



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, JUNE 10, 2020

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Wednesday, June 10, 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 changes were made to the agenda:

1. Item No. IX.A.2. TOWN MARINA PROJECT UPDATE is re-numbered as follows:

c. renumbered as a.

a. renumbered as b.

b. renumbered as c.

2. Resolution No. 44-2020 is added as Item No. IX.A.3.e

IV. APPROVAL OF AGENDA

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

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Gail Coniglio thanked the following employees who have retired for their years of service to the Town: James Nelms for 23 years of service in Public Works and Allan Emery for 15 years of service at the Town Docks. She commented on the ARCOM and Landmarks Preservation Commission meetings that were held in the council chambers; thanked the staff and police department's handling of the protests in Town and directed residents to begin hurricane preparations.

VI. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog spoke regarding the protests concerning the incident in Minneapolis. She also spoke regarding the rumor of a protest in Town that was attended by a single resident. She stated that the Town did not hold the event. She thanked the Town Manager, Police Chief and the Police Officers for their handling of the protests.

Council Member Crampton thanked Council Member Araskog for her remarks and said he was in agreement with her comments. He stated that the newly created Business and Administrative Committee had been tasked with looking into parking issues and the first meeting will be held on Tuesday, June 23, 2020 at 9:30 a.m.

Council President Pro Tem Lindsay congratulated and thanked Council Member Araskog for her comments and stated that she felt the same way. She stated that she was thankful for the Business and Administrative Committee scheduling a meeting to handle the parking management problem.

Council Member Moore thanked Council Member Araskog for her comments. She also thanked the Public Works Dept. (specifically Paul Brazil and Patricia Strayer) for handling an incident involving the gas company which affected her home.

Council President Zeidman thanked Council Member Araskog for her comments and stated that the "demonstration attended by one person" was a rumor and had not been scheduled. President Zeidman then spoke regarding Dr. Alina Alonso, Director of Palm Beach County Dept. of Health, and the information being relayed by her. She then spoke about the purple folders and how they will be handled in the future.

VII. COMMUNICATIONS FROM CITIZENS—3 MINUTE LIMIT PLEASE

Jay Boodheshwar, Deputy Town Manager notified all that Johnathon Stern who expressed his wish to speak was having technical difficulties joining the meeting. He wished to speak on the facial covering issue and was advised to send his comments via email and it would be read at that item.

Rene Silvin, 422 Australian Avenue, spoke regarding the Town's management and policing policy.

VIII. APPROVAL OF CONSENT AGENDA

Item No. VIII.B.2. Resolution No. 37-2020 was pulled from the Consent Agenda and heard as Item No. IX.B.1.

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

A. MINUTES

1. Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk
 - a. May 13, 2020, Town Council Meeting Minutes
 - b. May 13, 2020, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 27, 2020.
Wayne Bergman, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 35-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for RFQ No. 2020-08, Pre-qualification of Contractors for Minor Construction to the Following Five Firms: Republic Construction Corporation, CRS Associates Inc., E & F Florida Enterprises Inc., IQ Construction Inc., and Arch Enterprises Inc.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 37-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Spur Employment Inc., in the Amount of \$123,575 for the Remainder of FY20, and an Increase to the Remaining Four Years of the Contract in the Amount of \$494,300 Contingent Upon Subsequent Need for Services, Budget Approval and Satisfactory Vendor Performance.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 38-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Town Marina Deposit Rates For Annual And Seasonal Leases To Commence In Fall 2021.
Carolyn Stone, Director of Business Development and Operations
4. RESOLUTION NO. 39-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$120,047 to Coastal Eco-Group, Inc., for the 2020 Annual FDEP BMA Cell-Wide Biological Monitoring, and Establishing a Cell-Wide Biological Monitoring Phase Budget of \$130,000.
H. Paul Brazil, P.E., Director of Public Works
5. RESOLUTION NO. 40-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designation of the Historic/Specimen Tree from the Property at 1 Via Sunny within the Town of Palm Beach. Providing for the Recording of Said Removal and De-Designation; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida.
H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 41-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$149,648 to Applied Technology & Management, Inc., for Town-Wide 2020 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$160,000.

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

C. OTHER

1. 227 Miraflores Drive, El Paraiso Subdivision
2. Endorse Palm Beach Resilient Islands Phase I in Lake Worth Lagoon

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

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

IX. 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 on the status of the undergrounding project. He informed that the undergrounding public meetings were on hold due to the coronavirus pandemic. He reported on the following phases of the project:

Phase 2N: 80% complete

Phase 2S: On schedule

Phase 3N: Over 50% complete

Phase 3S: Easement acquisition in progress. No progress on Golfview Road.

Phase 4N: Easement acquisition nearly complete. 4 chicanes on Monterrey, Orange Grove and List Roads.

Phase 4S: Easement acquisition in progress; 42 of 63 recorded/ approved.

Phases 5N and 5S: Slow progress in easement acquisitions.

He mentioned there were no changes to the financial summary from last month.

Council Member Araskog inquired about the critical easements in the current phases and the process going forward if they were not received. Mr. Stern responded that those could be postponed until the end of the project.

Council Member Crampton thanked Mr. Stern for his help with the residents' problems in the south end.

Responding to Council President Pro Tem Lindsay, Mr. Stern informed

that for Phase 5S, they were asking for easements from property owners on South Lake Drive so that 5 vista switches could be placed on private property instead of on the public green space.

2. Town Marina Project Update

Jay Boodheshwar, Deputy Town Manager

a. Design Concept Recommendation for Improvements to Lake Drive Park, South Lake Drive, and Marina Parking

This item was heard as item (b).

Deputy Town Manager Jay Boodheshwar explained that the agenda was structured to match the prepared presentation – overview, design concept process, review of project timeline, recommendations and then resolutions. He asked that staff be allowed their presentation prior to motion on the Peer Review. After much discussion about the order of presentations, President Zeidman instructed Mr. Boodheshwar to move forward with his presentation.

Mr. Boodheshwar gave an overview of the various design concepts that were received from the residents and pointed out the features that were necessary for the Marina operations.

A lengthy discussion ensued after which it was decided that Design Concept A-1 which had been selected by the public on May 20, 2020 as the most desirable plan and would best suit the project. Mr. Boodheshwar summarized the scope of work for Fairfax & Sammons being A-1 as the baseline and the recommendation will be presented at the July council meeting. Mr. Brazil pointed out that there are 15 work days between today and the deadline for backup for the July council meeting as this is a very tight timeline an update will be presented at the council meeting if it is not complete. Mr. Brazil explained the reasons for installation of the upgraded electrical conduits and wirings.

Motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay to approve Design Concept A-1 and the installation of new conduits and wirings. On roll call, the motion passed unanimously.

b. RESOLUTION NO. 43-2020 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for Additional Design Task Services for Landmarks Preservation Commission Application for the Town Marina Project to W.F. Baird & Associates, in an Amount Not-To-Exceed \$25,000 to Increase the Purchase Order from \$1,706,229.25 to \$1,731,229.25.

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

This item was heard as item (c).

Mr. Boodheshwar explained the need for an increase to the purchase order but Town Council decided to defer this resolution to a later date as requested by staff.

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Lindsay to defer Resolution No. 43-2020. On roll call, the motion passed unanimously.

c. RESOLUTION NO. 42-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for RFP No. 2020-16, Design Consultant and Peer Review of Lake Drive Park to Fairfax, Sammons & Partners, LLC in the Amount Not To Exceed \$34,500.

Dean Mealy, Purchasing Manager

This item was heard as item (a).

Mr. Boodheshwar introduced Dean Mealy, Purchasing Manager, who explained the process by which the Selection Committee recommended Fairfax, Sammons & Partners, LLC to be awarded RFP No. 2020-16. He highlighted that there was a firm cap of \$34,999 for this RFP and that the turnaround time for the review would be no more than two weeks.

Council President Pro Tem Lindsay explained that the reasoning behind this peer review was the fact that several different design concepts were offered by the residents of the community and the staff and she thought it imperative that a firm with wide experience in civic projects of their caliber be sought for their expertise. She went on to say that all aspects should relate to each other as a coordinated concept.

Mr. Boodheshwar responded to Mayor Coniglio that at the last council meeting it was decided that the procurement process to select the design consultant should continue and staff should return to Council with the decision. Mr. Mealy stated that the scope for the process satisfied the guidelines and the law but was not sufficient to move forward.

Council Member Araskog remarked that the RFP requested no more than two weeks for the review and pointed out that the firm chosen by the selection committee was of the high caliber deserving of the Town of Palm Beach.

In response to Council Member Crampton, Mr. Boodheshwar briefly explained the timeline for the process.

Paul Brazil, Director of Public Works cautioned all that an inordinate amount of time cannot be spent on any one step in the process.

Council President Pro Tem Lindsay spoke regarding the timeframe for the improvements to be carried out.

Council President Zeidman remarked that the project was of utmost importance as that location is one of the gateways to the Town and as a civic project worthy of another pair of eyes. She stated that this marina will be here for decades to come.

Motion was made by Council Member Crampton and was seconded by Council Member Araskog to approve Resolution No. 42-2020. On roll call, the motion passed 4-1 with Council Member Moore dissenting.

3. Update and Discussion on Matters Relating to the Town's Response to the Coronavirus Pandemic

Kirk W. Blouin, Town Manager

a. Report on Status of Outdoor Seating for Restaurants and Retail Displays

Town Manager Kirk Blouin referred to the report in the backup and gave an update on the number of restaurants (10) and retail establishments (33) that had applied for outdoor seating/space. He also mentioned that one complaint had been received regarding private establishments using public spaces. Mr. Boodheshwar reported that eleven applications have been approved for outdoor seating. He explained the fees being charged for this usage as \$2500 damage deposit for use of public parks and \$1000 damage deposit for use of public sidewalk spaces. He stated that no approval will be given for use of sidewalk space which impedes ADA or public access. After discussion, it was decided that the use of the public spaces and damage deposit will be determined by staff.

b. Consideration of Mandatory Facial Coverings in the Town of Palm Beach

Council Member Moore expressed her disapproval for mandatory facial coverings as she felt it could lead to lawsuits against the Town. Council Member Lindsay also voiced her concern regarding this mandatory order but felt it should be the responsibility of the business establishments and suggested that they post signs for requiring mandatory facial coverings to enter the establishment. Council President Zeidman explained the reasons for wearing a facial covering and reported on the number of COVID-19 cases in the Palm Beach County, the State of Florida and the U.S.A. She remarked that she was not in favor of making facial coverings mandatory at this time because enforcement would utilize our law enforcement resources at a time when they were needed. She asked Chief Caristo to share his perspective. She stated, "should you wear a mask and will the mask reduce transmission? The answer is yes and yes." Council Member Crampton and Mayor Coniglio also expressed concern for making facial coverings mandatory because it would be "confusing" without the rest of the County following suit. Council Member Araskog expressed approval for the mandatory facial coverings. Police Chief Caristo spoke regarding certain counties that do have a mandatory facial covering order. Town Manager Blouin advised that Broward and Miami-Dade Counties do have an order in place. Palm Beach County does not currently have an order in place, but strongly encourages wearing of a facial covering when social distancing cannot be enforced. Chief Caristo expressed his concerns regarding the difficulties in enforcing the order.

Deputy Town Manager Boodheshwar read an email from Johnathon Stern as public comment.

Town Attorney John C. Randolph advised that he was not concerned about lawsuits as this was for public health and safety. He stated he was more concerned with the difficulties the Police will have with enforcement of the order.

After further discussion, it was determined that there will be no order at this time regarding mandatory facial coverings in Town but the Emergency Order mandating masks would remain as a potential action under the Town's Emergency Orders, if needed.

c. Update on Public Meetings (verbal update only)

Deputy Town Manager Boodheshwar explained that staff had put certain measures in place in the Council Chambers to follow the social distancing guidelines and was ready to move forward with returning to in-person meetings. He also stated that virtual meetings should continue until the end of June.

Council President Zeidman expressed several concerns regarding in-person meetings including residents who have homes in other states and having them returning for meetings. Council Member Araskog expressed her concerns about returning to in-person meetings and stated that she would like to continue virtual meetings. Mayor Coniglio requested that the July and August meetings continue to be held virtually. Council Member Crampton stated that his preference is for in-person meetings. President Pro Tem Lindsay expressed her concerns and stated that she was in favor of returning to in-person meetings. Council Member Moore expressed her concern about travelling back from Michigan and having to quarantine for 14 days before and after the meeting, so she is in favor of holding virtual meetings in July.

At the request of President Zeidman, Deputy Town Manager Boodheshwar explained the process of using GoToWebinar for holding meetings. He explained that it could accommodate a maximum of six people using the webcam. He cautioned that it would be best to use a wired (cable from modem to computer) connection to prevent degraded video connectivity. He also explained the reasons for using GoToWebinar vs. GoToMeeting for public meetings.

President Zeidman announced that all public meetings will continue to be held virtually until the end of July and that this will be revisited at the July meeting to make a determination regarding August meetings.

d. Discussion Regarding Lake Trail Rules (verbal update only)

Council President Zeidman introduced Police Chief Caristo who provided an overview of the uses of the trail.

Council Member Araskog stated that she had received complaints from residents concerning the times of use for walkers and riders. Chief Caristo suggested keeping the usage times on the trail to be as simple as possible to avoid confusion.

After further discussion, it was decided to return to normal hours of operation on the Lake Trail when Palm Beach County enters Phase II reopening, but for now the hours will remain as they are under the Emergency Orders: 9AM to 4PM walkers only.

- e. RESOLUTION NO. 44-2020 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 July 14, 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 Blouin gave an overview of the reasons for the extension of the Town's State of Emergency order.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to approve Resolution No. 44-2020. On roll call, the motion passed unanimously.

B. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 37-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Spur Employment Inc., in the Amount of \$123,575 for the Remainder of FY20, and an Increase to the Remaining Four Years of the Contract in the Amount of \$494,300 Contingent Upon Subsequent Need for Services, Budget Approval and Satisfactory Vendor Performance.
Dean Mealy, Purchasing Manager

Dean Mealy, Purchasing Manager reported that the change order to the contract for Spur Employment Inc. was due to the Police Department's need for temporary parking enforcement officers.

Motion was made by Council Member Araskog and was seconded by Council President Zeidman to approve Resolution No. 37-2020. On roll call, the motion passed unanimously.

X. ANY OTHER MATTERS – None

XI. ADJOURNMENT

There being no further business to discuss, the Town Council Meeting of June 10, 2020, was adjourned at 5:55 p.m.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Date

Council Member Araskog's Comments made at the June 10, 2020 Meeting.

I went to law school at 48 because of the atrocities I witnessed in regard to the inherent bias and unfairness of our judicial system and arrests when it came to the poor and mentally ill, especially African Americans and Hispanics. We have a problem and I have seen it first hand. I stand with Kirk Blouin and all the comments he made at Town Hall last week. I do not think there is a resident in town who does not believe what happened in Minneapolis was inhumane and atrocious, and many have contacted me to say exactly that. People expressed concern about protests in our Town due to COVID and our older population. Others wished they could have joined protests. Still others joined protests in West Palm Beach

I am deeply disturbed by the coverage in the Daily News last Thursday titled "Floyd Protest: Woman 80 is sole protester at Town of Palm Beach Event," that went viral, making it appear that the Town had an event and that only one person cared to show up to speak out against the killing of George Floyd. CNN even ran it. The Town did not have an event, there was nothing scheduled...there was just a rumor of a possible event. The Town alert stated that we would keep the residents updated. Additionally, that was the exact time our Town Manager, who served honorably as a police officer and police chief, was updating the residents on the current situation and denouncing the actions of the Minneapolis officers involved in the killing of George Floyd. Council Members asked to greet protesters at the Bridge, but there were COVID and safety issues and we learned the protest was actually scheduled [to take place] in West Palm Beach.

The police asked residents to stay home on that day for our safety as there were threats and they wanted to keep us safe. We saw what happened in Miami, Fort Lauderdale and even West Palm Beach, not to mention towns and cities across the country. There were peaceful protesters who were in pain and needed a voice. They deserve to be heard.

But there were also agitators and looters who took advantage of the situation causing violence and destruction. You cannot predict what will happen when tensions are high. Decisions were made based on INTEL to keep our residents safe. We will never know what would have happened if not for the actions of our Police Chief, and the Secret Service, Sheriff's office and the West Palm Beach Police Department. Being the home of the Winter White House brings more security issues than the average Town, and our chief did not want to risk the lives or property of our residents and business owners and their employees.

I applaud Chief Caristo for making difficult decisions to keep our Town and Businesses safe. Storeowners have thanked me for the tough decisions made to protect their investments that have taken huge hits from Corona. One storeowner described the devastation to businesses by looters and agitators who wreaked havoc in an area where she has another store in Manhattan. We did our best and I am proud of our police department. Some officers were spit on- they did not

respond. Some saw peaceful protesters dehydrated and they came to the aid of those individuals without a second thought. Our residents and police were misrepresented and I do not believe it was appropriate or fair.

In closing, I would like to say that we all need to show more kindness to each other and to understand the pain of discrimination in our country. We also need to understand the pain of good officers who go to work every day facing dangers none of us could imagine. Most became police officers to serve others and are not capable of the actions in Minnesota or of racism. Many officers were wounded or killed as a result of the violence that occurred, not by peaceful protesters, but by those who were out to get any officer good or bad. We need to all come together for change but please do not lump all officers together forgetting those who selflessly serve communities all over Florida and our country, and especially, right here in our Town. I am for change and hope we can come together to heal and bring about much needed discussion and action for equality and justice for all. As the pledge of allegiance we just proclaimed stated: One nation, under God, indivisible, with liberty and justice for all.