

Agenda Item No. C - 1

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval of minutes of Council Regular Meeting of April 16, 2009 and May 7, 2009.

ISSUE: It is necessary for Village Council to approval all Village Council meeting minutes.

RECOMMENDED ACTION: Motion to Approve

Initiator	Village Manager Approval	Agenda Date	Village Council Action
Village Clerk		5/21/09	

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, APRIL 16, 2009
7:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor David A. Lodwick
Vice Mayor Matty Mattioli
Councilman David Swift
Councilman Fred Pinto
Councilwoman Martha Webster

All members of Council were present; also present were the Village Manager, the Village Attorney and the Village Clerk.

PRESENTATION OF 20 YEAR SERVICE AWARD TO LINDA MORRIS

Mayor Lodwick read a short bio on Linda and thanked her for her dedicated years of service with the Village.

PRESENTATION OF 10 YEAR SERVICE AWARD TO MATTY MATTIOLI

Mayor Lodwick made the presentation and thanked Vice Mayor Mattioli for his dedication to the Village and its residents. He acknowledged his years of service and recognized his accomplishments during his tenure as Councilman.

REPORTS

Mayor Lodwick 1) announced that the first phase of the State Road 7 extension to the Acreage is now open and connects to Orange Grove Blvd. and Persimmon Road; 2) reported on the MPO meeting today and stated that Roebuck Road was not on the agenda; however, a team has been formed with the Indian Trail Improvement District. Also discussed was the 20/35 long range transportation plan. Mayor Lodwick also explained concurrency calculations and the standards for roadways to service areas to the west. The Village Attorney confirmed that Senate Bill 360 has passed but no companion bill to harmonize with this is available at this time.

Councilman Pinto reported that the local and county governments have been fighting to control growth; however, the developers are going to a

state level to circumvent these issues. He encouraged all citizens to contact their legislatures with regard to these issues.

Councilwoman Webster reported 1) Senator Aronberg's bill with regard to Prescription Drug Monitoring, discussed at the last Council meeting, passed the Senate Health and Regulation Committee unanimously; 2) on Senator Nelson's town hall meeting with regard to housing; 3) attended the Palms West Chamber luncheon and reported on the presentation by Sandra Richmond geared towards career education programs which helps the students to be (technical) career ready. There are 170 schools participating in this program including middle schools.

Mayor Lodwick also reported that a discussion ensued at the MPO meeting regarding a study by the University of Florida business department referencing the BEBR report which shows a decrease in Palm Beach County's population by 120,000 people.

The Village Attorney reported that the petition for Roebuck Road administrative hearing was filed along with Palm Beach County. She added that Loxhatchee Groves was allowed to intervene as an interested party. She stated that the hearing is set for the week of July 22nd.

Mayor also thanked Commissioner Aronson for his support of Roebuck Road.

PETITIONS - None
STATEMENTS FROM THE PUBLIC

Una James, member of the advisory board of the RPBHS medical science academy, explained that the academy is a four year plan where students acquire life and career skills that will enable them to go forward in the medical science world. She added that the academy allows students to have hands on experience with clients. She named the area hospitals, doctors and schools involved. She asked for a monetary contribution for an Electro cardiac machine which is an essential need for the students.

Caitlyn Webster, sophomore student at the medical science academy, also explained the courses provided and ask for consideration. Mayor Lodwick responded by reporting that seven positions have been eliminated in this year's budget and no discretionary funds were available but asked the cost of the machine.

Ms. James stated that the cost of the machine is \$2,020.00. Councilman Swift stated that two items were funded in the budget and those were Project Graduation and Earth Day. Ms. James then announced and encouraged everyone to attend a fund raiser at noon on May 3rd at Verdes Tropicana bowling lanes.

John Ruffa, President of the Royal Palm Beach Wildcats, an affiliation of Pop Warner little scholars football and cheer, is nationally recognized for youth sports. He introduced the program as a scholastics based recreation program. He also introduced the volunteers that were present. He stated there are 400 families in this program which is entering its third season adding that 40 local children ages 5 to 14 made academic American status on a national basis where out of 500,000 children this group placed in the top 2% academically.

Rick Durr, Treasurer, of the Royal Palm Beach Wildcats, also introduced himself stating his profession is in Parks and Recreation, and reported that this program is self financed through volunteers, local businesses and fund raisers.

CONSENT AGENDA

The Village Clerk read the Consent Agenda into the record as follows:

- 1. Approval and authorization for the Village Manager to hire Bridge Design Associates, Inc. for bridge design and detailing for Royal Palm Beach Boulevard Pedestrian/Bike Path Project, by piggybacking unit pricing from a Palm Beach County agreement for a total amount not to exceed \$18,945.00. (Village Engineer)**
- 2. Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Community Garage Sale at Veterans Park on Saturday, April 18, 2009 from 7:00 a.m. to 1:00 p.m. (Senior Planner)**
- 3. Approval of a Special Event Permit for the Village of Royal Palm Beach to hold a Cultural Diversity Day at Veterans Park on Saturday, May 9, 2009 from 12:00 p.m. to sundown. (Senior Planner)**
- 4. Approval of a Special Event Permit for Palm Beach Sheriff's Office and the Village of Royal Palm Beach to hold a National Police Memorial Motorcycle ride and barbecue at Veterans Park on Saturday, May 16, 2009 from 11:00 a.m. to 2:00 p.m. (Senior Planner)**
- 5. Approval of a Seasonal Vendor Permit application by Happy Holiday Seasonal Sales, Inc. to sell sparklers at 10080-10100 Okeechobee Boulevard from June 20 thru July 5, 2009 between 9:00 a.m. and 11:00 p.m. (Senior Planner)**

6. **Approval and authorization in accordance with established policy to make a budget amendment for Fund 303 in the fiscal year 2008/2009 Budget. Said amendment to transfer Grant revenue in the amount of \$922,000 from PW07/02 (Stormwater Enhancement) to project PR07/01 (RPB Commons Infrastructure). (Finance Director)**
7. **Approval and authorization for the Village Manager to pay \$22,010.90 to Alan Gerwig & Associates and Dow-Howell-Gilmore and Associates, Inc. for the structural design of the Public Safety Training Building. Funds to be expended from previously approved and authorized contract to Dow-Howell-Gilmore and Associates, Inc. for design and construction management of Public Safety Training Building. (Village Engineer)**
8. **Approval and authorization for the Village Manager to sign State Financial Assistance Agreements required by Florida Department of Environmental Protection (DEP) for Royal Palm Beach Commons Park.**

Councilman Pinto made a motion to approve the Consent Agenda; seconded by Councilman Swift. Mayor Lodwick put the motion to a vote and it passed unanimously.

REGULAR AGENDA

1. **Public hearing for consideration of Application No. 93-5 (C) (SPM) by Mock Roos & Associates, Inc. and Resolution No. 09-07 providing for a site plan modification approval to the approved master plan of "Our Lady Queen of Peace Cemetery" to update the site plan acreage by deleting approximately 47± acres and accurately reflect the location of all existing structures on the site for the property on the north side of Southern Boulevard and east of the FPL easement in the Village of Royal Palm Beach. Agent: Mary Hanna Clodfelter, Mock Roos & Associates, Inc. (Senior Planner)**

The Senior Planner stated a postponement is being requested on this item.

Mary Hanna Clodfelter agreed to the postponement in order to satisfy the Council and staff concerns. Mayor Lodwick expressed his disappointment in an email received by Mock Roos & Associates and gave a history of the property and explained the relationship between the Village and FPL. Ms. Clodfelter stated she was not aware of the issues with FPL and assured the Council their firm would be working

with staff in order to clarify the deeds for this property also. Councilman Swift added he too wanted clarification regarding the deed to the property. The Village Manager stated that the Village maintains many acres of property owned by FPL throughout the Village. The intent for this property is to replicate the property to the north where Nautica Lakes maintains property under the power lines, the property is in a park like environment. He reported on an agreement signed in the 1950's that limits the Village to excavate under the power lines without their written permission. The Village is waiting on direction from FPL so that this can move forward. Councilwoman Webster asked if the developers have a better agreement with FPL with the property and would it be transferrable to the Village? The Village Manager stated it will be researched by the Village Attorney in order to determine what can or can not be done.

Vice Mayor Mattioli made a motion to postpone to a time certain of May 21, 2009; seconded by Councilman Pinto. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 2. Transmittal public hearing and first reading of Ordinance No. 804 approving Application No. 07-08 (A)(LSCPA) providing for a Comp Plan Map amendment designating eleven parcel/tracts of land totaling 27.80 acres from Palm Beach County Low Residential Land Use to the Village of Royal Palm Beach's Residential Land Use of "RM - Medium Density" for property located approximately 325 feet west of State Road 7 and south of Anthony Groves Road, informally known as the "Enclave". Agent: Ronald K. Collins, Greenberg Traurig, P.A. (Senior Planner)**

Al Malefatto, representing Futura Development, stated the original agent, Ronald Kolins, has retired as of March 2009. He asked that the Council consider a postponement to a time certain of May 21, 2009 in order to allow time to resolve issues with neighbors in Victoria Groves.

Mayor Lodwick confirmed the following issues need to be resolved; berming, density and building heights adjacent to Victoria Groves. Mr. Malefatto responded yes. Mayor Lodwick asked staff about land use designations and what the classifications imply. Mayor Lodwick asked for clarification on the RM 12 density and asked once they receive that density is the property entitled to the zoning that matches it? The Village Attorney responded stating that it is a maximum of 12 units per acre density, and they are required to have zoning that is consistent. She continued to state that the Village happens to match perfectly with state density designations; however, as a full twelve units are not required twelve is the maximum. She also noted that the zoning must be

consistent with the comprehensive plan, that the lowest category for multi-family in the Royal Palm Beach Zoning Code is RM which is twelve units per acre. Mayor Lodwick asked if a RM-8 zoning district could be created. The Village Attorney responded yes.

The Village Manager stated that a corresponding land use category would have to be created in the Village's comprehensive plan. A discussion ensued regarding creating different zoning districts that further restrict the density.

The Village Attorney asked that Regular Item No. 6 also be postponed due to the fact that they are in the same comprehensive plan package and the Village is limited to two submittals per year. Mr. Malefatto also represents Minto on Regular Item No. 6 and they too have agreed to the postponement.

Vice Mayor Mattioli made a motion to postpone Regular Item 2 and 6 until a time certain of May 21, 2009; seconded by Councilman Swift. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

3. Public hearing for adoption of Ordinance No. 809 providing for adoption and transmittal to the Department of Community Affairs (DCA) and other review agencies for comments regarding the Village of Royal Palm Beach's Evaluation and Appraisal Report based text amendments to the Comprehensive Plan. Agent: Bell David Planning Group, Inc. (Senior Planner)

The Senior Planner introduced Alex David and he made the presentation. He explained this request is to approve the based text amendments to the Comprehensive Plan. He explained that this document was adopted in 2007 which outlined recommendations to change the comprehensive plan. This request is to adopt the final text amendments. He stated that on September 18, 2008 the Council approved the transmittal of the proposed changes to DCA. There were objections received back in December and this document has amended those items. He referred to page five where 16 and 17 have been added with two new policies LU1.5.9 and 1.1.10 which are greenhouse initiatives and recommended changing policy 9 to read "electric substations shall be permitted in all industrial and commercial future land use districts". He asked that policy 10 be changed to read "allowing substation and transmission lines in industrial and commercial future land use districts and zoning districts, and other mechanisms" and this change will match the existing land development regulations.

Vice Mayor Mattioli made a motion to approve; seconded by Councilman Pinto. The Village Attorney read into the record Ordinance No. 809 into the record by title only. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 4. Public hearing for adoption and second reading of Ordinance No. 810 providing for the transmittal to the Department of Community Affairs (DCA) and other review agencies in accordance with State law regarding the Village of Royal Palm Beach's 20-year water supply work plan along with related amendments to the Comprehensive Plan at various elements. Agent: Bell David Planning Group, Inc. (Senior Planner)**

In view of the agenda item, Councilman Swift refrained from voting.

Alex David made the presentation and asked for approval and acceptance of the 20-year water supply work plan.

Councilman Pinto made a motion to approve; seconded by Vice Mayor Mattioli. The Village Attorney read into the record Ordinance No. 810 into the record by title only. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed 4-0 with 1 abstention.

- 5. Public hearing for second reading and adoption of Ordinance No. 818 requesting the rezoning of a 6.132 acre parcel of land, located south of Civic Center Way and west of Royal Palm Beach Boulevard, from the Office Commercial (CO) zoning district to the Public Ownership (PO) zoning district. (Senior Planner)**

The Senior Planner presented the item. Mayor Lodwick explained that this is our civic center site and it is a public ownership building.

Vice Mayor Mattioli made a motion to approve; seconded by Councilman Pinto. The Village Attorney read into the record Ordinance No. 818 into the record by title only. Hearing no discussion, Mayor Lodwick put the motion to a vote and it passed unanimously.

- 6. Transmittal public hearing and first reading of Ordinance No. 819 approving Application No. 07-02 (B)(LSCPA) regarding comprehensive plan text and map amendments to provide reference to the densities and intensities permitted within the Fox Property DRI along with a change of land use designations for sixteen parcel/tracts of land totaling 298.11 acres lying within the Fox Property DRI located on both the north and south sides of Okeechobee Boulevard and west of**

**State Road 7. Agent: Alfred Malefatto, Greenberg Traurig,
P.A. (Senior Planner)**

This item was postponed to a time certain of May 21, 2009.

Patrick Wakefield, resident of Counterpoint Estates asked for traffic calming for Chorus Way. He reported that area is having a serious problem with excessive speeding. Mayor Lodwick referred him to Captain Coleman to help resolve those issues.

ADJOURNMENT

Mayor David A. Lodwick

Diane DiSanto, Village Clerk

**VILLAGE OF ROYAL PALM BEACH
MINUTES OF COUNCIL REGULAR MEETING
VILLAGE MEETING HALL
THURSDAY, MAY 7, 2009
7:00 P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor David A. Lodwick	-	Absent
Vice Mayor Matty Mattioli	-	Present
Councilman David Swift	-	Present
Councilman Fred Pinto	-	Present
Councilwoman Martha Webster	-	Present

Also present were the Village Manager, the Village Attorney and the Village Clerk.

PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK

PROCLAMATION FOR CULTURAL DIVERSITY DAY

PRESENTATION OF ARBOR DAY POSTER AWARD

Carmen Campbell, Chair, Education Advisory Board, thanked the Council for their partnership with the local schools pertaining to their Arbor Day celebrations and introduced the winner of the poster contest, Martin Perez, along with his family. Vice Mayor Mattioli accepted the poster and announced that it will be displayed at Village Hall.

REPORTS

Councilwoman Webster reported 1) Senator Aronberg's proposal on the prescription drug monitoring bill passed the Senate and the House; 2) reported on the Western Communities Council meeting on the 20/35 long range transportation plan where Mr. Erickson gave a report with regard to the draft needs plan and the draft cost feasible base where the report eliminates the extension of State Road 7 to Northlake Boulevard and the extension of Seminole Pratt Whitney Road to the Beeline Highway. This decision was based on the 2005 baseline projection that included Callery Judge; therefore, they felt the cost basis was not accurate. Mr. Erickson stated that the elimination of those roads will impact everyone and asked for the Village's support to strongly encourage that these roads be placed back onto the 20/35 long range transportation plan. Councilwoman Webster made a motion to direct the Village Attorney to prepare a letter in support of returning the two

extensions to the 20/35 long range transportation plan; seconded by Councilman Swift. The Village Manager stated that staff has no problem with it if it does not exclude Roebuck Road. Vice Mayor Mattioli put the motion to a vote and it passed 4-0.

Senate Bill 360 was discussed and it was clarified by the Village Attorney that it was passed by legislation but amended and the TCEA remains for Palm Beach County.

The Village Manager wished Vice Mayor Mattioli a Happy Birthday.

The Village Attorney reported that an administrative hearing with regard to the Roebuck Road issue has been set for the last week in July. She stated that the Village has filed for mediation and the City of West Palm Beach has opposed it.

PETITIONS - None

STATEMENTS FROM THE PUBLIC

CONSENT AGENDA

The Village Clerk read the Consent Agenda into the record as follows:

- 1. Approval of minutes of Council Regular Meeting of March 19, 2009 and April 2, 2009. (Village Clerk)**
- 2. Approval and authorization to purchase three (3) Intel servers, one (1) PowerVault MD3000i SAN storage device, and two (2) GbE 24-port data switches to support Village voice and data infrastructure. Purchase will be made from vendor Dell Marketing L.P., in the amount of \$30,475.00 under State of Florida Contract #250-000-09-1. (Finance Director)**
- 3. Approval and authorization for the Village Manager to execute a new agreement between the State of Florida Department of Corrections and the Village of Royal Palm Beach in accordance with Section 946.40, Florida Statutes, regarding the continued utilization of prison inmate services for Village Public Works and Parks Departments' projects. (Public Works Director)**
- 4. Approval and authorization for the Village Manager to execute contract for CADD Technician Services. Funds come from Royal Palm Beach Boulevard Improvements Project (EN0303) Account No. 303-3900-539-63-99. (Village Engineer)**

5. **Approval and authorization for the Village Manager to execute Change Order No. 1 with Natures Bridges/JD James, Inc. for Royal Palm Beach Boulevard North Pedestrian/Bike Bridges (EN0303) in the amount of \$45,870.80. Funds to come from Account No. 303-3900-539-63-99. (Village Engineer)**
6. **Approval and authorization for the Village Manager to enter into a Professional Services Agreement for Surveying Services with Erdman Anthony pursuant to the “Consultants Competitive Negotiation Act” set forth at Sec. 287.055, F.S. (Village Engineer)**
7. **Approval of a Special Event Permit for a Second Chance Puppies and Kittens Rescue to hold a pet ownership celebration on May 16, 2009 from 10:00 a.m. to 4:00 p.m. at Village Royale Shopping Center located at 1135 Royal Palm Beach Boulevard. (Senior Planner)**
8. **Approval and authorization for the Mayor to execute the Interlocal Agreement between the Village of Royal Palm Beach and the School Board of Palm Beach County for the Mutual Use of Recreational Facilities. (Parks and Recreation)**

Councilman Pinto made a motion to approve the Consent Agenda; seconded by Councilman Swift. Vice Mayor Mattioli put the motion to a vote and it passed 4-0.

REGULAR AGENDA

1. **Public hearing for approval of Application No. 08-04 (SE) an application by New Cingular Wireless PCS, LLC and adoption of Resolution No. 09-08 confirming Council action. The applicant is seeking Special Exception Use approval for a telecommunications tower on Village Hall property located on the southeast corner of Royal Palm Beach Boulevard and Okeechobee Boulevard: Agent: Kim Collazo, SBA Network Services. (Senior Planner)**

This was a quasi-judicial hearing and the Village Attorney swore in all who wish to speak. The Senior Planner again stated the proposed location and that the applicant is seeking Special Exception use approval to construct a 130-foot tall monopole telecommunications tower on Village Hall grounds. The use “Telecommunications towers; antenna”, is listed as a Special Exception use within the Public Ownership (PO) zoning district. The applicant is proposing to remove the existing tower located adjacent to the Sheriff’s office and replace it with a monopole structure. He also noted that there will be no interruption in

communications and stated this is compatible with the existing land use. The equipment shelter and generator will be screened from view with a continuous hedge and trees. The Senior Planner reported that the Planning and Zoning Commission has recommended approval along with staff.

The Village Manager stated that this agreement brings to a conclusion a year of negotiations. He reported that this tower will be higher than the existing one and will provide both village-wide communications as well as the opportunity for the lessee to sublease and provide a revenue stream to the village. He added that the tower will also provide better service in the area for AT & T users.

Councilman Swift asked what the height difference was.

Robert Lauter, SBA Network Services, Inc., stated the pole is 130' as opposed to the present tower at 100'. He stated that the site is to provide indoor and outdoor coverage with a more stable platform and improved emergency services as mandated by the FCC as well.

Councilman Swift asked if the tower is more secure as compared to the existing one with regard to a hurricane.

Mr. Lauter stated this monopole is built to withstand hurricane winds of 140 mph.

Councilwoman Webster made a motion to approve; seconded by Councilman Swift. The Village Attorney read Resolution No. 09-08 into the record by title only. Hearing no discussion or public comment, Vice Mayor Mattioli put the motion to a vote and it passed 4-0.

- 2. Approval and authorization to execute a lease agreement between the Village and New Cingular Wireless PCS, LLC., regarding the construction and lease of an entirely new, 130' monopole cell tower and wireless communication facility to be installed on Village owned property in place of the existing cell tower. Providing that the Village Manager may execute any and all documents necessary in order to enter into this lease agreement. (Village Manager)**

The Village Manager explained that this agreement tracks the provisions of the agreement for all carriers and provide for three co-locates on this tower and escalators in five year intervals.

Councilwoman Webster made a motion to approve; seconded by Councilman Swift. Hearing no discussion or public comment, Vice Mayor Mattioli put the motion to a vote and it passed 4-0.

ADJOURNMENT

Diane DiSanto, Village Clerk

Vice Mayor Matty Mattioli