



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON TUESDAY, DECEMBER 8, 2015

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. PRESENTATIONS
 - A. Shore Protection Board Presentations by Applicants
Thomas G. Bradford, Town Manager
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VII. APPROVAL OF AGENDA

ACTION: THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA:

- **IIIV.B.5., RESOLUTION NO. 192-2015**
- **IIIV.B.6., RESOLUTION NO. 193-2015**
- **IIIV.B.7., RESOLUTION NO. 194-2015**
- **IIIV.B.8., RESOLUTION NO. 195-2015**
- **IIIV.B.13., RESOLUTION NO. 205-2015**

ACTION: CONSIDERATION OF SCHEDULING AN ATTORNEY/CLIENT SESSION WAS ADDED TO THE AGENDA

ACTION: APPROVED, AS AMENDED ABOVE

- VIII. CONSENT AGENDA

ACTION: APPROVED, AS AMENDED ABOVE

- A. MINUTES

1. MINUTES: NOVEMBER 10, 2015
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk
2. MINUTES: NOVEMBER 12, 2015
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk
3. MINUTES: NOVEMBER 12, 2015
Approval of the Minutes of the Special Town Council Meeting
Susan A. Owens, MMC, Town Clerk
4. Approval of Major Matters Considered by the Architectural Commission at its Meeting of November 16, 2015.
John S. Page, Director of Planning, Zoning, and Building

B. RESOLUTIONS

1. RESOLUTION NO. 188-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ No. 19-2016 to Evolvtec in the Amount of \$141,750 for the Provision of Information Technology Services for the Office of Information Systems; and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.
Jay Boodheshwar, Deputy Town Manager
2. RESOLUTION NO. 189-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase to Purchase Order No. 160219 in the Amount of \$10,489 and Approving a Total Budget of \$64,779 to PCMG, Inc.
Jay Boodheshwar, Deputy Town Manager
3. RESOLUTION NO. 190-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase of \$67,000 to Purchase Order Nos. 160311 to Hy-Byrd Incorporated, and 151292 to GFA International Inc., for a new Total of \$180,400 for Plan Review and Inspection Services.
John S. Page, Director of Planning, Zoning, and Building
3. RESOLUTION NO. 191-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Advanced Disposal Services Solid Waste Southeast, Inc., for Compacted Garbage Collection, in the Amount of \$251,915.14 and Establishing a Budget of \$259,500.
H. Paul Brazil, P.E., Director of Public Works

4. RESOLUTION NO. 192-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of \$56,684, to Kimley-Horn and Associates, Inc., for Construction Phase Engineering Services for the Mast Arm Replacement and Signalization Improvement Project at the Sunrise Avenue/North County Road and Sunset Avenue/North County Road Intersections, and Establishing a Construction Phase Budget of \$63,500.
*H. Paul Brazil, P.E., Director of Public Works – **Item was Pulled from Consent***
6. RESOLUTION NO. 193-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Mock Roos & Associates, Inc., in an Amount of \$296,250 for Bradley Place Improvements - Royal Poinciana Way to Wells Road, and Establishing an Engineering Construction Phase Services Budget of \$327,000.
*H. Paul Brazil, P.E., Director of Public Works– **Item was Pulled from Consent***
7. RESOLUTION NO. 194-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for the North End Paving and Drainage Improvements to Chen Moore and Associates, Inc., for \$153,220 and Establishing an Engineering Services Budget of \$175,000.
*H. Paul Brazil, P.E., Director of Public Works– **Item was Pulled from Consent***
8. RESOLUTION NO. 195-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way, Amending Chapter XII - Miscellaneous Provisions Regarding Driveways and Driveway Approaches; Providing an Effective Date.
*H. Paul Brazil, P.E., Director of Public Works– **Item was Pulled from Consent***
9. RESOLUTION NO. 196-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Modifying the Town of Palm Beach Administrative Amendments to Chapter 1 of the Florida Building Code, to Clarify Resident Inspector Provisions Contained Within Section 109.3.7, Other Inspection Services.
John S. Page, Director of Planning, Zoning, and Building
10. RESOLUTION NO. 197-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment

to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County in the Amount of \$88,591.60.

Kirk W. Blouin, Director of Public Safety

11. RESOLUTION NO. 198-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Citation Communications, Inc. for the Annual Maintenance (\$33,108) and Miscellaneous Repairs and Parts (\$8,892), As Needed and Recommended By Staff; and Establishing a Budget of \$45,000; and Providing an Effective Date.

Kirk W. Blouin, Director of Public Safety

12. RESOLUTION NO. 199-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Don Reid Ford in the Amount of \$76,165 for the Purchase of One (1) 2016 Ford Interceptor; One (1) 2016 Ford Escape and; One (1) 2016 Ford Fusion; Beck Nissan in the Amount of \$23,302 for the Purchase of One (1) 2016 Nissan Altima; and Auto Nation CDJR of Pembroke Pines in the Amount of \$32,189 for the Purchase of One (1) 2016 Jeep Grand Cherokee Laredo, As Recommended By Staff; and Establishing a Total Budget of \$139,000 in the 2016 Equipment Replacement Program; and Providing an Effective Date.

Kirk W. Blouin, Director of Public Safety

13. RESOLUTION NO. 205-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Temporary and Partial Closure of South County Road Between Chilean and Brazilian Avenues to Ensure Pedestrian Safety During the Town Hall Square Celebration on January 31, 2016.

*Jay Boodheshwar, Deputy Town Manager– **Item was Pulled from Consent***

C. OTHER

1. Request to Authorize the Ordinances, Rules, and Standards Committee to Study the Potential Regulation of Kite Boarding Along the Town's Shoreline
Jay Boodheshwar, Deputy Town Manager
2. Authorize the Town Manager to Execute a Decorative Lighting Maintenance Memorandum of Agreement with the Florida Department of Transportation for the Flagler Memorial Bridge Project
H. Paul Brazil, P.E., Director of Public Works
3. Request to Authorize Ordinances, Rules, and Standards Committee to Study a Potential Revision to Chapter 66 (Natural Resource Protection)

Relative to State-of-the-Art Components Used in Smart Irrigation Systems
John S. Page, Director of Planning, Zoning, and Building

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board Annual Report
E. Llwyd Ecclestone, Jr., Chair

ACTION: ACCEPTED

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules, & Standards Committee Meeting of November 5, 2015
Penelope D. Townsend, Chair

ACTION: ACCEPTED

- B. Report of the Finance & Taxation Committee Meeting of November 19, 2015
Michael J. Pucillo, Chair

ACTION: NONE, VERBAL REPORT ONLY

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 200-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Collecting Non-Ad Valorem Special Assessments Levied Within the Incorporated Area of the Town; Stating a Need for Such Levy; Providing for the Mailing of this Resolution; and Providing for an Effective Date.

Jay Boodheshwar, Deputy Town Manager

ACTION: APPROVED

XII. REGULAR AGENDA

- A. Old Business

1. Exterior Improvements to 627 and 701 N. Dixie Highway
Jay Boodheshwar, Deputy Town Manager

ACTION: APPROVED THE PREVIOUS DESIGN

- B. New Business

The Following Item was Added to the Agenda:

Consideration of Scheduling an Attorney/Client Session Immediately Following the Regular Town Council Meeting on Wednesday, December 9, 2015, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida, to

Discuss the Following Matters:

1. 224 Atlantic, LLC vs Town of Palm Beach
Case No. 502015CA004478XXXXMB(AY)
2. 224 Atlantic, LLC vs Town of Palm Beach
Case No. 502015CA004622XXXXMB(AY)
3. 224 Atlantic, LLC vs Town of Palm Beach
Case No. 502015CA005761XXXXMB(AY)
4. 224 Atlantic, LLC vs Town of Palm Beach
Case No. 502015CA008921XXXXMB(AY)

All Pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

Attorney/Client Attendees: Mayor Gail L. Coniglio, Town Council President Michael J. Pucillo, Town Council Pro Tem Richard M. Kleid, Town Council Members Penelope D. Townsend, and Robert N. Wildrick, Town Manager Thomas G. Bradford, Town Attorneys John C. Randolph and Kelly A. Gardner, and Pleasanton, Greenhill, Meek & Marsaa Court Reporters.

John C. Randolph, Town Attorney

ACTION: APPROVED

1. Appointment of Town Manager Thomas G. Bradford Pursuant to Section 4.02(b) of the Town Charter from December 9, 2015 through December 13, 2016.

Thomas G. Bradford, Town Manager

ACTION: APPROVED

ACTION: TOWN MANAGER BRADFORD TO PROVIDE EVALUATION FORMS FOR MAYOR AND TOWN COUNCIL EVALUATION OF TOWN MANAGER

ACTION: APPROVED RESCHEDULING THE SETTING OF THE TOWN MANAGER'S GOALS AND OBJECTIVES FOR LATE FEBRUARY/EARLY MARCH

2. Discussion Relative to Town Council Appeal Process

Penelope D. Townsend, Councilmember

ACTION: NONE

3. Discussion on Signalization at Intersection of Flagler Drive and Lakeview Avenue in West Palm Beach in Conjunction with Construction of the New Flagler Memorial Bridge

Penelope D. Townsend, Councilmember

ACTION: NONE

4. Proposed Townwide Underground Utilities Project
Thomas G. Bradford, Town Manager

a. Review of Proposed Assessment Methodology Changes

ACTION: COUNCIL PRESIDENT PUCILLO REQUESTED THAT A COPY OF THE WILDAN REPORT MASTER SPREADSHEET BE MADE AVAILABLE AT THE TOWN MANAGER'S OFFICE AND THE TOWN COUNCIL OFFICE

b. RESOLUTION NO. 201-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Issuance of General Obligation Bonds for the Purpose of Financing All or a Portion of the Costs of Burying Overhead Utility Lines Located Within the Town of Palm Beach, Florida, in the Principal Amount of Not Exceeding Ninety Million Dollars (\$90,000,000), Calling for a Bond Referendum of the Qualified Electors of the Town of Palm Beach to be Held on March 15, 2016, as to Whether General Obligation Bonds for Such Underground Utility Project Should be Issued; Repealing Town Resolution No. 160-2015 and Providing an Effective Date.

ACTION: APPROVED

c. Authorization to Hire Third Party Negotiator for Design Consultant, General Contractor and Public Utility Contracts.

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT THE NEGOTIATOR HAVE ENGINEERING AND CONSTRUCTION EXPERIENCE

d. RESOLUTION NO. 206-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Change Order with Raftelis Financial Consultants to Update Property Records for the Townwide Underground Utilities Project in the Amount of \$25,000, with Total Purchase Order Funding of \$44,565, with Funding Coming from the Unspent Funds in the Underground Utilities Seed Money within the Pay-as-you-Go Capital Improvement Program.

ACTION: APPROVED

ACTION: RAFTELIS WAS ALSO DIRECTED TO RUN THE ALTERNATIVE 2 ASSESSMENT CALCULATIONS WITH A 40% SAFETY, 30% RELIABILITY, & 30% AESTHETICS RATIO USING THE UPDATED CENSUS DATA

5. Coastal Update

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

- a. Shoreline Condition Update

ACTION: NONE

- b. Approve 2016 Reach 8 Dune Restoration Truck Haul Project Bid Solicitation with Mid-Town/Reach 3 Alternative

ACTION: APPROVED

ACTION: STAFF WAS DIRECTED TO CONTACT THE CITY OF LAKE WORTH TO OBTAIN AN EASEMENT FOR THE PROJECT

ACTION: STAFF WAS DIRECTED TO TAKE ADDITIONAL ACTION, INCLUDING CALLING THE CONDOMINIUM OWNERS, TO OBTAIN AN EASEMENT FOR THE PROJECT

- c. RESOLUTION NO. 202-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D.B. Ecological Services, Inc., for Permit Required Sea Turtle Nesting Monitoring, in the Amount of \$177,780, and Establishing a Project Budget of \$200,000.

ACTION: APPROVED

- d. RESOLUTION NO. 203-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Authorizing State Grant of FDEP Contract No. 14PB7, Amendment No. 2, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Lake Worth Inlet Management Plan Implementation, Specifically Biological Monitoring Reimbursement, and Authorizing the Town Council President to Execute Same on Behalf of the Town.

ACTION: APPROVED

- e. Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in Lake Worth Lagoon for City of Boca Raton.

ACTION: APPROVED

6. Proposed Compressed Natural Gas Facility at the Port of Palm Beach
Jay Boodheshwar, Deputy Town Manager

ACTION: TOWN ATTORNEY RANDOLPH WAS DIRECTED TO RESEARCH THE EXTENT OF THE TOWN'S AUTHORITY REGARDING THE INSPECTION OF OCEANGOING VESSELS

ACTION: STAFF WAS DIRECTED TO ADD CONSIDERATION OF ORS REVIEW OF DESIGNATING ANCHORING AREAS WITHIN THE TOWN TO THE JANUARY 12, 2016, AGENDA

ACTION: STAFF WAS DIRECTED TO REQUEST NOTICE OF ANY DEPARTMENT OF ENERGY DECISIONS REGARDING THE PROPOSED FACILITY

7. Review of Chapter 66 by the Director of Public Works of the Town Code and His Estimation of Impact to the Town if Chapter 66 Were Applied to Town Property.

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

ACTION: NONE

8. Appointments to the Shore Protection Board

Thomas G. Bradford, Town Manager

ACTION: THE FOLLOWING INDIVIDUALS WERE APPOINTED TO THE SHORE PROTECTION BOARD:

- **KANE BAKER**
- **REUBEN JOHNSON**
- **JAMES GAVIGAN**

The Following Four Items were Pulled from the Consent Agenda:

9. RESOLUTION NO. 192-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount of \$56,684, to Kimley-Horn and Associates, Inc., for Construction Phase Engineering Services for the Mast Arm Replacement and Signalization Improvement Project at the Sunrise Avenue/North County Road and Sunset Avenue/North County Road Intersections, and Establishing a Construction Phase Budget of \$63,500.

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

ACTION: APPROVED

10. RESOLUTION NO. 193-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Mock Roos & Associates, Inc., in an Amount of \$296,250 for Bradley Place Improvements - Royal Poinciana Way to Wells Road, and Establishing an Engineering Construction Phase Services Budget of \$327,000.

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

ACTION: DENIED

11. RESOLUTION NO. 194-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for the North End

Paving and Drainage Improvements to Chen Moore and Associates, Inc., for \$153,220 and Establishing an Engineering Services Budget of \$175,000.

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

ACTION: APPROVED

12. RESOLUTION NO. 195-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way, Amending Chapter XII - Miscellaneous Provisions Regarding Driveways and Driveway Approaches; Providing an Effective Date.

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

ACTION: APPROVED

13. RESOLUTION NO. 205-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Temporary and Partial Closure of South County Road Between Chilean and Brazilian Avenues to Ensure Pedestrian Safety During the Town Hall Square Celebration on January 31, 2016.

Jay Boodheshwar, Deputy Town Manager

ACTION: APPROVED

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO 30-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, So As to Add Section 70-9 Relating to Sleeping, Camping in Public Places, Sleeping in Vehicle, and Section 70-10 Relating to Attachment of Hammocks or Other Objects to Public Property, as Class II Violations; Adding Section 106-160, Under Chapter 106, Streets, Sidewalks and Other Public Places, Relating to Maintenance of Parkway Strips, as a Class I Violation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

John C. Randolph, Town Attorney

ACTION: ADOPTED

B. First Reading

1. ORDINANCE NO. 32-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town

Code of Ordinances at Chapter 74, Parks and Recreation, at Article III, Boats and Boating, to Include New Sections 74-270, 74-271, 74-272 and 74-273 Relating to the Prohibition of Floating Structures; Providing for Definitions; Providing for Enforcement/Penalties; Providing for Inclusion in the Code Enforcement Citation Fine Ordinance of the Town of Palm Beach; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

ACTION: APPROVED

XIV. ANY OTHER MATTERS – *None*

XV. ADJOURNMENT