

**TOWN OF PALM BEACH
SPECIAL TOWN COUNCIL MEETING
FEBRUARY 20, 1996**

I. CALL TO ORDER: The Special Town Council Meeting of the Town of Palm Beach was called to Order at 10:00 a.m. by President Smith in the Town Council Chambers.

II. ROLL CALL: The roll was called by Town Clerk Mary Pollitt, and the following elected officials were found to be in attendance: President Lesly Smith, Chairman Pro-Tem Jack McDonald, Councilman Leslie Shaw, Councilman Sam McLendon, and Councilman Allen Wyett. Mayor Paul Ilyinsky was absent. Also attending were: Town Manager Robert Doney, Attorney Scott Hawkins, Assistant Town Manager Peter Elwell, Public Works Director Al Dusey, Police Chief Joe Terlizzese, and Town Clerk Mary Pollitt.

III. INVOCATION AND PLEDGE OF ALLEGIANCE: Town Clerk Pollitt gave the invocation, and President Smith led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA: Mr. Shaw made a motion to approve the agenda, seconded by Mr. McLendon. On roll call the motion carried unanimously.

IV. DISCUSSION OF ALTERNATIVE CONTINGENCY RESTORATION OF LAKE WORTH INLET SAND TRANSFER PLANT - DISCHARGE PIPING (DEFERRED FROM FEBRUARY 13, 1996, MEETING): Al Dusey, Public Works Director, said a memorandum, dated 2/19/96, was distributed to each member of the Council. The memorandum addressed the alternatives that have been investigated should the boring contractor fail on the last attempt.

Mr. Dusey said the first alternative was to use the Town's approved borrow site south of the inlet and place material from that site in the approved Corps of Engineers' disposal site located between the south jetty and a point 3,000 feet south of the south jetty. This process would be married with the permitting process through the Corps' disposal site.

Mr. Dusey reported that proposals were received for permitting, and the permitting process would cost approximately \$31,000. The contractor estimated the sand would cost \$5.50/cubic yard as measured from the borrow site. Mr. Dusey said fifty thousand cubic yards of sand would cost approximately \$300,000, including monitoring, and 100,000 cubic yards would cost about \$575,000 with monitoring.

Mr. Dusey reported the State Department of Environmental Protection said that putting these two sites together would not be difficult for a permitting process, and these permits should be processed quickly. The Corps of Engineers was optimistic that the time frame would work out, however, since the disposal site was the Corps, the water quality certification in the disposal site would be obtained from the Department of Environmental Protection.

Mr. Dusey stated that the \$31,000 cost given included everything. If the Corps were to pursue the modification of their permit by themselves, the permit fee should be reduced substantially. Mr. Dusey explained that the State would have to permit the borrow site and any conditions under which the material can be placed. The process contains modification times and other items that are fixed by State law. Those items still had to be processed even for projects that, from an environmental project, had a reason to go forward. Mr. Dusey stated that both sides have been fully investigated and previously permitted, and environmental issues should not be a problem.

Responding to questions from the Town Council concerning a proposal presented to the Town Council several months ago to authorize approximately \$20,000 for the Town to tie in with the Inlet Dredging Program where the cost of sand was projected at approximately \$2.00/cubic foot, Mr. Dusey responded that the difference in cost was due to the fact the contractor has been awarded the bid, and now has an advantage from a bidding standpoint to name his price.

Mr. Dusey stated that a Federal law requires the Corps to allow governments such as the Town to piggyback onto the Corps' contract whereby the sand coming out of the inlet can be placed anywhere in the Town's system where there is an existing permit. This law would allow the Corps to pay the price they normally pay for sand, and the Town would pay the differential to move the sand to the beaches.

Mr. Dusey explained that the sand would be taken from the Inlet area and placed on the Corps' beach, and a cost was associated with that. If the sand were moved directly to the Town's beach, the cost may be less. Mr. Dusey said presently the sand is being taken from a separate, off-shore borrow site. Mr. Dusey explained that a bidding process results in the best available price, and this is not that situation.

Mr. Dusey said the second alternative was to pursue permits to replace one or both of the pipes on the bottom of the inlet. The estimated permitting cost was \$23,000. To remove and replace one pipe was estimated to cost about \$300,000. To remove and replace both would cost about \$600,000.

Mr. Dusey said that if the Town were going to pursue a contingency plan, this alternative would be the best. Mr. Dusey stated that if the Counties Corporation failed in the planned boring attempt and the Town wanted to have the Sand Transfer Plant operational, this alternative would be the one to pursue.

Mr. Dusey stated the next lowest bidder is interested in pursuing the boring contract, but the bid was \$63,000 higher than Counties Corporation during the bidding process. Mr. Dusey said if the plant was operational, the pipe would be functional for a number of years. The Corps is about to place a fair quantity of sand south of the jetty, and the quantity would be based on actual surveys. Mr. Dusey said the Corps estimated about 90,000 cubic yards of sand would be placed, on the beach, and the immediate need to have sand south of the south jetty is somewhat lessened.

Mr. McLendon expressed his disappointment with the contractor's prices and thought that the Town should obtain prices in the neighborhood of the sand that was used for the Midtown Beach project. Mr. McLendon said he could not vote for a project where the contractor was looking for an opportunity to take advantage of the situation. Mr. McLendon stated that the alternative of calling the bond, if necessary, was looking more attractive even if it would be a time problem. Mr. McLendon stated that he was not interested in spending any additional amount of money on this project at this time and did not detect a spirit of real cooperation outside of the Council.

Bob Clinger of the Palm Beach County Environmental Resources Management Department, addressed the Council and stated that following the last meeting with the Council, two subsequent meetings were held with the contractor and consultant. At that time the contractor suggested the possibility of drilling two separate holes in lieu of the original design. Mr. Clinger reported consideration is being given to the lowering of the envelope in which the pipe would be placed. Mr. Clinger said the design was at a depth of 55 feet, and the contractor had the option of going another 25 feet below that depth. The contractor wanted to drill an additional 5 feet, if possible, at a cost of approximately \$40,000. Mr. Clinger said another consideration was that the Town of Palm Beach Shores Code did not allow this work to be done within the suggested time frame, and the cost would be increased. On Friday, Mr. Clinger reported he spoke with the people in charge of dredging who said an additional 5 feet would not cause a problem if it were to be designed and constructed 5 feet lower than originally allowed. Also, two different borings would not be a problem. Mr. Clinger said that the contractor indicated the issue of additional charges would be addressed with the Town. Mr. Clinger stated that the County did not have a problem with the additional 5 feet, drilling two separate holes, or installing a single line in each boring.

Regarding one outlet structure, Mr. Clinger said the County favored two separate lines exiting on the jetty and not tie the lines together. At one point, the issue of the extension of one line 200 feet south of the jetty rather than the 100 feet as designed was discussed. The County did not have a problem with the two pipes exiting within 50 feet of each other. The County's consultant requested the contractor provide an estimate of additional charges associated with drilling further on the one pipe. Mr. Clinger mentioned that turtle season was approaching and if the contractor begins work after May 1st, sea turtle monitoring would have to begun on March 1, 1996. Mr. Clinger said this was mentioned, because the contractor had pipes laying on the beach and connections may need to be made on the beach, presenting concerns during turtle season. Mr. Clinger stated that they only have the easement that was worked out with the MacArthur Foundation until May 1, 1996. While that may not be a problem, this is a time constraint relevant to the project.

Town Manager Doney stated that a quick monitoring plan for the sea turtles could be put into place if necessary.

Mr. Dusey said that the contractor indicated mobilization will begin next week, and the operation will be underway shortly thereafter. Mr. Dusey mentioned that the next Special Town Council Meeting is scheduled for February 29, 1996, at 2:00 p.m., and the Town Council set a time of 3:00 p.m. for Counties Corporation to appear before the Council to provide an update on the Sand Transfer Plant.

Mr. McLendon said the Town Council should not take a vote nor any action at this time until definitive information is obtained as to the probable success of the new alternate route across the inlet and the timing of the Corps sand. Mr. McLendon suggested the Town Council should merely accept the information presented to them today.

Dick Bresee of West Palm Beach addressed the Council and stated that the sand placed on the beach by the Corps at the last dredging has remained quite well compared to what was put there the time before. That sand was lost in approximately 8 months. Mr. Bresee stated that on February 14, 1996, he wrote a letter to the Corps of Engineers about the misapplication of sand on the beach the last time they dredged the inlet. Mr. Bresee understood that consideration would be given to dredging an expanded settling basin north of the existing one, north of the Lake Worth Inlet jetty. The merits of this project should be evaluated with the idea of dredging a borrow pit rather than a settling basin because the original sand will probably be beach grade sand that will be removed from this site, and the sand filling the hole in the future will probably be too fine.

On November 15, 1995, Mr. Bresee wrote to the Town Manager regarding a future meeting of the ATM, and he sent a copy to the Bureau of Beaches and Coastal Systems. Mr. Bresee discussed the merits of that letter and read portions of it to the Town Council. Mr. Bresee stated that no response was received from the Bureau of Beaches and Coastal Systems. Mr. Bresee said that it was questionable whether or not the Town would ever be able to use the beach south of the jetty as a feeder beach until such time as the problem of sand moving north and disappearing is solved.

V. CONSIDERATION OF WAIVER TO SECTION 12-51 "HOURS OF CONSTRUCTION WORK" OF

TOWN'S CODE OF ORDINANCES BY PUBLIC WORKS DIRECTOR FOR AUSTRALIAN DOCK REPLACEMENT.

Mr. Dusey said that two years ago, no work could occur during certain times because of tidal problems. The contractor could not do much work in the middle of the day if there were high tides. Mr. Dusey explained the time frame is tight because of the leaving and returning of vessels through the Inlet. Mr. Dusey requested a waiver of the work hours to allow work to be done from 7:00 a.m. to sundown for minimal activities, including the pouring of concrete caps and electrical work. Mr. Dusey stated that this would not be noisy work.

Mr. McDonald made a motion to approve the waiver, seconded by Mr. McLendon. On roll call, the motion carried unanimously.

VI. RESOLUTION NO. 10-96 - TOWN COUNCIL RESOLUTION DECLARING MARCH 1996 AS "AUTO THEFT PREVENTION AND AWARENESS MONTH" IN THE TOWN OF PALM BEACH.

Mr. Shaw made a motion to approve Resolution 10-96, seconded by Mr. McLendon.

Mr. Hawkins read Resolution No. 10-96 as follows:

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DECLARING THE MONTH OF MARCH, 1996, AS "AUTO THEFT PREVENTION AND AWARENESS MONTH" IN THE TOWN OF PALM BEACH.

On roll call, the motion carried unanimously.

VII. ANY OTHER MATTERS

Mr. McLendon questioned how many feet of beach the Town had opened at this time? Mr. Dusey replied that 250 feet of beach was open, and the lifeguards could patrol that section adequately with the available equipment. Mr. Dusey added that a 1000 foot strip from Chilean to Brazilian, remained to be opened that will be guarded, and the rest will be unguarded.

Town Manager Doney stated that historically the Town has never guarded the entire length of the beach, including the Clarke Avenue Beach. Mr. Doney said the beach is posted as unguarded, and considerable operational costs would be added if lifeguards and a tower were located at that beach

Mr. Dusey reported that the stairs would be completed by the end of this month and the delivery of the towers was scheduled for the end of April. Mr. McLendon questioned whether the Town could rent or borrow towers until the others were delivered?

Mr. Doney responded the he would discuss this further with the Police Chief, because he wanted to insure that whatever was done would be in the best interest of the public.

Police Chief Trelizesse stated that if the beach was ready earlier, something would be done to move the guards further north. Umbrellas may be used on a temporary basis. Chief Terlizzese pointed out that much of the beach was already unprotected, and signs were up to that effect. The Chief stated that the Town does not want the beach open right now because of construction equipment in the area.

Mr. Dusey added that the Town still had to install drainage for the lifeguard station, stairs and a ramp.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:45 a.m.

Mary A. Pollitt
Town Clerk