



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, OCTOBER 11, 2011

9:30 A.M.

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, Town Council President
Robert N. Wildrick, President Pro Tem
William J. Diamond, Town Council Member
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. PRESENTATIONS
 - A. Recognition of Alexander Hufty Griswold, Architectural Commission, From March 2011 Through August 2011.
 - B. 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

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- 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: SEPTEMBER 12, 2011
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-FIRST PUBLIC HEARING ON FY12 BUDGET
- B. MINUTES: SEPTEMBER 13, 2011
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- C. MINUTES: SEPTEMBER 13 2011
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION-PHIPPS PLAZA VS TOWN OF PALM BEACH-PHIPPS PLAZA CONDOMINIUM ASSOCIATES
- D. MINUTES: SEPTEMBER 14, 2011
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- E. MINUTES: SEPTEMBER 21, 2011
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-SECOND PUBLIC HEARING ON FY12 BUDGET
- F. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON SEPTEMBER 28, 2011.
- G. RESOLUTIONS
1. RESOLUTION NO. 87-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Urging the Citizens' Committee on Airport Noise (CCAN) and the Board of County Commissioners of Palm Beach County to Amend and Supersede Resolution No. R-2002-0544, Pertaining to CCAN at Section 1(G), to Enable the Town of Palm Beach CCAN Representative to Reside Anywhere Within the Corporate Limits of the Town of Palm Beach.
[Richard M. Kleid, Town Council Member]

2. RESOLUTION NO. 124-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Two Year Renewal of the Agreement Between the Town of Palm Beach and Course Trends Inc. for the Provision of Internet Based Advertising and Marketing; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.
[Jay Boodheshwar, Director of Recreation and Special Projects]
3. RESOLUTION NO. 125-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Two Year Renewal of the Agreement Between the Town of Palm Beach and Golf Channel Solutions (Golfnow.com) for the Provision of Internet Based Tee Time Advertising and Sales; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Agreement.
[Jay Boodheshwar, Director of Recreation and Special Projects]
4. RESOLUTION NO. 126-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of the Contract with Port Consolidated, Inc., to Supply Unleaded and Diesel Fuel in an Amount Not to Exceed \$330,000. [Jane Struder, Director of Finance]
5. RESOLUTION NO. 127-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Recreation Department Fees for Fiscal Year 2012 and Granting Authority to the Director of Recreation and Special Projects to Prorate Annual and Seasonal Lease Fees When Necessary, to Maximize Revenue Opportunities and Fill Empty Dock Slips.
[Jay Boodheshwar, Director of Recreation and Special Projects]
6. RESOLUTION NO. 129-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Davislogic, Inc., DBA All Hands Consulting in an Amount of \$45,000 to Revise the Comprehensive Emergency Management Plan and Other Related Emergency Plans, and Provide Training - RFP No. 2011-32; Establishing a Project Budget of \$50,000; Authorizing the Town Manager to Take Further Action Necessary to Effectuate the Contract.
[Jay Boodheshwar, Director of Recreation and Special Projects]

7. RESOLUTION NO. 130-11 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 \$7,900 and Establishing a Study Phase Budget of \$9,000 for the E-6, Bradley Park to Tangier Avenue Force Main Replacement Study. [H. Paul Brazil, Director of Public Works]
8. RESOLUTION NO. 131-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving State Grant FDEP Contract No. 11PB2 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 Lake Worth Inlet Management Plan Implementation and Authorizing the Town Council President to Execute Same on Behalf of the Town. [H. Paul Brazil, Director of Public Works]
9. RESOLUTION NO. 133-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of the Contract for Office Supplies to Office Depot, Inc, in an Amount Not to Exceed \$46,200.
[Jane Struder, Director of Finance]
10. RESOLUTION NO. 136-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Christmas Designers, Inc., in the Amount of \$70,200.35. [H. Paul Brazil, Director of Public Works]
11. RESOLUTION NO. 139-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of Amendment No. 2 to the Agreement Between the City of West Palm Beach and the Town of Palm Beach for Payment of Certain Water Main Improvements Within the Work Area in Connection with the 2010 Town of Palm Beach Water Main Improvements in the Amount of \$194,000.
[H. Paul Brazil, Director of Public Works]

12. RESOLUTION NO. 140-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Reallocation of Funds for Pendleton Avenue/Pendleton Lane Utility Improvements in the Amount of \$39,648 to Address Unforeseen Conditions During Installation of Utility Improvements and Roadway Restoration on Pendleton Avenue and Pendleton Lane; Maintaining the Current Construction Phase Budget of \$971,363.80.
[H. Paul Brazil, Director of Public Works]
13. RESOLUTION NO. 141-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Execution of the Homeless Resource Center Interlocal Agreement with Palm Beach County, Florida.
[Kirk W. Blouin, Director of Public Safety]
14. RESOLUTION NO. 142-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, to Authorize the Continued Services of Greenburg Traurig, LLP, to Represent the Town for Federal Lobbying Services in FY12 at a Cost Not to Exceed \$33,000. [Peter B. Elwell, Town Manager]
15. RESOLUTION NO. 143-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Annual Software Support and Maintenance for Cartegraph in the Amount of \$49,523.00, Sungard Public Sector in the Amount of \$92,346.60 and Tyler Technologies in the Amount of \$92,878.28 and Authorizing the Town Manager to Execute the Purchases on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]
16. RESOLUTION NO. 144-11 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing a Taxicab Certificate of Public Convenience and Permit, Providing for a Limousine Certificate of Public Convenience, Permit and Transfer Fee, Providing for Late Penalties, Providing for Penalties for Non Compliance, and Providing for a Chauffeur's Permit, Providing an Effective Date.
[Jane Struder, Director of Finance]

H. OTHER

1. Appointment of “Blue Ribbon” Panel Per PERC Ordinance Appendix “A” Section 1.003.
[Danielle Olson, Director of Human Resources]

IX. REGULAR AGENDA

A. Old Business

1. Finance and Taxation Committee Meeting of September 21, 2011 – Recommendations Regarding Parking Matters.
[Robert N. Wildrick, President Pro Tem]
 - a. Kiosks in Worth Avenue Commercial District and on Royal Poinciana Way.
[Thomas G. Bradford, Deputy Town Manager]
 - b. RESOLUTION NO. 63-11A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Fines for Parking, Providing an Effective Date. [Jane Struder, Director of Finance]
2. Planning and Zoning Commission Recommendation to Reject the Concept of Permitting Green Markets in Town.
[John S. Page, Director of Planning, Zoning, and Building]

B. New Business

1. Proposed Donation from Rotary Club of Palm Beach Foundation to Replace the Aluminum Castings on the WWII Memorial Wall with Bronze Castings. [H. Paul Brazil, Director of Public Works]
2. Palm Beach Civic Association Request to Use Public Access for Beach Cleaning on Private Properties.
[H. Paul Brazil, Director of Public Works]
3. Private Coastal Protection Projects
 - a. Lauder Seawall- Request for Use of Town Property and Waiver of Construction Work Hours.
[H. Paul Brazil, Director of Public Works]

- b. Ecclestone Seawall-
Request for Use of Town Property and Waiver of
Construction Work Hours.
[H. Paul Brazil, Director of Public Works]
 - c. Breakers T-Head Reconditioning Project–Waiver of
Construction Work Hours.
[H. Paul Brazil, Director of Public Works]
- 4. Internal Audit Report Regarding Construction In-Progress and
Construction Project Bidding.
[Robert N. Wildrick, President Pro Tem]
- 5. Selection Committees
 - a. Update of Town Procedure Governing the Appointment
and Conduct of Selection Committees.
[Jay Boodheshwar, Director of Recreation and Special
Projects]
 - b. Authorization of a Selection Committee for Architectural
Services. [H. Paul Brazil, Director of Public Works]
- 6. Possible Rescheduling of the February and March 2012
Town Council Meetings. [Peter B. Elwell, Town Manager]
- 7. Planning and Zoning Commission Appointments.
[John S. Page, Director of Planning, Zoning, and Building]

X. ORDINANCES

A. Second Reading

- 1. ORDINANCE NO. 23-11 An Ordinance of the Town Council of
the Town of Palm Beach, Palm Beach County, Florida, Amending
the Code of Ordinances at Chapter 66 Natural Resources, Article
IV Vegetation, Division 5, Regulations, Section 66-311 Prohibited
Plants, So as to Amend the Removal Date for Australian Pines So
as to Reflect That the Removal Date of 2012 Shall Only Be
Applicable to Australian Pines Located Within 500 Feet of the
Palm Beach Island Sanctuaries Located Within the Town and

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

[John S. Page, Director of Planning, Zoning, and Building]

2. ORDINANCE NO. 24-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 42 Environment, Section 42-230 Relating to Lawn Maintenance Equipment Noise, Subparagraph (a); to Clarify That Golf Course Maintenance Equipment Is Exempt from the Restrictions at Section 42-199; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]
3. ORDINANCE NO. 25-11 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 Relating to Vehicles for Hire; Amending Section 130-31 Relating to Definitions; Amending Section 130-33 Relating to Amounts, Receipt to Be Filed, Regulations; Amending Section 130-34 Relating to Taxi Stands by Deleting Said Section in its Entirety; Amending Section 130-61 Relating to Required Permits; Amending Section 130-62 Relating to Contents of Application; Amending Section 130-63 Relating to Approval of Application and Providing for 25 Taxicab Permits; Amending Section 130-64 Relating to Permit Fees; Amending Section 130-68 Relating to Annual Renewal of Permit; Amending Section 130-69 Relating to Inspection of Vehicles; Amending Section 130-70 Relating to Sale, Assignment or Transfer, So as to Provide Taxicab Permits Are Not Assignable or Transferable; Amending Section 130-97 Relating to Application; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]
4. ORDINANCE NO. 26-11 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, 2010, Providing an Effective Date. [Jane Struder, Director of Finance]

5. ORDINANCE NO. 27-11 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 2 of the Town Code of Ordinances Relating to Administration at Article III, Officers Employees, Section 2-136, So as to Name the Public Safety Director as the Appointive Administrative Official under the Category of Public Safety and Eliminating the Positions of Chief of Police and Fire Chief; Providing That Wherever the Terms Chief of Police and/or Fire Chief Are Named in the Town Code of Ordinances, Policies, Rules, Regulations or Other Directives, Said Positions Shall Now Be the Responsibility of the Public Safety Director and the Duties and Obligations Specified Therein Shall Now Be the Duties and Obligations of the Public Safety Director; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John C. Randolph, Town Attorney]

B. First Reading

1. ORDINANCE NO. 28-11 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, 2010, Providing an Effective Date.
[Jane Struder, Director of Finance]

XI. ANY OTHER MATTERS

XII. 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 "Live Meeting Audio". 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 under "Agendas, Minutes, and Audio."
- 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**

10/5/11

Tue 10/11/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 10/12/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers
Tue 10/18/2011 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
Wed 10/19/2011 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 10/20/2011 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Wed 10/26/2011 09:00 AM	Architectural Commission Meeting	Council Chambers
Thu 10/27/2011 09:00 AM	Shore Protection Board Meeting	Council Chambers
Wed 11/02/2011 09:00 AM	Recreation Advisory Commission Meeting	Council Chambers
Tue 11/08/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 11/09/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers
Thu 11/10/2011 09:00 AM	Police Officer Board of Trustees Meeting	Council Chambers
Fri 11/11/2011 04:00 AM	VETERANS' DAY	TOWN HALL CLOSED
Mon 11/14/2011 09:00 AM	General Employees Retirement Board	Council Chambers
Tue 11/15/2011 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers

Wed 11/16/2011 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 11/17/2011 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 11/18/2011 09:00 AM	Architectural Commission Meeting	Council Chambers
Fri 11/18/2011 02:00 PM	Firefighter Board of Trustees Meeting	Council Chambers
Thu 11/24/2011 04:00 AM	THANKSGIVING DAY	TOWN HALL CLOSED
Fri 11/25/2011 04:00 AM	DAY AFTER THANKSGIVING	TOWN HALL CLOSED
Tue 11/29/2011 05:15 PM	Holiday Tree Lighting	South County Road
Tue 11/29/2011 06:20 PM	Holiday Tree Lighting	Worth & Hibiscus Avenues
Tue 12/06/2011 09:00 AM	Shore Protection Board Meeting	Town Council Chambers
Tue 12/13/2011 09:30 AM	Town Council Meeting	Council Chambers
Wed 12/14/2011 09:30 AM	Town Council Meeting - Development Review	Council Chambers