



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

AUGUST 14, 2019

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

Gail L. Coniglio, Mayor
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. PRESENTATIONS

- A. Palm Beach County Gold Star Families Memorial Monument**
Lauren Berkson, President, Palm Beach County Gold Star Families

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes
Kathleen Dominguez, Town Clerk
 - a. July 9, 2019, Town Council Meeting Minutes
 - b. July 10, 2019, Development Review Town Council Meeting Minutes
 - c. July 11, 2019, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of July 24, 2019.
Josh Martin, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 62-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving a Purchase Order to Gym Source USA LLC for Fitness Equipment To Be Utilized in the Morton and Barbara Mandel Recreation Center in the Amount of \$132,329 From the Capital Improvement Fund (307) Which will be Split Between the Mandel Foundation, Friends of Recreation and the Town, and Establishing a Budget of \$140,000.
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 65-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Agreement for Mutual Fire/Rescue Assistance Between the City of West Palm Beach and the Town of Palm Beach.
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 66-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services (EMS) Grant Equipment and Authorizing the Application for Funds from the Palm Beach County EMS Program in the Amount of \$25,000 and Establishing a Budget of \$25,000 in Fiscal Year 2019 to be Used for the Purchase of Fire Armor Ballistic Protective Gear

and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget.

Darrel Donatto, Fire Rescue Chief

4. RESOLUTION NO. 67-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of the Following Trees as Historic or Specimen Trees at 1 Whitehall Way, 386 Hibiscus Avenue, 100 Four Arts Plaza and Phipps Plaza, Providing an Effective Date.

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

X. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting Held on July 8, 2019

Julie Araskog, Chair

1. RESOLUTION NO. 68-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Engineering Services to Kimley-Horn and Associates, Inc. (KHA) for the Study and Development of a Truck Traffic Regulation Plan in the Amount of \$39,864 To Be Funded From the General Fund Contingency.

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

XI. REGULAR AGENDA

A. Old Business

1. Town Marina Project Update

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

2. Town-wide Undergrounding Project:

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

Steven Stern, Project Manager

- b. Phase 1 North Easement Abandonment

Patricia Strayer, P.E., Town Engineer

- c. RESOLUTION NO. 61-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Purchase Order to Kimley-Horn for Engineering Design Services for the South Ocean Blvd Watermain Replacement in the Amount of \$78,566.00.

Dean Mealy, Purchasing Manager

- d. RESOLUTION NO. 63-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Management at Risk (CMAR) Contract to Burkhardt Construction Inc., for the Town-wide Utility Undergrounding Phase 3

North in the Amount of \$4,042,171.13, and Establishing a Project Budget of \$4,242,171.13.

Patricia Strayer, P.E., Town Engineer

The Town negotiated cost savings of \$12,388.26 during GMP negotiations.

e. RESOLUTION NO. 64-2019 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida approving a Purchase Order to Kimley-Horn & Associates, Inc. for Construction Phase Engineering Services for the Town-wide Overhead Utility Undergrounding Phase 3 North in the amount of \$236,976.

Patricia Strayer, P.E., Town Engineer

3. Sargassum Discussion

Kirk W. Blouin, Town Manager

B. New Business

1. Letter from Florida Retail Federation and Florida Restaurant & Lodging Association

Jay Boodheshwar, Deputy Town Manager

C. Matters Pulled From Consent Agenda: If needed

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 28-2019 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, 2018; and Providing an Effective Date.

Jane Le Clainche, Director of Finance

2. ORDINANCE NO. 29-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications For The Use Of Phipps Plaza Park; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Jay Boodheshwar, Deputy Town Manager

3. ORDINANCE NO. 30-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Article VII, Section 106-283, Of The Town Code Of Ordinances Titled Standards For Issuance; Providing For Town Council Approval Of Special Event Permit Applications Requiring Use Of Public Sidewalks, Roads and/or Bike Paths; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

B. First Reading

1. ORDINANCE NO. 27-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 106, Streets Sidewalks and Other Places; at Section 106-18 Application Fee/Privilege Fee at Item (a) to Make the Fee be in Accordance with the Fee Schedule as Adopted by Town Council Resolution, and at Section 106-122, Adoption of Resolution, to Delete the Need for Filing a Certified Copy of the Resolution in the Public Records of the County; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

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

2. ORDINANCE NO. 31-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 5.01, General Elections, to Provide the Municipal Election Date Concurrent with a Statewide or Countywide Election, and 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 Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Kathleen Dominguez, Town Clerk

3. ORDINANCE NO. 32-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 3.01, Town Council: Composition, Modifying the Date of the Election of the President and President Pro Tem; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Kathleen Dominguez, Town Clerk

4. ORDINANCE NO. 35-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-54, Credited Service; Loss Of Credited Service; Reinstatement Of Credited Service; Amending Section 82-57, Board Of Trustees; Administrative Duties; Investment Of Retirement System Assets; Amending Subdivision II, Reserve Accounts, By Amending Section 82-80, Member Contributions; Amending Subdivision III, Firefighters, By Amending Section 82-94, Retirement Age And Service Conditions For Firefighters; Section 82-96, Optional Forms Of Payment Of A Pension For Firefighters; Section 82-99, Deferred

Retirement Option Program; Section 82-101, Duty Disability Special Provisions; And Section 82-106, Duty Disability Special Provisions; Amending Subdivision IV, Police Officers, By Amending Section 82-114, Retirement Age And Service Conditions For Police Officers; Section 82-116, Optional Forms Of Payment Of A Pension For Police Officers; Section 82-121, Duty Disability Special Provisions; And Section 82-126, Duty Death Special Provisions; Amending Subdivision V, General Employees And Lifeguards; By Amending Section 82-136, Optional Forms Of Payment Of A Pension For Benefit Group General And Benefit Group Lifeguard; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Danielle Olson, Director of Human Resources

5. ORDINANCE NO. 36-2019 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 6 of the Town Code of Ordinances, Alcoholic Beverages, At Section 6-9, Relating to the Prohibition of Consumption of Alcoholic Beverages in Public Places, So as to Provide An Additional Exception for Facility Rentals in Seaview Park; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Carolyn Stone, Director of Business Development and Operations

XIII. ANY OTHER MATTERS

XIV. 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 12:00 p.m. on the Thursday 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 12:00 p.m. on Thursday 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.

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.