

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 November 19, 2020.

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		12/17/20	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
*FACE MASK MUST BE WORN INSIDE VILLAGE MEETING HALL
THURSDAY, NOVEMBER 19, 2020
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. Physical attendance will be governed by current public health directives and shall be limited to ensure adequate social distancing to provide a minimum of six feet of open space between all persons physically present.
- 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 (562) 247-8321, Webinar ID: 573-753-971, Access Code: 439-275-559.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

All members of the Council were present along with the Village Manager and Village Clerk. The Village Attorney joined via virtual “GotoWebinar”.

**PRESENTATION BY CHRISTINA LAMBERT, CITY COMMISSIONER,
DISTRICT 5, CITY OF WEST PALM BEACH PRESENTING THE VILLAGE OF
ROYAL PALM BEACH THE AWARD FROM THE FLORIDA LEAGUE OF
CITIES CENSUS 2020 COMPETITION**

West Palm Beach Commissioner Christina Lambert and Wellington Councilman John McGovern presented the Village with an award for winning the recent League of Cities Census 2020 competition where ten of the County’s 38 municipalities participated in a friendly rivalry. They were present to celebrate the culmination of nearly five months and ten municipalities across Palm Beach County who came together to encourage residents of Palm Beach County to participate in the 2020 Census. She reported on why obtaining a complete Census counts is important and why the Palm Beach County Census League was formed with the goal to insure Palm Beach County residents were counted. She said of the ten participating municipalities there was an average Census increase of 6% during that period. She congratulated the Village of Royal Palm Beach on their achievement in winning the Census League competition with an increase of 6.4% for a total of 76.5% self-response rate. She thanked everyone involved.

John McGovern, Village of Wellington also congratulated the Village and thanked everyone that participated.

The Village Manager gave credit to Palm Beach Atlantic University intern and Royal Palm Beach resident Maria Landron with the Village's success rate. He said that the Council had budgeted for this position and Maria took this program from beginning to end and did an awesome job.

Maria Landron, Intern spoke on the importance of the Census campaign and thanked the Council and Village staff and everyone that participated.

The Village Manager also recognized Sandy Goodman, Census Coordinator and thanked him for his commitment.

Sandy Goodman, U.S. Census Coordinator commended the Village and Maria on their Census plan and encouraged everyone to look forward to the 2030 Census.

REPORTS

Mayor Pinto reported on a recent Palm Beach County Mayor's meeting where Mayor Scott Singer of Boca Raton and President-Elect for the Florida League of Cities called the meeting to discuss COVID-19 and working with the County and State to address related issues. At that meeting, it was the consensus to present a letter to the Palm Beach County Commission Mayor Kerner to provide expenses incurred from the different municipalities.

Councilwoman Rodusky reported on the Palm Beach County Literacy Coalition "Read for the Record" on October 29th where she read to the children at Cypress Trails Elementary. She thanked the Principal, teachers and children that participated. She reported that "Feeding South Florida" will continue their food drive through December and announced also available is the SNAP Program where applications are being taken at the Royal Palm Beach Library on the second and fourth Thursdays. She wished everyone a Happy Thanksgiving and Happy Hanukkah.

Vice Mayor Hmara also participated in "Read for the Record" and thanked the Principal at Royal Palm Beach Elementary School where he read to 600 students. He reported on the Florida League of Cities Legislative Conference where the following five issues were discussed: Sales Tax Initiatives, Annexations, Short Term Rentals, Affordable Housing and Surface Water Quality. The next Florida League of Cities Action day is scheduled for April 7 & 8.

Councilman Valuntas also participated in "Read for the Record" and thanked Palms West Charter School for their participation. He reported on his ability to attend several Royal Palm Beach high school football games where his son plays in the band. He also reported on the COVID-19 protocol in place by the school districts where notifications are given to parents when an incident occurs.

Councilwoman Samios reported on a Discover the Palm Beaches Town Hall meeting where discussions were held on tourism in Palm Beach County. At that meeting, it was reported that hotel bookings are increasing in the County. A new leisure campaign with Florida has started noting the County is one of the top desired vacation designation. She said that Royal Palm Beach Cultural Center facilities are available to rent and referred interested parties to the

Village's website. She announced that the Town-Crier would be initiating a Royal Palm Beach Magazine starting in January. She too reported on "Read for the Record" and thanked Principal Makowski and everyone involved at H.L. Johnson Elementary School. Councilwoman Samios attended movie night on Halloween night at Commons Park and reported on the safety protocol in place. She added that every Saturday through April the Village is holding a Green Market at Village Hall from 9:00 a.m. to 1:00 p.m. She thanked Wendy Sartory Link the Supervisor of Elections for her efforts during the November Election process. She attended the Women's Foundation Leadership Academy with a fellow resident, Tinu Peña where she spoke on women in government.

A short discussion was held on continuing the "Read for the Record" virtually vs. in person or a combination of the two.

The Village Manager asked for direction on the Mayor's Golf Tournament at Madison Green scheduled for January 30, 2021. He noted there are no sponsors or financial obligations at this time. After a discussion ensued with regard to the success of non-profits holding recent golf tournaments, the tournament being a fundraising for scholarships noting the scholarships will not be effected, Village liability, the MLK event, COVID-19 restrictions and public safety, Vice Mayor Hmara made a motion to cancel the tournament; seconded by Councilman Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

The Village Attorney committed to be an advertiser for the new Royal Palm Beach Magazine.

PETITIONS – None

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

Samuel Almazan, Almazan Construction, LLC addressed Consent Agenda Item No. 8 informing Council that his company has been around for 42 years. He reported on several projects completed in the Village, felt he completed the bid paperwork correctly noting that his company did have an issue in 2016 in Miami-Dade County but it has been resolved. He asked for consideration once again before cancelling the bid award.

The Village Manager responded staff recommended cancelling the bid due to incomplete proposal paperwork. The Village Attorney added for the record, this company does not appear on the Public Entity Crimes List at this time.

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 October 15, 2020. (Village Clerk)**
- 2. Approval and authorization for the Mayor to execute the "2021 Municipal Election Vote Processing Equipment Use and Elections Services Agreement by and between the Palm Beach County**

**Supervisor of Elections and the Village of Royal Palm Beach".
(Village Clerk)**

- 3. Adoption of Resolution No. 20-24. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, appointing the Supervisor of Elections, or designee, the Village Clerk, or designee, and one Village Councilmember to jointly act as the Royal Palm Beach Canvassing Board for the 2021 Municipal Election pursuant to Village Code Section 8-3.; requesting that the Supervisor of Elections, or designee, conduct the Municipal Election, canvass the Municipal Election along with the Village Clerk, or designee and one Village Councilmember to address all Vote by Mail ballots and providing that the Supervisor of Elections, or designee, will conduct the Logic and Accuracy testing for all election machinery pursuant to the most current agreement with the Supervisor of Elections; providing an effective date; and for other purposes.
(Village Clerk)**
- 4. Approval and authorization for Mayor to execute "Interlocal Agreement for the Delivery of Municipal Solid Waste to Designated Facilities and for a Municipal Revenue Sharing Recycling Program" by and between the Solid Waste Authority of Palm Beach County and the Village of Royal Palm Beach. (Village Manager)**
- 5. Adoption of Resolution 20-26. A resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving and authorizing, in accordance with established policy, the making of a budget amendment for Fund 001 in the fiscal year 2019/2020 Budget. Said amendment represents the year-end (13th period) budget adjustment and appropriates \$278,000 from Federal Grants - Other (FEMA, COVID) and increase amounts budgeted in the Legal, Police and Public Works Department. (Finance Director)**
- 6. Approval of bid award and authorization for the Village Manager to enter into an agreement with E & F Florida Enterprises, Inc. dba Creative Contracting Group, the lowest responsive, responsible bidder in the amount of \$79,300.00 for the construction of retaining walls outside the sporting center in Commons Park. This project (PR2004) is budgeted in account #303-7200-572-46-60. (Director of Parks and Recreation)**
- 7. Approval and authorization to purchase one (1) John Deere 331G Skid Steer from Dobbs Equipment in an amount not to exceed \$62,596.75 by piggybacking Florida Sheriffs Association Contract FSA20-EQU18.0. Public Works will trade existing Bobcat S250 with attachment to Dobbs Equipment. The Village will be receive a \$14,000.00 credit for the trade. The total cost for the John Deere 331G Skid Steer will then be \$48,596.75. (Director of Public Works)**
- 8. Cancel award of the contract to Almazan Construction, LLC in the amount of \$1,354,277.00 for the Royal Palm Beach Commons**

**Parking Lot and Pathway Expansion Projects (PR1602 and PR2113).
(Village Engineer)**

- 9. Approval of the bid award in the amount of \$1,391,791.00 and authorization for the Village Manager to execute a contract with the lowest responsive, responsible bidder for the Royal Palm Beach Commons parking lot and pathway expansion projects (PR1602 and PR2113) to HG Construction, Development & Investments, Inc. (Village Engineer)**

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

REGULAR AGENDA

- 1. Public hearing to consider Application 20-30 (SPM, AAR), an application by Insite Studio, Inc., and adoption of Resolution 20-25 confirming council action. The applicant is seeking site plan modification and architectural approval for the installation of two additional fuel pumps (four fueling positions) and a canopy extension to accommodate the additional fuel pumps, for a property located at 665 Royal Palm Beach Boulevard. * Agent Brian Terry, of Insite Studio, Inc. (P & Z Director)**

Item #1 and #2 were quasi-judicial and the Village Attorney swore in all who will speak on both and asked for ex-parte communication as well. The P & Z Director stated the applicant is seeking approval for Site Plan Modification and Architectural Approval to install two additional fuel pumps totaling four fueling positions. They are also requesting approval to extend the current pump island canopy to accommodate the additional fuel pumps. This expansion is for an existing RaceTrac within the General Commercial Zoning District. He showed the current site plan with eight pump islands, noted the site is built out and the site plan modification is in conformance with the Village's requirements for the General Commercial (CG) Zoning District. The P & Z Commission and staff recommended approval.

Brian Terry, of Insight Studio, Inc., representing the applicant said the original plans called for ten fueling stations, but two were removed in the final approval meeting following a contentious series of highly attended public meetings. He reported on the concern at that time but believes now that RaceTrac has been opened, very successful and the modification will make the site work more efficiently and more convenient for the customers.

Councilwoman Rodusky asked what the current traffic flow is through the station and how adding the pumps would affect it. Mr. Terry responded he did not have a technical number, but he pointed out that all RaceTrac stations are designed with traffic flow in mind to create efficiency. The Village Manager added that the original plan with ten pumps met all traffic criteria. Councilman Valuntas and Vice Mayor Hmara both commented they felt the additional fueling stations would improve the traffic flow through the site.

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

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

2. Public hearing to consider Variance Application No. 20-31 (SVAR), an application by Insite Studio, Inc., requesting a sign variance from section 20-60 (2) to allow for an increase in the maximum allowed square footage for a monument sign to 52.5 square feet where Village code allows 42 square feet; for a property located at 665 Royal Palm Beach Boulevard. * (P & Z Director)

The P & Z Director stated this request is for a Sign Variance to Village Code Section 20-60 (2) to allow for a monument sign to be 52.5 square feet where Village Code permits a maximum square footage of 42 square feet. The property is located at 665 Royal Palm Beach Boulevard and is in the General Commercial (CG) Zoning District. The applicant is proposing a monument sign that is seven feet in height and 7.5 feet in width for a total of 52.5 square feet. The current monument sign is 5.59 feet in height, 7.5 feet in width, and 41.9 square feet. He explained the Village Code requirements regarding monument signs and reviewed the criteria for granting variances. The applicant contends that the variance is needed due to the sign's positioning among the buffer landscaping along Southern Boulevard and that the added height to seven feet will promote the sign's visibility to traffic along Southern Boulevard. He also felt that the code requirements to include the area of the base in the overall signage calculation is particularly unusual and restrictive. Staff recommended denial of the variance request because the code requirements for monument signs in this instance can be met. The maximum code requirement of 42 square feet for a monument sign can be met by reducing the width of the sign to six square feet and still accomplishing the height of the sign proposed by the applicant to achieve the desired visibility along Southern Boulevard. The P & Z Commission recommended denial and gave a recommendation to cut the landscaping to a lower level or plant ground cover rather than hedge like material.

Brian Terry, Insight Studio, Inc. requested an increase of approximately one foot of additional sign height at the base that would include the price signage as well. He reviewed the existing landscaped area around the sign citing that this increase would provide better visibility and asked for approval.

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

A discussion ensued with regard RaceTrac having the price visibility along Southern Boulevard, the height and width of the sign, reorienting the current sign and the recent update of the Village's sign code.

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

- 3. Public hearing for first reading and approval of Ordinance No. 1009, amending Chapter 24. Utilities. at section 24-27. Authority for Service Charges. in order to add language allowing exemption from the imposition of the stormwater utility fee; providing that each and every other section and sub-section of Chapter 24. Utilities. shall remain in full force and effect as previously adopted; providing a conflicts clause, a severability clause and authority to codify; providing an effective date; and for other purposes.* (Village Manager)**

The Village Manager stated that historically the Village has imposed and collected a stormwater utility fee from the Palm Beach County School Board; however, recent litigation created the legal precedent that the School Board is entitled to sovereign immunity from the payment of stormwater fees.

The Village Attorney further explained the legal reference and clarification on recent legislation on sovereign immunity.

The Village Manager explained the Ad Valorem Tax Rate, fees and reimbursements.

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

- 4. Public hearing for second reading and adoption of Ordinance No. 1007, amending Chapter 17. Offenses and miscellaneous provisions. to add a new Section 17-16. Village parks and natural areas trespass ordinance. Providing for a short title; providing for definitions including criteria on when a trespass notice may be issued; providing for authorization to issue trespass notices; and providing for appeal of trespass notices. (Village Manager)**

The Village Manager said this ordinance would enable the PBSO to give warnings to trespassers who commit crimes in parks and natural areas. He explained the process for the first, second and third offenses noting the offender would be prohibited from the area for up to ten years after a third offense. He said there would be an appeals process through the Special Magistrate and an opportunity to get permission to be allowed on the property for purposes of their First Amendment rights.

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

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

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk