



# TOWN OF PALM BEACH

Town Clerk's Office

## ACTIONS OF THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, AUGUST 14, 2019

### I. CALL TO ORDER AND ROLL CALL

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

### III. MODIFICATIONS TO THE AGENDA

- RESOLUTION NO. 69-2019 WAS ADDED TO THE CONSENT AGENDA UNDER RESOLUTIONS AS ITEM IX. B. 5.
- ORDINANCE NO. 36-2019 WAS AMENDED TO INCLUDE UPDATED TITLE.
- A DISCUSSION ON A PREVIOUS MOTION TO APPROVE EXPANDING THE PAID PARKING PROGRAM ON SUNRISE AVENUE WAS ADDED UNDER ANY OTHER MATTERS AS ITEM XIII. 1.

### IV. APPROVAL OF AGENDA

**ACTION: APPROVED, AS AMENDED ABOVE.**

### V. PRESENTATIONS

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

**ACTION: MS. BERKSON WAS DIRECTED TO PRESENT HER PROPOSED PROJECT FOR A 16 X 12 INCHES BRONZE MONUMENT AT MEMORIAL PARK TO THE LANDMARKS PRESERVATION**

**COMMISSION.**

**ACTION: STAFF DIRECTED TO WORK WITH THE LANDMARKS PRESERVATION COMMISSION TO EXPEDITE THE REVIEW PROCESS.**

**VI. COMMENTS OF MAYOR GAIL L. CONIGLIO**

**ACTION: MAYOR AUTHORIZED TO SEND LETTER TO MEMBERS OF U.S. CONGRESS AND THE FLORIDA LEGISLATURE WITH A COPY OF THE PREVIOUS RESOLUTION (RES. NO. 40-2018) URGING LEGISLATION TO PROHIBIT THE SALE OF ASSAULT WEAPONS FOR CIVILIAN USE**

**VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

**ACTION: NONE**

**VIII. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE**

**ACTION: NONE**

**IX. APPROVAL OF CONSENT AGENDA**

**ACTION: APPROVED**

**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 June 26, 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*

5. RESOLUTION NO. 69-2019 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 Including New Vegetative Special Collection Fees, And Providing An Effective Date.

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

**ACTION: STAFF DIRECTED TO SEND OUT A NEWS ALERT TO INFORM THE PUBLIC OF THE NEW VEGETATIVE COLLECTION SERVICE**

**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*

**ACTION: DEFERRED TO THE SEPTEMBER 10, 2019 TOWN COUNCIL MEETING**

**ACTION: STAFF DIRECTED TO INVITE KIMLEY-HORN TO PARTICIPATE IN THE DISCUSSION**

**XI. REGULAR AGENDA**

**A. Old Business**

1. Town Marina Project Update  
*H. Paul Brazil, P.E., Director of Public Works*

**ACTION: NONE**

2. Town-wide Undergrounding Project:
- a. Review of Project and Dashboard, Summary of Project Status  
*Steven Stern, Project Manager*

**ACTION: NONE**

- b. Phase 1 North Easement Abandonment  
*Patricia Strayer, P.E., Town Engineer*

**ACTION: DEFERRED TO THE SEPTEMBER 10, 2019 TOWN COUNCIL MEETING**

**ACTION: STAFF DIRECTED TO PROVIDE MORE INFORMATION RELATED TO THE COST FOR THE EASEMENT ABANDONMENT PROCESS**

- 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*

**ACTION: APPROVED**

- 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.

**ACTION: APPROVED**

- 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*

**ACTION: APPROVED**

3. Sargassum Discussion  
*Kirk W. Blouin, Town Manager*

**ACTION: STAFF DIRECTED TO PLACE THIS DISCUSSION ON THE AGENDA UNDER COASTAL UPDATE NEXT MONTH AND PRESENT MORE OPTIONS FOR SEAWEED REMOVAL**

**B. New Business**

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

*Jay Boodheshwar, Deputy Town Manager*

**ACTION: STAFF DIRECTED TO DRAFT AN EMERGENCY ORDINANCE TO REPEAL ORDINANCE NO. 24-2019 AND PLACE IT ON THE SEPTEMBER 10, 2019 TOWN COUNCIL AGENDA**

**ACTION: AUTHORIZED MAYOR TO WRITE A LETTER TO THE STATE LEGISLATURE REGARDING ALLOWING MUNICIPALITIES TO PASS LOCAL ORDINANCES BANNING SINGLE-USE PLASTIC BAGS**

**ACTION: AUTHORIZED MAYOR TO WORK WITH STAFF TO CONTACT OTHER COASTAL MUNICIPALITIES TO FORM A COALITION AND TO TAKE THIS ISSUE TO THE PALM BEACH COUNTY LEAGUE OF CITIES**

C. Matters Pulled From Consent Agenda: *None*

## 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*

**ACTION: APPROVED**

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*

**ACTION: APPROVED**

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.  
*Jay Boodheshwar, Deputy Town Manager*

**ACTION: APPROVED**

**ACTION: STAFF DIRECTED TO GRANDFATHER THE TOWN OF PALM BEACH UNITED WAY'S ANNUAL 5K TURKEY TROT AND THE HOPE FOR DEPRESSION'S ANNUAL 5K WALK/RUN WITH THE CONDITION THAT THE APPLICANTS ABIDE BY THE RULES SET FORTH IN THE TOWN'S CODE OF ORDINANCES AND STAFF APPROVAL IS RECEIVED EACH YEAR.**

**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*

**ACTION: APPROVED**

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*

**ACTION: APPROVED**

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*

**ACTION: APPROVED**

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*

**ACTION: APPROVED**

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, At Subsection (3) So as to Provide An Additional Exception Providing That Patrons of Seaview Park May Consume on the Seaview Park Property, Alcoholic Beverages That are Served in Conjunction With Facility Rentals in Seaview Park; With the Approval of the Town Manager;



Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

*Carolyn Stone, Director of Business Development and Operations*

**ACTION: APPROVED**

**XIII. ANY OTHER MATTERS**

**1. DISCUSSION REGARDING THE JULY 11, 2019 VOTE TO IMPLEMENT METERED PARKING ON THE 100 BLOCK SUNRISE AVENUE**

**ACTION: TOWN COUNCIL VOTED TO RECONSIDER A PREVIOUS VOTE ON IMPLEMENTING PAID PARKING ON THE 100 BLOCK OF SUNRISE AVENUE.**

**ACTION: TOWN COUNCIL VOTED TO PAUSE ON THE IMPLEMENTATION OF PAID PARKING ON THE 100 BLOCK OF SUNRISE AVENUE AND DEFER THE MATTER TO THE NOVEMBER 12, 2019, TOWN COUNCIL MEETING FOR FURTHER DISCUSSION.**

**XIV. ADJOURNMENT**