



# TOWN OF PALM BEACH

Town Clerk's Office

## ACTIONS OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2019

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. MODIFICATIONS TO THE AGENDA

**ACTION: A CORRECTION WAS MADE TO ITEM NO. X.B.3. RESOLUTION NO. 39-2019 TO REFLECT A PURCHASE AMOUNT OF \$178,967 INSTEAD OF \$178,957.**

- IV. APPROVAL OF AGENDA

**ACTION: APPROVED, AS AMENDED ABOVE**

- V. PRESENTATIONS

- A. Legislative Session Update  
*Bobby Powell, State Senator*
- B. Scholarships Provided by the Palm Beach Country Club

**ACTION: SCHOLARSHIP AWARDS PRESENTED TO JOSHUA ALBER, TYLER ALBER, CHRISTOPHER BARBER, MIRANDA BOODHESHWAR, CHRISTINA CARISTO, CALEB CASTRO, CASEY CASTRO, CONNOR DUNNAM, FRANK GUELLI, MAXWELL GUELLI, COLT KEENAN, KEVIN LEBRUN, DESIREE LOVELL, AMANDA MARX, DENIC MORINE, NICHOLAS PATACA, KATELYN PINTO, EMILY ROJAS AND MEGAN ROGERS.**

**VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS**

**A. Presentations by Recreation Advisory Commission Applicants**

*Kirk W. Blouin, Town Manager*

**B. Appointment to the Recreation Advisory Commission**

*Kirk W. Blouin, Town Manager*

**ACTION: APPROVED THE APPOINTMENT OF PETER HARRIS AS AN ALTERNATE MEMBER OF THE RECREATION ADVISORY COMMISSION.**

**VII. COMMENTS OF MAYOR GAIL L. CONIGLIO**

**ACTION: NONE**

**VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

**ACTION: NONE**

**IX. COMMUNICATIONS FROM CITIZENS**

**ACTION: NONE**

**X. APPROVAL OF CONSENT AGENDA**

**ACTION: THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA AND PLACED UNDER ITEM XIII. C.:**

- **ITEM NO. X.A.1.a.**
- **ITEM NO. X.B.3. RESOLUTION NO. 39-2019**
- **ITEM NO. X.C.1.**
- **ITEM NO. X.C.2.**

**ACTION: APPROVED, AS AMENDED ABOVE**

**A. MINUTES**

1. Town Council Meeting Minutes  
*Kathleen Dominguez, Town Clerk*

**a. May 14, 2019, Town Council Meeting Minutes – PULLED FROM CONSENT**

- b. May 15, 2019, Local Planning Agency Meeting Minutes
- c. May 15, 2019, Development Review Town Council Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 29, 2019  
*Josh Martin, Director of Planning, Zoning and Building*

## B. RESOLUTIONS

1. RESOLUTION NO. 31-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Recommendation of the Selection Committee for RFP No. 2019-10, for the Worth Avenue Commercial District Maintenance Program to Batallan Enterprises, DBA, Property Works in the amount of \$183,817 Annually, and for a Proposed Five Year Contract Amount of \$1,105,798, funded from the Non-Ad Valorem Assessment Paid for by the Property Owners within the Assessment Area. The Town negotiated cost savings from the original proposal amount in the amount of \$8,161 annually or \$40,805 for the term of the contract.  
*Dean Mealy, Purchasing Manager*
2. RESOLUTION NO. 35-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Revising the Defined Contribution Retirement Plan; Approving Amendments to the Administration of the Plan; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.  
*Jane Le Clainche, Director of Finance*
3. RESOLUTION NO. 39-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Invitation to Bid No. 2019-17 Award Recommendation for Skees Landfill Improvements to Johnson-Davis, Inc. in the amount of \$178,967. – **PULLED FROM CONSENT**  
*Dean Mealy, Purchasing Manager*
4. RESOLUTION NO. 41-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving the Selection Committee Recommendation and Award of RFQ No. 2019-13 for Civil Engineering Consultants to Mock, Roos and Associates, Kimley-Horn and Associates, Inc., and Chen-Moore and Associates.  
*Dean Mealy, Purchasing Manager*
5. RESOLUTION NO. 42-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$138,182 to Applied Technology & Management, Inc., for Town-wide 2019 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$150,000.

*H. Paul Brazil, P.E., Director of Public Works*

6. RESOLUTION NO. 43-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$199,856 to Coastal Eco-Group, Inc., for the 2019 Annual FDEP BMA Cell-wide Biological Monitoring, and Establishing a Cell-wide Biological Monitoring Phase Budget of \$220,000.

*H. Paul Brazil, P.E., Director of Public Works*

7. RESOLUTION NO. 44-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Project Partnership Agreement Between the Town of Palm Beach and the United States Army Corps of Engineers for Initial Project Construction and Continued Renourishments of the Palm Beach County Federal Shore Protection Project, Mid-Town Segment.

*H. Paul Brazil, P.E., Director of Public Works*

8. RESOLUTION NO. 45-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$198,932 to Aptim Environmental & Infrastructure, LLC (Aptim), for Permitting and Construction Support of the Palm Beach County Federal Shore Protection Project, Mid-Town Segment, and Establishing an Engineering Task Budget Including Contingency of \$239,000.

*H. Paul Brazil, P.E., Director of Public Works*

9. RESOLUTION NO. 48-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.

*Jane Le Clainche, Director of Finance*

### C. OTHER

1. Appointment to “Blue Ribbon” Panel Per PERC Ordinance Appendix “A” Section 1.003 – **PULLED FROM CONSENT**

*Danielle Olson, Director of Human Resources*

2. Authorization for Road Closure and Waiver to Town Code for Extended Construction Hours for the Florida Department of Transportation to Construct Drainage Improvements on South County Road Just West of the South Ocean Boulevard Intersection – **PULLED FROM CONSENT**

*H. Paul Brazil, P.E., Director of Public Works*

3. Acceptance of a Donation in the amount of \$80,000 from an

Anonymous Donor, Designated to Purchase the Following:  
1) Surveillance Vehicle (Van, Camera and Electronics) 2) Worth  
Avenue Holiday Tree and Ornaments 3) Contract for Beach Cleanup  
(Seaweed Removal) Between Via Marina and Gulfstream Road  
*Kirk W. Blouin, Town Manager*

**XI. BOARD/COMMISSION ANNUAL REPORT**

- A. Annual Report of the Retirement Board of Trustees  
**TIME CERTAIN: 10:00 A.M.**  
*Daniel W. Stanton, Chair*

**ACTION: ACCEPTED REPORT**

**XII. COMMITTEE REPORTS**

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on May 30,  
2019  
*Julie Araskog, Chair*

**ACTION: ACCEPTED REPORT**

**XIII. REGULAR AGENDA**

**A. Old Business**

1. Ongoing Review of the Compensation Study  
**TIME CERTAIN: 10:00 A.M.**  
*Danielle Olson, Director of Human Resources*

**ACTION: APPROVED THE CONTINUATION OF UP TO THE 75<sup>TH</sup> MARKET PERCENTILE POLICY AS THE ESTABLISHED MAXIMUM PAYGRADE FOR GENERAL EMPLOYEES, WITH FINAL INDIVIDUAL PAY RANGES TO BE DETERMINED BY THE MANAGEMENT STAFF**

**ACTION: APPROVED OPTIONS A, C, D & E, AS THE FUNDING SOURCES TO PAY OFF THE INCREASED UAAL AND FUND THE ONGOING COST OF THE APPROVED EMPLOYEE COMPENSATION AND RETIREMENT BENEFIT CHANGES**

2. Town-wide Underground Project:
- a. Review of Project and Dashboard, Summary of Project Status  
*Steve Stern, Project Manager*

**ACTION: APPROVED USE OF OPTION 2 FOR THE DESIGN OF THE FP&L EASEMENT IN PALMO WAY PARK**

- b. Street Lighting Status and Update  
*Patricia Strayer, P.E., Town Engineer*

**ACTION: NONE**

- c. RESOLUTION NO. 46-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 23-2016, Re-establishing the Underground Utilities Task Force to Review Matters Related to the Undergrounding of Utilities; Memorializing the Citizens Oversight Function of the Underground Utilities Task Force During Design and Construction Phases of the Proposed Project; Providing for Seven Seats on the Underground Utilities Task Force, Creating one Alternate Position, Implementing Term Limits and Providing for Method of Appointment, and Providing an Effective Date.  
*Steve Stern, Project Manager*

**ACTION: DIRECTED TOWN ATTORNEY TO REVISE RESOLUTION NO. 46-2019 TO INCLUDE SUNSETTING CRITERIA AND THAT AN ALTERNATE MEMBER IS ABLE TO SERVE TWO (2) TERMS (INCLUDING THE ALTERNATE TERM) AND RETURN IT TO THE DEVELOPMENT REVIEW MEETING ON JUNE 12, 2019.**

- 3. Town Marina Project Update  
*H. Paul Brazil, P.E., Director of Public Works*

**ACTION: APPROVED PROJECT START DATE OF MAY 2020**

**ACTION: APPROVED THE USE OF STANDARD BRUSHED CONCRETE AS THE DOCK DECK FINISH**

- 4. Discussion Regarding Limitations to the Issuance of Special Events Permits  
*Jay Boodheshwar, Deputy Town Manager*

**ACTION: STAFF TO PREPARE AN ORDINANCE THAT REQUIRES ALL PHIPPS PARK PLAZA SPECIAL EVENT PERMIT APPLICATIONS BE PRESENTED TO THE TOWN COUNCIL FOR APPROVAL, WITH A THREE-YEAR SUNSET PROVISION**

**ACTION: STAFF TO PREPARE AN ORDINANCE REQUIRING ALL FUNDRAISING RELATED SPECIAL EVENT PERMIT APPLICATIONS THAT INVOLVE LEAVING THE PRIMARY EVENT LOCATION (PUBLIC OR PRIVATE) TO WALK OR RUN**

**ON AND THROUGH PUBLIC PROPERTIES, SIDEWALKS AND STREETS BE PRESENTED TO THE TOWN COUNCIL FOR APPROVAL**

5. Update on Proposed Addition of Stairs to Memorial Fountain  
*Josh Martin, Director of Planning, Zoning and Building*

**ACTION: APPROVED STAFF INVOLVEMENT UP TO THE LIMIT OF A CONFERENCE CALL OR A VISIT FROM DR. TIMOTHY PARSONS, STATE HISTORIC PRESERVATION OFFICER**

**B. New Business**

1. 2020 Election Date Change Due to Presidential Preference Primary  
*Kathleen Dominguez, Town Clerk*

**ACTION: APPROVED THE TOWN CAUCUS DATE OF TUESDAY, DECEMBER 3, 2019, AND THE QUALIFYING PERIOD AS WEDNESDAY, DECEMBER 4, 2019, AS RECOMMENDED BY STAFF.**

**ACTION: STAFF TO PREPARE AN ORDINANCE WITH LANGUAGE FOR CONDUCTING THE TOWN'S GENERAL ELECTION ON THE SAME DATE AS THE STATEWIDE PRESIDENTIAL PRIMARY ELECTION**

**C. Matters Pulled From Consent Agenda:**

1. ITEM NO. X.A.1.a. Minutes of the May 15, 2019 Meeting

**ACTION: APPROVED**

2. ITEM NO. X.B.3. RESOLUTION NO. 39-2019

**ACTION: APPROVED**

3. ITEM NO. X.C.1.

**ACTION: NONE**

4. ITEM NO. X.C.2.

**ACTION: APPROVED**

**XIV. ORDINANCES**

**A. Second Reading**

1. ORDINANCE NO. 21-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42, Environmental, Article IX, Fertilizer-Friendly Use, Section 42-372 “Definitions” and Section 42-376, “Timing Of Fertilizer”, Providing for Severability; Providing for the Repeal of Ordinances in Conflict; Providing for Codification; and Providing an Effective Date.  
*H. Paul Brazil, P.E., Director of Public Works*

**ACTION: ADOPTED**

2. ORDINANCE NO. 22-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 102, Solid Waste, Article I, in General, at Section 102-5 Deposit in Unauthorized Place, by Revising Verbiage to Read “No Person Shall Deposit or Cause to be Deposited any Refuse in any Place not Authorized for Disposal. The Public Works Director or Their Designee Shall Determine the Authorized Location for Collection and Disposal. Garbage Placed for Collection in an Unauthorized Place will not be Collected and Procedures Set Forth in Section(s) 102-48 and 102-7 will be Administered” Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.  
*H. Paul Brazil, P.E., Director of Public Works*

**ACTION: ADOPTED**

3. ORDINANCE NO. 24-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article X, Titled Prohibition Of Polystyrene Containers And Single Use Carry Out Plastic Bags; Providing For Definitions; Prohibiting The Use Of Expanded Polystyrene Containers And Single Use Carry Out Plastic Bags Within The Corporate Limits Of The Town; Providing For Exemptions; Providing For Penalties And Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Repeal Of Ordinances In Conflict; Providing For Severability; Providing For Codification; Providing An Effective Date.  
*Jay Boodheshwar, Deputy Town Manager*

**ACTION: ADOPTED**

**B. First Reading**

1. ORDINANCE NO. 23-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County , Florida, Amending The Town Code Of Ordinances At Chapter 42, Environment, To Include A New Article XI, Titled Prohibition Of Plastic Straws Within The Corporate Limits Of The Town; Providing For Definitions; Prohibiting The Sale, Distribution Or Use Of Single Use Plastic Straws And Stirrers; Providing For Exemptions; Providing Penalties

For Any Such Distribution; Amending Section 2-439 Of The Town Code Relating To Citation Fine Schedule; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

*Jay Boodheshwar, Deputy Town Manager*

**ACTION: APPROVED**

**XV. ANY OTHER MATTERS**

**ACTION: NONE**

**XVI. ADJOURNMENT**