

**MINUTES OF THE REGULAR SESSION
VILLAGE COUNCIL OF NORTH PALM BEACH, FLORIDA
MAY 14, 2020**

Present: Susan Bickel., Mayor
Mark Mullinix, Vice Mayor
David B. Norris, President Pro Tem
Darryl C. Aubrey, Sc.D., Councilmember
Deborah Searcy, Councilmember
Andrew D. Lukasik, Village Manager
Len Rubin, Village Attorney
Jessica Green, Village Clerk

INTRODUCTION

Mr. Lukasik gave introductory comments and explained that the meeting would be conducted electronically by internet access or telephone.

ROLL CALL

Mayor Bickel called the meeting to order at 7:30 p.m. All members of Council were present. All members of staff were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Mullinix gave the invocation and Mayor Bickel led the public in the Pledge.

AWARDS AND RECOGNITIONS

Mayor Bickel read a Proclamation for National Public Works Week.

Public Works Director Steven Hallock thanked Council for the Proclamation.

APPROVAL OF MINUTES

The Minutes of the Emergency Special Session held March 23, 2020 and the Minutes of the Regular Session held April 23, 2020 were approved as written.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2020-01 GENERAL FUND BUDGET AMENDMENT

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Searcy to adopt and enact on 2nd reading Ordinance 2020-01 entitled:

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, AMENDING THE ADOPTED GENERAL FUND BUDGET FOR FISCAL YEAR 2020 TO CLASSIFY THE TOTAL AMOUNT FINANCED FOR VILLAGE VEHICLES AS CAPITAL OUTLAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING AND SECOND READING OF ORDINANCE 2020-01 GENERAL FUND BUDGET AMENDMENT *continued*

Mr. Lukasik explained that the ordinance would approve a General Fund Budget amendment. Funds for vehicle lease programs are normally allotted as an operating expense, since capital is being acquired through the lease program, the assets should be reflected as debts.

Thereafter, the motion to adopt and enact on second reading Ordinance 2020-01 passed with all present voting aye.

CONSENT AGENDA

Item 6 was removed from the Consent Agenda and placed on the Regular Agenda. Thereafter, the Consent Agenda, as amended, was approved with all present voting aye. The following items were approved:

Resolution approving a Fifth Amendment to the Communications Site Lease Agreement with Cellco Partnership d/b/a Verizon Wireless for a telecommunications tower adjacent to the Community Center; and authorizing execution of the Amendment and Amended Memorandum of Agreement.

Receive for file Minutes of the Environmental Committee meeting held 3/2/20.

RESOLUTION 2020-36 – ENGINEERING SERVICES FOR WEST ALLEYWAY PAVEMENT REHABILITATION PROJECT

A motion was made by Vice Mayor Mullinix and seconded by Councilmember Aubrey to adopt Resolution 2020-36 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA APPROVING A PROPOSAL FROM ENGENUITY GROUP, INC. FOR ENGINEERING, BIDDING AND CONSTRUCTION PHASE SERVICES FOR THE WEST ALLEYWAY PAVEMENT REHABILITATION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Mullinix expressed concern over spending money to do a study for the project. Vice Mayor Mullinix recommended asking a paving company to provide an assessment and proposal for the project.

Mr. Hallock explained the issues with the alleyway and stated that the condition of the road was serious and a high priority project.

Discussion ensued between Council, Mr. Rubin and staff regarding the proposed project.

Mr. Lukasik explained the reasons for requesting an engineering study for the west alleyway pavement project and stated that not all road projects would require an engineering study.

Village Engineer Keith Jackson explained the reasons for having an engineering study for certain projects. Certain projects would require a scope of work in order to request a bid on the project.

Councilmember Searcy asked when the west alleyway was last repaved.

RESOLUTION 2020-36 – ENGINEERING SERVICES FOR WEST ALLEWAY PAVEMENT REHABILITATION PROJECT *continued*

Mr. Hallock stated that he was unsure of when the west alleyway was last repaved. Mr. Hallock stated that from his observation of the condition, he believed it was approximately 30 years ago.

Councilmember Aubrey recommended having an engineering study done for the west alleyway project since a scope of the project is needed in order to receive appropriate and accurate bids.

Thereafter, the motion to adopt Resolution 2020-36 passed 4 to 1 with Mayor Bickel, President Pro Tem Norris, Councilmember Aubrey and Councilmember Searcy voting aye and Vice Mayor Mullinix voting nay.

MOTION - Authorizing partial Release of Retainage in the amount of \$229,167 to Weitz Company for the North Palm Beach Country Club Project

Mr. Lukasik explained that the Weitz Company was requesting fifty percent of their retainage payment. Mr. Lukasik gave a presentation that reviewed and explained the Country Club Clubhouse Project Budget Summary.

President Pro Tem Norris asked why Farmer's Table was paid \$166,760.

Mr. Lukasik explained that those funds were received from Farmer's Table and then paid back to them for the build out of their pavilion.

President Pro Tem Norris asked if the building permit and licensing fees were paid to the Village.

Mr. Lukasik stated that yes the building permit and licensing fees were paid to the Village.

Vice Mayor Mullinix asked if payments to the construction manager went over budget.

Special Projects Director Chuck Huff explained that there was an initial budget increase when a 2nd Amendment was added to the construction manager's contract which occurred after a contract was entered into with the Weitz Company.

Councilmember Aubrey asked if the budget increase was due to the fact that the project passed its projected completion date.

Mr. Huff explained that the completion date of the project was extended but the construction manager's contract was not extended past its end date of December 31, 2019.

Mr. Lukasik reviewed and explained the Expense Summary - Interests Earning Projects and stated that the total amount of expenses came to \$374,372.

Mayor Bickel asked if the swim team purchased the starting blocks at the pool.

Mr. Lukasik stated that the Village had to purchase the starting blocks but the swim team would partially reimburse the money.

President Pro Tem Norris asked how much of the cost of the starting blocks would be reimbursed.

Mr. Lukasik stated that he did not have that figure on hand but would provide it to the Council when possible.

MOTION - Authorizing partial Release of Retainage in the amount of \$229,167 to Weitz Company for the North Palm Beach Country Club Project *continued*

Mr. Lukasik reviewed and explained the Country Club Pool Project Budget Summary and the issues and items that had to be done to fix and complete the pool. Mr. Lukasik stated that the entire pool project was over budget by \$299,284.

Councilmember Searcy and Vice Mayor Mullinix asked what caused the leak in the pool.

Mr. Huff explained what caused the leak in the pool and how it was repaired.

Mr. Huff reviewed and explained the Contract Change Orders – GMP Changes.

Councilmember Aubrey expressed concern over the stairways at the Country Club and recommended having striping installed on the steps to reduce the possibility of a tripping accident.

President Pro Tem Norris expressed concerns over paying the Weitz Company the fifty percent retainage and stated that he did not agree with paying it.

Discussion ensued between Council, Mr. Rubin and staff regarding the items that still need to be completed or fixed at the Country Club and whether or not to pay the fifty percent retainage to the Weitz Company.

A motion was made by President Pro Tem Norris and seconded by Vice Mayor Mullinix to table the motion authorizing partial Release of Retainage in the amount of \$229,167 to Weitz Company for the North Palm Beach Country Club Project until the Weitz Company can provide a timeline for completing or fixing the outstanding items at the Country Club.

Thereafter the motion passed unanimously.

RESOLUTION 2020-37 – THIRD AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT

A motion was made by Councilmember Aubrey and seconded by Councilmember Searcy to adopt Resolution 2020-37 entitled:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF NORTH PALM BEACH, FLORIDA, APPROVING A THIRD AMENDMENT TO THE COMMUNICATIONS SITE LEASE AGREEMENT (GROUND) WITH STC FIVE LLC, SUCCESSOR IN INTEREST TO SPRINT SPECTRUM L.P., AND AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE THIRD AMENDMENT ON BEHALF OF THE VILLAGE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Huff explained the proposed Third Amendment to the Agreement with Sprint Spectrum L.P. and what it would include.

Discussion ensued between Council and Mr. Huff regarding the Third Amendment to the Agreement with Sprint Spectrum L.P.

Thereafter, the motion to adopt Resolution 2020-37 passed unanimously.

VILLAGE COUNCIL MATTERS/REPORTS

Councilmember Searcy stated that it was Public Safety Week and thanked the Village Police Department for all their hard work.

Mayor Bickel stated that some municipalities were providing different items to residents in need during the COVID-19 pandemic and asked staff and Council to consider whether or not the Village could provide anything to its residents in need.

Mr. Lukasik gave an update of what would be discussed at an upcoming Palm Beach County meeting regarding the COVID-19 pandemic.

Mr. Lukasik stated that staff was working with Village restaurants on acquiring special event permits and keeping them up to date and in compliance with the rules of the Phase 1 reopening of Palm Beach County.

Mr. Lukasik gave an update on what Village Facilities would be opened and events resumed during the Phase 1 reopening of Palm Beach County.

Mayor Bickel asked when the dog park at Anchorage Park would be reopened.

Mr. Lukasik stated Palm Beach County has not reopened dog parks yet.

President Pro Tem Norris asked if the golf driving range would reopen.

Mr. Lukasik stated that he believed that golf driving ranges in Palm Beach County are scheduled to be reopened during Phase 1 with certain conditions and guidelines. The decision would be made at the Palm Beach County meeting taking place the next morning.

President Pro Tem Norris asked if doubles tennis playing was allowed.

Mr. Lukasik stated that doubles tennis was still not allowed by Palm Beach County.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:06 p.m.



Jessica Green, MMC, Village Clerk