



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 11, 2020

I. CALL TO ORDER AND ROLL CALL

The regular Town Council Meeting was called to order on Tuesday, February 11, 2020, 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

Acting Town Clerk Patricia Gayle-Gordon gave the Invocation. Council President Moore led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

Mayor Coniglio introduced Col. Kelly and Tim Murphy from the United States Army Corps of Engineers (USACE) in Jacksonville and congratulated them on their efforts to complete a long-term agreement between the Town of Palm Beach and USACE, allowing the Town to get sand for the next fifty (50) years at cost sharing with the federal government for Mid-Town Beach. She stated that 700,000 cubic yards of sand would offer additional storm protection during storms and increased habitat. Mr. Murphy thanked the Town for its hospitality and continued relationship with the Corps. Col. Kelly expressed his appreciation to the Town for its efforts in getting this done. Council President Moore recognized Mayor Coniglio for her efforts on this project.

Mayor Coniglio discussed the balanced approach the Army Corps of Engineers was taking regarding water levels in Lake Okeechobee.

Town Manager Blouin reminded all of the Time Certain item which will be heard at 10:30 a.m. Town Attorney Randolph announced that the Closed Door session would not be heard today but would be rescheduled for tomorrow.

IV. APPROVAL OF AGENDA

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

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio commented on the attack on home rule in Tallahassee. She was watching Airbnb whereby the state would like to tell citizens where and when they could have rentals, which she believed could impact the Town of Palm Beach; the second was a change in Bert Harris which would lead to additional litigation for potential takings for folks who had asked Town Council for relief for variances. When she felt letters from the community would be helpful, she would put that on Town Alert directing residents to a website where they could write a letter by the push of a button.

VI. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog asked Mayor Coniglio what residents could do now regarding the Airbnb issue. The Mayor wanted to wait until this came to the Florida House and Senate and that was when residents would need to get involved. Council Member Araskog asked to discuss under Other what the Council could do now to help with Code Reform; also she felt a vision was needed before enacting reform and this should be established by meeting with residents. Council President Moore requested that be done at the next day's (Development Review) meeting. Council Member Araskog also wanted to discuss administrative changes made after ARCOM approvals under Other the next day.

Consensus of the Council was to discuss Code Reform and ARCOM changes under Other at tomorrow's meeting.

Council President Pro Tem Zeidman made the following announcements:

- (1) The Citizens Police and Fire Academy would begin the next day (2/12/20) for a six week program. Citizens could sign up on the website.
- (2) Hurricane Preparedness meeting has been scheduled for March 31 in the south end, and Chief Donatto would be setting up one for Town Hall as well. She and Council Member Araskog had requested earlier dates in March.
- (3) She cautioned against the coronavirus, stressing hand washing and noting everyone should get the flu vaccine.

Council Member Lindsay wanted to thank everyone who attended the Songbirds event. She announced one of the chemicals appearing in the water from runoff of agricultural and use of pesticides had been linked to problems in children's brains. She reported the good news that this week Dow Chemical and Dupont announced they would no longer sell that product in the United States.

VII. COMMUNICATIONS FROM CITIZENS

Simon Taylor, 234 Oleander Avenue, Palm Beach Theater Guild, reported they continued their conversations with Upmarkets. He stated his feeling that the 1979 agreement was a visionary document which provided the basis for Palm Beach continuing as a center of excellence. He discussed content, clusters, and centers of excellence.

Ann Fairfax, 455 Worth Avenue, spoke regarding the docks, stating she and her husband were completely in favor of the upgrade, and the parking would not be a problem.

VIII. APPROVAL OF CONSENT AGENDA

Item No. VIII.C.2 - Lane Closure for Southern Boulevard, was pulled from the Consent Agenda and placed under Item No. XII.C.1.

Motion was made by Council Member Crampton and was seconded by Council Member Araskog to approve the Consent Agenda, as amended. On roll call, the Motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk
 - a. January 14, 2020, Town Council Meeting Minutes
 - b. January 15, 2020, Local Planning Agency Meeting Minutes
 - c. January 15, 2020, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of December 13, 2019.
Wayne Bergman, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 02-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Resolution for a Change Order to Address Current Overage of \$39,817 and Close Out Costs of \$46,260 Associated to Construction/Engineering Services with Chen-Moore and Associates for the Worth Avenue Infrastructure Improvements.
H. Paul Brazil, P.E., Director of Public Works
2. RESOLUTION NO. 04-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Construction Service

Agreement to Chen-Moore for the D16 and D18 Pump Station Rehabilitation Project in the proposed amount of \$137,846.00, and a project budget of \$158,522.00.

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 05-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation of Award of RFQ No. 2020-02, Coastal Engineering Services to Applied Technology and Management, Inc., Coastal Protection Engineering LLC, GHD, Inc. and Cummins Cederberg, Inc., and Authorize the Town Manager to Execute Professional Service Agreements with the Selected Firms.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 06-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Invitation to Bid No. 2019-21, Roof Replacement for Par 3 Maintenance and Storage Buildings to Certified Roofing Specialists, Inc. in the Amount of \$118,130 and a Project Budget of \$130,130.

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 07-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Invitation to Bid No. 2020-03, for Treatment of Lethal Yellowing Disease, Royal Palm Bug Treatment, and Fertilization of Royal Palms to Hulett Environmental Services, Inc. in the Annual Amount of \$39,996.50 and an Overall five-year Contract Value of \$205,983, based on satisfactory Annual Contract Performance, and contingent upon budget approval.

The rebid of this contract resulted in an annual savings of \$6,000, and a potential savings of \$30,000 over the period of the five year award based on budget approval and satisfactory vendor performance.

Dean Mealy, Purchasing Manager

C. OTHER

1. Budget Calendar for FY21 Budget Process
Jane Le Clainche, Director of Finance
2. Authorization of Lane Closure and Waiver to Town Code for Construction Hours for the Florida Department of Transportation to Construct Revetment Improvements on South Ocean Boulevard at Sloan's Curve – ***Pulled from Consent Agenda***
H. Paul Brazil, P.E., Director of Public Works
3. Approval of Selection Committee Members for Audit Services
Jane Le Clainche, Director of Finance

IX. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Investment Advisory Committee

Chris Storkerson, Chair

Chair Chris Storkerson provided the annual report of the Investment Advisory Committee, responsible for overseeing investment of the Town's surplus funds, the OPEB Trust Investments (other post-employment benefits), and the 1% sales surtax. Mr. Storkerson reported high performance of the various investments, with the short term percentage of return on combined investments of \$126 million at 1.05%. He discussed the healthcare insurance trust which was \$35.3 million as of December 31, 2029, and the funding status as of the past year was at 102.45%, a very good number. He reported the actuarial assumption had been lowered to 6%. High performance had been consistent in this well-structured portfolio. Mr. Storkerson commented that the Town was very fortunate to have such talented members on this committee. He reported the investments were high quality, short duration, and very liquid, and the Town should be very comfortable.

Mayor Coniglio thanked the committee, and Finance Director Jane Le Clainche, who had established the health care investment program in 2007. Many towns had not established such a program.

Council Member Crampton expressed his appreciation to the committee and to Mr. Storkerson and commented the Town was very fortunate to have such talented members on this committee.

Council President Pro Tem Zeidman thanked Mr. Storkerson and staff.

Council Member Araskog thanked Mr. Storkerson and staff, and asked what he expected the assumption rate to be in the future. Mr. Storkerson indicated he felt it would be prudent to lower the rate further, after considering unintended consequences.

Motion was made by Council President Zeidman, and was seconded by Council Member Lindsay to accept the Investment Advisory Committee annual report. On roll call, the Motion passed unanimously.

X. COMMITTEE REPORTS

A. Report of the Ordinances, Rules and Standards Committee Meeting Held on January 9, 2020

Julie Araskog, Chair

Committee Chair Araskog reported that the committee's work on walk/run events had resulted in recommending holding one event every other month at the most in season, with none to be on Sundays, and asked for Town Attorney Randolph's help in formulating rules for a possible third walk/run event of only 400 people which must be approved by Town Council.

Chair Araskog reported that Ficus Nitida attracts whitefly and recommended prohibiting Ficus Nitida as well as Ficus Benjamina for hedges.

Council Member Lindsay spoke regarding the differences in using Ficus Nitida and Ficus Benjamina.

Discussion ensued regarding the use of pesticides on Ficus Nitida and Ficus Benjamina.

Committee Chair Araskog also spoke about ARCOM approvals of landscape plans where privacy buffers were approved, then later removed, and she and Committee Member Crampton agreed the Ordinance presented by Assistant Director of Planning Zoning and Building, Wayne Bergman, was very important for ARCOM approvals. She stated she would like to hear from ARCOM on turf and buffers before drafting an Ordinance.

Deputy Town Manager Boodheshwar summarized three action items as walks/runs criteria, prohibition of ficus species and getting Town Council approval to address ARCOM landscape buffers and further restrictions on use of synthetic turf. Town Attorney Randolph advised if a condition was placed on an ARCOM approval it ran with the property, and if someone removed a hedge which was required to be a buffer that was illegal, and an enforcement problem.

Council Member Lindsay recalled a discussion that an additional walk/run would not be considered after two had been grandfathered in, and she was not in favor of a third walk/run. Council President Moore spoke about an organized bike ride through the Town. Council President Pro Tem Zeidman was not in favor of any more events. Town Attorney Randolph cautioned that people could file applications for parades, that State law allowed bike riders and he was concerned about prohibiting walks and runs, so would need more time to consider this. Deputy Town Manager Boodheshwar stated he would work with Town Attorney Randolph and come back next month with an ordinance. Chair Araskog commented the committee had formulated air-tight criteria which allowed the Town Council to say no, and expressed her opinion this should be an agenda item.

Consensus of the Town Council was they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have prohibition.

Council President Moore announced this item would continue after the public hearing set for time certain of 10:30 a.m. was completed.

Committee Chair Araskog indicated she had already completed her comments, but wanted to hear from Council Member Lindsay and Deputy Town Manager Boodheshwar regarding prohibiting Ficus Nitida or if they knew of other

varieties of ficus which attracted whitefly.

Council Member Lindsay confirmed all whitefly would go to other varieties of ficus. She indicated a problem was residents who wanted an instant privacy hedge and this was the hedge du jour because you could buy it up to 18 feet.

Deputy Town Manager Boodheshwar commented the Town Council had discussed several months ago about Ficus Nitida being a problem, and ORS had stayed silent on everything else. He stated it was up to Town Council if they wanted to add Ficus Nitida to the prohibited list, and staff could bring back an Ordinance next month, or they could add all non-native ficus, or do nothing at all.

Mayor Coniglio suggested adding Ficus Benjamina and then consulting landscapers who had expertise on the subject.

Council President Moore had communicated with a landscape designer who suggested taking this in small steps and Ficus Nitida was a big step. She wanted to be sure it was taken in proper increments and that those with expertise were consulted.

Council Member Araskog commented Ficus Nitida now had to be sprayed with the chemicals the Town did not want, white fly was attracted to it, and residents had come forward to complain about it. Landscapers wanted to spray to keep the plants looking good, while the Town wanted to get rid of whitefly and chemicals, and the plants it was attracted to. She felt the Council should get rid of both plants, and not wait.

Richard Maxwell was suggested as an expert who could provide information

Council Member Lindsay agreed with Council Member Araskog, but the toxic chemicals were not sustainable—they worked for a while until the whitefly became resistant to them and then another toxic chemical had to be found.

Council Member Crampton commented the committee felt the weight of the evidence merited including giving Ficus Nitida the same status as Ficus Benjamina.

Motion was made by Council Member Araskog, and was seconded by Council Member Crampton for staff to bring to the March 10th Town Council Meeting for first reading an Ordinance banning Ficus Nitida and Ficus Benjamina. On roll call, the Motion passed unanimously.

Discussion ensued regarding whether to send the issue of synthetic turf and landscape buffers to ARCOM to get their opinion before the Town studied this matter.

Deputy Town Manager Boodheshwar confirmed with Town Council that

direction to staff was to forward landscape buffers to ARCOM and the current regulations regarding synthetic turf to ORS for further study, then come back to Town Council.

The Deputy Town Manager stated for the record that his backup memo incorrectly stated they wanted to send the quiet work item to ARCOM, and should have stated that was to go to ORS.

Motion was made by Council President Pro Tem Zeidman and was seconded by Council Member Lindsay to accept the Report. On roll call, the Motion passed unanimously.

Council President Moore requested Deputy Town Manager Boodheshwar provide a time line before going into Public Hearings, in order to clarify any misconceptions. The Town Manager commented Mr. Boodheshwar would present a factual timeline and then coordinate the public hearing.

Deputy Town Manager Boodheshwar reviewed historical information regarding the docks, which he indicated had also been prepared as an informational sheet for residents. He described how the originally approved marina design had evolved into the current design. The final design will be presented to Town Council for approval at the April meeting. He reported two grants had been secured from Florida Inland Navigation District (FIND): \$325,000 for design and \$3.1M for construction. He announced a public feedback session on February 24, as well as ongoing communications with the community. Unless further changes were made, only two approvals would be needed for this project: a resolution establishing the financing plan today and Town Council approval next month of recommendation to award the contract. The super yacht design would allow this marina to remain competitive for many years to come, and the new design maintained the owner-focused reputation. All permits have been secured.

XI. PUBLIC HEARINGS

- A.** Public Hearing Concerning the Issuance By the Town of Palm Beach, Florida of Not Exceeding \$31,000,000 Public Improvement Revenue Bond, Series 2020 and Related Plan of Financing
Jane Le Clainche, Director of Finance

President Moore read aloud a legally required script.

Public Comment

John David Corey, 426 Australian Avenue, asked Town Council to defer the Resolution today in order to continue further discussion. He commented on the size of the proposed docks, the parking issue and the fourth dock.

Susan Watts, 44 Cocoanut Row, commented her family owned property at 455 Worth Avenue and felt the financing should not be separate for the docks, and

was in favor of integrating all assets together in a fresh approach.

Miguel Rosales, Australian Avenue commented that the marina was too big for the area. He suggested that 3-D visuals should have been prepared for the community and the parks and parking should be included in the financing.

Henry (Hank) Holmes, 500 West Australian Avenue, spoke about financing via a revenue bond and felt the revenue projections were very optimistic. He felt funding the docks should not be done without incorporating the parking.

Michael Ainslie, 596 North County Road, commended staff and Council for a very professional process. He recalled the Recreation Center project, when a lawsuit had stopped the project for eighteen (18) months and increased costs. Most people who opposed that project now were very happy with it and it was very successful. He felt the marina was a wonderful project and expressed his support.

Harry Bader, Chilean Avenue and Coconut Row, stated he also represented Natalie DeJour who lives at the Nassau House. Their concern was that the size of the super yachts would be too large for the neighborhood.

Lynn Foster, 424 Brazilian Avenue, commented that the financial projections did not compute. She proposed the Council re-examine cost projections and the revised revenue expectations, and a meeting be held to share in advance the revised cost and revenue projections.

Peter Geisler, 315 South Lake Drive, stated that he would be delighted if the plans were approved.

Town Manager Blouin encouraged those who had expressed concern to contact either him or Deputy Town Manager Boodheshwar or to attend the meeting on February 24.

Skip Aldrich, 2295 South Ocean Boulevard, commended Town Council for their excellent work on this plan and felt the project should move forward.

Lorraine Touhy, President of 389 South Lake Drive, commented it was time to take a significant pause to consider how all the families will be impacted.

Town Manager Blouin stated the park and traffic plans were in process and would be presented separately.

Ethel Steindell, 315 South Lake Drive, expressed appreciation for all the work but asked for a deferral on the financing. She showed a picture of the view that would be replaced by boats, and expressed her distress. She did not want the fourth dock, and wanted to know what the reconfiguration of the park would look like. She was in favor of renovation of the docks.

Council President Moore declared public comment closed.

Council President Pro Tem Zeidman commented she thought it was a good idea to get a second opinion and read the summary of the peer review. She knew change was difficult to accept, but changes were needed, and there would be no loss of green space.

Council Member Lindsay spoke regarding the reasons the docks were separated from the park, parking, and traffic. On February 24 those concerns would be addressed and input considered.

Council Member Crampton recommended continuing the project without delay with some flexibility to react to the market. The Town needs the revenue the docks will provide. The plans for parks and security, etc. would continue and asked for more public participation. He felt the Town should continue to provide cash which came from the docks to secure the green space, security, etc.

Council Member Araskog commented it was her intention the park would remain as is, and she wished they had included parking in with the docs. Experts had been consulted to make sure the marina still maintained the aesthetics of the Palm Beach Marina. She commented beautification of the park was very important and agreed with Council Member Crampton that cash should be provided to the area.

Council Member Lindsay commented the Council had always been conservative, and staff had their eyes wide open on the financial side. They would not miss the opportunity to improve the parking, traffic, aesthetics, security, landscaping and lighting, and were committed to that. She commented on how the view would be of the docks.

Council President Pro Tem Zeidman understood the concerns but felt residents would be surprised how beautiful this project would be. She stated the docks had to be separated from the park and parking because of permits. There would be outreach into the community regarding construction. This would provide over \$10M in revenue to the Town.

Mayor Coniglio described conversations held since 2006 regarding concerns of how the docks would change the neighborhood, and expressed her concern if this project was delayed. She hoped there would be community participation in the beautification of the park.

Council Member Araskog asked if this were deferred to add the park, what the effect would be. The Town Manager responded the whole permit and RFP process would have to begin again and described how hard it had been to get the permits in the right sequence. Delaying financing today would delay start of construction. Every month delayed in getting the marina open would lose revenue for the Town.

Council President Pro Tem Zeidman stated the project could not be delayed, that it was not a matter of a month, but would be a year or more.

XII. REGULAR AGENDA

A. Old Business

1. Town Marina Project TIME CERTAIN: 10:30 A.M.

a. Project Update

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

Director of Public Works Brazil noted his comments had been made by Deputy Town Manager Boodheshwar. He cautioned not to speak about the contractor as there was a cone of silence.

b. Business Plan Update

Carolyn Stone, Director of Business Development and Operations

Director of Business Development and Operations Stone provided background on the company that provided the peer review, U. S. Marine Group, a Division of Marine Business Advisors, a premier global marina management company and marine business consulting firm. She reported they strongly supported the Town's decision to rebuild the Town docks and their design decision to shift up the slip mix ratio to address current and future market demands. She introduced Jim Bronstein noted he and his partner Kevin Cork had extensive background in marinas. He reported they did their own analysis first without looking at anyone else's numbers, and only after that was completed they compared their numbers to the Baird Report and the Town's numbers. The Baird study was very extensive and should not be discarded. He commented all marinas were switching to larger boats, because boats were getting larger, and this was the right approach for the Town. Their approach was conservative and they believed in their numbers.

Jim Bronstein gave an overview of his background in the industry and also gave a brief description of the process carried out during the peer review.

Council Member Araskog asked about no pilings being proposed between slips. Kevin Cork explained they were not necessary except on the smaller slips. She asked if commercial businesses were necessary for a successful marina, to which the response was no. She asked about parking, and was told parking was an issue, mostly for deliveries, but boat crew members used different modes of transportation rather than their own cars. The City of Ft. Lauderdale used the criteria of 1.5 cars per slip.

Council Member Crampton asked if the marina was built they would come, meaning the attraction to Palm Beach as a special destination was real, and the Town was in sync with the way markets were developing in the future, which was confirmed by Mr. Cork, who indicated demand in the area was greater and greater. The layout was flexible if it had to be redesigned to smaller boats.

Council Member Lindsay inquired about rates and if there might be fewer boats producing more revenue, which was confirmed.

c. RESOLUTION NO. 08-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida (The "Town"), Approving the Form and Authorizing the Execution and Delivery of a Loan Agreement; Authorizing and Approving the Issuance of a Bond by the Town in Connection with Said Loan Agreement Relative to the Financing of All or a Portion of the Town's Marina Project; And Paying Costs of Issuance of the Bond; Approving the Issuance of the Bond and Related Plan of Financing Within the Meaning of Section 147 (f) of the Internal Revenue Code of 1986, as Amended and Related U.S. Treasury Regulations; Authorizing the Proper Officials of the Town to do all Other Things Deemed Necessary or Advisable in Connection with the Loan Agreement and Said Bond; and Providing for an Effective Date.

Jane Le Clainche, Director of Finance

Jay Glover, PFM Financial Advisors LLC, reported looking at all options to get financing at the lowest cost and varying repayment options. Nine proposals were received from financial institutions. A 20-year fixed rate loan was the best option, and Center State Bank offered a rate of 2.39% through March 11, 2020, which would be locked for the full term of the loan. There would be a 1% prepayment penalty for payoff during the first 4 years, after that there would be no prepayment fee. One of the risks in deferring this project was that the low interest rate would expire, and a new loan would be subject to whatever interest rates were at that time. He explained that the resolution before Council today was to approve the loan from Center State Bank, with a loan agreement attached. The first principal payment was not due until January 2022, then after that there would be level principal and interest payments.

Town Manager Blouin requested clarification of the difference between a bank loan and a revenue bond. Rick Miller, Bond Counsel, explained a bond is a loan for public purposes.

Mayor Coniglio asked Jay Glover for his opinion. He did not hesitate to say this was a very good deal. She asked Finance Director Le Clainche the current debt, which she responded was \$100M, to which this \$31M would be added, and the total was within capacity.

Council President Pro Tem Zeidman thanked staff for getting great terms.

Council Member Crampton asked how much would be added to annual debt service with this loan. The Finance Director responded \$2M would be added to the current annual debt service of \$11M.

Town Attorney Randolph read Resolution 08-2020 by title only.

Motion was made by Council Member Lindsay and was seconded by Council Member Crampton to approve Resolution No. 08-2020. On roll call, the Motion passed unanimously.

2. Town-wide Undergrounding Project

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

Steven Stern, Project Manager

Project Manager Stern noted a number of community meetings were coming up: Coffee with the Crew in the north on March 2, Coffee with the Crew and Town Staff with Burkhardt at the South Fire House meeting room on March 9 at 8 a.m. This would be starting a new schedule of Monday instead of Friday with the first meeting March 9. Another meeting was coming up for the Sea Streets, Phase 5 South easements would start shortly for residents on Seaspray and Seaview Avenues, and a meeting was scheduled for March 13 at 10 a.m. at the Morton and Barbara Mandel Recreation Center at 340 Seaview Avenue. The next UUTF meeting was scheduled for March 3 with the main topics to be landscaping and easement acquisition. A letter to Phase 3 South property owners requesting their support for the dozen or so critical path easements is being prepared. Last week, a letter was sent to Phase 4 North property owners advising of possible chicanes in the area and asking for their support for equipment placement.

Mr. Stern called attention to an update to the phase map and schedule showing actual and estimated construction start dates. Construction Phase One South was proceeding with poles removed and landscaping to be removed this month. When complete, Town staff would perform a walk through for any damaged landscape to be repaired or replaced. Phase 2 North was also moving quite well, with construction 70% complete, and AT&T and Comcast would finish the end of this month. In Phase 3 North, drilling was 14% complete.

Mr. Stern commented that easement acquisition was very much as previously reported, and addresses were listed in Council's backup. Some progress had been made, but without firm commitments. In Phase 4 North they had paved ten chicanes. In remaining areas, status remained the same as previously reported. He reported no significant differences from last month in the financial summary.

Council President Pro Tem Zeidman commented there would be a lot going on in the Phase 4 South area which included the Town docks in December 2020 when

construction was to begin. She was surprised at some of the names appearing in Phase 3 South, and asked whether the actual homeowner was contacted. Mr. Stern explained sometimes they were able to speak with the homeowner, but in that area of Town it was usually the homeowner's attorney, or whoever the homeowner had designated. She commented the Council knew some of the people on the list and could be helpful. Council Member Araskog asked about a person on the list who she knew was trying to work this out.

B. New Business

1. Town Manager Performance Evaluation and Approval of Goals for FY20

Kirk W. Blouin, Town Manager

Town Manager Blouin indicated he had met with each member of the Town Council one-on-one to discuss his goals and evaluation, and expressed his appreciation to each for their suggestions and comments. Based on current HR guidelines he was eligible for a 7.5% increase.

Motion was made by Council President Pro Tem Zeidman and was seconded by Council Member Araskog to approve the Town Manager's evaluation and 7.5% salary increase. On roll call, the Motion passed unanimously.

Town Manager Blouin advised his list of thirteen (13) goals had been reduced to six.

Consensus of Council was to accept the six goals listed by Town Manager Blouin.

2. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter from February 12, 2020 through February 9, 2021

Kirk W. Blouin, Town Manager

Motion was made by Council Member Lindsay and was seconded by Council President Pro Tem Zeidman to approve the appointment of the Town Manager Pursuant to Section 4.02(b) of the Town Charter from February 12, 2020 through February 9, 2021. On roll call, the Motion passed unanimously.

3. Consideration of scheduling an Attorney/Client Session immediately following the Town Council meeting on February 11, 2020, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to discuss the following matter: 100 Emerald Beach Way LC vs. Town of Palm Beach, Case No. 9:19-CV-80645- Rosenberg/Reinhart Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council President Danielle H. Moore; Town Council President Pro Tem Margaret A. Zeidman; Town Council Members Julie Araskog, Lewis S. W. Crampton, Bobbie Lindsay; Town Manager Kirk Blouin; Town Attorneys John C. Randolph and Joanne M. O'Connor, and Pleasanton, Greenhill, Meek & Marsaa Court Reporters.

Town Attorney Randolph stated he wished to cancel this item for today and tomorrow.

C. Matters Pulled From Consent Agenda: If needed

1. Authorization of Lane Closure and Waiver to Town Code for Construction Hours for the Florida Department of Transportation to Construct Revetment Improvements on South Ocean Boulevard at Sloan's Curve

Town Engineer Patricia Strayer explained FDOT could not do this work until turtle season is over. Council Member Araskog asked if work could be halted on Sundays and holidays. Town Engineer Strayer responded they needed to get the work done within 90 days so were asking worst case situation. The Town would work with them to minimize any of their requests.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to authorize the lane closure and waiver to Town Code for Construction Hours for the Florida Department of Transportation to Construct Revetment Improvements on South Ocean Boulevard at Sloan's Curve. On roll call, the Motion passed unanimously.

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 04-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 10 Of The Town Code Of Ordinances, Animals, Article II, Dogs And Cats, At Section 10-43, Running At Large Prohibited; Further Amending Chapter 74 Of The Town Code Of Ordinances, Parks And Recreation, Article II, Beach And Aquatic Activities, Division 3, Regulation Of Use Of Public Beaches; At Sec. 74-191, Animals Prohibited, So As To Add An Exception To Permit Leashed Dogs On Public Beaches Between Sunset Avenue And Wells Road; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph read Ordinance 04-2020 on second reading by title only.

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Zeidman to adopt Ordinance No. 04-2020. On roll call, the Motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 05-2020 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2019, and Providing an Effective Date.

Jane Le Clainche, Director of Finance

Town Attorney Randolph read Ordinance No. 05-2020 on first reading by title only.

Motion was made by Council Member Lindsay and was seconded by Council President Pro Tem Zeidman to approve Ordinance No. 05-2020 on first reading. On roll call, the Motion passed unanimously.

XIV. ANY OTHER MATTERS

There were no other matters to come before Town Council.

XV. ADJOURNMENT

There being no further business, the Town Council Meeting of February 11, 2020 was adjourned at 1:28 p.m.

Danielle H. Moore, Town Council President

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Date