



TOWN OF PALM BEACH

ACTION MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 12, 2023

I. CALL TO ORDER AND ROLL CALL (3:25)

The Town Council Meeting 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 (4:05)

Led by Deputy Town Clerk Gayle-Gordon and Council President Zeidman.

III. MODIFICATIONS TO THE AGENDA (4:44)

The following modifications were made to the agenda:

- 1) Item No. X.C.1 Discussion Regarding Traffic Issues and Presentation of Mitigation Plans

TIME CERTAIN: 11:30 AM

Summary added to the backup.

- 2) Item No. X.C.2 Discussion Regarding Agreement for Legal Fees with Jones, Foster

Addition of RESOLUTION NO. 157-2023

- 3) Withdrawal of ORDINANCE NO. 023-2023

IV. APPROVAL OF AGENDA (6:43)

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

V. **RECOGNITIONS (7:09)**

Mayor Moore thanked all the retiring members of the Underground Utilities Task Force. She presented recognition plaques to Zachary Shipley, John McGowan, Jr., and Leslie Shaw.

VI. **COMMENTS OF MAYOR DANIELLE H. MOORE (11:07)**

Mayor Moore thanked the Police Department for holding a Safety Day on Saturday, December 9, 2023. She also expressed appreciation to the Police and Fire Foundation. Mayor Moore recognized several employees for their years of service to the Town. Town Attorney, John “Skip” Randolph, was recognized on his retirement after 44 years of service to the Town. Mayor Moore thanked him for providing legal counsel and his incredible knowledge and devotion to the Town.

VII. **COMMENTS OF TOWN COUNCIL MEMBERS (17:36)**

Council President Zeidman expressed her thanks to Mr. Randolph for his service and his wise advice over the years.

Council President Lindsay expressed her appreciation for Mr. Randolph’s service.

Council Member Crampton stated that Mr. Randolph’s retirement was bittersweet and would be missed as he was a good friend to everyone in Town. Mr. Crampton spoke regarding a letter written by former Mayor Gail Coniglio and ten other women published in the Shiny Sheet on November 26, 2023. He read a portion of the letter. He stated that he believed that the town was at an inflection point and that everyone should be more protective of the decisions being made for the town.

Council Member Araskog stated that Mr. Randolph’s integrity and moral compass had led the way for everyone else to be moral and to have integrity. She thanked him for serving the Town and admired his love for the community. She wished everyone happy holidays and agreed with Council Member Crampton’s comments regarding the letter he read. Council Member Araskog also apologized to Mrs. Ailes regarding comments made at a recent council meeting. She stated that she had great respect for Mrs. Ailes and her integrity.

Council Member Cooney stated that Mr. Randolph had guided him when he became active in local government and thanked him for his service to the Town.

Council President Zeidman mentioned the upcoming amendments regarding the Zoning Code. She spoke regarding the draft Traffic Study from the Corradino Group and stated that it was important for staff to have the opportunity to read the study before presentation to the Town Council.

VIII. **COMMUNICATIONS FROM CITIZENS -3 MINUTE LIMIT PLEASE (36:18)**

Richard Sammons, 455 Worth Avenue, ARCOM member declared a conflict regarding the Charette in February.

Diane Buhler, Friends of Palm Beach, spoke regarding the ongoing beach cleanup. She stated there was an increase in medical waste on the beaches.

IX. **APPROVAL OF CONSENT AGENDA (47:51)**

The following items were pulled from the Consent Agenda and heard under Item No. X.A.:

IX.B.3. RESOLUTION NO. 153-2023

IX.B.5. RESOLUTION NO. 155-2023

IX.C.1. Donation Acceptance from the Police and Fire Foundation

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

A. MINUTES

1. Town Council Meeting Minutes
 - a. November 14, 2023, Town Council Meeting Minutes
 - b. November 15, 2023, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 20, 2023

B. RESOLUTIONS

1. RESOLUTION NO. 151-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving an award to Coastal Protection Engineering LLC in a not-to-exceed amount of \$278,515 for professional services related to federal permitting of the Mid-Town Beach Nourishment Project.
2. RESOLUTION NO. 152-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a retroactive payment authorization to the Municipal Public Safety Communications Consortium of Palm Beach County, LLC for annual membership dues in the amount of \$124,777.15.
3. RESOLUTION NO. 153-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving Police and

Fire Departments radio replacement with Motorola Solutions utilizing the NASPO Value Point Cooperative Contract in the amount of \$1,479,388.91 for police radios, \$690,369.91 for fire radios and \$972,613 for dispatch consoles for a total price of \$3,092,371.82 which includes a \$50,000 trade-in allowance. Payment milestones will be \$2,061,581.21 upon issuance of contract and \$1,030,791.61 at final system acceptance no earlier than October 1, 2024.

Pulled from Consent

4. RESOLUTION NO. 154-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kelly Tractor Company in the amount of \$357,400 and establishing a project budget of \$375,500 for the acquisition of a replacement Landfill Bulldozer.
5. RESOLUTION NO. 155-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for on-call consulting, permit compliance, sampling, and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities in the annual amount of \$143,452 and establishing a project budget of \$160,000.

– Pulled from Consent

C. OTHER

1. Donation Acceptance from the Police and Fire Foundation
2. West Palm Beach Mobility Coalition
3. Permission to Close Country Club Road for Annual Inspection of the Delta-8 Stormwater Station and Permission to Close North Lake Way for Annual Inspection of Sanitary Sewer Stations Echo-1 & Echo-2
4. Recommending Dissolving the Underground Utilities Task Force
5. Authorization for 160 Royal Palm Way - Use of Right-of-Way During Season

– Pulled from Consent

X. REGULAR AGENDA

A. Matters Pulled From Consent Agenda:

1. [RESOLUTION NO. 153-2023 \(49:45\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving Police and Fire Departments radio replacement with Motorola Solutions utilizing the NASPO Value Point Cooperative Contract in the amount of \$1,479,388.91 for police radios, \$690,369.91 for fire radios and \$972,613 for dispatch consoles for a total price of \$3,092,371.82 which includes a \$50,000 trade-in allowance. Payment milestones will be \$2,061,581.21 upon issuance of contract and \$1,030,791.61 at final system acceptance no earlier than October 1, 2024.

At the request of Council President Pro Tem Lindsay, Town Manager Blouin explained that the request is for a five-year contract for Police and Fire radios and dispatch consoles. He stated that the town has been a member of the Municipal Public Safety Communications Consortium of Palm Beach County, Inc. (MPSCC), and member municipalities since 2006.

Responding to Council Member Araskog, Andy Jadoo, Director of Information Technology stated that anti-virus and fiber connectivity exist and are currently being used without any issues.

Motion was made by Council President Pro Tem Lindsay and seconded by Council Member Crampton to approve Resolution No. 153-2023. On roll call the Motion passed unanimously.

2. [RESOLUTION NO. 155-2023 \(1:07:56\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for on-call consulting, permit compliance, sampling, and monitoring at the Skees Road and Okeechobee Boulevard Landfill Facilities in the annual amount of \$143,452 and establishing a project budget of \$160,000.

Council Member Araskog requested a re-consideration of the Consent Agenda.

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

Motion was made by Council Member Araskog and seconded by Council Member Crampton to pull item no. IX.C.5. from the Consent Agenda. On roll call, the Motion passed unanimously.

Motion was made by Council Member Crampton and seconded by Council Member Cooney to approve Resolution No. 155-2023. On roll call, the Motion passed unanimously.

3. [Donation Acceptance from the Police and Fire Foundation \(1:13:59\)](#)

Sean Baker, Assistant Fire Chief, explained that the donation would be committed to the AED program which would make Palm Beach a safer community. The AEDs would be strategically placed in Town to improve response rates for sudden cardiac arrest. Training in the use of the equipment would be provided to residents and local businesses. He stated that units would be available for purchase.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to approve acceptance of the donation from the Police and Fire Foundation. On roll call, the Motion passed unanimously.

4. [Authorization for 160 Royal Palm Way – Use of Right-of-Way During Season \(1:20:10\)](#)

In response to Council Member Araskog, Mr. Brazil explained that the work zone would be inside the scaffolding and pedestrians would walk around the scaffolding.

Motion was made by Council Member Cooney and seconded by Council Member Araskog to authorize the use of right-of-way during season for 160 Royal Palm Way. On roll call, the Motion passed unanimously.

B. Old Business

1. [Town-Wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status \(1:22:30\)](#)

Patricia Strayer, Public Works, stated there was no additional information on moving forward with the undergrounding project. She said Phase III would be moving forward with conversions, and Phase V north and south would include energizing the underground network. Conversions in those areas have not begun. Phase VI north is significantly the construction and drilling, which have already exceeded 50 percent. Residents may feel the impacts of Phase IV south, as construction progresses. In dealing with Florida Power and Light (FPL) as far as trading out the streetlights, they would do so without delay or additional cost.

2. [RESOLUTION NO. 156-2023 \(1:30:00\)](#) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving additional funding to Kimley-Horn and Associates, LLC in the amount of \$50,000 for professional engineering on an as-needed basis related to the Water Supply Feasibility Study for a total award amount of \$666,380.

Mr. Brazil said staff has been working with Kimley-Horn on this water supply feasibility study for almost four (4) years. Kimley-Horn was selected through a competitive bidding process. The job was awarded in 2020 for \$316,000, and since then, the staff has recommended, and the Town Council has approved three change orders, each for \$100,000. The staff is at the point of initial negotiations with the two entities, and the project is where the staff had thought it would be. To secure the assistance of Kimley-Horn in the future, an additional Change Order would have to be approved in the amount of \$50,000. This would maintain their services through negotiations, for additional public meetings, and for any additional technical assistance that may be necessary, as a determination is being made about who will supply water to the town.

Motion was made by Council Member Cooney and seconded by Council

Member Crampton to approve Resolution No. 156-2023. On roll call, the Motion passed unanimously.

3. [Updated Comprehensive Parking Plan \(1:32:40\)](#)

Council Member Crampton stated that the ride-share service, Rove, will not be implemented in town. The parting of ways was amicable, and they will be moving to another area to offer their services.

Lt. Paul Alber, Police Department, presented the updates regarding the parking stickers sold and signage that had been installed. He shared real-time data collected from high-performing parking zones within Town.

4. [Landscape and Lawn Maintenance Request Earlier Start Time at 8:30 AM on Weekdays \(1:58:55\)](#)

Colin Goldsmith, 2116 Bellcrest Court, Royal Palm Beach, FL, Botanica Landscaping spoke regarding the challenges faced by landscaping servicers as it relates to the 9:00 a.m. start time. He stated that an earlier start time would improve their ability to get into town before the morning rush hour.

After a lengthy discussion, the Town Council directed Mr. Goldsmith to return to next month's council meeting with confirmation of an Association of Landscape Professionals and a summary of actions to be accomplished by the association's members that would benefit the town's residents.

C. New Business

1. [Discussion Regarding Traffic Issues and Presentation of Mitigation Plans \(2:22:32\)](#)

Council President Zeidman reported that on December 4, 2023, Chief Caristo, Major Scanlon, Lt. Watson and herself met with the Secret Service, Mar-A-Lago Event Coordinator Niki Russell and Harvey Oyer, Attorney to discuss recent events at the Club that caused traffic congestion and the ways to prevent future occurrences. She stated that Mr. Oyer would present a redlined version of the Declaration of Use in January, which would reflect the changes agreed upon during the meeting. She gave a summary of the changes.

Chief Caristo reported that a compromise was reached due to the meeting with personnel at Mar-A-Lago and since then some issues have been corrected. Chief Caristo presented statistics relating to traffic congestion in the area. He reported that in February, he and Mayor Moore forwarded a letter to the US Coast Guard requesting delayed bridge openings during peak hours. The Coast Guard agreed to delayed openings on the Flagler Bridge beginning in August. A request was submitted for delayed openings for the Southern and Royal Park bridges. In October, the US Coast

Guard agreed to delayed openings on a trial basis. The staff has been informed that a Notice of Opposed Rulemaking was submitted which would allow for permanent delayed openings for all three bridges.

Discussion ensued regarding traffic issues and mitigation strategies.

The following residents spoke regarding traffic issues:

Daniel Fairbanks, 138 Chilean Avenue

Jimmy Zisson, 3400 South Ocean Boulevard

Leslie Evans, 256 Worth Avenue, Suite 314, representing Dr. and Mrs. Jerry Lemore

Bill Walde, 141 Barton Avenue

2. [Discussion Regarding Agreement for Legal Fees with Jones Foster \(3:30:48\)](#)

RESOLUTION NO. 157-2023 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Memorandum of Understanding and Agreement and Fee Agreement with Jones Foster P.A.; Authorizing the Town Council President to Execute the Memorandum of Understanding and Agreement; Authorizing the Town Manager to Execute the Fee Agreement; Providing an Effective Date.

Responding to Council President Pro Tem Lindsay, Attorney O'Connor suggested that CPI adjustments be incorporated in the agreement with Mr. Miracle's guidance.

At Council President Zeidman's request regarding the plan to educate her associates regarding the various boards/commissions, Attorney O'Connor explained that there were two Associates who do similar work for other municipalities. For the next couple of months, she will accompany the Associates to the meetings so they will get to know the staff members.

Anita Seltzer, 44 Cocoanut Row, thanked Attorney Randolph for his service to the Town. She expressed concerns regarding Ms. O'Connor not attending all meetings and how information would be transferred from one board/commission to another.

Mayor Moore suggested that a caveat be added to the contract that Attorney O'Connor should attend any meetings of ARCOM or Landmarks Preservation Commission pertaining to commercial projects. Ms. O'Connor agreed.

Motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Resolution No. 157-2023, and the agreement regarding legal fees being set for the next two (2) years after which returning

to the Town Council for CPI increase. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

XI. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend Chapter 46 of the Town Code Relative to Fire Prevention and Protection

ORDINANCE NO. 023-2023 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 46, Fire Prevention and Protection in Accordance with Florida Statute 633.202 and 633.208 the "Florida Fire Prevention Code" Adopted by the State of Florida Fire Marshall In Chapter 69A-60 Of the Florida Administrative Code with Local Amendments, National Fire Protection Association National Fire Code - N.F.P.A. 1, Florida Current Edition; And National Fire Protection Association Life Safety Code - N.F.P.A. 01, Florida Current Edition; Including Amendments To Sections 46-32, 46-33, 46-36, 46-66, 46-68, 46-69, 46-70, 46- 71, 46-72, 46-73, 46-74, 46-75, 46-76, 46-77, 46-78, 46-80, And 46-82 All As Provided In Exhibit A Attached; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith; Providing For Codification; And Providing For An Effective Date.

This item was withdrawn.

B. First Reading

1. [Proposed Ordinance to Amend the Town's Equipment Replacement Fund \(3:21:16\)](#)

ORDINANCE NO. 027-2023 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Equipment Replacement Fund Adopted for the Fiscal Year Commencing October 1, 2023, and Providing an Effective Date.

Mr. Miracle explained this Ordinance and advised that this budget amendment would allow for the first installment payment for the Police and Fire radio equipment.

Motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Ordinance No. 027-2023 on First Reading. On roll call, the Motion passed 4-0 with Council Member Araskog absent.

XII. ANY OTHER MATTERS (3:46:08)

XIII. ADJOURNMENT (3:46:49)

Motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the Town Council Meeting of December 12, 2023, at 3:12 PM. On roll call, the Motion 4-0 with Council Member Araskog absent.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date