

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 May 20, 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		06/17/21	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
*FACE MASK MUST BE WORN INSIDE VILLAGE MEETING HALL
THURSDAY, MAY 20, 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. 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 (213) 929-4212, Webinar ID: 188-890-363, Access Code: 426-377-437.

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 and Village Clerk. The Village Attorney joined via virtual “GotoWebinar”.

PRESENTATION OF \$1,000 SCHOLARSHIP AWARDS TO TEN ROYAL PALM BEACH GRADUATING SENIORS: GRAZIELLA DAL BON (A.W. DREYFOOS JR. SCHOOL OF THE ARTS); CLAIRE GACEL (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); DARION JOHNSON (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); CALEB MACKENZIE (OXBRIDGE ACADEMY OF THE PALM BEACHES); PEYTON MAINOLFI (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); ERIN MCBROOM (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); SALIM MOUTAOUAKKIL (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); ERIC SINGLETON (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); JACKSON SPELLMAN (A.W. DREYFOOS JR. SCHOOL OF THE ARTS); FINN WILSON (SUNCOAST COMMUNITY HIGH SCHOOL)

Mayor Pinto congratulated the scholarship award winners and turned to Vice Mayor Hmara, as liaison for the Education Advisory Board, which screens applicants for the awards to announce the presentation. Vice Mayor Hmara said the award winners must maintain a minimum 3.0 GPA and be actively engaged in their schools and the community. He thanked the Education Advisory Board for their diligent work throughout the selection process. He recognized the students’ and presented the names of the scholarship recipients for the Class of 2021. Vice Mayor Hmara congratulated each of them and wished them the very best in the future.

REPORTS

Mayor Pinto reported on the Transportation Planning Agency meeting where the numerous traffic fatalities involving bicycles were discussed.

Councilwoman Rodusky invited everyone to attend the Memorial Day Ceremony at Veterans Park starting at 9:30 a.m. She again recognized and thanked the Rotary Club for repairing and rededicating the clock tower at Veterans Park.

Councilman Hmara reported on the Education Advisory Board where Steve Epstein, Principal of Palms West Charter School showcased the school and announced it would be closing at the end of this school year due to the degrading of the school building as well as a lower attendance rate. Councilman Hmara commended the Principal and wished him well. Also discussed was post-Covid era, masks, summer school and student needs. He also reported on the Legislative Session regarding Home Rule and a HB – Preemption Electric Charging stations.

The Village Attorney gave a brief overview of HB-1 Combating Public Disorder, HB-401 Florida Building Code, HB-45 Local Occupation Licensing, HB 347 Impact Fees and HB-403 Home Based Businesses.

Councilman Hmara added that the Legislative Session would begin early in January with work to begin in June.

Vice Mayor Valuntas reported that Royal Palm Beach High School will have an in-person graduation at 6:00 p.m. on June 8th at the South Florida Fairgrounds. He congratulated the Royal Palm Beach High School's Boy Volleyball team who went to the State's Semi-Finals.

Councilwoman Samios reported on the Recreation Advisory Board meeting and thanked everyone who served. She announced Phyllis Katz as the new Chair and Sandy Rubin as Vice Chair. She thanked Shenoy Raghuraj for his years of dedicated service to the Recreation Advisory Board and wished his son well as he graduated from college. Councilwoman Samios announced there would be limited summer camps this year as well. She reported on the recent Strategic Planning Session and invited everyone to attend the Citizen Summit at the Cultural Center scheduled for 6:00 p.m. on Monday, August 30, 2021. She announced that many businesses are offering signing bonuses for those looking for a job. She invited everyone to attend Concerts in the Park every Friday night at Commons. Councilwoman Samios congratulated all students as they move on noting the tough year they have been through.

PETITIONS – None

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

Brian Tuttle of Tuttle Royale reported on the status of his project as well as projected goals for road construction, landscaping, bridge enhancements, water and sewer lines, final plat and a meeting scheduled with the new President of the Victoria Groves Homeowners Association.

CONSENT AGENDA

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

- 1. Approval of the minutes of the Council Regular Meetings of April 1, 2021 and April 15, 2021. (Village Clerk)**
- 2. Adoption of Resolution No. 21-07. 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 20-22; 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)**
- 3. Approval and authorization to renew ProjectDox Electronic Project Management and Plan Review System annual SaaS (software-as-a-service) licensing and hosting subscription with Avolve Software Corporation for the amount of \$106,640.28. (Information Systems Director)**
- 4. Approval and authorization for the Village Manager to execute an addendum to extend Surveying Engineering Services provided by Langan Engineering and Environmental Services, Inc. for two years. (Village Engineer)**
- 5. Approval and authorization for the Village Manager to execute an addendum to extend Electrical Engineering Services provided by Smith Engineering Consultants for two years. (Village Engineer)**
- 6. Adoption of Resolution No. 21-06, A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the Village to execute Local Agency Program (LAP) Supplemental Agreement No. 2, a supplemental grant agreement with the Florida Department of Transportation (FDOT) to extend the term of the LAP Agreement for an additional six (6) months. (Village Engineer)**
- 7. Approval and authorization for the Village Manager to enter into a Provision of Services Agreement with my PR Guru, LLC to perform general and crisis communication services for the Village. (Village Manager)**
- 8. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 001 in the fiscal year 2020/2021 Budget. Said amendment to transfer a total of \$110,000 from Undesignated Fund Balance (3990100) to other Contractual Services (1215-515-3490) in the Planning and Zoning Department (Finance Director)**
- 9. Approval and authorization for Mayor to execute "Interlocal Agreement for Treasure Coast Regional Planning Council (TCRPC)**

to perform a SR7 Commercial Redevelopment Analysis for the Village of Royal Palm Beach. (Village Manager)

- 10. Approval and authorization for the Village Manager to execute the Use of Facilities Agreement for Government Entities between Palm Beach County and the Village of Royal Palm Beach. (Village Manager)**
- 11. Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Memorial Day Ceremony at Veterans Park on Monday, May 31, 2021, from 9:00 a.m. to 11:00 a.m. (P & Z Director)**
- 12. Approval of a Special Event Permit for Palm Beach County Sheriff's office to hold a PBSO Family First Kickball Fundraiser located at Bob Marcello Park Complex, on Saturday, August 14, 2021 from 7:00 a.m. until 6:00 p.m. (P & Z Director)**
- 13. Adoption of Resolution 21-09, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the submission of a grant application to the Florida Division of Cultural Affairs Cultural Facilities Program requesting \$500,000 in grant funds for the Village's Recreation Center Project (PR2201) and further authorizing an amount of \$1,000,000 as the required matching funds; providing an effective date; and for other purposes. (Director of Parks & Recreation)**
- 14. Approval and authorization for the Mayor to execute the Amended and Restated Second Addendum to Traffic Control Jurisdiction Agreement between The Estates of Royal Palm Beach Homeowners Association, Inc. and the Village of Royal Palm Beach to correct a scrivener's error. (Village Manager)**
- 15. Approval and authorization for Mayor to grant a Second Time Extension request for TPA audited Financial Statements. (Village Manager)**

Councilwoman Samios pulled Items 6, 7 and 10 for discussion.

Councilman Hmara made a motion to approve the Consent Agenda less Items 6, 7 and 10; seconded by Councilwoman Rodusky. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

The Village Manager reported on Item No. 6 explaining a new contractor had been hired and the LAP agreement had to be extended.

The Village Manager reported that Item No. 7 is the renewal of a contract to continue services for My PR Guru, LLC who creates the Village's Monthly Electronic Newsletter, twice-yearly Village Magazine and the budget will include additional funds to do articles for the bi-monthly Royal Palm Beach Magazine and other marketing as well.

Councilwoman Samios confirmed that Item No. 10 Facilities agreement is to continue with the Senior Meals luncheon site.

Councilwoman Samios made a motion to approved Consent Agenda Items 6, 7 and 10; seconded by Councilman Hmara. Hearing no further discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. Presentation of the Palm Beach County Sheriff's District 9 Annual Report by Captain Ulrich Naujoks.

Captain Ulrich Naujoks thanked the Council, Department Heads, the Community and all employees at District 9. He addressed how hard the pandemic has hit us all and reported that unfortunately the PBSO lost six sworn officers and one civilian. He presented the attached 2020 Annual Report. The Mayor and Council stated their appreciation and thanked him as well.

2. Public hearing to consider Application 20-167 (FP) an application by Cotleur & Hearing and adoption of Resolution 21-10 confirming Council action. The applicant is seeking final plat approval for one parcel of land totaling 14.22 ± acres, for a property located at 10701 Okeechobee Boulevard. Agent: Donaldson Hearing, Cotleur & Hearing. (P & Z Director)

The P & Z Director stated the applicant is requesting final plat approval for one parcel of land totaling 14.22± acres located at 10701 Okeechobee Boulevard. The land lies within the General Commercial zoning district and conforms to the platting requirements of the Village Code and is consistent with the site plan. Staff recommended approval.

George Missimer of Cotleur & Hearing, representing the applicant, First Baptist Church, asked for approval and was available for questions.

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 Councilman Hmara. Hearing no discussion, Mayor Pinto put the motion to a vote and it passed unanimously.

3. Public hearing to consider Variance Application No. 20-162 (VAR), an application by Evans Land Consulting, Inc., and Variance Order VC-21-03, the applicant is seeking a Variance to allow currently existing "electrical distribution wires" to remain above ground on poles where Village Code Section 22-50 (a) (8) requires these "electrical distribution wires" be placed underground, rather than on poles or towers; situated within a Florida Power and Light easement generally located 2,300 feet south of Southern Boulevard and 2,500 feet west of State Road 7; and which runs east to west approximately 2,500 feet.* (P & Z Director)

This was quasi-judicial and the Village Attorney swore in all who will speak on this item and asked for ex-parte disclosures. The P & Z Director stated the applicant is requesting a Variance to allow currently existing electrical distribution wires to remain on poles where code requires them to be placed

underground. These wires lie within the Florida Power & Light easement located 2,300 feet south of Southern Boulevard and 2,500 feet west of State Road 7 and run east to west approximately 2,500 feet. He read into the record the applicant's seven responses to the variance criteria. Staff did not support this variance and stated the reasons for the recommended denial. The P & Z Commission also recommended denial by a vote of 3 -2.

Jeff Evans, Land Use Planner representing the applicant addressed four of the staff report variance requirements. He added the applicant gains no benefit from these distribution lines and referred to a letter received from Florida Power & Light noting that all of the existing poles will be hardened by replacing them with concrete poles in the next 12 months. He also confirmed the applicant will not be using these distribution lines in the final buildout of the master plan.

Brian Tuttle, Developer reported on the detailed distribution plan from FP & L noting that the power to this development is entirely buried and comes exclusively from other lines that are also buried. He added that F P & L confirmed they had no immediate plans to connect these powerlines to his development but could not provide in writing that 20 years from now that a backup system or loop system could not be done impacting future residents.

The Village Manager explained why this variance is being requested and that a Condition of Approval could be added that reads as long as this property is not receiving power from these lines they would not be required to be buried; however, if in the future, FP & L connected power they would be obligated.

Mr. Tuttle explained the future responsibility and the monetary assessment to the master association if not granted the variance.

Mr. Evans continued his rebuttal to the variance requirements and again asked for support of the variance.

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

Councilwoman Samios asked for an aerial view of the location of the lines as well as a review of the master plan of the development. She also asked the Director of P & Z for insight on the P & Z Commission's vote. Further discussion was held on burying the lines as opposed to the hardening of the poles.

Vice Mayor Valuntas stated his main concern was the integrity of the power lines and preferred them to be underground but did recognize they will be equally as hard and not as susceptible to storm damage and asked if possible to add a condition of approval. The Village Attorney commented that the condition of approval is outside of the control of the applicant. A discussion ensued with regard to imposing a bond on the developer should F P & L not harden the lines within time noted in communications.

Councilman Hmara asked and received clarification on how the liability would be passed to future residents if the variance were not approved. The Village Manager further explained the requirement of hardening the lines vs. burying them on the final plat. Mr. Tuttle again reiterated that at this time the

development would not be connecting to these lines and in addition has received in writing from F P & L their intent of hardening the poles within the next year.

The Village Engineer was sworn in and stated he has received communication from F P & L concerning the hardening of the lines, although not official, has indicated in writing the hardening would take place within one to two years.

After an extensive discussion, Councilman 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. Annual review, evaluation and merit pay determination for the Village Manager. (Village Attorney)

Mayor Pinto stated that in accordance with Village Code Section 2-2(b) and the Village Manager's contract, the Council shall review and evaluate the performance of the Manager at least once annually.

Councilwoman Samios referred to the criteria and evaluation standards said she was happy with his performance. She appreciated his linear engineer mind and had only one suggestion of adding more color.

Vice Mayor Valuntas acknowledged the circumstances of the past year and the unprecedented time. He felt the Village is in one of the best positions of any municipality. He supported a 5% merit and acknowledged all the employees that stepped up to the challenges and thanked everyone who performed above and beyond.

Councilman Hmara acknowledged the adaptability of staff and leadership that helps accomplish extraordinary things in difficult times. He referred to the Image category on the evaluation standards and felt that image relates to trust and reliability of information. He recognized the Village Manager's foresight in collaborating with Feeding South Florida and bringing the community together. He referred to the Long Range Planning category and the strategic planning process along with the comprehensive plan for the State Road 7 corridor as a testimony of his leadership.

Councilwoman Rodusky stated the Village Manager has done a good job in positioning the Village in a leadership role in the County with regard to Feeding South Florida and having vaccines available. Councilwoman Rodusky recognized and thanked him for his hard work, team and motivation.

Mayor Pinto said he could not agree more with all the comments of the Council members. He said the Village Manager is an intelligent individual and did an excellent job financially in weathering the COVID-19 pandemic as well as all aspects. He felt the Village was very fortunate to have him as the Manager.

The Village Manager reported that the budget includes staff merit increases of 0 -5 % based on performance and a 1.1% cost of living increase.

Councilman Hmara made a motion to approve a 5% merit increase; seconded by Vice Mayor Valuntas. Mayor Pinto put the motion to a vote and it passed unanimously.

ADJOURNMENT

Mayor Fred Pinto

Diane DiSanto, Village Clerk