TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON JULY 9, 2008 (BUDGET)

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting was called to order by Town Council President Kleid at 8:30 a.m. on July 9, 2008, in the Town Council Chambers On roll call, the following elected officials were found to be present:

Mayor Jack McDonald
President Richard M. Kleid (left the meeting @12:05 p.m.)
President Pro Tem Gail Coniglio
Council Member Denis P. Coleman
Council Member Susan Markin
Council Member David A. 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
William Amador - Fire-Rescue Chief
Jim Bowser - Town Engineer
Alan Brown - Assistant Director of Recreation
Jay Boodheshwar - Recreation Director
Paul Brazil - Public Works Director
Eric Brown - Public Works Assistant Director
Veronica Close - Planning, Zoning and Building Assistant Director
William Crouse - Human Resources Director
Rod Gardiner - Assistant Director of Recreation
Charles Langley - Public Works Assistant Director
Jon Luscomb - Dock Master
John Page - Planning, Zoning and Building Director

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Michael Reiter - Police Chief
Cheryl Somers - Assistant Finance Director
Jane Struder - Finance Director
Karen Temme - Risk Manager
Spencer Wilson - Information Systems Manager
Susan Eichhorn - Town Clerk

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Clerk Eichhorn provided the invocation. President Kleid led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

President Kleid announced that an Attorney/Client session had been held after the adjournment of the regular Town Council meeting of July 8, 2008, and the Mayor and Town Council had agreed to allocate the sum of $2,000,000 for the defense of the suit brought by the Surfrider Foundation, Inc., et al., with respect to the Reach 8 beach renourishment.

IV. TOWN MANAGER'S OVERVIEW OF THE PROPOSED FY2009 BUDGET

Town Manager Elwell provided an overview of the proposed FY09 budget. The expenditures in the budget were flat from FY08 to the proposed FY09, and the revenues complied with the strict state cap on property taxes that were imposed in Amendment One. Property taxes for a homesteaded owner on a property worth $3 million were going down in the proposed budget. He provided comparisons of taxes paid in four other communities, and provided information regarding:

- Competitive pay increase for all employees.
- Special pay increases for Firefighters to return them to the top quartile.
- Police officer pay to retain their number one position in the market; to account for slotting into a step pay system.
- Twenty-four percent increase in the cost of electricity.
- Fifty-nine percent increase in the cost of fuel.
- Increase in health insurance costs.

Mr. Elwell continued with details of the proposed budget:

- There were substantial decreases in the costs of pensions this year, since this was the year that impacts were being seen from the positive performance of the market. He noted that with the volatility this year, the impact was not known – if there was a very serious decline from this point forward, that could use much, or all, of the surplus that was in the fund now. It was unlikely that there would be an increase in pension costs next year, however, the additional expected decrease might not be seen. Staff would continue to monitor the issue.

- He referred to the proposal to move from the operating budget to the capital budget approximately $500,000 of expenses related to monitoring the coastal projects. He explained that two years ago, $1 million of recurring expenses were moved from the capital funds into the operating funds. That was one reason for the increase of budgets in recent years. The monitoring activities were project related and involved compliance with the permit conditions imposed by the regulatory agencies, and it was appropriate and acceptable to have the permit condition related costs (the monitoring costs) in the capital fund, and staff was proposing that be done this year.

- The budget had been prepared that maintained the high levels of service, and still maintained flat expenditures and complied with the property tax cap. Mr. Elwell offered his heartfelt thanks to department directors and departmental staff for providing budgets that would truly meet the needs, and comply with the budget target figures.

Comments of the Mayor and Town Council and Discussion:

Council Member Rosow addressed the format of the report, suggesting that it would be very useful to see depreciation and capital expenditures removed from the individual accounts, because capital expenditures were a separate line item of things that may or may not be approved. Depreciation was something that was controlled by capital expenditures, so if depreciation was going down or up, it may impact costs. He also questioned why the proposed budget was compared to last year's budget, rather than last year's actual estimated budget.

Mr. Elwell responded that the value of how the information was currently presented was in the fact that some of the operations of the Town were capital intensive, and some were less, and that could be seen in the current format. Regarding the budget comparisons, Mr. Elwell explained that since only part of the fiscal year had expired, the actual figures were not yet available. The only hard numbers were what was adopted last year and what was being proposed for this year. Staff would be happy to show a percent change to budget, and a percent change to estimated, however, he cautioned that the budget to budget tended to be a better reflection of the overall continued operation of the Town.

Council Member Markin referred to Council Member Rosow's request for a depreciation report, and agreed that financially, it was good to see it all together, however, departments determined budget to budget, and seeing the information both ways would allow the Council to see more exact figures.

Mr. Elwell clarified that a separate report would be provided regarding depreciation, and also the depreciation would be shown as a separate line item in each program – depreciation, as separate from a new capital expense. The capital outlay would be separated into two separate pieces – a depreciation line item and a capital outlay item. Staff would provide a separate tabbed report in future budget reports.

Council Member Coleman noted that he had previously asked that besides tracking fuel in dollars, that it be tracked in gallons, and requested further information.

Town Manager Elwell noted that information, as well as two capital requests (re-paving Northlake Way and the bike path in an accelerated manner) had not been included in the written document; the re-paving estimates would be addressed during the capital improvement portion of the discussion today. In regard to fuel usage, there was some information available today, and a formal written report would be provided at a future meeting. He noted that the entirety of the cost increase was related to the cost of the gas. There was no significant decrease in the usage of fuel, however, there was also not a significant increase.

Council Member Coleman explained that his interest in tracking the fuel usage was not directly money related – it was to keep the focus on acquiring fuel efficient vehicles.

Mr. Elwell responded that staff understood the emphasis on fuel efficiency and staff was seizing opportunities to buy more fuel efficient vehicles. A fleet committee had been put together to look at a variety of potential improvements and efficiencies related not only to the maintenance of vehicles, but also the type of vehicles to purchase.

William Diamond, 220 Wells Road, questioned the percent of the balanced budget that was due to the freeze on hiring, and whether the freeze should be made permanent.

Mr. Elwell replied that staffing would be addressed later in the meeting; there was the expectation that there would be constraint in filling the positions that become vacant. At this point in time, the positions were authorized, so they were funded in the budget.

Mr. Elwell called attention to the Citizens Financial Report, which was a restyled annual report of the Town. It would be mailed to all residents, and added to the Town website.

V. COMPREHENSIVE REVIEW OF TOWN OPERATIONS FOLLOW-UP

Staffing Requirements:

Town Manager Elwell referred to his memorandum dated July 3, 2008, regarding the staffing update. He explained the suggested policy related to staffing:

Vacant positions would be kept vacant for as long as possible, without negatively affecting services. Examination would be done to determine if a position could be eliminated, or whether there was a way to re-juggle responsibilities, so that the same level of service could be performed with fewer staff. Positions would only be filled upon the written authorization of the Town Manager; the Town Council would always be informed and would have the opportunity to address any concerns.

Discussion took place regarding filling vacant positions and the positions that would become vacant as a result of the buyout. Town Manager Elwell clarified that it was essential that everyone understand that he was not recommending that he have a level of latitude beyond what he had before; it was, in fact, the opposite. Up until the time that the freeze was imposed, it was the standard operating procedure of the Town that the Town Council adopted a budget that included authorization for certain positions, and that the Town Manager had complete latitude to fill those authorized positions. As positions became vacant, recruitment took place to fill those positions. The freeze had imposed a circumstance where no positions were allowed to be filled without written permission from the Town Manager, and positions would be kept vacant longer than usual in order to experience short term savings. In addition, opportunities to combine responsibilities and eliminate positions were taken, all within the framework of the authorized budget. He clarified that he was suggesting today that the policy remain in place, and that the direction from the Town Council would be to stay as lean as possible, and at the end of the day, that cap established by the Town Council would be the authorized number of positions approved in the budget. The positions that were determined were needed to be filled could be authorized to be filled at the discretion of the Town Manager.

Mr. Elwell referred to the table included in his July 3, 2008, memorandum regarding staffing. There were 13 vacant positions that had been authorized to be filled; 10 vacant positions where current recruitment was not authorized or requested – those positions would remain vacant for the foreseeable future, until such time that the position would be authorized; and five (5) buy out positions for which current recruitment was not authorized or requested.

Mr. Elwell explained that at the end of the discussion today, the Town Council would decide the total ceiling number of employees. He noted that he was proposing that he no longer have the latitude to administratively fill any position, but that he would always report that information to the Town Council, and if the Town Council believed that the position should remain vacant, it would be addressed as a policy issue.

After further discussion, Mr. Elwell requested authorization to fill four (4) vacant positions and fourteen (14) buyout positions, which constituted the positions that the Town needed to fill in order to move forward.

After discussion, President Kleid advised that it was the consensus of the Town Council that there was agreement in providing Town Manager Elwell the authorization to recruit and fill the four (4) vacant positions, and the fourteen (14) buyout positions, which were listed in the memorandum.

After further discussion, Mr. Elwell advised that he would review the remaining fifteen (15) positions that were vacant, in order to provide more information in a report to the Town Council at the August 12, 2008, Town Council meeting. He explained that if the fifteen (15) positions were considered to be nice, but not necessary, then the positions would be gone. Wherever staff saw the opportunity to eliminate positions, those opportunities would be taken. For the current fifteen (15) positions that were already funded in the budget, those positions represented what was thought was really needed as an organization to maintain the levels of service, however, not immediately. The responsible thing to do would be to let them sit vacant as long as possible, and then fill the positions when they are needed. Money would need to be put into the budget for that purpose.

Mr. Elwell explained that those positions on the list that did not have an asterisk, or were not in bold type, would continue to sit vacant at this time. Those were the fifteen (15) positions that staff would give additional focus and consideration to, bringing back a recommendation later in the summer.

Council Member Rosow questioned the need for an additional lifeguard, given the condition of Phipps Park. Town Manager Elwell responded that the reason that position was on the list was because of safety reasons that Chief Reiter had expressed.

President Pro-Tem Coniglio clarified that, as of today, the Town Manager was authorized to hire the positions that were in bold type, because those positions were absolutely necessary to maintain the level of services decided by the citizens, staff, and the Town Council.

Council Member Coleman moved that Town Manager Elwell be given the authorization to recruit and fill the four (4) vacant positions, and the fourteen (14) buyout

positions as set forth in the July 3, 2008, memorandum. The motion was seconded by President Pro Tem Coniglio. On roll call, the motion carried unanimously.

Town Manager Elwell clarified that the remaining positions would be reviewed, and a report provided at the August 12, 2008, Town Council Meeting.

Employee Benefit Summary:

Town Manager Elwell commented that health insurance information and pension information had been provided in the same format that was included in the Citizens Financial Report.

Council Member Rosow asked the amount of the current fund balance. Finance Director Struder replied that it was approximately $1.5 million.

In response to Council Member Rosow's request for an updated benefit competitive comparison schedule, Town Manager Elwell replied that the comparative schedule had been updated in December, as part of the Comprehensive Review of Town Operations.

After discussion, it was the consensus of the Town Council that a report would be furnished annually of the benefit competitive comparison schedule, to be presented in April or May of each year.

Council Member Rosow commented that he would like to see the savings from the positions that were being eliminated put into the retirement program, on a one time basis, above and beyond the current requirement, in order to help smooth out what may happen next year.

Town Manager Elwell observed that it could be done as Mr. Rosow described, but the money would not be put into the pension fund per se – it would be segregated out as a reserve to soften the fluctuations, rather than being part of the core fund. He noted that the actuary had indicated that there was an equilibrium to this, between when the Town was below its normal funding, and the years when it had been above the normal funding.

Consolidating Beach Related Activities:

Town Manager Elwell advised that the cost of the beach operations far exceeded the revenues that came in from beach related sources, and a consolidation of beach related activities into a beach fund would not work.

Council Member Coleman commented that he would like to come back to this issue at a later date.

VI. CONSIDERATION OF SUPPLEMENTAL BUDGET REQUESTS

A. Citizen Satisfaction Survey ($30,000)

Town Manager Elwell clarified that, as part of the Key Result Measurement System, it had been anticipated that there would be a surveying of the opinions of the residents of the Town, on some regular interval. The best way to get a good objective gauge of citizen satisfaction was to hire a firm that would do an impartial survey.

President Pro Tem Coniglio suggested that perhaps the civic organizations in Town may want to participate in the funding.

Stanley Rumbough, Palm Beach Civic Association, commented that he would present the idea to the Executive Committee. He also suggested that the Town Council and the administration prepare a list of possible donations to which citizens could contribute if they so desired.

Lee Goldstein, Citizens' Association of Palm Beach, commented that he would present the idea to the board as well.

Council Member Rosow expressed the concern that a telephone survey was not beneficial, and that the generosity of any groups in Town who offered support could be used in other ways that would be more beneficial to the Town.

After further discussion, President Kleid clarified that it was the consensus of the Town Council that there was no interest, at this time, in the Town doing a Citizen Satisfaction Survey.

B. Digital Imaging Document Management System (and Related Staff Position) ($135,000 + $90,000 staff)

After discussion regarding an additional staff member, Town Manager suggested that this item be included in the supplemental report that would be provided regarding staffing.

It was the consensus of the Town Council to await further information in the supplemental report that would be provided by staff.

C. Digitizing of Plan Review Activities ($71,000)

Town Manager Elwell noted that an additional staff member would not be required for the proposed digitizing software program.

It was the consensus of the Town Council to approve funding for the digitization of plan review activities. Town Manager Elwell clarified that the funding for this would be worked out appropriately..

D. Decorative Street Lights (Lake Avenue to Sloan's Curve) ($1,575,000)

President Kleid proposed providing funding for the decorative lighting from Lake Worth Bridge to Sloan's Curve.

Council Member Markin commented that the area was already extremely well lit, and the north area of Town was in need of lighting.

President Pro Tem Coniglio suggested that perhaps this item was one that could be accomplished through the generosity of Town residents.

President Kleid clarified that it was the consensus of the Town Council that there was no interest in pursuing this item.

E. 20 Year Capital Improvement Program Street Light Project ($5,250,000)

Council Member Markin commented that there was a desperate need for lighting in the north end, and urged that serious consideration be given to this item.

Discussion took place and it was the consensus of the Town Council that there was no support for the street lighting project at this time.

F. Expansion of Phipps Ocean Park Tennis Center ($341,000)

It was the consensus of the Town Council that there was no interest in this item.

VII. REVIEW OF FY2009 PROPOSED BUDGETS

After brief discussion, It was determined that detailed discussion would take place regarding the Capital Improvement Fund portion of the FY09 proposed budget, and the

Recreation Enterprise Fund portion of the FY09 proposed budget. Staff would respond to any questions concerning the other funds included in the proposed budget.

A. General Fund Revenues

Finance Director Struder responded to questions and comments from the Town Council.

B. General Fund Expenditures - Program-by-Program Review

Finance Director Struder responded to questions and comments from the Town Council.

C. Debt Service Fund

Finance Director Struder reported that there was no general obligation debt; there was a new revenue note issued for Town Hall renovations, and the revenue note issued for the central fire-rescue station and the coastal protection bonds.

D. Capital Improvement Program

Director of Public Works Paul Brazil presented the Capital Improvement Program.

<u>Storm Water System and Sanitary Sewer system:</u>

Discussion took place regarding the state of the sanitary sewer system, setting aside funding for depreciation of the sanitary sewer system, and a funding or bonding program to replace the sanitary sewer system.

Discussion took place regarding the two landfill sites and the investment that was necessary at those sites. Town Manager Elwell advised that once the mass of it had been cleaned, and the site was started to be used anew, opportunities to sell the compost would be reviewed. He advised that staff would provide additional information to the Town Council, within the next few months, regarding the development of a plan and types of financing.

<u>Streets and Roads:</u>

Two bridges in Town were inspected and found to need minor rehabilitation.

In response to Council Member Rosow, Mr. Brazil advised that he would provide information regarding the volume of milling and resurfacing work on the streets and roads, i.e., the number of miles this year versus the last year. Estimates would be obtained form the contractors, with the realization that those numbers would change by the time the work was actually done.

Mr. Brazil noted that $10,000 had been scheduled to repair a piece of the bike path, however, to finish the last of the bike path that had not been paved in recent history, would cost approximately $60,000.

Council Member Coleman commented that the bike path was truly one of the wonderful things in the Town – a lot of it was in horrible repair. He requested a plan on the bike path that would bring it into first class status.

Mr. Brazil replied that to do the entire bike path this year, the cost would be approximately $320,000 – starting from the south end and moving to the north. He suggested that the bike path south of Sloan's Curve was in generally good condition, since the Florida Department of Transportation (FDOT) had recently worked on that portion. Much of the work on the bike path, on the northern portion (north of Lakeside Park), had been done in successive overlays over many years. He advised that the costs would approximate $200,000 to mill the majority of the bike path and overlay it.

Council Member Markin commented that, before the cost of milling and resurfacing the bike path could be justified, North Lake Way paving should be discussed as a priority. Mr. Brazil advised that re-paving Fairview to Via Linda was in this year's budget to be done at a cost of $31,000. Onondaga to Garden would be approximately $90,000 and was not in this year's budget – it was a road that was going to have utility work done on it in the foreseeable future. Mr. Brazil briefly reviewed the paving program for FY09.

Council Member Rosow requested an inventory listing of all roads in the Town that should be re-paved. Mr. Brazil noted that a ten year program had been submitted. It was a $5,000,000 program @ $500,000 per year. It could be accelerated, and a dollar value could be put on all things that needed to be done. Mr. Rosow requested that the list include the bike path.

Town Manager Elwell clarified that the inventory would include the list of what remains to be done from the ten-year program, with price tags, so that the Town Council could determine whether to let the schedule play out over the next several years to finish the ten-year plan, or whether to accelerate the work.

Mr. Brazil then reviewed the sections regarding:

Bury FPL Overhead Lines: $640,000 carry over funds.

Council Member Coleman suggested contacting the property owners in the 100 block and 200 block of Brazilian Avenue and the south side of Royal Palm Way, to determine if they were interested in becoming involved with an underground wiring project in connection with the two hotels in that area currently undergoing construction.

Discussion took place regarding running separate lines to be used for non-potable water, while other underground work was being done to the street. President Pro Tem Coniglio requested that it be added to the information regarding the road re-paving.

Town Manager Elwell clarified that the non-potable water line information belonged in the discussion related to the long term capital improvement project report that would be brought back to the Town Council.

<u>Refurbishing Memorial Fountain</u>: $50,000 carry over funds.

It was expected that refurbishing the foundation would cost significantly more than $50,000. The Preservation Foundation had been approached to participate.

<u>Fuel Tank Replacement Program:</u>

A state mandate required replacement of some tanks and new piping on others.

<u>North Fire-Rescue Station:</u>

Mr. Brazil noted that there had been concern expressed regarding a traffic signal at the North Fire-Rescue Station. He suggested that a warrant study would determine whether a signal was required. If it was, staff would suggest funding for an installation of a signal at that intersection in a future year. The cost estimate was approximately $75,000, and the study would cost approximately $25,000.

Mayor McDonald commented regarding the timed "walk/don't walk" signals in place at two intersections, and noted that he had received very favorable comments regarding them. Mr. Brazil replied that there were sufficient funds in this year's budget to start work on such signals at Royal Poinciana and Bradley; after that Royal Poinciana and County would be done. It may not be possible to do both this year.

William Diamond, 220 Wells Road, commented regarding the speeding on Wells Road.

In response to Council Member Markin, Mr. Brazil advised that the design and permitting would cost approximately $10,000 out of the $25,000 cost estimate for the study.

It was the consensus of the Town Council to move forward with the traffic signal at the North Fire-Rescue Station, with approximately $10,000 expended for design and permitting, and approximately $75,000 for the traffic signal.

Comprehensive Coastal Management Program: (Fund 309)

Town Manager Elwell clarified that there were four items of direction related to the Inlet set of issues that would be brought back at the August Town Council meeting. Separate from that, there would be a plan brought forward regarding the Shore Protection Board and the coastal coordinator position at the September Town Council Meeting. One of the four things on the list for August related to lobbying, and he suggested that the additional information regarding lobbying strategy and lobbying options be brought back with the Shore Protection Board/coastal coordinator information. The Town Council was in agreement.

Town Facilities Fund: (Fund 310)

The Town Hall renovation project was included in this program.

E. Recreation Enterprise Fund

Recreation Director Jay Boodheshwar responded to questions from the Town Council. A brief summary of the points of discussion is included below:

- Participation in Recreation Program & Events by residents and non-residents by program. Council Member Markin requested a report on both the youth and adult program participation. She suggested that the Armory was looking to fill more classes, and they would be willing to offer adult classes – adults could sign up in Palm Beach, with the Town getting a percentage of the fee. She noted that the Armory had an interest in partnering with the Town for adult art programs.

- Costs associated with the impacts of resident drop-in use of the playground, park, basketball courts, and the recreation facility itself.

1. Individual Review of Component Functions (including fee increases)
    a. Marina
    b. Golf
    c. Tennis
    d. Recreation Programs & Events
    e. Administration & General Maintenance
    f. Capital and Equipment

Mr. Boodheshwar summarized some of the highlights of the proposed fee increases:

- Golf fees: addition of a tourist fee, that would maximize revenues during the season.

Council Member Rosow requested a report with the number of participants per rate.

- Recreation Center fees: nominal change in the rental fee for the auditorium.

- Tennis fees: significant increases in annual pass fees for tennis; a league fee was implemented this year that would capture the costs of competitors.

- President Pro Tem Coniglio requested that the fee increases be made round numbers, rather than dollar amount percentile increases.

- Marina fees: a tiered rate based on slip sizes.

President Kleid left the meeting at 12:05 p.m., and passed the gavel to President Pro Tem Coniglio.

Motion made by Council Member Rosow, seconded by Council Member Markin, to accept the proposed rates for boats from 50' to 119', and to increase the rates by 10% for boats from 120' to 262'. The roll call vote was as follows (tie vote, motion rejected):

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

(President Kleid was not in attendance at this time)

After further discussion, staff was directed to provide additional information, so that further details could be brought forth, such as the increase in revenue that the new rates would generate.

Town Manager Elwell clarified that a Resolution will be prepared for each different scenario, for the consideration of the Town Council.

F. Internal Service Funds

1. Risk Management

2. Health Insurance

Discussed in overview.

G. Trust and Agency Funds

1. General Employee Retirement Fund
2. Firefighter Retirement Fund
3. Police Officer Retirement Fund
4. Health Insurance Trust

Discussed in overview.

VIII. Resolution No. 50-08 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Proposed Operating Millage Rate of 3.4800 for the Tentative Fiscal Year 2009 Budget; Approving the Computed Rolled-Back Millage Rate of 3.1464 to be Provided to the Property Appraiser in Accordance with F.S. 200.065; Establishing the Date, Time and Place of the First and Final Budget Hearings to Consider the Proposed Millage Rates and Tentative Fiscal Year 2009 Budget and Directing the Town Manager to Transmit this Information to the Property Appraiser of Palm Beach County in Accordance with the Requirements of F.S. 200.065.

Town Manager Elwell advised that the proposed rate was artificially high – it was always artificially high at this time of the year; if the proposed millage rate was exceeded a first class mailing to all property tax payers in the Town would need to be done. To avoid that, at this moment in time, the millage rate was always proposed as artificially high. The proposed tentative millage rate was 3.4800, which would provide about $3 million of additional funds beyond what would be adopted at the end of the budget process. It was $3 million above the cap, and would therefore require a fourth affirmative vote today.

Town Manager Elwell read Resolution No. 50-08 by title.

Council Member Markin moved adoption of Resolution No. 50-08. The motion was seconded by President Pro Tem Coniglio. On roll call, the motion carried unanimously.

IX. ANY OTHER MATTERS

There were none.

X. ADJOURNMENT

There being no further business, the Special Town Council Meeting held on July 9, 2008, was adjourned at 12:35 p.m.

Richard M. Kleid
Town Council President

ATTEST:

Susan A. Eichhorn
Town Clerk