



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, MARCH 10, 2020

I. CALL TO ORDER AND ROLL CALL

The regular Town Council Meeting was called to order on Tuesday, March 10, 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

There were no modifications to the agenda.

IV. APPROVAL OF AGENDA

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

V. PRESENTATIONS

A. Rising Water: Not an Emergency, Definitely a Problem

Jan Peelen, Attaché for Infrastructure and Water Management, Embassy of the Kingdom of the Netherlands

Amanda Skier, Executive Director of the Preservation Foundation of Palm Beach, introduced Mr. Peelen, Attaché for Infrastructure and Water Management, Embassy of the Kingdom of the Netherlands, an expert in Water Management who works in the United States advising cities on flooding issues.

Mr. Peelen spoke regarding the impact of sea level rise on built communities. He noted his country had been managing water and reclaiming land since the 12th century. After an enormous flood in the 1950s which killed hundreds and had a large economic impact, they had built an entire system of flood barriers, a fortress against the sea. This was finished in the 1990s and now they had the safest delta in the world, with a structure in place to deal with climate change. Water storage projects were creatively disguised as beach projects, beautiful rooftop gardens, swimming pools, etc. After Hurricane Katrina his government had started working with the U.S. government on the flooding component of climate change. He spoke about his work with the States of Louisiana after the Hurricane Katrina and New York after Hurricane Sandy. Palm Beach had already been affected by flooding. He recommended implementing the Comprehensive Plan which the Town had already completed, working with neighboring areas, and communicating with developers and others, envisioning what the Town would look like in 30 years. He would be giving a lecture at 6 p.m. that day at the Preservation Foundation of Palm Beach, 311 Peruvian Avenue, which would be open to the public, to discuss this further.

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

A. Presentations by Applicants for the Architectural Commission
Pat Gayle-Gordon, Acting Town Clerk

The following applicants presented their applications to the Town Council:

Katherine Catlin
Edward Cooney
Eugene Fagan
Daniel Floersheimer (statement read by the Acting Town Clerk)
Maisie Grace
Kenn Karakul
Betsy Shiverick
Richard Sammons

Katherine Catlin gave a presentation and confirmed for Council Member Araskog that she had served three years as an alternate with ARCOM, and was willing to continue as an alternate, but wished to serve as a full voting member.

Edward Cooney indicated he wanted to continue serving the Town now that his ten-year term on the Landmarks Preservation Commission had ended. He

answered questions from Council Member Araskog regarding his knowledge of ARCOM and his vision for the future.

Eugene Fagan described his background as an architect for the past 30 years, building homes which fit very well into the Town of Palm Beach. Mr. Fagan confirmed for Council Member Crampton he had previously owned a home in Palm Beach but was not currently a resident. In response to questions from Council Member Araskog, Mr. Fagan reported he had last listened to an ARCOM meeting last year, had last made a presentation to ARCOM last year, and would be able to attend all required meetings. He commented he had forwarded a list of buildings he had built that were now standing in Palm Beach, and had read the ARCOM ordinance last year.

Acting Town Clerk Pat Gayle-Gordon read aloud a letter from applicant Daniel Floersheimer, who had served as an ARCOM Commissioner for the past three years. He had a history with the Town since the 1950s and was a full-time resident. He wished to continue his service and to be elevated to a voting position.

Maisie Grace reported she had grown up in Palm Beach, and described her history and credentials. She had served six years in total on ARCOM, first as alternate then as a voting member. In response to Council Member Araskog, she reported that dealing with FEMA regulations was one of ARCOM's biggest challenges, and also keeping houses in scale.

Kenn Karakul reported he had been part of this town for over 30 years and had owned several houses, and had served on ARCOM for 2-1/2 terms, which he truly enjoyed. He asked to become a voting member, rather than an alternate. In response to Council Member Araskog, he stated he felt the biggest challenge was for ARCOM to challenge the architects who came before them to do their best work.

Betsy Shiverick stated she had served as an alternate for four years and wished to become a voting member. She felt her service, her background in interior design, and owner of four homes in Palm Beach, which had required appearing before ARCOM for approvals, had given her the necessary experience. In response to Council Member Araskog, she stated she would be willing to continue as an alternate, and felt the biggest challenge was keeping the Town beautiful.

Richard Sammons commented he was on ARCOM for six years, three as Chairman, and spoke about his credentials. He felt the quality of ARCOM's work improved under his term, as he had held architects accountable, and he wished to come back. Council Member Araskog asked what he considered the biggest challenge, to which his response was the speculative houses were the biggest problem and mentioned the Testa project, which had been made positive. He spoke about scale and proportion. He loved that the ordinance

spoke about charm. He was currently a member of the Planning and Zoning Commission, and was willing to switch to ARCOM.

Town Attorney Randolph reminded the Council that ARCOM required two architects; and one with special skills could be a non-resident.

The Council Members marked their ballots.

B. Presentations by Applicants for the Landmarks Preservation Commission
Pat Gayle-Gordon, Acting Town Clerk

The following applicants presented their applications to the Town Council:

Jacqueline Albarran
Marcia Cini (statement read by Bill Cini)
Guy W. Clark, II
Kim Coleman
Brittain Damgard
Anne Fairfax
Bruce Langmaid
Anne Grant Metzger
Patrick Segraves

Jacqueline Albarran, currently serving as the non-resident architect on the Landmarks Preservation Commission, described her history with the Town and disclosed she had previously been a resident. She stated she loved history and architecture, giving back to the Town, and helping the architects that presented to the Commission. She would be honored to continue serving.

Applicant Marcia Cini had provided a statement which was read by her husband, Bill Cini. She was not present due to spine surgery. She was applying to fill the current vacancy, and would be happy to return to her alternate position if Mr. Cooney decided to return. Her statement described what she had learned from serving on the Commission.

Guy W. Clark, II stated he had not appeared here before and was seeking either an alternate or full member seat. He described his love of preservation and experience in restoring very old homes. He had moved to Palm Beach because of the preservation of architecture and described his Palm Beach office and home. He presented his credentials, commented he had tried to keep up with all things aesthetic, and felt he could contribute to the Commission. Council Member Araskog confirmed with Mr. Clark that he was aware there were no alternate openings unless someone moved up.

Kim Coleman indicated she had enjoyed her service on the Landmarks Preservation Commission as alternate for one year and then a full term as a

regular member, and wished to continue. She enjoyed the learning curve and really cared about preserving Palm Beach.

Brittain Damgard stated she grew up in Palm Beach and had lived here since the 1950s. She did not want this town changed dramatically, and wanted the architecture respected and saved. She had been involved with preservation all her life and was now on the committee working to restore The Breakers garden. She listed her credentials and experience.

Anne Fairfax stated she served on the Landmarks Preservation Commission for 1-1/2 years as an alternate, and came back as a voting member. She resigned when she went back to school for two years. Now she was free to serve again. She listed her credentials. Council Member Araskog asked if she was an Architect, to which Ms. Fairfax responded she was an architect in New York City, and had been unable to serve while going to school because it was in England. She explained they flew back and forth from New York but had an office in Palm Beach, and attending meetings was not a problem.

Bruce Langmaid stated he now lived in town and was restoring his house, and was very concerned about the Sea Streets and Pendleton, and residents needed to get onboard for some kind of historical designation. Mr. Langmaid commented his background was historic preservation and listed his credentials.

Anne Grant Metzger stated she was now an alternate and wanted to become a regular member. She listed her credentials and interest in the Town.

Patrick Segraves stated he was the architect on the board and he had been a full-time resident for most of his life. He took his service on the Commission very seriously and wished to continue. Council Member Araskog confirmed with Town Attorney Randolph that two Florida Registered Architects were required.

Council President Moore stated a letter had been received via email from Mr. Wong. She asked that ballots be marked.

C. Appointments to the Architectural Commission
Pat Gayle-Gordon, Acting Town Clerk

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Zeidman to approve the appointments of Maisie Grace, Richard Sammons and Betsy Shiverick as Regular Members and Edward Cooney as an Alternate Member to the Architectural Commission (ARCOM). On roll call, the Motion passed unanimously.

D. Appointments to the Landmarks Preservation Commission
Pat Gayle-Gordon, Acting Town Clerk

Motion was made by Council President Pro Tem Zeidman and was seconded by Council Member Lindsay to approve the appointments of Jacqueline Albarran,

Kim Coleman, Anne Fairfax and Patrick Segraves as Regular Members and Brittain Damgard and Fernando Wong as Alternate Members to the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

The Mayor acknowledged Belinda Hardy, a 38-year employee in Fire Rescue who had been Employee of the Year and was now retiring.

The Mayor offered kudos to New York City which had recently banned single-use plastic bags. She asked that this community continue their efforts to ban these bags.

Mayor Coniglio thanked the community for their participation in the Lake Side Park and docks forum. The Royal Park Homeowners Association had made the following recommendations by an almost unanimous collective poll: The park was sacrosanct, to remain as is with possible aesthetic improvements; ask Council to reconsider the 2 to 1 parking spaces to marina slips; and maintain the current existing parking. The Mayor expressed thanks for this roadmap to guide Council going forward. She announced a second forum would be held to offer an opportunity for some minor adjustments.

Mayor Coniglio assured everyone that the health, safety, and welfare of residents was paramount in the effort against coronavirus. A planned approach and emergency response had been developed. She asked Council President Pro Tem Zeidman to provide details, and asked residents to please get on the Town's alert system.

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

Council President Moore thanked Council President Pro Tem Zeidman and Council Member Araskog for the coronavirus workshop. She thanked her golf partners who played with her at the Par 3 in the Raymond Floyd Open. Council President Moore expressed her appreciation for the Town of Palm Beach beehives, which was another effort by staff and this Council to be more environmentally conscious, and honey would be sold in the pro shop. She expressed concern that the landscape architect who applied for an ARCOM position had been told he was not qualified, when ARCOM wanted a landscape architect on their board. She thanked everyone who applied.

Mr. Crampton reported the new total for recreation center membership as of today was 207 Palm Beach residents, a major accomplishment, since it had been 190 last month, and the goal had been 150. He congratulated Carolyn Stone for the excellent way she was running this program.

Council President Pro Tem Zeidman reported coronavirus had been discussed at the previous day's Public Safety Committee meeting. She reviewed facts and asked people not to panic. She asked each person to focus on what they could do—stay home if sick and follow the CDC information on the Town's website. She asked everyone to use the hand sanitizer and wash their hands, and not to touch their faces. She asked everyone to get a flu shot because getting flu made one more susceptible to getting coronavirus. She expressed thanks to Town Staff, the Mayor and Council, Bill Metzger who had filmed the Public Safety Committee meeting, Palm Beach

Daily News, the Citizens Association of Palm Beach, and the Palm Beach Civic Association for all their efforts regarding the coronavirus.

Council Member Araskog recommended listening to the Public Safety Committee meeting to hear the doctor who spoke, and other information about what to do. She thanked Council President Pro Tem Zeidman for her work regarding this meeting and the Town staff for their work on preparations for the coronavirus. She urged pet owners to pick up after their pets, which was the law in Palm Beach. By not picking up, it was affecting health because it attracted rats and poisonous bufo toads. Council Member Araskog also expressed concern about bufo toads, which killed dogs and cats. There was now information on the Town website regarding what to do if your dog or cat came into contact with a bufo toad, and proper extermination of bufo toads. She reported two dogs had been killed in two months.

IX. COMMUNICATIONS FROM CITIZENS

Rene Silvin, 422 Australian Avenue, applauded Council President Pro Tem Zeidman and Council Member Araskog for the Public Safety Committee meeting and the information provided regarding coronavirus. He felt the new recreation center was a fabulous facility. He was in favor of the direction on the marina project, and spoke about the huge increase in pet droppings. Town Manager Blouin spoke on the Ordinance violation regarding picking up after pets, and suggested calling the non-emergency police line at 561-838-5454. The Town Manager also responded to Council Member Araskog that cameras on private property could be used to identify violators.

X. APPROVAL OF CONSENT AGENDA

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

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk
 - a. February 11, 2020, Town Council Meeting Minutes
 - b. February 12, 2020, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of February 26, 2020
Wayne Bergman, Acting Director of Planning, Zoning & Building

B. RESOLUTIONS

1. RESOLUTION NO. 12-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving A Resolution For A Change Order Of \$52,970 Associated With Environmental Services, Inc. For The Continuation Of Historic Site Surveys With An Approximate 700 Additional Homes Included In The Surveys.

Wayne Bergman, Acting Director of Planning, Zoning and Building

2. RESOLUTION NO. 13-2020 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 Costs Of \$64,000 Associated With Kimley Horn And Associates For Additional Site Civil Plan Review Assistance.

Wayne Bergman, Acting Director Planning, Zoning and Building

3. RESOLUTION NO. 14-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposal for Australian Watermain Replacement - Engineering Design Services as Prepared by Kimley-Horn and Associates, Inc. in the amount of \$82,292 and a project budget of \$94,300.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 15-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Direct Owner Purchase of Pumps, Control Panels and Associated Hardware for the D-16 and D-18 Pump Stations in the amount of \$502,383.00 and Establish a project budget of \$512,383.00.

The Direct Owner Purchase of the materials to rehabilitate the two stations will save the Town \$35,166 in sales tax.

Dean Mealy, Purchasing Manager

C. OTHER

1. Request by the City of West Palm Beach for Town Sponsorship in the Amount of \$12,000 for the City's 4th on Flagler Event.

Kirk W. Blouin, Town Manager

XI. BOARD/COMMISSION ANNUAL REPORT

A. Annual Report of the Landmarks Preservation Commission.

Edward Cooney, Chair

Edward Cooney thanked the Town Council for his appointment as an alternate member of the Architectural Commission. He presented his final annual report of the Landmarks Preservation Commission, and reviewed highlights of the report.

Mayor Coniglio questioned Mr. Cooney regarding the proposed 50-year-old designation for preservation presented by Wayne Bergman, Acting Director of Planning Zoning and Building. Mr. Cooney responded he was convinced anything that moved preservation forward in the Town was worthy, but felt this must be highly coordinated with Town Council. He urged that this must be considered carefully, and he had already received one letter asking why anyone would want to be landmarked if this new program was adopted. He felt restoring and enhancing incentives would strengthen the Landmarks program. Mayor Coniglio agreed this must be handled carefully but could provide a means to preserve homes that were otherwise to be demolished. Council President Moore indicated Mr. Bergman might present more information at the next day's meeting.

Council Member Araskog thanked Mr. Cooney and the Landmarks Preservation Commission for landmarking the Reef Condominium.

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

XII. REGULAR AGENDA

A. Old Business

1. Update on the Overall Status of the Palm House Hotel and the New Buyer's Intentions to Re-Start Construction
Cary Glickstein, Receiver
TIME CERTAIN: 11:00 A.M.

Cary Glickstein stated he was the court-appointed manager of 160 Royal Palm, former owner of the Palm House Hotel. The hotel property had been sold nine months ago to LNR Regional, an international hotel operator/developer, who was looking forward to rebuilding the hotel to be something pleasing to the Town of Palm Beach. There were various litigations involved, and the one that most involved the Town was the bankruptcy of the former owner of the hotel. There were four appeals, one before the United States Court of Appeals, and the other three before the United States District Court. KKPB, a principal of the former hotel owner appealed the bankruptcy court's sale of the hotel, had been ruled against and now had an April 28 deadline to file a petition with the United States Supreme Court if they wished to appeal the United States Court of Appeals ruling. Mr. Glickstein did not believe the Supreme Court would hear that appeal, and denial of that petition would start a 90-day clock under the settlement agreement during which time LNR must file several important documents with the Town, including their various applications to re-start construction. They must also make the final payment of \$100,000 under the Town's settlement agreement. He recalled the Code Enforcement payment had been made in full. Also, under the former owner's settlement agreement with the Town, the final \$100,000 had been paid

which discharged all of the former owner's obligations to the Town under the settlement agreements. Although there were other appeals and litigation that did not involve the Town, Mr. Glickstein indicated what he had described were the only matters relating to the most important issue for the Town, which was re-starting construction and eventual completion of the hotel.

Mr. Glickstein expressed his appreciation to all involved for their patience to achieve this positive outcome, with special thanks to Town Attorney Randolph and Deputy Town Manager Boodheshwar. He stated the Town had a real quality developer who satisfied the qualified buyer criteria that had been established.

Mayor Coniglio commented this had been approved in 2007, and thanked Mr. Glickstein for his work. She had met with the owner of LNR who showed her quality hotels all over the world that they had completed, and their principal had been introduced to Acting Director of Planning, Zoning and Building, Wayne Bergman.

Council Member Lindsay asked the total amount the Town received for this past 13 years of disruption. Mr. Glickstein reported when the last \$100,000 was received, the total would be \$550,000 from the settlement agreements and the Code Enforcement fine. There had been two settlement agreements, one for what was owed to the Town, and the other abating the per diem that was becoming an obstacle for a new buyer.

Town Attorney Randolph thanked Mr. Glickstein for his assistance in achieving this outcome.

Council Member Araskog expressed her thanks.

2. Town-wide Undergrounding Project
Steve Stern, Project Manager

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

Steve Stern, Project Manager, gave an overview of the past and upcoming meetings and status of design and budget for each zone. He reported that only four chicanes remained on the plan, and members of the Task Force and Council had been very helpful moving conversations with residents forward regarding giving easements. They were moving forward at a slow pace. He commented there were no significant changes to the financial summary from last month except for the vendor payout applications in the active construction zones. One change was that easement abandonment was now shown as a line item for \$200,000.

Council Member Araskog spoke regarding the cost of not moving forward per the schedule because of easements not granted timely, to which Mr. Stern responded that added 3% per year to the costs, or \$3M per year.

Council Member Lindsay asked about starting an easement abandonment. Town Engineer, Patricia Strayer responded that Resolution No. 16-2020 would help with that situation. She explained that Council Member Lindsay could begin the process by contacting a surveyor to get a legal description of the area that will be abandoned, and Craig Hauschild could be contacted to obtain the form needed, then a public notice needed to be sent to residents within 300 feet of the property. Public Works would set up a phone number in case residents wanted to comment. Then Public Works would present the abandonment to Town Council for approval. This process will be posted on the undergrounding website.

Council Member Araskog commented that a resident could also hire an attorney for this process.

b. RESOLUTION NO. 16-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Easement and Use Agreement Between the Town of Palm Beach and Florida Power and Light (FPL) at 265 Palmo Way for Access, and Maintenance of FPL Equipment.

Town Engineer, Patricia Strayer explained this was for a new location because the resident objected to the location of the equipment so it was being shifted across the access road at Palmo Way, and the resident was paying the associated costs.

Council Member Lindsay commented she had counted eight units of different utilities the Town had placed on the north side of the alley between Kenlyn and the park. She was concerned about crowding out the park and couldn't figure out where it was, and asked to defer this item.

Council Member Araskog thought this set a terrible precedent.

Mayor Coniglio felt the Town property should not become the trash can for the transformers. She also felt the Town should be a good neighbor.

Motion was made by Council Member Araskog and was seconded by Council Member Lindsay to defer Resolution No. 16-2020 to the April 14, 2020, Town Council Meeting. On roll call, the Motion passed unanimously.

3. Town Marina Project:
H. Paul Brazil, Director of Public Works
TIME CERTAIN: 11:30 A.M.

a. Establish Overall Project Budget

Director of Public Works Paul Brazil announced good news, saying he would be asking for a budget and contractor selection. He reviewed the items proposed for approval today in the contract award for construction budget, which added up to \$32,968 million, including a 10% overall contingency. FPL would provide an upgrade by completely redoing their service, to which the Town's contribution would be \$130,000, which was the difference between an overhead facility and undergrounding. No improvements to the parking lot were included and that cost was not yet known. He asked for approval for \$39,458,753, indicating that \$1.8M set aside for the permitting, engineering, design process had already been paid. Council Member Araskog felt the \$1.8M should have been added. Town Manager Blouin commented this project had been very transparent and talked about the items added and not added.

Council Member Araskog stated she would like to see a total budget, and Director Brazil explained that parking and street improvements had not yet been added.

Council Member Crampton agreed with Council Member Araskog. Director Brazil stated anything added would be brought back as a total budget.

Council Member Lindsay stated she agreed, but would have advocated for removing the \$3.5M for the raising of the bulkhead because it was an attachment, not part of the docks. She felt the contract contingency was very healthy, and she had been very impressed with the process and how thorough the proposed contractor presented information. She asked to be consistent, in what was added or left out, but gave kudos to staff for their professional work.

Council President Pro Tem Zeidman agreed with Council Member Lindsay, indicating she was impressed with the process.

Director Brazil introduced the Selection Committee voting members. He explained they had brought on the second contractor, Josh Maxwell, for constructability issues.

Council Member Crampton asked about the chain of command during construction. Director Brazil responded that Assistant Director of Public Works Eric Brown would be in charge with Jason Debrincat as the second in charge.

Director Brazil explained that six contractors had submitted bids. Of the final two, Murray Logan Construction had been higher in cost but their team was exceptionally good. They had local experience and had previously worked with the Town. Vecellio and Grogran had good team members but no local experience, and no experience working together. After negotiations, Murray Logan Construction had been the low bidder.

Director Brazil indicated he needed Town Council's approval for the following items: early mobilization that would not impact marina operation; use of adjacent on-street parking for the duration of the project; addition of one work hour during season and one extra work hour off season; waiver of Saturday noisy work in order to meet the deadline; and night and weekend emergency work only if necessary and required to be approved by the Director of Public Works. Director Brazil asked Town Council to be aware of two other items that needed to be done. First was that the City of West Palm Beach would need to replace an 80-year-old water line with this project. Second, undergrounding would need to be done in two or three years, but instead of tearing up the street twice, the recommendation was to do it with the water line. This was not part of the base bid, and Mr. Brazil would bring these items back when they were better formulated. He stated staff recommended approval of Resolution No. 17-2020.

Council Member Lindsay requested clarification on how disruptive early mobilization would be. Mr. Brazil responded it would not be disruptive, and consisted of bringing materials to the site. They would make sure Town operations were not disrupted, and they would not disrupt the neighborhood, and throughout the whole project would protect the banyan trees, and people would still be able to use the lake trail.

Council President Pro Tem Zeidman complimented Director Brazil for looking forward and considering the water line and undergrounding, and stated that gave her a great sense of comfort about this project.

Mayor Coniglio agreed with Council Member Lindsay and Council President Pro Tem Zeidman. She confirmed with Director Brazil that much of the mobilization would be done from the water, and commented she felt it would be silly not to include the water line and undergrounding in this project. She agreed with the adjacent on-street parking and extra work hours, but asked if the majority of the noisy Saturday work could be done off-season. Mr. Brazil confirmed that the most disruptive work would be done first, during off-season. The Mayor indicated she trusted Director Brazil to only approve emergency work when absolutely necessary.

Council Member Araskog agreed with the comments made by the other Council members, except for Saturday work, which she would like to be emergency work only. Director Brazil explained he had conducted a test doing the same type of work that would be done on Saturday and none of the neighbors had noticed the noise. Council Member Araskog stated if an inordinate amount of complaints were received she would like Town Council discussion. She confirmed with Director Brazil that approval is being requested for \$36,264,800 with Murray Logan Construction as the contractor.

Council President Moore stated the name of this project was Lake Drive Park.

Public Comment

Miguel Rosales, 426 Australian Avenue, indicated he had provided suggestions for improvements to the marina parking and the park in terms of quality. He noted this was the gateway to Palm Beach. Suggestions were to include crosswalks, preserve lakeside sidewalk and dog walk.

Kiwi Hilliard, 325 Lake Drive, asked if the park already had undergrounding. Mr. Brazil explained where overhead lines were located and where undergrounding was already done, and said he would be happy to discuss this further with Ms. Hilliard.

Ethel Steinwell, 315 S. Lake Drive thanked Council Member Lindsay regarding effects of construction on residents. She asked when residents would be informed of the staging of the project, and asked if there would be any protection such as fencing. Mr. Brazil explained green space would be fenced off and remain useable, and the parking lot would be the laydown area. Communication with residents would start after contracts were in place via public information meetings. Ms. Steinwell commented Landmarks Preservation Commission meeting would be next week regarding a special exception for the park; Mr. Brazil clarified the request would be for a certificate of appropriateness but the request will be deferred to a later date. Director Brazil stated the impact of that one building on the entire project was very small and would be done in the final stages of the project. Ms. Steinwell commented on an email from Carolyn Stone and asked for a more balanced memo.

Council Member Araskog commented she wished the park had not been included with the marina. She inquired about the cost of mobilization in the event of a hurricane—Mr. Brazil indicated it would be shared between the Town and contractor.

Council Member Lindsay clarified with Director Brazil that the park would remain as is. It was critical to do the project the way it was now in order to receive grant monies. Director Brazil commented any park improvements would be the last thing in the project, and that was not what was being approved today.

Council Member Crampton confirmed the date of the first public meeting on this issue is March 23, 2020. The Council understood what the residents wanted and asked residents to be patient.

Council Member Araskog commented that she was objecting to the \$55,000 for park improvements. She discussed marina parking.

b. RESOLUTION NO. 17-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for RFP

No. 2019-35, Awarding the Construction of the Town Marina to Murray Logan Construction, Inc., in the Amount of \$32,968,000 and Authorize the Town Manager to Execute the Contracts. Town Staff also recommends that the Town Council Approve an Overall Contract Budget of \$36,264,800 and a Project Budget of \$37,658,753.

Motion was made by Council Member Lindsay and was seconded by Council President Pro Tem Zeidman to approve Resolution No. 17-2020. On roll call, the Motion passed unanimously.

c. RESOLUTION NO. 18-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Coston Marine Services, Inc., for Mitigation Work Associated with the Town Marina Project in the Amount of \$119,000 and Approving a Total Task Budget Not-To-Exceed \$137,000.

Director Brazil gave an overview of the work to be done and recommended approval of the Purchase Order.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve Resolution No. 18-2020. On roll call, the Motion passed unanimously.

d. RESOLUTION NO. 19-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Installation Agreement with Florida Power and Light for Electrical Upgrades Associated with the Town Marina Project, Including a Customer Contribution in the Amount of \$130,000.

Director of Public Works Brazil explained this was the difference between overhead and undergrounding, as discussed earlier.

Motion was made by Council Member Crampton and was seconded by Council Member Araskog to approve Resolution No. 19-2020. On roll call, the Motion passed unanimously.

e. RESOLUTION NO. 20-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Maintenance Memorandum of Agreement (MMOA) with Florida Department of Transportation (FDOT) for Improvements Associated with the Town Marina Project, to be Constructed Within the FDOT Right-of-Way.

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Zeidman to approve Resolution No. 20-2020. On roll call, the Motion passed unanimously.

B. Matters Pulled From Consent Agenda: If needed

No matters had been pulled from Consent Agenda.

XIII. ORDINANCES

A. Second 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 LeClainche, Director of Finance

Town Attorney Randolph read Ordinance No. 05-2020 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. 05-2020 on Second Reading. On roll call, the Motion passed unanimously.

B. First Reading

1. ORDINANCE NO. 06-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106 Of The Town Code Of Ordinances At Article VII, Special Events On Public Property, At Division 1, Section 106-256, Definitions, So As To Amend The Definition Of Special Event To Include Walk/Run; Further Amending Section 106-283, Standards For Issuance, So As To Provide That Special Events Shall Be Subject To Section 106-289; Including A New Section 106-289 Titled Walks And Runs, So As To Provide For Applications For Such Activities And Procedures And Criteria For Approving A Walk/Run Event; 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 No. 05-2020 on first reading by title only.

Council Member Araskog thanked staff.

Motion was made by Council Member Council President Pro Tem Zeidman and was seconded by Council Member Araskog to approve Ordinance No. 06-2020 on First Reading. On roll call, the Motion passed unanimously.

- 2. ORDINANCE NO. 07-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 66 Of The Town Code Of Ordinances Related To Natural Resource Protection At Article IV, Vegetation, Division 5, Regulations, Section 66-311, Prohibited Plants, So As To Prohibit, In Addition To Ficus Benjamina, Ficus Nitida; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

Town Manager Blouin indicated this needed further wording to allow the Town flexibility with replacement plants where easements were granted. Discussion ensued. It was agreed to defer until the next day's meeting.

It was the consensus of the Town Council to defer Ordinance No. 07-2020 to the March 11, 2020, Town Council Development Review Meeting.

XIV. ANY OTHER MATTERS

Council Member Araskog asked that at the next day's meeting under discussion of ARCOM, she would like to discuss the term of the non-resident architect, and that the position had not been advertised properly.

XV. ADJOURNMENT

There being no further business, the Town Council Meeting of March 10, 2020, was adjourned at 12:43 p.m.

Danielle H. Moore, Town Council President

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Date