



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, MAY 13, 2020

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Wednesday, April 15, 2020, was called to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Pat Gayle-Gordon gave the Invocation and Council President Margaret A. Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following were added under Item No. XVI. ANY OTHER MATTERS:

1. New Drought Regulations
2. Scheduling of Public Works Committee Meeting

IV. APPROVAL OF AGENDA

Motion was made by Council Member Crampton and was seconded by Council Member Moore to approve the agenda as amended. On roll call, the motion passed 4-0 with Council President Pro Tem Lindsay muted and unable to vote.

V. BOARD AND COMMISSIONS APPOINTMENTS

A. Appointments to the Planning and Zoning Commission

Pat Gayle-Gordon, Acting Town Clerk

Acting Town Clerk Gayle-Gordon announced that after tallying the ballots Eric Christu was appointed as a regular member and Jorge Sanchez was appointed as an Alternate Member of the Planning and Zoning Commission.

Motion was made by Council Member Moore and was seconded by Council Member Crampton to appoint Eric Christu as a regular member and Jorge Sanchez as an Alternate Member of the Planning and Zoning Commission. On roll call, the motion passed 4-0 with Council President Pro Tem Lindsay muted and unable to vote.

- B.** Appointments to the Underground Utilities Task Force
Pat Gayle-Gordon, Acting Town Clerk

Acting Town Clerk Gayle-Gordon announced that after tallying the ballots, John B. McGowan, Jr. and Eric Shipley were appointed as regular members and Leslie Shaw as an alternate member of the Underground Utilities Task Force.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to appoint John B. McGowan, Jr. and Eric Shipley as regular members and Leslie Shaw as an alternate member of the Underground Utilities Task Force. On roll call, the motion passed 4-0 with Council President Pro Tem Lindsay muted and unable to vote.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding the re-opening of the Town during the COVID-19 pandemic and expressed her gratitude to the Garden Club for their proposal to beautify the Town including Bradley Park, Worth Avenue and the Southern Boulevard Circle. She mentioned that this month is public service month and thanked the employees of the Town and asked the Town Council to approve her declaration in honor of the first line responders, Fire Rescue and Police, and all medical personnel to fly flags at half-staff beginning tomorrow, Thursday, May 14 through Sunday, May 17, 2020.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog spoke regarding the pandemic, thanked the residents who abide by the social distancing rules and asked for continued social distancing. She also spoke about the business community and if there was anyway the community could raise funds to help them at this time.

Council Member Crampton thanked the Planning and Zoning and Public Works departments for dealing with water, sewer, drainage, planning and codes. He spoke about the flood insurance program and mentioned that FEMA after a five-year audit has awarded the Town a class 6 status – up from a class 7. This will mean a 10-20% discount on flood insurance.

Council Member Lindsay commented on the tremendous improvement with residents social distancing on the Lake Trail.

Council Member Moore cautioned residents to continue to do the right thing and

be cautious. She spoke regarding what happened on the west coast of Florida and at Cocoa Beach. She also mentioned the effects of the pandemic on the Town's budget.

Council President Zeidman cautioned that the dynamics of this coronavirus have not changed. It is still present and is being transmitted which means that each person must assess their risk and make decisions that keep them free of a COVID-19 illness. She mentioned that businesses and restaurants are taking all of the precautions necessary to reopen in a safe manner. She again thanked the Palm Beach Daily News, the Palm Beach Civic Association and the Citizens Association for their help in keeping our community informed and therefore healthy.

VIII. COMMUNICATIONS FROM CITIZENS

Acting Town Clerk Gayle-Gordon announced that she had received no emails to be read into the record.

Diane Buhler, Friends of Palm Beach, gave a brief update on the ongoing private beach cleaning project. She reported that there were a few turtle nests on the newly laid sand from the Midtown Beach Renourishment project.

Jay Boodheshwar, read letters from the Citizens Association of Palm Beach regarding Council Members' decisions at the meetings and Robert A. Shelton, 215 Phipps Plaza regarding a parking ticket he received in Town.

IX. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Lindsay to approve the Consent Agenda. On roll call, the motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
 - a. April 15, 2020, Town Council Meeting Minutes
 - b. April 15, 2020, Town Council Development Review Meeting Minutes

Pat Gayle-Gordon, Acting Town Clerk
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 29, 2020

Wayne Bergman, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 25-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Change Order to Overtime Building Maintenance in

the Annual Amount of \$33,000 for Janitorial Services for the Mandel Recreation Center and Authorizing a Total of \$132,000 for Four Remaining Years of the Contract Contingent upon future Budget approvals and \$17,805 for the additional cleaning of Town facilities during COVID-19 for \$17,805 for the remainder of FY20 for a total Change Order of \$149,805.

Dean Mealy, Purchasing Manager

2. RESOLUTION NO. 30-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation For Award Of RFQ No. 2020-07, For A Pool Of Pre-Qualified Roofing Contractors, To Include Advanced Roofing, Inc., Hi-Tech Roofing And Sheet Metal, Inc., Triple M. Roofing Corp., And Trusted Construction Inc. For A Period Of Five Years.

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 31-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Duties of the Defined Contribution Retirement Plan Committee; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.

Danielle Olson, Director of Human Resources

4. RESOLUTION NO. 32-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Amended And Restated Interlocal Agreement And Authorizing The Town Manager And Staff To Execute All Documents Necessary On Behalf Of The Town Of Palm Beach.

Nicholas Caristo, Chief of Police

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Code Enforcement Board. Written report only.
Michael Small, Vice Chair

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Araskog to accept the Annual Report of the Code Enforcement Board. On roll call, the motion passed unanimously.

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 33-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and

Abandoning Existing Public Utility Easements within Phase 1 North Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

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

Director of Public Works, Paul Brazil introduced Patricia Strayer, Town Engineer, who gave an overview of the process of vacating and abandoning the easements.

Deputy Town Manager Boodheshwar announced that there are no public comments regarding this Resolution.

Motion was made by Council Member Moore and was seconded by Council Member Araskog to approve Resolution No. 33-2020. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project

Steve Stern, Project Manager

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

Steve Stern, Project Manager, gave an update regarding the project. He stated that the community meetings are on hold due to the pandemic but questions can be forwarded to undergrounding@townofpalmbeach.com. He reported the following:

Phase 1 North and South: Complete

Phase 2 North: 85% complete

Phase 2 South: In progress

Phase 3 North: Drilling (heavy) work almost complete

Phase 3 South: Bid package almost complete

Phase 4 North: Bid package almost complete

Phase 4 South: Significant progress with easement acquisition

Phase 5 North and South: Easement acquisition

Phases 6, 7 & 8: Either in design or not started

Manager Stern responded to Councilmember Araskog that 40 of 64 easements in Phase 4 have been recorded or verbally approved. Town Attorney Randolph responded to Councilmember Crampton that the appeal of the undergrounding project was now in the Appellate Court and he did not know when a decision would be handed down.

Council President Pro Tem Lindsay commented that easements were getting harder to receive. Manager Stern explained for every property

owner who accepted an easement the Town sends them a thank you note and asks if they would be a reference for the Town.

Discussion ensued regarding the private property easements and some residents' unwillingness to grant them.

b. RESOLUTION NO. 33-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements within Phase 1 North Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

Resolution No. 33-2020 was approved as a Public Hearing.

2. Town Marina Project Update

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

Director of Public Works Paul Brazil gave an update on the progress of the start-up work being carried out at the marina. He stated that as of May 1st the contractor had showed up with both workers and equipment along with five (5) barges to deliver heavy equipment and on-site fences and gates were already installed. He mentioned that there was some concern regarding personal protective devices but he had personally observed workers using them if they came within six feet of each other and the site seemed to be very safe.

a. Discussion Regarding Potential Procurement of Additional Design Consultant

Council President Pro Tem Lindsay gave a historical update on the Town Docks, and requested that the Town Council approve her request for an expert design consultant who has the artistic talent and civic experience to advise the Town on how to make improvements to all elements of the park and marina which will preserve their beauty and usefulness.

Dean Mealy, Purchasing Manager, referred to his May 7th memorandum outlining the basic input after his meeting with Council President Pro Tem Lindsay. He then explained the process of issuing a Request for Qualifications (RFQ) for the Design Consultant.

Director Brazil explained both the Landmarks Preservation Commission (LPC) and Architectural Commission (ARCOM) approval processes for the marina buildings. He also gave an overview of the timeframe for the approvals.

Mr. Mealy responded to Mayor Coniglio's queries regarding purchase order limits by explaining the different award thresholds and the timelines involved.

Council Member Araskog expressed her disappointment with the proposal and stated that she wished that she had met with Kimley-Horn & Associates. She also stated that the Town Council view the plan before it is presented to the public and supported waiting another month for the plan.

Jay Boodheshwar, Deputy Town Manager, gave a review of the Master Plan and recommended that the work be finished with Kimley-Horn and the plan be brought back to the Town Council in June for a decision to be made as to whether it is needed or not.

Pat Cooper asked if the Garden Club could be a partner in this project. Council President Pro Tem Lindsay responded that the Garden Club is closed until November.

Susan Gary, 229 Onondaga Avenue, agreed that this project deserves consideration and supported Lindsay's suggestion to move forward on a parallel course.

Discussion ensued after which the Town Council approved the process to select the Design Consultant.

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Crampton to issue a Request for Quotation to design experts to review the marina project upland plans that have already been approved, as well as the Kimley-Horn plans that are in development, to include a look at the landscaping, park, trail, gates, seating and other ancillary equipment within the park, lighting and so on, and give a report relative to what they think should be changed. On roll call, the Motion passed 3-2 with Ms. Araskog and Ms. Moore dissenting.

- b. RESOLUTION NO. 24-2020 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving Additional Contingency of \$100,000 for W.F. Baird and/or Murray Logan Construction, Inc. for the Town Marina Project to Realize from Value Engineering Savings of the Seawall Design/Construction in the Amount of \$302,273.

Director Brazil reported that there were two (2) value engineering issues to be resolved ie. the bulkheads and the electrical system. He stated that the design team thought that it would be more cost effective to do a cantilever wall, which is a long steep steel sheet pile wall driven into the ground, instead of the bulkhead. After the contract was awarded to Murray Logan, David Logan informed that he had the equipment to dig everything upland to get an anchoring system which would result in a cost savings to the Town. This design will result in a net cost savings of \$341,353. As to the electrical system, Director Brazil explained the various pros and cons of the redesign offered by the vendor, he then advised that the Town should not pursue the electrical distribution provision. At this point he recommended that

the wall revision be pursued but not the electrical system provision.

Director Brazil advised that Dean Mealy, Purchasing Manager, is currently working on direct owner purchase of the necessary materials (dock sections, piles for the docks, sheet piles for the wall and electrical equipment) so the Town does not pay sales tax.

Motion was made by Council Member Crampton and was seconded by Council Member Moore to approve Resolution No. 24-2020. On roll call, the motion passed unanimously.

3. COVID-19

Kirk W. Blouin, Town Manager

a. RESOLUTION NO. 34-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To June 9, 2020, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Town Manager Kirk Blouin gave an overview of the declaration of the state of emergency that was declared by the Chief of Police and requested that the state of emergency be extended to June 9, 2020. He explained the reason for the recent change in the curfew hours from the 9PM to 6AM to 11PM to 6AM being the reason that some restaurants were now open for dining.

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Crampton to approve Resolution No. 34-2020. On roll call, the motion passed unanimously.

b. Discussion on Matters, Including but not Limited to, Curfew Hours, Beaches, Restaurant Outdoor Seating, Retail, and Board/Commission Meetings.

Council Member Araskog asked if the curfew could be 11PM for restaurant closings and midnight for workers. Manager Blouin explained that the times should not be complicated.

Motion was made by Council President Zeidman and was seconded by Council President Pro Tem Lindsay to keep curfew hours from 11:00 PM to 6:00 AM. On roll call, the motion passed unanimously.

Town Manager Blouin enquired if the public beaches should continue to remain closed and if so, for how long. After lengthy discussion, it

was the decision of the Council to keep the beaches closed until May 26, 2020, the day after Memorial Day.

Motion was made by Council Member Moore and was seconded by Council Member Crampton to keep the Town's beaches closed until May 26, 2020 from sunrise to sunset for active use only consistent with social distancing. On roll call, the motion passed unanimously.

Town Manager Blouin gave an overview of the current restrictions in place regarding restaurants. Deputy Town Manager Jay Boodheshwar referred to the supplemental backup regarding restaurant seating and spoke regarding the draft Application for Temporary Outdoor Dining and Outdoor Retail Displays. He explained the process for the review and approval of the application by staff.

The Town Council Meeting was recessed at 2:35 p.m. and reconvened at 3:23 p.m.

Deputy Town Manager Boodheshwar reported that the Town would require the same level of insurance, as well as a Hold Harmless agreement, as is required for Special Event Permits for this application.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve temporary use of public outdoor spaces for restaurant outdoor seating and retail displays as outlined by staff. On roll call, the motion passed unanimously.

Council President Zeidman spoke regarding the various reasons due to the pandemic why commission members may be reluctant to attend meetings held in Town Hall. Deputy Town Manager Boodheshwar provided color-coded diagrams that comply with CDC social distancing guidelines showing schematics for council meetings and other public meetings. He mentioned that this would significantly limit the number of people that can be in the council chambers. He strongly recommended that everyone attending wear masks and gloves.

Council Member Araskog expressed her concerns for holding public meetings in Chambers at this time.

Fire Rescue Chief Darrell Donatto reported that he and Jay had worked with the Fire Marshall to prepare the schematic drawings and they do meet the social distancing requirements although they do not meet the gatherings of ten persons or more requirements.

Discussion ensued regarding virtual meeting platforms, CDC social distancing guidelines and the Governor's Executive Order regarding holding virtual public meetings. Mr. Boodheshwar explained that the Executive Order is tied to the State of Emergency. Responding to Council Member Moore, Mr. Boodheshwar explained the difference

with using GoToMeeting vs. Zoom. Chief Donatto spoke regarding entry and exit measures to the council chambers.

The following Commission Members spoke on this item:

Michael Small, 156 East Inlet Drive, Chair of ARCOM
Rene Silvin, Australian Avenue, Chair of LPC
Maisie Grace, 247 Seaspray Avenue, ARCOM member

Mr. Boodheshwar explained the reasons for using GoToMeeting instead of Zoom.

A lengthy discussion ensued regarding the pros and cons of in-person and virtual meetings.

Motion was made by Council Member Moore and was seconded by Council Member Crampton to hold public meetings in the Town Council Chambers with social distancing measures as outlined by staff. On roll call, the motion passed 4-1 with Council Member Araskog dissenting.

B. New Business

1. Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2019.

Jane Le Clainche, Director of Finance, introduced Ron Bennett, Partner at Nowlen, Holt and Miner who presented the report. Mr. Bennett gave an explanation of the different sections of the report. Ms. Le Clainche stated that a report on the reserve status was also included in the backup. Council President Zeidman pointed out the various awards the Town has received for its budget presentations.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2019. On roll call, the motion passed unanimously.

2. Consideration of Proposal from the Garden Club to Design and Fund Improvements in Bradley Park.

Director of Public Works, Paul Brazil gave an overview of the need for the Garden Club's assistance.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to accept the proposal to design and fund the Bradley Park improvements on condition that the Town receives an approval letter from the Diocese. On roll call, the

motion passed unanimously.

3. Discussion Regarding Administrative and Personnel Committee

Council President Zeidman gave an overview of the reasons for renaming this defunct committee and having it consider any issues not covered by a specific committee.

After lengthy discussion, it was agreed to change the name of the committee to the Business and Administrative Committee with Lew Crampton, Chair and Danielle Moore as a member.

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Araskog to change the Administrative and Personnel Committee to the Business and Administrative Committee. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda: If needed

XIII. ANY OTHER MATTERS

1. New Drought Regulations
Julie Araskog, Town Council Member

Council Member Araskog requested staff to update residents regarding the drought restrictions. Jay Boodheshwar reported that the Town issued a news release on April 28th regarding the water restrictions that were in place. He also reported that Wayne Bergman, Director of PZB also reached out to landscape vendors and contractors that do business in Town to advise them of the restrictions. He informed the public that at this time the restrictions are for lawns and landscape areas only (not golf courses, athletic fields). The restrictions for watering for residential properties are 2 days per week from 7PM to 7AM. The watering days depend on whether your address is even or odd numbered. There are some exemptions for smart irrigation systems according to the Town code.

2. Schedule Public Works Committee Meeting
Danielle H. Moore, Town Council Member

Council Member Moore requested scheduling a Public Works as she is the new Chair for that committee.

3. Messages at Bridges Regarding Social Distancing
Julie Araskog, Town Council Member

Council Member Araskog requested that social distancing rules be placed on a sign at the bridges.

4. Breakers Hotel Re-opening
Julie Araskog, Town Council Member

Council Member spoke on the re-opening of the Breakers Hotel on May 22, 2020 and the quarantine measures for guests at the hotel. She discussed the Importance of our Town businesses, economical issues facing our Town businesses, the need for the Town to find avenues to help our businesses due to the losses from COVID and asked if the community could as others have raise funds for those businesses in need as suggested by letters to the editor.

XIV. ADJOURNMENT

There being no further business to discuss, the Town Council Meeting of May 13, 2020, was adjourned at 5:10 p.m.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Date