TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON TUESDAY, NOVEMBER 10, 2015

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

A. Recognition of James McCartney Wearn, Retirement Board of Trustees, from May 1990 through August 2015

IV. PRESENTATIONS

A. Presentation by The Garden Club of Palm Beach

B. Retirement Board of Trustees Presentations by Applicants

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

ACTION: COUNCIL MEMBER TOWNSEND REQUESTED THAT A DISCUSSION ITEM REGARDING THE APPEAL PROCESS BE PLACED ON A FUTURE AGENDA

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

ACTION: MAYOR CONIGLIO REQUESTED THAT A DISCUSSION ITEM REGARDING RELOCATION OF THE BRADLEY PARK TOWN HOLIDAY TREE BE ADDED TO THE END OF THE AGENDA

VIII. APPROVAL OF AGENDA

ACTION: ITEM NO. X.B.3.a., UNDERGROUND UTILITIES TASK FORCE DISCUSSION, WAS SET FOR A 10:00 A.M. TIME CERTAIN

ACTION: ITEM NO. X.B.6., PLANNING EFFORTS FOR THE TOWN HALL SQUARE CELEBRATION, WAS SET FOR A 1:00 P.M. TIME CERTAIN

ACTION: THE FOLLOWING ITEM WAS PULLED FROM THE CONSENT AGENDA:

- **IX.B.8., RESOLUTION NO. 180-2015**

ACTION: THE FOLLOWING ITEMS WERE ADDED TO THE AGENDA:

- **DISCUSSION ON TOWN BICYCLE REGULATIONS AND ENFORCEMENT**
- **REQUEST FOR CLARIFICATION FROM ORS REGARDING ITS REVIEW OF CHAPTER 66 OF THE TOWN CODE AND LANDSCAPING REGULATIONS FOR PUBLIC PROPERTIES**

ACTION: APPROVED, AS AMENDED ABOVE

IX. CONSENT AGENDA

ACTION: APPROVED, AS AMENDED ABOVE

A. MINUTES

1. MINUTES: OCTOBER 13, 2015
   Approval of the Minutes of the Regular Town Council Meeting
   Susan A. Owens, Town Clerk

2. MINUTES: OCTOBER 14, 2015
   Approval of the Minutes of the Regular Town Council Meeting
   Susan A. Owens, Town Clerk

3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of October 28, 2015.
   John S. Page, Director of Planning, Zoning, and Building

B. RESOLUTIONS

1. RESOLUTION NO. 164-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Food and Beverage Services Agreement for the Town of Palm Beach Par 3 Golf Course Between the Town of Palm Beach and PB Ocean View, Inc., and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
   Deferred from the October 13, 2015, Town Council Meeting
   Beth Zickar, Director of Recreation

2. RESOLUTION NO. 169-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Resolution No. 86-2015, and Awarding Bid No. 2015-28 for Exterior Painting of the Police Department Building to One Call Property Services, Inc., and Approving a Purchase Order in an Amount of $42,799, and Establishing a Budget of $49,250.
   H. Paul Brazil, P.E., Director of Public Works

3. RESOLUTION NO. 175-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing Equipment Use and Election Services, and Providing an Effective Date.
Susan A. Owens, MMC, Town Clerk

3. RESOLUTION NO. 176-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Per Hour Fee for "Premium Days" for Special Assignment Deployments for Police and Fire-Rescue Departments; Establishing Premium Days for Which the Premium Day Per Hour Fee Shall be Charged for Special Assignment Deployments, Requiring Future Amendments to the Premium Days Program to be Approved by Resolution of the Town Council Prior to the Effective Date of Amendments, and Providing an Effective Date.
Kirk W. Blouin, Director of Public Safety

4. RESOLUTION NO. 177-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn & Associates, Inc., in an Amount of $55,278 for the Lake Towers Undergrounding Utilities Project, and Establishing a Design and Bid Phase Engineering Services Budget of $60,000.
H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 178-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to G-Sky Plant Systems, Inc., in the Amount of $27,121.93, and Establishing a Project Budget of $28,500 for the Maintenance of the Living Wall on Worth Avenue.
H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 179-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Preliminary Design Phase Engineering Services for the Mid-Town Drainage Improvements Project to Kimley-Horn and Associates, Inc., in the Amount of $59,973 and Establishing an Engineering Services Budget of $67,000.
H. Paul Brazil, P.E., Director of Public Works

8. RESOLUTION NO. 180-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Pre-Construction Services for the Lake Trail Pavement Improvements from Royal Palm Way to Reef Road, to Mock, Roos & Associates, Inc., in the Amount of $23,200, and Establishing a Pre-Construction Services Budget of $26,000.

H. Paul Brazil, P.E., Director of Public Works – ***This Item was Pulled from Consent***

9. RESOLUTION NO. 181-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $93,810.50, to Kimley-Horn and Associates, Inc., for Professional Engineering Services Associated with Groundwater Monitoring at the Town's Vegetative Landfill Sites, and Establishing a Project Budget of $95,000.
H. Paul Brazil, P.E., Director of Public Works

10. RESOLUTION NO. 182-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Change Order for a 6 Month Contract Extension to Lopez Group, Inc., in the Amount of $73,430.88 for Worth Avenue Maintenance Services, and Establishing a Budget of $75,000.
H. Paul Brazil, P.E., Director of Public Works

11. RESOLUTION NO. 183-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Golf Instruction Services Agreement for the Town of Palm Beach Par 3 Golf Course Between the Town of Palm Beach and Kellie Stenzel Golf, Inc. and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Beth Zickar, Director of Recreation

12. RESOLUTION NO. 184-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a S530 T4 Bobcat Skid-Steer Loader at a Cost of $26,598.90 From Clark Equipment Company, dba Bobcat Company for use at the Par 3 Golf Course, and Authorizing the Town Manager to Execute the Purchase on Behalf of the Town.
Beth Zickar, Director of Recreation

C. OTHER

1. Authorize the Temporary Relocation of the Holiday Tree at Town Hall Square
H. Paul Brazil, P.E., Director of Public Works

2. Authorize Issuance of Request for Proposals for a Grants Administrator
Jay Boodheshwar, Deputy Town Manager

3. Florida Department of Transportation Southern Boulevard Bridge Project
Paul Brazil, P.E., Director of Public Works

a. Authorize the Town Manager to Execute a Landscape Maintenance Memorandum of Agreement with the Florida Department of Transportation for the Southern Boulevard Bridge Project

b. Authorize the Town Manager to Execute a Decorative Lighting Locally Funded Agreement with the Florida Department of Transportation for the Southern Boulevard Bridge Project

c. Authorize the Town Manager to Execute a Decorative Lighting Maintenance Memorandum of Agreement with the Florida Department of Transportation for the Southern Boulevard Bridge Project

4. Status Report of Delinquent Accounts
Jane Struder, Director of Finance

5. Authorize the Planning & Zoning Commission to Study a Potential Revision to the Zoning Ordinance Requiring All Ground Based Transformers to be Screened
John S. Page, Director of Planning, Zoning, and Building

X. REGULAR AGENDA

A. Old Business

1. Revisit of Issues Assigned to the Planning and Zoning Commission
Penelope D. Townsend, Town Council Member

ACTION: TOWN COUNCIL DIRECTED THE PLANNING AND ZONING COMMISSION TO SCHEDULE SPECIFIC ISSUES FOR SPECIFIC MEETINGS AND FOR STAFF TO ADVERTISE THE ITEMS ACCORDINGLY

ACTION: STUDY OF THESE SPECIFIC ISSUES WAS LIMITED TO THE ZONING SEASON

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Immediately Following the Regular Town Council Meeting on Thursday, November 12, 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 Session Attendees: Mayor Gail L. Coniglio, Town Council President Michael J. Pucillo, Town Council President Pro Tem Richard M. Kleid, Town Council Members Danielle Hickox Moore, Penelope D. Townsend, 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: COUNCIL MEMBER MOORE WAS REMOVED FROM THE LIST OF ATTENDEES DUE TO A CONFLICT OF INTEREST

ACTION: APPROVED, AS AMENDED

2. Request for Waiver of Charitable Solicitation Permit Application Fees from The Society of the Four Arts King Library.
Susan A. Owens, MMC, Town Clerk

ACTION: APPROVED A WAIVER OF THE APPLICATION FEES FOR THE NOVEMBER 2015 AND JANUARY 2016 BOOK SALES, AND REFERRED THE MATTER OF FUTURE WAIVERS FOR ORGANIZATIONS THAT RECEIVE TOWN FUNDS THROUGH THE BUDGETING PROCESS TO THE ORS COMMITTEE

3. Underground Utilities Task Force (UUTF) Discussion
TIME CERTAIN: 10:00 A.M.
Thomas G. Bradford, Town Manager

a. Discussion with Underground Utilities Task Force Members Regarding Timeline for the March 15, 2016, Referendum.
Jeffrey Smith, Chair and Wilbur Ross, Vice Chair

ACTION: NONE

b. Consideration of Motion to Designate the UUTF as a defacto "Citizens Oversight Committee" during the design and construction phases of the underground conversion project, in addition to their current duties, should the voters approve the undergrounding referendum on March 15, 2016.

ACTION: APPROVED

c. Consideration of Changes to the March 15, 2016, Referendum Ballot Language to Provide Clarity and Avoidance of Confusion.

ACTION: STAFF WAS DIRECTED TO RUN THE PROPOSED BALLOT LANGUAGE BY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS PRIOR TO IT BEING PLACED ON THE DECEMBER 8, 2015, TOWN COUNCIL AGENDA

The Following Item was Added to the Agenda:

- Discussion on Town Bicycle Regulations and Enforcement

  ACTION: COUNCIL MEMBER MOORE REQUESTED THE INSTALLATION OF A BICYCLE SPEED LIMIT SIGN IN THE MIDTOWN AREA OF THE LAKE TRAIL

4. Coastal Update
   Paul Brazil, P.E., Director of Public Works

   a. Shoreline Condition Update

   b. Discussion of Long-Term Coastal Management Program Budget

   ACTION: CONSENSUS WAS TO CONTINUE WITH THE CURRENT PROGRAM

5. Authorize the Town Manager to Negotiate an Interlocal Agreement with the City of West Palm Beach for Rehabilitation of the Shared Wastewater Force Main from I-95 and North Congress Avenue to the East Central Regional Wastewater Treatment Plant
   H. Paul Brazil, P.E., Director of Public Works

   ACTION: APPROVED

6. Update on the Planning Efforts for the Town Hall Square Celebration
   TIME CERTAIN 1:00 P.M.
   Bill Bone, Palm Beach Centennial Commission Chairman

   ACTION: APPROVED THE FOLLOWING ACTIVITIES/ WAIVERS FOR THE CELEBRATION:

   - **PERMIT THE USE OF TROLLIES TO TRANSPORT RESIDENTS FROM THE NORTH AND SOUTH TO THE CELEBRATION**
   - **WAIVE PARKING FEES IN PHIPPS PARKING LOT AND PERMIT THIS LOT TO BE THE SOUTH END TROLLEY PICK UP POINT (NORTH END PICK UP**

LOCATION TO BE DETERMINED)

- **PERMIT PUBLIC PARKING IN THE WELLS FARGO BANK PARKING LOT AT THE CORNER OF COUNTY ROAD AND ROYAL PALM WAY (THE BANK HAS AGREED TO OFFER ITS LOT PENDING PERMISSION BY THE TOWN.)**
- **CLOSE THE STREET ON SOUTH COUNTY ROAD FROM BRAZILIAN AVENUE TO AUSTRALIAN AVENUE IN BOTH DIRECTIONS AND CLOSE ONE LANE SOUTHBOUND AND NORTHBOUND FROM AUSTRALIAN AVENUE TO CHILEAN AVENUE FROM 7:00 A.M. TO 10:00 P.M. ON JANUARY 31, 2016**
- **PERMIT THE CONSUMPTION OF FOOD AND NON-ALCOHOLIC BEVERAGES AND THE VENDING OF COMMEMORATIVE ITEMS IN TOWN HALL SQUARE AND ON SIDEWALKS OUTSIDE LOCAL BUSINESSES ON JANUARY 31, 2016, DURING THE CELEBRATION**
- **PERMIT THE USE OF THE COUNCIL CHAMBERS FOR PRESENTATIONS ON HISTORY AND INFORMATION FOR THE PROPOSED TOWN-WIDE UTILITIES UNDERGROUNDING PROJECT, AND COVER THE COST OF ANY NECESSARY STAFF AS DETERMINED BY THE TOWN, TO OPEN THE COUNCIL CHAMBERS TO THE PUBLIC ON SUNDAY, JANUARY 31, 2016**
- **PERMIT BUSINESS OWNERS TOWN-WIDE TO PUT A COMMEMORATIVE STYLE POSTER DESCRIBING THE CELEBRATION AND DEPICTING MEMORIAL FOUNTAIN IN THEIR WINDOWS LEADING UP TO THE CLEBRATION**
- **PERMIT A CHAMPAGNE TOAST IN TOWN HALL SQUARE AT THE SATURDAY EVENING PREVIEW PARTY**

7. Appeal of Denial of Special Event Permit for the Proposed Eau Palm Beach Marathon
Thomas G. Bradford, Town Manager

ACTION: APPEAL DENIED

8. Appointment to Retirement Board of Trustees
William P. Hanes, Pension Administrator

ACTION: BRADFORD D. KAUFMAN WAS APPOINTED

AS A TOWN REPRESENTATIVE

XI. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 27-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Rescinding Ordinance No. 19-2015 in its Entirety; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Susan A. Owens, MMC, Town Clerk
ACTION: ADOPTED

2. ORDINANCE NO. 28-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 34, Elections, to Provide a New Article IV, Municipal Election Date and Election Qualifying Period for Years When the Town Holds its Municipal Elections Concurrently with Presidential Preference Primary Elections; Providing for a Run-Off Election if Necessary; Providing for an Adjustment in Terms; Directing the Town Clerk to Transmit a Certified Copy of this Ordinance to the Palm Beach County Supervisor of Elections; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Susan A. Owens, MMC, Town Clerk
ACTION: ADOPTED

3. ORDINANCE NO. 29-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 70, Offenses, to Include a New Section 70-10 Entitled "Attachment of Hammocks or Other Objects To Public Property Prohibited"; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Kirk W. Blouin, Director of Public Safety
ACTION: ADOPTED

B. First 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: APPROVED

XII. ANY OTHER MATTERS

The Following Items were Added to the Agenda:

A. Request for Clarification from the ORS Committee Regarding its Review of Chapter 66 of the Town Code and Landscaping Regulations for Public Properties

ACTION: DIRECTOR BRAZIL WAS DIRECTED TO REVIEW THE LANDSCAPING PROVISIONS OF CHAPTER 66 AND TO IDENTIFY ANY POTENTIAL ISSUES SHOULD THOSE REGULATIONS BE APPLIED TO PUBLIC PROPERTY AS WELL, AND TO REPORT BACK TO THE TOWN COUNCIL AT THE NEXT MEETING. FURTHER DIRECTION TO ORS WILL BE PROVIDED AFTER HIS REPORT.

B. Third-Party Analysis of Capital Projects

ACTION: NONE

C. Request for Temporary Relocation of the Bradley Park Town Holiday Tree

ACTION: TOWN ATTORNEY RANDOLPH WAS DIRECTED TO LOOK INTO THE MATTER AND PROVIDE A RECOMMENDATION AT THE NOVEMBER 12, 2015, TOWN COUNCIL MEETING

XIII. ADJOURNMENT