# TOWN OF PALM BEACH

Office of The Town Clerk

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING**
**HELD ON FEBRUARY 12, 2007**

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order on Monday, February 12, 2007, at 1:30 p.m. in the Town Council Chambers. On roll call, the following elected officials were found to be present:

Mayor Jack McDonald - *Arrived at 2:00 p.m.*
President Denis P. Coleman
President Pro Tem Richard M. Kleid
Council Member William J. Brooks
Council Member Susan Markin
Council Member Allen S. Wyett

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
Jay Boodheshwar - Recreation Director
Paul Brazil - Public Works Director
Veronica Close - Director Planning, Zoning and Building
Charles Langley - Public Works Assistant Director
Michael Mason - Law Enforcement Major
Michael Reiter - Police Chief
Susan Eichhorn - Town Clerk

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Coleman.



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III. APPROVAL OF AGENDA

**The Agenda was approved through motion of Council Member Brooks and seconded by President Pro Tem Kleid. On roll call, the motion carried unanimously.**

IV. PRESENTATIONS BY APPLICANTS FOR APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

The following applicants made a presentation to the Town Council for appointment to the Planning and Zoning Commission:

William Guttman
Morton Baum
Eugene Lawrence
Tanner Rose
Floyd Wideman
Kathryn Grace Jordan

The following applicants were not present at the meeting:

Tony Dowell
Leslie Shaw
Ralph del Deo
Martin Klein

V. CONSIDERATION OF FY 2007 GENERAL FUND CONTINGENCY ALLOCATION FOR SERVICES OF AMERICAN CONSULTING ENGINEERS OF FLORIDA, INC., FOR PROFESSIONAL SERVICES TO COMPLETE THE TRAFFIC AND PARKING IMPROVEMENT PLAN

Following was the discussion regarding the recommendations listed *[items a through d]* in Deputy Town Manager Bradford's memorandum dated February 6, 2007:

*[a.]* Town Manager Elwell indicated that compensation was needed for American Consulting Engineers of Florida, Inc., (ACE). ACE had attended numerous meetings in order to assist the Town's work group regarding the Traffic and Parking Improvement Plan, which was not in their scope of work.

**Motion made by Council Member Brooks, seconded by President Pro Tem Kleid to approve the expenditure of $38,329 from the FY2007 General Fund Contingency in compensation to American Consulting Engineers of Florida, Inc., for professional services in the completion of the Traffic and Parking Improvement Plan. On roll call, the motion carried unanimously.**

*[b.]* Mr. Elwell conveyed that there were four additional Council meetings that ACE was requested to attend, along with the preparation and follow up on the detailed items, and requested that Town Council approve the funding of $5,720.00, to be appropriated from the FY2007 General Fund Contingency.

**Motion made by President Pro Tem Kleid, seconded by Council Member Brooks to approve the funding of $5,720.00 from the FY2007 General Fund Contingency for American Consulting Engineers of Florida, Inc., for attendance, preparation, and participation of four additional future Council meetings.**

Responding to Council Member Markin, Mr. Elwell explained that the technical work done outside of the meetings was conducted by Gareth Klotz, ACE, at a lower hourly rate, and Brian Mirson, principal of ACE, participated in the meetings incurring a higher hourly rate. He further explained that the amount of $5,720.00 was a not-to-exceed number and that the full amount may not be incurred.

**Upon roll call, the motion carried unanimously.**

*[c.]* Mr. Elwell related that, in order to make a decision regarding the one-way pair of the 200 blocks of Sunrise and Sunset Avenues, traffic counts would need to be collected in the field and analyzed. He indicated that authorization was needed to fund the traffic counts at a not-to-exceed amount of $14,080.00 and $17,555.00 for data analysis in order to bring the item forward with a recommendation. The total amount of $31,635.00 would come from the FY2007 General Fund Contingency.

Discussion occurred regarding the costs of the traffic counts and data analysis. A detailed explanation was provided by Brian Mirson of ACE.

Council Member Markin asked for clarification of the analyzation that had been reported on page 156 in the Traffic and Parking Improvement Plan on Sunset and Sunrise Avenues, as additional funds were being requested for more analysis.

Mr. Mirson and Mr. Klotz made the following responses:

- The information in the Plan was a conceptual plan;
- The final design for signalization, timing, cycle lengths, and signal interfacing was the next step;
- The SYNCHRO analysis would determine if the task would be too expensive in order to identify if it was feasible; and
- The Plan was an overview of recommendations of isolated time periods.

Mr. Elwell further explained that the strategies in the first exercise were to obtain a broad view of the issues, to identify separately the various pieces along with the cost. They would move from the theoretical overview to a detailed exploration of potential implementation.

President Pro Tem Kleid referred to page 48 of the report that prior studies were done of the intersection of Bradley Place and Sunset Avenue during the peak season over a four-year period, and that there were plans to study peak traffic counts of other intersections. He asked if the Bradley Place and Sunset Avenue study would be utilized and would the Town not be recharged for it, as it was done over a peak season for four years.

Responding to President Pro Tem Kleid, Mr. Mirson indicated that the Bradley Place intersection had been studied several times as a result of the construction of various developments, but had not been studied in an engineering perspective, as would be currently. A SYNCHRO analysis would bring in all the movements on Sunset and Sunrise Avenues and other intersections, which would be the final engineering analysis, and would identify the problems.

Mr. Elwell conveyed that solving a problem in a particular area, such as Publix, could create problems in areas nearby. He continued that performing the analysis on seven intersections could improve the quality of life in the Town and would enable the Council to make an informed judgement.

Mr. Mirson explained that if the Council was comfortable with the recommendation of moving to a one-way pair, the counts in the model were necessary to ensure that the improvements optimized the change in flow and signals. If the Council was not sure regarding the change in the flow of streets, he suggested, collecting the traffic data to ensure that they had peak counts during the season. He noted that the analysis portion could be delayed until the Council was ready to move forward.

Council Member Brooks recalled that in December's traffic report, it was emphasized that in the strategies discussed, a solution for section A could adversely impact B, or C. He noted that President Coleman recommended that bite sizes be taken of the study, beginning with the Sea streets and Worth Avenue. He said he would like to follow the plan that the Council unanimously backed in December.

Responding to President Coleman, Director of Public Works Brazil noted that the intersections would have to be redone, a turn lane would be required, and a solution to the traffic queuing was needed.

Council Member Markin commented that, as the numbers provided were several years old, moving ahead with the counts in peak season was critical in that area. She indicated that she could foresee a queuing line coming into or out of Publix which would backload onto the streets, or into the parking lot; the engineering model could wait, and for half the cost, they should at least get the numbers on peak season.

**Motion made by Council Member Markin, seconded by Council Member Brooks to approve $14,080.00 from FY2007 General Fund Contingency for American Consulting Engineers of Florida, Inc., to conduct traffic counts regarding intersection turning movement counts and intersection counts on Sunrise and Sunset Avenues.**

Leslie Evans, 135 Seminole Avenue, commented regarding the consultants and the associated expenditures.

**Upon roll call, the motion carried unanimously.**

*[d.]* Town Manager Elwell recommended that the Town Council proceed in the following order:

- At the next meeting not to bring back the Mid-Town and Worth Avenue details for discussion;
- Discuss the Sunrise and Sunset Royal Poinciana Conceptual Review;
- Discuss the conceptual review of the residential parking regulation and the global issues;
- Visit again after today, when concrete consideration of items for Seaview/Seaspray will be discussed; and

- A conceptual review would be completed in its entirety before addressing other areas for detailed items.

It was the consensus of the Town Council to move forward in the order specified above by Town Manager Elwell.

VI. TRAFFIC AND PARKING IMPROVEMENT MATTERS RELATED TO THE SEAVIEW/SEASPRAY AREA

A. Conversion of 400 Block of Seaview Avenue to Residential Permit Parking Program. [Michael S. Reiter, Chief of Police]

Deputy Town Manager Bradford provided an update on the conversion of the 400 block of Seaview Avenue to residential permit parking. The Police Department analyzed and determined that the parking conversion met the requirements of the "Gainesville Plan", and was approved on January 19, 2007. The signs were in the process of being installed, and the residents would be notified as to when the plan will take effect and the date the permits could be obtained at Town Hall.

Dotsie Letz, 419 Seaview Avenue, commented that the permit parking on the block would complicate things further, as there was no alternative parking for visitors.

Responding to Ms. Letz, President Coleman explained that the visitors would park in the driveway and the residents would park on the street.

Responding to Council Member Wyett, Ms. Letz suggested two-hour parking, or hourly parking on one side and permit only on the other side, as "permit parking only" was a hardship.

Responding to Council Member Markin, Ms. Letz indicated that she was in favor of permits for visitors.

Police Chief Reiter commented that from a practical viewpoint, visitor parking permits could be allowed, although it could set a precedent for the Town.

Town Attorney Randolph advised that in order to allow permits for visitors on Seaview Avenue, the "Gainesville Plan" would have to be changed in all the other areas, setting a precedent for the rest of the areas.

Mr. Elwell indicated that allowing the visitor parking permit in any other location, other than Seaview Avenue, would create a market, unintentionally. By necessity, the permit would go on the dashboard or hang from a rearview mirror and would get shared, creating unintended consequences in regulating parking in the Town. The issue could be revisited, as today was an update and not an action item.

Council Member Brooks commented that there should be objective standards for the problem, and that service vehicles would not be ticketed. He stated that the Town Council spent an inordinate amount of time on this issue, and that there were about 50 vehicles illegally parked on Seaview Avenue every school day. He suggested imposing a hard and fast program allowing some flexibility and that the residents could address it later if needed.

**Motion made by Council Member Wyett, seconded by Council Member Markin to approve parking restrictions before 10:00 a.m., Monday through Friday, with the exception of holidays on Seaview Avenue. On roll call, the motion carried unanimously.** (*See motion below.)*

Mr. Elwell conveyed that, for the record, staff would implement and enforce the signage to prohibit parking from 7:00 a.m. to 10:00 a.m.

**Motion made by President Pro Tem Kleid, seconded by Council Member Brooks to reconsider the previous motion. On roll call, the motion carried 4-1, with President Coleman dissenting.**

**Motion made by President Pro Tem Kleid, seconded by Council Member Brooks to approve the implementation of the residential permit parking times, as recommended by staff, on the 400 block of Seaview Avenue.**

Jere Zenko suggested registering vehicles for identification purposes for parking.

Norman Goldblum commented that he paid $20.00 for a parking permit in front of his residence and tried to obtain one for many years for his help. He suggested allowing each household to purchase a maximum of three parking permits.

Mr. Elwell clarified that staff would continue to implement the "Gainesville Plan" in the 400 block of Seaview Avenue.

**Upon roll call, the motion carried unanimously.**

B. Establishment of School Speed Zone in Seaview Avenue Area Pursuant to F.S. 316.1895
[Peter B. Elwell, Town Manager]

Deputy Town Manager Bradford provided an overview of the process of implementing the conversion of the 200/300 block of Seaview Avenue to one-way, eastbound and a school speed zone. He noted that the information could be found in the backup in his memorandum dated February 6, 2007.

1. Boundaries, Estimated Cost and Funding Request to Implement School Speed Zone (Including Reversing Direction of Seaview Avenue's Middle Block from Westbound to Eastbound).

Mr. Bradford conveyed that the school speed zone for the Seaview area, as outlined in the Ordinance, was all of the 400, 300, and 200 blocks of Seaview Avenue, all of Four Arts Plaza, on Cocoanut Row from Royal Palm Way to the intersection with Seabreeze Avenue, and on South County Road from Royal Palm Way to the intersection with Seabreeze Avenue.

Mr. Bradford stated the following items that would be necessary in order to proceed:

- Authorization of $25,046 for the design construction documents and bid preparation documents for signage and pavement markings from the FY2007 General Fund Contingency;

- Funding of $23,036 for the necessary signage, striping, and flashing signage would not be needed until the time of the project bid award by the Town Council; and

- Approval of Ordinance No. 4-07 on first reading and adoption of the second reading at the regular monthly meeting in March.

Responding to Council Member Markin, Mr. Bradford explained that there were different start times and pickup times for the schools. Creating the school speed zone did not require the same speed limit at the same times on the same streets. He noted that a flashing sign was not a requirement for the speed limits that were established; he did not anticipate placing one on Four Arts Plaza, but did plan to place flashing signs on Cocoanut Row and South County Road, and on the side streets without the flashing sign.

Responding to Council Member Brooks, Mr. Bradford noted that Seaspray Avenue was not mentioned, as it was discussed internally; the Police Department indicated that it would cause spillover onto Seabreeze Avenue if the school speed zone was implemented on Seaspray, and studies showed that the vehicles on Seaspray complied with the speed limit.

Police Chief Reiter indicated that the School Board had agreed to direct the public school busses to travel north on Cocoanut Row and across Flagler Bridge for the time being, but that they planned to reevaluate it in an ongoing basis and it could change at some future time, if it disrupted their schedule. He noted that the Police Department was unable to find any record that indicated the School Board had committed to that in the past.

Responding to President Pro Tem Kleid, Police Chief Reiter stated that the Department had a commitment to do whatever was necessary to safely move the traffic through the area. He said that he expected that a police officer would be necessary to direct traffic at County Road, during the peak periods. Chief Reiter noted that he envisioned to have a police officer for traffic purposes during the arrival and departure times during the school year.

Responding to Council Member Wyett, Police Chief Reiter noted that when queuing occurs, the only alternative was to tell people to move on, which caused them to circle the block causing more congestion.

2. ORDINANCE NO. 4-07 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118, Traffic and Vehicles, To Include a new Section 118-15 Entitled "Establishment of School Speed Zones, Enforcement; Designation"; Providing for the Establishment of School Speed Zones; Providing a Speed Limit; Providing for Hours of Regulation; Providing for Penalties; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Town Manager Elwell read Ordinance No. 4-07 by title, as printed above.

**Motion made by Council Member Brooks, seconded by Council Member Markin to approve on first reading Ordinance No. 4-07. On roll call the motion carried unanimously.**

**Motion made by Council Member Brooks, seconded by President Pro Tem Kleid to approve $25,046 from FY2007 General Fund Contingency for design construction documents and preparation of bid documents to convert the 200/300 blocks of Seaview Avenue to one-way eastbound and to design the signage and pavement markings for the school speed zone. On roll call, the motion carried unanimously.** *[Signage placement would be on hold until bids were actually received; staff would return to Town Council for that separately.]*

C. Status of Discussions with School District Staff on Routing of Palm Beach Public School Buses over the Flagler Memorial Bridge.
[Michael S. Reiter, Chief of Police]

This item, VI.C., was discussed under item VI.B.1., as shown below.

*Police Chief Reiter indicated that the School Board had agreed to direct the public school busses to travel north on Cocoanut Row and across Flagler Bridge for the time being, but that they planned to reevaluate it in an ongoing basis and it could change at some future time, as it disrupted their schedule. He noted that the Police Department was unable to find any record that indicated the School Board had committed to it.*

D. Overview of Raised Tennis Court Concept for Additional Off-Street Parking at Seaview Avenue.
[Jay Boodheshwar, Director of Recreation]

Recreation Director Boodheshwar presented preliminary findings related to elevating the Seaview Park Tennis Facility. He noted that three issues to be considered to pursue this concept were:

1. Aesthetics; examples were provided of aesthetics of other elevated tennis facilities that seamlessly blended in with facilities around them.

2. Timeline for constructing the facility; completion would be one and a half years barring any unforeseen situations.

3. Associated cost; additional design fees were estimated at $375,000; additional research for the unstable foundation was estimated at $200,000. American Disability Act (ADA) access provisions and for supervision purposes, the pro shop would be

expanded to a second story, and the parking structure was estimated at $2.2 million. The rough estimate for the total project budget was $5.3 million, which was an additional $4 million beyond the current planned project.

Mr. Boodheshwar noted that staff was prepared to move forward with the current plan, as construction drawings were ready, except for some fine-tuning before sending them out to bid.

Council Member Markin indicated that she could not support elevating the tennis facility, as there were logistical issues of bringing heavy rollers up to the second floor, the clay runoff , the buried irrigation lines over a parking garage, the height of the fencing, the lighting, and the traveling of noise. She noted that the area required short term parking, which would not justify the extra expense.

Responding to President Pro Tem Kleid, Mr. Boodheshwar answered that staff had not discussed the charges for parking, however, staff had discussed how to create the use of the inventory.

President Pro Tem Kleid commented regarding whether the teachers could be charged to park there, if it would be a prohibitive cost, and if they could find other parking in the area.

Mr. Elwell commented that both schools could be approached to determine if there was a partnership where the Town could create a commitment in order to resolve their parking shortage. There might be some long-term contractual arrangements that the Town could enter into. The Town would know exactly how many spaces to sell and at exactly what price.

President Pro Tem Kleid inquired as to what the time schedule would be, as the Council would either have to go ahead with the first project or stop it.

Mr. Elwell replied that if the work was undertaken in the summer, a decision would have to be made now, in order to be addressed by the Council at next month's meeting. If the policy decision was that there was too much downside, cost or otherwise, and the Council would like to proceed with Plan A, staff was ready today to proceed for this summer. If the Council wanted to further consider the elevated tennis courts, not making a commitment to actually construct it, staff would foreclose the opportunity to do the originally proposed project this summer, but could still do that project a year from now, once full consideration had been given to the elevated project. If the Council decided not to proceed with the elevated concept, the surface improvement could be implemented in the summer of 2008 instead of 2007. There would be plenty of time to explore this with the two schools, as well as the other issues.

Discussion ensued regarding the options that were available and the associated costs of the tennis facility, the parking spaces and the schools, and how the Council's decisions would affect the timeline.

**Motion made by President Pro Tem Kleid to continue to consider the raised tennis court concept, and provide more information at upcoming Town Council meetings. Motion seconded by Council Member Brooks. On roll call, the motion carried 3-2, with President Coleman, President Pro Tem Kleid, and Council Member Brooks voting in the affirmative, and Council Members Markin and Wyett dissenting.**

*[This motion precluded doing the tennis court upgrades this summer. The Raised Tennis Court Concept moved that the Council would continue to consider the building of the elevated garage, and that more information would be provided for next meeting. Mr. Elwell explained that if it was decided to explore the raised tennis court concept more fully, that decision should be made knowing that the tennis court surface improvements will be postponed for a year, in order to have time to fully explore the raised tennis court concept ---- therefore, in the spring of 2008, either the surface improvement or the raised tennis courts would be undertaken.]*

Public Comment:

Mesaric Zdravko, 233 Persian Way, West Palm Beach, commented that his children attended both Palm Beach Day School and Palm Beach Public School, and made suggestions regarding the tennis facility.

Kris Garrison, Planning Director - Palm Beach County School District, commented regarding partnering with the School District, and would bring back the comments of the Town Council to the School Board decision makers. She informed the Council that their budget over the next year would be tight due to the declining enrollment. She said, for the record, that the School District had improved the parking situation, and that they negotiated a parking agreement with the Four Arts Plaza.

Responding to Council Member Wyett, Ms. Garrison indicated that during previous discussions during the design of the building of the school, she understood that the Town was going to create some on-street parking that the teachers could use.

Mr. Elwell responded that the on-street parking that Ms. Garrison was referring to were spaces on Cocoanut Row. The problem was that the teachers were parking on residential side streets.

Ms. Garrison noted that there were a few dozen parking spaces at the Four Arts Plaza, and that she would provide the number of the School's faculty and staff at the next discussion.

Responding to Council Member Markin, Ms. Garrison noted that the last site visit was made by the director of transportation when the Town requested that the bus route go north. She indicated that it was a parental decision to drop off students by individual automobiles versus a busload of children being picked up and dropped off from a secure area; the parents felt it was safer to personally drop them off, and she did not know if the School had the authority to deny that right. Ms. Garrison noted that she would discuss with the principal the traffic issue of the parents dropping the students off in front of the School, and making illegal u-turns on Cocoanut Row to go back over the middle bridge.

E. Overview of Rough Order of Magnitude Cost Estimates for Other Seaview Area Strategies. [Charles R. Langley, Assistant Director of Public Works]

Public Works Director Brazil provided an overview of three other alternatives that involved the use of portions or all of Town property to provide for on-site parking, as listed below.

Three Cost Estimates:

1. West Field - Concept "B" - replaces 35 existing parking spaces and provide a total of 68 parking spaces, 10 of which would be the responsibility of the Day School. This plan realigns the roadway, taking part of the "West Field" for the construction. For the 58 spaces that the Town would be responsible for, the estimated cost is $125,000. That includes the paving, curbing, landscaping, irrigation, striping, the entire package. It is the intention that the additional real estate that is necessary would be received as a roadway easement, and 58 of the spaces would be public parking.

   President Pro-Tem Coleman suggested that instead of creating 58 public right-of-way spaces, by making those private, Town spaces could be controlled by the Town. Mr. Bradford replied that discussions with the Palm Beach Day School headmaster indicated that they would like to have control over the northern spaces, as they felt that they should have some exclusive use of the 19 feet of the West Field. Their teachers and staff are currently parking illegally along the north side of the street.

2. East Field - Concept "C". This alternative assumes that would be granted the

easement at no cost, and this would pick up an additional nine (9) parking spaces and the total cost would be $30,000, to include irrigation, landscaping, paving, curbing, etc.

3. Below grade parking structure below the existing soccer field at the Recreation Center. Estimated cost: $50,000 per space for a total cost of approximately $7,000,000.

Town Manager Elwell pointed out that there were some severe restrictions that a prior Council placed on the use of that property at a time of a prior development approval for the Day Academy, and it was related to the fact that the Day Academy actually had some thoughts of using that more actively for parking at that time. The decision was to allow it to be used for parking for certain special events, but on a limited number of occasions per year. The rest of the time it was to remain open play space.

Mr. Elwell advised that staff would have a conversation with the Day Academy about a fuller parking treatment for the West Field. He clarified that staff's direction was to take a parallel track, to study both the Raised Tennis Court Concept and the potential development of parking as set forth in Concept B (with some offsetting greenspace), with the idea that it might preclude the need to make the larger investment in the elevated tennis courts.

Discussion took place regarding dividing the agenda for regular Town Council meetings, so that administrative business and development review business could be heard on two separate days, rather than having the lengthy one-day meetings. It was the consensus of the Town Council that more advice in this regard would be provided by staff.

VII. SCHEDULING OF SPECIAL MEETING FOR CONCEPTUAL REVIEW OF STRATEGIES FOR THE ROYAL POINCIANA WAY COMMERCIAL AREA (INCLUDING THE SUNRISE/SUNSET ONE WAY PAIR).
[Peter B. Elwell, Town Manager]

Following was the previous discussion under item V, that related to item VII., above.

1. At the next meeting not to bring back the Mid-Town and Worth Avenue details for discussion;

2. Discuss the Sunrise and Sunset Royal Poinciana Conceptual Review;

3. Discuss the conceptual review of the residential parking regulation and the global issues;

4. Visit again after today, when concrete consideration of items for Seaview/Seaspray will be discussed; and

5. A conceptual review would be completed in its entirety before addressing other areas for detailed items.

VII. ANY OTHER MATTERS

There were none.

IX. ADJOURNMENT

There being no further business, the Special Town Council Meeting of February 12, 2007, was adjourned at 4:15 p.m.

APPROVED:

Richard M. Kleid
Town Council President

ATTESTED:

Susan A. Eichhorn
Town Clerk