



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 12, 2013

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. SWEARING IN OF ELECTED OFFICIALS
- IV. ORGANIZATIONAL ITEMS
 - A. Election of the Town Council President
Pursuant to Section 3.01 of the Town Charter
ACTION: DAVID ROSOW WAS RE-ELECTED AS TOWN COUNCIL PRESIDENT.
 - B. Election of the Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter
ACTION: ROBERT WILDRICK WAS RE-ELECTED AS TOWN COUNCIL PRESIDENT PRO TEM.
- V. PRESENTATIONS
 - A. Recognition of Dr. Martin Phillips, Architectural Commission, From November 2011 Through November 2012.
 - B. Regional Medical Care Guide Update. [Dr. Michael Dennis]
- 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 AGENDA
ACTION: CONSIDERATION OF PROCESS FOR HEARING APPEALS TO LANDMARKS PRESERVATION COMMISSION'S DECISION REGARDING

COA #023-2012 (DEL FRISCO'S RESTAURANT), AND FUTURE LANDMARKS PRESERVATION COMMISSION AND ARCHITECTURAL COMMISSION DECISION APPEALS, WAS ADDED TO THE AGENDA UNDER ANY OTHER MATTERS.

ACTION: APPROVED, AS AMENDED ABOVE

X. CONSENT AGENDA

ACTION: APPROVED

A. MINUTES

1. MINUTES: JANUARY 8, 2013
Approval of the Minutes of the Town Council Meeting.
2. MINUTES: JANUARY 8, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – Town of Palm Beach vs. United States of America.
3. MINUTES: JANUARY 8, 2013
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session - 160 Royal Palm, LLC vs. Town of Palm Beach.
4. MINUTES: JANUARY 9, 2013
Approval of the Minutes of the Town Council Meeting.
5. MINUTES: JANUARY 11, 2013
Approval of the Minutes of the Special Town Council Meeting.
6. MINUTES: JANUARY 23, 2013
Approval of the Minutes of the Special Town Council Meeting.
7. Approval of Major Matters Considered by the Architectural Commission at its Meeting on January 23, 2013.

B. RESOLUTIONS

1. RESOLUTION NO. 8-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Palm Beach County Law Enforcement Agencies Combined Operational Assistance and Voluntary Cooperation Mutual Aid Agreement and Authorizing the Mayor, Town Council President, Town Manager, and Director of Public Safety to Execute the Same on Behalf of the Town. [Kirk W. Blouin, Director of Public Safety]
2. RESOLUTION NO. 10-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No.

2013-03 to Public Financial Management, Inc. for Financial Advisory Services, and Authorizing the Town Manager to Execute an Agreement on Behalf of the Town.

[Jane Struder, Director of Finance]

3. RESOLUTION NO. 12-2013 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. in the Amount of \$24,200, and Establishing an Alternative Engineering Study and Design Phase Budget for the E-6 Force Main of \$26,650. [H. Paul Brazil, Director of Public Works]
4. RESOLUTION NO. 13-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, with No Changes to Terms, to Hy-Byrd Incorporated for Plan Review and Inspections Services, Including Funding in an Amount Not to Exceed \$250,000.
[John Page, Director of Planning, Zoning, and Building]
5. RESOLUTION NO. 14-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a One Year Extension, with No Changes to Terms, to M. T. Causley, Inc. for Plan Review and Inspections Services, Including Funding in an Amount Not to Exceed \$50,000.
[John Page, Director of Planning, Zoning, and Building]
6. RESOLUTION NO. 15-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Mock, Roos & Associates, Inc., in the Amount of \$21,418 for E-3 (Garden Road to Cherry Lane) Force Main Replacement, Establishing a Design and Bid Phase Budget of \$23,600. [H. Paul Brazil, Director of Public Works]
7. RESOLUTION NO. 16-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to D. B. Ecological Services, Inc. for Permit Required Sea Turtle Nesting Monitoring, in the Amount of \$126,280 and Establishing a Project Budget of \$130,000.
[H. Paul Brazil, Director of Public Works]
8. RESOLUTION NO. 17-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Duval Ford, for the Purchase of One Ford F 150 Truck, on FSA Contract No. 12-20-0905 in the Amount of \$16,513 and Establishing an Overall Budget of \$17,213. [H. Paul Brazil, Director of Public Works]

9. RESOLUTION NO. 18-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Alan Jay Ford, for the Purchase of One Ford F-350 Utility Body Truck, on FSA Contract No. 12-20-0905 in the Amount of \$32,894 and Establishing an Overall Budget of \$33,894.
[H. Paul Brazil, Director of Public Works]
10. RESOLUTION NO. 19-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Boat Engines in the Amount of \$26,066.00 from Fastboats Marine Group as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program; Providing an Effective Date.
[Kirk W. Blouin, Director of Public Safety]
11. RESOLUTION NO. 20-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to R.C. Systems, Inc. in the Amount of \$32,900, and Establishing a Budget of \$35,000 for the Provision of Recreation Software Modules, Training, Maintenance, Web Hosting, and Support for the Recreation Center, Tennis Centers, and Marina; and Authorizing the Town Manager to Enter into an Agreement for Said Purchase.
[Jay Boodheshwar, Director of Recreation and Special Projects]
12. RESOLUTION NO. 29 -2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Granting a Non-Exclusive Utility Easement on Town Property to Florida Power & Light Company for Transformers, Conduit and Wires to Provide Service to the D-6 and D-7 Storm Water Pump Stations. [H. Paul Brazil, Director of Public Works]
13. RESOLUTION NO. 30 -2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing \$50,000 Design and Bid Phase Budget in the Amount of \$10,000 for the Police Department HVAC Project, Establishing a New Design and Bid Phase Budget of \$60,000.
[H. Paul Brazil, Director of Public Works]

C. OTHER

1. Ratification of Town Manager's Approval of Barton Avenue Emergency Repairs. [H. Paul Brazil, Director of Public Works]
2. Authorization of Funding for Landscape Improvements at the Okeechobee Boulevard Yard Trash Disposal Site. [H. Paul Brazil, Director of Public Works]

3. Rejection of All Bids for Construction of Sanitary Sewer Pump Stations Project. [H. Paul Brazil, Director of Public Works]
4. Rejection of All Bids for Construction of Force Main Project. [H. Paul Brazil, Director of Public Works]

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Investment Advisory Committee.
[Michael F. Andrews, Chair and Jane Struder, Director of Finance]

ACTION: ACCEPTED REPORT

XII. COMMITTEE REPORTS

- A. Administrative and Personnel Committee Meeting of January 9, 2013, re: Vega.
[Richard M. Kleid, Chair]

ACTION: ACCEPTED REPORT

- B. Administrative and Personnel Committee Meeting of January 28, 2013, re: Vega.
[Richard M. Kleid, Chair]

ACTION: ACCEPTED REPORT

- C. Administrative and Personnel Committee Meeting of January 28-29, 2013, re: Duquette.

1. Committee Report. [Richard M. Kleid, Chair]
2. Comments of the Town Manager. [Peter B. Elwell, Town Manager]
3. Comments on Behalf of Scott Duquette. [Stuart N. Kaplan, Esq.]

ACTION: APPROVED REINSTATING OFFICER SCOTT DUQUETTE TO THE POSITION OF SERGEANT AND ALLOWING HIM TO RETAIN ANY TENURE DUE HIM SINCE HIS DEMOTION, EFFECTIVE MAY 1, 2013, SUBJECT TO THE CONDITION THAT HE RECEIVES AT LEAST 30 DAYS OF INTENSIVE COUNSELING ON THIS MATTER.

XIII. REGULAR AGENDA

- A. Old Business – None
- B. New Business
 1. Par 3 Clubhouse Project.
 - a. Status Report.

[Jay Boodheshwar, Director of Recreation and Special Projects]

- b. RESOLUTION NO. 21-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Declaring the Town's Official Intent for the Town to Initially Fund the Par 3 Clubhouse Project by Borrowing from the Town's Reserves and Waiving the Reserve Policies and to Reimburse the Town's Reserves Either Through Repayment over a Term of Not to Exceed Thirty (30) Years from the Town's Dock Replacement Reserve and the Recreation Enterprise Fund Reserve or Through Repayment from a Bank Note or Other Mechanism; Providing an Effective Date.

[Jane Struder, Director of Finance]

ACTION: FIRST WHEREAS CLAUSE WAS AMENDED AS FOLLOWS: "Whereas, the Town Council of the Town of Palm Beach, Palm Beach County, Florida, hereby finds that construction of a new clubhouse at the Town of Palm Beach's Par 3 Golf Course ~~are~~is necessary to enhance said property for the use of the public; and"

ACTION: SIXTH WHEREAS CLAUSE WAS AMENDED AS FOLLOWS: "Whereas, it is intended that said initial funding to be provided come from the Dock Replacement Reserve and the Recreation Enterprise Fund reserve funds (the "Reserve Funds"); and"

ACTION: APPROVED, AS AMENDED ABOVE

- c. RESOLUTION NO. 22-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County Florida, Declaring the Town's Official Intent to Seek Reimbursement for Certain Capital Expenditures Made or to Be Made with Respect to the Construction of a New Clubhouse at the Palm Beach Par 3 Golf Course from the Proceeds of its Not to Exceed \$1,250,000 Principal Amount of Revenue Notes and Providing for an Effective Date. [Jane Struder, Director of Finance]

ACTION: FIRST WHEREAS CLAUSE WAS AMENDED AS FOLLOWS: "Whereas, the Town Council of the Town of Palm Beach, Palm Beach County, Florida, hereby finds that construction of a new clubhouse at the Town of Palm Beach's Par 3 Golf Course ~~are~~is necessary to enhance said property for the use of the public; and"

ACTION: APPROVED, AS AMENDED ABOVE

- d. RESOLUTION NO. 23-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Accepting Donations from the Par 3 Foundation, in the Amount of

\$2,175,000 in Support of the Par 3 Clubhouse Project.
[H. Paul Brazil, Director of Public Works]

ACTION: APPROVED

- e. RESOLUTION NO. 24-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Construction Manager at Risk Contract with Hedrick Brothers Construction for the Construction of the Par 3 Clubhouse for an Amount of \$2,630,000. [H. Paul Brazil, Director of Public Works]

ACTION: APPROVED

- f. RESOLUTION NO. 11-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Builders Risk and Flood Insurance Coverage for the Construction of the Par 3 Clubhouse, in an Amount Not-to-Exceed \$28,000 to Employers Mutual Inc.
[H. Paul Brazil, Director of Public Works]

ACTION: APPROVED

ACTION: APPROVED A \$5,400 INCREASE TO PURCHASE ORDER 130397 FOR BID PHASE SERVICES ASSOCIATED WITH THE PROPOSED PAR 3 CLUBHOUSE INTERIOR UPGRADES.

- 2. RESOLUTION NO. 28-2013 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of a Maintenance Agreement Between the Florida Department of Transportation and the Town of Palm Beach for Construction and Planting of Landscape Improvements in the Right-of-Way at 1300 South Ocean Boulevard.
[H. Paul Brazil, Director of Public Works]

ACTION: APPROVED, SUBJECT TO THE CONDITION THAT THE PROPERTY OWNER PAY ALL ASSOCIATED LEGAL AND RECORDING FEES.

- 3. FY14 Budget Matters. [Peter B. Elwell, Town Manager]

- a. Budget Calendar.

ACTION: THE PROPOSED CALENDAR WAS AMENDED AS FOLLOWS:

- 1. **THE LONG-TERM FINANCIAL PLAN, PROPOSED TO BE CONSIDERED ON APRIL 11, 2013, WILL INSTEAD BE CONSIDERED DURING THE APRIL 9, 2013, REGULAR TOWN COUNCIL MEETING.**

2. THE SPECIAL MEETING PROPOSED TO BE HELD ON JULY 8, 2013, WILL INSTEAD BE HELD ON JULY 11, 2013.

ACTION: APPROVED, AS AMENDED ABOVE

- b. Process for Establishing Townwide Budget Priorities.

ACTION: APPROVED

4. Discussion of Three-Minute Rule for Communications from Citizens.
[William J. Diamond, Town Council Member]

ACTION: NONE

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 19-2012 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, 2012; Providing an Effective Date. [Jane Struder, Director of Finance]

Deferred from the January 8, 2013, Town Council Meeting.

ACTION: ADOPTED

B. First Reading – None

XV. ANY OTHER MATTERS

- A. Consideration of Process for Hearing Appeals to Landmarks Preservation Commission's (LPC) Decision Regarding COA #023-2012 (Del Frisco's Restaurant), and future LPC and Architectural Commission (ARCOM) Decision Appeals.

ACTION: ESTABLISHED THE FOLLOWING PROCEDURES FOR TOMORROW'S APPEAL OF THE LPC'S DECISION REGARDING COA #023-2012:

- 1. THE APPEAL WILL NOT BE A DE NOVO HEARING;**
- 2. THE APPELLANTS FOR THE DEL FRISCO'S APPROVAL WILL BE GIVEN A TOTAL OF 30 MINUTES IN WHICH TO PRESENT THEIR CASES AND PROVIDE ANY REBUTTALS, WHICH THEY WILL DIVVY UP AMONGST THEMSELVES;**
- 3. THE APPELLANT AND APPELLEE FOR THE BROWN HARRIS APPROVAL WILL EACH BE GIVEN A TOTAL OF 10 MINUTES IN WHICH TO PRESENT THEIR CASES AND PROVIDE ANY REBUTTALS.**

ACTION: THE POTENTIAL NEED FOR CLARIFICATION REGARDING THE TERM “INTERESTED PARTIES” IN THE APPLICABLE SECTION OF THE TOWN CODE WILL BE SENT TO ORS FOR REVIEW.

ACTION: NO ADDITIONAL PROCEDURAL RULES WERE ESTABLISHED FOR FUTURE APPEALS.

XVI. ADJOURNMENT