



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, SEPTEMBER 14, 2010

9:30 A.M.

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

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."

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.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

III. PRESENTATIONS

None

IV. COMMENTS OF MAYOR JACK McDONALD

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: AUGUST 10, 2010
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- B. MINUTES: AUGUST 10, 2010
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BREXEL VS TOWN OF PALM BEACH)
- C. MINUTES: AUGUST 11, 2010
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
- D. MINUTES: AUGUST 12, 2010
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING (BUDGET)
- E. APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON AUGUST 25, 2010.
- F. RESOLUTIONS
 - 1. RESOLUTION NO. 97-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Consulting Services Agreement Between the Town of Palm Beach and Research Atlantica, Inc. as Historic Landmarks Preservation Consultant, in an Amount Not to Exceed \$45,850, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
[John S. Page, Director of Planning, Zoning, and Building]

2. RESOLUTION NO. 99-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$68,590 to Tree Huggers Landscaping and Nursery, LLC, for Grounds Maintenance Services, Establishing a Total Not-to-Exceed Budget of \$75,000 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. [H. Paul Brazil, Director of Public Works]
3. RESOLUTION NO. 102-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the 2009 Revised Unified Palm Beach County Local Mitigation Strategy Plan; Providing an Effective Date; and for Other Purposes. [Jay Boodheshwar, Director of Recreation]
4. RESOLUTION NO. 106-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase and Installation of a Harris Cell Site Antenna System Based upon a Quote from Citation Communications in the Amount of \$41,167 to Provide Essential Police and Fire-Rescue Radio Coverage the Southern Area of the Town and Authorizing the Town Manager or the Town Managers's Designee to Execute Any Documents Necessary to Effectuate Said Purchase and Installation. [Kirk W. Blouin, Police Chief]
5. RESOLUTION NO. 108-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2011 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances. [Jane Struder, Director of Finance]

G. OTHER

1. Authorization to Extend Air-Conditioning Contract for FY11 in an Amount Not-to-Exceed \$40,000. [H. Paul Brazil, Director of Public Works]
2. Authorization to Extend Compacted Garbage Collection Contract for FY11 at a Cost of \$236,714.55. [H. Paul Brazil, Director of Public Works]
3. Authorization to Extend Janitorial Contract for FY11 at a Cost of \$118,200. [H. Paul Brazil, Director of Public Works]

4. Authorization to Extend Hedge Trimming Contract for FY11 at a Cost of \$46,479.60. [H. Paul Brazil, Director of Public Works]
5. Authorization to Extend Lethal Yellowing Contract for FY11 at a Cost of \$37,775.25. [H. Paul Brazil, Director of Public Works]
6. Authorization to Extend Street Sweeping Contract for FY11 at a Cost of \$113,206.56. [H. Paul Brazil, Director of Public Works]
7. Authorization to Extend Turf Maintenance Contract for FY11 at a Cost of \$60,349.92. [H. Paul Brazil, Director of Public Works]
8. Approval of Selection Committee for Environmental and Geotechnical Services. [H. Paul Brazil, Director of Public Works]
9. Appointment of “Blue Ribbon” Panel Per PERC Ordinance Appendix “A” Section 1.003.
[Danielle Olson, Director of Human Resources]
10. Approval of Contingency Allocation for Legal Expenses and Compensated Absences. [Jane Struder, Director of Finance]
11. Authorization to Renew Par 3 Labor Contract for FY11 at a Cost Not-to-Exceed \$161,500.
[Jay Boodheshwar, Director of Recreation]

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Firefighters’ Retirement Board of Trustees. [Wilbur Ross, Chair, and William Hanes, Pension Administrator]
- B. Police Officers’ Retirement Board of Trustees. [Raymond Snow, Chair, and William Hanes, Pension Administrator]

X. COMMITTEE REPORTS

- A. Ordinances, Rules, and Standards Committee of August 26, 2010.
[William J. Diamond, Town Council Member]

XI. REGULAR AGENDA

- A. Old Business
 1. Accelerated Capital Improvement Program.
[H. Paul Brazil, Director of Public Works]

- a. Overview of Current Status and Plans for the Future.
- b. RESOLUTION NO. 87-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$593,000 to Mock, Roos & Associates, Inc., for the D-15 (D-6 & D-7) Pump Station Design and Bid Administration Services, Establishing a Total Design Phase Budget of \$620,000 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Improvements.
Deferred from the August 10, 2010, Town Council Meeting.
- c. Worth Avenue Project Update.
Requested at the August 10, 2010, Town Council Meeting.
- d. RESOLUTION NO. 100-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Interlocal Agreement with the City of West Palm Beach for a Subaqueous Force Main Project.
- e. RESOLUTION NO. 101-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to AECOM USA, Inc., in the Amount of \$74,468 for the A-42 and A-43 Sanitary Pump Stations Improvements, Establishing a Design and Construction Documents Phase Budget of \$81,915 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.
- f. RESOLUTION NO. 103-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to AECOM USA, Inc., in the Amount of \$58,063 for the A-42 to A-43 Force Main Improvements, Establishing a Design and Construction Documents Phase Budget of \$63,869 for Said Improvements, and Authorizing the Town Manager to Take Actions Necessary to Complete this Phase of Said Improvements.

- g. RESOLUTION NO. 105-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$35,300 to Kimley-Horn and Associates, Inc., for the Sewage Force Main Intracoastal Waterway Crossing Construction and Bid Administration Services, Establishing a Total Construction Phase Budget for \$40,600 for Said Services, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

B. New Business

- 1. Recreation Commission's Intended Process and Time Line for Consideration of Privatization Alternatives and Other Potential Modification of Recreation Programs and Facilities.
[Jay Boodheshwar, Director of Recreation]
- 2. Internal Audit Reports.
[Robert N. Wildrick, Town Council Member]
 - a. Construction Project Bidding and Contract Administration.
 - b. Construction in Process Accounting
- 3. RESOLUTION NO. 96-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Proposed Liability, Property, Workers' Compensation, Automobile, Loss Fund Insurance Coverages and other Insurance Coverages incidental to the Town's operations for FY2011; Approving the Proposed Preferred Governmental Claims Solutions Claims Management Services Fee; Approving the Insurance Agent Services Agreement with Wells Fargo Insurance Services and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager]
- 4. RESOLUTION NO. 107-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Pursue a Special Category Grant from the Florida Department of State, Division of Historical Resources for the Restoration of Addison Mizner's Memorial Fountain, Subject to Prior Approval by the Town Attorney of the Grant Agreement for Legal Form and Sufficiency.
[John S. Page, Director of Planning, Zoning, and Building]

5. Possible Return to One-Day Town Council Meetings.
[David A. Rosow, Town Council President]

XII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 24-10 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 at Subdivision IV, Section 82-111, Term of Office, to Provide for Staggered Terms; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [William Hanes, Pension Administrator]
2. ORDINANCE NO. 25-10 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 at Subdivision III, Firefighters, Section 82-91, Term of Office, to Provide for Staggered Terms; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [William Hanes, Pension Administrator]

B. First Reading

1. ORDINANCE NO. 27-10 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, Building and Building Regulations, Section 108.2(l) Permit Fees; Providing for State Required Building Permit Fee Surcharges; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. [Thomas G. Bradford, Deputy Town Manager]
2. ORDINANCE NO. 28-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 78 Peddlers and Solicitors, Article II Peddlers, Section 78-40; and at Article III Charitable Solicitations, Sections 78-102 and 78-105, so as to Provide for an Administrative Processing Fee and Late Fees as Adopted by Resolution of the Town Council 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. 29-10 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, at Article VI, Parades, Division 2, Permit, Section 106-216, So as to Exempt the Town of Palm Beach from the Requirements Relating to Parade Permits for Parades Officially Sponsored by the Town of Palm Beach with Approval of the Town Council; Providing an Amendment to Article VII, Special Events on Public Property, Division 2, Permit, Section 106-281, Exempting the Town from Requirements for Permitting and Regulations Relating to Special Events; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
[John C. Randolph, Town Attorney]

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** 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.
- Note 2:** 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.
- Note 3:** 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.
- Note 4:** 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

9/8/10

Mon 09/13/2010 05:01 PM	First Public Hearing Re: Adoption of FY11 Town Budget	Council Chambers
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Tue 09/14/2010 09:30 AM	Town Council Meeting	Council Chambers
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Wed 09/15/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
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Thu 09/16/2010 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
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Tue 09/21/2010 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
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Wed 09/22/2010 09:00 AM	Architectural Commission (ARCOM) Meeting	Council Chambers
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Tue 09/28/2010 02:00 PM	Ordinances, Rules, and Standards Committee Meeting	Council Chambers
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Wed 09/29/2010 09:30 AM	Administrative and Personnel Committee Meeting	Council Chambers
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Wed 09/29/2010 05:01 PM	Second and Final Public Hearing Re: Adoption of FY11 Town Budget	Council Chambers
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Wed 10/06/2010 09:00 AM	Special Recreation Advisory Commission Meeting	Council Chambers
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Tue 10/12/2010 09:30 AM	Town Council Meeting	Council Chambers
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Wed 10/13/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
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Tue 10/19/2010 09:30 AM	Planning & Zoning Commission Meeting	Council Chambers
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Wed 10/20/2010 09:00 AM	Landmarks Preservation Commission Meeting	Council Chambers
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Wed 10/27/2010 09:00 AM	Architectural Commission (ARCOM) Meeting	Council Chambers
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Thu 10/28/2010 09:00 AM	Shore Protection Board Meeting	Council Chambers
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Wed 11/03/2010 09:00 AM	Recreation Advisory Commission Meeting	Recreation Center
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Tue 11/09/2010 09:30 AM	Town Council Meeting	Council Chambers
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Wed 11/10/2010 09:30 AM	Town Council Meeting (Development Review)	Council Chambers
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