



**SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING
HELD ON TUESDAY, SEPTEMBER 14, 2021**

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

ACTION: THE FOLLOWING MODIFICATIONS WERE MADE TO THE AGENDA:

1. **ITEM NO. V.A.** Legislative Update
Brian Mast, U. S. Congressman for the 18th District of Florida
TIME CERTAIN: 9:45 AM
2. **ITEM NO. V.B.** Presentation by the Palm Beach County Supervisor of Elections
Regarding the Upcoming Elections and Senate Bill 90
Wendy Sartory Link, Palm Beach County Supervisor of Elections
DEFERRED TO THE OCTOBER/NOVEMBER TOWN COUNCIL MEETING
3. **DEFERRED FROM 9/13/21 TOWN COUNCIL DEVELOPMENT REVIEW MEETING:**
Z-21-00383 VARIANCE(S) Zoning District: R-B Low Density Residential The application of MICHAEL T FRIES & MICHELLE R MALONE, Applicants, relative to property located at 146 SEASPRAY AVE, legal description on file, is described below. Request a variance to expand nonconforming 2-story accessory building in the rear of the property by adding a 128 square foot one story cabana/office addition that would result in a 5.6 foot rear yard setback in lieu of the 10 foot minimum required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]

TIME CERTAIN: 10:00 AM

ACTION: DEFERRED TO THE OCTOBER 13, 2021, TOWN COUNCIL DEVELOPMENT REVIEW MEETING.

4. **ITEM NO. VI.A.** Presentations by the Applicants and Appointments to the Planning and Zoning Commission

Queenester Nieves, CMC, Town Clerk

TIME CERTAIN: 11:00 AM

5. **ITEM NO. XI.A.** Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, July 1, 2021

TIME CERTAIN: 2:15 PM

6. **ITEM NO. XII.B.4.c.** Woods Hole Group Coastal Resiliency Implementation Plan Presentation

TIME CERTAIN: 1:00 PM

V. PRESENTATIONS

- A. Legislative Update

TIME CERTAIN: 9:45 AM

Brian Mast, U.S. Congressman for the 18th District of Florida

ACTION: CONSENSUS FOR MAYOR MOORE TO SEND A LETTER TO THE ARMY CORPS OF ENGINEERS, REITERATING THE TOWN'S CONCERNS ABOUT DISCHARGES FROM LAKE OKEECHOBEE INTO THE LAKE WORTH LAGOON AND FOR STAFF TO SEND OUT AN ALERT TO RESIDENTS URGING THEM TO DO THE SAME.

- B. Presentation by the Palm Beach County Supervisor of Elections Regarding the Upcoming Elections and Senate Bill 90

Wendy Sartory Link, Palm Beach County Supervisor of Elections

ACTION: DEFERRED TO THE OCTOBER OR NOVEMBER TOWN COUNCIL MEETING.

VI. BOARDS AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A. Presentations by the Applicants and Appointments to the Planning and Zoning Commission

Queenester Nieves, CMC, Town Clerk

ACTION: GAIL CONIGLIO AND RICHARD KLEID APPOINTED AS REGULAR MEMBERS OF THE PLANNING AND ZONING COMMISSION

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

**ACTION: APPROVED AS AMENDED, WITH ITEM NUMBER X.B.10
RESOLUTION NO. 113-2021 PULLED AND HEARD AS ITEM NO. XII.A.1.**

A. MINUTES

1. Town Council Meeting Minutes
Queenester Nieves, CMC, Town Clerk

July 13, 2021, Town Council Meeting
July 15, 2021, Special Town Council Meeting - Proposed FY22 Budget
July 27, 2021, Special Town Council Meeting - COVID-19
August 10, 2021, Town Council Meeting
August 11, 2021, Local Planning Agency Meeting
August 11, 2021, Town Council Development Review Meeting
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of August 25, 2021.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 085-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Consent to Deemed Assignment of Investment Advisory Agreement(s) with PFM Asset Management, and Authorizing the Town Manager to Execute all Documents Necessary on Behalf of the Town.
Jane Le Clainche, Director of Finance
2. RESOLUTION NO. 105-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2022 Pursuant to Section 2-517 of the Town Code of Ordinances and 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
3. RESOLUTION NO 106-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Agreement with the State of Florida, Division of Emergency Management, Agreement No. Y5252, for Funding through the American Rescue Plan Act of 2021, Coronavirus Local Fiscal Recovery Fund, in the Amount of \$4,415,526.00, and Authorizing the Mayor to Execute all Documents Necessary on Behalf of the Town.

Jane Le Clainche, Director of Finance

4. RESOLUTION NO. 107-2021 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Approving Proposed Fixed Costs for Property, Liability, Workers' Compensation, Automobile and Ancillary Coverages for FY2022 in the Amount of \$1,061,517 and Variable Costs in the Amount of \$1,100,000; Approving a Non-Exclusive Insurance Broker Services Agreement with Relation Insurance Service of Florida, Inc. "Relation", in the Amount of \$40,000; Approving a Non-Exclusive Insurance Broker Services Agreement with Arthur J. Gallagher Risk Management Services, Inc., "AJG," in the Amount of \$7,500; Approving a Third Party Administration Services Agreement with Preferred Governmental Claim Solution "PGCS" in the Amount of \$53,230; Conditioning All Matters Contained Herein Subject to Approval of the Fiscal Year 2022 Budget; and Authorizing the Town Manager to Execute the Non-Exclusive Insurance Broker Services Agreements with Relation, AJG and PGCS on Behalf of the Town.
Carolyn Stone, Assistant Town Manager
5. RESOLUTION NO. 108-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Electronic Data Collection CPR in the Amount of \$46,700 to Support the Parking Ticket Management Software, Contingent upon FY22 Budget Authorization. *Dean Mealy, Purchasing Manager*
6. RESOLUTION NO. 109-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to MCCI, Laserfiche in the Amount of \$50,000 as a Sole Source Acquisition to Support the Town's Electronic Document Management System Used by the Town, Contingent Upon Budget Approval.
Dean Mealy, Purchasing Manager
7. RESOLUTION NO. 110-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Superior, LLC dba Central Square for Annual Purchase of Software Maintenance in an Amount Not To Exceed \$125,321 to Support Police Operational Requirements, Contingent Upon FY22 Budget Approval.
Dean Mealy, Purchasing Manager
8. RESOLUTION NO. 111-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to GovConnection Inc. for the Purchase of Dell Laptops for Public Safety in the Amount of \$95,330.
Dean Mealy, Purchasing Manager

9. RESOLUTION NO. 112-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Tyler Technologies, Inc. for Annual Software Support and Licensing in an Amount Not To Exceed \$95,000, Contingent Upon FY22 Budget Approval.
Dean Mealy, Purchasing Manager
10. RESOLUTION NO. 113-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to AEGION/Insituform Technologies LLC for Lining of Sewer Pipes Within the A6 Basin from the National Cooperative, Buyboard in the Amount of \$1,425,890 and Establish a Project Budget of \$1,641,773, Contingent upon FY22 Budget Approval.
*Dean Mealy, Purchasing Manager – **Pulled and Heard as Item No. XII.A.1***
Savings Were Noted in the Amount of \$566,470 by Re-Engineering Approach to the Award of the Contract
11. RESOLUTION NO. 114-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to the Award of Bid No. 2019-30, Plans, Review, And Inspection Services in the Amount of \$60,000 for FY21 and a New Contract Amount of \$300,000 and to Approve a Change Order to the Remaining Three Years of the Contract Award from \$240,000 Annually to \$325,000 Annually, Contingent Upon Budget Approval.
Dean Mealy, Purchasing Manager

C. OTHER

1. Health Insurance Rates for Calendar Year 2022
Carolyn Stone, Assistant Town Manager

XI. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on Thursday, July 1, 2021

Julie Araskog, Committee Chair

TIME CERTAIN: ~~11:00 AM~~ 2:15 PM

ACTION: ACCEPTED REPORT.

1. Recommendations Regarding Modifications to Construction Hours
Jay Boodheshwar, Deputy Town Manager

ACTION: APPROVED THE PREPARATION OF AN ORDINANCE FOR FIRST READING WHICH ELIMINATES SATURDAY CONSTRUCTION HOURS FROM THE MONDAY PRECEDING THANKSGIVING THROUGH APRIL 30;

RESTRICTS SATURDAY CONSTRUCTION WORK TO INTERIOR QUIET ONLY WORK FROM 9AM – 5PM FROM MAY 1 THROUGH THE MONDAY PRECEDING THANKSGIVING; \ AMENDS CONSTRUCTION HOURS YEAR-ROUND, TO PROHIBIT ARRIVAL TO CONSTRUCTION SITES PRIOR TO 7:30 AM, AND LIMITING WORK FROM 8:00 AM – 9:00 AM TO QUIET WORK ONLY.

2. Recommendations Regarding Addition of Synthetic Turf Regulations in the Town Code

Wayne Bergman, Director of Planning, Zoning and Building

ACTION: APPROVED THE PREPARATION OF AN ORDINANCE FOR FIRST READING WHICH INCLUDES LANGUAGE FOR INCLUSION IN CHAPTER 66 TO DEFINE ARTIFICIAL TURF, DESCRIBE APPROVAL PROCESS, CITE INSTALLATION LOCATION LIMITATIONS, ESTABLISH STANDARDS, AND DESCRIBE THE PROCESS FOR ADDRESSING EXISTING ARTIFICIAL TURF INSTALLED WITHOUT TOWN APPROVAL.

3. Discussion Regarding Application of Existing Regulations Pertaining to Native Plants

Wayne Bergman, Director of Planning, Zoning and Building

ACTION: APPROVED THE PREPARATION OF AN ORDINANCE FOR FIRST READING WHICH REQUIRES THE CALCULATION OF NATIVE PLANT REQUIREMENT BASED UPON THE QUANTITY OF PLANTS WITHIN EACH CATEGORY OF PLANT MATERIALS. THE CATEGORIES SHOULD INCLUDE TREES, PALMS, SHRUBS, GROUND COVER, AND VINES, AND EACH CATEGORY SHALL INCLUDE A MINIMUM OF 35% NATIVE PLANTS. THE INSTITUTE FOR REGIONAL CONSERVATION (“IRC”), NATIVES FOR YOUR NEIGHBORHOOD SHALL BE REFERENCED AS THE SOLE GUIDE FOR NATIVE PLANT SELECTION AND THE FLORIDA INVASIVE PLANT SPECIES GUIDE (“FLIP”) SHALL BE REFERENCED AS THE RESOURCE TO IDENTIFY CATEGORY 1 AND 2 INVASIVE PLANTS.

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 113-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to AEGION/Insituform Technologies LLC for Lining of Sewer Pipes Within the A6 Basin from the National Cooperative, Buyboard in the Amount of \$1,425,890 and Establish a Project Budget of \$1,641,773, Contingent upon FY22 Budget Approval.

Dean Mealy, Purchasing Manager

Savings Were Noted in the Amount of \$566,470 by Re-Engineering Approach to the Award of the Contract

ACTION: APPROVED.

B. Old Business

1. COVID-19 Update

Kirk W. Blouin, Town Manager

a. COVID-19 Monthly Report

Darrel Donatto, Fire Rescue Chief

ACTION: NONE.

b. Discussion Regarding Board, Commission, and Committee Meeting Format and Participation For Upcoming Meetings

Margaret A. Zeidman, Council President

ACTION: CONSENSUS FOR BOARD, COMMISSION, AND COMMITTEE MEETINGS TO REMAIN VIRTUAL THROUGH THE MONTH OF SEPTEMBER 2021.

c. RESOLUTION NO. 115-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Concurring with the Request of the Town's Chief of Police, to Extend the Chief's Declaration of the Existence of a State of Emergency within the Corporate Limits of the Town to October 12, 2021, Unless Earlier Terminated by the Chief of Police, at Which Time the Town Council will Address the Need for any Extension of the Declaration of Emergency; Providing for an Effective Date.

ACTION: APPROVED.

2. Request for Direction Regarding Completion of Retail Study

Wayne Bergman, Director of Planning, Zoning and Building

ACTION: CONSENSUS TO DELAY THE RETAIL STUDY PROJECT UNTIL AFTER THE CODE REFORM PROJECT BEGINS.

3. Town-wide Undergrounding Project

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

a. Review of Project and Dashboard, Summary of Project Status

ACTION: CONSENSUS TO ACCEPT FPU'S CONTRIBUTION FOR SHARING THE COST IN PAVING PHASE 7 NORTH OF TOWN-WIDE UNDERGROUNDING, WITH THE UNDERSTANDING THAT A REVISED ORDINANCE WILL BE PRESENTED AT THE OCTOBER TOWN COUNCIL MEETING

TO PROVIDE THE SAME CONSIDERATION TO PROPERTY OWNERS IN PHASE 7 NORTH.

b. RESOLUTION NO. 116-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Dedicate Two (2) Easements Between the Town of Palm Beach and Florida Power and Light (FPL) at 202 Plantation Road for Access and Maintenance of FPL Equipment.

ACTION: APPROVED.

c. RESOLUTION NO. 117-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Dedicate Two (2) Easements Between the Town of Palm Beach and Florida Power and Light (FPL) at 226 Via Las Brisas and 244 Via Las Brisas for Access and Maintenance of FPL Equipment.

ACTION: APPROVED.

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

a. RESOLUTION NO. 118-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 22PB8, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Phipps Ocean Park Beach Nourishment Project Monitoring, in the Amount of \$19,500, and Authorizing the Mayor to Execute Same on Behalf of the Town.

ACTION: APPROVED.

b. RESOLUTION NO. 119-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of Florida Department of Environmental Protection Contract No. 22PB12, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Lake Worth Inlet Management Plan/Beach Management Agreement Monitoring, in the Amount of \$324,500, and Authorizing the Mayor to Execute Same on Behalf of the Town.

ACTION: APPROVED.

c. Woods Hole Group Coastal Resiliency Implementation Plan Presentation

TIME CERTAIN 1:00 P.M.

ACTION: CONSENSUS TO HAVE THE PUBLIC WORKS COMMITTEE DISCUSS THE IMPLEMENTATION PLAN AND ITS AFFECT ON PLANNED CAPITAL IMPROVEMENT PROJECTS. FUTURE DECISIONS RELATED TO THE PLAN WILL BE ADDRESSED BY THE TOWN COUNCIL.

C. New Business

1. Proposed 2022 Town Council Meeting Schedule

Kirk W. Blouin, Town Manager

ACTION: TOWN COUNCIL REQUESTED CHANGES TO THE COUNCIL CALENDAR: CHANGE MARCH 1 AND 2 MEETINGS TO MARCH 3 AND 4 (IF NECESSARY); ADD JULY 14 – STCM RE: BUDGET WORKSHOP, AND CHANGE OCTOBER 11 MEETING TO OCTOBER 13 DUE TO CONFLICT WITH SUKKOT).

2. How Do We Preserve Palm Beach's Unique Small Town Charm, Businesses, and Community Amid Palm Beach County's Explosive Growth?

Bobbie Lindsay, President Pro Tem

ACTION: DIRECTED STAFF TO PROVIDE THE MAYOR AND TOWN COUNCIL A COPY OF THE STRATEGIC PLAN AND A SUMMARY OF THE PLAN'S DEVELOPMENT/UPDATES TO ASSIST IN DETERMINING A PATH FORWARD.

XIII. ORDINANCES

A. Second Reading

1. Modification of Beach Access Hours and Inclusion of Root Trail as a Public Access Point

ORDINANCE NO. 21-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 74 of the Town's Code of Ordinances by Amending Article V, Beach Access Closure to Include the Beach Access Point at Root Trail as Public; Providing For Closure from Sunset to Sunrise Daily; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

ACTION: ADOPTED.

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT