



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

TUESDAY, DECEMBER 11, 2012

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Recognition of Bobbie Lindsay Buck, Shore Protection Board, From December 2008 Through September 2012.

B. Presentations by Applicants for the Shore Protection Board.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: OCTOBER 10, 2012
Approval of the Minutes of the Town Council Meeting.
2. MINUTES: NOVEMBER 15, 2012
Approval of the Minutes of the Town Council Meeting.
3. MINUTES: NOVEMBER 16, 2012
Approval of the Minutes of the Special Town Council Meeting.
4. MINUTES: NOVEMBER 16, 2012
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – 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 Back Home Loans Servicing, L.P. F/K/A Countrywide Home Loan Servicing, L.P.
5. MINUTES: NOVEMBER 16, 2012
Approval of the Minutes of the Special Town Council Meeting – Closed Door Session – 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.
6. Approval of Major Matters Considered by the Architectural Commission at its Meeting on November 28, 2012.

B. RESOLUTIONS

1. RESOLUTION NO. 154-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement by and Between the Palm Beach County Supervisor of Elections and the Town of Palm Beach Relating to Vote Processing Equipment Use and Election Services; Providing an Effective Date.
[Susan A. Owens, Town Clerk]

2. RESOLUTION NO. 155-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Increase in Funding to Research Atlantica, Inc. in an Amount up to \$6,000 (Thereafter Totaling \$19,200) Through December of Calendar Year 2012 for the Purpose of Providing Historic Preservation Consulting Services, and Further Extending Consulting Services at the Rate of \$55 Hourly, with a Cap of \$3,300, for any Time Deemed Necessary to Assist the Royal Poinciana Way Committee, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.
[John Page, Director of Planning, Zoning, and Building]
3. RESOLUTION NO. 156-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Toro Greensmaster Riding Mower and Necessary Attachments at a Cost of \$26,803.78 from Wesco Turf, Inc., in Accordance with Florida State Contract No. 760-000-10-1; Authorizing the Town Manager to Take Further Actions Necessary to Complete the Purchase.
[Jay Boodheshwar, Director of Recreation and Special Projects]
4. RESOLUTION NO. 157-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Police Motorcycles in the Amount of \$36,400, From Bruce Rossmeier's Daytona Harley Davidson, 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]
5. RESOLUTION NO. 158-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase Three (3) Patrol Vehicles in the Amount of \$94,938 From Stingray Chevrolet, 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]
6. RESOLUTION NO. 159-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase One (1) Police Administrative Vehicle in the Amount of \$18,527, From Maroone Chevrolet, 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]

7. RESOLUTION NO. 160-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of AutoVu License Reader System in the Amount of \$79,590 From Dana Safety Supply, Inc. 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]
8. RESOLUTION NO. 161-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Engineer Service Corporation in the amount of \$355,608.66 for the Telemetry System Replacement, Establishing a Project Budget of \$440,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.
[H. Paul Brazil, Director of Public Works]
9. RESOLUTION NO. 162-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Professional Services Task to Kimley-Horn and Associates, Inc., in the Amount of \$56,200 for Professional Engineering Services Associated with Groundwater Monitoring at the Town's Vegetative Landfill Sites, and Establish a Project Budget of \$65,000. [H. Paul Brazil, Director of Public Works]
10. RESOLUTION NO. 163-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to GSKY Plant Systems, Inc., in the Amount of \$25,760.04 and Establishing a Project Budget of \$27,048 for the Maintenance of the Living Wall on Worth Avenue.
[H. Paul Brazil, Director of Public Works]
11. RESOLUTION NO. 164-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract Extension to Lopez Group, Inc., in the amount of \$144,549 and Establishing a Budget of \$148,885.
[H. Paul Brazil, Director of Public Works]
12. RESOLUTION NO. 165-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of a Pan & Tilt Sewer Inspection Camera and Crawler from Aries Industries, Inc., of Waukesha, Wisconsin, in the Amount of \$75,114.
[H. Paul Brazil, Director of Public Works]

IX. COMMITTEE REPORTS

- A. Public Works Committee Meeting of November 27, 2012.
[Michael J. Pucillo, Chair]
1. Selection Committee for Construction Management Services.
[H. Paul Brazil, Director of Public Works]
 2. RESOLUTION NO. 166-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract with AECOM in the Amount of \$15,879, to Provide Bidding and Permitting Phase Services for A-42 to A-41 and the Par 3 to A-39 Force Main Replacement Project and Establish a Bidding Phase Budget of \$17,500.
[H. Paul Brazil, Director of Public Works]
 3. RESOLUTION NO. 167-2012 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., to Provide Design Phase Services for Pump Stations A-39, A-41, A-42, and A-43 Emergency Generator Installations, in the Amount of \$29,200, and Establish a Design Phase Budget of \$33,000.
[H. Paul Brazil, Director of Public Works]

X. PUBLIC HEARINGS

- A. RESOLUTION NO. 168-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Electing to Use the Uniform Method of Levy, Collection and Enforcement of Non-ad Valorem Assessments Levied Within a Portion of the Incorporated Area of the Town Constituting the Everglades Island Underground Utilities Assessment Area; Stating the Need for Such Levy; Providing for the Mailing of this Resolution; and Providing an Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
- B. RESOLUTION NO. 169-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designations of Certain Already Designated Historic or Specimen Trees Located at 1 Via Sunny and 340 Garden Road Within the Town of Palm Beach; Providing for the Recording of Said De-Designations; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida.
[H. Paul Brazil, Director of Public Works]

XI. BOARD/COMMISSION ANNUAL REPORT

- A. Shore Protection Board. [E. Llwyd Ecclestone, Chair]

XII. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Update.
[Ryan Hamrick, P.E., Project Manager, PCL Civil Contractors, Inc.]
2. Update Regarding Hurricane Sandy Impacts.
[Peter B. Elwell, Town Manager]

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Solid Waste Authority of Palm Beach County and Palm Beach County vs. State of Florida Department of Environmental Protection and Town of Palm Beach, OGC Case No. 12-1527, State of Florida Department of Environmental Protection (SWVA Nos. 12-01 and 12-02). Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on Wednesday, December 12, 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 Keith W. Rizzardi; and Court Reporter from Ley & Marsaa Court Reporters, Inc. [John C. Randolph, Town Attorney]
2. Consideration of Scheduling an Attorney/Client Session Regarding U.S. Bank National Association, as Trustee of Master Adjustable Rate Mortgages Trust 2007-3 vs. Gail Trink a/k/a Gail T. Trink, etc. et al, Case No. 502008CA030042XXXXMB, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on Wednesday, December 12, 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]

3. 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 Regular Town Council Meeting on Wednesday, December 12, 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]
4. South County Road Commercial Corridor Parking Inventory Report. [Thomas G. Bradford, Deputy Town Manager]
TIME CERTAIN: 10 AM
 - a. RESOLUTION NO. 170-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Letter Agreement Proposal with Kimley-Horn & Associates Inc. in the Amount of \$34,650 for Professional Engineering Services Associated with the Evaluation of Parking Supply in the South County Road Commercial Corridor in Palm Beach and Providing Additional Funding of \$4,200 for Staff Incidental Expenditures to Provide Additions to Parking Inventory; and Authorizing the Town Manager to Execute the Letter Agreement on Behalf of the Town to Effectuate Said Services.
5. Proposed Pay Range Increase and Anniversary Date Pay Raises for Fire-Rescue Lieutenants and Assistant Fire Marshal.
[Peter B. Elwell, Town Manager]
6. Appointment of Town Manager Pursuant to Section 4.02(b) of the Town Charter. [Peter B. Elwell, Town Manager]

7. Shore Protection Board Appointments.
[Peter B. Elwell, Town Manager]

XIII. ORDINANCES

A. Second Reading

1. 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]

B. First 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]

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday 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 5:00 p.m. on Thursday 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.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- 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.
- 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.
- 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.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

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.

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.

**Town of Palm Beach
Meeting Schedule**

12/5/12

Mon 12/10/2012 09:30 AM	Town Council Workshop to Receive Public Comment for Woods Hole Group's Consideration in Performing its Peer Review of the Town's Coastal Protection Program	Council Chambers
Tue 12/11/2012 09:30 AM	Town Council Meeting	Council Chambers
Wed 12/12/2012 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
Wed 12/19/2012 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 12/20/2012 09:30 AM	Royal Poinciana Way Committee	Council Chambers
Thu 12/20/2012 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 12/21/2012 09:00 AM	Architectural Commission Meeting	Council Chambers
Mon 12/24/2012 04:00 AM	CHRISTMAS EVE	TOWN HALL CLOSED
Tue 12/25/2012 04:00 AM	CHRISTMAS DAY	TOWN HALL CLOSED
Mon 12/31/2012 04:00 AM	NEW YEAR'S EVE	TOWN HALL CLOSED
Tue 01/01/2013 04:00 AM	NEW YEAR'S DAY	TOWN HALL CLOSED
Tue 01/08/2013 09:30 AM	Town Council Meeting	Council Chambers
Tue 01/08/2013 08:00 PM	Town Caucus	Council Chambers

Wed 01/09/2013 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers
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Thu 01/10/2013 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
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Fri 01/11/2013 09:30 AM	Special Town Council Meeting to Call the Election	Council Chambers
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