



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON MONDAY, OCTOBER 10, 2016

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

ACTION: THE FOLLOWING MODIFICATIONS WERE MADE TO THE AGENDA:

- **ITEM NO. IX.A., REPORT OF THE SEPTEMBER 8, 2016, ORS MEETING, WAS AMENDED AS FOLLOWS:**
PAGE 4, LINE 21: "...with only quiet work allowed prior to 9:00 a.m. and after 5:00 p.m."
- **ITEM NO. XI.B.1., ORDINANCE NO. 19-2016, WAS DEFERRED TO THE OCTOBER 13, 2016, TOWN COUNCIL MEETING**

ACTION: APPROVED, AS AMENDED ABOVE

- IV. PRESENTATIONS
 - A. Presentations by Applicants for Planning and Zoning Commission
John S. Page, Director of Planning, Zoning, and Building
- V. COMMENTS OF MAYOR GAIL L. CONIGLIO
- VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- VII. COMMUNICATIONS FROM CITIZENS
- VIII. APPROVAL OF CONSENT AGENDA

ACTION: APPROVED

A. MINUTES

- 1. MINUTES: SEPTEMBER 12, 2016
Approval of the Minutes of the Special Town Council Workshop Meeting
Susan A. Owens, MMC, Town Clerk
- 2. MINUTES: SEPTEMBER 13, 2016
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, MMC, Town Clerk

3. MINUTES: SEPTEMBER 13, 2016
Approval of the Minutes of the Special Town Council Meeting-Budget Hearing #1
Susan A. Owens, MMC, Town Clerk
4. Approval of Major Matters Considered by the Architectural Commission at its Meeting of September 28, 2016
John S. Page, Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 187-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring Zoning in Progress Relating to Zoning Items Under Study by the Town as Enumerated on Exhibit "A" Attached Hereto; Requiring That No Building Permits or Business Tax Receipts Be Issued by The Department of Planning, Zoning and Building During the Period That Zoning is in Progress for any Project in Contravention of Any Proposal Under Study; Providing an Effective Date.
John S. Page, Director of Planning, Zoning & Building
2. RESOLUTION NO. 188-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders to Palm Beach County for Maintenance and Repair of Fire Rescue Fleet Apparatus in an Amount Not to Exceed an Established Budget of \$117,600.
Kirk W. Blouin, Director of Public Safety
3. RESOLUTION NO. 190-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Extending the Terms of the Current Support Agreement Resolution 33-2016, with Auxis, LLC. in the Amount of \$120,000 for the Provision of Information Technology Support Services for the Office of Information Technology as Outlined in RFQ No. 19-2016; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.
Jay Boodheshwar, Deputy Town Manager
4. RESOLUTION NO. 191-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-47 and Approving a Construction Contract to Murray Logan Construction, Inc., for the E-8 Wastewater Ejector Rehabilitation Improvements, in the Amount of \$228,000 and Establishing a Construction Phase Budget of \$245,000.
H. Paul Brazil, P.E., Director of Public
5. RESOLUTION NO. 192-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Repealing Section 105.1.1, Of The Town's Administrative Amendments to the Florida Building Code, Chapter 1, Which Requires That There Be Only One Primary Contractor Per Job Site.
John S. Page, Director of Planning, Zoning & Building

C. OTHER

1. Police Department HVAC Retrofit Project Update.
H. Paul Brazil, P.E., Director of Public Works
2. Authorization for the Finance and Taxation Committee to Study Pension Alternatives
Thomas G. Bradford, Town Manager
3. Approval to Expend Town Funds for Removal of Derelict Vessel.
Thomas G. Bradford, Town Manager

IX. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules, & Standards Committee Meeting of September 8, 2016
Bobbie Lindsay, Chair
ACTION: REPORT ACCEPTED, SUBJECT TO THE FOLLOWING AMENDMENT:
PAGE 4, LINE 21: "...with only quiet work allowed prior to 9:00 a.m. and after 5:00 p.m."
- B. Report of the Public Works Committee Meeting of September 15, 2016
Danielle Moore, Chair
ACTION: REPORT ACCEPTED

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER AND HEARD AT THIS TIME:

- ITEM NO. X.B.1.
Appointments to the Planning and Zoning Commission
John S. Page, Director of Planning, Zoning, and Building
ACTION: LEW CRAMPTON, CAROL LECATES, AND KENNETH WALKER WERE APPOINTED TO THE PLANNING & ZONING COMMISSION (NOTE: Subsequent action was taken on this item during Any Other Matters)

X. REGULAR AGENDA

A. Old Business

1. Update on Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves Approved Projects and Request to Add Additional Project and Funding.
Beth Zickar, Director of Recreation
ACTION: APPROVED A BUDGET APPROPRIATION OF \$72,600 FROM THE RECREATION CONTINGENCY ACCOUNT TO REPLACE THE EXTERIOR WIND SCREENING ON THE CLUBHOUSE VERANDA, SUBJECT TO MEMORIALIZATION OF TENANT AL FRESCO'S AGREEMENT TO REIMBURSE THE TOWN FOR 50% OF THE INITIAL PROJECT COSTS AND 100% OF ALL MAINTENANCE COSTS

ASSOCIATED WITH THE SCREENING THROUGHOUT THE TERM OF THEIR LEASE

2. Informational Update on Jurisdictional Transfer of the Building Board of Adjustment and Appeals

John S. Page, Director of Planning, Zoning & Building

ACTION: CONCEPTUALLY APPROVED THE JURISDICTIONAL TRANSFER, AND DIRECTED STAFF TO BRING BACK THE APPROPRIATE RESOLUTION OR ORDINANCE EFFECTING SAME AT THE NOVEMBER 8, 2016, TOWN COUNCIL MEETING

B. New Business

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER AND HEARD AFTER ITEM NO. IX.B.:

1. Appointments to the Planning and Zoning Commission
John S. Page, Director of Planning, Zoning and Building
ACTION: SEE PAGE 3
2. Town Contribution to the Society of the Four Arts Capital Fund for *the King Library*
Richard M. Kleid, President Pro-Tem
ACTION: APPROVED A ONE-TIME DONATION OF \$25,000
3. Zika Virus Response Plan
Jay Boodheshwar, Deputy Town Manager
ACTION: APPROVED MOVING FORWARD WITH THE PROPOSED LARVAL CONTROL AND TOWN-WIDE ADULTICIDING VECTOR CONTROL PREVENTION RESPONSE PLAN, SUBJECT TO THE FOLLOWING CONDITIONS:
 - **ALL TREATMENTS MUST BE COMPLETED BY OCTOBER 31, 2016**
 - **TREATMENTS ARE ONLY ALLOWED BETWEEN 12:00 A.M. AND 5:00 A.M.**
 - **RESIDENTS SHALL BE PROVIDED AT LEAST TEN DAYS' NOTICE PRIOR TO ANY TREATMENTS**
4. Coastal Update:
H. Paul Brazil, P.E., Director of Public Works
 - a. Shore Line Protection Update
ACTION: DEFERRED TO THE OCTOBER 13, 2016, TOWN COUNCIL MEETING
 - b. RESOLUTION NO. 193-2016 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 THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION'S REQUEST TO WAIVE THE EXPIRATION OF THE CURRENT 5-YEAR CONTRACT WITH D.B. ECOLOGICAL SERVICES FOR SEA TURTLE NESTING MONITORING

ACTION: APPROVED RESOLUTION NO. 193-2016

- c. Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon.

ACTION: APPROVED THE CITY OF BOCA RATON'S REQUEST FOR WAIVERS OF THE FOLLOWING SECTIONS OF THE TOWN CODE FOR ITS CONTRACTOR, WEEKS MARINE, AND ANY OTHER SUBCONTRACTOR, FOR CONSTRUCTION RELATED TO THEIR BEACH RENOURISHMENT PROJECT:

- **SECTION 42-198 – PROHIBITS OPERATION OF EQUIPMENT OR MACHINERY DURING WINTER, SUNDAYS, AND LEGAL HOLIDAYS (COMMENCING ON DECEMBER 1 AND ENDING MAY 1)**
- **SECTION 42-199 – PROHIBITS WORK BETWEEN 5:00 P.M. AND 8:00 A.M.**
- **SECTIONS 42-226 THROUGH 229 – REGULATES NOISE, EQUIPMENT OPERATION, WORK HOURS AND THE STANDARD TOWN REQUIREMENT TO “STAND DOWN FOR THE SEASON”.**

SAID APPROVAL IS FURTHER SUBJECT TO THE FOLLOWING CONDITIONS:

- **AGREEMENTS WITH BOTH THE CITY OF BOCA RATON, AND ITS CONTRACTORS, ACKNOWLEDGING THE CONDITIONS OF APPROVAL FOR THE ABOVE WAIVERS AND THE TOWN'S RIGHT TO ENFORCE VIOLATIONS THEREOF BY EITHER PARTY**
- **NO CONSTRUCTION ACTIVITIES SHALL TAKE PLACE WITHIN THE LAGOON BETWEEN 11/23/16 TO 11/27/16, 12/23/16 TO 01/02/17, AND 04/09/17 TO 04/19/17**
- **ALL WORK LIGHTS SHALL BE DIRECTED WESTWARD**
- **TUGS SHALL NOT BE ALLOWED TO IDLE WHEN NOT IN OPERATION**
- **CITY SHALL WORK WITH THE CONTRACTOR TO LIMIT THE HOURS OF ACTIVE CONSTRUCTION TO 8:00 A.M. THROUGH 6:00 P.M.**
- **CITY SHALL UTILIZE THE STAGING AREA FURTHEST FROM THE TOWN**
- **ALL ANCHORS AND SPUDS SHOULD AVOID SEAGRASS AS OBSERVED ON SITE AND PREVIOUSLY MAPPED; AND, ADDITIONAL DOCUMENTATION OF CURRENT CONDITIONS SHALL**

BE PERFORMED PRIOR TO CONTRACTOR MOBILIZATION

- **THE CONTRACTOR SHALL COORDINATE WITH THE PORT AUTHORITY AND PORT PILOT AS NECESSARY**

5. RESOLUTION NO. 189-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn and Associates, Inc., for Consulting Services for the Town-Wide Undergrounding of Utilities Program: Master Plan Finalization in the Amount of \$40,067.

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

ACTION: APPROVED

- C. Matters Pulled from Consent Agenda – *None*

XI. ORDINANCES

- A. Second Reading

1. ORDINANCE NO. 11-2016 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, Administrative; Article V, Code Enforcement; Division 3, Procedure Section 2-439, Citation Fine Schedule, so as to Add Section 14-35 Relating to Drone Usage, as a Class II Violation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. (*Deferred from 07/12/16 TCM*)
Kirk Blouin, Director of Public Safety

ACTION: DEFERRED INDEFINITELY

2. ORDINANCE NO. 18-2016 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, Offenses; Section 74-196, "Presence During Closed hours; Hours Specified"; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

ACTION: ADOPTED

- B. First Reading

1. ORDINANCE 19-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations: At Section 18-201, Preliminary Sketch; Site Plan; Final Plan, Subsection (B), By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Major Projects And Minor Projects With Notice Applications Must Be Submitted At Least 35 Days In Advance Of The Architectural Commission Meeting, That Revisions To Certain Applications Must Be Submitted At Least 15 Days In Advance Of The Architectural Meeting, And Correcting Cross-Reference Section Numbers;

At Subsection (C) By Clarifying That Architectural Commission Applications Shall Be Made On A Standard Town Form, That Minor Projects With No Notice Must Be Submitted At Least 15 Days In Advance Of The Architectural Commission Meeting, And Correcting Cross-Reference Section Numbers; At Section 18-202, Notice; Photographs, Subsection (1) And (2), By Requiring That A Graphic Depiction Of Each Major Project And Minor Project With Notice Be Included In The Notice And That Notices Be Mailed To Nearby Property Owners At Least 25 Days In Advance Of The Architectural Commission Meeting, And Requiring Applicants To Provide An Affidavit Verifying Compliance With Notice Provisions; And At Section 18-203, Referral Of Plans To Commission, Requiring That The Architectural Commission Shall Act On Applications Within 40 Days Of Filing Deadlines; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John S. Page, Director of Planning, Zoning & Building

ACTION: DEFERRED TO THE OCTOBER 13, 2016, TOWN COUNCIL MEETING

2. ORDINANCE NO. 20-2016 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; Article II, Beaches and Aquatic Activities; Division 2 Fishing, to Include a New Section 74-164 Titled Shark Fishing; Prohibiting Shark Fishing or Chumming Within Three Hundred Feet North and South of the Municipal Beach and Beach Access Points; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing for an Effective Date.

Jay Boodheshwar, Deputy Town Manager

ACTION: APPROVED

3. ORDINANCE NO. 22-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2015, Providing an Effective Date.

Jane Struder, Director of Finance

ACTION: APPROVED

XII. ANY OTHER MATTERS

THE FOLLOWING ITEM WAS RECONSIDERED IN ORDER TO RATIFY WHICH APPOINTEES SHALL SERVE THE TWO FULL TERM VACANCIES AND WHO SHALL SERVE THE REMAINDER OF SUSAN MARKIN'S TERM (ONE YEAR):

1. Appointments to the Planning and Zoning Commission
John S. Page, Director of Planning, Zoning, and Building

ACTION: RATIFIED THE APPOINTMENTS OF LEW CRAMPTON AND KENNETH WALKER TO THE TWO FULL TERM VACANCIES, AND THE APPOINTMENT OF CAROL LECATES TO THE REMAINDER OF SUSAN MARKIN'S TERM (ONE YEAR)

XIII. ADJOURNMENT