TENTATIVE:
SUBJECT TO
REVISION

# TOWN OF PALM BEACH

**TOWN COUNCIL MEETING**

**TOWN HALL**
**COUNCIL CHAMBERS - SECOND FLOOR**
**360 SOUTH COUNTY ROAD**

**AGENDA**

**DECEMBER 13, 2022**

**9:30 AM**

## Welcome

**For information regarding this agenda and the procedures for public participation at Town Council Meetings, please refer to the end of this agenda.**

**I. CALL TO ORDER AND ROLL CALL**

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

**III. MODIFICATIONS TO THE AGENDA**

**IV. APPROVAL OF AGENDA**

## V. RECOGNITIONS

**A.** Recognition of Town of Palm Beach 2022 Employee of the Year
*Danielle H. Moore, Mayor*

## VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

**A.** Presentations By the Applicants and Appointments to the Shore Protection Board
*Pat Gayle-Gordon, Acting Town Clerk*

## 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)

### A. MINUTES

1. Town Council Meeting Minutes
*Pat Gayle-Gordon, Acting Town Clerk*

November 8, 2022, Town Council Meeting
November 9, 2022, Town Council Development Review Meeting
November 15, 2022, Town Council Development Review Meeting
December 9, 2022, Special Town Council Meeting

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of November 18, 2022.
*Wayne Bergman, Director of Planning, Zoning and Building*

### B. RESOLUTIONS

1. RESOLUTION NO. 148-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Pre-Construction Phase Services to Burkhardt Construction Inc. for the Phipps Ocean Park Improvement Project in the Amount of $106,760.
*Dean Mealy, Procurement and Contract Manager*

2. RESOLUTION NO. 155-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Insight Public Sector for Server Equipment and Supporting Peripherals that Operate the Virtual Computer and Data Storage Environment in the Amount of $382,769.80 and Establishing a Project Budget of $421,047.
*Dean Mealy, Procurement and Contract Manager*

3. RESOLUTION NO. 156-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2023-03, Aluminum Compactor Transfer

Trailer to Spector Manufacturing Inc. in the Amount of $171,076 and Establishing a Project Budget of $179,629.

*Dean Mealy, Procurement and Contract Manager*

4. RESOLUTION NO. 157-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Regions Security Services, Inc. in the Amount of $133,000 for the Remainder of FY23 for the Town Marina and Establishing a Three-Year Contract Award Amount of $526,308 based on Satisfactory Performance, Mutual Agreement and Budget Authorization.

   *Dean Mealy, Procurement and Contract Manager*

5. RESOLUTION NO. 158-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2022-22, Worth Avenue Living Wall Maintenance Program to GSky Plant Systems, Inc. in the Annual Amount of $36,000 and a Proposed Five-Year Award of $180,000 Contingent Upon Satisfactory Performance, Mutual Agreement and Budget Authorization.

   *Dean Mealy, Procurement and Contract Manager*

6. RESOLUTION NO. 159-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Sovereignty Submerged Lands Fee Waived Lease Renewal No. 500026426.

   *Carolyn Stone, Deputy Town Manager*

7. RESOLUTION NO. 160-2022 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Resolution No. 091-2019, Landscaping Services to Batallan Enterprises Inc. DBA Property Works for Newly Acquired Services in FY23 in the Amount of $324,405.90 for FY23 and FY24 for a Total Revised Authorization of $2,223,865.90 Contingent Upon Satisfactory Service, Mutual Agreement and Budget Authorization.

   *Dean Mealy, Procurement and Contract Manager*

## C. OTHER

1. Donation Acceptance - PBP&FF

   *Nicholas Caristo, Chief of Police*

2. Request for Approval of Payment under Town's Supplemental Life Insurance Program - Valerie Tonge

   *Gillian Barth, Director of People & Culture*

3. Public Employees Relations Commission 2022 Reappointments

   *Gillian Barth, Director of People & Culture*

4. 206 Phipps Plaza Right-of-Way Permit for Scaffolding During Season

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

5. Waiver to Town Code for Extended Construction Hours and Road

Closure for Ranger Construction to Construction Drainage and Roadway Improvements on Via Palma

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

6. Preservation of Dune Plantings Along Mid-Town Seawall

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

7. 2000 S Ocean Blvd – Parking Adjacent to Rights-of-Way

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

8. 217 Mockingbird Trail, Large Bismarck Palm Tree Replacement

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

9. 218 Debra Lane, Fire Hydrant Relocation, Sewer Lateral Replacement, and Gas Service

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

## XI. BOARD/COMMISSION ANNUAL REPORT

**A.** Shore Protection Board Annual Report

*Melissa Ceriale, Chair*

## XII. COMMITTEE REPORTS

**A.** Report of the Business and Administrative Committee Meeting Held on October 27, 2022

*Lew Crampton, Chair*

## XIII. PUBLIC HEARINGS

**A.** RESOLUTION NO. 162-2022 A Resolution of The Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating And Abandoning Portions of an Existing Public Utility Easements Within the Property Commonly Known as 1265 South Ocean Boulevard, in The Town of Palm Beach, Florida.

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

## XIV. REGULAR AGENDA

**A. Matters Pulled From Consent Agenda: If needed**

**B. Old Business**

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

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

2. Water Feasibility Study Update
   **TIME CERTAIN: 11:00 AM**

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

3. Phipps Ocean Park Plan Update
   *Carolyn Stone, Deputy Town Manager*
   *Amanda Skier, President and CEO, Preservation Foundation of Palm Beach*

**TIIME CERTAIN: 2:15 PM**

A. ZON-22-107 (COA-22-037) 2185 S OCEAN BLVD—PHIPPS PARK (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for modifications to an existing 20.6-acre Municipally Owned and Operated Park and Recreation Center (Phipps Ocean Park) including modifications to the parking lot and pedestrian ways, the relocation of the existing Little Red Schoolhouse, the construction of sports courts, restroom facilities, beach pavilions and an educational facility including variances to exceed the maximum building height in the R-B zoning district and variances to reduce the minimum required Ocean Bulkhead Line setback requirement for new structures. Landmarks Preservation Commission will perform design review of the application.

4. Evaluation of Impacts to Right-of-Way Due to Revised Plans for "Palm Beach Transportation Planning Agency Recommended Improvements for South Ocean Boulevard (A1A) Between Lake Avenue to Ibis Way to the Florida Department of Transportation"
   **TIME CERTAIN: 3:30 PM**
   *H. Paul Brazil, P.E., Director of Public Works*

**C. New Business**

1. Consideration of Waivers to Town Code for Construction Dates, Hours, and Noise for Staging in the Lake Worth Lagoon and Construction of the 2023 Palm Beach Harbor Inlet Maintenance Dredging Project
   *H. Paul Brazil, P.E., Director of Public Works*
2. Discussion Regarding Overtime Policy for Public Safety
   *Nicholas Caristo, Chief of Police*
3. Kevin Morine vs. TOPB Special Magistrate's Report
   *Gillian Barth, Director of People & Culture*
4. Review of a Stop Work Order Due to the Three Strike Rule at 232 Tradewinds Drive
   *Wayne Bergman, Director of Planning, Zoning and Building*
5. Review of a Stop Work Order Due to the Three Strike Rule at 333 Sunset Avenue
   *Wayne Bergman, Director of Planning, Zoning and Building*

**XV. ANY OTHER MATTERS**

**XVI. ADJOURNMENT**

**PLEASE TAKE NOTE:**

**Note 1:** Please submit written comments/materials to

council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Wednesday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

**Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Technology (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

**Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

**Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

**Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

## PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

**PUBLIC HEARINGS:** Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

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| **COMMUNICATIONS FROM CITIZENS:** | Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. |
| **OTHER AGENDA ITEMS:** | Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation. |

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.