



# TOWN OF PALM BEACH

Town Clerk's Office

## MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 12, 2019

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

The regular Town Council meeting was called to order on Tuesday, November 12, 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:

- a. Item No. XII. B. 1. was given a 12:00PM Time Certain

### **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  
*Alex Patterson, UpMarkets*

Ms. Patterson provided an update on the lease efforts of the theater. She reported that meetings are happening with four (4) potential operators.

The Mayor and Town Council members thanked and congratulated Ms. Patterson for her efforts and on the success of the plaza to date. Discussion ensued regarding concerns with parking issues affecting the plaza negotiations, the underutilization of the plaza's property, and the need for more flexibility regarding use of the theater.

In response to questions, Ms. Patterson explained that the theater is being marketed as a dynamic cultural arts center with live performances, films and private events.

**It was the consensus of the Town Council to invite Ms. Patterson to the January 14, 2020, Town Council meeting to provide another update.**

- B. Temporary Docks at Flagler Museum for Special Event Hosted by the Marine Industries Association of Palm Beach County and Informa Markets from March 26 to 29, 2020

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

Harvey Oyer provided an overview of the special event, which included the expected number of guests, temporary dock sizes, 24-hour security and fire plans. He also reported that adjacent neighbors, the Breakers Hotel, Palm Beach Towers and Royal Poinciana Plaza were in support of this invitation-only event.

The Mayor and Town Council spoke in support of the event.

In response to questions, Andrew Doolan from Informa Markets confirmed that the temporary docks will be floated over from West Palm Beach so there will be no traffic impacts to the Town.

**Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to approve the floating docks for the Flagler Museum event. On roll call, the motion passed unanimously.**

## **VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS**

- A. Presentations by Investment Advisory Committee Applicants  
*Kathleen Dominguez, CMC, Town Clerk*

Robert Ciolek, 3200 S. Ocean Blvd., A503, provided a summary of his qualifications and experience.

Council Member Crampton spoke regarding his knowledge of Mr. Ciolek's experience as an Auditor in Massachusetts' government.

In response to questions, Mr. Ciolek confirmed that he would be able to attend all the IAC meetings.

Alan Scheuer, 1332 N. Ocean Blvd., provided a summary of his qualifications and experience.

In response to questions, Mr. Scheuer spoke regarding his availability to attend the meetings.

Town Manager Blouin commented that the 2020 IAC meeting dates could be worked out with the Director of Finance.

- B. Appointments to the Investment Advisory Committee  
*Kathleen Dominguez, CMC, Town Clerk*

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve the appointment of Alan Scheuer as a regular member of the Investment Advisory Committee. On roll call, the motion passed unanimously.**

## **VII. COMMENTS OF MAYOR GAIL L. CONIGLIO**

Mayor Coniglio thanked Captain Curtis Krauel of the Police Dept. and announced his retirement after twenty-two (22) years of service to the Town. She spoke regarding the Memorial Fountain ceremony and plaque dedication that was held earlier that morning and mentioned the fabulous response to the Flags for Heroes event in Bradley Park.

She also enumerated the home rule issues that will be focused on during the upcoming legislative sessions in 2020 being water quality, Lake Okeechobee and beach management. She spoke of the efforts and partnerships being made to ban plastic bags and announced the “How Can I Help?” column and petition on the Town’s website for citizens who wish to get involved.

## **VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

Council Member Crampton thanked the Mayor for her leadership on the local ban of plastic bags. He shared comments received from residents about the need for a local dog park in the Town of Palm Beach. He asked if the Town Council had an appetite to research this item further.

Council President Moore gave some historical background on the subject of dog parks in the Town of Palm Beach.

**It was the consensus of the Town Council to add a discussion about researching a potential dog park location under Any Other Matters.**

Council Member Lindsay announced that Part II of the panel discussion “Where Have All the Songbirds Gone?” will be held on February 3, 2020 and will be filmed by Bill Metzger in partnership with film students from local schools. She also announced that Pan’s Garden will be showcasing their native gardens on Saturday, November 23<sup>rd</sup> with a family event. She echoed the Mayor’s comments regarding banning single-use plastic bags. She spoke regarding the Palm Beach Civic Association’s news broadcast that featured Paul Colby, the Town’s Facilities Maintenance Manager, sharing the Town’s replacement of Ficus Benjamina hedges at Town owned locations with native and Florida Friendly alternatives.

Bill Metzger, 277 Esplanade Way, gave an overview of the “Where Have All the Songbirds Gone?” event. He spoke regarding the various partnerships, leadership, and education.

Council Member Araskog commented on the success of the Songbirds panel. She reported that pool cleaners, landscapers and construction companies have been seen coming to the island on Sundays and asked the Town to send out a reminder about zero work on Sundays. She also commented on the recent loss of a historic specimen tree and suggested the Town looking at increasing the penalty fees for unauthorized removals.

Mayor Coniglio announced that an Environmental Forum on the Town of Palm Beach’s initiative to eliminate the use of plastic bags is scheduled for December 12<sup>th</sup> at 10am at the Royal Poinciana Chapel.

Council President Pro Tem Zeidman announced that a Community Safety forum is scheduled for November 19<sup>th</sup> from 6-8:00 p.m. in the Town Council Chambers. She commended the Police Department for going green with the purchase of two (2) hybrid vehicles.

Council President Moore thanked the Palm Beach Rotary Club for the flags placed on Royal Poinciana Way during Veterans Day weekend. She also encouraged residents to have their staff get a Town ID card in order to return to the island after a hurricane.

**IX. COMMUNICATIONS FROM CITIZENS**

Andrew Roddy, 231 Kenlyn Rd., thanked the Mayor and Town Council for safeguarding the community. He spoke regarding public health in Palm Beach; moving from fossil fuel to electric technology and banning gas-powered leaf blowers to provide a better health atmosphere. He thanked the Town for the undergrounding of the north end.

Ellen Howe, 2295 S. Ocean Blvd., spoke regarding charging stations for electric vehicles and the Town purchasing electric cars as replacements for Town vehicles.

Simon Taylor, 234 Oleander Ave., commended Alex Patterson and spoke regarding the Royal Poinciana Playhouse. He commented on the challenges being faced to reopen the theater. He also shared his observations of the vision and reopening, public-private funding, and commented that no amended agreement is needed.

Neil Schiller, Attorney, Saul Ewing Arnstein & Lehr, 515 N. Flagler Dr., West Palm Beach, spoke regarding the Public Works Director's decision to change the pick-up location of the Palm Beach Hotel's solid waste and recyclable materials. He requested that the Town allow the Hotel to leave their solid waste and recyclable materials at the original location for pick-up until the appeal is heard at the December 10<sup>th</sup> Town Council meeting.

Steve Smith, 122 Kings Rd., owner of the Palm Beach Hotel Ballroom, spoke regarding the need to address the current pick-up plan while the appeal is waiting to be heard.

Town Manager Blouin explained that the ordinance provides that the Director of Public Works can determine the solid waste pick-up locations.

Town Attorney Randolph opined on the appeal process and explained that the Town Council has the authority to delay the Public Works Director's decision before the appeal is heard.

Paul Brazil, Director of Public Works, explained the reason for changing the pick-up location.

**It was the consensus of the Town Council to place the Palm Beach Hotel's request under Any Other Matters for further discussion.**

Diane Buhler, Friends of Palm Beach, announced beach clean-up dates and educational events, which included an Educational movie series.

The following residents commented on the FY 2019-20 tennis rate increases:

Beth Cole, 1193 N. Lake Way  
Howie Murray, 3475 S Ocean Blvd.  
Bill Fritz, 315 Cocanut Row

Richard Lynn, 165 Brazilian Avenue, new President of Greater South County Road Association, commended past President Patti Sans, and spoke regarding the goals of the organization to promote the businesses on that street.

## **X. APPROVAL OF CONSENT AGENDA**

**Item Nos. X. C. 4. and X. C. 6. were pulled from the Consent Agenda and placed under Item XII.C.**

**Item No. X. C. 2. was withdrawn from the Agenda.**

**Motion was made by Council Member Lindsay, 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, CMC, Town Clerk*
  - a. October 10, 2019, Town Council Meeting Minutes
  - b. October 10, 2019, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of October 30, 2019.

**B. RESOLUTIONS**

1. RESOLUTION NO. 125-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County in the Amount of \$82,442.69 for FY20.  
*Nicholas Caristo, Chief of Police*
2. RESOLUTION NO. 127-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of Bid No. 2018-28, Vegetation and Litter Removal to Property Works in the Amount of \$131,216 for FY20, FY21, and FY22 Contingent Upon Budget Approval and Satisfactory Vendor Performance.  
*Dean Mealy, Purchasing Manager*
3. RESOLUTION NO. 128-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of Bid No. 2018-6, Town Fountain Maintenance to Mako Pools in the Amount of \$78,000 for FY20, FY21, and FY22 Contingent Upon Budget Approval and Satisfactory Vendor Performance.  
*Dean Mealy, Purchasing Manager*
4. RESOLUTION NO. 129-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Extension of RFQ No. 29-2016, Irrigation Contractor to B Ellis Enterprises Inc. in the Amount of \$30,000 for FY20 and FY21 Contingent

Upon Budget Approval and Satisfactory Vendor Performance.  
*Dean Mealy, Purchasing Manager*

5. RESOLUTION NO. 130-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Remaining Piggyback Extension of the Palm Beach County School Board Contract 17C-19T, Asphalt Paving to M&M Asphalt Maintenance, Inc. dba All County Paving in the Amount of \$100,000 for FY20.  
*Dean Mealy, Purchasing Manager*
6. RESOLUTION NO. 133-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn & Associates, Inc., for Landfill Facilities 2020 On-Call Consulting, Compliance Sampling and Monitoring in the Amount of \$99,648 and a Project Budget of \$109,612.  
*Dean Mealy, Purchasing Manager*
7. RESOLUTION NO. 134-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Extension of RFP 2017-18, Historic Preservation Consulting Services to Murphy Stillings for FY20 in the Amount of \$60,000.  
*Dean Mealy, Purchasing Manager*
8. RESOLUTION NO. 135-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Bid No. 2019-37, Construction of Police Department Virtual Room to Seven Star Construction in the Amount of \$93,743 and a Project Budget of \$107,803.  
*Dean Mealy, Purchasing Manager*
9. RESOLUTION NO. 136-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract in an Amount not to Exceed \$75,000 to Hartford Life and Accident Insurance Company, to Provide Group Life, Accidental Death and Dismemberment, and Supplemental Life Insurance and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.  
*Danielle Olson, Director of Human Resources*
10. RESOLUTION NO. 137-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Cigna, Inc., in an Amount not to Exceed \$225,000 to Provide Administrative Services for Group Health, Prescription And Dental Coverage, and Authorizing the Town Manager to Take Actions Necessary to Effectuate this Contract.  
*Danielle Olson, Director of Human Resources*

11. RESOLUTION NO. 138-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Grant for Project No. PB-PB-19-208, Between the Florida Inland Navigation District and The Town of Palm Beach Under the Waterways Assistance Program, Specifically Construction Reimbursement for the Town of Palm Beach Town Dock Replacement Project, in the Amount of \$3,062,000, and Authorizing the Mayor to Execute Same on Behalf of the Town.  
*H. Paul Brazil, P.E., Director of Public Works*

**C. OTHER**

1. Appointment to the Public Employees Relations Commission Panel per PERC Ordinance Appendix "A" Section 1.003  
*Danielle Olson, Director of Human Resources*
2. Approve Request by Florida Power & Light to Close Orange Grove Road for Eleven (11) Days  
*H. Paul Brazil, P.E., Director of Public Works – **WITHDRAWN***
3. Status Report of Delinquent Accounts and Request for Authorization to Write-off Uncollectible Accounts  
*Jane LeClainche, Director of Finance*
4. 726 Hi-Mount Road – Authorize Town Manager to Enter into a Hold Harmless Agreement and Waive Driveway Site Visibility Requirements  
*H. Paul Brazil, P.E., Director of Public Works – **PULLED FROM CONSENT***
5. General Fund Contingency Allocation Request for the Purchase of a Rotary Turf Mower, Not to Exceed \$9,000  
*Carolyn Stone, Director of Business Development and Operations*
6. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon for Palm Beach County's Jupiter-Carlin Federal Shore Protection Project  
*H. Paul Brazil, P.E., Director of Public Works – **PULLED FROM CONSENT***

**XI. COMMITTEE REPORTS**

- A. Report of the Public Works Committee Meeting Held on October 11, 2019  
*Bobbie Lindsay, Chair*

Chair Lindsay provided the highlights of the meeting, which included a discussion on the proposed free pick-up service for residents who wish to dispose of their ficus benjamina hedges and the cost to the Town. She also provided an update on the Town's green initiative and various construction projects.

Discussion ensued regarding the goal and focus of the green initiative.

In response to questions, Council Member Lindsay spoke regarding the importance of going chemical-free and the goal to replace hedges with natives or Florida-friendly plantings in order to attract more birds, butterflies, and native wildlife.

Mayor Coniglio remarked that the Town should be a leader in the green initiative program. She acknowledged the incentive to the residents and suggested quantifying the cost savings to the residents when the time comes to decide on whether the Town should remove ficus benjamina from private properties at the taxpayer's expense.

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

B. Report of the Ordinances, Rules and Standards Committee Meeting Held on October 24, 2019

Chair Araskog provided the highlights of the meeting, which included the discussion about the notice procedures for designating a historic district and landmarking a single property, the comments provided from the residents and landmarks preservation experts, and the proposed changes to the Special Events ordinance.

Town Attorney Randolph cautioned the Town Council that changing or amending the current Landmarks Ordinance may invoke the Bert Harris Act and advised that the Town consider making a change to their internal notification procedures.

Council Member Crampton spoke regarding the need for a voluntary landmarking program and providing more notice to affected residents when there is a potential to designate a property as a landmark. He also acknowledged the importance of completing the historic district educational symposium and zoning code change.

Jay Serzan, 353 Seabreeze Avenue, spoke regarding his impression that the Landmarks Designation Procedure would be discussed today.

**It was the consensus of the Town Council to discuss the landmark notice changes and special events ordinance changes at the December 10, 2019, Town Council Meeting.**

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

## **XII. REGULAR AGENDA**

### **A. Old Business**

#### **1. Town-wide Undergrounding Project**

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

Project Manager Stern provided an update on the project, upcoming meeting dates, a progress summary report for each phase, updates on the completed pole conversions. He announced the Guaranteed Maximum Price (GMP) process has been completed and will be reviewed later in the presentation. Next month a new and improved opinion of cost and budget update will be provided.

Patricia Strayer, Town Engineer, presented a request for an 8 x 20 ft trailer located at Palmo Park to store tools and supplies for Burkhardt's subcontractors and provided information on how the trailer would be screened including the benefits of the trailer.

In response to questions, Ms. Strayer explained how long the trailer would be needed, the location in the park and how much noise will be generated.

Discussion ensued regarding notifying the residents about the accelerated activities in the area and bringing this item back to the Town Council if there are numerous complaints from the impacted residents.

**Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the placement of an equipment storage trailer in the alleyway at Palmo Park, with the condition that this is brought back before the Town Council if there are numerous complaints received from the affected residents. On roll call, the motion passed unanimously.**

Mr. Stern continued with his project update including the financial summary and explained the detailed footnotes within that summary. He also explained that a presentation will be provided next month on the updated project budget reflecting the comprehensive opinion of construction cost and an overall project budget.

Discussion ensued regarding the grand total of project cost, transparency and an overview of what has driven up the opinion of cost for the project, and an update on the Kosberg-Scharf judgement ruling.

**Council Member Lindsay requested that staff include the actual project costs with the grant monies included in the updated budget.**

- b. RESOLUTION NO. 140-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc. for Construction Phase Engineering Services for Town-Wide Utility Undergrounding Phase 2 South, and Establishing a Construction Phase Engineering Budget of \$325,418.

*Patricia Strayer, P.E., Town Engineer*

Town Engineer Strayer provided an overview of the resolution.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to approve Resolution No. 140-2019. On roll call, the motion passed unanimously.**

- c. RESOLUTION NO. 141-2019 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving the Award of Construction Manager At Risk to Burkhardt Construction Incorporated for Town-Wide Utility Undergrounding Phase 2 South in the Amount of \$6,494,596 and Establishing a Project Budget of \$6,694,596.

*Patricia Strayer, P.E., Town Engineer*

Town Engineer Strayer provided an overview of the resolution.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 141-2019. On roll call, the motion passed unanimously.**

2. Further Discussion Regarding Potential Changes to Fees & Regulations for Paid Parking and Other Parking Matters  
*Jay Boodheshwar, Deputy Town Manager*

Deputy Town Manager Boodheshwar provided a summary of the discussion that took place at the July 11, 2019 Town Council meeting regarding the proposed changes to parking regulations in various locations throughout the

Town. He provided the following list of items that were deferred to this meeting for further discussion:

a. Conversion of the 100 Block of Sunrise Avenue to Paid Parking

Discussion ensued regarding the mixed uses of Sunrise Ave., the reasons for converting the block from a one-hour time-limited parking street to a paid parking street, user issues and privacy concerns with the use of a mobile parking app, unintended consequences that could affect the residents, and whether or not more parking enforcement is needed.

Public Comments:

Warren Belmar, 130 Sunrise Ave., requested the Town Council consider deciding on this item in December. He spoke regarding not placing physical kiosks on the street and the twenty-(20) proposed parking placards not being a sufficient amount for the residents on that street. He inquired about the reasons for converting the parking spaces on the 100 block of Sunrise to paid parking and suggested stricter enforcement of the one-hour time limit instead. He expressed concern with the use of the Park Mobile app as the only parking payment method and restricting the resident's public beach access. He also inquired about the reason for expanding the 24/7 parking enforcement regulations to the 100 block of Sunrise Ave.

Laurel Baker, Palm Beach Chamber of Commerce, spoke regarding the impact the low parking turnover has on the stores and local businesses and the need for a solution. She suggested the Town Council consider safety issues first, address the paid parking solutions for the business community, and let staff manage the community's parking program.

Simon Taylor, 234 Oleander Ave., spoke regarding the letter he submitted detailing privacy concerns with mobile apps and urged the Town Council to read the Park Mobile's reviews online. He shared that he has never seen an issue with parking on Sunrise Ave. and the complaints he has heard from residents regarding allowing outsiders to use the beach.

**Motion was made by Council Member Lindsay, and was seconded by Council President Moore, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at \$3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App that is not ParkMobile, and implement up to 15 or 20 parking placards. On call for a vote, the motion passed 4 to 1, with Council Member Crampton dissenting. (Clerk's Note: This motion was subsequently reconsidered and amended later in the meeting.)**

**Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to reconsider the previous vote made to convert the 100 block of Sunrise Avenue to metered parking. On roll call, the motion passed 4 to 1, with Council President Moore dissenting.**

Discussion ensued regarding the hours of parking enforcement on the 100 block of Sunrise Avenue and the transient use of the parking on that street by beachgoers.

**Motion was made by Council Member Lindsay, and was seconded by Council Member Moore, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at \$3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App (that is not ParkMobile) during the hours of 7:00 AM to 10:00 PM, seven (7) days a week, and implement up to 15 or 20 parking placards. On call for a vote, the motion failed 2 to 3, with Council Members Moore and Lindsay voting in favor of and Council Members Araskog, Zeidman and Crampton dissenting.**

**Motion was made by Council Member Araskog, and was seconded by Council Member Lindsay, to convert the 53 parking spaces on the 100 block of Sunrise Avenue to paid parking at \$3 per hour using an outdoor kiosk that is readable in the sunlight and by use of a Mobile App (that is not ParkMobile) during the hours of 6:00 AM to 10:00 PM, seven (7) days a week, and implement up to 15 or 20 parking placards. On call for a vote, the motion passed 4 to 1, with Council Member Crampton dissenting.**

- b. 24/7 Enforcement of Metered Parking Areas for: Bradley Place (100 Block), Royal Palm Way/Recreation Center Parking Lot, Lake Drive (adjacent to Marina), and Peruvian Avenue (200 and 300 Blocks) and;
- c. Expansion of “Metered” Parking Locations

Deputy Town Manager Boodheshwar presented a map illustrating the current paid parking locations and current free time limited spaces to include in the paid parking program.

Discussion ensued regarding the cost and demand for parking placards on residential streets, concerns with converting non-commercial areas to metered parking, and looking at the previous parking studies.

- i. Expansion of Metered Parking Locations on the 100, 200 and 300 Blocks of Worth Avenue

Discussion ensued regarding the parking abuses and low parking turnover on Worth Avenue, what the Town’s involvement should be with respect to the matter of business owners allowing their employees to take up parking spaces on Worth Avenue, the underutilized parking lots nearby, not adding physical parking meters

to the street, the need to look at Worth Avenue's zoning district, adding more valet parking areas, and the Town's enforcement of the two-hour time limit.

In response to questions, Town Attorney Randolph advised against tying the issuance of occupational licenses to the placard-parking program.

Public Comments:

John Maus, storeowner of Maus and Hoffman, provided historical background on the parking issues and proposed solutions for Worth Avenue. He requested the Town Council consider implementing a parking placard program or zoned parking in lieu of physical kiosks.

Ed Kassatly, storeowner of Kassatly's Inc., spoke regarding stricter parking enforcement and the use of cameras and requiring store employees and storeowners register their cars, issuing tickets to the storeowners for parking abuse and not installing physical kiosks.

Warren Belmar, 130 Sunrise Ave., spoke regarding the implementation of parking placards on Worth Avenue and asked if someone with a parking placard would be allowed for an entire year without moving their vehicle.

In response to Mr. Belmar's question, Town Manager Blouin explained that the Town's Code of Ordinances could be amended to prohibit placard owners from parking for a year on Worth Avenue.

Glen Espey, Jeweler on Worth Avenue, spoke regarding his experience as a jeweler in California and the lack of leadership with their parking programs, Amazon's plans to open up warehouses, providing a solution for employee parking in season and out of season in order to accommodate the parking needed for customers. He suggested requiring owners and merchants pay for their employees to park off-island and transportation during season.

Daren Rubinfeld, Law Office of Daren Rubinfeld, 247-A Worth Ave., spoke regarding his efforts to implement a valet parking program on the 300 block of Worth Avenue.

**Motion was made by Council Member Araskog, and was seconded by Council Member Zeidman, to defer the following items to the January 14, 2020 Town Council meeting:**

- **Expansion of metered parking for the 100 Blocks of Hammon Ave., Peruvian Ave., and Chilean Ave., Australian Ave., Brazilian Ave.**
- **Expansion of metered parking for the 100, 200 and 300 blocks of Worth Avenue**

- **Implementation of 24/7 enforcement of metered parking in the Phipps Ocean Park Lots, 100 Block of Royal Palm Way and the west side of South Ocean Boulevard (adjacent to Mid-Town Beach)**

**On roll call, the motion passed unanimously.**

**It was the consensus of the Town Council to request that staff partner with the Worth Avenue Association and nearby parking lot owners for their input on employee parking solutions and strategies.**

**It was the consensus of the Town Council to request that staff provide the data from previous parking studies to the Town Council to review before the January 14, 2020 Town Council meeting.**

- d. Implementation of “shared parking”, using the Town employee lots

Deputy Town Manager Boodheshwar presented his research on the creation of a “shared parking” program using the Town employee parking lot on Peruvian Avenue and Australian Avenue. He explained that although there are usage limitations placed on the Peruvian lot per the Declaration of Use Agreement from 1999, the implementation of metered public parking is possible but a modification to the agreement would be required. He also explained that a special exception use approval would be required if the Town Council wishes to pursue using the Australian lot during the Town’s off-hours for off-street parking which could include a valet program.

Discussion ensued regarding the enforcement and use of the lot for valet or metered parking.

**It was the consensus of the Town Council to direct staff to present a pilot-parking program for public use of the Peruvian lot on Fridays from 5:30 p.m to 11:00 p.m. and from 8:00 a.m. to 11:00 a.m on Saturdays and Sundays with the implementation costs included.**

- e. Residential Permit Parking Program

Deputy Town Manager Boodheshwar provided an overview of the Residential Permit Parking program and the demand from residents to increase the total number of residential permit decals and visitor passes a resident can purchase.

**It was the consensus of the Town Council to direct staff to bring back an ordinance that will expand the number of residential permit decals and visitor passes for residents at the December 10, 2019 Town Council meeting.**

*(Clerk's Note: The Town Council recessed after this item for a thirty-five minute lunch break.)*

3. Proposed Amendments to FY2020 Recreation Department Tennis Fees  
*Carolyn Stone, Director of Business Development and Operations*

Director Stone introduced the seasonal pass and presented the reduced 12-play pass rates and daily fees for residents and non-residents and other daily fee adjustments for residents, juniors, non-residents adults and non-resident juniors as a way to remedy the issue with the recent tennis fee increase for FY2019-2020.

*(Clerk's Note: Due to time constraints, Item No. X.C.4. was heard and voted on at this time.)*

Discussion ensued regarding the process and decision for raising the tennis rates, the timing with the budget approval, consulting with the Recreation Advisory Commission on any proposed fee increases in the future, changing the seasonal pass dates to begin on October 1st and end on April 30<sup>th</sup> to accommodate the tennis teams, changing the non-resident junior program dates to the months of September to May to coincide with the academic year and the services and amenities provided at each court.

In response to questions, Director Stone spoke regarding the amount of annual passes sold in the last two years for various categories and the importance of getting non-resident participation.

Public Comments:

Bill Fritz, 315 Coconut Row, spoke regarding the tennis fees increasing from 40 to 200%, the Town not being able to sell as many passes and meet their goal with the high increase, and concerns that the Town will lose a lot of customers. He inquired about the budgeting, cost revenue decreases and other projections that went into the cost increase.

Town Manager Blouin addressed Mr. Fritz's comments and questions. He spoke regarding the projected revenue, cost consideration and the fact that the fees have not increased in ten years. He acknowledged that the Town should have increased the fees incrementally and stated that the new rates are fair based on the business model and current play participation in Palm Beach.

Michael Lederman, 2295 S. Ocean Blvd., spoke regarding the need to look at the big picture and requested the Town freeze or reduce the increase on

the residential adult and residential family pass rates.

Jack McDonald, former Town Mayor, spoke regarding the Town's process for increasing the fees, the importance of being competitive with peers, staff and management not knowing what is happening in other clubs and not being a tennis player, and the different amenities and advantages of each of the Town's tennis courts.

Buehler Stem, 150 Bradley Place, spoke regarding the feeling of disenfranchisement developing from residents and non-residents. He proposed implementing a 10% increase for residents and a 15% for non-residents.

Pam McIver, 695 Island Drive, spoke regarding the issue of bad timing with respect to the recent increase in tennis fees occurring right before the opening of the new recreation center. She requested that the Town Council take a second look at the annual pass rates.

Discussion ensued regarding business development and customer relations, the recreation center programs being a service to the community, if lowering the fees would benefit the program, the need for cost recovery for the tennis program, and whether the new proposed fees are a good compromise.

**Motion was made by Council Member Crampton, and was seconded by Council President Moore, to approve Resolution No. 126-2019. On roll call, the motion passed unanimously.**

**B. New Business**

**1. Consideration of Refunding the 2013 Revenue Bonds**

*Jane Le Clainche, Director of Finance*

**TIME CERTAIN: 12:00 PM**

*(Clerk's Note: Due to its Time Certain, this item was taken out of order and heard after Item No. XII.A.1.)*

Jay Glover, Town Financial Advisor from PFM, presented an overview of the available refunding options related to the 2013 Public Improvement Revenue Bonds.

He reported that the 2013 bonds are not callable until January 1, 2024 and therefore, are not eligible for a current refunding. He spoke regarding an opportunity for a taxable refund based on current tax laws and presented refunding statistics based on bond rating and market conditions. He requested the Town Council's feedback and guidance on whether to start

the transaction today and provide the parameters for cost savings and interest. He provided the costs incurred by the Town to prepare the documentation.

Discussion ensued regarding Palm Beach County's recent taxable refunding transaction for a similar bond, true interest cost, rating fees, tax laws, the competitive bid process and timeline, the process for amending the savings parameter should the original rate be higher than the market.

**It was the consensus of the Town Council to approve an award basis parameter of 8%.**

- a. RESOLUTION NO. 142-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Issuance of Not Exceeding \$52,000,000 Town of Palm Beach, Florida Public Improvement Revenue Refunding Bonds (Capital Improvement and Coastal Management Program) in One or More Series for the Purpose of Refunding All or a Portion of the Town's Public Improvement Revenue Bonds, Series 2013 (Capital Improvement and Coastal Management Program), Subject to Subsequent Proceedings and Approvals by the Town Council; Authorizing and Directing the Town Manager or the Director of Finance to "Deem Final" the Preliminary Official Statement Relating to the Bonds for the Purposes of Rule 15c2-12 of the Securities and Exchange Commission; Authorizing and Directing the Mayor, Town Council Members, the Town Manager, the Director of Finance and Other Proper Officials of the Town to Execute and Deliver any and all Documents and Instruments and to do and Cause to be Done any and all Acts and Things Necessary or Proper for Carrying Out the Transactions Contemplated by This Resolution: and Providing for an Effective Date.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 142-2019. On roll call, the motion passed unanimously.**

- b. RESOLUTION NO. 143-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Supplementing Town Resolution No. 142-2019 to Authorize the Public Sale of Town of Palm Beach, Florida Public Improvement Revenue Refunding Bonds, Federally Taxable Series 2019 (Capital Improvement and Coastal Management Program) (The "SERIES 2019 BONDS"); Approving the Form of and Authorizing the Use of a Preliminary Official Statement, Official Notice of Sale and Summary Notice of Sale in Connection with the Public Sale of the Series 2019 Bonds; Authorizing the Execution and Delivery of an

Official Statement in Connection with the Series 2019 Bonds; Authorizing the Execution and Delivery of an Escrow Deposit Agreement; Requiring Compliance within Certain Statutory Requirements; Authorizing and Directing the Town Manager and Director of Finance to Determine Certain other Details of Said Series 2019 Bonds Within the Parameters Set Forth Herein; Authorizing the Proper Officials to do all Other Things Deemed Necessary or Advisable in Connection with the Issuance, Sale and Delivery of Said Series 2019 Bonds; and Providing for an Effective Date.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to approve Resolution No. 143-2019 with an award basis parameter of 8%. On roll call, the motion passed unanimously.**

2. The Four Seasons Resort Palm Beach Appeal of Fines Imposed for Non-payment of Solid Waste Collection Fees  
*H. Paul Brazil, P.E., Director of Public Works*

*(Clerk's Note: This item was taken out of order and heard after Item No. XII. A. 3.)*

Director Brazil provided an overview of the Town's compacted garbage collection services, the billing schedule and the amount of penalties fees accrued by the Four Seasons Resort Palm Beach for non-payment of those services during the calendar year 2019. He also spoke regarding the challenges the Town has had with the Four Seasons Resort over the past ten years with payment delinquencies and the amount of staff time devoted to collecting the quarterly fees.

Zdenka Demus, Finance Director of the Four Seasons' Resort, spoke regarding the way their bills are processed, the resort not being aware of the nonpayment of the quarterly bills, staffing changes, and the fact that their payment center is at a remote location in Texas. She also explained the efforts being made by the resort to ensure the non-payment issues no longer continue and requested a waiver of the penalty fees.

Discussion ensued regarding the numerous attempts by staff to contact the resort and the finance department about the delinquencies and the number of times the Town has waived the Resort's penalty fees in the last ten years.

**Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to deny the Four Seasons Resort's Appeal to waive the penalty fines for the non-payment of solid waste collection fees. On roll call, the motion passed unanimously.**

3. Proposed Public/Private Beautification Project with the Palm Beach Country Club

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

Director Brazil provided an overview of the project.

Discussion ensued regarding the Town's investment with the seawall, the Town's partnership with the Palm Beach County Club, the currently degraded vista on the Oceanside of the Club, cost, maintenance and ownership.

**It was the consensus of the Town Council to direct staff to proceed and present the project scope and costs at a future meeting.**

4. Discussion Regarding Modification of Town Code to Prohibit Dogs on Beaches Between Wells Road and Sunset Avenue

*Jay Boodheshwar, Deputy Town Manager*

Deputy Town Manager Boodheshwar presented the proposed changes to the Town's Code of Ordinances that would expand the "no dogs" rule on the beach area between Wells Road and Sunset Avenue.

Discussion ensued regarding concerns with overuse and shifting the problem elsewhere, challenges with enforcement, jurisdiction over private versus public beach areas, and trying this new rule out for a one year time-period.

In response to questions, Town Attorney Randolph opined that the Town can regulate the beach area up to the water line.

**It was the consensus of the Town Council to direct staff to present an ordinance for first reading at the December 10, 2019 Town Council meeting amending the pertinent sections of the Code to expand the "no dogs" rule to Wells Road and Sunset Ave with a sunset provision of November 2020.**

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

1. 726 Hi-Mount Road – Authorize Town Manager to Enter into a Hold Harmless Agreement and Waive Driveway Site Visibility Requirements

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

**Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to approve the Hold Harmless Agreement and Waive Driveway**

**Site Visibility Requirements for 726 Hi-Mount Road. On roll call, the motion passed unanimously.**

2. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon for Palm Beach County's Jupiter-Carlin Federal Shore Protection Project  
*H. Paul Brazil, P.E., Director of Public Works*

Director Brazil provided an overview of the project scope, areas impacted and the level of noise.

**Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to grant the waiver for the United States Army Corps of Engineers to perform the construction related activities in support of the project. On roll call, the motion passed unanimously.**

### **XIII. ORDINANCES**

#### **A. First Reading**

1. ORDINANCE NO. 39-2019 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 I, in General, by Amending Section 82-54, Credited Service; Loss of Credited Service; Reinstatement of Credited Service.; 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; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

### **XIV. ANY OTHER MATTERS**

1. Celebration of the 19<sup>th</sup> Amendment Centennial of Women's Right to Vote  
*Bobbie Lindsay, Council Member*

Council Member Lindsay presented an opportunity to partner with two private organizations to celebrate the upcoming 100<sup>th</sup> anniversary of the ratification of women's right to vote in the Town of Palm Beach.

**It was the consensus of the Town Council to approve a Townwide event at the end of the 2020 charity season to celebrate the 100<sup>th</sup> Anniversary of the Ratification of Women's Right to Vote in America.**

2. Penalties for Removal of Historic and Specimen Trees  
*Julie Araskog, Council Member*

Director Brazil explained the section of the Town Code at Section 126-58 that addresses the penalty for intentionally removing a historic and specimen tree without permission.

Council Member Araskog spoke regarding a recent Code Enforcement Board hearing where an owner, who was in violation of Chapter 66 of the Town Code, was given the option to pay a \$5,000 fine in lieu of the penalty described in Section 126-58.

Town Attorney Randolph opined that it is within the Code Enforcement Board's jurisdiction to impose fines for code violations.

**It was the consensus of the Town Council to direct the Town Attorney to review the two sections of the code that address the protection of historic and specimen trees and bring it to the Code Enforcement Board for further review and clarification.**

3. Assigning a Time Certain to Contentious Agenda Items  
*Julie Araskog, Council Member*

Council Member Araskog asked the Town Council if they would consider assigning a time certain for contentious agenda items.

Council President Moore replied that she would consider it.

4. Palm Beach Hotel Request to Delay Decision of the Director of Public Works  
*Neil Schiller, Attorney*

Council Member Araskog spoke regarding the reasons the request should be considered before the appeal is heard next month and a decision is made.

Attorney Neil Schiller provided the dates for filing the appeal and the section of the code he is appealing.

Mayor Coniglio spoke regarding the authority given to the Public Works Director to determine the areas for garbage pick-up locations based on the health, safety and welfare of the public.

**Motion was made by Council Member Araskog, and was seconded by Council Member Crampton, to authorize the Palm Beach Hotel to place residential solid waste at the current location on Park Avenue until the appeal is heard at the December 10, 2019, Town Council Meeting. On roll call, the motion passed unanimously.**

5. Potential Dog Park Location  
*Lew Crampton, Council Member*

Council Member Crampton asked the Town Council if there was an appetite for identifying a dog park in Palm Beach.

Discussion ensued regarding potential locations to consider and whether Palm Beach is an appropriate place for a dog park.

**It was the consensus of the Town Council to direct staff to work with Council Member Crampton on researching and presenting potential dog park locations.**

**XV. ADJOURNMENT**

There being no further business, the Regular Town Council meeting of November 12, 2019, adjourned at 6:44 p.m.

Attest:

Approved:

\_\_\_\_\_  
Kathleen Dominguez, CMC,  
Town Clerk

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

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