TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON FEBRUARY 26, 2008

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Tuesday, February 26, 2008, at 9:30 a.m., in the Town Council Chambers. On roll call, the following elected officials were found to be present:

Mayor Jack McDonald
President Richard M. Kleid
President Pro Tem Denis P. Coleman
Council Member Gail Coniglio
Council Member Susan Markin
Council Member David Rosow

Others present for all or a portion of the meeting were:

Town Manager Peter B. Elwell
Deputy Town Manager Thomas G. Bradford
Assistant Town Manager Sarah E. Hannah
Town Attorney John C. Randolph
William Amador - Fire-Rescue Chief
Jay Boodheshwar - Recreation Director
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
William Crouse - Human Resources Director
Richard Howe - Police Major
John Page - Planning, Zoning & Building Director
Michael Reiter, Police Chief
Susan Eichhorn, Town Clerk

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II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Kleid.

III. APPROVAL OF AGENDA

The agenda was approved through motion of President Pro Tem Coniglio, seconded by Council Member Markin. On roll call, the motion carried unanimously.

IV. MATTERS RELATED TO TOWN BOARDS AND COMMISSIONS

A. Simultaneous Service on Two Town Boards or Commissions.
[John C. Randolph, Town Attorney]

Town Attorney referred to his memorandum dated February 21, 2008, included in the back-up material for today's meeting. He summarized the information.

Discussion ensued relative to preferences for a Town Council policy.

President Pro Tem Coniglio moved that the Town Council policy state that membership would be limited to one commission at a time and that the three commission/board members currently serving on more than one commission would be contacted to determine what commission/board they would rather serve on, and move forward from there. The motion was seconded by Council Member Coleman, with the remark that he would prefer that the entire issue be further discussed at the March 11, 2008, Town Council meeting, in order to give the three applicants the opportunity to resolve the matter before that time.

Council Member Markin commented that she would like to go on record that it was her personal opinion that for anyone to assume that an applicant was going to resign from one board when making application to another was really the Town's mis-communication, or misinterpretation of the statute. She reiterated that the individuals who come forward to serve on the commissions did so at the risk of their own privacy, at the risk of embarrassment, and the individuals had every intent of wanting to serve the Town in an upright manner. She stated that the policy adopted should be implemented consistently. She suggested that the individuals should be allowed to choose, according to whatever policy was adopted, and that it should not be stated that anyone was being thrown off any commission/board.

President Pro Tem Coniglio amended the motion to exclude ad hoc committees from the policy of citizen service on one board at a time. Amended motion accepted by seconder Coleman. After further discussion, and upon roll call the motion carried 3/2:

President Pro Tem Coniglio:	**Yes**
Council Member Coleman:	**Yes**
Council Member Markin:	**No**
Council Member Rosow:	**No**
President Kleid:	**Yes**

Town Manager Elwell clarified that staff would contact each of three individuals directly affected by this policy decision, and those individuals would select the board that he/she preferred to serve on. For all future applications, when an application was received from someone already serving on a board/commission, that applicant would be advised of the new policy, and a notation will be made in the standard format of the balloting information, so that when the Town Council cast its ballots, it would be very clear to them which applicants were already serving on another board and thus would be affected by the new policy.

President Pro Tem Coniglio clarified that the three individuals concerned would be given the option of choosing which board they would serve.

Council Member Markin suggested that there be a line on the application itself asking if the applicant was serving on another board/commission, and if appointed to the board/commission being applied for, which one would the applicant choose.

Council Member Rosow commented that if an applicant was applying for a new position, it would be presumed that the applicant would give up any current position. He suggested that a candidate should have to indicate that they would resign from a current position in order to accept appointment on another board/commission.

Mr. Elwell stated that it would be very helpful to staff to ensure where the majority of the Town Council stood on that question.

Mr. Elwell suggested that staff could insert a statement on the application, somewhere near the signature line, that said that any applicant who was currently serving on a Town board/commission must resign from that board/commission if they were appointed to a new board. When the applicant signed the application, they would then be acknowledging the policy of the Town Council.

It was the consensus of the Town Council that a new line would be inserted on the application for the applicant to fill in if the applicant was currently serving on another board/commission.

B. Deadline for Submittal of Applications for Appointment to a Town Board or Commission. [Peter B. Elwell, Town Manager]

Town Manager Elwell referred to his memorandum dated February 21, 2008, included in the back-up material for today's meeting. He summarized that the Town Council had established a policy some years ago, to accept applications that were submitted after the published deadline of not less than 35 days before the Town Council meeting in which the appointment would be considered. Applications were allowed to be received right up until the time that the Town Council cast ballots; consideration was given to late applications as to whether to consider them as fully as those that had come in on time.

After discussion, **Motion made by Council Member Rosow, seconded by Council Member Markin that applications would be due not less than 15 days before the Town Council meeting in which the appointment will be considered.**

President Pro Tem Coniglio commented that she also supported a shorter time frame, and that she found the oral presentation of the applicants most valuable.

Council Member Markin suggested an amendment to the motion that the deadline date would be honored in a firm and consistent manner.

Council Member Rosow amended the motion to include that the deadline date would be honored in a firm and consistent manner, and to set the policy of establishing a deadline date – applications would be due not less than 10 days before the Town Council meeting in which the appointment will be considered. Council Member Coleman seconded the motion, as amended. On roll call, the motion carried unanimously.

Former Mayor Marix, 1570 North Ocean Blvd., commented that the Town Council should consider adding a requirement that those applying for boards/commissions should be required to attend a certain number of meetings prior to applying.

After further discussion, it was the consensus of the Town Council that there would be no formal requirement, and that there was already a question on the application in that regard.

V. MATTERS RELATED TO PAR 3 GOLF COURSE RESTORATION

A. ORDINANCE NO. 3-08 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for an Amendment to the Town's Recreation Enterprise Fund Budget Adopted for the Fiscal Year Commencing October 1, 2007, Providing an Effective Date. [Jane Struder, Director of Finance]

Town Attorney Randolph read Ordinance No. 3-08 by title, as printed above.

Motion made by President Pro Tem Coniglio, seconded by Council Member Rosow, to adopt Ordinance No. 3-08 on second reading. On roll call, the motion carried unanimously.

B. RESOLUTION NO.10-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Raymond Floyd Design for Design Services for the Restoration of the Palm Beach Par 3 Golf Course.
[Jay Boodheshwar, Director of Recreation]

Director of Recreation Jay Boodheshwar reported that staff recommended approval of Resolution No. 10-08, authorizing the Town Manager to execute an agreement with Raymond Floyd Design in the amount of $221,000 for design services for the restoration of the Par 3 Golf Course. He noted that the contract would not be executed by the Town Manager until the Town was in receipt of the Par 3 Group committed donations to fund this design work.

President Pro Tem Coniglio moved adoption of Resolution No. 10-08, with the conditions as outlined by staff. The motion was seconded by Council Member Coleman. On roll call, the motion carried unanimously.

VI. MATTERS RELATING TO THE COMPREHENSIVE REVIEW OF TOWN OPERATIONS

A. Modifications to the Charitable Solicitation Ordinance.
[Sarah E. Hannah, Assistant Town Manager]

Assistant Town Manager Sarah Hannah reported that a draft ordinance had been prepared for consideration on first reading at the March 11, 2008, Town Council meeting. The ordinance would allow PB Cats, Inc., or any other Town tax supported organization, the ability to have more than two fund-raising events per year.

President Kleid suggested minor language changes on page 8 of the draft ordinance.

Council Member Rosow referred to some of the requirements of the ordinance as to the investigatory burden put on staff. Town Manager Elwell responded that staff was currently accomplishing the requirements of the ordinance.

B. Fee for Maintenance of Private Historic and Specimen Trees.
[H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil reviewed the scope of the Town's maintenance for historic and specimen trees and requested direction on the establishment of fees associated with the maintenance of these trees.

Public Comment was made by John Ripley, Preservation Foundation of Palm Beach, who stated that he hoped that there was no way that trees would be lost because residents either did not care or did not recognize the importance of maintaining historic and specimen trees. He noted that the Town goes to great pains to keep the public space beautiful and ensure that private homeowners recognize landmarked architecture.

Council Member Rosow moved approval of trying the program for one year, with the proposed annual user fee of $221 per tree, for all private properties that wish to have the Town perform the tree maintenance on their historic or specimen trees; staff to report back in one year regarding the results of the program. The motion was seconded by Council Member Markin.

Council Member Coleman and Council Member Markin requested that the report be provided at the six-month point, in addition to the one year report.

Town Manager Elwell clarified that staff would include this item on the Consent Agenda for the March 11, 2008, Town Council meeting, so that the fee would be created by resolution.

C. Expansion of Beach Cleaning Program to Include Non-Condo Private Properties. [H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil reported information in response to the Town Council request to evaluate the possibility of cleaning all of the beaches in the Town. Currently, the program consisted of cleaning the public beaches. Cleaning was also done in the south end via a beach cleaning agreement with the Citizens' Association of Palm Beach. The program was currently funded at approximately $167,000, consisting of six pieces of equipment and two people (one full time, one part time).

Mr. Brazil reported that staff had reviewed several alternatives for providing services to residents, and the only way to do this in an effective manner was to involve everyone. If the program was optional, on any given year there could be a management nightmare with staffing and equipping the program properly. If the current approach was expanded, he suggested the same approach as was used with the condominiums in the south end and the Citizens' Association. If the entire Town was included, he estimated an up front, initial cost of $90,000 for equipment, and $150,000-$160,000 per year for manpower, depreciation on the equipment, benefits, etc. The level of service would be similar to what was current at mid-Town and the south end, if access was available. There were some areas in Town where there simply was not enough beach to clean.

After discussion regarding the responsibility of ocean front homeowners to keep beaches clean, contacting them to determine whether they would be willing to pay the

Town for those services, it was determined that these items would be included during the FY09 budget considerations.

It was the consensus of the Town Council not to take any action regarding additional beach cleaning at this time, and that the issue would be brought back at a later date.

D. Reduction in Frequency of Street Sweeping Services.
[H. Paul Brazil, Director of Public Works]

Public Works Director Paul Brazil reported the cost impacts and practical considerations related to the possible reduction of street sweeping services.

After discussion, it was the consensus of the Town Council not to take any action regarding this item, and to retain the current level of service.

E. Automated Telephone Attendant. [Jane Struder, Director of Finance]

Finance Director Jane Struder reported on the use of an automated telephone attendant.

It was the consensus of the Town Council not to take any action regarding this item, and to retain the current system.

F. Annual Report. [Jane Struder, Director of Finance]

Finance Director Jane Struder reported on a paperless annual report.

Afer discussion, it was determined that this item would be further reviewed and discussed at a Finance & Taxation Committee meeting, scheduled to be held on Monday, March 3, 2008, at 10:30 a.m. in the Town Council Chambers.

G. Electronic Document Management ("Going Paperless"). [Jane Struder, Director of Finance]

Finance Director Jane Struder reported on the current and future use of technology for the purpose of managing records electronically. Staff suggested that document and content management software be purchased at an estimated cost of $75,000, in order to make current efforts more efficient, and to allow documents to be easily retrieved by all departments. An additional I.S. staff member would be required to design, implement, and train staff on the system.

After discussion, Council Member Rosow moved that the software be purchased at an estimated cost of $75,000, and that staff be directed to out source the I.S. position to design, implement and train staff on the system. The motion was seconded by Council Member Coleman. After further discussion, the motion was withdrawn by both parties.

Information Systems Manager Spencer Wilson explained that his purpose in suggesting an additional I.S. staff member had been inclusive of the document management software duties and additional duties as the Town migrated from one system to another (Eden Software - Item "M" on the agenda for today's meeting).

Town Manager Elwell suggested that staff provide additional information at the April Town Council meeting on both the staff position and the data management package.

After further discussion, it was the consensus of the Town Council to direct staff to provide additional information regarding I.S. staffing and the data management software package, to be presented at the April Town Council meeting.

President Kleid stated for the record that he was opposed to the costs for data management software at this time – this could be done in a later year, and that much time had been spent in trying to reduce the budget.

Council Member Markin suggested that outsourcing costs be reviewed before any decision is made.

H. Planned vs Unplanned Overtime. [Jane Struder, Director of Finance]

Finance Director Jane Struder reported on the planned versus unplanned overtime hours for the last two fiscal years.

The Town Council accepted the report of Ms. Struder, and after discussion, there was no action taken by the Town Council in this regard.

I. Information Regarding Incumbents in Positions Being Considered for Elimination. [William C. Crouse, Director of Human Resources]

Director of Human Resources William Crouse reported on the six staff positions that had been identified for possible elimination.

After brief discussion, there was no action taken by the Town Council in regard to this item.

J. Elimination of Contractual Emergency Management Coordinator. [Sarah E. Hannah, Assistant Town Manager]

Assistant Town Manager Sarah Hannah reported on the risks and rewards of eliminating the Emergency Management Coordinator position, and incorporating those responsibilities into a current staff position.

President Pro Tem Coniglio moved that the Emergency Management Coordinator position be maintained contractually, as it currently stood, and moved approval of the staff recommendation that the funding of $5,000 per year for the Town hosting the annual hurricane seminar would be eliminated; while the Town would not charge for the service, any non-Town organization requesting seminars would be responsible for coordinating the event and paying the associated expenses. The motion was seconded by Council Member Coleman. On roll call, the motion carried unanimously.

After discussion, it was suggested by Mayor McDonald that the Emergency Management Coordinator should be available all summer, and that detail should be included in his contract.

K. Partial Elimination of the Warehouse. [Jane Struder, Director of Finance]

Finance Director Jane Struder reported on the partial elimination of the warehouse.

After discussion, there was no action taken by the Town Council in this regard.

L. Contracting Out the Risk Management Function and/or Accelerating the Elimination of the Risk Assistant Position.
[Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Thomas Bradford reported on the feasibility of contracting for risk management and the potential acceleration of the elimination of the risk assistant position.

Discussion took place regarding the assimilation of the Risk Manager physically into the Town Manager's office, with the planned upcoming Town Hall renovations. Until the renovations were completed, the Risk Manager would remain physically separated from administrative staff, should the current Risk Assistant position be eliminated. This would result in problems associated with common access to the files. In order to have the files scanned for common access, estimated costs were $11,302.

Town Manager Elwell clarified that an efficiency had been identified that would eliminate the Risk Assistant position, with staff in the Town Manager's office helping out in that regard after the physical consolidation to take place after the Town Hall renovation. Right now, until the renovation was complete, the Risk Manager was located in a building across the street. The Risk Assistant was now a contractual part time position, just until the physical move occurred. Today, consideration would be given as to whether to accelerate the Risk Assistant position elimination, and also whether to fully contract out the Risk Management function. Staff believed that it was in the Town's best interest to keep the Risk Manager on staff.

Discussion took place regarding the scanning associated with the acceleration of the elimination of the Risk Assistant position, and the document management software discussed under Item G.

After further discussion, there was no action taken by the Town Council in regard to the Risk Management function, or the accelerating of the elimination of the Risk Assistant position at this time. Fuller information would be brought back regarding the scanning situation and the possible integration of those costs with the document management software, at the April Town Council Meeting.

M. Impact of Additional Information Systems Staff Upon Eden Software Implementation Schedule. [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Thoms Bradford reported on increasing the rate of implementation of Eden modules, and hiring another Information Systems staff member. He pointed out that it was not necessarily a given that if more I.S. staff was hired that the scheduled Eden software modules scheduled for <u>this</u> fiscal year could be implemented faster. The speed at which the Eden modules were being done was a function of the individual departments and their ability to assign the resources to implement. However, if the Town Council wanted to accelerate the implementation of those modules which were planned for <u>future</u> fiscal years, the additional I.S. staff member would be beneficial.

It was the consensus of the Town Council to combine this item with the other two items related to I.S. and software implementation, at the April Town Council Meeting, as one package.

N. Updated Summary of State and Federal Mandates. [Sarah E. Hannah, Assistant Town Manager]

Assistant Town Manager Sarah Hannah reported that she had provided an updated list of unfunded mandates with which the Town must comply. The total dollar amount of complying with these mandates was $13,054,927.

VII. ANY OTHER MATTERS

Council Member Rosow commented that he had met with City of West Palm Beach Mayor Frankel, to discuss the water issue. He noted that his reading of the water contract between the Town of Palm Beach and the City of West Palm Beach indicated that the City of West Palm Beach was not allowed to provide any surcharge on the Town of Palm Beach for any reason whatsoever. He recommended that the language be looked at carefully.

Council Member Rosow commented regarding garbage pick-up and Public Works Director Brazil responded to questions.

Council Member Coleman and Council Member Rosow reviewed the information they would be requesting from Finance Director Struder for the upcoming Finance & Taxation Committee meeting scheduled for Monday, March 3, 2008.

VIII. ADJOURNMENT

There being no further business, the Special Town Council Meeting of February 26, 2008, was adjourned at 12:17 p.m.

APPROVED:

Richard M. Kleid
Town Council President

ATTESTED:

Susan A. Eichhorn
Town Clerk

01/29/2010