



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

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

AGENDA

AUGUST 10, 2021

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. PRESENTATIONS

A. Legislative Update

TIME CERTAIN 9:45 A.M.

Bobby Powell, Jr., Florida State Senator

B. Scholarship Awards provided by the Rotary Club of Palm Beach Foundation

Danielle H. Moore, Mayor

C. Scholarship Awards provided by the Palm Beach Country Club Foundation

Danielle H. Moore, Mayor

D. Scholarship Award provided by the Palm Beach Civic Association and Citizens' Association of Palm Beach

*Allison Tardonia, Vice President of Membership and Sponsorship,
Palm Beach Civic Association and Fred Aldridge III, Co-
Chair/Treasurer, Citizens' Association of Palm Beach*

VI. COMMENTS OF MAYOR DANIELLE H. MOORE

VII. COMMENTS OF TOWN COUNCIL MEMBERS

VIII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes

Queenester Nieves, CMC, Town Clerk

July 14, 2021, Local Planning Agency Meeting Minutes

July 14, 2021, Town Council Development Review Meeting Minutes

The following meeting minutes are being deferred to the September 14, 2021, Town Council meeting.

July 13, 2021, Town Council Regular Business Meeting

July 15, 2021, Town Council Special Meeting, Proposed FY22 Budget

July 27, 2021, Town Council Special Meeting, Covid-19

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meetings of July 28-29, 2021.

Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

- 1. RESOLUTION NO. 072-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Designation of Ten (10) Additional Trees as Historic and Specimen Trees in Lake Drive Park, Providing an Effective Date.**

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

2. RESOLUTION NO. 081-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Flowbird North America in the Amount of \$97,740 for Parking Kiosk Upgrades to Thirty-Six (36) Parking Kiosks Previously Purchased from Cale America, Inc.

Jay Boodheshwar, Deputy Town Manager

3. RESOLUTION NO. 082-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of RFP No. 2021-16, Permitting Software for the Building Enterprise Fund to Tyler Technologies, Inc., in the Amount of \$249,785 for Implementation and Training, \$74,030 for One-Time License Fees and Five Year Annual Maintenance Contract of \$351,000 for a Total Five year Contract Award of \$674,815, Pending Successful Vendor Performance and Budget Authorization.

Dean Mealy, Purchasing Manager

4. RESOLUTION NO. 083-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Invitation to Bid No. 2021-14, Tree Trimming to a Primary, Secondary, and Tertiary vendor in the Annual Amount of \$166,850 and a Proposed Five-Year Award in the Amount of \$855,250 Contingent upon Satisfactory Vendor Performance and Budget Authorization.

Dean Mealy, Purchasing Manager

5. RESOLUTION NO. 084-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Aegion/Insituform Technologies, LLC for Lining of Sewer Pipes Within the A5 and A6 Basins From the National Cooperative Buyboard in the Amount of \$442,974.50 and Establish a Project Budget of \$487,271.

Dean Mealy, Purchasing Manager

C. OTHER

1. Request to Consider Ordinance Nos. 19-2021 and 20-2021 at a Public Hearing Prior to 5:00 p.m.

Wayne Bergman, Director of Planning, Zoning and Building

2. Request from the Children's Home Society, Relative to the Charitable Solicitation Ordinance

Jay Boodheshwar, Deputy Town Manager

X. COMMITTEE REPORTS

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

Julie Araskog, Committee Chair

The Chair will provide a verbal report. The written Report will be submitted at a later date.

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

b. Recommendations Regarding the Addition of Synthetic Turf Regulations in the Town Code
Wayne Bergman, Director of Planning, Zoning and Building

c. Discussion Regarding Application of Existing Regulations Pertaining to Native Plants
Wayne Bergman, Director of Planning, Zoning and Building

B. Report of the Business and Administrative Committee Meeting Held on Thursday, July 8, 2021
Lew Crampton, Committee Chair

a. RESOLUTION NO. 059-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach Master Fee Schedule by Modifying Parking Placard and Metered Parking Fees, and Providing an Effective Date.
Jay Boodheshwar, Deputy Town Manager

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. COVID-19 Update
Kirk W. Blouin, Town Manager

a. COVID-19 Monthly Report
Darrel Donatto, Fire Rescue Chief

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

c. RESOLUTION NO. 093-2021 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 September 14, 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.

2. Town-wide Undergrounding Project:
TIME CERTAIN 1:30 P.M.
H. Paul Brazil, P.E., Director of Public Works

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

b. RESOLUTION NO. 086-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of Phase 4 South GMP, Town-Wide Overhead Utility Undergrounding Project to Burkhardt Construction, Inc. in the Amount of \$10,873,182 and Establishing a Project Budget of \$11,960,500.

c. RESOLUTION NO. 087-2021 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 the Town-Wide Overhead Utility Undergrounding Project, Phase 4 South Construction Phase Services in the Amount of \$333,659 and Establishing a Project Budget of \$383,659.

d. RESOLUTION NO. 088-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of ITB No. 2021-05, Town-Wide Overhead Utility Undergrounding Project Phase 5 South to Wilco Electric, LLC in the Amount of \$6,629,360.64 and Establishing a Project Budget of \$7,623,764 and Award Phase 5 North to CR Dunn, Inc. in the Amount of \$6,416,941.56 and Establishing a Project Budget of \$7,379,502.

e. RESOLUTION NO. 089-2021 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 Town-Wide Overhead Utility Undergrounding Project, Phase 5 South Construction Phase Services in the Amount of \$334,159 and Establishing a Project Budget of \$384,159.

f. RESOLUTION NO. 090-2021 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 the Town-Wide Overhead Utility Undergrounding Project, Phase 5 North Construction Phase Services in the Amount of \$334,157 and Establishing a Project Budget of \$384,157.

g. RESOLUTION NO. 091-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of a Purchase Order to Burkhardt Construction, Inc. for Construction Management Services for Phase 5 North and South in the Amount of \$1,919,800 and Establishing a Project Budget of \$2,158,800.

3. Request for Direction Regarding Completion of Retail Study
Jay Boodheshwar, Deputy Town Manager
4. FY22 Proposed Budget Update

a. RESOLUTION NO. 092-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the Town Marina and Building Enterprise Fund Reserve Policies; Providing an Effective Date.

Jane Le Clainche, Director of Finance

5. Request to Amend the Long-term Ground Lease of 5976 Okeechobee Boulevard, West Palm Beach, Florida, to AHS Residential

TIME CERTAIN 11:00 A.M.

Janis Cheezem, Akerman LLP

a. RESOLUTION NO. 094-2021 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Amended and Restated Ground Lease Agreement Between the Town of Palm Beach, Florida (Town) and CRE Fund at Okeechobee Boulevard, LLC (Tenant), Subject to Certain Guaranties by AHS Residential, LLC (Guarantor) for Property Consisting of Approximately 29.38 Acres Located Outside of the Town's Boundaries at 5976 Okeechobee Boulevard, West Palm Beach, Florida (Property).

Kirk Blouin, Town Manager

6. Overview and Update Regarding the City of West Palm Beach Expert Panel Review of City's Management of Cyanotoxins in Raw Water Supply

TIME CERTAIN 10:30 A.M.

John Potts, Senior Consultant, Kimley-Horn and Associates

C. New Business

1. Discussion Regarding the Maximum Number of Residential Permit Parking Decals/Visitor Passes Permitted

Jay Boodheshwar, Deputy Town Manager

2. Request to Have the Ordinances, Rules and Standards Committee Study Sec. 42-230 - Lawn Maintenance, Relative to Hours, Equipment and Noise

Jay Boodheshwar, Deputy Town Manager

XII. ORDINANCES

A. Second Reading

1. Amendment to the Town Charter Regarding Town Caucus and Qualifying Dates

ORDINANCE NO. 018-2021 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Charter at Section 5.03, Relating to Qualifications, to Modify the Date to Qualify for Election to the First Tuesday of

December of Each Year or on a Date at Least Ninety-Five (95) Days Prior to the March Election Date, Whichever Comes First; Further Amending the Town Code of Ordinances at Chapter 34, Elections at Article II, Candidate, Division 2, Caucus, Section 34-56, Calling and Notice of Election to be Consistent with Section 5.03 of the Town Charter, Providing that the Date of the Town Caucus be Held on the First Tuesday of December of Each Year or on a Date at Least Ninety-Five (95) Days Prior to the March Election Date, Whichever Comes First; Providing for Severability; Providing for Codification; Providing for an Effective Date.

Queenester Nieves, CMC, Town Clerk

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 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.

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.