



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, APRIL 10, 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 Jeffery W. Smith, Architectural Commission, From March 2005 Through March 2012.
- B. Recognition of William O. Cooley, Landmarks Preservation Commission, From March 2009 Through March 2012.
- C. Recognition of D. Imogene Willis, Landmarks Preservation Commission, From March 2006 Through March 2012.
- D. Recognition of Sergio de Araujo, Firefighter Retirement Board, From October 2008, to March 2012.

- E. Recognition of Michael Hays, Firefighter Retirement Board, From October 2004 Through March 2012.
- F. Presentations by Applicants for Code Enforcement Board.
- G. Presentations by Applicants for Investment Advisory Committee.
- H. Presentations by Applicants for Recreation Advisory Commission.
- 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: MARCH 14, 2012 Page 12
APPROVAL OF THE MINUTES OF THE TOWN COUNCIL MEETING
 - B. MINUTES: MARCH 14, 2012 Page 29
APPROVAL OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING-CLOSED-DOOR SESSION-TOWN OF PALM BEACH VS LAWRENCE S. RULE, JR., LAURA RULE, M&I BANK, FSB, AND R.J.S. ELECTRIC, INC., D/B/A ELECTRIC CONNECTION
 - C. Page 32
APPROVAL OF MAJOR MATTERS CONSIDERED BY THE ARCHITECTURAL COMMISSION AT ITS MEETING ON MARCH 28, 2012.
 - D. RESOLUTIONS
 - 1. RESOLUTION NO. 16-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Bid Award #2012-15 to Southern Computer Warehouse for the Purchase of Laptop and Desktop Computers in the Amount of \$32,632.35 and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager] Page 51

2. RESOLUTION NO. 18-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving The Renewal Of The Concession Agreement For The Town Of Palm Beach Tennis Facilities Between The Town Of Palm Beach And NetResults Tennis, LLC And Authorizing The Town Manager To Execute The Same On Behalf Of The Town. [Jay Boodheshwar, Director of Recreation and Special Projects] Page 56
3. RESOLUTION NO. 23-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Kimley-Horn & Associates, Inc., In The Amount Of \$39,310 For Town Docks 2012 Improvements, Establishing A Design And Bid Phase Budget Of \$43,200 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 69
4. RESOLUTION NO. 26-2012 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 \$59,919 For E-6, Bradley Park To Tangier Avenue Force Main Replacement, Establishing A Design And Bid Phase Budget Of \$65,919 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 80
5. RESOLUTION NO. 27-2012 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 \$47,450 For The A-7 To Hammon Avenue Force Main Replacement Project, Establishing A Design And Bid Phase Budget Of \$55,000 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 90
6. RESOLUTION NO. 30-2012 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., In An Amount Not To Exceed \$36,800 For The Nightingale Trail, Queen's Lane And Garden Alley Drainage Improvements Project, Establishing A Design Phase Budget Of \$42,100 For Said Improvements, And Authorizing The Town Manager To Take Actions Necessary To Complete Said Improvements. [H. Paul Brazil, Director of Public Works] Page 99

7. RESOLUTION NO. 34-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving an Agreement with the Palm Beach County Property Appraiser for Services and Costs and Approving an Agreement with the Palm Beach County Property Appraiser and Palm Beach County Information System Services for Assignment of Computer Data, Each Agreement Being Associated with the Non-ad Valorem Assessments to Be Implemented for the Via Fontana Underground Utilities Assessment Area and Authorizing the Mayor to Execute Each Agreement on Behalf of the Town.
[Thomas G. Bradford, Deputy Town Manager] Page 108

E. OTHER

1. Authorization to Fill Parks and Streets Supervisor Position.
[H. Paul Brazil, Director of Public Works] Page 116
2. Authorization to Fill Equipment Operator III/Sanitation Position.
[H. Paul Brazil, Director of Public Works] Page 118
3. Authorization to Replace Three (3) Part-Time/No Benefits Code Enforcement Officer Positions with One (1) Full Time Code Enforcement Officer Position.
[Kirk W. Blouin, Director of Public Safety] Page 120
4. Authorization to Fill Tennis Supervisor Position.
[Jay Boodheshwar, Director of Recreation and Special Projects] Page 123
5. Approval of Public Works Committee Report for the Committee's Meeting on March 6, 2012.
[Michael J. Pucillo, Town Council Member]
6. Investment Advisory Committee Appointments.
[Jane Struder, Director of Finance] Page 125

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Architectural Commission. [Robert Vila, Chair, and John Page, Director of Planning, Zoning, and Building] Page 129

X. REGULAR AGENDA

- A. Old Business

None

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding 332 South County Road LLC vs Town of Palm Beach, in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, Case No. 502011CA002343XXXXMBAY. Discussion of this Matter to Begin Immediately Following the Regular Town Council Meeting on April 11, 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 Attorney Rebecca Mercier Vargas; and Court Reporter from Ley & Marsaa Court Reporters, Inc. [John C. Randolph, Town Attorney]
2. Proposal from the Par 3 Foundation, Inc., Regarding the Clubhouse and Signage at the Par 3 Golf Course. [Jay Boodheshwar, Director of Recreation and Special Projects]
TIME CERTAIN: 11 A.M.
3. Coastal Management Items.
 - a. FDEP's Proposed Beach Management Agreement. [Peter B. Elwell, Town Manager]
 - b. RESOLUTION NO. 31-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Woods Hole Group In The Amount Of \$127, 711 For Comprehensive Review Of The Shore Protection Board's Long Term Coastal Management Program; Approving A Task Budget Of \$150,000 For This Work; And Authorizing The Town Manager To Execute The Contract On Behalf Of The Town To Effectuate Said Coastal Engineering Services. [H. Paul Brazil, Director of Public Works]
 - c. RESOLUTION NO. 32-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding A Contract To Coastal Planning & Engineering, Inc. (A Shaw Group Company), In The Amount Of \$37,396 For Review Of The Groin Rehabilitation Plan; Approving A Task Budget Of \$43,000 For This Work; And Authorizing The Town Manager To Execute A Purchase Order On Behalf Of The Town To

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Effectuate Said Coastal Engineering Services.
[H. Paul Brazil, Director of Public Works]

4. Application for a Waterways Assistance Program Grant from the Florida Inland Navigation District for Planning and Design of a Lake Worth Lagoon Dredging Project.
[H. Paul Brazil, Director of Public Works]
5. Code Enforcement Board Appointments.
[Kirk W. Blouin, Director of Public Safety]
6. Recreation Advisory Commission Appointments.
[Jay Boodheshwar, Director of Recreation and Special Projects]

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XI. ORDINANCES

A. Second Reading

None

B. First Reading

1. ORDINANCE NO. 6-2012 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, At Article II, Employee Benefits, Division 2, Retirement System, Amending Subdivision I, In General, By Amending Section 82-51, General, As Amended By Ordinance No. 4-2012, Adopted March 13, 2012; By Amending Section 82-52, Definitions; By Amending Section 82-54, Credited Service; Loss Of Credited Service; Reinstatement Of Credited Service; By Amending Section 82-56, Benefit Groups; By Amending Section 82-59, Transfer Of Service Between Town Plans; By Amending Section 82-63, Amount Of Post-Retirement Redetermination Of Pensions; By Amending Section 82-65, Allowance Of Interest; Rates Of Interest; By Amending Section 82-66, Refund Of Member's Accumulated Contributions; By Amending Section 82-69, Administrative Expenses; By Amending Section 82-70, Assignments Prohibited; By Amending Section 82-72, Rollover Distributions; By Amending Section 82-73, Method Of Making Payments; Amending Subdivision II, Reserve Accounts, By Amending Section 82-80, Reserve For Member Contributions; By Amending Section 82-83, Reserve For Undistributed Investment Income; By Deleting Section 82-85, Plans And Assets Segregated; By Deleting Section 82-86, Chapters 175 And 185, Florida Statutes; Amending Subdivision III, Firefighters, By Deleting

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Section 82-90, Firefighter Board Of Trustees; By Deleting Section 82-91, Term Of Office; Oath Of Office; Vacancy; By Deleting Section 82-92, Officers, Administrative Services; By Deleting Section 82-93, Investment Limitations; By Amending Section 82-94, Retirement Age And Service Conditions; By Amending Section 82-95, Amount Of Pension; By Amending Section 82-96, Optional Forms Of Payment Of A Pension; By Deleting Section 82-97, Supplemental Pension Distributions; By Amending Section 82-98, Chapter Share Accounts; By Amending Section 82-99, Deferred Retirement Option Program; By Amending Section 82-100, Disability Retirement; By Amending Section 82-102, Continuation Subject To Re-Examination; Return To Employment; Effect Of Gainful Employment; By Amending Section 82-103, Death After Retirement; Automatic Survivor Pension To Minor Children And/Or Surviving Spouse; By Amending Section 82-104, Death While An Employee Of The Town; Automatic Survivor Pension To Minor Children And/Or Spouse; By Amending Section 82-105, Elective Survivor Pension; Amending Subdivision IV , Police Officers, By Deleting Section 82-110, Police Officer Board Of Trustees; By Deleting Section 82-111, Term Of Office; Oath Of Office; Vacancy; By Deleting Section 82-112, Officers, Administrative Services; By Deleting Section 82-113, Investment Limitations; By Amending Section 82-114, Retirement Age And Service Conditions; By Amending Section 82-115, Amount Of Pension; By Amending Section 82-116, Optional Forms Of Payment Of A Pension; By Deleting Section 82-117, Supplemental Pension Distributions; By Amending Section 82-119, Deferred Retirement Option Program; By Amending Section 82-120, Disability Retirement; By Amending Section 82-122, Continuation Subject To Re-Examination; Return To Employment; Effect Of Gainful Employment; By Amending Section 82-123, Death After Retirement; Automatic Survivor Pension To Minor Children And/Or Surviving Spouse; By Amending Section 82-124, Death While An Employee Of The Town; Automatic Survivor Pension To Minor Children And/Or Spouse; By Amending Section 82-125, Elective Survivor Pension; Amending Subdivision V, General Employees And Lifeguards, By Deleting Section 82-130, General Employee Board Of Trustees; By Deleting Section 82-131, Term Of Office; Oath Of Office; Vacancy; By Deleting Section 82-132, Officers, Administrative Services; By Amending Section 82-134, Retirement Age And Service Conditions; By Amending Section 82-135, Amount Of Pension; By Amending Section 82-136, Optional Forms Of Payment Of A Pension; By Deleting Section 82-137, Supplemental Pension Distributions; By Amending Section 82-139, Deferred Retirement Option Program; By Amending Section 82-140, Disability Retirement; By Amending

Section 82-143, Death After Retirement; Automatic Survivor Pension To Minor Children And/Or Surviving Spouse; By Amending Section 82-144, Death While An Employee Of The Town; Automatic Survivor Pension To Minor Children And/Or Spouse; Amending Section 82-145, Elective Survivor Pension; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
[Peter B. Elwell, Town Manager]

XII. ANY OTHER MATTERS

XIII. 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.

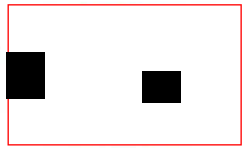
COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

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

4/3/12



Tue 04/10/2012 09:30 AM Town Council Meeting Council Chambers

Wed 04/11/2012 09:30 AM Town Council Meeting-Development Review Matters Council Chambers

Thu 04/12/2012 09:30 AM Special Town Council Meeting
Re: Long Term Financial Plan Council Chambers

Tue 04/17/2012 09:30 AM Planning and Zoning Commission Meeting Council Chambers

Wed 04/18/2012 09:30 AM Landmarks Preservation Commission Meeting Council Chambers

Thu 04/19/2012 02:00 PM Code Enforcement Board Meeting Council Chambers

Mon 04/23/2012 09:00 AM Grievance Resolution Board Meeting Re: Vega Council Chambers

Tue 04/24/2012 09:00 AM Grievance Resolution Board Meeting Re: Vega Council Chambers

Wed 04/25/2012 09:00 AM Architectural Commission Meeting Council Chambers

Thu 04/26/2012 09:00 AM Shore Protection Board Meeting Council Chambers

Wed 05/02/2012 09:00 AM Recreation Advisory Commission Meeting Council Chambers

Tue 05/08/2012 09:30 AM Town Council Meeting Council Chambers

Wed 05/09/2012 09:30 AM Town Council Meeting-Development Review Matters Council Chambers

Tue 05/15/2012 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 05/16/2012 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 05/17/2012 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Fri 05/18/2012 09:00 AM	Town of Palm Beach Retirement Board Meeting	Council Chambers
Fri 05/18/2012 02:00 PM	Investment Advisory Committee Meeting	Council Chambers
Wed 05/23/2012 09:00 AM	Architectural Commission Meeting	Council Chambers
Mon 05/28/2012 04:00 AM	MEMORIAL DAY	TOWN HALL CLOSED
Mon 06/11/2012 09:30 AM	Special Town Council Meeting To Consider Proposed FY13 Budget	Council Chambers
Tue 06/12/2012 09:30 AM	Town Council Meeting	Council Chambers
Wed 06/13/2012 09:30 AM	Town Council Meeting-Development Review Matters	Council Chambers