



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON NOVEMBER 2, 2005 AT 6:00 P.M.

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of November 2, 2005, was called to order by Town Council President William J. Brooks at 6:00 p.m., in the Town Council Chambers. On roll call, the following elected officials were found to be in attendance:

Mayor Jack McDonald
President William J. Brooks
President Pro Tem Norman P. Goldblum
Councilman Denis P. Coleman
Councilman Richard M. Kleid
Councilman Allen S. Wyett

Others in attendance for all or part of the meeting were:

Town Manager Peter B. Elwell
Deputy Town Manager Thomas C. Bradford
Assistant Town Manager Sarah E. Hannah
Town Attorney John C. Randolph
Rob Walton - Chief Code Compliance Officer
Paul Brazil - Public Works Director
Alan Brown - Acting Recreation Director
Eric Brown - Public Works Assistant Director
Veronica Close - Director of Planning, Zoning & Building
William Crouse - Human Resources Director
Edward J. Moran - Fire-Rescue Chief
Michael Reiter - Police Chief
Jane Struder - Finance Director
Susan Eichhorn - Town Clerk

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Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5416 • Facsimile (561) 838-5417
E-mail: townclerk@townofpalmbeach.com • Website: www.townofpalmbeach.com



II. PLEDGE OF ALLEGIANCE

President Brooks led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The Agenda was approved through motion of Councilman Kleid, seconded by President Pro Tem Goldblum. On roll call, the motion carried unanimously.

IV. UPDATE REGARDING STATUS OF HURRICANE WILMA RECOVERY

Town Manager Elwell provided an update regarding the status of Hurricane Wilma recovery procedures:

The ability of the Town to return to normal functioning was dependent almost completely upon the restoration of electric power. At this point, approximately 70% of Town properties had been restored with electric power; the remaining power restoration would be a relatively slow process. Florida Power & Light (FP & L) had indicated that 95% of all customers who lost power in Palm Beach County would have it restored by November 8, 2005; with 100% restoration by November 15, 2005. As the power was restored, people were also receiving phone service restoration.

The checkpoints at the bridges involved continuous coverage to ensure that there was no more activity than was necessary in the Town. The checkpoints had now been removed, and the Police Department was now saturating the dark areas of Town that had not had power restored.

The Fire-Rescue Department had responded to a higher than normal rate of calls; over 110 tons of ice had been distributed; 714 meals ready to eat (MRE's) were distributed; 27 tarps had been distributed, and additional tarps were available to residents. A special needs program was created to address some of the more severe human needs caused by the storm; situations had come to the attention of staff that there were very elderly people on upper level condominium floors who had no way to get down, and a special task force of Town employees had been created to canvass the Town to identify and meet those needs.

The comfort station at the Recreation Department was significantly improved over last year; this year the new generator allowed hot showers, social interaction, snacks, and was a service to the residents.

Public Information: 2,600 calls were received on the hotline serviced by resident volunteers and staff; there were 6,200 hits on the website; updates were provided to the media daily. Damage Estimates: Preliminary estimate was \$10 million, and it was expected that figure would rise; that estimate did not include any landscaping damage, and it was expected that losses would extend much higher than \$10 million.

Debris Removal: The Public Works Department was now on its fourth pass through Town, and debris material would continue to be collected throughout the Town. The debris removal had been somewhat complicated this year by the amount of sand and by the amount of construction going on.

Mr. Elwell offered a personal observation that there were many examples of staff members who were called upon to go above and beyond the normal call of duty, doing things that were totally outside of the boundaries of their usual jobs, and without complaint, had risen to the occasion. It was because of that kind of dedication that the community was in the shape it was in at this point in the process of recovering from such a major storm. There were examples of teamwork among the departments, which offered the opportunity to learn internally about ways in which departments could help each other out even in normal circumstances.

President Brooks called for public comment.

Mr. Martin Millar, Council member, Town of South Palm Beach, addressed the Town Council, expressing thanks from the Town of South Palm Beach. He noted that the Palm Beach Police Department had worked well with the South Palm Beach Police Department and especially thanked Police Chief Reiter, and Fire-Rescue Chief Edward Moran. In addition, he noted that the Town of Palm Beach had provided a generator for the Town of South Palm Beach, when its own generator broke down. He quoted from the Town of Palm Beach notepad that he had been given, which said "Rich in history, Rich in service, Always exceptional, and he stated that he would like to add "Rich in giving," because the Town had been very rich in giving to the Town of South Palm Beach, and to its own residents. He commented that this was the best Council he had ever met, and thanked them very much!

Mrs. Yvelyne Marix, 1570 North Ocean Boulevard, commented that she had spoken with Mayor McDonald earlier, and had asked him if he had heard discussion regarding FEMA reimbursing people for generators. She suggested that Town staff investigate this further, in order to notify residents.

Town Manager Elwell replied that staff would confirm the program with FEMA and get the information out to the public as soon as possible.

President Pro Tem Goldblum commented that he had seen exceptional service from Town

staff during and after Hurricane Wilma, and it had thrilled him to know that he was a citizen and part of the Town of Palm Beach.

Councilman Coleman commended the Town staff and administration for all of their work, stating that a particularly gutsy call had been made in suggesting that people that could should think about leaving Palm Beach, and he stated that he was supportive of that. He also suggested that more discussion take place in the future regarding evacuation plans.

Councilman Kleid commented that he had opportunities to visit the Emergency Operations Center (EOC) and see volunteers and staff working on the hotlines. He noted the amount of energy, time, and conscientiousness that started from the Town Manager and worked its way down to each individual fireman and policeman, all of whom worked under very difficult circumstances with stressful people. He noted that as he drove around Lake Worth, Boynton Beach, Delray, and West Palm Beach, there was no doubt that Palm Beach was way ahead of other towns in the recovery effort.

Councilman Wyett commented that he joined in giving thanks to everyone in the Town who had participated in the hurricane recovery. He suggested that, in the future, all department heads get together to see what could be learned, and what could be done even better. He stated that there could possibly be quarantine problems next year, and that the Town should be prepared to know how to handle that problem.

President Brooks commented that the new EOC building had been an improvement since the hurricanes in 2004. He suggested that an in-depth postmortem should be conducted while everything was fresh. He also noted that construction debris should be kept separately from landscaping debris for debris removal. He stated that staff was working twelve hour shifts, and that it should be kept in mind that staff people also had homes and families to be concerned about. He empathized with those who were still without power. He thanked all Town staff for the wonderful work!

V. PROPOSED WAIVER OF FALSE ALARM PENALTIES

Finance Director Jane Struder recommended that the Town Council waive all false alarm charges that occurred during Hurricane Wilma, and in the days following the storm, when many of the residents and businesses were without power. The time period would extend from October 25, 2005, through the date of full power restoration to the Town of Palm Beach.

Councilman Wyett moved approval of the staff recommendation to waive all false

alarm charges for the time period extending from October 24, 2005, through the date of full power restoration, after Hurricane Wilma, to the Town of Palm Beach. The motion was seconded by Councilman Coleman. On roll call, the motion carried unanimously.

VI. RESCHEDULING OF UPCOMING MEETINGS

- A. SPECIAL TOWN COUNCIL MEETING TO CONSIDER DETAILS OF PROPOSED MOVE OF SEAGULL COTTAGE TO BRADLEY PARK— **NOVEMBER 15 AT 10:00 A.M.** INSTEAD OF NOVEMBER 7, AT 10:00 A.M.

After discussion, Councilman Wyett moved to re-schedule the Special Town Council Meeting to Consider Details of Proposed Move of Seagull Cottage to Bradley Park to **TUESDAY, NOVEMBER 15, 2005, at 10:00 a.m.** The motion was seconded by President Pro Tem Goldblum. On roll call, the motion carried unanimously.

- B. SPECIAL TOWN COUNCIL MEETING REGARDING PLACEMENT OF OVERHEAD UTILITY LINES UNDERGROUND— **NOVEMBER 15 AT 1:30 P.M.** INSTEAD OF NOVEMBER 7 AT 1:30 P.M.

After discussion, Councilman Wyett moved to re-schedule the Special Town Council Meeting Regarding Placement of Overhead Utility Lines Underground to **TUESDAY, NOVEMBER 15, 2005, at 1:30 p.m.** The motion was seconded by Councilman Kleid. On roll call, the motion carried unanimously.

- C. MONTHLY TOWN COUNCIL MEETING— **NOVEMBER 22 AT 9:30 A.M.** INSTEAD OF NOVEMBER 8 AT 9:30 A.M.

After discussion, it was determined that the monthly Town Council Meeting, originally scheduled for November 8, 2005, would be re-scheduled to **WEDNESDAY, NOVEMBER 30, 2005, at 9:30 a.m.** in the Town Council Chambers.

D. COMMUNITY MEETING REGARDING ZONING– **DECEMBER 1 AT 7:00 P.M. INSTEAD OF NOVEMBER 17 AT 7:00 P.M.**

After discussion, it was determined that the first Community Meeting Regarding Zoning originally scheduled for November 17, 2005, at 7:00 p.m., would be re-scheduled to THURSDAY, DECEMBER 1, 2005 at 7:00 p.m. at St. Edward's Parish Hall.

Town Manager Elwell noted that the first two community meetings would be addressing the same topic (neighborhood index, and 110% concept); the final two meetings would address the proposals related to separating the R-B District into several smaller districts.

Mrs. Yvelyne Marix suggested that one of each of the meetings be scheduled for an afternoon, rather than the evening.

Town Manager Elwell explained that a mailing would personally notice each R-B District owner, and there would also be general information through the newspapers to let the general public know about the meetings.

After further discussion, Town Manager Elwell clarified that the community meeting scheduled for December 1, 2005 would be at 7:00 P.m. at St. Edward's Parish Hall, and that the community meeting scheduled for December 14, 2005, would be a daytime meeting and staff would recommend a definite time.

Councilman Kleid moved approval of the community meeting scheduled for December 1, 2005, at 7:00 p.m. at St. Edward's Parish Hall, and that the December 14, 2005, community meeting be held during daytime hours, with staff determining an appropriate time. The motion was seconded by President Pro Tem Goldblum. On roll call, the motion carried unanimously.

Town Manager Elwell clarified that the January community meetings would be adjusted likewise, so that one was a daytime meeting, and one was held in the evening.

VII. RESOLUTION No. 82-05 A Resolution of the town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Bean Stuyvesant, L.L.C. for Sand Placement Associated with the Reach 7 (Phipps Ocean Park) Beach Nourishment Project and Reaches 7 and 8 Dune Restoration Project and a Contract to Great Lakes Dredge and Dock, For Sand Placement Associated with the Mid-Town Beach Restoration Project. [Paul Brazil, Director of Pubic Works].

Town Attorney Randolph read Resolution No. 82-05 by title, as printed above.

Public Works Director Paul Brazil reported that Sealed Bid No. 2005-09 included Reach 7 (Phipps Ocean Park) Beach Nourishment Project; Reaches 7 and 8 FDEP Hurricane Recovery Dune Restoration Project; Mid-Town (Reaches 3 & 4) Beach Restoration Project. He explained that there was a possibility for sand placement in Reach 8, if the permits were received. The total initial cost for the Town would be \$19,350,900, of which at least \$7,514,325 currently was considered reimbursable. That amount might increase, if FEMA could be convinced to increase their participation, due to the effects of Hurricane Wilma.

Staff was requesting that the Town Council approve a portion of Sealed Bid No. 2005-09 to Bean Stuyvesant, L.L.C. for the Reach 7 Beach Nourishment Project and the Reaches 7 and 8 Hurricane Recovery Dune Restoration Project in the amount of \$7,851,500, with the ability to increase that by \$1,815,000 if Reach 8 permits were obtained. Further, staff recommended the awarding of that portion of Sealed Bid No. 2005-09 associated with the Mid-Town project (Reaches 3 and 4) to Great Lakes Dredge & Dock, L.L.C. in the amount of \$9,684,400, contingent upon the confirmation that FEMA will reimburse at least \$3,320,000. Also, to complete these projects, staff was recommending that the Town Council adopt Resolution No. 82-05, which also provided that the Town Council waive sections 42-198 and 42-262 through 229 of the Town Code, which regulated noise, equipment operation, and work hours. This would allow the contractor to work 24 hours/day 7 days/week.

In response to Councilman Wyett, Mr. Brazil advised that staff had previous personal experience with the contractors.

In response to Councilman Kleid, Mr. Brazil explained that the 24 hours/day 7 days/week schedule was necessary because that was physically how this type of work was done, and that was the only possible way to get it done. in a relatively short time frame, at the dollars that the contractors would receive.

Town Manager Elwell assured all that Bean Stuyvesant was the firm that did the Mid-Town project a few years ago, and Great Lakes Dredge & Dock had done numerous projects of this size, scale and type in Palm Beach County. He also clarified that the contractors were well aware of the contingencies attached to this recommendation, and the contingency related to the award to Bean Stuyvesant for the work in the south end was one that would kick in automatically if the state and federal permits were secured for the Reach 8 beach nourishment work. That part of the project would be added to the contract of Bean Stuyvesant, and they would continue on and do that piece of work. He explained that there was a different contingency related to the Mid-Town work – Great Lakes Dredge & Dock would be authorized to proceed with the work only if the Army Corps of Engineers confirmed the federal obligation to fund \$3.2 million or more of the cost of the project. That commitment had been tentatively made by the federal government through FEMA, from last year's hurricane impacts. It was expected that the funds would be obligated for this purpose, and perhaps even more, because of the magnitude of the project, as well as the recent impacts from

Hurricane Wilma. If staff did not receive confirmation of the federal obligation, Great Lakes Dredge & Dock would not be authorized to proceed with the work, and staff would return to the Town Council with a recommendation as to how to proceed.

Councilman Wyett suggested that staff coordinate the times of heavy noise with the citizens group in the south end.

Mr. Gerry Frank, 2784 South Ocean Blvd., addressed the Town Council both as a citizen, and as a member of the Citizens' Association. He stated that he did not believe that there would be any problem with residents and noise, as residents would be very happy to see the sand being placed. He suggested notification of the dates of the starting and ending times for the project.

Public Works Director Brazil replied that staff did not have that information at this point; after the bid was awarded, a schedule would be requested from the contractors.

Town Manager Elwell noted that there was a deadline that the contractors were well aware of, because of turtle nesting season in 2006; the completion date would need to be in April 2006. Staff would move as quickly as possible to enable Bean Stuyvesant to mobilize for the south end project. The Mid-Town project was dependent upon the clarification of the FEMA item.

Councilman Wyett moved adoption of Resolution No. 82-05. The motion was seconded by Councilman Kleid. On roll call, the motion carried unanimously.

VIII. ANY OTHER MATTERS

There were none.

IX. ADJOURNMENT

There being no further business, the Special Town Council Meeting of November 2, 2005, was adjourned at 7:00 p.m.



William J. Brooks, Town Council President

ATTEST:

Susan A. Eichhorn, Town Clerk