TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON TUESDAY, MAY 7, 2013

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Scholarship Provided by the Palm Beach Civic Association and The Citizens' Association of Palm Beach.
[Ned Barnes, Palm Beach Civic Association and Bruce Heyman, Citizens' Association of Palm Beach]

B. Recognition of Eugene Lawrence, Planning and Zoning Commission, From February 2007 Through March 2013.

C. Recognition of Chris Storkerson, Recreation Advisory Commission, From April 2010 through April 2013.

D. Update on Royal Poinciana Playhouse Lease. [David A. Rosow, Town Council President]

E. Presentations by Applicants for the Planning and Zoning Commission.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

ACTION: ORS WAS DIRECTED TO REVIEW THE CODE PROVISION LIMITING THE NUMBER OF HOURS VEHICLES CAN BE PARKED ALONG THE STREET IN RESIDENTIAL AREAS.

VII. APPROVAL OF AGENDA

ACTION: ITEM NO. VIII.B.8 (RESOLUTION NO. 71-2013) WAS PULLED FROM CONSENT AND DEFERRED TO THE JUNE 11, 2013, TOWN COUNCIL MEETING.

ACTION: APPROVED, AS AMENDED ABOVE.

VIII. CONSENT AGENDA

ACTION: APPROVED, AS AMENDED ABOVE.

A. MINUTES

1. MINUTES: APRIL 9, 2013
Approval of the Minutes of the Town Council Meeting.

2. MINUTES: APRIL 9, 2013
Approval of the Minutes of the Special Town Council Meeting.

3. MINUTES: APRIL 10, 2013
Approval of the Minutes of the Town Council Meeting.

4. Approval of Major Matters Considered by the Architectural Commission at its Meeting on April 24, 2013.

B. RESOLUTIONS

1. RESOLUTION NO. 62-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Richard Maxwell, Inc., for Consulting Arborist Services in the Amount of $33,750 and Establishing a Project Budget of $35,500. [H. Paul Brazil, Director of Public Works]

2. RESOLUTION NO. 65-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Contract to D.S. Eakins Construction Corporation, for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement, in the Amount of $1,956,569, and Establishing a Construction Phase Budget of $2,130,000.
[H. Paul Brazil, Director of Public Works]

3. RESOLUTION NO. 66-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for Construction Administration Services to Mock Roos & Associates, Inc. in the Amount of $147,717 for the A-42 to A-41 and Par 3 to A-39 Force Main Replacement and Establishing a Construction Phase Budget of $165,000.
[H. Paul Brazil, Director of Public Works]

4. RESOLUTION NO. 67-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Murray Logan Construction, Inc., for the Sand Transfer Plant Repairs, in the Amount of $473,950, and Establishing a Construction Phase Budget

of $525,000.
[H. Paul Brazil, Director of Public Works]

5. RESOLUTION NO. 68-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Kimley-Horn and Associates, Inc., for Construction Administration Phase Services for the Sand Transfer Plant Repairs in an Amount of $24,620 and Establishing a Construction Phase Budget of $27,000. [H. Paul Brazil, Director of Public Works]

6. RESOLUTION NO. 69-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to TLC Diversified, Inc., for Ocean Outfall Junction Box Rehabilitation, in the Amount of $82,616, and Establishing a Construction Phase Budget of $91,000.
[H. Paul Brazil, Director of Public Works]

7. RESOLUTION NO. 70-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for Construction Administration Services to Kimley-Horn and Associates, Inc., in the Amount of $8,525 for the Ocean Outfall Junction Box Rehabilitation and Establishing a Construction Phase Budget of $10,000.
[H. Paul Brazil, Director of Public Works]

8. RESOLUTION NO. 71-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Keshavarz and Associates, Inc., for General Project Management and Engineering Support Services in Conjunction with the Nightingale Trail/La Puerta Way Underground Utilities Project, in the Amount of $79,200, and Establishing a Task Budget of $87,200.
[H. Paul Brazil, Director of Public Works] **– *Item Deferred to the June 11, 2013, Town Council Meeting.***

9. RESOLUTION NO. 73-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute a Resolution Supporting a Florida Inland Navigation District Waterways Assistance Program Grant Application. [H. Paul Brazil, Director of Public Works]

10. RESOLUTION NO. 74-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant FDEP Contract No. 13PB2, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach under the Bureau of Beaches and Coastal Systems Florida Beach Management Funding Assistance Program for the Continued Implementation of the Lake Worth Inlet Management Plan, and

Authorizing the Town Council President to Execute Same on Behalf of the Town.
[H. Paul Brazil, Director of Public Works]

11. RESOLUTION NO. 75-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order for the Par 3 Clubhouse Project, in the Amount of $320,000 and Increasing the Guaranteed Maximum Price of the Construction Manager At-Risk Contract for Hedrick Brothers Construction to $2,950,000.
[H. Paul Brazil, Director of Public Works]

12. RESOLUTION NO. 78-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Coastal Systems International, Inc. (CSI), for Engineering and Environmental Review Services Related to the U.S. Army Corps of Engineers Draft Feasibility Study and Environmental Impact Statement (EIS) for Lake Worth Inlet, Palm Beach Harbor, in an Amount Not to Exceed $29,485.
[H. Paul Brazil, Director of Public Works]

C. OTHER

1. Approval of Request for Underground Utilities Assessment Area for East Inlet Drive. [Peter B. Elwell, Town Manager]

2. Approval of Request for Underground Utilities Assessment Area for Nightingale Trail/La Puerta Way. [Peter B. Elwell, Town Manager]

3. Authorization of Selection Committee for Civil Engineering Consulting Services. [H. Paul Brazil, Director of Public Works]

4. Ratification of Town Manager Peter Elwell's Designation of Town Engineer William Francis to Serve as the Town's Representative on the East Central Regional Water Reclamation Facility Operations Board. [Peter B. Elwell, Town Manager]

IX. BOARD/COMMISSION ANNUAL REPORT

A. Code Enforcement Board.
[Harris S. Fried, Chair and Kirk Blouin, Director of Public Safety]
ACTION: NONE

X. COMMITTEE REPORTS

A. Reconsideration and Acceptance of the Ordinances, Rules, & Standards Committee Meeting Report of February 8, 2012.

[William J. Diamond, Chair]

ACTION: ACCEPTED

B. Report of the Ordinances, Rules, & Standards Committee Meeting of May 30, 2012. [William J. Diamond, Chair]

ACTION: ACCEPTED

C. Ordinances, Rules, and Standards Committee Meeting of April 11, 2013. [William J. Diamond, Chair]

ACTION: APPROVED ORS'S RECOMMENDATION TO SUBSTITUTE THE "3 STRIKE RULE" WITH THE "5 STRIKE RULE", WHICH WOULD ALLOW BOARD AND COMMISSION MEMBERS UP TO FOUR CONFLICTS OF INTEREST PER YEAR.

ACTION: REMANDED TO ORS THE ISSUE OF ALLOWING ARCHITECTS REGISTERED IN A STATE OTHER THAN FLORIDA TO BE ELIGIBLE TO SERVE AS AN ARCHITECT APPOINTEE ON BOARDS OR COMMISSIONS THAT CURRENTLY REQUIRE ONE OR MORE FLORIDA REGISTERED ARCHITECTS TO SERVE ON THE BOARD OR COMMISSION. ORS WAS ALSO DIRECTED TO CONSIDER REQUIREMENTS FOR DETERMINING RESIDENCY.

ACTION: APPROVED ORS'S RECOMMENDATION TO ESTABLISH A LIMIT OF TWO FULL 3-YEARS FOR CODE ENFORCEMENT BOARD MEMBERS, WITH THE ABILITY TO SERVE ONE MORE TERM IF THERE ARE NO OTHER APPLICANTS OR A CURRENT BOARD MEMBER HAS ALREADY SERVED TWO FULL 3-YEAR TERMS.

ACTION: ACCEPTED THE REMAINDER OF THE REPORT

XI. REGULAR AGENDA

A. Old Business – None

B. New Business

1. Florida Power and Light Request for Town Permission to Close a Portion of South Ocean Boulevard and for the Town to Grant an Easement on Submerged Lands.
[H. Paul Brazil, Director of Public Works]

ACTION: APPROVED

2. Authorization to Reject All Submittals for RFP No. 2013-09 - Construction Management Services and Re-Advertise.
[H. Paul Brazil, Director of Public Works]

ACTION: APPROVED

3. Discussion of Shop Locally - Shop Palm Beach Initiative.
[William J. Diamond, Town Council Member]

ACTION: NONE

4. Website Development Update.
[Jay Boodheshwar, Director of Recreation and Special Projects]

ACTION: NONE

5. Designation of the Town Council as the Town's Local Planning Agency and Consideration of the Future of the Planning and Zoning Commission.
[Robert N. Wildrick, President Pro Tem]

ACTION: TENTATIVELY APPROVED THE DESIGNATION OF THE TOWN COUNCIL AS THE LOCAL PLANNING AGENCY, AND DIRECTED THE TOWN ATTORNEY TO PREPARE THE NECESSARY ORDINANCE FOR THE JUNE 11, 2013, TOWN COUNCIL MEETING.

ACTION: TENTATIVELY APPROVED ELIMINATING THE PLANNING AND ZONING COMMISSION, AND DIRECTED THE TOWN ATTORNEY TO PREPARE THE NECESSARY ORDINANCE FOR THE JUNE 11, 2013, TOWN COUNCIL MEETING. SAID ORDINANCE SHALL INCLUDE A WHEREAS CLAUSE REITERATING THE TOWN COUNCIL'S AUTHORITY TO APPOINT SPECIAL COMMITTEES, AS NEEDED, FOR PLANNING AND ZONING ITEMS REQUIRING ADDITIONAL STUDY.

6. Appointments to the Planning and Zoning Commission.
[John Page, Director of Planning, Zoning, and Building]

ACTION: BRUCE LANGMAID WAS APPOINTED AS A REGULAR MEMBER.

ACTION: KEVIN KENNY WAS APPOINTED AS AN ALTERNATE MEMBER.

XII. ORDINANCES

A. Second Reading – None

B. First Reading

1. ORDINANCE NO. 2-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, Article VII, Special Events on Public Property, Division 2, Permit, by Amending Section 106-282(c)(14) Relating to Application Fee and Providing for a Fee for a Late Filing; Providing for Severability; Providing

for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Susan Owens, Town Clerk]

ACTION: APPROVED

2. ORDINANCE NO. 3-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 18, Buildings and Building Regulations, to Include a New Article XVII, Archaeological Review, Providing for an Archaeological Assessment Prior to the Issuance of Any Permits for Demolition, Excavations, Tree Removal, or Other Ground Disturbing Activities as Required by Florida State Statute 872.05, as Amended, and the Town's Comprehensive Plan; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John Page, Director of Planning, Zoning, and Building]

ACTION: APPROVED

3. ORDINANCE NO. 4-2013 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 114 Taxation, Article II, Local Business Tax, at Section 114-43 Schedule, So as to Amend the Fees Delineated for Each Business, Profession or Occupation; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [John Page, Director of Planning, Zoning, and Building]

ACTION: APPROVED

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT