

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of the Council Regular Meeting of December 16, 2021.

ISSUE: It is necessary for Village Council to approve all Village Council meeting minutes.

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Village Clerk		01/20/22	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, DECEMBER 16, 2021
6:30 P.M.**

Ways to Participate

- In Person: Public may participate in person at the Village Meeting Hall, 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411.
- Computer, Tablet, Smartphone: Public may participate remotely by joining GoToWebinar from your computer, tablet or smartphone via www.royalpalmbeach.com/webmeetings.
- Telephone: Public may listen only via phone remotely by dialing United States +1 (914) 614-3221, Webinar ID: 141-518-659, Access Code: 608-279-079.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Fred Pinto
Vice Mayor Richard Valuntas
Councilman Jeff Hmara
Councilwoman Selena Samios
Councilwoman Jan Rodusky

All members of the Council were present along with the Village Manager, Village Attorney (Keith Davis) and the Village Clerk.

REPORTS

Mayor Pinto reported on the Transportation Planning Agency meeting where Valerie Neilson was appointed as Interim Executive Director. Mayor Pinto received consensus to have the Village Attorney review and recommend new language to modify a condition of approval with the restriction of a drive through for a coffee shop on Tract 115. It was noted there is an existing condition of approval to allow for a drive through bank.

Councilwoman Samios thanked the Chabad Jewish Center on their Hanukkah event. She reported on the Young at Heart luncheon, thanked staff and participants that attended the WinterFest and thanked the Central Palm Beach County Chamber of Commerce and the Hispanic Chamber and all the volunteers involved in the Holiday Parade. She announced a school meal program offered by Palm Beach County School District over the winter break that provides 13 meal kits and referred anyone interested to their website. Councilwoman Samios reminded everyone to keep their dogs on a leash on Commons Park and all areas in the Village. The Village Manager reminded everyone there is a lease law in place for Palm Beach County and after a verbal warning and written warning violators can be banned from the park and arrested for trespassing. Councilwoman Samios reported on upcoming events in Commons Park with Food Trucks, a tribute band on Friday night, movie on Saturday night as well as a New Year's Eve concert from 5:00 p.m. to 9:00 p.m. She said starting in January the concerts will be held on the first and third Friday on the month. Councilwoman Samios reported on the renovations at Todd Robiner Park that include a kayak launch/rental and starting January 10th the Senior Meal Program will begin again, any questions call 561-753-1241 for all senior events. Congratulations to Captain Naujoks who has been invited

to join the FBI National Academy in Quantico, VA. She recognized Noah Borges who earned his Eagle Scout badge for his part in a flag retirement box being placed at Veterans Park. Shakira Thomas, Recreation Program Supervisor was featured on the cover of the Art & Cultural Magazine and will be a featured speaker at the Cultural Council on January 15th. Councilwoman Samios wished everyone a happy healthy holiday.

Vice Mayor Valuntas announced on January 11th there will be an election held for residents of the Congressional District 20. He congratulated the Mayor and Councilwoman Samios on their reelection.

Councilman Hmara reported on the Literacy Coalition of Palm Beach County's Read for the Record and provided a 2021 Honorable Mention recognition award. He reported on the Education Advisory Board meeting where H.L. Johnson Elementary school was showcased and an in person performance was given by the Pentatonic Pride Chorus along with a presentation by Principal Crystal Amado-Kucharski. Also at that meeting, the new Royal Palm Beach High School Principal Michelle Fleming was introduced. Councilman Hmara referred to the issue brought up at the last council meeting by a resident concerning the H.L. Johnson parking lot near the heart trail and sidewalk. He said he and the EAB Chairman canvassed the area and reported that a meeting was held with Principal Amado-Kucharski where she will remind parents there is a pickup and drop off area. In addition, there will be posted signs added as well as volunteers to monitor the traffic at that particular parking area.

Councilwoman Rodusky reported that the Palm Beach County School District is collaborating with the Paper Education Company offering online/on demand 24/7 free tutoring for all Palm Beach County students starting January 4th through the end of May. She wished everyone a happy holiday.

The Village Manager asked Captain Naujoks to give an update on the body worn cameras previously discussed at the July meeting.

PBSO Captain Naujoks reported that last July support teams met with seven different vendors to discuss the available technology. After that, they created a request for proposals and five vendors responded that met the criteria and are supplying cameras to review. PBSO anticipates implementation in 2022. He explained the depth of the policies and directives that are involved with regard to training 1500 – 2000 deputies and its effect on 1,000 PBSO cars as well.

PETITIONS - None

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS OR CONSENT AGENDA ITEMS

Gary Hines of 149 Kings Way thanked the Mayor and Council, the Village Manager, staff and PBSO for their efforts and wished everyone a happy holiday.

Jeff Feldman of Sunshine Properties, LLC appeared virtually and the Village Manager recognized him but his audio was malfunctioning and could not be heard. The Village Manager said that Mr. Feldman wanted to speak about the difference between the Palm Beach County Industrial Limited zoning and the Village's Industrial Limited zoning district. After several tries to have Mr.

Feldman speak, it was inaudible. The Village Manager invited him to attend the Village's January 20th Council meeting and noted that staff would not be recommending any changing to the Industrial Limited Zoning as it relates to Special Exceptions.

CONSENT AGENDA

The Village Clerk read into the record the Consent Agenda as follows:

- 1. Approval of the minutes of the Council Regular Meeting of November 18, 2021. (Village Clerk)**
- 2. Approval and authorization for the Village Manager to execute the "First Amendment and Consent to Assignment of Professional Auditing Services Agreement" in order to assign the current Agreement with Caler, Donten, Levine, Cohen, Porter & Veil, P.A. to Marcum, LLP in accordance with Paragraph 16 of the Agreement. (Finance Director)**
- 3. Approval and authorization for the Village Manager to execute the First Addendum to the Food and Beverage Services Agreement with Seeds Café, LLC, to postpone the commencement date of the agreement in response to COVID-19 to September 1, 2021. (Finance Director)**
- 4. Public Works is requesting ratification of an emergency procurement for the repair of the embankment at the pedestrian bridge on Royal Palm Beach Boulevard. The work was procured and completed as an emergency procurement in accordance with Sec. 10-98(b) of the Village Code. The Village received Estimate #5023 from Wynn & Sons Environmental Construction Co. Inc., piggybacking their Palm Beach County Contract, in the amount of \$54,640.00 with funding from CIP, PW1806 Bridge Slope Stabilization. (Director of Public Works)**
- 5. Approval and authorization for the Village Manager to execute the Second Addendum to the Professional Services Agreement for Urban Forestry Services in order to extend the agreement for the second and final renewal period ending January 1, 2023. (Director of P & Z)**
- 6. Approval of a Special Event Permit for Pet Supplies Plus to hold a pet wellness event located at 11051 Southern Boulevard, Suite 160 and situated within the Southern Palms Crossing Shopping Center, on Saturday, January 22, 2022 from 9:00 a.m. until 6:00 p.m. (Director of P & Z)**
- 7. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 301 in the fiscal year 2021/2022 Budget. Said amendment to transfer a total of \$196,000 from Undesignated Fund Balance (3990100) to Commons Park Pathway Lighting. (PR1903) (Finance Director)**

8. **Approval of the bid award in the amount of \$960,000.00 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder for the Commons Park Pathway Lighting (PR1903) project to Gerelco Traffic Controls, Inc. (Engineering)**
9. **Approval and authorization for the Village Manager to execute Change Order #5 for License Plate Reader Camera Installation (EN2106) project with ER Tech Systems Group Inc. dba Broadcast Systems. The cost for said services shall not exceed \$92,010.18 and funds will come from project EN2106 License Plate Reader Camera Installation. (Engineering)**
10. **Approval and authorization to modify College Tuition Reimbursement Policy to allow part time employees of the Village of Royal Palm Beach to apply for tuition reimbursement benefits. (Director of Human Resources)**
11. **Approval and authorization for the Village Manager to facilitate a Change Order to the Agreement with Epicurean Park, LLC, dba Nex Era Services for Roadway Grounds Maintenance Service to modify the Scope of Work to add, as Other Services, the additional maintenance area of Royal Palm Beach Boulevard from Okeechobee Boulevard to 40th Street. The Change Order includes increased cost for FY22 in the amount of \$72,375.80. (Director of Public Works)**
12. **Adoption of Resolution No. 21-22, joining with the State of Florida and other local government units as a participant in the Florida Memorandum of Understanding and Formal Agreement, and authorizing the Mayor to execute the Florida Memorandum of Understanding and any additional settlements obtained related to the opioid litigation. (Village Manager)**

Councilwoman Samios pulled Items #2 and 12.

Councilman Hmara made a motion to approve the Consent Agenda less Items #2 and 12; seconded by Vice Mayor Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

The Finance Director recognized Mark Veil and thanked him for helping make this auditing service change a seamless transition. He reported that the current audit staff will remain in place and that Marcum has committed to take over the contract with no changes.

Moises Ariza, Partner with Marcum addressed Consent Item No. 2. He stated this firm specializes in government audits, has worked closely with Mark Veil during the transition, and reiterated the audit team will remain the same as well as the contract terms, fees and time lines.

The Village Attorney addressed Consent Item No. 12. He referred to a state level settlement being structured that creates pots of money where the Village could potentially receive \$126,000 in settlement proceeds spread out over 18 years. He explained the thresholds needed to collect the money that includes

approving this Resolution and MOU in order to allow the Village to participate and receive the funds. Councilwoman Samios confirmed the Village is a non-litigation municipality.

Councilwoman Samios made a motion to approve Consent Agenda Items #2 and 12; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. Initial consideration by Village Council of a proposed conveyance of Village-owned property by applicants: 1) Paint Lux, LLC and 2) Keiser University. (Village Manager)

The Village Manager stated this is to consider a proposed conveyance of Village owned property. Two adjacent property owners showed interest in purchasing this vacant property to expand their businesses. The Village Manager reported Keiser University wishes to expand as a pre-school and Paint Lux, LLC wishes to expand their parking area. He explained the ordinance process.

Angelle and Corey Gibson, owners of Paint Lux, LLC said they have been in business since 2012, gave a history of their property being a body shop since 1983. Ms. Gibson stated that they are a family owned body shop and the property would allow them more secure parking while repairs are being made. She asked for consideration to allow them to purchase the property to create a secure, well lit parking area aesthetically pleasing with hedges.

Andrea Keiser representing Artemis Investments LLC, Southeastern College and Keiser University announced they would be taking over the Ideal School and continuing the preschool operations. She reported on the daycare workforce shortage in the early learning industry and has partnered with Keiser University to create an early childhood program. The preschool will be located at the 400 building and the university will be located at the 300 building previously the Ideal School. She explained the early childhood development program where the students will have hands on training with the preschool. The property would be used to extend the existing parking and beautified with landscaping. She said there will be no overnight parking, would not warrant lights or security cameras and asked for consideration in continuing to meet and serve the needs of families with this shortage.

Mayor Pinto received clarification on the use of the property as a parking lot for student needs at this time but it was noted that in the future consideration may be requested for expansion of the classrooms. Councilwoman Samios confirmed the current schools are in compliance for parking and site plan requirements. Ms. Keiser explained that Keiser's initial school year enrollment would be between 150 to 200 adult students requiring additional parking but noted not all classes will occur at the same time. She also referred to a recent the site plan submittal showing parking and playground area will be deficient without the requested parking expansion. The Village Manager added that the land would be able to accommodate 100 parking spaces.

Mayor Pinto proposed splitting the property in order to accommodate both parties. The Village Manager stated that if the property were split it would have

to be replatted as well as have a land use and zoning change. He recommended the two interested parties meet to discuss.

Councilwoman Samios made a motion to approve selling this parcel of land specifically to the two applicants; seconded by Vice Mayor Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 2. Public hearing for second reading and adoption of Ordinance No. 1020, amending Chapter 9. Fences, hedges and walls. at Section 9-1. Permit required for construction; permit fee. to add an exemption to the permit requirement for fence repairs or replacement which is less than twenty-five percent (25%) of the permitted installation and at Section 9-8. Residential Zoning districts. to revise existing regulations to require certain fences installed in residential zoning districts to be constructed to present the finished side of the fence to the adjoining lot or any abutting right-of-way. (Community Development Director).**

The Community Development Director stated this ordinance is a housekeeping measure regarding the amount of repair/replacement of permanent residential fences without requiring a permit and clarification for determining fees. He said fences installed in residential districts would be required to be constructed to present the finished side of the fence to the adjoining lot or any abutting a right-of-way as well as in front yards between the primary structure and front lot line would be at a maximum 4'.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Vice Mayor Valuntas made a motion to approve; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

- 3. Public hearing for first reading and approval of Ordinance No. 1023, adopting an amendment to the Village's Comprehensive Development Plan in accordance with the mandates set forth in Section 163.3184, et seq., Florida Statutes, to add and adopt a private property rights element. (Village Attorney, Keith W. Davis, Esq.)**

The Village Attorney stated last year the Florida Legislature passed a new law that requires all local governments to adopt and add to their comprehensive plan a private property rights element which recognizes the property owners have certain rights and provides objectives and policies that indicate that private property rights would be considered in local decision-making based upon physical possession, personal use, privacy and disposition of property. He reported the second policy states that all development applications shall be made available for public review and an affected person/party shall be provided equal opportunity for participation of in all associated hearings.

After confirming with the Village Clerk and the Village Manager there were no public comments, Mayor Pinto closed public comment with no response.

Councilman Hmara made a motion to approve; seconded by Vice Mayor Valuntas. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

**4. Appointment of one resident to the Education Advisory Board.
(Council Liaison)**

Councilman Hmara, Council Liaison made the motion to appoint Alternate Denise Lawrence to fill the regular seat with term ending March 2023; and appoint Jennifer Sullivan to the Alternate seat with term ending March 2022; seconded by Councilwoman Rodusky. Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk