed unanimously.

It was the consensus of the Town Council consensus to authorize the Public Works Committee to study the costs for pickup and disposal of ficus benjamina and hiring a Town Arborist.

XI. REGULAR AGENDA

A. Old Business

1. RESOLUTION NO. 15-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Long-term Ground Lease of 5976 Okeechobee Boulevard, West Palm Beach, Florida to AHS Residential.

Kirk W. Blouin, Town Manager

This item was pulled from the agenda.

2. Town-Wide Undergrounding Project:

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

Steven Stern, Project Manager, provided a construction progress report on the Undergrounding Project. He announced that due to light attendance, the Coffee with the Crew meetings are cancelled and will be picked back up again in November. He also announced the next meeting of the Undergrounding Task Force would be Wednesday, October 2 in Council Chambers at 9 a.m. He reported staff will be speaking to the Worth Avenue Association to drum up support for undergrounding both sides of Worth Avenue. He drew attention to a high-level map of the whole project area provided in the backup on page 369, which had been provided at the request of the Town Council.

In response to a question from Council Member Crampton, Project Manager Stern explained there was a link to the project map on the undergrounding website and the date that FPL is expected to convert the South end in late October and start remove the poles afterwards.

Mayor Coniglio complimented Mr. Stern on his handling of the undergrounding project and also FPL for showing flexibility on redesign. She inquired about placing utility poles in the areas where they were forced to put in chicanes due to residents refusal to provide easement for a transformer.

In response to the Mayor, Town Manager Blouin commented that the Town did not have the legal option to install poles due to the bond language.

Discussion ensued regarding the lack of cooperation with the easements for undergrounding equipment for Phase 3, completing other project areas out of sequence, and eminent domain.

In response to questions about project sequence, Town Engineer Strayer commented that the design of several phases has been completed and as soon as enough easements are acquired, the Town can proceed with Phase 4 project area.

In response to a question from Council Member Araskog, Project Manager Stern reported that there are 30 or so problem areas for easements that are holding up the project for other project areas.

b. Phase 1 North Easement Abandonment
Patricia Strayer, P.E., Town Engineer

Town Engineer Strayer reported alternatives for handling the easement abandonment process and costs for each.

Town Attorney Randolph was consulted regarding possible recusal of Council Member Lindsay and Council Member Araskog. Town Attorney Randolph advised recusal was not necessary since the class size was so large.

Discussion ensued on the process, cost, and alternatives with the view that residents had been told the Town would implement a process to abandon easements, but costs had not been mentioned.

Town Engineer Strayer was requested to bring this item back after lunch with corrected costs.

Clerk's Note: This item was revisited after the Town Marina Project Update (Item XI.A. 4.) after as requested by the Council earlier in the meeting.

Town Engineer Strayer presented the costs requested by Council for each alternative for handling the easement abandonment process.

Discussion ensued regarding the incentive approach, the effectiveness of each option and where they might apply.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve option one of the three options presented, which features an incentive approach to the easement process with a total cost of \$240,000 direct to the Town. On roll call, the motion would have failed 3-2 with Council Member Araskog, Council Member Lindsay, and Council President Moore opposed. Discussion ensued; then the question was called again. On roll call, the motion passed 4-1 with Council President Moore opposed, Council Member Araskog voting yes but stating she would not accept the benefit, and Council Member Lindsay voting yes but not accepting the benefit.

It was the consensus of the Town Council to direct the Town Engineer to provide cost breakdowns to each Council Member.

3. Coastal Update
H. Paul Brazil, P.E., Director of Public Works

Rob Weber, Coastal Program Manager, provided a shoreline presentation with photographs of each reach to show the beach conditions and tide levels before and after Hurricane Dorian. Mr. Weber was commended for obtaining the pictures and for his work to obtain reimbursements.

Discussion ensued regarding easements needed for the Mid-Town beach re-nourishment project and the reason residents refused to allow the Army Corps of Engineers access because of the “in perpetuity” language.

Public Comment

Warren Belmar, 130 Sunrise Avenue, commented that the public beach access was not only for off-Island people but for residents who did not live on the beach, and those who did not sign easements had already been accommodated by parking restrictions. He expressed concern that not enough emphasis had been given to the long-term problems for the Town, because if sand could not be placed on the north end, all the beaches south would continue to erode, and there would be no way of ever replenishing it. He encouraged the Town to publish the names of those refusing to give easements

(Clerk’s Note: The regular meeting recessed for lunch at 1 p.m. and reconvened at 2:10 pm.

- a. RESOLUTION NO.104-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant of Florida Department of Environmental Protection Contract No. 20PB8, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding

Assistance Program, Specifically Reimbursement for Lake Worth Inlet Management Plan Implementation in the Amount of \$591,500, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Coastal Program Manager Weber provided an overview of the resolution.

Town Attorney Randolph read Resolution No. 104-2019 by title only.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Resolution No. 104-2019. On roll call, the motion passed unanimously.

- b. RESOLUTION NO. 105-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant of Florida Department of Environmental Protection Contract No. 20PB3, Between the State of Florida Department of Environmental Protection and The Town of Palm Beach Under The Florida Beach Management Funding Assistance Program, Specifically Monitoring Reimbursement for the 2015 Mid-Town Beach Nourishment Project, in the Amount of \$34,398, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Coastal Program Manager Weber provided an overview of the resolution.

Town Attorney Randolph read Resolution No. 105-2019 by title only.

Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve Resolution No. 105-2019. On roll call, the motion passed unanimously

- c. RESOLUTION NO. 106-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant of Florida Department of Environmental Protection Contract No. 20PB3, Between the State of Florida Department of Environmental Protection and The Town of Palm Beach Under The Florida Beach Management Funding Assistance Program, Specifically Monitoring Reimbursement for the 2016 Phipps Ocean Park Beach Nourishment Project, in the Amount of \$28,470, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Coastal Program Manager Weber provided an overview of the resolution.

Town Attorney Randolph read Resolution No. 106-2019 by title only.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 106-2019. On roll call, the motion passed unanimously

- d. RESOLUTION NO. 107-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant of Florida Department of Environmental Protection and The Town of Palm Beach Under The Florida Beach Management Funding Assistance Program, Specifically Monitoring Reimbursement for the 2016 Phipps Ocean Park Beach Nourishment Project, in the Amount of \$28,470, and Authorizing the Mayor to Execute Same on Behalf of the Town.

Coastal Program Manager Weber provided an overview of the resolution.

Town Attorney Randolph read Resolution No. 107-2019 by title only.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Resolution No. 107-2019. On roll call, the motion passed unanimously

- e. RESOLUTION NO. 110-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Increase in Regard to Awarded Bid No. 2016-28 to Coston Marine Services, Inc. in the Amount of \$262,310 to Remove Additional Rock and Sediment for the Construction of the Lake Worth Lagoon Waterway Access Maintenance Dredging, increasing the Contract Amount from \$1,329,310.50 to \$1,591,610.50 and Establishing a New Construction Phase Budget of \$1,671,000, Including Contingency Contingent Upon Town Council Acceptance and Receipt of Donations to Fully Fund this Project and the Respective Construction Administration Services.

Coastal Program Manager Weber provided an overview of the resolution.

Town Attorney Randolph read Resolution No. 110-2019 by title only.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 110-2019. On roll call, the motion passed unanimously

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

Gordon Thomson provided an update on the Town docks project, which included the design process, final plans, specifications, scheduling, and budget.

Director of Public Works Paul Brazil requested that the Town Manager be given the flexibility to use the untouched \$600,000 to fund the additional services and other out-of-scope tasks related to the permit and design process. He added that once the construction schedule is obtained, staff would return with an amount to

increase Mr. Thomson's work order if needed and reconcile the final costs once the construction phase services are determined.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to authorize the Town Manager to move money between line items of the existing purchase order. On roll call, the motion passed unanimously

Director of Public Works Brazil provided an overview of the additional security options for the Town Marina parking lots.

Council Member Lindsay inquired about cameras and gates, indicated she was in favor of additional security, and requested the gates be consistent with the look of other high-end marinas. She also recommended that Public Works consider the green space occupied by the Town to accommodate additional parking in the new plan.

Town Manager Blouin commented that a parking lot redesign could increase security and improve aesthetics, and would be less costly if done at the current time. He added that two spaces for every boat slip was the norm at high-end marinas, but that option is not available with the current plan.

Discussion ensued regarding how the slips were counted.

Director Brazil advised if Council wanted to pursue this, he suggested bidding the present project, and making this piece an addendum.

In response to questions, Director Brazil discussed the \$33,000,000 approved construction budget, stating there would be additional unknown costs.

It was the consensus of the Town Council to direct staff to proceed with including additional security options for the marina and parking lots in the final design.

B. New Business

1. Proposed 2020 Town Council Meeting Schedule
Kirk W. Blouin, Town Manager

Town Manager Blouin presented the revised proposed 2020 schedule.

Discussion ensued regarding amending the 2020 meeting schedule as follows:

- July 14th at 9:30 a.m. (Regular) & 15th (Budget workshop at 9:30 a.m. and Development Review meeting at 2:00 p.m.)
- October 13th (Regular) & 14th (Development Review)
- November 10th (Regular) & 13th (Development Review)

Motion was made by Council Member Araskog, and seconded by Council President Moore, to accept the 2020 Town Council Meeting Schedule, as amended above. On roll call, the motion passed unanimously.

2. Proposed Town Sponsorship of Business Association Special Event on December 8, 2019, to be Hosted by the Worth Avenue Association.
Kathleen Dominguez, Town Clerk

This item was completed earlier in the meeting under Presentations as Item B.

3. RESOLUTION NO. 112-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting an Amendment to the Town of Palm Beach Retirement System Investment Policy Statement, Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.
Jane Le Clainche, Director of Finance

Director of Finance Le Clainche provided an overview of the Resolution, which provided for a revision to the investment policy of the Retirement Trust reducing the assumed rate of investment return to an ultimate rate of 6% effective with the September 20, 2025 actuarial valuation.

Council Member Crampton stated for the record that he did not agree with that part of the investment policy, which indicated an ongoing investment of \$5.4M each year of discretionary money, until 100% funded. He stated he would continue to vote for the \$5.4M annual investment until 85% is reached.

Town Manager Blouin and Town Attorney Randolph advised the Council that they could change their policy at any time.

Mayor Coniglio expressed support but said she was concerned about increasing liability for the UAAL. She suggested considering a floor and ceiling.

Town Attorney read Resolution No. 112-2019 by title only.

Motion was made by Council Member Araskog, and seconded by Council Member Lindsay, to approve Resolution No. 112-2019. On roll call, the motion passed unanimously.

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 27-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets Sidewalks and Other Places; at Section 106-18 Application/Fee/Privilege Fee at Item (a) to Make the Fee be in Accordance with the Fee Schedule as Adopted by Town Council Resolution, and at Section 106-122, Adoption of Resolution, to Delete the Need for Filing a Certified Copy of the Resolution, to Delete the Need for Filing a Certified Copy of the Resolution in the Public Records of the County; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.
H. Paul Brazil, P.E., Director of Public Works

Town Attorney Randolph read Ordinance No. 27-2019 on Second Reading by title only.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Ordinance No. 27-2019, on second and final reading. On roll call, the motion passed unanimously

2. ORDINANCE NO. 31-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 5.01, General Elections, to Provide the Municipal Election Date Concurrent with a Statewide or Countywide Election, and Amending the Town Code of Ordinances at Chapter 34, Elections, to Provide a New Article IV, Municipal Election Date And Election Qualifying Period for Years When the Town Holds its Municipal Elections Concurrently with Presidential Preference Primary Elections; Providing For A Run-Off Election if Necessary, Providing for Severability; Providing for Repeal of Ordinances in Conflict, Providing for Codification; Providing an Effective Date.
Kathleen Dominguez, CMC, Town Clerk

Town Attorney Randolph read Ordinance No. 31-2019 on Second Reading by title only.

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve Ordinance No. 31-2019, on second and final reading. On roll call, the motion passed unanimously.

3. ORDINANCE NO. 32-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending The Town Charter at Section 3.01, Town Council Composition, Modifying the Date of the Election of the President and President Pro Tem; Providing for Severability, Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Kathleen Dominguez, CMC, Town Clerk

Town Attorney Randolph read Ordinance No. 32-2019 on Second Reading by title only.

Council Member Araskog questioned whether a special election should be held instead of waiting a month after the election to elect a President and President Pro Tem. In response, Town Attorney Randolph advised that no special election was needed, and waiting a month was not a problem

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve Ordinance No. 32-2019, on second and final reading. On roll call, the motion passed unanimously

4. ORDINANCE NO. 35-2019 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 1, in General, By Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service; Amending Section 82-57, Board of Trustees; Administrative Duties; Investment of Retirement System Assets; Amending Subdivision II, Reserve Accounts, By Amending Section 82-80. Member Contributions; Amending Subdivision III Firefighters, By Amending Section 82-94, Retirement Age and Service Conditions For Firefighters; Section 82-96, Optional Forms of Payment Of A Pension For Firefighters; Section 82-99, Deferred Retirement Option Program; Section 82-101, Duty Disability Special Provisions; And Section 82-106, Duty Disability Special Provisions; Amending Subdivision IV, Police Officers, By Amending Section 82-114, Retirement Age and Service Conditions For Police Officers; Section 82-116, Optional Forms of Payment Of A Pension For Police Officers; Section 82-121, Duty Disability Special Provisions; And Section 82-126, Duty Death Special Provisions; Amending Subdivision V, General Employees And Lifeguards; By Amending Section 82-136, Optional Forms Of Payment Of A Pension For Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing An Effective Date.

Danielle Olson, Director of Human Resources

Town Attorney Randolph read Ordinance No. 35-2019 on Second Reading by title only.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Ordinance No. 35-2019, on second and final reading. On roll call, the motion passed unanimously

5. ORDINANCE NO. 36-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 6 of the Town Code of Ordinances, Alcoholic Beverages, at Section 6-9, Relating to the Prohibition of Consumption of Alcoholic Beverages in Public Places, At Subsection (3) So as to Provide An Additional Exception Providing That Patrons of Seaview Park May Consume on the Seaview Park Property, Alcoholic Beverages That are served in Conjunction With Facility Rentals in Seaview Park With the Approval of the Town Manager; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Carolyn Stone, Director of Business Development and Operations

Town Attorney Randolph read Ordinance No. 36-2019 on Second Reading by title only.

Motion was made by Council Member Crampton, and was seconded by Council President Pro Tem Zeidman, to adopt Ordinance No. 36-2019, on second and final reading. On roll call, the motion passed unanimously

B. First Reading

1. EMERGENCY ORDINANCE NO. 37-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Ordinance No. 24-2019 Titled Prohibition Of Polystyrene Containers and Single Use Carry Out Plastic Bags; Providing for Severability; Providing for Codification; Providing An Effective Date.
Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read Ordinance No. 37-2019 on First Reading by title only. He explained the emergency nature of the Ordinance and the legal reasons it had to be adopted at today's meeting.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to adopt Emergency Ordinance No. 37-2019, on first reading. On roll call, the motion passed unanimously.

Deputy Town Manager Boodheshwar advised there were two upcoming Senate bills: SB 182, that would eliminate the preemption narrative within the State Statute, and SB 40 that would prohibit restaurants and other stores from providing carry-out plastic bags. He described staff efforts to further pursue this matter.

XIII. ANY OTHER MATTERS

Council Member Araskog shared a suggestion from a resident about having someone on staff who worked with the undergrounding project become a notary, so that documents

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could be notarized on the field. In response, staff advised that there are multiple notaries on staff and this could be implemented.

XIV. ADJOURNMENT

There being no further business, the Regular Town Council meeting of September 10, 2019, adjourned at 4:00 p.m.

Attest:

Approved:

Kathleen Dominguez, CMC,
Town Clerk

Danielle H. Moore, Town Council President

Date:_____