

Agenda Item No. C-1

**VILLAGE OF ROYAL PALM BEACH**  
Agenda Item Summary

**AGENDA ITEM: Approval of Council Regular Meeting Minutes of May 18, 2006.**

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

**RECOMMENDED ACTION: Motion to Approve**

<b>Initiator</b>	<b>Village Manager Approval</b>	<b>Agenda Date</b>	<b>Village Council Action</b>
<b>Village Clerk</b>		<b>06/15/06</b>	

**VILLAGE OF ROYAL PALM BEACH  
MINUTES OF COUNCIL REGULAR MEETING  
VILLAGE MEETING HALL  
THURSDAY, MAY 18, 2006  
7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Mayor David A. Lodwick  
Vice Mayor Matty Mattioli  
Councilman David Swift  
Councilman Fred Pinto  
Councilwoman Barbara Isenberg

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

**UPDATE BY STATE REPRESENTATIVE SHELLEY VANA**

State Representative Vana updated the Village Council on the recent legislative session. She reported on the increased budget available this year partly due to the hurricanes and home values increasing along with property taxes. She stated that there was surplus money available for distribution, discussed education funding and growth, and affordable housing. The legislation passed a hurricane homeowner's insurance bill which was not favorable to Rep. Vana and stated that it may be sent back to a special session. The Loxahatchee Groves Incorporation bill was also passed. A "Kid Care" bill was passed through legislation which will allow 10,000 children between the ages of 1-5 to access insurance benefits which otherwise would not be available to them.

**PRESENTATION OF \$1,000 SCHOLARSHIP AWARDS TO FIVE ROYAL PALM BEACH GRADUATING SENIORS: ANDREW LETTSOME (SUNCOAST COMMUNITY HIGH SCHOOL); RACHAEL B. LOEBIG (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); VANESSA MCPHILL (SUNCOAST COMMUNITY HIGH SCHOOL); MATTHEW RAMIREZ (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL); KAYLA STAIRS (ROYAL PALM BEACH COMMUNITY HIGH SCHOOL)**

Mayor Lodwick welcomed the scholarship award winners and their families and friends stating the pride with which the Village of Royal Palm Beach gives these scholarships to some of the most successful students living in the Village. He recognized the members of the EAB Selection Committee in the audience and thanked them for volunteering their time and expertise in the selection process. Mayor Lodwick acknowledged each of the student's academic accomplishments and extra-curricular activities in school as well as within the community and made the presentations on behalf of the Village.

**REPORTS**

Mayor Lodwick reported 1) on Cultural Divisity Day and stated that the reception scheduled for tonight with our sister city of Calarasi, Romania had been cancelled due to severe flooding of the city and wished them well in their recovery efforts; 2) updated the residents on the bidding progress for the southern phase of S.R. 7 extension; 3) supported the construction of the northern phase of S.R. 7 extension but stated that no position on the alignment issues would taken by this Council; 4) reminded the public of the May 24, 2006 S. R. 7 northern extension meeting to be held by the Florida Department of Transportation at the Cultural Center; 5) invited the public to attend the Memorial Day Observance at Veterans Park on Monday, May 29<sup>th</sup> at 9:00 a.m.; 6) personally thanked Commissioner Masilotti for his many years of service to the Western Communities as he announced he would not run for re-election.

Vice Mayor Mattioli reported 1) he was appointed to the Palm Beach County League of Cities one half cent sales tax committee and reported that 21 million dollars was received from the sales for 2005; 2) discussed K – 12 enrollment and informed the Council on the dropped and projected numbers for elementary and high schools in Palm Beach County; 3) asked that the boat ordinance be brought before Council for final approval.

Mayor Lodwick congratulated Vice Mayor Mattioli on his appointment to the Palm Beach County League of Cities Board of Directors.

Councilman Swift 1) thanked Pastor Mosely and members of the Summit Seventh Day Adventist Church for recognizing him and his wife for their service to the community. Pursuant to recent inquiries made by the the police officers union and the Sheriff's office pertaining to the County taking over the RPB police department, **Councilman Swift made a motion to authorize the Village Manager to research all options available to the Village Council to address these issues and bring back detailed information to the Village Council so that an informed decision could be made on the takeover. Vice Mayor Mattioli seconded the motion.** Vice Mayor Mattioli agreed with Councilman Swift and asked for clarification from the Village Manager to confirm that no negotiations have been made up to this point with the Sheriff's office and the Village Manager confirmed such. The Mayor commented he was a proponent of the merging of the Fire Department with Palm Beach County, but stated that he was not a proponent of merging the Police department with Palm Beach County and hopeful the negotiations on Monday will resolve some of the issues. Councilman Swift stated he wanted this merger to be a win-win situation for both the residents and the police officers. **Mayor Lodwick put the motion to a vote and it passed unanimously.**

Councilman Pinto congratulated the students, parents and the Education Advisory Board on their accomplishments with the Scholarship program.

Councilwoman Isenberg 1) reported on her first meeting with the Education Advisory Board and the following is a list of programs and goals discussed for the upcoming year: Community Council of Schools, Student Government Day, more interaction with schools and communities at large, teen summit meeting with high school students, and stated that the EAB was open to all goals of this Council; 2) reported on the Palm Beach County League of Cities Installation Dinner and congratulated Vice Mayor Mattioli on his appointment to the Board.

The Village Manager reported to the Council that he received a telephone call today from Joseph Sanchez from the School Board of Palm Beach County and stated that the School Board is working with Palm Beach County on making the new elementary school a special needs hurricane shelter. An agreement will be brought before Council which will allow the Village to transfer 14 acres of land to the school board in exchange for the special needs hurricane shelter.

**PETITIONS - None**

**STATEMENTS FROM THE PUBLIC - None**

### **CONSENT AGENDA**

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

1. **Approval of Council Regular Meeting minutes of April 6, 2006 and April 20, 2006. (Village Clerk)**
2. **Approval and authorization to begin negotiations and enter into a letter agreement beginning with top ranked candidate to complete the evaluation and appraisal report (EAR) due February 2007. (Director of Community Development)**
3. **Approval and authorization to begin negotiations and enter into a letter agreement beginning with top ranked candidate for Special Magistrate. (Director of Community Development)**
4. **Approval and authorization for the Village Manager to enter into a grant agreement with the Florida Department of Environmental Protection Land and Water Conservation Program for Preservation Park not to exceed \$150,000. (Village Engineer)**
5. **Approval and authorization to accept the First Baptist Church right-of-way at the northeast corner of LaMancha Extension and Okeechobee Boulevard and payment of \$5,000 for the removal of the existing sign. (Village Engineer)**
6. **Approval and authorization for the Village Manager to enter into an agreement for the co-sponsorship of the Annual 4<sup>th</sup> of July celebration, including the fireworks display, to be held at the Sound Advice Amphitheater site on South Florida Fairgrounds. (Director of Parks and Recreation)**
7. **Approval to purchase fireworks and pyrotechnician services, for display at the July 4<sup>th</sup> celebration, from Zambelli International Fireworks Mfg. Co., Inc., in the amount of \$45,000, by piggybacking City of Boca Raton, Contract #2005-079. (Director of Parks and Recreation)**
8. **Approval and authorization to reject all bids received on this project for the Eradication of Invasive Non-native Vegetation in Preservation**

**Park, Project No. PR0210, received on May 3, 2006 and to request new bids for this project. (Director of Parks and Recreation)**

- 9. Adoption of Resolution No. 06-22. A Resolution of the Village Council of the Village of Royal Palm Beach, Florida, approving Final Plat application No. 04-10 (FP) – Florida Limited Liability Limited Partnership is proposing a Final Plat approval for a development of a 53.473 acre parcel for Southern Palm Crossing located at the northeast corner of Southern Boulevard and Lamstein Lane, in the Village of Royal Palm Beach, Florida; providing an effective date; and for other purposes. (Village Engineer)**
- 10. Approval and authorization, in accordance with established policy, to make a budget amendment for Fund 303 in the fiscal year 2005/2006 Budget. Said amendment to transfer \$30,000 from CIP Reserve to project PR05/05 (Grade and Sod Katz Field). (Finance Director)**
- 11. Approval and authorization for the Village Manager to execute Change Order No. 4 with West Construction, Inc. for Project 0505 (303-7200-572-63-99) Grade and Sod Katz Field increasing their contract by \$16,041.25 to \$658,621.75. (Village Engineer)**

Vice Mayor Mattioli made a motion to approve the Consent Agenda; seconded by Councilman Pinto. Hearing no discussion. Mayor Lodwick put the motion to a vote and it passed unanimously.

## **REGULAR AGENDA**

- 1. Annual review and evaluation of the performance of the Village Manager.**

Vice Mayor Mattioli stated his approval of David Farber's performance during the past 12 months, commended him on his leadership, expertise and professionalism. He recommended a merit increase of 5% which is the highest merit raise available plus cola and a one year extension on his contract.

Councilwoman Isenberg stated her approval of David Farber's performance and commended David Farber on his style of communication, his professionalism, and professional staff. After attending the Palm Beach County League of Cities gala held recently for the 37 municipalities she stated that his peers say that Royal Palm Beach has the best Village Manager in the County and that his reputation precedes him. She thanked David Farber for his time, effort, and generosity of time in helping her understand the workings of Village government.

Councilman Swift stated his approval of David Farber's performance and complimented David Farber on his employee relations, he stated that the Village image is at its best, and stated a good example of long range planning was the sale and purchase of utilities. He continued to state that the Village is known for its financial management and the communication and completion of capital projects is commendable and thanked the staff for their efforts.

Councilman Pinto stated his approval of David Farber's performance and stated the Village is successful in achieving all the goals proposed and the overall Village is very positive. He complimented David Farber on his leadership skills and gave special recognition on the past year's negotiations and achievements. Councilman Pinto stated that because of the revenue generation from the longtime contract with Palm Beach County Utilities and the selling of the Water Utility plant he proposed an amendment to the recommendation from Councilman Mattioli to give David Farber a 6% merit increase plus cola and a \$10,000 bonus.

Mayor stated his approval of David Farber's performance and stated that he was a self-secured confident person that surrounds himself with the same type of leadership team. He continued to state that David Farber was very detailed oriented and that this Village was well run. Mayor Lodwick suggested the merit remain at 5%, but was open to the bonus.

Councilman Swift commented on the bonus suggested and stated that because of the special things that happened this year he seconded the motion for the \$10,000 bonus. Councilman Pinto modified the motion and recommend the merit at 5%, with the cola, a one year extension on the contract, and a \$10,000 bonus. Councilman Swift seconded the motion. Councilwoman Isenberg commented about the utility sell and concurred with the Manager that this would be his legacy as a Manager to leave with the residents and thanked him again. Mayor Lodwick put the motion to a vote and it passed unanimously.

David Farber, Village Manager, thanked the Council and stated it has been a very gratifying year and he proceeded to comment on the physical transformation of the Village this past year, especially with the selling of the utilities and Councilwoman Starace leaving along with the Village Clerk retiring and the Director of Community Development leaving. Mr. Farber asked the Council if he could for tax purposes and for practical purposes share the \$10,000 bonus with his department heads. It was the consensus of Council to approve the request. Mr. Farber also thanked and commended his partner, the Village Attorney, Trela White, Esquire.

**2. Approval of Joint Dismissal without prejudice as to Wellington and Acme and with prejudice as to Seminole Improvement District; Circuit Court Case No. 50-2004-CA9615 into which is consolidated Case No. 50-2004CA-010492 with each party to bear its own attorneys' fees and costs. (Village Attorney)**

Trela White, Esquire, withdrew this item from the agenda and explained the circumstances pertaining to bulk water sells. Mayor Lodwick asked that Ms. White, Esq., draft a letter for his signature to the Mayor and Council of Wellington and layout this Village's position as far as being an agreeable situation for both sides with each Village bearing their own costs. He asked that the settlement that brought this suit become moot and if there disagreement in the future it be resolved at that time. Ms. White reported on the issues forum meeting that she attended this afternoon and Carmine Priore and Laurie Cohen Councilmembers from the Village of Wellington asked that she report to this Council that this decision was not a Wellington Council decision.

Councilman Pinto made a motion to approve; seconded by Vice Mayor Mattioli. Hearing no further discussion or public comment. Mayor Lodwick put the motion to a vote and it passed unanimously.

- 3. Approval of Variance Order No. 06-05 allowing the use of a private 50' road right-of-way where the subdivision code requires a public minor street with a 60' wide right-of-way in a platted residential development; namely Munne Royal Homes Inc. This variance request was originally denied by Council on April 6, 2006, a motion to reconsider the variance request was approved on April 20, 2006 and the request was readvertised at the applicant's expense. (Director of Community Development)**

This was a quasi judicial issue and the Village Attorney swore in all who will speak on the issue. The Director stated that this is a variance request from Munne Royal Homes Inc. allowing the private road a 50' right-of-way. The code requires a 60' minimum standard. Staff is recommending approval. The Village will have no road maintenance responsibility.

Bob Basehart, agent for the applicant, gave a brief overview of the subdivision. The comprehensive plan designation is Single Family and it was rezoned as RS-2. The request is to allow for the roadway cul-de-sac to have a 50' road right-of-way. The subdivision has twelve large lots and will be maintained by a Homeowner's Association. There will be no difference in the pavement and curbing of the street.

Vice Mayor Mattioli made a motion to approve; seconded by Councilman Pinto. Councilman Swift had a concern with the illegal parking in the area along with the line of site. Hearing no further discussion or public comment. Mayor Lodwick put the motion to a vote and it passed by a vote of 4 to 1 with Councilman Swift opposing.

- 4. Application No. 04-08 (D) (SP,PP), the application of Munne Royal Homes, Inc. and adoption of Resolution No. 06-10 confirming Council action. The applicant is seeking site plan approval and preliminary plat approval for a 12 unit single-family residential development on a 5.0 acre site, more or less, located on the south side of Pioneer Road, approximately 1,200 feet east of State Road 7 (Continued from April 6, 2006 Meeting). Agent, Robert Basehart, AICP, Basehart Consulting. (Director of Community Development)**

This was quasi-judicial and those already sworn reaffirmed their oath. The Director stated the applicant is seeking site plan and preliminary plat approval. The zoning on this property is RS-2 with a minimum lot size of 8,000 square feet which is 5 units per acre. The applicant is seeking 12 units which is approximately one-half of the density. This property was annexed into the Village in 2004. The Planning and Zoning Commission unanimously recommended approval. Staff is also recommending approval with the conditions of approval.

Bob Basehart, agent for the applicant, stated this is a small development with lots between 16,000 – 17,000 square feet. The homes will be large with a circular driveway and a three car garage.

Councilman Swift made a motion to approve; seconded by Vice Mayor Mattioli. Mayor Lodwick clarified that this project does not front State Road 7, and there are no berming issues. Hearing no further discussion or public comment. The Village Attorney read Resolution No. 06-10 into the record by title only. Mayor Lodwick put the motion to a vote and it passed unanimously.

**5. Application No. 04-07 (F)(SP), the application of Royal Office Park (Weiner Property) and adoption of Resolution No. 06-21 confirming Council action. The applicant is seeking site plan approval for an 8.639 acre site, more or less, to be developed as a 43,928 square foot office park, located on the east side of State Road 7, approximately 3,970 feet south of Southern Boulevard. Agent, Robert Basehart, AICP, Basehart Consulting, Inc. (Director of Community Development)**

The Village Attorney reaffirmed the oaths of those who will speak on the issue. The Director stated that this is a vacant site that was annexed into the Village in 2005. There are 2.7 acres of wetland on site and the Director clarified that the wetlands will be preserved on the site, not mitigated. Planning and Zoning Commission recommended approval. Staff is recommending approval with the conditions of approval.

Bob Basehart, agent for the applicant, stated that the access to the property will be a bridge off of State Road 7. A cross access agreement will be made with the property owners to the south and the Developer, Jeff Rosenberg has agreed to all conditions of approval. Councilman Swift asked for a deceleration lane on State Road 7. The Village Attorney stated it was one of the conditions of approval. It was also noted that there will be no median cut across State Road 7. The Village Attorney added a condition of approval pertaining to the subdivision of the property as following, 2 G. “Should the property ever be subdivided cross access agreement and unity of control instrument acceptable to the Village shall be recorded in the public record”. Councilwoman Isenberg made a motion to approve as amended; Vice Mayor Mattioli seconded the motion. Hearing no discussion or public comment. The Village Attorney read Resolution 06-21 into the record by title only. Mayor Lodwick put the motion to a vote and it passed unanimously.

**6. First reading and approval of Ordinance 743 requesting a small-scale future land use amendment for two parcels of land totaling 9.27 acres, more or less, from Commercial Low (CL) to Commercial (COM), known as the Anthony Groves Plaza (312 Clematis) located approximately 6/10 mile south of Southern Boulevard on the west side of State Road 7; Second reading and adoption is scheduled on June 1, 2006. (Director of Community Development)**

The Village Manager asked that this item be reset for a time certain of June 1, 2006 because it was not advertised. Vice Mayor made a motion to approve; seconded by Councilwoman Isenberg. Mayor Lodwick put the motion to a vote and it passed unanimously.



7. **First reading and approval of Ordinance No. 749 amending Chapter 10 Finance and Taxation of the Village code of ordinances to provide for the adoption of a new expanded investment policy; providing for the applicability of the policy to investment of the Village's surplus funds and objectives regarding the investment of such funds; providing for standards of care for the custody of the surplus funds invested; providing for a listing of authorized investments in accordance with state law; providing for investment diversification; providing an effective date; and for other purposes; and, to provide for adherence to federal policies when federal funds are utilized for Village projects. Second reading and adoption is scheduled on June 1, 2006. (Finance Director)**

The Finance Director stated that after the sale of the utilities, the Village hired the firm of PFM Asset Management to manage the investments, and their immediate task was to review the Village current investment policy and expand the policy to allow for other fixed income investments. The Mayor asked if we would be buying securities directly from PFM. The Finance Director responded that the RFP was written to clearly state that the firm selected could not sell their securities (if applicable) to the Village. Regardless, this company is not in the business of selling securities. Councilman Mattioli asked for clarification on the new investment vehicles being added to the policy. Steven Alexander, PFM Asset Management, stated the following are investments added: corporate notes, commercial paper, and mortgage back securities. Every security type within the document has limits on quantity and duration.

As a separate item the Village is adding a section to the purchasing policy to allow for the receipt of federal grants which the federal government has required so that we follow specific federal guidelines as well.

Vice Mayor Mattioli made a motion to approve; seconded by Councilman Swift. Hearing no further questions or public comment. The Village Attorney performed the first reading of Ordinance No. 749 by title only. Mayor Lodwick put the motion to a vote and it passed unanimously.

## **ADJOURNMENT**

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Mayor David A. Lodwick

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Diane DiSanto, Acting Village Clerk