



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON THURSDAY, NOVEMBER 15, 2012

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. PRESENTATIONS
 - A. Recognition of John Schuler, Planning and Zoning Commission, From February 2004 Through September 2012
 - B. Recognition of Michael Spaziani, Planning and Zoning Commission, From September 2009 Through September 2012
 - C. Recognition of Bobbie Lindsay Buck, Shore Protection Board, From December 2008 Through September 2012
 - D. Recognition of 2012 Town Employee of the Year
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

ACTION: MAYOR CONIGLIO DEEMED NOVEMBER 24, 2012, AS SMALL BUSINESS DAY IN THE TOWN OF PALM BEACH

ACTION: AUTHORIZED STAFF TO WORK WITH THE BUSINESSES ON SUNRISE AVENUE WHICH HAVE BEEN AFFECTED BY THE CONSTRUCTION AT THE PALM BEACH HOTEL AND ALLOW TEMPORARY RELIEF FROM CERTAIN PROVISIONS OF THE TOWN'S SIGN CODE.
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
- VII. APPROVAL OF AGENDA

ACTION: APPROVED

VIII. CONSENT AGENDA

ACTION: ITEM NO. VIII.B., OCTOBER 10, 2012, MEETING MINUTES, WAS PULLED AND MOVED TO NEW BUSINESS FOR FURTHER DISCUSSION.

ACTION: APPROVED, AS AMENDED ABOVE

- A. MINUTES: OCTOBER 9, 2012
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- B. MINUTES: OCTOBER 10, 2012
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING-
Pulled for consideration under New Business
- C. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE
ARCHITECTURAL COMMISSION AT ITS MEETING ON OCTOBER 24,
2012
- D. RESOLUTIONS
 - 1. RESOLUTION NO. 137-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Professional Design Consultant Fee Proposal with Bridges, Marsh & Associates Inc. in the Amount of \$40,500 for Programming, Site Analysis and Schematic Design Services in Conjunction with the Peruvian Avenue 400 Block Streetscape Special Assessment Project; Approving a Task Budget of \$44,550 for this Work; and Authorizing the Town Manager to Execute the Proposal on Behalf of the Town to Effectuate Said Services.
[Thomas G. Bradford, Deputy Town Manager]
 - 2. RESOLUTION NO. 143-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Three (3) Vehicles in the Total Amount of \$55,845 as Previously Considered and Approved by the Town Council During the FY2013 Budget Process and Included in the Town's Equipment Replacement Program.
[Kirk W. Blouin, Director of Public Safety]
 - 3. RESOLUTION NO. 144-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Increase to Johnson Controls, Inc. Contract in the Amount of \$52,649 (Exhibit A); Establishing a Contract Contingency Fund of \$70,000 and Thereby Approving a Total Amount of \$122,649 from the Town's Equipment Replacement Contingency Fund, if Necessary, to Cover Scope of Work Changes; and Authorizing the Town Manager to Take Actions Necessary to Complete the Townwide Security and Surveillance Project Within Said Contingency.
[Kirk W. Blouin, Director of Public Safety]

4. RESOLUTION NO. 145-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Twelve Month Extension of the Contract Between the Town of Palm Beach and National Recovery Agency for EMS Billing Account Collections and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
[Kirk W. Blouin, Director of Public Safety]
5. RESOLUTION NO. 146-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Waiving the Purchasing Manual Policy to Allow Material Purchases in Excess of \$25,000 by Quotes in Lieu of Sealed Bids and Establishing an Overall Project Budget of \$200,000 to Replace a Section of Sewage Force Main on 23rd Street East of Tamarind Avenue in West Palm Beach, Florida.
[H. Paul Brazil, Director of Public Works]
6. RESOLUTION NO. 147-2012 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 \$11,760, and Establishing a Study Phase Budget of \$13,000 for the E-3, Garden Road to Tangier Avenue Force Main Study. [H. Paul Brazil, Director of Public Works]
7. RESOLUTION NO. 148-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract with AECOM in the Amount of \$4,995, to Provide Bidding Phase Services for Pump Stations A-42 and A-43 Improvements, Establishing a Bidding Phase Budget of \$5,500.
[H. Paul Brazil, Director of Public Works]
8. RESOLUTION NO. 149-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract for Bidding Phase Services to Mathews Consulting, Inc. in the Amount of \$3,505 for Pump Stations A-39 and A-41 Improvements, Establishing a Bidding Phase Budget of \$4,000. [H. Paul Brazil, Director of Public Works]
9. RESOLUTION NO. 150-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Palm Peterbilt, Inc., for the Purchase of One Peterbilt 320 Cab and Chassis with 20 CY Rear Load Packer Body, on FSA Contract No. 12-10-0905 in the Amount of \$185,538 and Establishing an Overall Budget of \$186,238. [H. Paul Brazil, Director of Public Works]

E. OTHER

1. Authorization to Proceed with Everglades Island Notice of Intent to Use Special Non-Ad Valorem Assessments.
[Thomas G. Bradford, Deputy Town Manager]
2. Approval of Selection Committee for Financial Advisor Services. [Jane Struder, Director of Finance]
3. Approval of Selection Committee for Contractors to Perform General Utility Projects and Emergency Infrastructure Repairs.
[H. Paul Brazil, Director of Public Works]
4. Approval of Alternative Selection Committee for Telemetry Replacement.
[H. Paul Brazil, Director of Public Works]
5. Authorization to Consider Ordinance No. 16-2012 Prior to 5:00 p.m. on December 12, 2012.
[John Page, Director of Planning, Zoning, and Building]

IX. COMMITTEE REPORTS

- A. Administrative & Personnel Committee Meeting of October 2, 2012. [Richard M. Kleid, Chair]
ACTION: ACCEPTED
- B. Administrative & Personnel Committee Meeting of November 5, 2012. [Richard M. Kleid, Chair]
ACTION: ACCEPTED
- C. Royal Poinciana Way Committee's Interim Report.
[Michael J. Pucillo, Town Council Member]
ACTION: NONE

X. BOARD/COMMISSION ANNUAL REPORT

- A. Planning and Zoning Commission Annual Report.
[C. Tanner Rose, Chair, and John Page, Director of Planning, Zoning, and Building]
ACTION: ACCEPTED

XI. REGULAR AGENDA

- A. Old Business
 1. Update Regarding Flagler Memorial Bridge Project.
ACTION: NONE

2. Enforcement of the 1979 Agreement Regarding the Royal Poinciana Plaza Playhouse.

[William J. Diamond, Town Council Member]

TIME CERTAIN: 10 AM

ACTION: STERLING PALM BEACH WAS DIRECTED TO COME BACK BEFORE THE TOWN COUNCIL AT THE JANUARY 9, 2013, COUNCIL MEETING WITH A PROGRESS REPORT ON THEIR POTENTIAL LEASE. THE COUNCIL REQUESTED THAT THE POTENTIAL LESSEE ALSO ATTEND THE COUNCIL MEETING.

3. Review of Electrical Service Issues at 160 Royal Palm Way (Palm House).
[Ethel Isaacs Williams, Florida Power & Light]

TIME CERTAIN: 1:30 PM

ACTION: NONE

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Town of Palm Beach vs. Mortgage Electronic Registration Systems, Inc., a Delaware Corporation, Acting Solely as Nominee for Countrywide Bank, N.A.; Bank of America, N.A., f/k/a Countrywide Bank, FSB; and Bac Home Loans Servicing, L.P. f/k/a Countrywide Home Loan Servicing, L.P., in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida Case No. 502011CA014981XXXXMBAF. Discussion of this Matter to Begin **Immediately Following the Special Town Council Meeting on Friday, November 16, 2012**, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo; Town Manager Peter B. Elwell; Attorney John C. Randolph; and Court Reporter from Ley & Marsaa Court Reporters, Inc.

[John C. Randolph, Town Attorney]

ACTION: APPROVED

2. Consideration of Scheduling an Attorney/Client Session Regarding Jason Vega, Artemis Saridakis, Levente Henter, Marcus Farmer, Samuel Riley, and Gilad Bockman vs Town of Palm Beach, Scott Duquette, Kirk Blouin and Daniel Szarszewski, Case Number 50 2012 CA 019746 XXXX MB AI, Fifteenth Judicial Circuit, Palm Beach County, Florida, to Begin **Immediately Following the Special Town Council Meeting on Friday, November 16, 2012**, in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members David A. Rosow, Robert N. Wildrick, William J. Diamond, Richard M. Kleid, Michael J. Pucillo;

Town Manager Peter B. Elwell; Attorney John C. Randolph; Attorney Margaret Cooper; and Court Reporter from Ley & Marsaa Court Reporters, Inc.

[John C. Randolph, Town Attorney]

ACTION: APPROVED

3. Coastal Protection Matters
TIME CERTAIN: 2 PM

- a. Post Hurricane Sandy Status Report.
[H. Paul Brazil, Director of Public Works]

ACTION: NONE

- b. Request for a Construction Hours Waiver for USACE's Lake Worth Inlet Maintenance Dredging Project.
[H. Paul Brazil, Director of Public Works]

ACTION: APPROVED

- c. Transfer of FY12 Surplus to Coastal Protection Fund.
[Jane Struder, Director of Finance]

ACTION: COUNCIL CONSENSUS WAS FOR STAFF TO PREPARE AN ORDINANCE FOR THE DECEMBER 11, 2012, COUNCIL MEETING AMENDING THE BUDGET TO ALLOW FOR THE TRANSFER OF \$2,000,000 FROM THE GENERAL FUND TO THE COASTAL PROTECTION FUND.

4. Florida Inland Navigation District (F.I.N.D.) Grant for Dredging Project in Lake Worth. [H. Paul Brazil, Director of Public Works]

- a. RESOLUTION NO. 152-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a State Grant Agreement with the Florida Inland Navigation District for the Town of Palm Beach for Phase I of the Town of Palm Beach Waterway Project in the Lake Worth Lagoon and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

ACTION: APPROVED

- b. RESOLUTION NO. 153-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing a Contract with Applied Technology & Management, Inc. in the Amount of \$79,312, to Provide Field Investigations, Preliminary Design, and Permitting Services, (Phase I), for the Town of Palm Beach Waterway Project in the Lake Worth

Lagoon, and Establishing a Total Task Budget of \$84,000.

ACTION: APPROVED

5. Update on Par 3 Clubhouse and Funding.
[H. Paul Brazil, Director of Public Works, and Jay Boodheshwar, Director of Recreation and Special Projects]

ACTION: ACCEPTED

6. Update Regarding Projects at the Town Docks.
[Jay Boodheshwar, Director of Recreation and Special Projects, and H. Paul Brazil, Director of Public Works]

ACTION: APPROVED MOVING FORWARD WITH THE BIDDING PROCESS TO UPGRADE THE POWER SUPPLY AT SEVEN SLIPS AT THE AUSTRALIAN DOCK.

ACTION: APPROVED STAFF'S REQUEST TO PROCEED WITH THE STRUCTURAL REPAIRS THAT ARE IMMEDIATELY NECESSARY AT THE AUSTRALIAN DOCK.

ACTION: STAFF WAS DIRECTED TO REVIEW THE CONCEPT IDENTIFIED BY PRESIDENT ROSOW TO RELOCATE THE AUSTRALIAN DOCK HOUSE TO THE PUBLIC WORKS AREA AT THE NORTHWEST CORNER OF LAKESIDE PARK.

7. Annual Report of Delinquent Accounts.
[Jane Struder, Director of Finance]

ACTION: ACCEPTED REPORT AND APPROVED RECOMMENDATION REGARDING WRITE-OFFS.

The below item was pulled from Consent:

8. OCTOBER 10, 2012, TOWN COUNCIL MEETING MINUTES

ACTION: DEFERRED TO THE NOVEMBER 16, 2012, SPECIAL TOWN COUNCIL MEETING TO ALLOW THE TOWN CLERK TO TRANSCRIBE THE PORTION OF THE OCTOBER 10, 2012, COUNCIL MEETING REGARDING TEMPLE EMANUEL'S REQUEST FOR SPECIAL EXCEPTION AND PARKING VARIANCE.

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 17-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Certificate of Public Convenience and Necessity and Permit, Division 2, Section 130-71,

Automobile Liability Insurance Requirement, by Amending Automobile Liability Insurance Requirements for Taxicab Certificates of Public Convenience and Necessity; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]

ACTION: ADOPTED

B. First Reading

1. ORDINANCE NO. 16-2012 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 134, Zoning, as Follows: Sections 134-787, 134-837, 134-887, 134-942, 134-997, 134-1052, 134-1352 and 134-1393 to Eliminate Municipally Owned and Operated Parks and Recreational Areas as a Permitted Use in the R-AA, R-A, R-B, R-C, R-D(1), R-D(2), Conservation and PUD Zoning Districts; Sections 134-790, 134-840, 134-890, 134-945, 134-1000, 134-1055, 134-1354 and 134-1395 to Create Municipally Owned and Operated Parks and Recreational Areas as a Special Exception Use in the R-AA, R-A, R-B, R-C, R-D(1), R-D(2), Conservation and PUD Zoning Districts; 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

2. ORDINANCE NO. 18-2012 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 by Rescinding Article III, Resolution of Employee Grievances, in its Entirety; Providing a New Article III for Resolution of Employee Grievances Before the Town's Administrative and Personnel Committee; Providing for the Role of the Committee; Providing for Procedures; Providing for Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[Peter B. Elwell, Town Manager]

ACTION: PARAGRAPH 2 OF SECTION 82-209(2) WAS REMOVED IN ITS ENTIRETY AND REPLACED BY SECTION 82-209(3). THE TWO REFERENCES TO "CONCLUSIONS OF LAW" IN SECTION 82-210 WERE AMENDED TO SAY "RECOMMENDATIONS TO THE TOWN COUNCIL".

ACTION: APPROVED, AS AMENDED ABOVE

XIII. DEVELOPMENT REVIEWS

A. Appeals – None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 314 South County Road Per Letter Dated October 26, 2012, from Robert Brixius, President, Brixius Construction Services, Inc.

ACTION: APPROVED, SUBJECT TO STAFF CONDITIONS

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business – None

2. New Business

- a. VARIANCE #30-2012 The application of 320 Island Road Trust; relative to property commonly known as **320 Island Road**; described as Lot 1 and Lot 2 and the East 15 feet of Lot 3, ISLAND ROAD DEVELOPMENT ADDITION to the Town of Palm Beach, according to the plat thereof, recorded in Plat Book 18, Page 35 of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting a variance to have a swimming pool 4.25 feet from the mean high waterline in lieu of the 10 foot minimum required. [Attorney: Maura A. Ziska]

Request for Deferral to the January 9, 2013, Town Council Meeting.

ACTION: DEFERRED

- b. SPECIAL EXCEPTION #24-2012 The application of Cucina Dell' Arte; relative to property commonly known as **257 Royal Poinciana Way**; described as FLORAL PARK LTS 40 THRU 43 AND FLORAL PARK ADD NO I, PLAT BOOK 5, PAGE 28; located in the C-TS Zoning District. The applicant requests a Special Exception allowing Cucina Dell' Arte to occupy 646 sq. ft. in the rear of the building for storage space in addition to the 2,700 sq. ft. already approved for a total of 3,346 sq. ft. The operation of the restaurant will remain the same. [Attorney: Peter S. Broberg]

ACTION: APPROVED

D. Other – None

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT