

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of the minutes of the Final Public Budget Hearing of September 19, 2019 and Council Regular Meeting of September 19, 2019.

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		10/17/19	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF FINAL PUBLIC BUDGET HEARING
VILLAGE MEETING HALL
1050-A ROYAL PALM BEACH BOULEVARD
THURSDAY, SEPTEMBER 19, 2019
6:30 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Also present were the Village Manager, the Village Attorney and the Village Clerk.

Mayor Pinto opened the Public Hearing

PUBLIC HEARING

- 1. Announce that the proposed operating millage rate necessary to fund the budget is 4.13% above the rolled-back millage rate of 1.8438 mils.**

The Mayor announced that the proposed operating millage rate necessary to fund the budget is 4.13% above the rolled-back rate of 1.8438 mils.

- 2. Announce the proposed operating millage rate is 1.9200 for the General Fund.**

The Mayor announced the proposed operating millage rate is 1.9200 for the General Fund.

- 3. Finance Director Review since First Budget Hearing.**

The Finance Director reported there were no changes in the budget since the First Budget Hearing.

- 4. Comments from the public – None**

- 5. Council adoption of final millage rate of 1.9200 for the General Fund. Adoption of Resolution No. 19-23. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, adopting the final millage rate for the Village of Royal Palm Beach for the fiscal year commencing on October 1, 2019 and**

ending on September 30, 2020; providing an effective date; and for other purposes.

Councilman Valuntas made a motion to approve the final millage rate for fiscal year 2019-2020 the final millage rate is set at 1.9200 mils and Resolution No. 19-23 seconded by Councilman Hmara. Hearing no discussion or public comment, Mayor Pinto put the motion to a vote and it passed 4-0.

- 6. Adoption of final Budget for fiscal year 2019/2020. Adoption of Resolution No. 19-24. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, adopting its final budget for Fiscal Year 2019/2020; providing that the budget hereby adopted may be adjusted or modified by subsequent resolution of the Village Council under certain circumstances; providing a conflicts clause and a severability clause; providing an effective date; and for other purposes.**

Councilman Hmara made a motion to adopt the Fiscal Year 2019/2020 Budget and Resolution No. 19-24; seconded by Councilman Valuntas. Hearing no discussion or public comment, Mayor Pinto put the motion to a vote and it passed 4-0.

- 7. Close public hearing.**

Mayor Pinto closed the public hearing.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, SEPTEMBER 19, 2019
IMMEDIATELY FOLLOWING FINAL PUBLIC BUDGET HEARING**

PLEDGE OF ALLEGIANCE

ROLL CALL

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

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

PRESENTATION OF 15 YEAR SERVICE AWARD TO ROBERT LOVETRE

Robert was unable to attend so the service award was presented to him at a different time.

REPORTS

Mayor Pinto stated that a presentation was given at the Western Communities Council meeting on the 2020 Census explaining that the process will be done primarily by internet and postcard. He further explained that there will be nine questions to answer with a timeline starting in March of 2020 and a 30-day window. He expressed the importance of the Census reporting that Palm Beach County lost \$300 million dollars in funding with the undercount of the 2010 Census. Mayor Pinto also reported at that meeting the County Engineer gave an update on State Road 7. Mayor Pinto discussed several transportation issues that came up at a recent meeting of the Transportation Planning Agency. At the TPA meeting, it was reported that the staff members currently working for Palm Beach County would be transitioning on September 28th to the independent agency. He announced that October 2nd is National Walk to School Day. He reported on the five-year Long Range Transportation Plan. He said opposition remains for the extension of State Road 7 to Northlake Boulevard from the new County Commissioner Gregg Weiss and the City of West Palm Beach. The LRTP includes new Tri-Rail management objectives. Mayor Pinto announced that there are new TPA guidelines for bus shelters and asked staff to review them and report back.

Councilwoman Samios congratulated Trees Wings and Ribs for coming in third place for best traditional wings at the National Buffalo Wing contest in Buffalo, New York. Royal Palm Brewing Company also received a gold medal for their Psycho Sisters Imperial Russian Stout at the U.S. Open Beer Championship. She invited everyone to Movie Night/Hocus Pocus and Gourmet Food Truck event at Commons Park on October 11th at 7:30 p.m. Announced that the Young at Heart registration is open and that in the last two days 200 people have registered. She said the Village Voice is available on line each month and a New Business Guide is available on the website. She wished Attis Solomon a

Happy 97th Birthday on October 14th and recognized Kathleen Stavropulos' 97th birthday on August 17th.

Councilman Hmara shared information about the Literacy Coalition of Palm Beach County's yearly "Read for the Record" program. The event will be held on November 7th and announced this year's book is *Thank You Oma*. He reported that Regional Superintendent Valerie Haines provided information on additional security measures as well as additional mental health counselors being added to the schools at the Education Advisory Board meeting and that Principal Armas made a presentation noting that the high school has been voted the Happiest High School in Palm Beach County. Principal Armas said there are 24 teachers that are alumni of Royal Palm Beach High School who have returned to teach there and the school has been given a B rating. The graduation rate is at 93% and this year the Palm Beach County Teacher of the Year selected is from Royal Palm Beach High School. Councilman Hmara, who sits on the Executive Committee for the Intergovernmental Issues Forum, announced it would be reinitiated at the County level to consider sea level rise, water issues, hurricane prep, regional transportation network and affordable, obtainable, appropriate housing.

Vice Mayor Rodusky followed up with information about "Read for the Record" and reported that it is the 11th year of Read together Palm Beach County and announced that their book is *One In a Million Boy* by Monica Wood. The final read together finale will be held on November 21st at the Harriet Theatre. She reported on a meeting with a volunteer coordinator for Guardian Ad Litem who is recruiting volunteers and asked permission to invite her to a future meeting and to meet with the Young at Heart as well. She referred to the new texting and driving law and announced that Senator Powell will be hosting a Community Forum on this issue on Tuesday, September 24th at the Manifest Church located at 2275 Palm Beach Lakes Boulevard. She also invited everyone to the Library's 50th anniversary celebration in Royal Palm Beach on Wednesday, September 25th at 4:30 p.m.

Keith Davis stated the PBC League of Cities will be hosting Ethics Training on October 30th at the Town of Lantana where he will be presenting information on Public Records.

PETITIONS – None

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

Andrew Mahiotis of 11985 Park Central provided a handout and stated his safety and liability concerns regarding the traffic from the commercial center as well as the day-to-day residential traffic coming into the main entrance of the Cypress Key development noting the HOA is required to maintain the roadways. He referred to page three showing the entrances into the Publix shopping center and asked that a public entrance be considered and offered the suggestion of a sound wall. Mayor Pinto directed the resident to meet with the Village Manager and staff.

Anthony Swan of 11949 Park Central reported on problems with the developer at Cypress Key regarding structural and drainage issues. He stated concerns

and issues with the approved drainage plans, a/c plans, automatic garage door into the house, non-ventilation of the garage and serious structure cracks. He also stated safety concerns with the entrances and exits from the development.

The Village Manager responded that he understands the issues through previous meetings with Mr. Swan. He stated the Village has not certified the development drainage, is aware of some modifications done and that there remains a maintenance bond for the project if needed. Mayor Pinto again referred the resident to meet with the Village Manager and Engineer for further review of the drainage.

Erica Swan of 11949 Park Central stated when the property was purchased the plans were different from what is developed today. The initial plans included a six-foot wall that matched the side of the property, included oak trees, complete separation from the commercial sites and no traffic circle. She too stated her concerns with the entranceways, traffic, the HOA of Park Central being responsible for roadway maintenance as well as drainage issues.

The Village Manager confirmed that the roadways are private but open to the public because the maintenance costs are pro-rata shared with the commercial properties. He also reported on the drainage issues, FEMA and flood insurance requirements although he was not aware of a mandate for flood insurance.

Nicholas Petrino of 2660 Carambola Drive representing V & S Landscaping referred to the bid for Roadway and Grounds Maintenance services and reported that his company was disqualified for not producing numbers for one of the roadways. He further reviewed the bid packets, specifications and acknowledged that the bid was submitted incorrectly explaining it was his impression that the company was allowed to submit a bid for only a certain portion and asked the Village to reconsider and accept their bid.

The Village Manager responded the Village had that option but chose not to apply it to this bid. The Director of Public Works further explained the Village's options to separate the bid.

CONSENT AGENDA

The Village Clerk read into the record the following Consent Agenda:

- 1. Approval of the minutes of the Council Regular Meeting of August 15, 2019 and First Public Budget Hearing of September 5, 2019. (Village Clerk)**
- 2. Approval and authorization to renew annual software licensing and software maintenance support with Superior Public Sector, Inc. in the amount of \$60,000.00. (Finance Director)**
- 3. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 303 in the fiscal year 2018/2019 Budget. Said amendment to transfer a total of \$65,000 from Undesignated Fund Balance (0100) to Veterans Park Walkway (PR1924). (Finance Director)**

4. **Approval and authorization to issue the American Legion Post No. 367 a grant equal to its regular meeting space rental costs for its monthly meeting at the recreation center for the period beginning October 1, 2019 through September 30, 2020 in the amount of \$480.00. (Director of Parks & Recreation)**
5. **Approval and authorization for the Village Manager to enter into an agreement with Broadcast Systems, Inc. in an amount not to exceed \$100,000 for the purchase and installation of security cameras at the Recreation Center, Katz Soccer Complex and Camellia Park, by piggybacking GSA contract #GSO7F173GA. (Director of Parks & Recreation)**
6. **Approval and authorization for the Village Manager to execute the First Addendum to the Communication Plan Professional Service Agreement by and between MY PR Guru and the Village of Royal Palm Beach. (Village Manager)**
7. **Approval and authorization for the Mayor to execute the Fourth Addendum to the Law Enforcement Service Agreement by and between the Palm Beach County Sheriff's Office and the Village of Royal Palm Beach. (Village Manager)**
8. **Adoption of Resolution No. 19-26. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida adopting a revised Schedule of Fees and Charges; specifically repealing Resolution 19-10; providing that this Schedule of Fees and Charges shall be available for inspection at all times at the Village Hall during regular business hours; providing an effective date; and for other purposes. (Village Clerk)**
9. **Approval of the bid award in the amount of \$931,990.16 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder for Road Resurfacing (PW19RR) to Rapid Milling and Paving LLC. (Village Engineer)**
10. **Approval and authorization for the Village Manager to execute an addendum to extend Bridge Construction Engineering and Inspection Services provided by Alan Gerwig & Associates for two years. (Village Engineer)**
11. **Approval and authorization for the Village Manager to enter into a Professional Services Agreement for Landscape Architect Services with Cotleur & Hearing. (Village Engineer)**
12. **Approval and authorization for the Village Manager to enter into a Professional Services Agreement for Stormwater Engineering Services with CDM Smith, Inc. (Village Engineer)**
13. **Approval and authorization for the Mayor to execute a supplemental grant agreement with the Florida Department of Transportation for the construction of ADA improvements in the neighborhoods of The Colony and Counterpoint Estates. (Village Engineer)**

14. **Approval of a Special Event Permit for Palm Beach County Sheriff's Office to hold a Night out Against Crime at Target located at 10155 Okeechobee Boulevard, on Friday, October 4, 2019 from 3:00 p.m. until 10:00 p.m. (P & Z Director)**
15. **Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Green Market and Bazaar at Village Hall every Saturday, beginning October 19, 2019 through April 25, 2020 from 9:00 a.m. to 1:00 p.m. (P & Z Director)**
16. **Approval of a Special Event Permit for the American Cancer Society to conduct their "Glow in the Dark Fun Run 5K" Event at Royal Palm Beach Commons Park on Saturday, January 18, 2020 from 5:30 p.m. until 8:30 p.m. (P & Z Director)**
17. **Approval of bid award and authorization for the Village Manager to enter into contract with Epicurean Park, LLC, dba Nex Era Services, the lowest responsive, responsible bidder, in the amount of \$242,399.41 for Roadway Grounds Maintenance Service on State Road 7 and State Road 80. (Director of Public Works)**
18. **Approval of bid award and authorization for the Village Manager to enter into contract with U.S. Sweeping, Inc., the lowest responsive, responsible bidder, in the amount of \$26,348.41 for Street Sweeping. Funding source is from the Stormwater Utility operating budget. (Director of Public Works)**

Councilman Valuntas made a motion to approve the Consent Agenda; seconded by Councilman Hmara. Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. **Public hearing for Second Reading and adoption of Ordinance No. 994 granting a 30-year electric franchise to Florida Power & Light Company, its successors and assigns, and imposing provisions and conditions related thereto, including payment to the Village of a monthly franchise fee. (Finance Director)**

The Village Attorney read into the record Ordinance No. 994 by title only.

Mayor Pinto opened and closed public comment with no response.

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

2. **Public hearing for Second Reading and adoption of Ordinance No. 992 and Application No. 18-0078 (LSCPA), an application by Urban Design Kilday Studios. The applicant is seeking a change of land use designation for a parcel of land totaling 13.144± acres, more or less, from Palm Beach County's Low Residential-2 (PBC, LR-2) land use**

designation, to the Village's Open Space (OS) land use designation, located on the south side of Southern Boulevard approximately 0.27 a mile west of State Road 7. Agent: Ali Palmer of Urban Design Kilday Studios. (P & Z Director)

The P & Z Director stated the goal of Pod 8 is to be the receiving area for the recreation obligation for Pods 2, 3 and 4 that is approximately 10 acres with the remaining acres in the FPL easement. Staff considered compatibility with adjacent land uses, consistency with the Comprehensive Plan and whether the actions would exacerbate any existing public facility capacity deficits. The land use change is consistent with the Comprehensive Plan, compatible with the adjacent future land uses, meets all concurrency level of service standards and is consistent with the requirements of Chapter 163 of Florida Statute. The Local Planning Agency and staff recommended approval.

Mayor Pinto opened and closed public comment with no response.

The Village Attorney read into the record Ordinance No. 992 by title only.

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

Developer Brian Tuttle of the Tuttle Royale project followed the vote with a presentation on the project by Urban Design Kilday Studios as well as his own comments. He reported that the total taxable value on this property will be approximately 650 million dollars with the Village getting almost 2 percent which is almost a \$1.2 million dollar budget increase. He also reviewed the tax values at the Wellington Mall area. He said this project had the potential to add approximately 500 jobs. Mr. Tuttle reported on the off-site and on site development costs and critical dates for the preliminary plat and master plan approvals. He said the big issue for the project is the charter school opening by August of 2020 and asked for a brainstorming session with staff in order to have the charter school ground breaking in January 2020. He added that the charter school is the key for this development.

The Village Manager explained the criteria needed to get the project moving that include preliminary plat approval, construction drawings and permits in place as well as a final plat with a guarantee. The Village Manager added that also needed is a conditional building permit as well as permission from the Council. He also stated that one piece of land still requires proof of ownership and gave an option to remove the Pod 2 section from the plats. Mr. Tuttle responded that the ownership is being clarified and expects the paperwork by October 3rd. The Village Manager directed him to the Planning and Zoning department in order to schedule the requested meetings and set up a timeline.

- 3. Public hearing to consider Variance Application No. 19-043 (SVAR), an application by RD Royal Palm Beach, LLC, is requesting a sign variance from Section 20-56(2) to allow for an increase in the maximum height of the sign structure to 21 feet where the Village Code allows a maximum of seven (7) feet, to allow a second entrance sign on the tower feature, and to allow a reduced setback of 8.75**

feet where the Village Code requires 10 feet for a parcel located at 10900 Town Circle. * (P & Z Director)

This was quasi-judicial and the Village Attorney swore in all who will speak and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting three variances that include allowing a second entrance sign on the tower feature; an increase to the maximum height of the sign structure to 21' where the Village Code allows a maximum of seven feet and to allow a reduced setback of 8.75 feet where the Village Code requires 10 feet. The P & Z Director stated since the Planning & Zoning Commission meeting the owner has made adjustments and has withdrawn the variance for an additional sign to be located on the tower feature and as a consequence it then reduces the overall height of the sign. The P & Z Director stated the sign structure has a tower attached to the sign that is 21 feet in height and the actual monument portion of the sign structure would be 10.5 feet in height if the tower was not attached to the sign structure. The applicant contends that a larger monument sign is necessary due to the unique circumstance of the property being setback approximately 200 feet from the closest point of the adjacent Southern Boulevard right-of-way. The property is setback 200 feet from Southern Boulevard due to the location of the C-51 canal being located between the roadway and the property. The applicant asserts that other similar residential developments located throughout the Village of Royal Palm Beach also have taller signs than permitted by Village Code. Regarding the variance for the second sign on the tower the applicant contends that the primary entrance sign is oriented to the east and is not visible to eastbound traffic from Southern Boulevard. The applicant also asserts that the additional sign on the tower is oriented to the north and high enough to be visible from Southern Boulevard regardless of the direction of travel. The applicant is also seeking a variance to allow for the tower element to encroach approximately 1.25 feet into the required 10 foot setback from the north property line which was constructed before obtaining a building permit. The applicant contends that the setback variance is justified by the tower being located 210 feet from the right-of-way of Southern Boulevard and it is the minimum variance necessary to allow suitable project signage. The Planning and Zoning Commission recommended denial. The P & Z Director and the Village Manager further clarified the variance requests which is to have a 10.5' high sign vs. 7 and 1.25' reduction in the setback from 10' and removal of the sign from the tower.

Councilwoman Samios and Councilman Hmara both clarified staff recommendation of denial.

Elle Halperin, Attorney for the Related Company was available for questions. She reported on the success of the development and wanted to assure that future tenants and visitors had clear signage for identification of the project.

Mayor Pinto opened and closed public comment with no response.

Councilman Valuntas made a motion to approve the variance setback from 10' to 8.75' and 7' to 10.5' on the sign; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

4. Public hearing for First Reading and approval of Ordinance No. 995, amending Chapter 15. Landscaping and Vegetation Management. to add language regarding a State Law Exemption to local government regulation of tree trimming, pruning, removal, replacement and mitigation requirements on residential properties under certain circumstances. (P & Z Director)

The Village Attorney read into the record Ordinance No. 995 by title only.

The Village Attorney stated this ordinance is based on a state law passed during the last session that restricts local governments' ability to require permits on residential property that have to do with tree pruning and removal. It amends Section 163.045, Florida Statutes, to prohibit the Village from requiring a notice, application, approval, permit, fee or mitigation for the pruning, trimming or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or licensed landscape architect that the tree presents a danger to person or property. It also prohibits the Village from requiring a property owner to replant a tree that was pruned, trimmed or removed if the property owner obtains the documentation outlined above. Based on this new legislation, Ordinance No. 995 revises Section 15-3 of the Village Code so that residential property owners are not required to comply with Village tree pruning, trimming, removal, replacement, and mitigation standards when (1) a tree on residential property presents a danger to persons or property; (2) the tree is pruned, trimmed, or removed in order to eliminate the danger to persons or property; (3) the tree is not a Village-owned tree; (4) the residential property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect confirming that the tree presents a danger to persons or property; and (5) the residential property owner obtains the required documentation from the arborist or landscape architect prior to the tree being pruned, trimmed or removed. Staff recommended approval.

After discussions regarding how to alter the ordinance language to allow the Village to move forward with its treescape program while still complying with the state mandate the Village Attorney agreed to modify the Ordinance for second reading to change the language of Sec. 15-3 (f)(3) to "the tree is not a part of the Village Tree Planting Program by agreement with the property owner".

Mayor Pinto opened and closed public comment with no response.

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

5. Approval and authorization for the Village Council to appoint one (1) member and one (1) alternate for the Issues Forum of IPARC. (Village Manager)

The Village Manager stated that 30 years ago the Village entered into an intergovernmental coordination through two interlocal agreements. The IPARC agreement is the primary agreement which meets the F.S. Chapter 163 requirements, maintains a continuous process for disseminating comprehensive

plan amendments and resolving related conflicts. The other agreement is the Issues Forum that established a method for addressing countywide issues. The Issues Forum has not been active for 20 years and to reestablish the Issues Forum each participant must nominate a member and alternate, the preference to be an elected official. The board is scheduled to meet four times per year.

Councilman Hmara stated there are five members that serve on the Executive Committee which consists of a school board member, County Commission and three elected officials from the Palm Beach County League of Cities.

Councilwoman Samios made a motion to appoint Jan Rodusky as a regular member; seconded by Councilman Valuntas. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

Councilwoman Samios made a motion to appoint Councilman Valuntas as an alternate member; seconded Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

6. Appointment of one member to the Education Advisory Board for term ending March 2020. (Council Liaison)

Councilman Hmara, Council Liaison made the motion to appoint Alternate #1 Pamela Shetka to fill a regular seat and appoint Lisa Ryan to the Alternate Seat. Both terms expire in 2020; seconded by Councilman Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk