



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

MEETING HELD ELECTRONICALLY
(see instruction sheet for information on
how to participate)

AGENDA

JUNE 10, 2020

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Lew Crampton
Danielle H. Moore

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. COMMENTS OF MAYOR GAIL L. CONIGLIO
VI. COMMENTS OF TOWN COUNCIL MEMBERS
VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
VIII. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. Town Council Meeting Minutes Page 6
Pat Gayle-Gordon, Acting Town Clerk
 - a. May 13, 2020, Town Council Meeting Minutes
 - b. May 13, 2020, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 27, 2020. Page 26
Wayne Bergman, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 35-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for RFQ No. 2020-08, Pre-qualification of Contractors for Minor Construction to the Following Five Firms: Republic Construction Corporation, CRS Associates inc., E & F Florida Enterprises Inc., IQ Construction Inc., and Arch Enterprises Inc. Page 67
Dean Mealy, Purchasing Manager
2. RESOLUTION NO. 37-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Spur Employment Inc., in the Amount of \$123,575 for the Remainder of FY20, and an Increase to the Remaining Four Years of the Contract in the Amount of \$494,300 Contingent Upon Subsequent Need for Services, Budget Approval and Satisfactory Vendor Performance. Page 73
Dean Mealy, Purchasing Manager
3. RESOLUTION NO. 38-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Town Marina Deposit Rates For Annual And Seasonal Leases To Commence In Fall 2021. Page 77
Carolyn Stone, Director of Business Development and Operations
4. RESOLUTION NO. 39-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$120,047 to Coastal Eco-Group, Inc., for the 2020 Annual FDEP BMA Cell-Wide Biological Monitoring, and Establishing a Cell-Wide Biological Monitoring Phase Budget of \$130,000. Page 81

H. Paul Brazil, P.E., Director of Public Works

5. RESOLUTION NO. 40-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designation of the Historic/Specimen Tree from the Property at 1 Via Sunny within the Town of Palm Beach. Providing for the Recording of Said Removal and De-Designation; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida. Page 91

H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 41-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$149,648 to Applied Technology & Management, Inc., for Town-Wide 2020 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$160,000. Page 110

H. Paul Brazil, P.E., Director of Public Works

C. OTHER

1. 227 Miraflores Drive, El Paraiso Subdivision Page 121
H. Paul Brazil, P.E., Director of Public Works

2. Endorse Palm Beach Resilient Islands Phase I in Lake Worth Lagoon Page 131

H. Paul Brazil, P.E., Director of Public Works

IX. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project Page 138
Steve Stern, Project Manager

a. Review of Project and Dashboard, Summary of Project Status

2. Town Marina Project Update Page 178
Jay Boodheshwar, Deputy Town Manager

a. Design Concept Recommendation for Improvements to Lake Drive Park, South Lake Drive, and Marina Parking

b. RESOLUTION NO. 43-2020 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for Additional Design Task Services for Landmarks Preservation Commission Application for the Town Marina Project to W.F. Baird & Associates, in an Amount Not-To-Exceed \$25,000 to Increase the Purchase Order from \$1,706,229.25 to \$1,731,229.25.

H. Paul Brazil, P.E., Director of Public Works

c. RESOLUTION NO. 42-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving

the Selection Committee Recommendation for RFP No. 2020-16, Design Consultant and Peer Review of Lake Drive Park to Fairfax, Sammons & Partners, LLC in the Amount Not To Exceed \$34,500.
Dean Mealy, Purchasing Manager

3. Update and Discussion on Matters Relating to the Town's Response to the Coronavirus Pandemic
Kirk W. Blouin, Town Manager

Page 220

a. Report on Status of Outdoor Seating for Restaurants and Retail Displays

b. Consideration of Mandatory Facial Coverings in the Town of Palm Beach

c. Update on Public Meetings (verbal update only)

d. Discussion Regarding Lake Trail Rules (verbal update only)

B. Matters Pulled From Consent Agenda: If needed

X. ANY OTHER MATTERS

XI. 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: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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

Town Council Meeting on: June 10, 2020

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Pat Gayle-Gordon, Acting Town Clerk

- a. May 13, 2020, Town Council Meeting Minutes
- b. May 13, 2020, Town Council Development Review Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **May 13, 2020, Town Council Meeting Minutes**
- ▣ **May 13, 2020, Town Council Development Review Meeting Minutes**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, MAY 13, 2020

I. CALL TO ORDER AND ROLL CALL

The Town Council Meeting of Wednesday, April 15, 2020, was called to order at 9:30 a.m. On roll call, all council members were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Pat Gayle-Gordon gave the Invocation and Council President Margaret A. Zeidman led the Pledge of Allegiance.

III. MODIFICATIONS TO THE AGENDA

The following were added under Item No. XVI. ANY OTHER MATTERS:

1. New Drought Regulations
2. Scheduling of Public Works Committee Meeting

IV. APPROVAL OF AGENDA

Motion was made by Council Member Crampton and was seconded by Council Member Moore to approve the agenda as amended. On roll call, the motion passed 4-0 with Council President Pro Tem Lindsay muted and unable to vote.

V. BOARD AND COMMISSIONS APPOINTMENTS

- A.** Appointments to the Planning and Zoning Commission
Pat Gayle-Gordon, Acting Town Clerk

Acting Town Clerk Gayle-Gordon announced that after tallying the ballots Eric Christu was appointed as a regular member and Jorge Sanchez was appointed as an Alternate Member of the Planning and Zoning Commission.

Motion was made by Council Member Moore and was seconded by Council Member Crampton to appoint Eric Christu as a regular member and Jorge Sanchez as an Alternate Member of the Planning and Zoning Commission. On roll call, the motion passed 4-0 with Council President Pro Tem Lindsay muted and unable to vote.

- B.** Appointments to the Underground Utilities Task Force
Pat Gayle-Gordon, Acting Town Clerk

Acting Town Clerk Gayle-Gordon announced that after tallying the ballots, John B. McGowan, Jr. and Eric Shipley were appointed as regular members and Leslie Shaw as an alternate member of the Underground Utilities Task Force.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to appoint John B. McGowan, Jr. and Eric Shipley as regular members and Leslie Shaw as an alternate member of the Underground Utilities Task Force. On roll call, the motion passed 4-0 with Council President Pro Tem Lindsay muted and unable to vote.

VI. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio spoke regarding the re-opening of the Town during the COVID-19 pandemic and expressed her gratitude to the Garden Club for their proposal to beautify the Town including Bradley Park, Worth Avenue and the Southern Boulevard Circle. She mentioned that this month is public service month and thanked the employees of the Town and asked the Town Council to approve her declaration in honor of the first line responders, Fire Rescue and Police, and all medical personnel to fly flags at half-staff beginning tomorrow, Thursday, May 14 through Sunday, May 17, 2020.

VII. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog spoke regarding the pandemic, thanked the residents who abide by the social distancing rules and asked for continued social distancing. She also spoke about the business community and if there was anyway the community could raise funds to help them at this time.

Council Member Crampton thanked the Planning and Zoning and Public Works departments for dealing with water, sewer, drainage, planning and codes. He spoke about the flood insurance program and mentioned that FEMA after a five-year audit has awarded the Town a class 6 status – up from a class 7. This will mean a 10-20% discount on flood insurance.

Council Member Lindsay commented on the tremendous improvement with residents social distancing on the Lake Trail.

Council Member Moore cautioned residents to continue to do the right thing and

be cautious. She spoke regarding what happened on the west coast of Florida and at Cocoa Beach. She also mentioned the effects of the pandemic on the Town's budget.

Council President Zeidman cautioned that the dynamics of this coronavirus have not changed. It is still present and is being transmitted which means that each person must assess their risk and make decisions that keep them free of a COVID-19 illness. She mentioned that businesses and restaurants are taking all of the precautions necessary to reopen in a safe manner. She again thanked the Palm Beach Daily News, the Palm Beach Civic Association and the Citizens Association for their help in keeping our community informed and therefore healthy.

VIII. COMMUNICATIONS FROM CITIZENS

Acting Town Clerk Gayle-Gordon announced that she had received no emails to be read into the record.

Diane Buhler, Friends of Palm Beach, gave a brief update on the ongoing private beach cleaning project. She reported that there were a few turtle nests on the newly laid sand from the Midtown Beach Renourishment project.

Jay Boodheshwar, read letters from the Citizens Association of Palm Beach regarding Council Members' decisions at the meetings and Robert A. Shelton, 215 Phipps Plaza regarding a parking ticket he received in Town.

IX. APPROVAL OF CONSENT AGENDA

Motion was made by Council Member Araskog and was seconded by Council President Pro Tem Lindsay to approve the Consent Agenda. On roll call, the motion passed unanimously.

A. MINUTES

1. Town Council Meeting Minutes
 - a. April 15, 2020, Town Council Meeting Minutes
 - b. April 15, 2020, Town Council Development Review Meeting Minutes*Pat Gayle-Gordon, Acting Town Clerk*
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of April 29, 2020
Wayne Bergman, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 25-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving A Change Order to Overtime Building Maintenance in

the Annual Amount of \$33,000 for Janitorial Services for the Mandel Recreation Center and Authorizing a Total of \$132,000 for Four Remaining Years of the Contract Contingent upon future Budget approvals and \$17,805 for the additional cleaning of Town facilities during COVID-19 for \$17,805 for the remainder of FY20 for a total Change Order of \$149,805.

Dean Mealy, Purchasing Manager

2. RESOLUTION NO. 30-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Selection Committee Recommendation For Award Of RFQ No. 2020-07, For A Pool Of Pre-Qualified Roofing Contractors, To Include Advanced Roofing, Inc., Hi-Tech Roofing And Sheet Metal, Inc., Triple M. Roofing Corp., And Trusted Construction Inc. For A Period Of Five Years.

Dean Mealy, Purchasing Manager

3. RESOLUTION NO. 31-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Duties of the Defined Contribution Retirement Plan Committee; Providing for Severability; Providing for Full Force and Effectiveness; Providing for Repeal of Conflicting Resolutions; and Providing an Effective Date.

Danielle Olson, Director of Human Resources

4. RESOLUTION NO. 32-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Approving The Amended And Restated Interlocal Agreement And Authorizing The Town Manager And Staff To Execute All Documents Necessary On Behalf Of The Town Of Palm Beach.

Nicholas Caristo, Chief of Police

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report of the Code Enforcement Board. Written report only.
Michael Small, Vice Chair

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Araskog to accept the Annual Report of the Code Enforcement Board. On roll call, the motion passed unanimously.

XI. PUBLIC HEARINGS

- A. RESOLUTION NO. 33-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and

Abandoning Existing Public Utility Easements within Phase 1 North Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

H. Paul Brazil, P.E., Director of Public Works

Director of Public Works, Paul Brazil introduced Patricia Strayer, Town Engineer, who gave an overview of the process of vacating and abandoning the easements.

Deputy Town Manager Boodheshwar announced that there are no public comments regarding this Resolution.

Motion was made by Council Member Moore and was seconded by Council Member Araskog to approve Resolution No. 33-2020. On roll call, the motion passed unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project *Steve Stern, Project Manager*

a. Review of Project and Dashboard, Summary of Project Status

Steve Stern, Project Manager, gave an update regarding the project. He stated that the community meetings are on hold due to the pandemic but questions can be forwarded to undergrounding@townofpalmbeach.com. He reported the following:

Phase 1 North and South: Complete
Phase 2 North: 85% complete
Phase 2 South: In progress
Phase 3 North: Drilling (heavy) work almost complete
Phase 3 South: Bid package almost complete
Phase 4 North: Bid package almost complete
Phase 4 South: Significant progress with easement acquisition
Phase 5 North and South: Easement acquisition
Phases 6, 7 & 8: Either in design or not started

Manager Stern responded to Councilmember Araskog that 40 of 64 easements in Phase 4 have been recorded or verbally approved. Town Attorney Randolph responded to Councilmember Crampton that the appeal of the undergrounding project was now in the Appellate Court and he did not know when a decision would be handed down.

Council President Pro Tem Lindsay commented that easements were getting harder to receive. Manager Stern explained for every property

owner who accepted an easement the Town sends them a thank you note and asks if they would be a reference for the Town.

Discussion ensued regarding the private property easements and some residents' unwillingness to grant them.

b. RESOLUTION NO. 33-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning Existing Public Utility Easements within Phase 1 North Utility Undergrounding Project Limits, in the Town of Palm Beach, Florida.

Resolution No. 33-2020 was approved as a Public Hearing.

2. Town Marina Project Update
H. Paul Brazil, P.E., Director of Public Works

Director of Public Works Paul Brazil gave an update on the progress of the start-up work being carried out at the marina. He stated that as of May 1st the contractor had showed up with both workers and equipment along with five (5) barges to deliver heavy equipment and on-site fences and gates were already installed. He mentioned that there was some concern regarding personal protective devices but he had personally observed workers using them if they came within six feet of each other and the site seemed to be very safe.

a. Discussion Regarding Potential Procurement of Additional Design Consultant

Council President Pro Tem Lindsay gave a historical update on the Town Docks, and requested that the Town Council approve her request for an expert design consultant who has the artistic talent and civic experience to advise the Town on how to make improvements to all elements of the park and marina which will preserve their beauty and usefulness.

Dean Mealy, Purchasing Manager, referred to his May 7th memorandum outlining the basic input after his meeting with Council President Pro Tem Lindsay. He then explained the process of issuing a Request for Qualifications (RFQ) for the Design Consultant.

Director Brazil explained both the Landmarks Preservation Commission (LPC) and Architectural Commission (ARCOM) approval processes for the marina buildings. He also gave an overview of the timeframe for the approvals.

Mr. Mealy responded to Mayor Coniglio's queries regarding purchase order limits by explaining the different award thresholds and the timelines involved.

Council Member Araskog expressed her disappointment with the proposal and stated that she wished that she had met with Kimley-Horn & Associates. She also stated that the Town Council view the plan before it is presented to the public and supported waiting another month for the plan.

Jay Boodheshwar, Deputy Town Manager, gave a review of the Master Plan and recommended that the work be finished with Kimley-Horn and the plan be brought back to the Town Council in June for a decision to be made as to whether it is needed or not.

Pat Cooper asked if the Garden Club could be a partner in this project. Council President Pro Tem Lindsay responded that the Garden Club is closed until November.

Susan Gary, 229 Onondaga Avenue, agreed that this project deserves consideration and supported Lindsay's suggestion to move forward on a parallel course.

Discussion ensued after which the Town Council approved the process to select the Design Consultant.

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Crampton to issue a Request for Quotation to design experts to review the marina project upland plans that have already been approved, as well as the Kimley-Horn plans that are in development, to include a look at the landscaping, park, trail, gates, seating and other ancillary equipment within the park, lighting and so on, and give a report relative to what they think should be changed. On roll call, the Motion passed 3-2 with Ms. Araskog and Ms. Moore dissenting.

- b. RESOLUTION NO. 24-2020 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving Additional Contingency of \$100,000 for W.F. Baird and/or Murray Logan Construction, Inc. for the Town Marina Project to Realize from Value Engineering Savings of the Seawall Design/Construction in the Amount of \$302,273.

Director Brazil reported that there were two (2) value engineering issues to be resolved ie. the bulkheads and the electrical system. He stated that the design team thought that it would be more cost effective to do a cantilever wall, which is a long steep steel sheet pile wall driven into the ground, instead of the bulkhead. After the contract was awarded to Murray Logan, David Logan informed that he had the equipment to dig everything upland to get an anchoring system which would result in a cost savings to the Town. This design will result in a net cost savings of \$341,353. As to the electrical system, Director Brazil explained the various pros and cons of the redesign offered by the vendor, he then advised that the Town should not pursue the electrical distribution provision. At this point he recommended that

the wall revision be pursued but not the electrical system provision.

Director Brazil advised that Dean Mealy, Purchasing Manager, is currently working on direct owner purchase of the necessary materials (dock sections, piles for the docks, sheet piles for the wall and electrical equipment) so the Town does not pay sales tax.

Motion was made by Council Member Crampton and was seconded by Council Member Moore to approve Resolution No. 24-2020. On roll call, the motion passed unanimously.

3. COVID-19

Kirk W. Blouin, Town Manager

a. RESOLUTION NO. 34-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Concurring With The Request Of The Town's Chief Of Police, To Extend The Chief's Declaration Of The Existence Of A State Of Emergency Within The Corporate Limits Of The Town To June 9, 2020, Unless Earlier Terminated By The Chief Of Police, At Which Time The Town Council Will Address The Need For Any Extension Of The Declaration Of Emergency; Providing For An Effective Date.

Town Manager Kirk Blouin gave an overview of the declaration of the state of emergency that was declared by the Chief of Police and requested that the state of emergency be extended to June 9, 2020. He explained the reason for the recent change in the curfew hours from the 9PM to 6AM to 11PM to 6AM being the reason that some restaurants were now open for dining.

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Crampton to approve Resolution No. 34-2020. On roll call, the motion passed unanimously.

b. Discussion on Matters, Including but not Limited to, Curfew Hours, Beaches, Restaurant Outdoor Seating, Retail, and Board/Commission Meetings.

Council Member Araskog asked if the curfew could be 11PM for restaurant closings and midnight for workers. Manager Blouin explained that the times should not be complicated.

Motion was made by Council President Zeidman and was seconded by Council President Pro Tem Lindsay to keep curfew hours from 11:00 PM to 6:00 AM. On roll call, the motion passed unanimously.

Town Manager Blouin enquired if the public beaches should continue to remain closed and if so, for how long. After lengthy discussion, it

was the decision of the Council to keep the beaches closed until May 26, 2020, the day after Memorial Day.

Motion was made by Council Member Moore and was seconded by Council Member Crampton to keep the Town's beaches closed until May 26, 2020 from sunrise to sunset for active use only consistent with social distancing. On roll call, the motion passed unanimously.

Town Manager Blouin gave an overview of the current restrictions in place regarding restaurants. Deputy Town Manager Jay Boodheshwar referred to the supplemental backup regarding restaurant seating and spoke regarding the draft Application for Temporary Outdoor Dining and Outdoor Retail Displays. He explained the process for the review and approval of the application by staff.

The Town Council Meeting was recessed at 2:35 p.m. and reconvened at 3:23 p.m.

Deputy Town Manager Boodheshwar reported that the Town would require the same level of insurance, as well as a Hold Harmless agreement, as is required for Special Event Permits for this application.

Motion was made by Council Member Araskog and was seconded by Council Member Crampton to approve temporary use of public outdoor spaces for restaurant outdoor seating and retail displays as outlined by staff. On roll call, the motion passed unanimously.

Council President Zeidman spoke regarding the various reasons due to the pandemic why commission members may be reluctant to attend meetings held in Town Hall. Deputy Town Manager Boodheshwar provided color-coded diagrams that comply with CDC social distancing guidelines showing schematics for council meetings and other public meetings. He mentioned that this would significantly limit the number of people that can be in the council chambers. He strongly recommended that everyone attending wear masks and gloves.

Council Member Araskog expressed her concerns for holding public meetings in Chambers at this time.

Fire Rescue Chief Darrell Donatto reported that he and Jay had worked with the Fire Marshall to prepare the schematic drawings and they do meet the social distancing requirements although they do not meet the gatherings of ten persons or more requirements.

Discussion ensued regarding virtual meeting platforms, CDC social distancing guidelines and the Governor's Executive Order regarding holding virtual public meetings. Mr. Boodheshwar explained that the Executive Order is tied to the State of Emergency. Responding to Council Member Moore, Mr. Boodheshwar explained the difference

with using GoToMeeting vs. Zoom. Chief Donatto spoke regarding entry and exit measures to the council chambers.

The following Commission Members spoke on this item:

Michael Small, 156 East Inlet Drive, Chair of ARCOM
Rene Silvin, Australian Avenue, Chair of LPC
Maisie Grace, 247 Seaspray Avenue, ARCOM member

Mr. Boodheshwar explained the reasons for using GoToMeeting instead of Zoom.

A lengthy discussion ensued regarding the pros and cons of in-person and virtual meetings.

Motion was made by Council Member Moore and was seconded by Council Member Crampton to hold public meetings in the Town Council Chambers with social distancing measures as outlined by staff. On roll call, the motion passed 4-1 with Council Member Araskog dissenting.

B. New Business

1. Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2019.

Jane Le Clainche, Director of Finance, introduced Ron Bennett, Partner at Nowlen, Holt and Miner who presented the report. Mr. Bennett gave an explanation of the different sections of the report. Ms. Le Clainche stated that a report on the reserve status was also included in the backup. Council President Zeidman pointed out the various awards the Town has received for its budget presentations.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to accept the Comprehensive Annual Financial Report for fiscal year ended September 30, 2019. On roll call, the motion passed unanimously.

2. Consideration of Proposal from the Garden Club to Design and Fund Improvements in Bradley Park.

Director of Public Works, Paul Brazil gave an overview of the need for the Garden Club's assistance.

Motion was made by Council Member Araskog and was seconded by Council Member Moore to accept the proposal to design and fund the Bradley Park improvements on condition that the Town receives an approval letter from the Diocese. On roll call, the

motion passed unanimously.

3. Discussion Regarding Administrative and Personnel Committee

Council President Zeidman gave an overview of the reasons for renaming this defunct committee and having it consider any issues not covered by a specific committee.

After lengthy discussion, it was agreed to change the name of the committee to the Business and Administrative Committee with Lew Crampton, Chair and Danielle Moore as a member.

Motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Araskog to change the Administrative and Personnel Committee to the Business and Administrative Committee. On roll call, the motion passed unanimously.

C. Matters Pulled From Consent Agenda: If needed

XIII. ANY OTHER MATTERS

1. New Drought Regulations
Julie Araskog, Town Council Member

Council Member Araskog requested staff to update residents regarding the drought restrictions. Jay Boodheshwar reported that the Town issued a news release on April 28th regarding the water restrictions that were in place. He also reported that Wayne Bergman, Director of PZB also reached out to landscape vendors and contractors that do business in Town to advise them of the restrictions. He informed the public that at this time the restrictions are for lawns and landscape areas only (not golf courses, athletic fields). The restrictions for watering for residential properties are 2 days per week from 7PM to 7AM. The watering days depend on whether your address is even or odd numbered. There are some exemptions for smart irrigation systems according to the Town code.

2. Schedule Public Works Committee Meeting
Danielle H. Moore, Town Council Member

Council Member Moore requested scheduling a Public Works as she is the new Chair for that committee.

3. Messages at Bridges Regarding Social Distancing
Julie Araskog, Town Council Member

Council Member Araskog requested that social distancing rules be placed on a sign at the bridges.

4. Breakers Hotel Re-opening
Julie Araskog, Town Council Member

Council Member spoke on the re-opening of the Breakers Hotel on May 22, 2020 and the quarantine measures for guests at the hotel. She discussed the Importance of our Town businesses, economical issues facing our Town businesses, the need for the Town to find avenues to help our businesses due to the losses from COVID and asked if the community could as others have raise funds for those businesses in need as suggested by letters to the editor.

XIV. ADJOURNMENT

There being no further business to discuss, the Town Council Meeting of May 13, 2020, was adjourned at 5:10 p.m.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on May 13, 2020

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order May 13, 2020 at 2:45 p.m. digitally via GoToWebinar. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Administrative Specialist Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. BOARD AND COMMISSION PRESENTATIONS AND APPOINTMENTS

There were no presentations or appointments at this time.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

The Mayor had no comments.

V. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Araskog requested a discussion regarding ARCOM Staff Approvals, particularly where the change would affect a neighbor, under Any Other Items or on the next agenda in June. Mayor Coniglio suggested the item be added to the June 10, 2020 agenda so that proper notice is given for public transparency. President Zeidman agreed with the Mayor's suggestion and requested the item be added to the June 10, 2020 agenda.

There were no other comments heard from the Town Council Members.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no communications from citizens.

VII. APPROVAL OF AGENDA

The following modifications were made to the agenda:

Withdrawal of Item VIII.A.1 (a).

Withdrawal of Item VIII.A.2 (a).

Deferral of Item VIII.A.2 (c) to the June 10, 2020 meeting.

Deferral of Item VIII.A.2 (e) to the June 10, 2020 meeting.

Deferral of Item VIII.A.2 (g) to the June 10, 2020 meeting.

Motion was made by Council Member Araskog, and seconded by Council Member Crampton, to approve the agenda, as amended. Motion carried unanimously.

VIII. DEVELOPMENT REVIEW

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-20-00244 VARIANCE(S)** Zoning District: R-AA Large Estate Residential The application of Cedric Dupont, as Trustee of the Cedric Dupont Revocable Trust dated December 12, 2019, Applicant, relative to property located at **125 SE AGRAPE CIR**, legal description on file, is described below. Section 134-844(b). Request for a variance to reconstruct a pool cabana by demolishing more than 50 percent of its cubic volume and allowing the existing non-conforming setback of 4.7 feet to 8.3 feet in lieu of the 15 foot minimum required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] Request for Withdrawal per Letter Dated May 1, 2020 from Maura Ziska.

This item was withdrawn at the approval of the agenda, Item VII.

2. New Business

- a. **Z-20-00248 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of Mar-a Lago Club, Inc. (Harvey E. Oyer, III Esq), Applicant, relative to property located at **1100 S OCEAN BLVD**, legal description on file, is described below. The Applicant seeks approval to add an accessory dock for private family use only. It is to be located at the southwest corner of the site and projects 29 feet from the existing seawall into the Lake Worth Lagoon. The proposed dock will not be visible from the historic home, does not violate the preservation easement granted to the National Trust for Historic Preservation, and is purposefully located south of where the property's prior historic dock was previously located in order to keep the dock as far away from the Applicant's neighbor to the north as possible. [Applicant's Representative: Harvey E Oyer III Esq] Staff request a deferral to the June 10, 2020 meeting to allow the project to be first heard by the Landmarks Preservation Commission.

This item was withdrawn at the approval of the agenda, Item VII.

- b. **Z-20-00249 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Roger A. and

Melanie K. Lawson, relative to property located at **114 CLARKE AVE**, legal description on file, is described below. Section 134-843(11): Applicant is removing a 379 square foot carport awning and replacing it with a 376 square foot one story garage addition which will increase the lot coverage to 34.9% in lieu of the 32.8 % existing and the 30% maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

There were no ex parte communications declared.

Attorney Maura Ziska provided the details of the project related to the variance request.

Harold Smith, Architect for the project, explained the architectural portion of the project.

Zoning Manager Castro provided staff comments.

Council Member Araskog inquired about the hardship for the variance, to which Attorney Ziska responded.

Mayor Coniglio, President Pro Tem Lindsay and Council Member Moore were in support of the project.

Motion was made by Council Member Moore, and seconded by Council Member Araskog, that Variance Z-20-00249 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously.

President Zeidman called for public comment. There were no public comments heard at this time.

- c. **Z-20-00250 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Dr. Dennis and Rosanne T. Vollman, Applicant, relative to property located at **202 OSCEOLA WAY**, legal description on file, is described below. The applicant is proposing to convert the existing garage into living space and add 56 square foot to the rear of the house and construct a new 427 square foot one story garage addition to the existing one-story residence. Both additions total 483 square feet. The following variances are being requested: 1) Section 134-894(6): The applicant is requesting a variance for an angle of vision of 126.2 degrees in lieu of the 116.7 degrees existing

and the 112 degrees maximum allowed for the one-story garage addition. 2) Section 134-894(7): The applicant is requesting a variance for a west side yard setback of 9.9 feet in lieu of the 12.5 feet required in the R-B Zoning District for the 427 square foot one-story garage addition. 3) Section 134-894(7): The applicant is requesting a variance for a west side yard setback of 9.9 feet in lieu of the 12.5 feet required in the R-B Zoning District for the 56 square foot bedroom addition. [Applicant's Representative: Maura Ziska Esq] Staff request a deferral to the June 10, 2020 meeting to allow the project to be first heard by the Architectural Review Commission.

This item was deferred to the June 10, 2020 meeting at the approval of the agenda, Item VII.

- d. **Z-20-00251SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-WA Worth Avenue The application of Maison (Ashley Wu, Founder), Applicant, relative to property located at **150 WORTH AVE SUITE: 235**, legal description on file, is described below. Section 134-1159 (9): A request for special exception approval to operate a 3,315 square foot shared space and a 680 square foot balcony in suite 235 on the second floor of the Esplanade called "Maison". Maison will be a "member's only" club catering to women (although men are not prohibited) that will offer a shared, co-working place for members to work, relax, attend events, meet and build community. Designed with working moms in mind, the founder Ashley Wu found it hard to work from home "As the workforce goes more remote and people travel to meet clients, and catch up with friends all over the city, a base for gathering in any neighborhood is ideal." Ashley Wu Section 134-1164(e) and Section 134-1163(8): A request for special exception approval with site plan review to modify the existing arcade by allowing the use of the existing second story balcony above the arcade. Section 134-1161: A request for special exception approval to allow outdoor seating on the balcony above the arcade to enjoy food and beverages. [Applicant's Representative: Maura Ziska Esq]

Attorney Maura Ziska requested a deferral to the June 10, 2020 meeting to allow her client to have ex parte communications with the Town Council Members.

Motion was made by Council Member Araskog, and seconded by Council Member Moore, to defer the project to the June 10, 2020 Town Council Meeting. On roll call, the motion carried unanimously.

- e. **Z-20-00252 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Winston D. and Allison K. Wren,

Applicant, relative to property located at **228 NIGHTINGALE TRL**, legal description on file, is described below. Section 134-894(7): The applicant is requesting an east side yard setback of 10.66 feet in lieu of the 12.5 foot minimum side yard setback required in the R-B Zoning District in order to construct a 380 square foot bedroom addition on the front of the residence. The cost of construction for the addition will be less than 50 percent of the market value of the home thus the work will not trigger a FEMA compliance issue. [Applicant's Representative: Maura Ziska Esq] Staff requests a deferral to the June 10, 2020 meeting to allow the project to first be heard by the Architectural Review Commission.

This item was deferred to the June 10, 2020 meeting at the approval of the agenda, Item VII.

- f. **Z-20-00253 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Jonathan Deitcher, Applicant, relative to property located at **175 VIAPALMA**, legal description on file, is described below. Section 134-894(0)(8): The applicant is requesting a west side yard setback of 3.83 feet in lieu of the 15 foot minimum required in the R-A Zoning District in order to construct a pergola adjacent to the existing pool house on the west side of the property where there is an existing patio. [Applicant's Representative: Maura Ziska Esq]

There were no ex parte communications declared.

Attorney Maura Ziska provided the details of the project related to the variance request.

Michael Perry, professional for the project, explained the architectural portion of the project.

Zoning Manager Castro provided staff comments.

Council Member Araskog inquired about the distance between the property line and the neighboring tennis court, to which Mr. Perry responded. Council Member Araskog also questioned how a potential new owner would handle the setback of the proposed pergola, to which Mr. Castro replied.

President Zeidman called for public comment. There were no public comments heard at this time.

Motion was made by Council Member Moore, and seconded by Council Member Araskog, that Variance Z-20-00253 shall be granted and find in support thereof that all the criteria applicable to this application as set forth in Section 134-201(a) items 1 through 7 have been met, and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to

either provide a recorded utility easement or an easement agreement satisfactory to the Town that insures a recorded easement will be granted if necessary to underground utilities in the area. On roll call, the motion carried unanimously.

- g. **Z-20-00254 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of Risotto Realty, LLC (Daniel E. Ponton, Managing Member), Applicant, relative to property located at **215 PERUVIANAVESUITE: SITE**, legal description on file, is described below. 1. Sec. 134-1109(a) (3) - A special exception to allow a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. 2. Sec. 134-229 - A special exception to allow a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. 3. Sec. 134-329 - Site plan review for a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. [Applicant's Representative: Peter Broberg] Staff request a deferral to the June 10, 2020 meeting to allow the project to be first heard by the Architectural Review Commission.

This item was deferred to the June 10, 2020 meeting at the approval of the agenda, Item VII.

IX. ORDINANCES

A. Second Reading

1. **Ordinance No. 09-2020** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation, Article II, Landmarks Preservation Commission, By Amending Section 54-36, Created; Appointment; Qualifications; Terms; Compensation; Filling Vacancies; Reappointment, Subsection (A) Regarding The Term For An Out Of State Architect; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Town Attorney John Randolph read the proposed Ordinance No. 09-2020 by title only.

Motion was made by President Pro Tem Lindsay, and seconded by Council Member Araskog, to approve Ordinance No. 09-2020, on

second and final reading. On roll call, the motion carried unanimously.

X. ADJOURNMENT

The meeting was adjourned at 3:17 p.m. without the benefit of a motion and roll call.

APPROVED:

Margaret Zeidman, Town Council President

ATTEST:

Kelly Churney, Administrative Specialist

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 27, 2020.

Presenter

Wayne Bergman, Acting Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated June 3, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of May 24, 2020 and June 1, 2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Acting Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of May 27 and June 1, 2020

Date: June 3, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of May 27 and June 1, 2020.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of May 27 and June 1, 2020.

GENERAL INFORMATION

These minutes are submitted to the Town Council for approval pursuant to Chapter 18-177 of the Town of Palm Beach Code of Ordinances.

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, MAY 27, 2020 AND MONDAY, JUNE 1, 2020

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Small called the meeting to order at 9:09 a.m. All members participated via GoToWebinar due to the COVID-19 situation.

II. ROLL CALL

Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Richard Sammons, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Kelly Churney, Secretary to the Architectural Review Commission

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman also took care of some housekeeping items.

Mr. Small announced the rules and procedure that individuals entering Town Hall were required to follow in order to make their presentation.

No new application will be heard and considered after 6 p.m. on May 27, 2020.

V. **APPROVAL OF THE MINUTES FROM THE APRIL 29, 2020 MEETING**

Motion made by Mr. Garrison and seconded by Ms. Grace to approve the minutes from the April 29, 2020 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

The following amendments to the agenda have been requested:

Withdrawal of B-016-2020, 280 El Pueblo Way

Withdrawal of B-019-2020, 165 Seaspray Avenue

Withdrawal of B-029-2020, 500 S. County Road

Deferral of B-074-2019, 125 Worth Avenue to the June 24, 2020 meeting

Deferral of B-069-2019, 977 S. Ocean Blvd. to the July 29, 2020 meeting

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the agenda as amended. Motion carried unanimously.

VII. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Mr. Small announced that Ms. Churney would be administering the oath at the beginning of each project.

VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

IX. **COMMENTS FROM THE ARCHITECTURAL COMMISSION MEMBERS**

Mr. Garrison asked for the Commission to closely review the landscape screening plans when it related to the demolition of a residence.

Mr. Floersheimer stated he would like to understand the process of granting variances and the hardship to obtain a variance.

X. **PROJECT REVIEW**

DEMOLITIONS AND TIME EXTENSIONS

B-012-2020 Demolition

Address: 60 Blossom Way

Applicant: Providencia Partners LLC

Professional: Daniel Kahan

Project Description: Demolition of the existing residence, hardscape and pool.

Existing perimeter walls shall remain. Landscape submittal and presentation will outline the plan to preserve and relocate the existing vegetation.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Clerk's note: Ms. Catlin voted in the absence of Mr. Ives as he was unable to join for this agenda item.

Mr. Kahan presented the plans for the demolition of the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Kahan stated the owner would agree to the easement and added there was an existing easement on the west side of the property.

Mr. Garrison asked Mr. Kahan to make sure that the perimeter of the property was screened so that the neighbors were protected.

Mr. Corey inquired about the removal of a Sea grape tree, east of the coastal construction line. Mr. Kahan responded. Mr. Corey stated he supported the project.

Mr. Sammons requested that the professionals salvage the material from the home. Mr. Kahan stated the material would be salvaged and discussed the details.

Mr. Floersheimer requested that the pagoda be repurposed or donated to the Town. Mr. Kahan agreed and stated it would be repurposed.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey that the proposed demolition has met the conditions listed in Section 18-206 in the Town's Code of Ordinances and to approve the project as presented with the following caveats: material in the residence is to be salvaged as much as possible, repurpose the pagoda, proper screening is installed to protect the neighbors during demolition and construction, and the property will be sodded and irrigated within 30 days. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-016-2020 Time Extension

Address: 280 El Pueblo Way

Applicant: 280 El Pueblo Way LLC

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Request one year extension of previously approved plan (B-023-2019) for a two-story residence, one story guest house, landscape, hardscape, spa and pool.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

Clerk's note: Mr. Ives joined the meeting at this time.

B-018-2020 Demolition

Address: 965 N. Ocean Blvd.

Applicant: Carl and Jane Panattoni

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Demolition of existing residence, pool, hardscape and select landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Kahan presented the plans for the demolition of the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Kahan stated the owner would agree to the easement.

Mr. Floersheimer questioned why the three palms in the rear of the home were proposed to be saved in their condition. Mr. Kahan responded.

Ms. Catlin expressed concern for the public using this property to access the beach after the demolition. Mr. Kahan stated he would work with the owner to prevent the public from the accessing the site. Ms. Catlin expressed her dismay for the screening and felt the prominent site would look bad. She suggested using landscaping and a gate. Mr. Kahan stated he would discuss the issue with his client to see what he could arrange.

Mr. Corey inquired if the professionals would be willing to keep some of the trees and vegetation on site after the demolition until the new construction begins. Mr. Kahan stated he would investigate this option.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the site.

Motion made by Mr. Corey and seconded by Mr. Garrison that the proposed demolition has met the conditions listed in Section 18-206 in the Town's Code of Ordinances and to approve the project as presented with the following caveats: proper screening is installed to protect the neighbors during demolition and construction, and the property will be sodded and irrigated within 30 days. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-019-2020 Time Extension

Address: 165 Seaspray Avenue

Applicant: Oliver "Piper" Quinn

Professional: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Time extension for a previously approved project of a new two-story residence in the Palm Beach colonial vernacular. Final landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

MINOR PROJECTS – OLD BUSINESS

A-004-2020 Modifications

Address: 3450 S. Ocean Blvd.

Applicant: The Patrician of Palm Beach Condominium Apartments, Inc.

Professional: James C. Paine, Jr.

Project Description: Request for approval of balcony rail change-out from original precast concrete balcony rails to vertical aluminum picket rails (white) conforming to current code.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Paine explained the request for the proposed changes to the condominium buildings.

Mr. Small asked about the status of the undergrounding project in the area of the condominium. Mr. Paine responded. Mr. Small asked if the owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject

to the satisfaction of the Town. Mr. Paine stated the owner would agree to the easement.

Mr. Small stated he did not notice any other surrounding condominiums in the area with glass balconies. He asked Mr. Paine if any other considerations were given to the balcony materials. Mr. Paine responded.

Mr. Garrison stated he had a small concern for the proposed glass and wondered if the furniture could be regulated. However, he believed the current balcony was in bad shape. He questioned how the white metal would weather over the next ten years. Al Rathbun, Construction Manager for The Patrician, responded.

Mr. Ives stated he agreed with Mr. Garrison but did not have the same concern for the furniture.

Mr. Corey was in favor of the proposed modernization but inquired if the paint color for the railing would match the paint color for the windows and doors. Mr. Rathbun responded. Mr. Corey inquired about the fastening system of the railings. Mr. Paine responded.

Ms. Shiverick was in favor of the modernization of the building. She expressed concern for the ability to keep the glass clean due to the proximity to the ocean. She added that she shared Mr. Small's concern about the furniture. Messrs. Paine and Rathbun responded.

Ms. Catlin stated she was not concerned with the furniture and thought the changes were positive and made a big difference.

Mr. Floersheimer thought the changes were appropriate. Mr. Floersheimer inquired about the parking for the buildings as well as the access to the beach. Mr. Paine and Rathbun responded.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

MINOR PROJECTS – NEW BUSINESS

A-006-2020 Modifications

Address: 560 Island Dr.

Applicant: James Reyes

Professional: Lang Design Group

Project Description: Minor landscape, hardscape, lighting renovation to existing. Replace existing pool with proposed perimeter overflow pool, spa, fountain wall side, and arbor. Refinish existing patio and driveway with new stone, beige shells, tone colored limestone.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

John Lang, Lang Design Group, presented the proposed changes to the landscape and hardscape on the property.

Many of the commissioners were in favor of the project.

Mr. Floersheimer inquired if the installation of the dock would be reviewed by the Architectural Review Commission. Mr. Castro stated ARCOM does not typically review docks.

Mr. Castro noted that the professionals would need to work with the Town Engineer on the curb cuts.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented. Motion carried unanimously.

Clerk's note: A short break was taken at 10:33 a.m. The meeting resumed at 10:45 a.m.

MAJOR PROJECTS – OLD BUSINESS

B-010-2020 Demolition/New Construction

Address: 1 Wells Circle

Applicant: Allison Menkes

Professional: LaBerge & Menard

Project Description: Demolition of existing house. New 8,800 sq. ft. one-story home.

A motion carried at the February meeting to approve the demolition request. A second motion carried to approve the architectural plans as presented and to defer the landscape and hardscape plans to the March 25, 2020 meeting for a restudy of the site circulation and vehicular guest parking. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Keith Williams, Nievera Williams Design, presented the modifications for the landscape and hardscape proposed for the residence.

Many of the commissioners were in favor of the project.

Ms. Grace believed that the additional parking did not detract from the project.

Ms. Shiverick was in favor of the project but added if owner did not prefer the extra parking spaces, she recommended removing them. Mr. Williams responded.

Mr. Cooney inquired about the protections that would be put in place for Australian Pines that are part of the scenic vista. Mr. Williams stated he would ask the contractor to place some protections around the Australian Pines.

Mr. Small asked about the landscape screening on the south side to screen the parked cars. Mr. Williams responded.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Grace and seconded by Mr. Garrison the proposed project at 1 Wells Circle has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented. Motion carried unanimously.

B-009-2020 New Cabana

Address: 1360 N. Ocean Blvd.

Applicant: Katherine J. Henry

Professional: M. Mark Marsh/Bridges Marsh & Associates, Inc.

Project Description: Construction of a beach cabana and site improvements. New doors and windows at the existing house.

A motion carried at the February meeting to defer the project to the March 25, 2020 meeting for a restudy of the project. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Marsh presented the proposed architectural plans for the beach cabana as well as the changes to the windows and doors on the existing home.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape design for the beach cabana as well as the pedestrian gate design.

Mr. Small expressed concern for the obstructed ocean vista and stated he could not support the project.

Mr. Garrison shared Mr. Small's position for the cabana and the ocean vista.

Mr. Ives understood Mr. Small's position but felt that the owner had a right to develop the property. Mr. Ives felt the changes to the beach cabana were acceptable but added he could not support the changes to the main house.

Ms. Grace thought the fenestration changes proposed were better but still questioned some of the changes in the main home. Ms. Grace felt the changes to the design of the cabana were better but wondered if the owner would consider an open air cabana.

Mr. Corey expressed concern that the size of the proposed cabana was much larger than the existing cabana. Mr. Marsh responded.

Mr. Castro discussed the Code requirements for the ocean vista relative to the size of the beach cabana.

Mr. Corey stated he could not support the application until he could understand the size difference between the existing and proposed cabanas. He added that the landscape proposed was foreign and questioned the wood decking and pavers proposed.

Mr. Shiverick liked the existing home more than the proposed changes. She added that she preferred the double hung windows but was in favor of the mullions. She added that the north windows on the cabana were too large. She suggested adding half walls with lattice on the north and west side.

Ms. Catlin agreed with many of her fellow commissioners. She felt the landscaping needed to be reduced in scale. She saw improvements in the changes to the main residence but felt there were changes that still needed to be made.

Mr. Floersheimer agreed with Mr. Small regarding the ocean vista. He expressed concern for the height of the cabana and the steepness of the roof.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Mr. Marsh presented the elevations of the existing and proposed cabanas. He explained the reason for the removal of the pavilion and the proposal of the beach cabana.

Mr. Garrison suggested reducing the size of the beach cabana as well as the height of the landscape proposed.

Mr. Marsh stated the proposed cabana was under the maximum size allowance.

Mr. Castro further explained the Code provisions for beach cabana and ocean vista requirements.

Ms. Catlin thought the main objection of the proposed cabana was it blocked the ocean vista.

Mr. Marsh advocated for the proposed project.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month, to the June 24, 2020 meeting, giving consideration to all of the comments from the Commissioners. Motion carried 6-1, with Mr. Sammons opposed.

B-013-2020 Additions/Modifications

Address: 1620 S. Ocean Blvd.

Applicant: Anthony and Lynda Lomangino

Professional: Harold J. Smith/Smith and Moore Architects, Inc.

Project Description: Additions and alterations to an existing two-story residence.

Landscape and hardscape revisions.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Smith presented the proposed architectural changes proposed for the existing residence.

Mr. Garrison inquired about the color of the home. Mr. Smith responded.

Mr. Ives thought the changes to the front elevation were making the home appear heavy and added he felt the terraces were driving the changes.

Ms. Grace was in favor of the changes and liked the natural stone. She agreed with Mr. Ives about the heaviness of the front elevation. She questioned the window change on the first floor, south elevation. Mr. Smith explained the changes.

Mr. Corey found the details slightly heavy but not unbefitting. He suggested looking at a different order of the columns, rather than the Corinthian columns proposed but added he would not stop the progress of the project.

Ms. Shiverick first thought the changes were too heavy but now believed it was appropriate for the area. She asked about the depth of the terrace on the southeast elevation. She was in favor of the materials.

Mr. Sammons expressed concern with many of the details and stated he could not support the project.

Ms. Catlin was thought the improvements were nice and thought it was nicer than the existing home.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith stated the owner would agree to the easement and believed it was already undergrounded.

John Lang, Lang Design Group, presented the proposed landscape and hardscape changes to the existing residence.

Mr. Corey inquired about the change in materials to Ficus Nitida. Mr. Lang responded and stated he would remove the Ficus Nitida proposed and would use Green Buttonwood.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Shiverick and seconded by Mr. Ives to defer the project for one month, to the June 24, 2020 meeting, to restudy the potential heaviness and restudy where it could be lightened, and to reduce the moldings. Motion carried unanimously.

A second motion made by Mr. Sammons and seconded by Ms. Shiverick to approve the landscape and hardscape changes as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

MAJOR PROJECTS – NEW BUSINESS

B-020-2020 New Construction

Address: 171 Via Bellaria

Applicant: John Robert Tomisch Trust (M. Tim Hanlon, Attorney)

Professional: LaBerge & Ménard Inc.

Project Description: New 8,468 sq. ft. two-story house painted cream with clay tile roof, stone trim. New landscape and hardscape.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Ménard stated that the owner of the property received two additional letters of support from the neighbors. Mr. Ménard presented the architectural plans for the proposed new residence.

Mr. Garrison expressed concern for the garage design and thought it appeared as an appendage. He thought the home lacked charm and would not fit in on the street.

Mr. Ives agreed with Mr. Garrison and questioned the design in general. He did not believe this design worked as a Mediterranean Revival. He suggested a restudy of the design.

Ms. Grace thought the homes on the street had charm and character while the proposed lacked charm. She thought the proposed design did not have much interest. She also seemed the home seemed a little large.

Mr. Corey thought the proposed home was too large, tall, and boxy. He questioned the doors on the rear of the home, the pergola, columns and railings. He thought the home design lacked sophistication.

Ms. Shiverick stated she agreed with her fellow commissioners. She questioned the windows proposed. She thought the home lacked elegance and did not measure up for the street.

Mr. Sammons thought this home design was outclassed by its neighbors. He stated he would deny the proposed plans.

Ms. Catlin thought the design seems barren. She appreciated that the home was set back from the street. Ms. Catlin added the style was good but it missed its mark in the execution.

Mr. Floersheimer stated he agreed with his fellow commissioners.

Mr. Cooney stated the house needed to rise to the level of the surrounding homes. Mr. Cooney also added that while he appreciated the attempt to push the home away from the street, this was inconsistent with the streetscape. He suggested a restudy of the design.

Mr. Small stated he agreed with his fellow commissioners.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project. Ms. Churney stated the Town receive a letter of opposition from Victor Spilotro, who stated he would not be able to attend the meeting but wanted to make sure his objections were known.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the June 24, 2020 meeting, for a massive restudy with every aspect of the design. Motion carried 5-2, with Messrs. Sammons and Small opposed.

Clerk's note: A lunch break was taken at 12:33 p.m. The meeting resumed at 1:10 p.m.

B-022-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 202 Osceola Way

Applicant: Dennis and Rosanne Vollman

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Construction of two one-story additions to an existing one-story residence. The additions total 483 square feet.

ZONING INFORMATION: The applicant is proposing to convert the existing garage into living space and add 56 square foot to the rear of the house and construct a new 427 square foot one story garage addition to the existing one-story residence. Both additions total 483 square feet. The following variances are being requested: 1) Section 134-894(6): The applicant is requesting a variance for an angle of vision of 126.2 degrees in lieu of the 116.7 degrees existing and the 112 degrees maximum allowed for the one-story garage addition. 2) Section 134-894(7): The applicant is requesting a variance for a west side yard setback of 9.9 feet in lieu of the 12.5 feet required in the R-B Zoning District for the 427 square foot one-story garage addition. 3) Section 134-894(7): The applicant is requesting a variance for a west side yard setback of 9.9 feet in lieu of the 12.5 feet required in the R-B Zoning District for the 56 square foot bedroom addition.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Smith presented the architectural plans for the proposed additions to the existing home.

Mr. Garrison was in favor of the project. He inquired about the new concrete screening wall and asked how it would affect the neighbors. Mr. Smith responded.

Many of the commissioners were in favor of the project.

Ms. Shiverick suggested changing the front door to a louvered door as it would lighten up the front of the home. Mr. Smith stated he would speak to the home owners.

Ms. Grace agreed with Ms. Shiverick's suggestion for the garage door.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr.

Smith stated the owner would agree to the easement but believed it was already undergrounded.

Motion made by Mr. Corey and seconded by Mr. Garrison that the implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-021-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 228 Nightingale Trail

Applicant: Mr. & Mrs. Winston Wren

Professional: MP Design & Architecture

Project Description: New 380 SF bedroom addition at the northeast corner of existing single story residence. Relocate existing garage overhead door to the north façade. New driveway, pedestrian walkway, gate and front landscape.

ZONING INFORMATION: Section 134-894(7): The applicant is requesting an east side yard setback of 10.66 feet in lieu of the 12.5 foot minimum side yard setback required in the R-B Zoning District in order to construct a 380 square foot bedroom addition on the front of the residence. The cost of construction for the addition will be less than 50 percent of the market value of the home thus the work will not trigger a FEMA compliance issue.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Michael Perry, MP Design & Architecture, presented the architectural modifications proposed for the existing residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Maura Ziska stated that the undergrounding had been completed in the area.

Mr. Garrison asked for confirmation that the side yard setback would not be changing. Mr. Perry provided confirmation. Mr. Garrison thought the design was a good solution.

Ms. Grace raised an issue for the proposed front loading garage versus the existing side loading garage. Mr. Perry responded. She expressed concern that landscaping would block the front of home and wished the plan was friendlier to the neighborhood. She also questioned the reduction of parking spaces in the plan. Mr. Perry responded and explained the design. She recommended making the front landscaping more attractive.

Mr. Corey stated he had somewhat of a concern for the switch from the side load to front load garage. Another concern of his was the lack of mitigation from landscape in the driveway design and suggested adding a Sea grape tree near the driveway. Mr. Williams stated the client requested the proposed plan. Mr. Corey inquired about the design for the pedestrian gate. Mr. Williams presented a design of an existing gate on the property that would be replicated for the pedestrian gate. Mr. Corey finished his comments by stating that he preferred the side loading garage but if a front loading garage was approved, proper screening should be planted.

Ms. Shiverick was in favor of the front loading garage and thought the changes were a nice solution. She recommended adding an espalier or some potted plants in the courtyard area. Mr. Williams agreed and proposed adding a confederate Jasmine vine espalier.

Mr. Sammons recommended adding a garden wall next to the courtyard to make it more inviting. Mr. Williams agreed with the recommendation.

Ms. Catlin was in favor of Mr. Sammons' suggestion.

Mr. Floersheimer thought the plan made sense but had some concern for the garage layout change. He recommended moving the driveway to the east so that the garage was not in the direct view of the street.

Mr. Cooney was in favor of the design.

Mr. Small stated he shared many of the comments made by the commission and thought there should be some improvement in the landscape by screening the curb cut.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry stated the underground had already been completed in the area.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Ms. Shiverick that implementation of the proposed variances will not cause negative

architectural impact to the subject property. Motion carried 6-1, with Ms. Grace opposed.

A second motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the following conditions: the addition of a garden wall, moving of the driveway to the east with the addition of a shade tree at the entrance of the driveway.

Mr. Williams expressed concern with shifting the driveway to the west. The commission suggested shifting the driveway to the east.

Mr. Garrison amended his motion and Mr. Corey seconded the motion to approve the project as presented with the following conditions: the addition of a garden wall and the addition of a shade tree at the entrance of the driveway. Motion carried unanimously.

B-025-2020 Additions/Modifications

Address: 288 Sandpiper Dr.

Applicant: Kelly Williams

Professional: MP Design and Architecture Inc.

Project Description: One bedroom extension at the rear of the second floor level.

All finishes and details to match existing conditions.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Michael Perry, MP Design & Architecture, presented the architectural modifications proposed for the existing residence.

Mr. Small asked if there were any changes to the landscape plan. Mr. Perry stated there were no changes.

Many of the commissioners were in favor of the project.

Ms. Shiverick confirmed that the roof would be white. Mr. Perry provided confirmation.

Mr. Floersheimer inquired about the third garage. Mr. Perry responded.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry stated he would agree to the easement.

Mr. Small asked if the overhang roof could be removed from the third garage to have some symmetry. Mr. Perry further explained the design.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-027-2020 Demolition/New Construction

Address: 335 Seabreeze Ave.

Applicant: 65 Kimberly Place LLC

Professional: MP Design and Architecture Inc.

Project Description: Demolition of existing two-story residence, one car garage and pool. Renovation of existing two-story guest house. New four car garage. Existing site wall and motor court to remain. New Landscape.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Small expressed concern that the demolition report was missing significant information. Mr. Perry stated that he was not aware of any information that was missing. A discussion ensued on this issue.

Mr. Small asked the commissioners if they were comfortable moving forward or asked if they would prefer more information on the residence.

Mr. Garrison stated he did not receive a checklist for the project.

Mr. Castro weighed in on the issue with the checklist and stated that the home was not landmarked.

Ms. Shiverick requested more information on the guest house and garage along with some renderings, including colored renderings.

Mr. Corey requested a civil plan to review.

Motion made by Ms. Shiverick and seconded by Ms. Grace to defer the entire project for one month, to the June 24, 2020 meeting, to allow the professional to return with renderings, more history on the current home and a more thorough demolition plan. Motion carried unanimously.

B-028-2020 Additions/Modifications

Address: 110 Clarendon Ave.

Applicant: North Fifth LLC

Professional: MP Design and Architecture Inc.

Project Description: Removal of existing pool house and breezeway. No change to the North elevation (front). New pool house, garage and driveway on south of the property. Replace existing windows and doors with new impact rated. Addition of new loggia and terrace. New landscape, hardscape and relocation of pool to be submitted on a later meeting.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Michael Perry, MP Design & Architecture, presented the architectural modifications proposed for the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry stated he would agree to the easement.

Mr. Garrison was in favor of the project. Ms. Grace agreed.

Mr. Corey thought the guest house was too tall and competed with the main house. He thought the living green wall was mitigating the large guest house. He thought the guest house needed a restudy.

Ms. Shiverick stated that she agreed with Mr. Corey. She liked the living wall but thought it was too large. She cautioned to be careful of the shade of glass used for the windows.

Mr. Sammons thought the guest house needed to be reduced.

Ms. Catlin stated she agreed with the comments on the guest house and thought it was not as charming as the main home.

Messrs. Floersheimer and Small agreed with the comments on the proposed guest house.

Mr. Perry commented on the glass for the windows.

Mario Nievera, Nievera Williams Design, presented the hardscape and landscape modifications proposed for the residence.

Ms. Grace stated she was in favor of the project.

Mr. Corey reiterated that the living wall was too big and thought if the guest house was reduced in size, it would also reduce the living wall. He also recommended using more native plantings.

Ms. Shiverick and Messrs. Sammons and Cooney were in favor of the landscape plan.

Ms. Catlin thought the landscaping plan was great but thought the living wall and fountain were too large.

Messrs. Floersheimer and Small were in favor of the landscape plan but thought the guest house needed to be reduced.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented, with the exception of the guest house, which would return to the Commission in one month, at the June 24, 2020 meeting. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-024-2020 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 215 Peruvian Ave.

Applicant: Risotto Realty, LLC (Daniel E. Ponton, Managing Member)

Professional: Jeffery Smith/Smith Architectural Group, Inc.

Project Description: Construction of a new one story addition in the Regency style.

Addition is 922 square feet and is a permanent replacement for the existing tent structure which is in place from October through May each year. Final landscape, hardscape and drainage included.

ZONING INFORMATION: 1. Sec. 134-1109(a) (3) - A special exception to allow a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. 2. Sec. 134-229 - A special exception to allow a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district. 3. Sec. 134-329 - Site plan review for a one-story 922 sq. ft. addition as a permanent replacement for the existing tent structure which has been in place from October through May each year for 25+ years, with no increase in seating, at a private social club which is permitted as a special exception use in the C-TS zoning district.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Smith presented the architectural modifications proposed for the existing building.

Claudia Visconti, SMA Landscape Architecture, presented the landscape and hardscape modifications for the existing site.

Mr. Garrison was in favor of the project but expressed concern for the logistics of the construction. Mr. Smith discussed the logistics.

Mr. Ives questioned the Regency style proposed for the project and requested other options.

Ms. Grace was in favor of the style but questioned the red roof proposed. She also recommended adding more doors that opened to the front.

Mr. Corey was in favor of eliminating the tent with a more permanent solution. However, he thought a Mediterranean Revival style design would be more successful.

Mr. Smith responded to Ms. Grace and Mr. Corey's suggestions.

Ms. Shiverick was in favor of the changes but did recommend adding some color to the front of the building, possibly by painting the urns.

Mr. Sammons questioned the detail in the entablature and the molding but otherwise was supportive.

Mr. Cooney was in favor of the project.

Mr. Small was in favor of the project but expressed concern for the unsightly, eastern façade. He requested that this façade is given some attention.

Mr. Corey recommended adding a service gate. A short discussion ensued on the topic.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the following conditions: the addition of a color be considered for the front elevation and the addition of a service gate between

the two properties. Motion carried 4-3, with Messrs. Ives, Sammons and Small.

Clerk's note: A short break was taken at 3:00 p.m. The meeting resumed at 3:10 p.m.

B-026-2020 Additions/Modifications

Address: 1334 N. Lake Way

Applicant: The Christopher Asplundh Family Partnership, LP

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: A second floor addition and alterations to an existing garage/guest house. Landscape and hardscape alterations.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Smith presented the architectural modifications proposed for the existing garage.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith stated he would agree to the easement.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Garrison thought the plans were a good solution and he added that he hoped the Ficus tree could be saved. He added that he was in favor of the project. Mr. Ives agreed.

Ms. Grace stated she was in favor of the project overall but thought the addition would make the area feel closed in. She also requested the removal of some of the hardscape on the east side. Mr. West responded.

Mr. Corey thought the professional did a good job tying the guest house to the main house but added the guest house was far too large. He thought the guest house should read as subservient to the main house. He recommended that the two story building should be redesigned in a one and a half story fashion.

Ms. Shiverick thought the changes proposed were beautiful. She asked if the driveway material would remain concrete. Mr. West stated it would be concrete. She suggested that a brick driveway would look sensational as a brick driveway. She recommend changing the entry courtyard area by adding stepping stones and more green rather than concrete. Mr. Smith stated the courtyard area was existing.

Mr. Sammons was in favor of the project.

Ms. Catlin thought the modifications were warm, inviting and had whimsy and was a great project.

Mr. Floersheimer recommended scaling down the guest house. He thought the guest house was too large for the site.

Mr. Cooney was in favor of the project.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Sammons and seconded by Mr. Garrison to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

XI. **ADDITIONAL COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

At this time, Mr. Cooney expressed reservations for moving into the second day of the agenda. He wanted to make sure that anyone interested in the items on the second day of the agenda had the opportunity to participate. Messrs. Corey, Floersheimer and Ms. Shiverick agreed with Mr. Cooney. A short discussion ensued on this topic.

Clerk's Note: Mr. Small recessed the meeting at 3:45 p.m. and stated that the meeting would resume on Monday, June 1, 2020 at 9:00 a.m.

DAY 2 AGENDA

**JUNE 1, 2020
9:00 A.M.**

I. **CALL TO ORDER**

Mr. Small called the meeting to order at 9:00 a.m. All members participated via GoToWebinar due to the COVID-19 situation.

II. **ROLL CALL**

Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT

Maisie Grace, Member	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Richard Sammons, Member	PRESENT (arrived at 9:10 a.m.)
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Edward A. Cooney, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building

Paul Castro, Zoning Manager

Kelly Churney, Secretary to the Architectural Review Commission

III. **RULES OF ORDER AND PROCEDURE**

Mr. Small announced the rules and procedure that would be taken upon individuals entering Town Hall for their presentation and as well as the procedure that would occur for each presentation.

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman also took care of some housekeeping items.

IV. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath at the beginning of each project.

V. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

VI. **PROJECT REVIEW**

MAJOR PROJECTS – OLD BUSINESS

B-074-2019 Additions & Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 125 Worth Avenue

Applicant: 125 Worth Partners LLC

Professional: Jose Luis Gonzalez Perotti/Portuondo Perotti Architects

Project Description: The project consists of the façade renovation and addition to an existing four-story 1970's building. The fourth-floor structure will be removed and replaced with four new luxury residential apartments, and trellis gardens. The façade will be renovated with new architectural screens, white brick veneer and exposed concrete accents that will enhance the aesthetic of the building for its users and pedestrians alike. The addition component consists of a new one-story commercial structure with a roof top trellised courtyard and a two-story elevator tower.

ZONING INFORMATION: A request for Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth-story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53 feet in lieu of the 49 feet 2 inches existing and the 25-foot maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63 feet 4 inches in lieu of the 53 feet 8 inches existing and the 35-foot maximum allowed by current code. 5. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing air-conditioned floor area of the fourth story to 13,212.9 square-feet from 3,448.75 square-feet existing. An open fourth story trellis of 5,433 square-feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 square-feet in addition to the existing air-conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1-foot 1 inch for portions of the building in lieu of the 5 feet existing and the 5 feet minimum required on the private property. The sidewalk is required to be a minimum of 10 feet wide and this proposal is a minimum of 8 feet 2 inches in the area where the sidewalk is only 1 foot 1 inch wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 66% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.

A motion carried at the December meeting to defer the project to the February 26, 2020 meeting. A motion carried at the February meeting to defer the project to the March 25, 2020 meeting at the request of the attorney. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was deferred to the June 24, 2020 meeting at the Approval of the Agenda, Item VI.

B-069-2019 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 977 South Ocean Boulevard

Applicant: 195 PHESTEN ASSOCIATES, LLC (RUSTY & ASHLEY HOLZER)

Professional: Studio SR Architecture

Project Description: Demolition of existing 1-story wood frame house, and construction of a contemporary 1 & 2-story residence.

ZONING INFORMATION: A request for Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two-story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district (Section 134-840 & 134-893(c)). The following variances are also being requested:

1. Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35-foot minimum required in the R-A Zoning District.
2. Section 134-843(a)(5) and (9): A request for a variance to allow the proposed residence to have a rear setback of 9 feet in lieu of the 15 foot minimum required in the R-A Zoning District which includes the balconies which extend 3 feet from the building in lieu of the 2' foot maximum allowed.
3. Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District.
4. Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25% percent maximum allowed in the R-A Zoning District.
5. Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District.
6. Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house.

At the October 30, 2019 ARCOM meeting, the demolition of the existing home was approved; however, the proposed new home was deferred to the December 13, 2019 meeting with direction to restudy the project per the comments made by the Commission members. A motion carried at the December meeting to defer the project to the January 29, 2020 meeting at the request of the applicant. A motion carried at the January meeting to defer the project to the March 25, 2020 meeting for a significant restudy with consideration of the comments from the Commissioners. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Clerk's note: This project was deferred to the July 29, 2020 meeting at the Approval of the Agenda, Item VI.

MAJOR PROJECTS – NEW BUSINESS

B-014-2020 Additions

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 145 Kings Road

Applicant: Sam Bonomo

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: New Garage 328 square foot addition.

ZONING INFORMATION: 1) Sec. 134-843(8): Request for a variance to allow construction of a 289.15 square foot addition to convert a one car garage to a two-car tandem parked garage that will result in a 1.25 foot east side yard setback In lieu of the 15 foot minimum allowed in the R-A Zoning District. 2) Sec. 134-843(11): Request for a variance to allow construction of a 289.15 square foot addition to convert a one car garage to a two-car tandem parked garage that will result in a lot coverage of 33.2% in lieu of the 30.84% existing and the 25% maximum allowed in the R-A Zoning District. 3. Sec. 134-2171: Request to add onto a one car garage to stack a second vehicle. The code requires the parking to be arranged so that each automobile can be removed without moving another automobile.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Maura Ziska, Attorney for the owner, explained the zoning requests to the Commission and asked for a positive recommendation to the Town Council.

Mr. Castro asked the professional to explain the location of the air conditioning equipment.

Mr. Segraves presented the architectural modifications to add a new garage to an existing residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modification for the existing residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves stated he would agree to the easement.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Mr. Garrison inquired about the construction method for the garage addition with the close proximity of the hedge. Mr. Segraves responded. A short discussion ensued on the topic.

Ms. Grace asked about the letter of concern received from the neighbor. Mr. Segraves stated that the neighbor, Lucinda Stonestrom, wrote a new letter and Ms. Ziska read the letter into the record. Ms. Grace asked about the screening for the air conditioning units. Mr. Segraves responded. A discussion ensued about the air conditioning units.

Mr. Corey thought the new garage worked well with the design. He added that the landscape plan looked very nice. Mr. Corey asked if the owner would let the Sea grape tree grow in the southeast corner.

Mr. Shiverick questioned the style for the garage door and suggested changing the garage door to match the existing garage door.

Ms. Catlin was in favor of the project and thought it enhanced the area. She asked the professional for assurance regarding the maneuverability in the driveway to the garage. Mr. Segraves responded.

Mr. Floersheimer was in favor of the project. He asked for further clarification on the variance requests. Mr. Segraves responded.

Ms. Grace agreed with Ms. Shiverick's suggestion on the garage door. Mr. Segraves explained the reasons for his choice of the garage door style.

Motion made by Mr. Corey and seconded by Mr. Garrison that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously.

A second motion carried by Mr. Corey and seconded by Mr. Garrison to approve the project with the following conditions: that proper vegetative screening be addressed on the east side of the property, the existing hedge is protected and if the existing hedge on the east side has to be removed during construction, a screen will be added before a new hedge is installed. Motion carried 5-2, with Mses. Shiverick and Grace opposed. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

B-023-2020 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW

Address: 150 Worth Ave., Ste. 235

Applicant: Maison (Ashley Wu, Founder)

Professional: Jerome Baumoehl

Project Description: To convert existing covered colonnade roof structure to functional balcony as part of the tenant improvement work for "Maison" Suite 235. The only exterior modification would be to modify one pair of existing fixed French Doors to operable.

ZONING INFORMATION: Section 134-1159 (9): A request for special exception approval to operate a 3,315 square foot shared space and a 680 square foot balcony in suite 235 on the second floor of the Esplanade called "Maison". Maison will be a "member's only" club catering to women (although men are not prohibited) that will offer a shared, co-working place for members to work, relax, attend events, meet and build community. Designed with working moms in mind, the founder Ashley Wu found it hard to work from home "As the workforce goes more remote and people travel to meet clients, and catch up with friends all over the city, a base for gathering in any neighborhood is ideal."· Ashley Wu Section 134-1164(e) and Section 134-1163(8): A request for special exception approval with site plan review to modify the existing arcade by allowing the use

of the existing second story balcony above the arcade. Section 134-1161: A request for special exception approval to allow outdoor seating on the balcony above the arcade to enjoy food and beverages.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Clerk's Note: Mr. Sammons declared a conflict of interest for the project. Mr. Small noted that Ms. Catlin would be voting in his place.

Mr. Baumoehl presented the architectural modifications for the existing commercial building.

Maura Ziska, Attorney for the owner, explained the requests to the Commission.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Several of the commissioners were supportive of the project.

Mr. Corey asked the owner of the building to address the ficus hedge on the southwest of the building. He added that he was in favor of the project.

Mr. Floersheimer asked about the furniture proposed for the space. Mr. Baumoehl responded.

Mr. Small thought the furniture on the balcony would be a distraction. Ms. Grace agreed.

Motion made by Mr. Garrison and seconded by Ms. Shiverick to approve the project as presented. Motion carried 5-2, with Mr. Small and Ms. Grace opposed.

A second motion was made by Mr. Garrison and seconded by Ms. Catlin that the conversion of the architectural arcade to a balcony on the second floor is acceptable as it relates to the architecture of the building. Motion carried 6-1, with Mr. Small opposed.

B-030-2020 New Construction/Renovation

Address: 1350 S. Ocean Blvd.

Applicant: Greene Family Trust (Oren Lieber, Trustee)

Professional: Boyle Architecture PLLC

Project Description: New 1,662 A/C SF tennis pavilion with tennis court, new 1,544 A/C SF carriage house, with 1,326 SF of garage area to match existing main house, renovation of existing boat house, driveway and walkway.

Call for disclosure of ex parte communication: Disclosure by several members.

Bill Boyle, Boyle Architecture PLLC, presented the architectural plans for the new accessory structures.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Boyle stated that the undergrounding has already taken place in the area.

Mr. Garrison confirmed that the new buildings would not be seen from the street. Mr. Boyle confirmed that it would not be seen. Mr. Garrison questioned the height of the carriage house.

Mr. Ives had the same concerns for the height of the carriage house but thought the project was fine.

Ms. Grace thought the carriage house was too tall and that it should be reduced. She thought the view from the west was too busy and it detracted from the view from the water. Mr. Boyle stated that they were proposing to raise the boat house, placing a new roof on the structure along with new impact windows.

Mr. Corey was in favor of the project.

Ms. Shiverick thought the height on the garage structure and tennis pavilion were a bit too tall.

Ms. Catlin and Mr. Floersheimer were in favor of the project.

Steve West, Parker Yannette Design Group, Inc., presented the landscape and hardscape plans proposed for the site.

Mr. Garrison thanked Mr. West for the thorough landscape and hardscape plan.

Ms. Grace inquired if some color could be added to the landscape on South County Road.

Mr. Corey agreed with Mr. Garrison. He suggested adding the native live oaks near the tennis pavilion.

Many of the Commissioners complimented the landscape design and were in favor of the project.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously.

Clerk's note: A short break was taken at 10:26 a.m. The meeting resumed at 10:40 a.m.

B-011-2020 Demolition/New Construction

Address: 217 Sandpiper Dr.

Applicant: Valley Property Management LLC (Philip Cambo)

Professional: Gregory Bonner/B1Architect

Project Description: A new proposed one-story single family residence approximately 5,120 total square feet in a Bermuda architectural style.

A motion carried at the February meeting to approve the demolition request. A second motion carried to defer the project to the March 25, 2020 meeting for a restudy based on the comments from the Commissioners. A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Bonner presented the architectural plans proposed for the new residence.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Bonner stated he would agree to the easement.

Mr. Castro pointed out that a window in the rear gable could not exceed 14 feet. Mr. Bonner stated if it was an issue, he would reduce the window or remove it completely.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the site.

Mr. Garrison thought the changes were an improvement. Mr. Garrison suggested removing the pediment over the rear door as to clean up the elevation and roof design.

Mr. Ives was happy with the changes proposed.

Ms. Grace was in favor with the changes but agreed with Mr. Garrison's suggestion. She also recommended that the overhang on the north side should be widened.

Mr. Corey appreciated the changes with the landscape plan and asked to see a sample of the hardscape materials. Mr. Mizell discussed the material to be used. Mr. Corey suggested moving the Gumbo Limbo away from the home and closer to Sandpiper Drive.

Ms. Shiverick thought the hip roof change was an improvement. She recommended changing the shutter color to reflect two tones lighter. Ms. Shiverick also recommended removing the awnings on the cabana in the rear of the home. She suggested restudying this area of the design. Mr. Bonner stated he would look into the suggestions.

Mr. Sammons stated he was not in favor of the project. He thought the house would be dark and thought the plan should be reworked. He listed his concerns with the project.

Ms. Catlin agreed that the pediment should be removed from the rear of the house. She thought the cabana should be more connected with the home with the shower moved to the outside.

Mr. Small agreed with Mr. Garrison and Ms. Catlin's assessment of the rear pediment and Ms. Catlin's suggestion for the cabana.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Mr. Garrison and seconded by Ms. Shiverick to approve the project with the following conditions: the color of the shutters would be changed to a lighter color, the removal of the pediment on the south elevation (rear) of the residence, to restudy the cabana with the design to return to the June 24, 2020 meeting. Motion carried 6-1, with Mr. Sammons opposed.

B-015-2020 Awnings

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 247 Worth Avenue

Applicant: Jane Holzer

Professional: Keith Spina/Spina O'Rourke

Project Description: Install a combination of new awnings consisting of a fixed awning connecting to the via to the front door of the restaurant and a retractable awning over the outdoor dining area to be used during inclement weather.

ZONING INFORMATION: 1) Sec. 134-1159 (a)(6), Sec. 134-329 and Sec. 134-229: A request to modify the previously approved Special Exception with Site Plan Review to add 51 additional seats to the previously approved 109 seat, 3,590 square foot restaurant ("Le Bilboquet") on both the 1st and 2nd floor in the rear of the via located at 247 Worth Avenue (160 total proposed seats). In addition, to add 594.5 square feet on the back of the building to house a cooler/storage area and elevator and two retractable awnings totaling 512 square feet over the via. There are also two existing permanent awnings that will be replaced with three awnings of the same approximate size.

There is also an existing awning on Worth Avenue that will be replaced with an awning of the same approximate size. There will be new mechanical equipment located on the roof that will be screened. Additionally, the restaurant plans to have background music in the via. 2) Sec. 134-1159 (a) (6), Sec. 134-2176 and Sec. 134-2001: A request for Special Exception with Site Plan Review modification to allow 58 seats to be outside in the via in lieu of the 48 seats previously approved. 3) Sec. 134-1161 (a): A variance to have 58 outdoor seats over the Inside capacity. The Code does not allow outdoor seating above the Indoor capacity of the tenant space. 4) Sec. 134-1163 (7): A variance request to have a rear yard setback of 5.5 feet for the elevator and 2.5 feet for the cooler/storage building in lieu of the 10 foot minimum required In the C-WA Zoning District. 5) Sec. 134-1163(9): A variance request to allow a lot coverage for the elevator, cooler/storage building and retractable awnings of 84.6 % in lieu of the 72.4 % existing and the 35 % maximum allowed in the C-WA Zoning District for a two story building. 6) Sec. 134-1163(11): A request for a landscaped open space to be 3.5 % in lieu of the 4 % existing and the 25 % minimum required in the C-WA Zoning District for a two story building. 7) Sec. 134-2175, Sec. 134-329 and Sec. 134-229: A request for a variance to provide zero (0) on-site parking spaces in lieu of the required 24 parking spaces that would be required under the principle of equivalency for the additional 51 seats being requested and the new elevator and 494 square foot cooler/storage building that is being added. A variance was previously approved to eliminate the requirement of 29 parking spaces.

A motion carried at the March meeting to defer the project to the April 29, 2020 meeting due to the COVID-19 situation. A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Castro explained the Commission's role regarding some of the zoning requests.

Maura Ziska, attorney for the owner, further explained the zoning requests that related to the architecture and advocated for a positive recommendation to the Town Council.

Mr. Spina presented the proposed architectural modifications for the existing commercial building.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the site.

Mr. Garrison thought the landscaping on the rear of the building would be a big improvement.

Ms. Grace agreed and thought the landscaping would be an improvement. Ms. Grace inquired about the possibility of changing the landscaping in the future. Mr. Castro responded. Ms. Grace expressed concern for the retractable awning proposed.

Mr. Corey asked about the landscaping plan proposed that showed the landscaping on the neighboring property. Mr. Mizell responded. Mr. Corey pointed out that if the proposed addition was removed, the landscaping could be installed on the property. Mr. Spina responded. Mr. Castro stated he would require a consent letter

from the property owner to install property on another person's property. Mr. Corey asked why the elevator was not designed within the envelope of the building. Mr. Spina and Ms. Ziska responded. A discussion ensued on this topic.

Mr. Corey inquired about the items included in the previous staff approval that was granted. Mr. Castro responded and discussed the items that were staff approved by the previous Planning and Zoning Director. Mr. Castro added that the approvals still needed zoning approval, which was the reason the project was being presented to the Architectural Review Commission. A discussion ensued on this topic. Mr. Corey asked about the design of the spiral staircase. Mr. Spina responded and stated that the staircase would be reworked to become compliant with the Code. Mr. Corey thought there were many details missing in the presentation and thought the project should be deferred.

Ms. Shiverick expressed concern for the lack of details for the awnings and signage. Mr. Spina stated he did not go into detail because the items were staff approved from the previous Planning and Zoning Director. A discussion ensued on this topic.

Mr. Garrison expressed concern about the signage and questioned why it was staff approved and not sent to the Commission for approval. Many of the commissioners agreed with Mr. Garrison.

Mr. Small agreed with his fellow commissioners and thought the project request should be made clearer. He also thought they Commission should be informed on what was approved and why it was approved without the Commission's approval.

Ms. Catlin thought the lack of details in the presentation were disturbing. She also was uncomfortable with the staff approvals that were granted, without the items being presented to the Commission.

Mr. Floersheimer agreed with the Commissioners on the signage and the awnings. He asked for the details in regard to the awning. Mr. Spina showed the Commission the staff approved awning by Josh Martin, the previous Planning and Zoning Director. A short discussion ensued on this topic.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Mr. Corey listed many other items that lacked details in the presentation.

Clerk's Note: Mr. Sammons declared a conflict of interest for the project. Mr. Small noted that Ms. Catlin would be voting in his place.

Motion made by Mr. Corey and seconded by Ms. Catlin to defer the project for one month, to the June 24, 2020 meeting to return to the Commission with the details requested. Motion carried unanimously.

B-017-2020 Demolition/New Construction

Address: 260 Plantation Rd.

Applicant: FS Partners LLC

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of existing residence, landscape, hardscape and pool. Construction of a new two-story residence, landscape, hardscape and pool.

A motion carried at the April meeting to defer the project to the May 27, 2020 meeting.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Janssen present the architectural plans to demolish the existing home. He then presented the landscape and hardscape demolition plan.

Mr. Garrison inquired about the existing hedge around the property and confirmed that a screening fence with a gate would be placed at the front of the property. Mr. Janssen confirmed his request.

Mr. Small asked if the Owner did voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen stated he would agree to the easement.

Motion made by Mr. Garrison and seconded by Ms. Shiverick to approve the demolition request as presented with the following caveats: The property will be sodded and irrigated within 30 days, all elements on the property are to be maintained prior to demolition, an opaque screening fence will be added to the entire perimeter during demolition and the items remaining after demolition to be maintained until new construction commences, the existing hedge would remain during the demolition and construction and a screen with a gate would be placed across the front of the property. Motion carried unanimously. This application was approved with the condition that the owner voluntarily agreed to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town.

Mr. Janssen presented the architectural plans for the newly proposed residence.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence.

Mr. Garrison inquired about the color proposed for the home. Mr. Janssen showed the Commission a sample of the color samples. Mr. Garrison was in favor of the home.

Mr. Ives thought the roof pitch could be restudied and thought more focus should be brought to the front door. He was thought the home, in general, was nicely designed.

Ms. Grace thought the center portion of the home was too tall. She recommended using wood doors rather than the proposed door with the side lights. She recommended the balcony to be painted in the same color as the shutters.

Mr. Corey suggesting lowering the pitch of the roof. Mr. Janssen responded. A short discussion ensued on the pitch of the roof.

Ms. Shiverick was in favor of the home and landscape designs in general. She recommended using a larger, wood column. She also suggested removing the side lights in the front door entrance. She recommended using a mahogany cap on the top of the railing. She recommended using shutters that had less vertical lines. Mr. Janssen responded.

Mr. Sammons thought the roof pitch was fine. He recommended raising the champs, and questioned the window sizes. Mr. Sammons recommended using conventional framing rather than trusses to bring down the overall height and to bring the roof down further over the windows. Mr. Janssen responded.

Ms. Catlin disagreed with the comments on the front door and was in favor of the door proposed. She thought the construction logistics needed to be changed to use County Road rather than Lake Drive. Mr. Janssen agreed.

Mr. Floersheimer inquired how much of the lot would need to be raised. Mr. Janssen responded. Mr. Floersheimer asked about the neighboring properties and how their finished floor compared. Mr. Hall responded.

Mr. Small shared some of the concerns of the Commissioners.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the project.

Motion made by Ms. Grace and seconded by Ms. Shiverick to defer the project for one month, to the June 24, 2020 meeting, for a restudy based on the comments from the Commissioners. Motion carried 5-2, with Messrs. Sammons and Garrison opposed.

B-029-2020 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 500 South County Road

Applicant: The Everglades Club, Inc. (Scott Lese, General Manager)

Professional: Jason P. Drobot/Brasseur and Drobot Architects, PA

Project Description: This project consists of a 12,000 square foot (60' x 200'), 25' tall metal storage building to be located at a starting point 249'-8" north of the existing Reverse Osmosis Building and running 200' north from that point along South County Road.

ZONING INFORMATION: Section 134-840: A request for special exception with site plan review to allow the construction of a 12,000 square foot (60' x 200'), 25 foot tall metal storage building to be located north of the existing Reverse Osmosis Building and running 200 feet north from that point along South County Road. The following variances are being requested: 1. Section 134-843(5): a 10 foot street side yard setback along South County Road in lieu of the 35 foot minimum required in the R-A Zoning District. 2. Section 134-843(6): an angle of vision of 168.58 degrees in lieu of the 120 degrees maximum allowed. 3. Section 134-843(7): a building height plane setback ranging from 10 feet to 50 feet in lieu of the 50 foot to 52.5 foot minimum setback required.

Clerk's note: This project was withdrawn from the agenda at the Approval of the Agenda, Item VI.

Paul Castro, Zoning Manager, presented the proposed window treatments for Tiffany, while the construction is occurring and asked the Commissioners for their feedback.

Mr. Garrison stated he would be afraid that the approval of the proposed would set a precedence. Mr. Small agreed.

Ms. Grace preferred the black and white screening.

The consensus of the Commissioners was that they preferred the black and white screening and did not want to deviate from what has been approved in the past.

VII. DISCUSSION ITEM

1. Staff approval at 456 S. Ocean Blvd.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Bergman provided some background information on the staff approval process and the ARCOM Project Designation Manual. He then provided an overview of the staff approvals that were granted to the project at 456 S. Ocean Blvd.

Mr. Castro discussed his knowledge about the change in the project and added that he was not aware of the staff approval that occurred in July of 2019.

Mr. Bergman followed up with the Commission and asked them if they thought the ARCOM Project Designation Manual was in need of updates.

Mr. Small asked for public comments. Mr. Falco stated no one requested to speak on the topic.

Mr. Small asked staff to highlight the items that were approved at the staff level compared to what the Commission approved. Mr. Small also inquired about the intent of the decks. Messrs. Bergman and Castro responded.

Mr. Garrison stated the Commission would have never have approved the railings on the parapet roof. He thought the changes were a disgrace.

Mr. Ives was generally in favor of staff approvals for smaller items. He did ask to wait to make any changes to the ARCOM Project Designation Manual until the Commission had a chance to review them. Mr. Ives thought by offering staff approvals to aid as a project evolves was acceptable. However, he stated he would not have approved the changes if the changes had been presented to the Commission.

Ms. Grace inquired how the item was placed on the agenda. Mr. Bergman stated he was asked to place the item on the agenda as a discussion item. Mr. Small stated that the Commission could review the changes but could not take any action unless directed by the Town Council.

Ms. Grace stated she was not in favor of the parapet and would not be in favor of the roof to be used as a sun deck or viewing deck. Mr. Castro weighed in on the ways the deck could be used. A short discussion ensued.

A lengthy discussion ensued about staff approvals in general.

Mr. Corey appreciated this item was added to the agenda for the public to hear the discussion. He also appreciated Mr. Bergman's proposed changes to the ARCOM Project Designation Manual. Ms. Shiverick agreed with the changes to the ARCOM Project Designation Manual.

Mr. Sammons disagreed with the Commission and thought the parapet roof was appropriate. He did not see the harm in having a viewing deck on the roof of this building.

Ms. Catlin agreed with Mr. Sammons on the parapet roof. She also thought reviewing and revising the ARCOM Project Designation Manual was smart and should be done often.

Mr. Cooney stated he had been involved in many staff approvals in his past role as Chairman of the Landmarks Preservation Commission. He stated he was not in favor

of making staff approval more complex. He agreed with Mr. Sammons' statements on the parapet roof.

Mr. Small thought the staff approval by the previous Director of Planning and Zoning, violated the ARCOM Project Designation Manual. Mr. Small stated he felt that the Commission should make a recommendation to the Town Council.

Anne Pepper, 333 Seaspray Avenue, expressed her concern for any allowance of flat roof activities and thought it would set a precedence. She did add that solar panels should be allowed on a flat roof.

Motion made by Mr. Corey and seconded by Mr. Garrison to express a concern for the staff approved changes at 456 S. Ocean Blvd. and asked to refer the matter to the Town Council for possible action or direction. Motion carried 6-1, with Mr. Sammons opposed.

VIII. **STAFF APPROVALS**

There was no further discussion at this time.

IX. **ADDITIONAL COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no communications heard at this time.

X. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT**

Mr. Garrison expressed his concern about attending the next several meetings in person. He thought the current platform worked well and the Commission should continue with this medium. Mr. Corey agreed with Mr. Garrison.

Mr. Floersheimer reminded the Chairman that he would like to understand the process of granting variances and the hardship needed to obtain a variance. Mr. Castro stated the hardship is not in the purview of ARCOM and that the Town Council would make the decisions regarding the variances.

XI. **ADJOURNMENT**

Motion made by Mr. Corey and seconded by Mr. Garrison to adjourn the meeting at 1:18 p.m. Motion carried unanimously.

The next meeting will be held on Wednesday, June 24, 2020 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 35-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for RFQ No. 2020-08, Pre-qualification of Contractors for Minor Construction to the Following Five Firms: Republic Construction Corporation, CRS Associates inc., E & F Florida Enterprises Inc., IQ Construction Inc., and Arch Enterprises Inc.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 35-2020**
- ▣ **Selection Committee Scoring**
- ▣ **Vendor Outreach**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Request for Town Council to Approve Resolution No. 35-2020, approving the Selection Committee Recommendation for RFQ No. 2020-08, Pre-qualification of Contractors for Minor Construction to the following five firms: Republic Construction Corporation, CRS Associates Inc., E & F Florida Enterprises Inc., IQ Construction Inc., and Arch Enterprises Inc.

DATE: 1 June 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 35-2020, approving the Selection Committee Recommendation for RFQ No. 2020-08, Pre-qualification of Contractors for Minor Construction to the following five firms: Republic Construction Corporation, CRS Associates Inc., E & F Florida Enterprises Inc., IQ Construction Inc., and Arch Enterprises Inc.

GENERAL INFORMATION

The contract for minor construction work expires on November 24, 2020. Public Works requested a new solicitation be issued to meet operational needs. Purchasing issued RFQ No. 2020-08 for Pre-qualification of Minor Construction Contractors. A pre-qualification contracts identifies qualified firms to perform work and provides for a streamlined procurement methodology to meet Town requirements.

Purchasing reached out through Demand Star, Public Purchase and the Town E-Bidding Platform, Negometrix to 1,117 potential vendors. The vendor outreach is as follows:

- 85 Direct Outreach by invitation in Negometrix
- 1,032 Broadcast list within Demand Star and Public Purchase based on commodity code listing

Twenty-six vendors engaged in the solicitation. Eight firms actually submitted their qualifications. The Selection Committee evaluated the qualifications on:

- Experience of Firm

- Past Performance
- Experience/Ability of Personnel
- Financial Information
- Other

The Selection Committee consisted of:

- Jason Debrincat - voting
- Paul Colby - voting
- Amy Wood – voting
- Mark Decosta – non-voting
- Warren Golde - non-voting

The Selection Committee recommended the following firms to be prequalified to provide minor construction contractors:

- Republic Construction Corporation
- CRS Associates Inc.
- E & F Florida Enterprises, Inc.
- IQ Construction, Inc.
- Arch Enterprises, Inc.

FUNDING/FISCAL IMPACT

This is a pre-qualification contract. Funding requests are only associated once a formal solicitation is recommended to award for a particular project/bid.

PUBLIC WORKS DEPARTMENT REVIEW

This item has been reviewed by the Public Works Department and they are in concurrence.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Paul Brazil, Public Works Director
Paul Colby, Facilities Manager
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 35-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE SELECTION COMMITTEE
RECOMMENDATION FOR RFQ NO. 2020-08, PRE-
QUALIFICATION OF CONTRACTORS FOR MINOR
CONSTRUCTION TO THE FOLLOWING FIVE FIRMS:
REPUBLIC CONSTRUCTION CORPORATION, CRS
ASSOCIATES INC, E&F FLORIDA ENTERPRISES INC., IQ
CONSTRUCTION INC., AND ARCH ENTERPRISES INC.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 35-2020. Approving the Selection Committee Recommendation for RFQ No. 2020-08, Pre-qualification of Contractors for Minor Construction to the following five firms: Republic Construction Corporation, CRS Associates Inc., E & F Florida Enterprises Inc., IQ Construction Inc., and Arch Enterprises Inc.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of June, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle Gordon, Acting Town Clerk

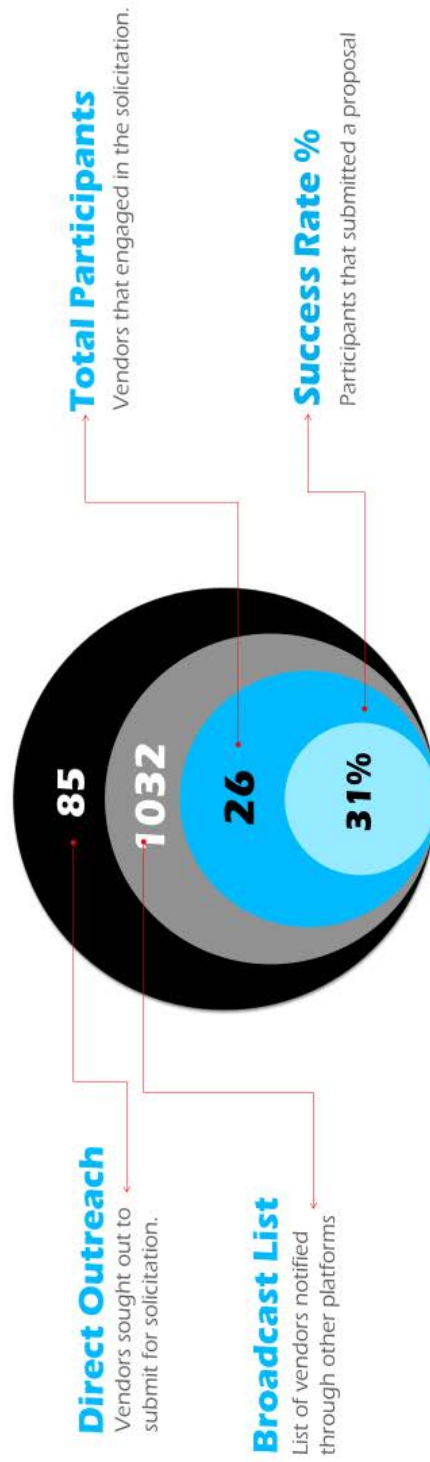


TOWN OF PALM BEACH

RFQ No. 2020-08 - Prequalification of Minor Construction Contractors

Republic Construction Corp									
Evaluation Criteria		%	Paul Colby		Jason Debrincat		Amy Wood		Total
			Rating	Totals	Rating	Totals	Rating	Totals	
1	EXPERIENCE OF FIRM - 30%	30%	4.500	1.350	4.500	1.350	4.500	1.350	1.350
	PAST PERFORMANCE - 20%	20%	4.500	0.900	4.500	0.900	4.500	0.900	0.900
	EXPERIENCE OF PERSONNEL/ABILITY - 30%	30%	4.500	1.350	4.500	1.350	4.500	1.350	1.350
	FINANCIAL INFORMATION - 15%	15%	3.000	0.450	3.000	0.450	3.000	0.450	0.450
OTHER - 5%		5%	3.000	0.150	5.000	0.250	3.000	0.150	0.183
TOTAL									
CRS Associates Inc									
Evaluation Criteria		%	Paul Colby		Jason Debrincat		Amy Wood		Total
			Rating	Totals	Rating	Totals	Rating	Totals	
2	EXPERIENCE OF FIRM - 30%	30%	4.000	1.200	4.500	1.350	3.000	0.900	1.150
	PAST PERFORMANCE - 20%	20%	4.000	0.800	4.500	0.900	3.000	0.600	0.767
	EXPERIENCE OF PERSONNEL/ABILITY - 30%	30%	4.000	1.200	4.500	1.350	4.000	1.200	1.250
	FINANCIAL INFORMATION - 15%	15%	4.500	0.675	4.500	0.675	4.500	0.675	0.675
OTHER - 5%		5%	3.000	0.150	5.000	0.250	5.000	0.250	0.217
TOTAL									
E & F Florida Enterprises Inc.									
Evaluation Criteria		%	Paul Colby		Jason Debrincat		Amy Wood		Total
			Rating	Totals	Rating	Totals	Rating	Totals	
3	EXPERIENCE OF FIRM - 30%	30%	3.000	0.900	2.000	0.600	4.000	1.200	0.900
	PAST PERFORMANCE - 20%	20%	2.500	0.500	1.000	0.200	4.000	0.800	0.500
	EXPERIENCE OF PERSONNEL/ABILITY - 30%	30%	3.000	0.900	1.500	0.450	3.500	1.050	0.800
	FINANCIAL INFORMATION - 15%	15%	3.000	0.450	3.000	0.450	3.000	0.450	0.450
OTHER - 5%		5%	3.000	0.150	4.000	0.200	5.000	0.250	0.200
TOTAL									
IQ Construction, Inc.									
Evaluation Criteria		%	Paul Colby		Jason Debrincat		Amy Wood		Total
			Rating	Totals	Rating	Totals	Rating	Totals	
4	EXPERIENCE OF FIRM - 30%	30%	2.500	0.750	2.500	0.750	2.500	0.750	0.750
	PAST PERFORMANCE - 20%	20%	2.000	0.400	2.500	0.500	3.000	0.600	0.500
	EXPERIENCE OF PERSONNEL/ABILITY - 30%	30%	2.500	0.750	2.500	0.750	3.000	0.900	0.800
	FINANCIAL INFORMATION - 15%	15%	3.500	0.525	3.500	0.525	3.500	0.525	0.525
OTHER - 5%		5%	3.000	0.150	5.000	0.250	5.000	0.250	0.217
TOTAL									
Arch Enterprises Inc									
Evaluation Criteria		%	Paul Colby		Jason Debrincat		Amy Wood		Total
			Rating	Totals	Rating	Totals	Rating	Totals	
5	EXPERIENCE OF FIRM - 30%	30%	3.000	0.900	3.000	0.900	1.000	0.300	0.700
	PAST PERFORMANCE - 20%	20%	3.000	0.600	3.000	0.600	2.000	0.400	0.533
	EXPERIENCE OF PERSONNEL/ABILITY - 30%	30%	3.000	0.900	3.000	0.900	1.000	0.300	0.700
	FINANCIAL INFORMATION - 15%	15%	1.000	0.150	1.000	0.150	1.000	0.150	0.150
OTHER - 5%		5%	3.000	0.150	5.000	0.250	5.000	0.250	0.217
TOTAL									
TOTAL									

Vendor Outreach



1117 Total Vendors Reached

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 37-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Spur Employment Inc., in the Amount of \$123,575 for the Remainder of FY20, and an Increase to the Remaining Four Years of the Contract in the Amount of \$494,300 Contingent Upon Subsequent Need for Services, Budget Approval and Satisfactory Vendor Performance.

Presenter

Dean Mealy, Purchasing Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2020, from Dean Mealy, Purchasing Manager**
- ▣ **Resolution No. 37-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA Finance Director

FROM: Dean Mealy, CPPO Town Purchasing Manager

RE: Request for Town Council to Approve Resolution No. 37-2020, authorizing a change order to Spur Employment Temporary Staffing Services in the amount of \$123,575 for the remainder of FY20, and an increase to the remaining four years of the contract in the amount of \$494,300, contingent upon subsequent need for services and budget approval, in addition to satisfactory vendor performance, **Resolution No. 37-2020**

DATE: 1 June 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 37-2020, authorizing a change order to Spur Employment Temporary Staffing Services in the amount of \$123,575 for the remainder of FY20, and an increase to the remaining four years of the contract in the amount of \$494,300, contingent upon subsequent need for services and budget approval, in addition to satisfactory vendor performance.

GENERAL INFORMATION

Town Council approved Resolution No. 93-2019 on September 10, 2019 for the Award of Bid No. 2019-26, Temporary Staffing Services primarily for Recreation to Spur Employment Inc. as the primary vendor. The contract award was for five years based on budget approval and subsequent satisfactory vendor performance.

When the contract was bid, the Police Department did not have a requirement for the services. In early November 2019, Police made a business decision to pilot Parking Enforcement utilizing the awarded contract to Spur Employment, Inc.

The Police Department has continued to utilize the services of contracted temporary staffing company for parking enforcement. There has also been discussion about hiring additional positions to support the police fleet utilizing the temporary staffing contract.

The requested change order in the amount of \$123,575 will address all requested services by the Police Department.

FUNDING/FISCAL IMPACT

Funding for the Change Order will be from account 001.45.430.521.30.34.10. The funding is offset by vacant positions.

POLICE DEPARTMENT REVIEW

This item has been reviewed by the Police Department and they are in concurrence.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

cc: Nicolas Caristo, Police Chief
Will Rothrock, LT, Police Operations
Lisa Gorman, Police Planner
Duke Basha, Assistant Purchasing Manager

RESOLUTION NO. 37-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER TO SPUR EMPLOYMENT
INC., IN THE AMOUNT OF \$123,575 FOR THE REMAINDER OF
FY20, AND AN INCREASE TO THE REMAINING FOUR YEARS
OF THE CONTRACT IN THE AMOUNT OF \$494,300
CONTINGENT UPON SUBSEQUENT NEED FOR SERVICES,
BUDGET APPROVAL AND SATISFACTORY VENDOR
PERFORMANCE.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 37-2020, authorizing a change order to Spur Employment Inc. in the amount of \$123,575 for the remainder of FY20, and an increase to the remaining four years of the contract in the amount of \$494,300, contingent upon subsequent need for services and budget approval, in addition to satisfactory vendor performance.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of June, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle Gordon, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 38-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Town Marina Deposit Rates For Annual And Seasonal Leases To Commence In Fall 2021.

Presenter

Carolyn Stone, Director of Business Development and Operations

ATTACHMENTS:

- ▣ **Memorandum Dated May 26, 2020, from Carolyn Stone, Director of Business Development and Operations**
- ▣ **Resolution No. 38-2020**
- ▣ **Dockage Deposit Application**

TOWN OF PALM BEACH

Information for Town Council Meeting on June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Carolyn Stone, Director of Business Development and Operations

RE: A resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, establishing Town Marina deposit fees and policies for annual and seasonal leases to commence in Fall 2021. - **Resolution No. 38-2020**

DATE: May 26, 2020

STAFF RECOMMENDATION

Staff recommends Town Council approval of Resolution No. 38-2020 which establishes deposit amounts for the new Town of Palm Beach Marina. The deposit application is included for Town Council review. Staff recommends initiating the deposit program upon the approval of the deposit amounts.

GENERAL INFORMATION

Town Marina construction began on May 1, 2020 with an anticipated completion of Fall 2021. Staff wants to create an opportunity for previous marina leaseholders and new customers to reserve a slip before the new rates are presented and adopted by Town Council which is anticipated to occur in January 2021. The deposit policy will allow for a full refund of the deposit prior to Town Council's final rate approval. Once the rates are established; however, depositors will have 30 days to request a refund. After that date, all deposits are 50% refundable up to 90 days before the start of the lease. Within 90 days prior to the start of the lease, deposits become non-refundable and dockage must be paid in full by the start date of the lease. No refunds on early departures or late arrivals. Deposit amounts represent approximately 10% of the annual lease amount by slip length.

FISCAL IMPACT

The Finance Department has recommended establishing an 'escrow fund' to place the deposits until they are either refunded to the customer or applied to their lease.

TOWN ATTORNEY REVIEW

This resolution is in a format utilized by the Town in previous recommendations and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
John Randolph, Town Attorney
Jane Le Clainche, CPA Finance Director
Mike Horn, Dockmaster

RESOLUTION NO. 38--2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING
TOWN MARINA DEPOSIT RATES FOR ANNUAL AND SEASONAL
LEASES TO COMMENCE IN FALL 2021**

WHEREAS, the Town of Palm Beach is constructing a new marina with an anticipated opening of September, 2021; and

WHEREAS, there is a demand for previous customers to secure their slip in the new marina in 2020 and 2021; and

WHEREAS, staff needs to create an opportunity for new customers to secure a slip in the new marina prior to the slip lease rates being established in early 2021.

Now, therefore, be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The attached deposit application and deposit amounts are incorporated by reference as part of the resolution is hereby adopted.

Section 2: The Finance Director will establish an escrow account to hold funds until they may be applied to the executed lease or refunded.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of June, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle Gordon, Acting Town Clerk



TOWN OF PALM BEACH

Town Marina

Deposit Application

For the 2022 annual and seasonal leases, the deposit will be 100% refundable prior to Town Council approval of the dockage rates (anticipated date of approval January 2021). The potential lease holder must contact the Town of Palm Beach Marina within 30 days of the rate being approved by the Town Council and published to the Town's website to request a 100% refund.

All deposits are 50% refundable up to 90 days prior to the start of the lease. At 90 days prior to the start date of the lease, the deposit is nonrefundable and dockage must be guaranteed by the start date of the lease. No refunds on early departures or late arrivals.

Mail check with application to Palm Beach Town Marina, PO Box 2029, Palm Beach, FL 33480

Applicant Information:

Owners Name: _____

Address: _____

Phone Number: _____

Email: _____

Vessel Information:

Name of Vessel: _____

Type of Vessel: _____

LOA: _____ Draft: _____ Beam: _____ Shore Power: _____

Lease Terms:

Annual Lease, December 1, 2021 through November 30, 2022: _____

Seasonal Lease, November 1, 2021 through April 20, 2022: _____

Deposit Amounts:

Slip size 90' and less	\$5,000.00
Slip size 105'-130'	\$10,000.00
Slip size 145' – 150'	\$15,000.00
Slip size 200' +	\$25,000.00

P.O. Box 2029 • 500 Australian Avenue Docks • Palm Beach, Florida 33480
Telephone (561) 838-5463 • Facsimile (561) 838-5499

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 39-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$120,047 to Coastal Eco-Group, Inc., for the 2020 Annual FDEP BMA Cell-Wide Biological Monitoring, and Establishing a Cell-Wide Biological Monitoring Phase Budget of \$130,000.

Presenter

H. Paul Brazil, P.E., Director of Public Works

ATTACHMENTS:

- ▣ **Memorandum dated May 21, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 39-2020**
- ▣ **Coastal Eco-Group, Inc. Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Approve a Purchase Order for 2020 FDEP BMA Cell-Wide Biological
Monitoring Fieldwork
Resolution No. 39-2020

DATE: May 21, 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 39-2020 approving a purchase order to Coastal Eco-Group, Inc. (CEG), in the amount of \$120,047 to complete the State of Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA) required annual 2020 Palm Beach Island Cell-Wide Biological Monitoring fieldwork, and establishing a biological monitoring fieldwork phase budget of \$130,000.

GENERAL INFORMATION

Coastal Eco-Group, Inc. (CEG), and their sub-consultant, Tetra Tech, Inc., have together performed the majority of the biological monitoring for the Town since 2009. These two (2) firms worked together with FDEP and the BMA participants to develop a biological monitoring program for the BMA that was acceptable to all applicable parties.

The CEG comprehensive scope of work dated May 18, 2020, includes tasks that are required to meet regulatory obligations under the BMA. These tasks include nearshore environmental resources mapping, and both benthic and sedimentation analyses. These activities will be performed within a 90-day extension granted to the contractor by the Town's Purchasing Division in order to complete the required fieldwork under the professional services agreement from RFQ 2014-03. Authorizations for reporting expenditures will occur following the ongoing solicitation for Marine Resource Assessment & Monitoring continuing services (RFQ 2020-15).

Staff is working with FDEP staff to identify any potential State cost-sharing for this regionally beneficial work effort. The Town has been successful in previous years with obtaining State cost-sharing for annual required biological monitoring work.

FUNDING/FISCAL IMPACT

The Coastal Protection Fund includes sufficient funds to accomplish CEG's May 18, 2020 annual BMA required scope of work proposal.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended. Purchasing is currently soliciting a new contract for this commodity as a re-bid.

TOWN ATTORNEY REVIEW

This proposed Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jane Le Clainche, Director of Finance
Robert Weber, Coastal Program Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 39-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$120,047 TO COASTAL ECO-GROUP, INC., FOR THE 2020 ANNUAL FDEP BMA CELL-WIDE BIOLOGICAL MONITORING, AND ESTABLISHING A CELL-WIDE BIOLOGICAL MONITORING PHASE BUDGET OF \$130,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Coastal Eco-Group, Inc. (CEG), in the amount of \$120,047 for the 2020 annual FDEP BMA Cell-wide Biological Monitoring fieldwork, and establishes a cell-wide biological monitoring fieldwork phase budget of \$130,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of June 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk



Coastal Eco-Group, Inc.

665 SE 10th St. Suite 104
Deerfield Beach, FL 33441
(954)591.1219 Phone • (954)653-2981 Fax
www.coastaleco-group.com

May 18, 2020

Mr. Robert Weber, Coastal Program Manager
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Proposal for the 2020 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and Diver Edge Mapping

Dear Mr. Weber:

Coastal Eco-Group is pleased to provide the Town of Palm Beach with the following proposal for the 2020 hardbottom field surveys required for the Florida Department of Environmental Protection (FDEP) Beach Management Agreement (BMA). This proposal is being submitted to the Town on a Time and Materials – Not to Exceed basis for the services as described herein using our approved 2019 rates. The scope and cost estimate contained herein have been collaboratively developed by professionals from the Coastal Eco-Group team. Teaming partners include Tetra Tech, Inc., and Nova Southeastern University. Ms. Cheryl Miller will serve as Project Manager and Principal Scientist for this effort.

This proposal is for the field survey requirements of the 2020 annual survey of the BMA and immediate post-construction survey for the 2020 Mid-Town Beach Nourishment Project. Mid-Town is the only project with project monitoring for regulatory assurance in the BMA. The specific scope of work to be implemented is described in the BMA, Appendix B– Cell-Wide Monitoring and Mitigation Plans. Language repeated directly from the BMA is shown in italics below.

Nearshore Hardbottom Edge Mapping Survey (FDEP control monuments R-76 to R-151)

The nearshore hardbottom edge (western border of exposed hardbottom areas), or the position of the landward most visible border between sand and hardbottom defined by emergent biota, as well as the relief characteristics of the edge, will be mapped by a diver swimming with a differential global positioning system (DGPS). The diver shall tow a radio telemetry buoy with a DGPS antenna mounted on it. The buoy shall be on the shortest possible tether, such that the buoy is directly over the diver. The positioning system is a survey-grade DGPS which transmits continuous positions to ArcGIS software on board the survey vessel with correction from a U.S. Coast Guard Navigational Beacon. The locator automatically acquires and simultaneously tracks GPS satellites and precisely measures code phase and Doppler phase shifts and then computes time, latitude, longitude, height, and velocity once per second. The positioning data is tracked using the positioning program. All data obtained are recorded on the computer's hard disk and

copied to external storage at the end of each day.

The nearshore hardbottom edge is located in the intertidal/subtidal zone in Reaches 7 through 10 and portions of Reach 2. Due to the shallow water depths of these features, the nearshore edge in these areas will be mapped by qualified biologists using a handheld Trimble Geo 7x DGPS (or comparable) system. The field team will carry the Trimble unit as they walk/swim around the hardbottom feature at the sand/rock interface. The Trimble Geo 7x shall collect data every second during the edge mapping.

Mid-Town Regulatory Transects and BMA Transect Field Survey

Table 1 provides a list of the regulatory Mid-Town transects with transect lengths from the 2014 survey, and Table 2 provides the Mid-Town sediment transects. Table 3 lists the BMA transects and Mid-Town BMA extensions to be surveyed in 2020. If exposed hardbottom is observed seaward of the BMA transects listed in Table 3 during the 2020 survey, the transects will be extended to the length of exposed hardbottom, and sediment depth/line intercept monitoring shall be performed across the full cross-shore extent at the time of the 2019 survey. The seaward end of exposure in 202p will be marked with a 6-inch PK nail, and DGPS coordinates will be recorded.

Table 1. Town of Palm Beach Mid-Town Regulatory Transects

Transect	Transect length (m)	Pre-Construction Survey
R-90	200	12/16/2014
R-91	200	12/16/2014
R-92	200	12/15/2014
R-93	200	12/15/2014
R-95 Breaker's (Artificial)	185	12/17/2014
R-97	75.2	12/15/2014
R-98	94	12/15/2014
R-99	95	12/16/2014
R-100	117	12/16/2014
R-101	107.3	12/16/2014

BMA ENVIRONMENTAL MONITORING SURVEY METHODS

Transect Survey Methodology

During the monitoring event, the transect shall be set up (plotted) by a diver extending a measuring tape the distance of the transect, with each end secured to the end of the transect by a permanent pin. Sediment measurements shall be made, a video survey shall be conducted, and benthic quadrat sampling shall occur along the transect to measure the types and distribution of the benthic communities, as well as the relief and sedimentation features of the hardbottom. The sediment measurements shall be the first data collection event to occur following set up of the transect in order to have the least sediment disturbance. Video data and benthic quadrat surveys will follow sediment measurements. Transects include all data collections listed below, unless specified to be "sedimentation only" transects. If "sedimentation only" transects are specified, only that protocol shall be utilized.

Table 2. Town of Palm Beach Mid-Town Sediment Transects

Transect	Length of Transect (m)	Pin Locations	Sand Trough Locations
T14	200	0m (EB), 10m (EB), 50m (SR), 100m (EB), 145m (SR), 188m (SR), 200m (LR)	148 m - 188 m
T13	200	0m (LR), 70m (LR), 100m (EB), 140m (SR), 200m(LR)	150 m - 190 m
T9	194	0m (LR), 20m (SR), 50m (SR), 77m (SR), 177m (SR), 194m (LR)	80 m - 170 m
T8	56	0m (LR), 10m (LR), 56m (LR)	-
T7	62	0m (LR), 12m (LR), 48m (SR), 62m (LR)	-
T6	83	0m (LR), 12m (LR), 50m (SR), 83m (LR)	-
T5	78	0m (LR), 10m (LR), 50m (SR), 78m (LR)	-
T4	90	0m (LR), 10m (LR), 50m (SR), 90m (LR)	-

Table 3. BMA Transects, Offshore Stations, and Mid-Town BMA extensions

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-80.5	150	6/22/2015	8/13/2015
R-83	156.8	6/22/2015	7/16/2015
R-88	172	10/30/2014	12/17/2014
R-90 ext.	82	10/20/2014	12/16/2014
R-91 ext.	108	10/3/2014	12/16/2014
R-92 ext.	125.6	10/17/2014	12/15/2014
Station R-92	22	6/22/2015	7/16/2015
R-93 ext.	3	10/17/2014	12/15/2014
R-94	281	10/29/2014	12/17/2014
Station R-94	22	6/22/2015	7/16/2015
R-95 Breaker's Natural	60	10/22/2014	12/17/2014
R-103	151	10/29/2014	12/17/2014
R-113	2.2	10/30/2014	12/18/2014
R-115	15.5	10/30/2014	12/18/2014
R-116	29.5	10/30/2014	12/18/2014
R-132	117	10/30/2014	12/18/2014
R-133	143	10/30/2014	12/18/2014
R-136	137	6/19/2015	7/16/2015
R-139	67	6/19/2015	7/16/2015
R-142	125.5	6/19/2015	7/15/2015
R-145	157.4	6/19/2015	7/15/2015

Sediment Measurements: Line Intercept and Sediment Depth Measurements.

In order to track changes in sediment cover over and across the hardbottom within the cell, line intercept and sediment depth measurements will be conducted along each transect. These surveys shall be conducted first, after the transect is set up, in order to measure undisturbed sediments. These surveys provide documentation of sediment cover and movement over the hardbottom, as well as information about where sediment accumulation is occurring over hardbottom.

- i. *Interval sediment depth measurements document sediment movement and dynamics within each transect. Sediment depth shall be measured and recorded to the nearest centimeter, at every other meter mark (0m, 2m, 4m, etc.). For the measurement, a stainless-steel ruler, graduated in centimeters (0 cm to 30 cm), shall be pressed through the sediments until the ruler reaches surface of hard substrate or totally immersed in sand. Sand thickness of less than 0.5 cm will be recorded as 0, more than 0.5 cm but equal or less than 1 cm will be recorded as 1cm, etc. Measurements greater than 30 cm will be recorded as >30 cm. Measurements shall follow the entire length of the transect excluding sand patches over 0.5m that would be recorded in the line intercept survey, as described below. Measurements would be recorded in a table printed in waterproof paper, labeled in 2m increments with the transect number. For reporting purposes, results will be summarized in a Microsoft Excel format spreadsheet. Annual reports shall include average sediment depths for each transect, the entire monitoring area, and for zones 0-30m; 30m-60m; 60m- 100m; and 100m -150 (200) m, or more detailed if necessary.*
- ii. *The line-intercept survey would be used to document larger areas of uninterrupted sand (patches and troughs over 0.5m measured width along the transect). Sediment dynamics within the monitoring area are characterized by changes in dimensions of such sand patches. The western and eastern edge of each sand patch/trough will be recorded during the line-intercept survey.*

Sediment depth will be measured at one point, in the middle of the patch, if the patch is 0.5 m to 1.5 meters wide, and at three points if the patch width is over 1.5 m (0.5m from each edge into the patch and in the middle of the patch). For reporting purposes, patches will be graphically displayed in a bar graph of each transect for the comparison of their dynamics over time.

Video Surveys of Transects

The video survey of the transect serves as an archived data set for reference or resolution of unclear data from the quadrat and sediment surveys. As mentioned above and prior to the survey, a measuring tape should be extended along the length of the transect, in order to clearly mark the location along the transect in meters for accurate video reference. The video of hardbottom along each transect will be taken using a digital camera, with the videographer swimming at a rate no faster than five (5) meters per minute, and holding the camera at a height of forty (40) centimeters above the hardbottom. A convergent laser guidance system shall be utilized to indicate the precise height of the camera at 40 cm from the bottom. Prior to commencement and at the end of each transect line documentation, an underwater display containing the transect number, depth, and date will be videotaped and integrated directly onto the digital video record; additionally, a 360° panoramic view will be recorded both at the beginning and at the end of each transect from the elevation of about 1m above bottom and at

the angle about 30° to the horizon. Geographic Positioning System (GPS) navigational coordinates (Florida State Plane Coordinate System, East Zone NAD 83) of the video transect locations will be overlaid on recent aerial photography and included in the project monitoring reports.

Quadrat Data Collection Along Transects

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples quadrat areas of habitat at certain points along a transect*. The intent of the sampling is to sample the same quadrat areas in each annual survey to be able to document changes in communities over time.

The northeast corner of the quadrat will align with a particular meter mark of transect, and a nail will be installed to mark the location of this meter mark, in order to facilitate repeat sampling of the same quadrat in successive surveys. Quadrats shall be plotted avoiding areas of sand cover. Enough quadrats must be used to sample a 10 m² sampling area for each 150 meters of transect. Quadrats 1.0 m² or 0.5m² in size can be used to sample the hardbottom community along each transect to make at least 10 m² sampling area per transect** (if the larger quadrat sizes are selected, fewer samples will be required). Quadrats will be distributed along the transect to have at least 2.5m² to 3.5m² sampling area (enough to characterize) for the following zones 0-30m; 30m-60m; 60m- 100m; 100m to 150m (or up to200m if longer) and 200m- 300m (or up to 400m if longer).

Quadrat monitoring includes the following measurements:

- i. Hardbottom relief measurements;
- ii. Species documentation (this shall include functional groups including algae and benthic sessile organisms, % cover of these groups if >1%, and octocorals and stony coral specific measurements);
- iii. Sediment depth; and
- iv. Percent cover by sediments

Datasheets will have a standardized layout similar to that used in BEAMR (Baron and Lybolt, 2006), and will simplify data collection and entry for statistical treatment.

Visual estimates of percent cover of all sessile benthos shall be pooled to 15 major functional groups. Functional groups are: sediments*, macroalgae**, turf algae***, encrusting red algae****, sponges, hydroids, octocorals, scleractinian corals, tunicates, bare hard substrate, zoanths, hydrocorals *Millepora* sp., sessile worms (including wormrock, *Phragmatopoma* spp.), bivalves, and bryozoans. Each functional group is given a percent cover value (0-100%, with a minimum of 1%; if less than 1%, the functional group or a species is simply listed) and the total cover of all functional groups is 100%. The macroalgae percent cover will be characterized by total cover, and percent cover by the dominant macroalgae (if a particular species/genus has >5% cover). All other macroalgae will be also identified at least to the genus level and listed. The quadrat in situ method is limited to organisms that can be visually recorded and identified in the field, similarly to all other non-invasive and non-consumptive methods of sampling.

Each colony of octocoral and scleractinian coral will be identified, as well as the maximum height for octocorals, and the width for scleractinian corals will be measured to the nearest centimeter. The smallest size recorded is one (1) centimeter; for colonies less than one (1) centimeter the record would be <1cm. Octocorals will be identified to at least the genus level, and scleractinian corals will be identified to the species level. Abnormal conditions of each colony will be recorded (e.g., bleaching, disease, predation, etc.).

In addition to the species being recorded within the quadrats, all species of benthic invertebrates (identified to at least genus level) will be recorded within a 1 meter belt.

** Sediments characterized by circling of the descriptor, or giving short additional characterization (e.g., rubble, or circled descriptor sand and then + shell hash, etc.)*

*** Macroalgae include fleshy macroalgae and geniculate calcareous algae, e.g. Halimeda); non-geniculate calcareous branching red algae write separately*

**** Turf algae include all algae with thallium less than 10mm and forming dense cover*

***** Encrusting red algae recorded separately for non-calcareous and calcareous (% + %)*

The commencement dates of the surveys will be reported to the FDEP approximately 7 days prior to beginning the work effort, and the FDEP will be notified of survey completion. Following data collection, all field sheets will be checked for completeness and accuracy, and all edge mapping files will be displayed in GIS and reviewed to ensure that there are no data gaps. All field sheets will be scanned to PDF for submittal to the Department with the data deliverable for the survey. All photos and videos will be downloaded, reviewed, and labeled by date/location. All data will then be saved onto an external hard drive for submittal to the Town.

The total estimated cost of this proposal is **\$120,047** and is submitted on a Time & Materials – Not to Exceed basis.

Thank you for the opportunity to work with the Town of Palm Beach. Please contact me at 954-591-1219 or via email at cmiller@coastaleco-group.com if you have any questions regarding this proposal.

Sincerely,



Cheryl L. Miller

President, Principal Scientist
Coastal Eco-Group, Inc.

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 40-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the De-Designation of the Historic/Specimen Tree from the Property at 1 Via Sunny within the Town of Palm Beach. Providing for the Recording of Said Removal and De-Designation; and Providing that a Copy of this Resolution be Recorded in the Public Records of Palm Beach County, Florida.

Presenter

H. Paul Brazil, P.E., Director of Public Works

ATTACHMENTS:

- ▣ **Memorandum dated May 18, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 40-2020**
- ▣ **Attachment - Resolution No. 39-99**
- ▣ **Code Enforcement Agenda/Minutes - October 19, 2019**
- ▣ **Town Arborist Inspection Report**
- ▣ **Photographs**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: De-designate Historic/Specimen Tree - Ordinance No. 126-58
Resolution No. 40-2020

DATE: May 18, 2020

STAFF RECOMMENDATION

Town staff requests the Town Council to review the summary below which is provided for informational purposes, and request that Town Council approve Resolution No. 40-2020 and the de-designation of Historic/Specimen (H/S) tree as described below.

GENERAL INFORMATION

The Town of Palm Beach Public Works Department administers the Historic/Specimen Tree Program for the Garden Club of Palm Beach. There are currently one hundred and seven (107) trees on the island that have been designated as H/S trees. These trees are inspected annually by the Town Arborist and are registered to the property by the Palm Beach County Clerk of Courts.

At the time of the annual inspection by the Town Arborist, the trees are evaluated to determine if they are of suitable quality and condition to remain as an H/S. During this year's annual H/S inspections, the Town Arborist reported the Lancepod Tree (*Lonchocarpus Violanceus*) located at 1 Via Sunny at the extreme N.W. corner of the property (15'-0" south of north property line and 12'-0" east of the west property line), has been completely removed and the area sodded over. Designation of this tree was awarded at the December 14, 1999 Town Council meeting as Resolution No. 39-99 (attached). Staff reached out to the property manager several times to discuss this matter, but has not been provided an explanation as to why the H/S was removed.

On Friday, September 27, 2019, the Town opened a Code Enforcement case against this property, (*Case Number: CE 19-1173, 1 Via Sunny, Sunny – Resident: Sessa*). This matter was brought to the Code Enforcement Board meeting on October 17, 2019 which was attended by Paul Colby, Public Works Facilities Maintenance Division Manager, and Richard Maxwell, Town Arborist. Upon completion of this agenda item, the Code Enforcement Board issued a \$150 administration fee to the homeowner indicating they have been given two (2) months to come into compliance with Ordinance Number 126-58 "*Damaging, destroying without permission, trimming without*

permission". This case will be brought back before the Code Enforcement Board during their January 14, 2020 meeting. The resident agreed to replace the trees but found the replacements difficult to locate. Based on this information, the Town asked the case be postponed from the January 14, 2020 meeting to the February 20, 2020, and subsequently granted a postponement until March Code Board Hearing to allow the resident time to locate suitable replacement trees.

Replacements were located, inspected by the Town Arborist, and purchased by the resident. The Town Arborist, and the resident, located acceptable planting sites on their property for both of the replacement trees. Per the Town's Ordinance Sec. 126-58, *"One of the two replacement trees shall be planted in the same location as the damaged or destroyed tree"* due to existing mature plantings at this location, and alternate location was sought and approved by both the resident and the Town. Furthermore, the resident requested that the second tree be donated to The Garden Club of Palm Beach to be planted at a location deemed acceptable by The Garden Club and the Town. Both The Garden Club and the Town accepted the donation from the resident.

Although the March hearing was cancelled, due to COVID-19, 1 Via Sunny came into compliance on April 1, 2020 and the case was closed.

FUNDING/FISCAL IMPACT

There is no Town funding/fiscal impact for this Resolution.

TOWN ATTORNEY REVIEW

This format has been utilized by the Town in previous recommendations and was approved by the Town Attorney.

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Paul Colby, Facilities Maintenance Division Manager
Mary Presley, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

RESOLUTION NO. 40-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE DE-DESIGNATION OF THE HISTORIC/SPECIMEN TREE FROM THE PROPERTY AT 1 VIA SUNNY WITHIN THE TOWN OF PALM BEACH. PROVIDING FOR THE RECORDING OF SAID REMOVAL AND DE-DESIGNATION; AND PROVIDING THAT A COPY OF THIS RESOLUTION BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

* * * *

WHEREAS, pursuant to Section 126-57 and Section 126-59 of the Town Code of Ordinances relating to preservation of historic/specimen trees, procedures are outlined for the designation, de-designation and annual inspection of certain trees as historic or specimen trees; and

WHEREAS, the Town Council of the Town of Palm Beach has undertaken the procedures required to de-designate or designate a tree located on a property within the Town as historic or specimen trees; and

WHEREAS, the Town Council of the Town of Palm Beach desires to record said de-designation in the public records of the Palm Beach County, Florida, pursuant to the terms of said ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Lancepod Tree previously recorded on Exhibit "A" attached to Resolution No. 39-99 in the public records of Palm Beach County, Florida as ORB 8850, Pg. 856, shall be REMOVED as a Historic/Specimen tree from the following described property:

<u>PCN/Legal</u>	<u>Location</u>	<u>Count</u>	<u>Common Name</u>	<u>Botanical Name</u>
50-43-43-22-03-000-0013	1 Via Sunny	1	Lancepod Tree	Lonchocarpus Violaceus

PRIMAVERA ESTS (LAKE FRONT) WLY 390.23 FT OF LT A, N 4 FT OF LT B LYG S OF & ADJ TO & TROF SUBMRG LAND LYG W OF & ADJ TO IN TRS DEED 23129

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 10th day of June 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

JOHN C. RANDOLPH, ESQUIRE
JONES, FOSTER, JOHNSTON & STUBBS, P.A.
POST OFFICE BOX 3475
WPB, FL 33402
WILL CALL 85

Mar-14-2000 11:47am 00-092256
URB 11660 Pg 1314

* * * *

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. A tree previously recorded on Exhibit "A" attached to Resolution No. 22-95 in
the public records of Palm Beach County, Florida as ORB 8850, pages 856 through 865, is
amended as follows:

A. **ORB 8850, page 861**

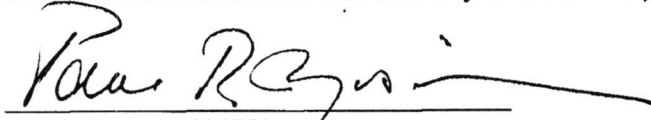
50-43-43-22-03-000-0013 1 Via Sunny

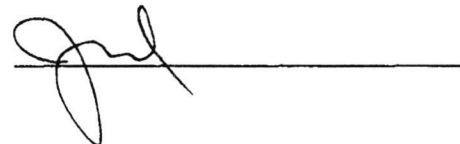
REMOVE: 1 - Fiddleleaf Fig tree (Ficus Lyrata) from recorded list.

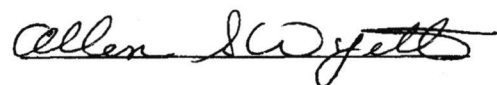
ADD: 1 - Lancepod tree (Lonchocarpus Violaceus)

Section 2. The Town Council hereby directs that a copy of the Resolution showing this
designation and de-designation in Section 1. above be recorded in the public records of Palm Beach
County, Florida so as to be effective against the legally described property upon which said
designated tree is located.

PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town
of Palm Beach assembled this 14th day of December, 1999.

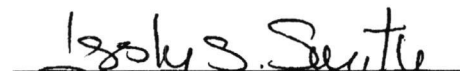

MAYOR



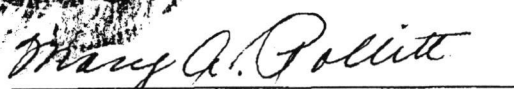







TOWN COUNCIL




TOWN CLERK



TOWN OF PALM BEACH

TENTATIVE AGENDA:
SUBJECT TO REVISION

**CODE ENFORCEMENT BOARD
COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD**

OCTOBER 17, 2019

02:00 P.M.

The progress of this meeting maybe monitored by visiting the Town's web site. (www.townofpalmbeach.com), selecting the "Your Government" tab and clicking on "Audio (Live and Archived)." 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."

I. Call to Order:

II. Roll Call:

Matthew Natale, Chair
Scotch Peloso, Vice Chair
Bram Majtlis
Daniel McDonnell
Rosemary G. Carpenter
Linda K. Wartow
Steven Meltzer
Jack Cohen, Alternate Member
Herbert A. Roemmele, Alternate Member

III. Approval of the Minutes of September 19, 2019:

IV. Administration of the Oath to Town Staff:

V. Code Statistics

VI. Public Hearings:

- A. Case #CE 18-255, 235 Sunrise Ave., CM23-CM26, Trainer's Gym of Palm Beach LLC
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code. Chapter 134, Section 134-117 requires Town Council special exception approval for certain businesses exceeding the permitted gross leasable area.
- B. Case #CE 19-1173, 1 Via Sunny, Sunny Sessa
Violation of Chapter 66, Section 66-312 of the Town of Palm Beach Code of Ordinances, removal of designated historic and specimen trees, and vegetation species identified as endangered or threatened, shall be prohibited
- C. Case #CE 19-1171, 350 S. County Rd., C.B.I.
Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas. The commercial loading, and unloading of any vehicle or the opening destruction/and or disposal of bales, crates, containers, or any other item for business located in or adjacent to residential zoned areas, shall be prohibited between the hours of 8:00 pm and 8:00 am
- D. Case #CE 19-952, 331 Worth Ave., Worth Avenue Holdings LLC
Violation of Chapter 42, Section 42-86(15) of the Town of Palm Beach Code of Ordinances does not allow any accumulation of stagnant water permitted or maintained on any lot or piece of ground. Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all outside appurtenances such be kept in a state of good repair
- E. Case #CE 19-931, 675 N. Lake Way, Richard Furland Trust
Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances requires trees and hedges located within the vicinity of any building or public utility facility or above ground utility that have reached a height or are in a condition that might render them dangerous to such buildings or public utility facilities or above ground utility shall be remove
- F. Case #CE 19-853, 123 Chilean Ave., Nancy Shubert
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances does not allow vegetation infested with pests such as whitefly

VII. Board Comments

VIII. Adjournment

Note 1: If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Note 2: A disabled persons who need an accommodation in order to participate in this Commission 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 five (5) working days before this meeting.

Thursday, October 17, 2019, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio from the item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting the Code Enforcement Board Secretary at (561)227-7080. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (02:00:00 PM)

II. Roll Call: (02:00:39)

Matthew Natale, Chair
Scotch Peloso, Vice Chair
Daniel McDonnell
Rosemary Carpenter
Linda K. Wartow
Steven Meltzer
Herbert A. Roemmele, Alternate Member

III. Approval of the Minutes of the September 19, 2019 (02:00:43 PM)

MOTION BY MR. MELTZER TO APPROVE THE SEPTEMBER 19, 2019 MINUTES
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff: (02:00:52 PM)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (02:01:11 PM)

- 1269 – year-to-date Code Enforcement cases
- 140 cases initiated since last Code Board Hearing
- 67 cases self-initiated
- 73 cases received (not self-initiated)
- 20 cases set to appear at the October Code Board
- 14 achieved compliance before Hearing
- 6 new cases to be heard today

VI. Public Hearings: (02:01:12 PM)

A. Case #CE 18-255, 235 Sunrise Ave., CM23-CM26, Trainer's Gym of Palm Beach LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who Carries on, engages in or conducts an occupation, business or Profession enumerated in Chapter 114-43 of the Code. Chapter 134, Section 134-1107 requires Town Council special exception approval for certain businesses exceeding the permitted gross leasable area.

Code Enforcement Officer Felix briefly reviewed the facts of the case. The Town requested a postponement until the December 19, 2019 Code Enforcement Hearing.

The violators were not present at the hearing and there was a finding of proper notice.

**MOTION BY MR. MELTZER TO GRANT A POSTPONEMENT UNTIL THE DECEMBER 19, 2019 CODE ENFORCEMENT HEARING.
SECONDED BY MS. CARPENTER.
MOTION PASSED UNANIMOUSLY.**

B. Case #CE 19-1173, 1 Via Sunny, Sunny Sessa

Violation of Chapter 66, Section 66-312 of the Town of Palm Beach Code of Ordinances, removal of designated historic and specimen trees, And vegetation species identified as endangered or threatened, shall Be prohibited.

Code Enforcement Officer Moriarty presented the facts of the case and Submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and one time violation fine not to exceed \$5,000.00.

The violators were not present at the hearing and there was a finding Of proper notice

Richard Maxwell the Town Arborist and Paul Colby Facilities Manager Public Works were present and gave testimony.

**MOTION BY MS. CARPENTER TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 14, 2020 TO COME INTO COMPLIANCE.
SECONDED BY MR. MCDONNELL.
MOTION PASSED UNANIMOUSLY.**

Code Enforcement Officer Moriarty requested that the Board hear Case D next.

The Code Board granted the request.

D. Case #CE 19-952, 331 Worth Ave., Worth Avenue Holdings LLC

Violation of Chapter 42, Section 42-86(15) of the Town of Beach Code of Ordinances does not allow any accumulation of stagnant water Permitted or maintained on any lot or piece of ground. Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires All outside appurtenances such be kept in a state of good repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and give them until November 18, 2019 to come into compliance.

The violator was not present at the hearing and there was a finding of proper notice.

Stuart Dophill was present and gave testimony.

MOTION BY MR. MELTZER TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 18, 2019 TO COME INTO COMPLIANCE. SECONDED BY MS. WARTOW. MOTION PASSED UNANIMOUSLY.

Code Enforcement Officer Moriarty requested the Board hear case number #E next.

The Board granted the request.

E. Case #CE 19-931, 675 N. Lake Way, Richard Furland Trust

Violation Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances requires trees and hedges located within the vicinity of any building or public utility facility or above ground utility that have reached a height or are in a condition that might render them dangerous to such buildings or public utility facilities or above ground utility shall be removed.

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and give them until November 18, 2019 to come into compliance.

The violators were not present at the hearing and there was a finding of proper notice.

MOTION BY MR. MCDONNELL TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 18, 2019 TO COME INTO COMPLIANCE. SECONDED BY MR. MELTZER. MOTION PASSED UNANIMOUSLY.

C. Case #CE 19-1171, 350 S. County Road, C.B.I.

Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas. The commercial loading, and unloading of any vehicle or the opening destruction/and or disposal of bales, crates, containers, or any other item for business located in or adjacent to residential

zoned areas, shall be prohibited between the hours of 8:00pm and 8:00am

Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and to pay a fine of \$125.00 within 10 days of this order.

The violator was not present at the hearing and there was a finding Of proper notice.

MOTION BY MR. MELTZER TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO PAY A FINE OF \$125.00 WITHIN 10 DAYS OF THIS ORDER. SECONDED BY MS. WARTOW. MOTION PASSES UNANIMOUSLY.

F. Case #CE 19-853, 123 Chilean Ave., Nancy Shubert

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances does not allow vegetation infested with pests such as whitefly.

Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and give them until November 18, 2019 to come into compliance.

The violator was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. MCDONNELL TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 18, 2019 TO COME INTO COMPLIANCE. SECONDED BY MS. CARPENTER. MOTION PASSED UNANIMOUSLY.

VII. Board Comments: (02:47:35)

Chair Natale expressed it was a pleasure to work with the Board.

VIII. Adjournment: (02:47:45)

**MOTION TO ADJOURN BY MR. MELTZER
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

Tree # :	2	Report Prepared By:	King Tree Service
Latin Name:	Lonchocarpus Violaceus		
Common Name:	Lancepod Tree		
Address:	1 Via Sunny		
Location on Property:	Extreme NW corner of property, 15' S. of NPL, 12' E of WPL		
GPS:	26° 42' 43" 80° 2' 57" W	Gate Code:	1233*
		Contact:	Jonathan Santana 561-602-4088

• Dicot

2019 - WOW! TREE GONE - SODDED OVER
Public Works to Initiate Next Step

2019	Y/N				Y/N	2020
			CANOPY SPREAD:			
			DIAMETER AT BREAST HEIGHT (DBH):			
			LEAF TO WOOD MASS RATIO (LTWMR):			
			LIMB/BRANCH STRUCTURE (CHANGE IN):			
			DEFECTS (NEW):			
			DECAY (NEW):			
			CONKS/FRUIT BODIES PRESENT:			
			VISUAL NUTRITIONAL DEFICIENCY:			
			VISUAL PEST PROBLEMS (A TYPICAL):			

2020 INSPECTION

PRUNING RECOMMENDATIONS:	PRUNING RECOMMENDATIONS:
COMMENTS:	COMMENTS:

Rating Scale: (1) Poor (2) Fair (3) OK (4) Good (5) Excellent							
DESIGNATION RECOMMENDATION:		Keep	De-designate	DESIGNATION RECOMMENDATION		Keep	De-designate
OVERALL RATING:				OVERALL RATING:			
Certified Arborist: Richard Maxwell				Certified Arborist:			
Date: June 27, 2019				Date:			

TOWN OF PALM BEACH HISTORIC/SPECIMEN TREE EVALUATION SHEET

Tree #:	2	Report Prepared By:	King Tree Service
Latin Name:	Lonchocarpus Violaceus, Dicot		
Common Name:	Lancepod Tree		
Address:	1 Via Sunny		
Location on Property:	Extreme NW corner of property, 15' S of NPL, 12' E of WPL		
GPS:	26° 42' 43"	80° 2' 57" W	
		Gate Code:	1233*
		Contact: Jonathan Santana 561-602-4088	

Rating Scale: (1) Poor, (2) Fair, (3) OK, (4) Good, (5) Excellent

	2018			2019	
	21'		CANOPY SPREAD:		
	8.0", 6.5"		DIAMETER AT BREAST HEIGHT (DBH):		
	4		LEAF TO WOOD MASS RATION (LTWMR):		
	2-3		LIMB/BRANCH STRUCTURE:		
Y			DEFECTS:	Y	N
	N		DECAY:	Y	N
	N		CONKS/FRUIT BODIES PRESENT:	Y	N
	N		VISUAL NUTRITIONAL DEFICIENCY:	Y	N
	N		VISUAL PEST PROBLEMS:	Y	N
Y	N		PERMANENT CHARACTERISTICS:	Y	N
Y			CO-DOMINANT BRANCHES:	Y	N
Y			INCLUDED BARK:	Y	N

2018 INSPECTION REPORT

2019 INSPECTION REPORT

OTHER COMMENTS: Limb/branch structure - poor pruning, crossing branches. 2 co-dominant branches/trunks at 40". Include bark - mild included bark here and higher up in the tree from other branches. . Good nuturrtion - continue with exiting fertilization program. Disease/insect not visible.

OTHER COMMENTS:

PRUNING RECOMMENDATIONS: Clean/deadwood - remove suckers below 12'

PRUNING RECOMMENDATIONS:

ADDITIONAL COMMENTS: Girdling roots getting worse pruning & girdling root work will get this tree to a 4 rating

ADDITIONAL COMMENTS:

DESIGNATION RECOMMENDATION:	Keep		DESIGNATION RECOMMENDATION:	Keep	De-designate
OVERALL RATING:	3		OVERALL RATING:		
Certified Arborist:	Richard Maxwell		Certified Arborist:		
Date:	9/10/2018		Date:		

**Town of Palm Beach
Tree Evaluation Worksheet**

Tree #: 2 Historic/Specimen Tree Inspection Report prepared by: King Tree Service
Latin Name: Lonchocarpus Violaceus, Dicot Certified Arborist: Richard Maxwell
Common Name: Lancepod Tree
Address: 1 Via Sunny
Location on Property: Extreme NW corner of property, 15' S of NPL, 12' E of WPL
GPS: 26°42'43" N 80°2'57" W

Gate Code: 1233*

Rating Scale: 1=Poor, 2=Fair, 3=OK, 4=Good, 5=Excellent

Contact: Jonathan Santana - 561-602-4088

DBH: 6.9", 5.3" Leaf to Wood Mass Ratio: 4 Limb/Branch Structure: 3 Poor pruning, crossing branches Defects: Y Decay: N Conks/Fruiting Bodies Present: N Co-Dominant Branches: Y 2 co-dominant branches/trunks at 40" Included Bark: Y Mild included bark here and higher up in the tree from other branches Pruning Recommendations: Clean/deadwood and remove south facing 2" dia. sucker off s. side of n. trunk @ 4' above Fertilization Recommendation: Good Nutrition- Continue existing program grade. Ornamental Pest Control: Disease/Insect Not Visible	Date: 8/3/2017 Canopy Spread: 2017 = 33'
--	--

Designation Recommendation: Keep

Overall Rating: 2

Additional Comments: Girdling roots getting worse. Pruning & girdling root work will get this tree to a 4 rating

*POST IRMA ASSESSMENT: Significant salt burn & defoliation. Broken secondary branches. Will refoliate. Corrective pruning needed. Total canopy burnt & defoliated. Major limbs broken. Expect some die back. Corrective pruning necessary.

Overall Rating: 2

Certified Arborist: Richard Maxwell

DBH: Leaf to Wood Mass Ratio: 1 2 3 4 5 Limb/Branch Structure: 1 2 3 4 5 Defects: Y N Decay: Y N Conks/Fruiting Bodies Present: Y N Co-Dominant Branches: Y N Included Bark: Y N Pruning Recommendations: Other: Fertilization : Good Nutrition - Continue existing program Visible nutrient deficiencies - recommend fertilization Other Ornamental Pest Control: Disease/Insect Visible Disease/Insect Not Visible Recommended Treatment:	Date: Canopy Spread:
---	------------------------------------

Designation Recommendation: Keep Remove

Overall Rating: 1 2 3 4 5

Additional Comments:

**Town of Palm Beach
Tree Evaluation Worksheet**

Tree #: 2
Latin Name: Lonchocarpus Violaceus, Dicot
Common Name: Lancepod Tree

Historic/Specimen Tree Inspection Report prepared by: King Tree Service
Certified Arborist: Richard Maxwell

Address: 1 Via Sunny

Location on Property: Extreme NW corner of property, 15' S of NPL, 12' E of WPL

GPS: 26°42'43" N 80°2'57" W

Gate Code: 1233*

Rating Scale: 1=Poor, 2=Fair, 3=OK, 4=Good, 5=Excellent

Contact: Jonathan Santana - 561-602-4088

DBH: 6.9", 5.3" Leaf to Wood Mass Ratio: 4 Limb/Branch Structure: 3 Poor pruning, crossing branches Defects: Y Decay: N Conks/Fruiting Bodies Present: N Co-Dominant Branches: Y 2 co-dominant branches/trunks at 40" Included Bark: Y Mild included bark here and higher up in the tree from other branches Pruning Recommendations: Clean/deadwood Fertilization Recommendation: Good Nutrition- Continue existing program Ornamental Pest Control: Disease/Insect Not Visible	Date: 8/9/2016 Canopy Spread: 25'
--	---

Designation Recommendation: Keep

Overall Rating: 3

Additional Comments:

DBH: Leaf to Wood Mass Ratio: 1 2 3 4 5 Limb/Branch Structure: 1 2 3 4 5 Defects: Y N Decay: Y N Conks/Fruiting Bodies Present: Y N Co-Dominant Branches: Y N Included Bark: Y N Pruning Recommendations: Other: Fertilization : Good Nutrition - Continue existing program Visible nutrient deficiencies - recommend fertilization Other Ornamental Pest Control: Disease/Insect Visible Disease/Insect Not Visible Recommended Treatment:	Date: Canopy Spread:
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Designation Recommendation: Keep Remove

Overall Rating: 1 2 3 4 5

Additional Comments:





Tree Evaluation Worksheet

Tree #: 2
 Latin Name: Lonchocarpus violaceus, Dicot
 Common Name: Lancepod Tree
 Address: 1 Via Sunny
 Location on Property: Extreme NW corner of property, 15' S of NPL, 12' E of WPL
 GPS: 26°42'43" N 80°2'57" W

Historic/Specimen Tree Inspection Report prepared by: King Tree Service
 Certified Arborist: Richard Maxwell

Rating Scale: 1=Poor, 2=Fair, 3=OK, 4=Good, 5=Excellent

Gate Code: 1233*
 Contact: Jonathan Santana - 561-602-4068
 Date: 8/3/2017
 Canopy Spread: 2017 = 33'

DBH: 6.9", 5.3"
 Leaf to Wood Mass Ratio: 4
 Limb/Branch Structure: 3
 Defects: Y
 Decay: N
 Conks/Fruiting Bodies Present: N
 Co-Dominant Branches: Y
 Included Bark: Y
 Pruning Recommendations: Clean/deadwood and remove south facing 2" dia. sucker off s. side of n. trunk @ 4' above grade.
 Fertilization Recommendation: Good Nutrition - Continue existing program
 Ornamental Pest Control: Disease/Insect Not Visible
 Designation Recommendation: Keep
 Additional Comments: Girdling roots getting worse pruning & girdling root work will get this tree to a 4 rating

Overall Rating: 3

Certified Arborist: Richard Maxwell
 Date: 9/10/18
 Canopy Spread: 21'

DBH: 8.0", 6.5"
 Leaf to Wood Mass Ratio: 1 2 3 4 5
 Limb/Branch Structure: 1 2 3 4 5
 Defects: Y
 Decay: Y
 Conks/Fruiting Bodies Present: Y
 Co-Dominant Branches: Y
 Included Bark: Y
 Pruning Recommendations: Other: remove suckers below 12'
 Fertilization: Good Nutrition - Continue existing program
 Visible nutrient deficiencies: recommend fertilization
 Other:
 Ornamental Pest Control: Disease/Insect Visible
 Recommended Treatment: Disease/Insect Not Visible
 Designation Recommendation: Keep Remove
 Overall Rating: 1 2 3 4 5
 Additional Comments: #4



TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 41-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$149,648 to Applied Technology & Management, Inc., for Town-Wide 2020 Annual Physical Surveys, and Establishing a Physical Monitoring Budget of \$160,000.

Presenter

H. Paul Brazil, P.E., Director of Public Works

ATTACHMENTS:

- ▣ **Memorandum dated May 21, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 41-2020**
- ▣ **ATM Proposal**
- ▣ **Terraquatic Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Approve a Purchase Order for 2020 Annual Physical Surveys
Resolution No. 41-2020

DATE: May 21, 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 41-2020 approving a purchase order to Applied Technology & Management, Inc. (ATM), in the amount of \$149,648 and establishing a project budget of \$160,000 to complete the Town-wide Annual Physical Surveys.

GENERAL INFORMATION

Physical monitoring of the Town's beaches is essential for coastal management. Physical monitoring provides engineers and regulators the necessary information to track the performance of previously constructed coastal projects and to design permissible storm protection and erosion control projects in the future.

The physical monitoring procedure includes surveying both above the water (topographic), and below the water (bathymetric). Each year the Town performs surveys starting from a given point on land with a known horizontal position and vertical elevation established by the Florida Department of Environmental Protection (FDEP). Horizontal and vertical data is collected from this given point, perpendicular to shore, and out to a specific depth offshore. Using this data, a cross section of each beach profile can be drawn which follows the movement of sand within the profile.

For the past twelve (12) annual events, the Town has tasked an engineering consultant to provide a Town-wide analysis of physical monitoring surveys, comparing the newly collected data with the previously collected data. The analysis is compiled into a report that is provided to the Town. This "Sediment Budget" report assists the Town with keeping track of the sand currently within the coastal system of the Town limits.

During the Beach Management Agreement (BMA) process, FDEP and other BMA participants noticed the benefits of the “Sediment Budget” report. The monitoring program of the BMA shoreline was developed using the “Sediment Budget” report as a guide. This BMA monitoring program now includes the tasks previously performed for the “Sediment Budget” report and has slightly expanded the scope to meet the regional approach of the BMA.

The scope of work prepared by both ATM and Terraquatics, Inc. is sufficient to complete the fieldwork and the data reporting to prepare the required BMA annual “Sediment Budget” report and the annual BMA analysis. The 2020 physical monitoring scope includes a presentation to both the Shore Protection Board in January 2021 and the annual BMA meeting, at a date to be determined in 2021 by FDEP.

FUNDING/FISCAL IMPACT

Town Council approved the FY20 Coastal Management Program Budget which includes sufficient funds for all related tasks within ATM’s May 18, 2020 Annual Beach Physical Monitoring Proposal.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

This proposed Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Jane La Clainche, Director of Finance
Robert Weber, Coastal Program Manager
John C. Randolph, Town Attorney
Dean Mealy, Purchasing Manager

RESOLUTION NO. 41-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$149,648 TO APPLIED TECHNOLOGY & MANAGEMENT, INC., FOR TOWN-WIDE 2020 ANNUAL PHYSICAL SURVEYS, AND ESTABLISHING A PHYSICAL MONITORING BUDGET OF \$160,000.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Applied Technology & Management, Inc. (ATM), in the amount of \$149,648 for Town-wide 2020 Annual Physical Surveys, and establishes a Physical Monitoring Budget of \$160,000.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these professional services.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work, as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of June 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk



May 18, 2020

Rob Weber
Coastal Program Manager
Public Works Department
P.O. Box 2029
Palm Beach, FL 33480-2029

RE: 2020 Town Wide Annual Beach Physical Monitoring and Beach Management Project Proposal

Dear Mr. Weber:

Please find attached our proposal for the above referenced project. This effort will be conducted with primary support provided by Terraquatic, Inc. (TER) for surveys and Aerial Cartographics of America (ACA) for aerial photography. Their proposal is provided as an attachment to this letter in addition to ATM's cost summary.

This Work Order, when executed, shall be incorporated in and become an integral part of the Agreement for professional services between the Town of Palm Beach (TOWN), Florida and Applied Technology & Management (CONSULTANT), hereafter referred to as the Agreement.

Introduction

At the request of the TOWN, the CONSULTANT shall provide coastal surveying, analysis and reporting services to support 2020 Town-wide physical monitoring efforts. The physical monitoring field surveys will be conducted by a sub-contractor (TER) in close coordination with the CONSULTANT under a separate (attached) Scope. This Scope includes all efforts required to collect and analyze physical monitoring survey data consistent with the Beach Management Agreement (BMA). This proposal includes a storm response survey task though it is acknowledged that this task is not specifically authorized under the annual monitoring and would be initiated only on an as needed basis as directed by the TOWN.

This effort will be conducted on a Time and Materials Not to Exceed Basis at rates consistent with the CONSULTANT's General Services Agreement with the TOWN.



Scope of Services

The following is a description of the Scope of Services to be provided under this Work Proposal. The CONSULTANT shall provide the following services:

Task 1 – Beach Profiles, Bathymetric Surveys and Aerial Photography

Survey data will be collected as defined within the proposal letter from TER dated May 18, 2020 (included in whole by reference). ATM will coordinate survey execution and provide QA/QC of all survey data prior to submission to the Town. Survey tasks include the collection of profile data north of the Lake Worth Inlet in addition to Town-wide beach profile surveys and aerial photography.

Task 1 Deliverable: ATM will submit task deliverables to the Town as defined within the proposal letter from TER dated May 18, 2020.

Task 2 – Town-Wide Physical Monitoring Analysis

Under this task, the CONSULTANT shall perform Town-wide physical monitoring data analysis and reporting efforts consistent with previous annual monitoring efforts, the Beach Management Agreement (BMA) and TOWN Staff consultation. This will include the evaluation of erosion and accretion trends along the extent of the TOWN's beaches. The CONSULTANT will update the TOWN's sediment budget in a manner consistent with previous studies and provide a summary of shoreline and volumetric performance. No specific geomorphic change plots will be prepared. The analysis will include volumetric changes for beach area north of Lake Worth Inlet including the expanded settling basin. Results of this analysis will be presented in tables and figures suitable for inclusion within the annual Town-wide report. Results of the study will be presented at the BMA annual update meeting and to the Shore Protection Board.

Task 2 Deliverable: Results of this analysis will be summarized within an annual physical monitoring report and PowerPoint document which will be presented to the Shore Board and at the BMA annual status update meeting.

The CONSULTANT will submit a draft report to the TOWN within 90 days of data receipt from TER. Upon receipt of comments from the TOWN regarding the draft report, ATM will incorporate these comments into the document and submit the final report to the TOWN.

Compensation

This effort will be conducted on a Time and Materials Not to Exceed Basis for a total cost of **\$149,648**. Task costs are summarized below and a detailed cost breakdown is provided as an attachment.



Table 1
Cost Breakdown by Task

	Task Description and Breakdown	ATM Total Labor	Sub-consultant*	Internal Direct Expenses*	Total Task Budget
Task 1	Physical Monitoring Surveys and Aerial Photography				
1.1	Physical Monitoring Surveys (Beach Profiles)	\$1,430	\$64,750	\$0	\$66,180
1.2	Aerial Photography (2 Events)	\$840	\$43,468	\$0	\$44,308
	Total Cost - Task 1	\$2,270	\$108,218	\$0	\$110,488
Task 2	Town-Wide Survey Analysis and Reporting				
2.1	Physical Monitoring Survey Analysis	\$23,750	\$0	\$0	\$23,750
2.2	Report and Exhibit Preparation and Presentation	\$15,160	\$0	\$250	\$15,410
	Total Cost - Task 2	\$38,910	\$0	\$250	\$39,160
	Total Task Order Costs	\$41,180	\$108,218	\$250	\$149,648

Project Schedule

Physical monitoring surveys will be conducted (weather permitting) within the August timeframe or as directed by Town Staff. The physical monitoring report will be provided to the Town within 90 days of receipt of the survey data by ATM.

Should you have any questions regarding this proposal, please feel free to contact me at your convenience.

Sincerely,

Applied Technology & Management, Inc.



Michael G. Jenkins, Ph.D., P.E.
Coastal Engineering Principal

cc: Terraquatics, Inc. (TER)



APPLIED TECHNOLOGY & MANAGEMENT, INC.

Coastal, Environmental, Marine & Water Resources Engineering



Terraquatic, Inc.
1220 Tangelo Terr, Unit A-12
Delray Beach, Florida 33444



May 18, 2020

Mike Jenkins
Project Manager
Applied Technology & Management
2047 Vista Parkway, Suite 201
West Palm Beach, FL 33411

RE: Professional Surveying & Mapping Services
2020 Annual Beach Monitoring Survey
Aerial Photography & Onshore/Offshore Profiles
Town of Palm Beach, Florida
Proposal 20-985

Dear Mr. Jenkins,

In accordance with your request, Terraquatic, Inc. (TI) is pleased to provide the following cost proposal for professional surveying services pertaining to the above referenced project. The scope of work shall be based upon that provided via e-mail May 14, 2020 and summarized as follows:

Summary:

Ninety-three (93) onshore/offshore profiles including three (3) shore-parallel profiles. Aerial photography shall be acquired concurrently with the profile surveys, weather conditions permitting. Beach onshore and offshore profile surveys and the aerial photography acquisition shall be in accordance with the Monitoring Standards for Beach Erosion Control Projects prepared by the Department of Environmental Protection. The data collection shall be performed in August 2020. In addition to the profiles this proposal shall include collecting aerial photography of the survey area. Aerial photography shall be collected twice a year, one concurrent with the onshore / offshore profiles, in August 2020 and six-months later, February 2021.

Surveyor shall provide supervision, field / office support staff and equipment to perform the scope of work described, herewith. All work shall be conducted to the highest level of industry standards and under the responsible charge of a Professional Surveyor and Mapper registered in the State of Florida. All work shall meet or exceed the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter SJ-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Horizontal datum shall be in feet, relative to the Florida State Plane Coordinate System, East Zone, North American Datum (NAD), 83/90. The vertical datum shall be in feet, relative to the North American Vertical Datum, 1988 (NAVD, 88).

Task 1 Onshore / Offshore Profiles

Onshore and offshore profiles shall be conducted along Ninety-three (93) profiles and three (3) shore-parallel profiles. The historical, additional intermediate and shore parallel profiles are defined as follows:

- Onshore / offshore profiles extending from FDEP Range Monument R-68 to R-135 **(68-Profiles)**
- Intermediate profiles at R-73.5, R-74.5, R-76.5 and R-77.5, R-110.5, R-111.5, R-112.5, R-113.5, R-114.5, R-115.5, R-116.5, R-117.5, R-118.5, R-119.5, R-120.5 and R-121.5 **(16 Profiles)**
- Intermediate profiles at the Breakers per H&M Scope, specifically R-93+601.6, R-94+406.5, R-94+708.7, R-94+1008.4, R-94+1308.0, R-95+316.2, R-95+412.7, R-96+224.7 and R-96+429.7 **(9 Profiles)**

- Three (3) shore-parallel profiles between R-93 and R-97.

Profile Control

In accordance with the Specifications, TI will verify the horizontal and vertical position of all found and used monuments for the survey. Horizontal and vertical positions will be verified via Real-Time Kinematic GPS procedures. In the event vertical obstructions prohibit the use of GPS, conventional methodologies will be employed. Historic profile control shall be consistent with that found and published by the FDEP, Bureau of Beaches & Coastal Systems (BBCS). Intermediate profile control and alignment of parallel profiles shall be provided by the client.

Profile Data Collection

Onshore and offshore profile data shall be collected consistent with the scope of services provided.

Onshore Profiles

Profile data shall be collected along historic or established azimuths as described for Task 1, above. Elevations along each profile shall be collected using either conventional methods or using real-time kinematic GPS. Data points shall be collected at not greater than twenty-five (25') foot intervals along each profile and at all grade breaks (greater than 6") and material changes. Onshore profiles shall extend seaward to a distance to ensure a minimum of fifty-feet (50') of overlap with the offshore profile data.

Offshore Profiles

Offshore profile data shall be collected at the R-monuments and intermediate points described in Task 1, above. Additional offshore profile data shall be collected along shore-parallel transects at the Breakers (R-93 to R-97). Bathymetric profile data at R-monuments and intermediate points shall extend seaward minimum distance of 3000 feet from the shoreline or to -40 feet (NAVD), whichever is further offshore.

Bathymetric data shall be collected using an automated hydrographic system comprised of a survey launch equipped with a marine grade sounder, differential global positioning system and computer-based navigation / data collection system. The sounder shall be calibrated via bar checks prior to the start of the survey. Real-Time Kinematic (RTK) GPS shall be utilized to account for tidal variations and sea conditions during the course of data collection.

Data Processing and Final Deliverables

Upon completion of field survey activities, data will be edited and reduced to the project datum and translated to an X,Y,Z, ASCII format for submittal to the BBCS. In addition, and in accordance with the scope of services provided, the following deliverables will be provided:

1. Survey report / monument control report certified by a Professional Surveyor and Mapper.
2. Copies of field books and data collection files, as applicable. (hardcopy and PDF format)
3. Description of all monuments and TBM's used for the survey, including identification, stamping, coordinates, elevations and profile azimuths. Control description shall be provided in both hardcopy and digital formats (ASCII and Excel)
4. Final profile data in ASCII X,Y,Z format and FDEP distance / depth format with, associated header records
5. ASCII raw data file in XYZ format
6. Plan / profile charts in AutoCAD .dwg format
7. Plan / profile charts in hardcopy format (24"x 36"), four (4) copies
8. Metadata files

Fee Schedule

Total lump sum fee for Task One, Onshore / Offshore Profile Survey, August 2020 event, including field data collection, data processing and preparation of final deliverables shall be \$64,750.00.

Task Two: Aerial Photography

Aerial photography shall be acquired by GPI Geospacial, Inc. (or similar) from R-68 to R-135 plus five hundred (500) feet past monuments. The scope of work shall be consistent with prior aerial surveys conducted by ACA. Work shall be done in accordance with Section 02100 Environmental Aerial Acquisition Specifications included as part of the Specifications. This scope of services shall encompass two (2) separate flights and deliverables. The first flight (Event 1) shall follow the schedule for the onshore / offshore profile surveys by TI, which shall commence in August of 2020 and the second flight (Event 2) shall be in the Spring of 2021.

The following scope of work for the aerial photography was provided by the client:

Flight

After authorization to fly by Surveyor, ACA will accomplish the 1"=660' scale color aerial flight utilizing a precision aerial camera to obtain negatives suitable for the preparation of raster imagery per your specifications. Fresh AGFA x 100 film will be used on this project.

Photo Lab

Process the aerial negatives and prepare one (1) complete set of 9" x 9" contact prints.

Control Targets

Surveyor will provide ground control support and control information to ACA (or similar) as required for the project. Two (2) GPS base stations will be established collecting one second data on ground control points during aerial flight in accordance with the Specifications.

Analytical Triangulation

ACA will triangulate the color aerial photography to expand the horizontal control to each corner of the image file. This process is a cost-effective alternative to targeting each image corner. A report will be furnished.

Raster Imagery

ACA will scan the color film diapositives at a 21-micron scan rate. Photogrammetric software will be used to geo-reference the raster imagery. Imagery will be supplied in AutoCAD DWG, format and TIFF / TFW on CD-ROM disks with a 0.4-foot pixel resolution. Imagery will also be provided in a compressed .jpeg format by ACA.

Accuracies

The raster image files will meet or exceed an accuracy of one half of one percent of the distance measured along the controlled alignment.

Raster Plotting

Upon receipt of sheet layout specifications, ACA (or similar) will utilize the color raster image files to prepare the raster image plots with R-monuments superimposed.

Deliverable, Per Flight Date:

1. One (1) set of 9" x 9" color stereoscopic photographs, including flight, film and analytical triangulation.
2. One (1) set of 1" = 100' scale color raster image files as specified above.
3. One (1) set of 1" = 100' scale color 24" x 36" color plots.
4. Reports and Metadata files.

Terraquatic, Inc.
1220 Tangelo Terr, Unit A-12
Delray Beach, Florida 33444



5. File compression.

Fee Schedule:

Total lump sum fee for Task Two, Aerial Photography including field data collection, data processing and preparation of final deliverables shall be as follows:

- August 2020 Flight \$21,734.00 Estimated cost
- Spring 2021 Flight \$21,734.00 Estimated cost

Task Three: Before and After Storm Profile Surveys

As required TI shall acquire before and / or after storm profile data to document beach and nearshore changes that may have occurred as a result of the passing storm event. The two (2) areas include the Phipps Park reach from R-117 to R-127 (11 profiles) and the Mid-Town reach from R-89 to R-102 (14 profiles). Storm event surveys shall encompass onshore and offshore profile data collection following the scope and protocol described above for the monitoring surveys, Task 1.

Fee Schedule:

Total fees for Task Three survey efforts shall be as follows:

- Phipps Park: R-117 to R-127 (11 profiles)
- Onshore / Offshore profiles: \$ 9,020.00 per survey event
- Mid-Town Area: R-89 to R-102 (14 profiles)
- Onshore / Offshore profiles: \$ 11,480.00 per survey event

We appreciate the opportunity to provide this proposal.

Sincerely,
Terraquatic, Inc.

A handwritten signature in blue ink, appearing to read "Kenneth C. Jackson".

Kenneth C. Jackson, PSM

Terraquatic, Inc.

By signing below, I APPROVE AND ACCEPT this letter as a legal contract and I have read and agree to the payment terms as set forth above.

By: _____ Date: _____
(Authorized Signature)

(Typed or print name) Title: _____

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Consent - Other

Agenda Title

227 Miraflores Drive, El Paraiso Subdivision

Presenter

H. Paul Brazil, P.E., Director of Public Works

ATTACHMENTS:

- ▣ **Memorandum dated May 19, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Drake Park Miraflores Drive Plat**
- ▣ **El Paraiso Miraflores Serpentine Road Plat**
- ▣ **Stipulation Entry Judgment**
- ▣ **Exhibit A - Description Sketch**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P. E., Director of Public Works

RE: 227 Miraflores Drive, El Paraiso Subdivision

DATE: June 3, 2020

REQUEST FOR MOTION TO APPROVE STIPULATION

It is requested that Town Council give consideration to approving the attached Stipulation foreclosing the Town's interest to a 1,572 square foot parcel of private property that comprises a now unused portion of formerly serpentine Miraflores Drive in front of the property at 227 Miraflores Drive owned by Paul A. Krasker, as Trustee of the COATI Limited Trust UAD June 20, 2017 ("Krasker") at 227 Miraflores Drive.

SUMMARY OF LAWSUIT

In November 2017, Laetitia Oppenheim, owner of 247 Miraflores Drive, filed suit against all of the lot owners in the El Paraiso subdivision to quiet title and extend the boundary of her property on lots 14 and 15 to encompass that 1,572 square foot portion of private property that comprised a now straightened serpentine road. The Town was named in the litigation because it owns lots 1 and 2 in the El Paraiso subdivision. See *Oppenheim v. Town of Palm Beach, et al.*, Case No. 502017CA012106XXXXMB (15th Jud. Cir. in and for Palm Beach Cty., Fla.). Those Town lots are operated as Dean Park at Miraflores and Tangier.

BACKGROUND

The subdivision of El Paraiso comprises lots 1 through 20 on the north side of Miraflores Drive. At the time that El Paraiso was platted in or about 1924, Miraflores Drive was a private, serpentine road. All of the subdivision owners acquired a private right to use the serpentine road.

More than 75 years ago (by 1941), Miraflores Drive was straightened out to the south and became a public road. After the road was straightened, each of the El Paraiso property owners retained the private right to use the unused portion of the formerly serpentine road.

This Council, on October 9, 2019, approved a Stipulation foreclosing the Town's interest as one of the El Paraiso subdivision lot owners to that 1,572 square foot parcel of Ms. Oppenheim's property at 247 Miraflores Drive and acknowledging no objection to the declaratory and equitable relief sought by Ms. Oppenheim ("the Oppenheim Stipulation"). My real estate partner, Mark Dahlmeier, had reviewed the complaint, the plats, and further requested that Wallace Surveying provide a sketch that overlays the 16' platted private serpentine road on the Oppenheim property, the 1,572 square foot subject parcel, and the now straightened public road. This was done to confirm that no portion of the property to which Ms. Oppenheim sought to quiet title is public property. The sketch provided by Wallace Surveying confirmed that the parcel to which Ms. Oppenheim seeks to quiet title is private.

The Oppenheim Stipulation was filed with the Court on November 27, 2018, and her claims against the Town have since been dismissed.

On December 10, 2018, Krasker cross-claimed against the Town and the other lot owners on Miraflores Drive seeking stipulations foreclosing any interest in that 1,092 square foot portion of the formerly serpentine road that falls immediately south of its property. Krasker owns lots 7 and 8 in the subdivision of El Paraiso. As with Ms. Oppenheim, we requested that Krasker cause Wallace Surveying to provide us with a sketch that overlays the 16' platted private serpentine road on the Krasker property, the 1,092 square foot subject parcel, and the now straightened public road. Mark Dahlmeier has reviewed the survey and the plats. That sketch is attached. It has been reviewed by Mark Dahlemier together with the plats. The sketch confirms that no portion of the property to which Krasker seeks to quiet title is public property of the Town.

RECOMMENDATION

The Mayor and Town Council should give consideration to approving the attached Stipulation foreclosing the Town's interest as one of the El Paraiso subdivision lot owners to that 1,092 square foot parcel of private property at issue, and acknowledging no objection to the declaratory and equitable relief sought by Krasker. The Town approved a nearly identical Stipulation with Ms. Oppenheim and Krasker, and has obtained nearly identical stipulations or default judgments in this case against almost all of the other lot owner defendants. Alternatively, the Council should give direction to staff and Town Attorney as to how to proceed.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Patricia Strayer, P.E., Town Engineer
John Randolph, Esq., Town Attorney
Joanne O'Connor, Esq. Jones Foster

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY,
FLORIDA

LAETITIA OPPENHEIM,

Plaintiff,

v.

TOWN OF PALM BEACH, et al.,

Defendants.

CASE NO. 502017CA012106XXXXMB

Division: AB

STIPULATION FOR ENTRY OF JUDGMENT

Counter/Cross Plaintiff, PAUL A. KRASKER, AS TRUSTEE OF THE COATI LIMITED TRUST U/A/D JUNE 20, 2017 ("Krasker"), and Cross-Defendant, TOWN OF PALM BEACH, ("Town"), enter into this Stipulation and state:

1. Krasker acknowledges that he seeks no monetary relief against the Town.
2. The Town has no objection to the declaratory and equitable relief sought against it and consents to the entry of a Final Judgment foreclosing out and relinquishing any interest the Town may have to the parcel of property at issue in the Krasker Cross-Claim filed in this matter.

Law Offices of Paul A. Krasker, P.A.
1615 Forum Place, 5th Floor
West Palm Beach, FL 33401
Telephone: (561) 801-7313
Email: mosofsky@kraskerlaw.com
service@kraskerlaw.com

By: _____
MARSHALL J. OSOFSKY, ESQ.
Florida Bar No.: 739730

*Attorneys for Paul A. Krasker as Trustee of
the Coati Limited Trust UAD June 20, 2017*

Jones Foster P.A.
505 South Flagler Drive, Suite 1100
West Palm Beach, Florida 33401
Telephone: (561) 659-3000
Email: jrandolph@jonesfoster.com
joconnor@jonesfoster.com

By: /s/ Joanne M. O'Connor
JOHN C. RANDOLPH, ESQ.
Florida Bar No.: 0129000
JOANNE M. O'CONNOR, ESQ.
Florida Bar No.: 498807

Attorneys for Town of Palm Beach

**DESCRIPTION SKETCH FOR:
COATI LIMITED TRUST
PAUL A KRASKER TRUST**

LEGAL DESCRIPTION:

A parcel of land lying South of, and contiguous to, Lots 7 and 8 according to the Plat of **EL PARAISO**, as recorded in Plat Book 12, Page 5, Public Records of Palm Beach County, Florida, lying within the private street labeled thereon as Miraflores Drive, bounded as follows:

on the North by the South lines of said Lots 7 & 8;
on the East by the Southerly prolongation of the East line of said Lot 7;
on the South by a line 138.0 feet South of, as measured at right angles, and parallel with, the North line of said Plat of **EL PARAISO**;
and on the West by the Southerly prolongation of the West line of said Lot 8.

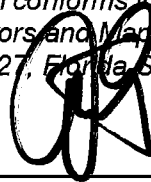
Containing in all 1,092 square feet, more or less.

NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect the subject property. No search of the Public Records has been made by this office.
2. This sketch is not valid unless sealed with an embossed surveyor's seal and accompanied by Sheet No. 2 of 2.
3. This sketch cannot be transferred or assigned without the specific written permission of **Wallace Surveying Corporation**.
4. This is not a survey!

CERTIFICATION:

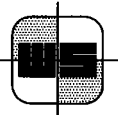
I HEREBY ATTEST that the description sketch shown hereon conforms to the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.



Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

NOTE:

THIS SKETCH CONSISTS OF 2 SHEETS AND IS NOT VALID WITHOUT ALL 2 SHEETS FORMING A COMPLETE SET. THIS IS NOT A SURVEY.



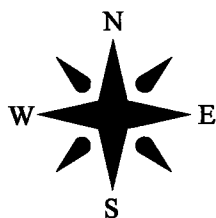
WALLACE

SURVEYING

CORP., LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 03/30/20	DWG. No.: 98-1096-2
OFFICE: S.W.	SHEET: 1 OF 2
C'K'D.: C.W.	JOB No.: 98-1096.3



LINE TABLE

EXHIBIT "A"

LINE	BEARING	DISTANCE
L1	N00°09'25"E	15.88'
L2	S00°09'25"W	7.99'

TANGIER ESTATES

(P.B. 12, PG. 16)

SCALE: 1"=30'

3' U.E. (P.B. 12, PG. 16)

100'

5' U.E. (P) & (D.B. 236, PG. 464)

NORTH LINE EL PARAISO

(P.B. 12, PG. 5)

EL PARAISO

(P.B. 12, PG. 5)

9

122.12'

138.0'

8

7

6

EAST LINE LOT 7

130.01'(S) 130.00'(P)

96°22'24"
(TO CHORD)

86°09'06"
(TO CHORD)

NORTH R/W
MIRAFLORES DR.
(PRIVATE)

5' U.E. (P) SCALED
(EXACT LOCATION
UNDETERMINED)

SOUTH LINE
LOT 8

NORTH FACE OF EXISTING
CONC. CURBING 0.1'S.

SOUTH LINE
LOT 7

16' PLATTED
PRIVATE STREET

1,092 S.F.
N89°50'35"W 100.00'
(BASIS OF BEARINGS)

2' CURB

PARKWAY (P)

SOUTHERLY
PROLONGATION
WEST LINE LOT 8

MIRAFLORES DRIVE
(IN USE BY PUBLIC)
PUBLIC (D.B. 631, PG. 103)

SOUTHERLY
PROLONGATION
EAST LINE LOT 7

$\Delta=02^{\circ}38'47''$
 $A=26.24'$
 $R=568.00'$

16' FOR STREET AND HIGHWAY
PURPOSES (D.B. 631, PG. 320)

$\Delta=07^{\circ}41'48''$
 $A=74.15'$
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PLAT OF DRAKE PARK

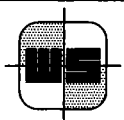
(P.B. 20, PG. 11)

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(C)	=CALCULATED
CL	=CENTERLINE
(P)	=PLAT BOOK 12, PAGE 3
P.B.	=PLAT BOOK
PG.	=PAGE
S.F.	=SQUARE FEET
U.E.	=UTILITY EASEMENT



WALLACE SURVEYING
CORP. LICENSED BUSINESS # 4569

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DATE: 03/30/20

DWG. No.: 98-1096-2

OFFICE: S.W.

SHEET: 2 OF 2

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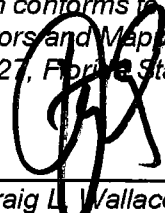
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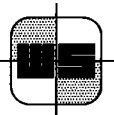
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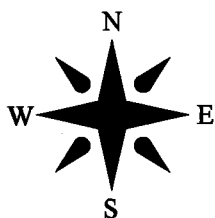
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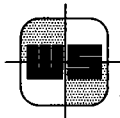
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DATE: 03/30/20

DWG. No.: 98-1096-2

OFFICE: S.W.

SHEET: 2 OF 2

C'K'D.: C.W.

JOB No.: 98-1096.3

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Consent - Other

Agenda Title

Endorse Palm Beach Resilient Islands Phase I in Lake Worth Lagoon

Presenter

H. Paul Brazil, P.E., Director of Public Works

ATTACHMENTS:

- ▣ **Memorandum dated May 21, 2020, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Letter from Palm Beach County**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Endorse Palm Beach Resilient Islands Phase I in Lake Worth Lagoon

DATE: May 21, 2020

STAFF RECOMMENDATION

Town staff recommends that Town Council endorse a conceptual design by Palm Beach County Environmental Resources Management (ERM) for Palm Beach Resilient Islands Phase I in the Lake Worth Lagoon.

GENERAL INFORMATION

Town staff met with Palm Beach County ERM staff in March to discuss several opportunities within the Town's jurisdictional boundaries of the Lake Worth Lagoon where environmental enhancement projects could be implemented to improve shoreline resiliency. On May 21st, ERM requested that the Town conceptually endorse the project as they move forward with permitting on three (3) projects. These projects include a 0.38 acre mangrove island, six (6) wavebreaks, and 23 oyster reef modules to be placed south of Everglade Island to the Southern Boulevard Causeway. Attached is their letter request and accompanying maps and drawings.

It is anticipated that a representative of ERM will be available to participate in the Town Council meeting with a brief presentation in-person or virtually.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager



**Department of Environmental
Resources Management**

2300 North Jog Road, 4th Floor
West Palm Beach, FL 33411-2743

(561) 233-2400

FAX: (561) 233-2414

www.pbcgov.com/erm

**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

May 21, 2020

Mr. Paul Brazil, Director of Public Works
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

**SUBJECT: TOWN APPROVAL FOR PLANNED RESILIENT
ISLANDS WITHIN THE LAKE WORTH LAGOON**

Dear Mr. Brazil:

As discussed at our meeting on March 5, 2020 between the Town and Palm Beach County Department of Environmental Resources Management (ERM) staff, please find attached conceptual project drawings of a proposed Palm Beach Resilient Islands Phase 1 for your review and approval. This initial phase would include a .38 acre mangrove island with six protective wave-breaks and twenty-three oyster reef modules.

We anticipate receiving funds from The Nature Conservancy (TNC) to construct this initial Phase that should provide some environmental resiliency to shorelines within Lake Worth Lagoon. This specific project would be situated south of the Everglades Island and north of Fisherman's Island. We would avoid any navigation channels and generally focus on the shallow-water area or "rock spine" that runs down the middle of the Lagoon. Our agreement with TNC is slated to go to the Board of County Commissioners for execution on June 16, 2020.

Also attached for your approval are two conceptual build-out areas that would be submitted to the permitting agencies to include a combination of reefs and small islands. The specifics to the structures within these areas would be subject to Town approval and successes learned from the initial Phase 1 effort.

We look forward to working with the Town on our continued effort to promote environmental improvements to the Lake Worth Lagoon.

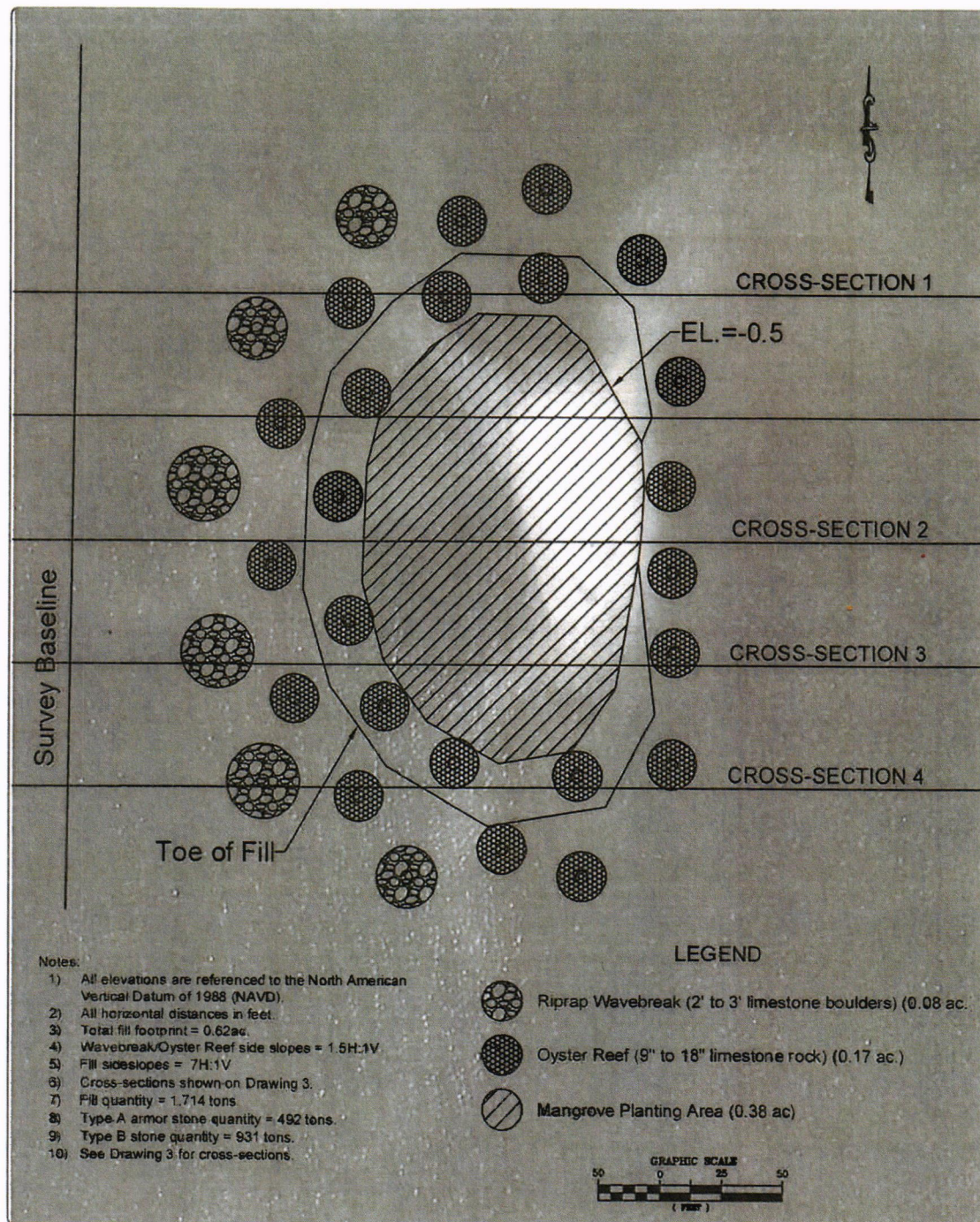
Please contact me at 561-233-2400 or ddrum@pbcgov.org or Mr. Carman Vare, Environmental Program Supervisor at 561-233-2444 or cvare@pbcgov.org with any questions or concerns.

Sincerely,

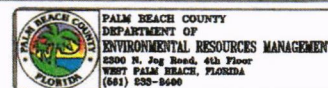
Deborah Drum, Director
Department of Environmental Resources Management

Attachments

DD:CV

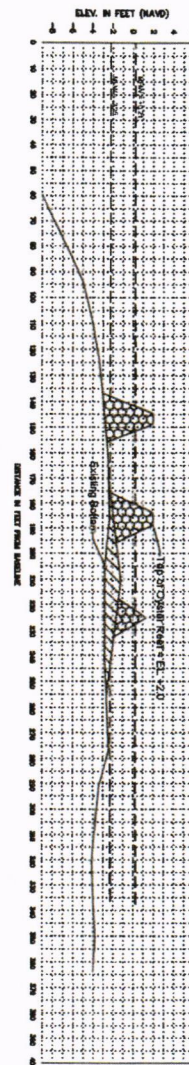
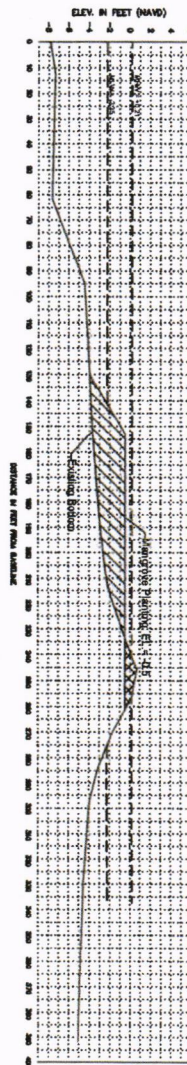
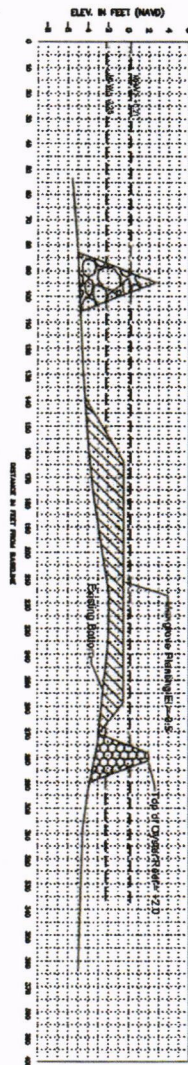
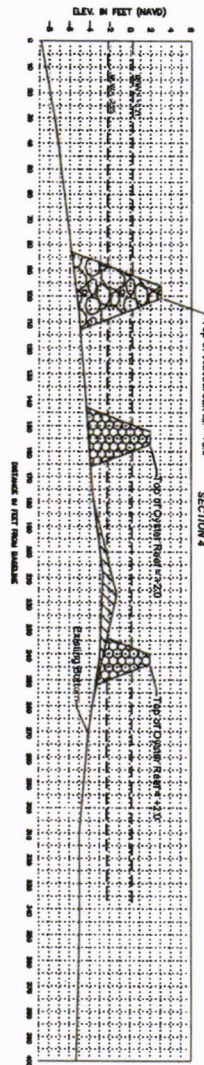


Sheet 2	Project PALM BEACH RESTROOM ISLANDS PROJECT	Scale	Revision			
			No.	Date	By	App.
Phase 1 PLAN VIEW			Date Issued: _____ Drawn by: _____ Checked by: _____ Approved by: _____			



- Notes:
- 1) All elevations are referenced to the North American Vertical Datum of 1988 (NAVD).
 - 2) All horizontal distances in feet.
 - 3) Wavebreak/Oyster Reef side slopes = 1.5H:1V.
 - 4) Fill side slopes = 7H:1V.
 - 5) See Drawing 2 for section locations.

-  Riprap Wavebreak (Type A riprap, 1' to 3' limestone boulders)
 Oyster Reef (Type B riprap, 9" to 18" limestone rock)
 Fill Area
 Cut Area

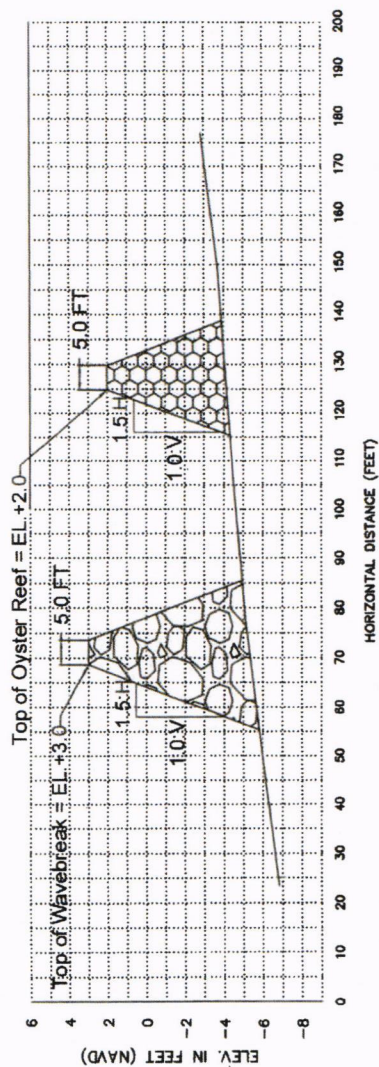


3 4	PALM BEACH RESILIENT ISLANDS PROJECT TYPICAL CROSS-SECTIONS	SCALE
--------	--	-------

DATE: 06/10/20 DRAWN BY: [blank] CHECKED BY: [blank] DESIGNED BY: [blank]	REVISIONS: [blank]
--	--------------------

 PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT 5550 N. Bay Road, 4th Floor WEST PALM BEACH, FLORIDA (561) 833-8400

TYPICAL WAVEBREAK/OYSTER REEF CROSS-SECTIONS

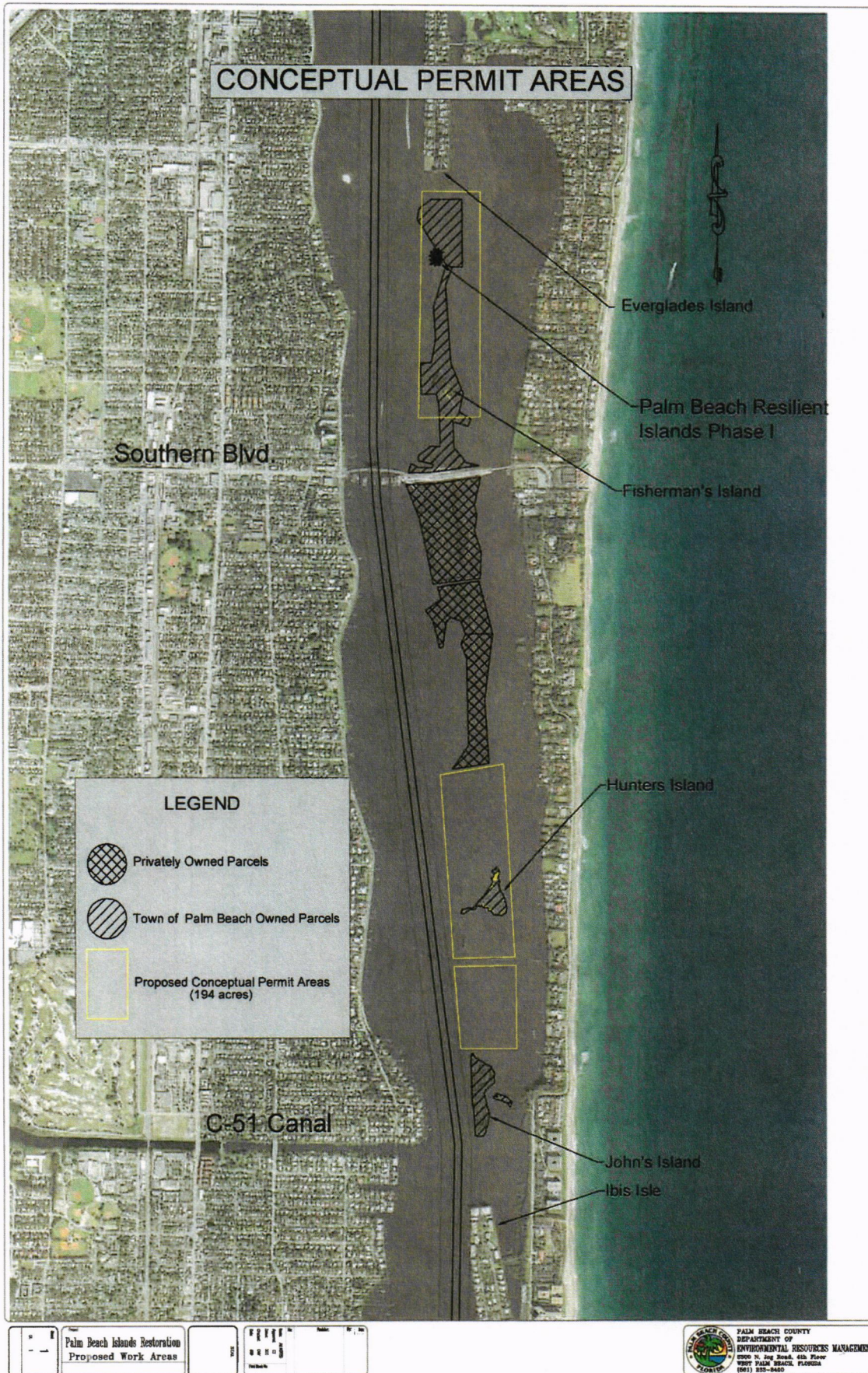


Riprap Wavebreak (Type A riprap, 1' to 3' limestone boulders)

Oyster Reef (Type B riprap, 9" to 18" limestone rock)

Notes:

- 1) All elevations are referenced to the North American Vertical Datum of 1988 (NAVD).
- 2) All horizontal distances in feet.
- 3) Wavebreak and Oyster Reef side slopes = 1.5H:1V.
- 4) Wavebreak and Oyster Reefs are 5 ft wide at the crest.
- 5) Base widths vary depending on depth.



TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project

Steve Stern, Project Manager

a. Review of Project and Dashboard, Summary of Project Status

Presenter

ATTACHMENTS:

- ▣ **a. Review of Project and Dashboard, Summary of Project Status**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

To: Mayor & Town Council

Via: Kirk W. Blouin, Town Manager

From: Steven Stern, Underground Utilities Project Manager

Re: Utility Undergrounding Project Status Report

Date: May 28, 2020

I. Communications

A. Community Meetings:

Cancelled until further notice.

B. Significant Postal Mail or eMail

None this month.

II. Progress Summary:

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Complete, March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve.

- Complete, April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace.

- Phase 2 North construction is 86% complete.
- Comcast cutovers and decom are complete.
- FPL overhead to underground conversions are over 50% complete.
- ATT cutovers and decom is in progress.

Phase 2 South Construction:

From Sloan's Curve to the intersection of S. Ocean Blvd & S. County Road

- Phase 2 South, construction is 9% complete.
- The crews continue to work in the area south of Southern Blvd.

Phase 3 North Construction:

From Osceola Way to the north side of La Puerta Way

- Phase 3 North construction is 54% complete.
- The drilling crews are working in the final areas of Phase 3 south, south of Mockingbird Trail and the adjacent north-south streets.

B. Design & Easement Progress:**Phase 3 South:**

From S. Ocean Blvd & S. County Road to the Alleyway south of Worth Ave.

- Design is 84% complete with 81 of 94 easements are approved.
- Bid package availability is approaching completion targeted for TC presentation in August.
- 4 critical path easements remain outstanding along Golfview Alley and 5 along S. County Road - all are described on the following pages of your backup materials.

Phase 4 North:

From south side of La Puerta Way to north side of List Road.

- Design is 85% complete with 56 of 66 easements approved.
- Bid package availability is approaching completion targeted for TC presentation in August.
- Out of the 11 Chicanes originally identified, 9 are progressing through active negotiation, verbal commitment or recorded easement. There are 2 Chicanes remaining without a path to resolution, all are described on the following pages of your backup materials.
- Two Vista switches are planned for placement within the beach access to the east of El Pueblo Way and Via Marila. The Town Public Works Department reviewed and will ensure none will impede access to a core beach nourishment project.

Phase 4 South:

From Peruvian Ave north to Royal Palm Way & the Town Docks.

- Design is 62% complete.
- 42 of 63 easements are recorded or verbally approved.
- Easement acquisition is behind schedule with the original Master plan construction being May 2020.

Phase 5 North:

From Country Club Road to Southland Road.

- Design is 33% complete and on schedule.
- Easement acquisition in progress. 5 of 108 easements are approved.

Phase 5 South:

From South Lake Drive/Hibiscus Ave & Peruvian Ave/Royal Palm Way, properties between the Intracoastal waterway and the Atlantic Ocean & from Royal Palm Way to Seaspray Ave.

- Design is 33% complete and on schedule.
- Easement acquisition in progress. 0 of 126 easements are approved.
- To minimize use of the S. Lake Park area for undergrounding equipment, we are requesting the Condominiums on the east side of S. Lake Drive grant easements for 5 important switch cabinet placements.

Phase 6 North:

From Chateaux Drive & Kawama Lane to the south side of Plantation Road.

- Design is 22% complete and on schedule.
- Easement acquisition has not started.

Phase 6 South:

Seaspray Ave to the south of Royal Poinciana Way.

- Design is 21% complete and on schedule.
- Easement acquisition has not started.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road.

- Not started.

Phase 7 South:

Atlantic Ave north to Via Los Incas & Sanford Ave

- Not started.

Phase 8:

Royal Poinciana Way north to Everglade Ave

- Not started.

III. Financial Summary

Other than receiving vendor pay applications for design, direct material purchases or work performed in active phases, there were no changes made since last month's report. The full underground utility project financial report is provided within your backup package with the summary page shown immediately below.

**Underground Utility Project Budget
Project Financial Summary
May 31, 2020**

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,829,947	\$ 12,659,857	98.7%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,915,885	\$ 5,840,353	45.2%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 6,080,850	\$ 3,848,657	63.3%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 1,335,096	\$ 863,284	64.7%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,599,805	\$ 447,007	27.9%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,886,346	\$ 291,783	15.5%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ -	\$ -	
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 36,647,930	\$ 23,950,941	65.4%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 1,180,414	\$ 1,180,414	\$ 928,441	78.7%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 121,085,059	\$ 37,828,344	\$ 24,879,381	65.8%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 6,098,350	\$ 4,636,639	76.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,158,567	\$ 1,980,838	171.0%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 121,085,059	\$ 38,986,911	\$ 26,860,219	68.9%

Total Project Budget - Opinion of cost for construction	\$ 121,085,059
% Budgeted/Encumbered To Date Project Costs	31.24%
% Spent to Date - Project Costs	20.55%

PHASE 3 SOUTH - CRITICAL EASEMENT STATUS

Area	Owner	Address	Contact Title	Note	Status
Golfview Alley	Colony Hotel	135/132/155 Hammon Ave	Hotel Mgr	Discussions progressing.	5/28: 1 of 3 Recorded.
Golfview Alley	Carl & Mary Panatoni	8 Golfview	Owner	Sent Town Manager Letter. No progress.	5/28: No recent progress.
Golfview Alley	Fred Masters	212 Worth Ave	Owner	Sent Town Manager Letter. No progress.	5/28: No progress.
Golfview Alley	Ilan Yerushalmi, Napoleon Palm Beach	218 Worth Ave	Owner	Sent Town Manager Letter. No progress.	5/28: No progress.
Golfview Alley	Worth Pondfield, Mark Waxman	222 Worth Ave	Property Manager	Sent Town Manager Letter. No progress.	5/28: No progress.
Golfview Alley	Ms. Handlesman	224 Worth Ave	Owner	Discussions progressing.	
Golfview Alley	Ms. Handlesman	306 Worth Ave	Owner	Discussions progressing.	
S. County Rd	Franciose & Jacques Cohen	137 El Vedado Road	Owner	Verbal Agreement	5/28: Verbal Agreement
S. County Rd	Joseph Allen, Richman Schmidt	200 El Vedado Road	Owner & Prop Mgr	Recorded Easement.	5/28: Recorded
S. County Rd	Bill Collatos, Posey & Roy	750 South County Road	Owner & Architect	Declined. owner reconsidering. Committed to easement in ARCOM.	3/26: Denied. Previously approved by owner in PZB.
S. County Rd	Terry B. Taylor	780 South County Road	Property Mgr	Verbal approval from property manager. Town will provide easment document.	4/29: Recorded
S. County Rd	Alicia & Timothy Mullen	760 South County Road	Owner	ROW	3/5: ROW solution.
S. County Rd	Ann Desruisseaux trustee, Attebury attorney.	800 South County Road	Trustee	5/28: A June meeting is pending	
S. County Rd	MICHAEL KETTENBACH	800 S County Road	Owner	5/28: Requested a meeting.	5/28: No progress.
S. County Rd	Mark Davis	141 Gulfstream Road	Owner	Sent Town Manager Letter. No Progress. Seeking alternative.	5/28: No recent progress.
S. County Rd	Robert F. Agostinelli, Leo Sotomeyor	196 Banyan Rd	Property Manager	Sent Town Manager Letter. No progress. [Tom Parker]	5/28: No progress.
Street	Jan Holdings, LLC (Ms. Nayab Owrier)	4 El Bravo Way	Owner	Verbal approval from property manager.	3/26: Presented easment doc
Street	Elena L. Arredondo	133 Gulfstream Road	Owner	Recorded Easement.	
Street	Margaretta Taylor	120 El Brillo Way	Owner	Meeting pending with property manager.	5/28: Meeting to be scheduled
Street	Paul O'Keen	203 Via Vizcaya	Owner	Recorded Easement.	3/5: Recorded
Street	Richard Kurtz	235 Banyan Rd	Owner	Easement pending owner signature.	3/26: Presented easment.
Street	Dana Landry & William Moody	240 Jungle	Owner	Shared easment. 1/2	4/30: Ready to record
Street	Prescott & Susan Low	242 Jungle	Owner & Attorney	Shared easment. 1/2	3/26: Ready to record
Street	Abbey, LLC (Pablo Cordero PM)	241 Banyan Rd	Owner, Prop Mgr	Easement pending owner signature.	4/30: Recorded
Street	Robert & Paula Butler, Larry Alexander	640 S. Ocean Blvd	Owner, Attorney	Pending owner decision.	5/28: No recent progress.

Phase 3 South Easement Acquisition Status

7 No Progress
4 Negotiating
6 Verbal Approval
8 Recorded or ROW

Phase 4 North - Critical Easement Status & Chicanes

Chicane	Equipment No.	Street	Owner	Note	Status
1	44	LIST ROAD	Jason & Nicole Guari	Willing to accept 1/2 an easement.	4/27: Pending Signature
1	44	List Road	Barbara Smith, Beth Hayne PM	5/28: Recorded	5/28: Recorded
2	34	Orange Grove Road	Michael Stranka	Willing to accept 1/2 an easement.	4/13: Pending signature
2	34	Orange Grove Road	Alexander H Griswold	5/28: Recorded	5/28: Recorded
2	35	Orange Grove Road	Ernest Gordon, LLC	Considering 1/2 easement.	4/27: Reconsidering
2	35	Orange Grove Road	Tomlinson	Communication only	4/27: Recorded
2	35	Orange Grove Road	Dave Moran	Considering 1/2 easement.	4/27: Reconsidering
3	36	Orange Grove Road	Kathleen M. Cerasaro	5/28 Recorded	5/28 Recorded
4	26	Monterey Road	BROBERG BEVERLY D. BROBERG PETER S &	Recorded	
4	26	Monterey Road	Richard M. Hurtado	Recorded	
4	25	Monterey Rd	Budge and Candy (Henry and Leslie) Jamison	5/28: Declined 1/2 easement.	
4	25	N. Ocean Blvd	Donald & Sher Kasun	Agreed to 1/2 easement.	
5	30	Monterey Rd	Leigh & Pamela Dunston	Declined. Prefers the chicane.	
5	30	Monterey Rd	Anthony Cummings	No contact.	
5	30	Monterey Rd	Barbara Smith, Beth Hayne PM	Declined.	
6	19	Colonial Lane	Beth Lesniak	5/28: Recorded	
7	22	COLONIAL LANE	Joseph Lieb	5/28: Verbal Approval	
8	23	COLONIAL LANE	Salvatore J. Impastato	5/28: Reconsidering	
9	16	QUEENS LANE	Frazier Wellmeier Trust	5/28 Recorded	
10	2	EL PUEBLO WAY	Donna & Allen Morris	5/28: Negotiating	5/28: pending Signature
10	2	El Pueblo Way	Gary B & Kelly Jean Pohrer	5/28 Negotiating	5/28 Pending Signature
11	39	Orange Grove Road	Kathleen Mara	5/28: Recorded	

No Progress
 Pending Decision
 Approved
 Recorded

2 No progress
 3 in negotiation
 8 Approved or Recorded

Other Critical Path Easements

Visa Switch
 No Solution for one (1) Vista Switch in the vicinity of 1072 N Lake Way / 1090 N Lake Way



Underground Utility Project Monthly Progress Report June 2020

Table of Contents

Dashboard – Phase 2, 3 Construction & Phase 3, 4, 5, 6 Design

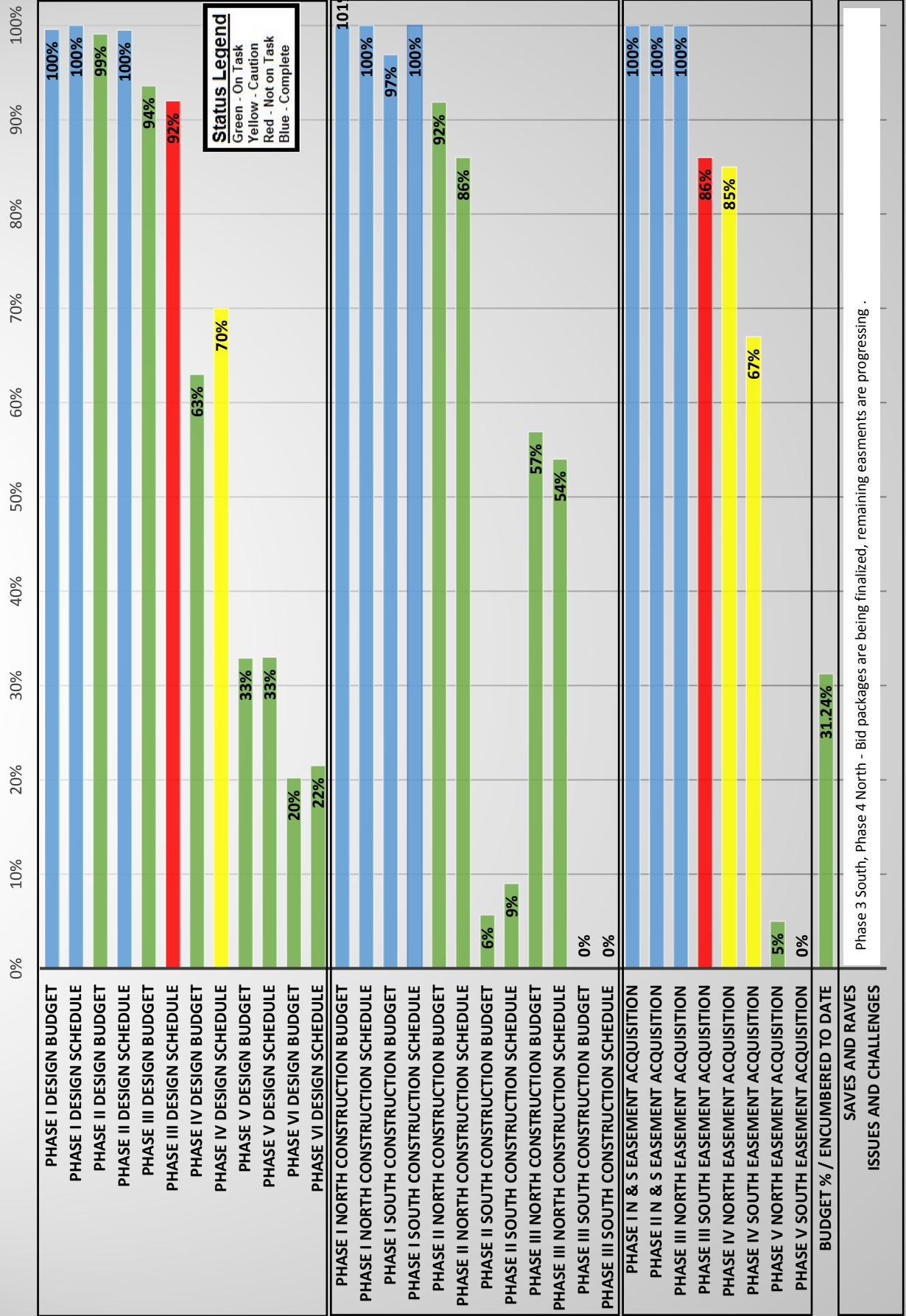
1. Townwide Undergrounding - Phasing & Sequencing Program Map
2. Kimley-Horn - Design
Progress Reports - Phase 3 - 6
Gantt Charts - Phase 3 - 6
3. Burkhardt Construction
Executive Summary & Schedule - Phase 2N, 2S & 3N
4. Project Financial Report
5. Interest Rate Forecast

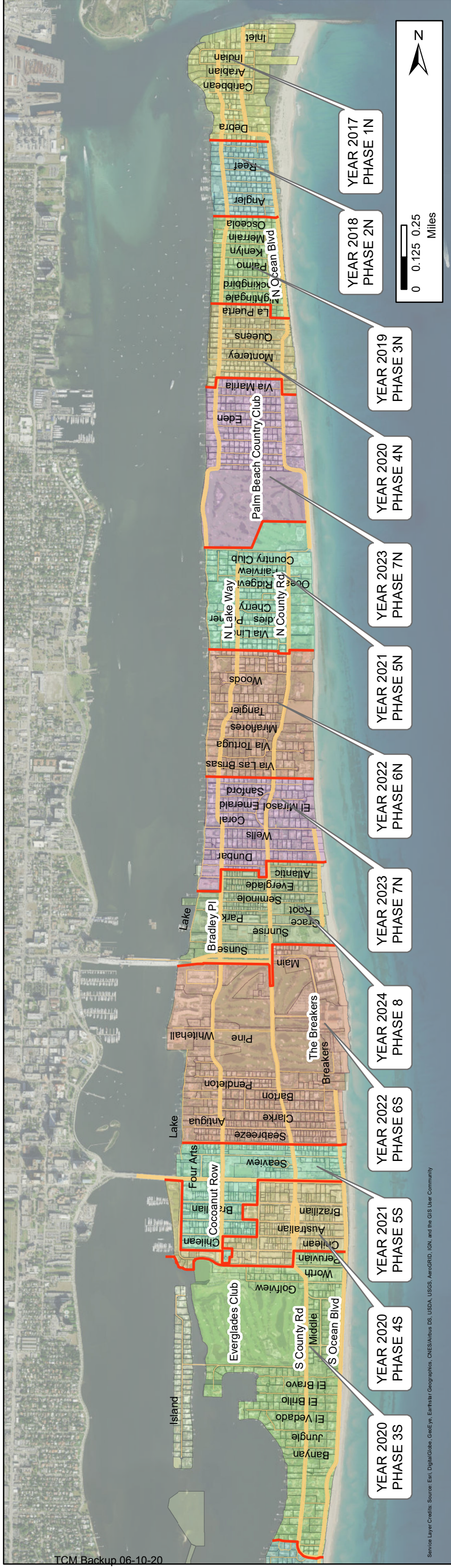
Dashboard Notes:

Total Project Budget - Opinion of cost for construction: \$121,085,059

Prepared by the TMO & Finance Departments
May 27, 2020

Town of Palm Beach - Underground Utility Project Dashboard - June 2020





TOWN-WIDE UNDERGROUNDING OF UTILITIES



Master Plan 2017

Phase Area	Design Start	Construction Start	End of Pole Removal / Restoration
Phase 1 N	Dec-16	Jun-17	Jun-19
Phase 1 S	Dec-16	Jun-17	Jun-19
Phase 2 N	Jun-17	Jul-18	Feb-20
Phase 2 S	Jun-17	May-19	Dec-20
Phase 3 N	Nov-17	May-19	Jan-21
Phase 3 S	Nov-17	May-19	Apr-21
Phase 4 N	Jun-18	May-20	Feb-22
Phase 4 S	Jun-18	May-20	Mar-22
Phase 5 N	May-19	May-21	Apr-23
Phase 5 S	May-19	May-21	May-23
Phase 6 N	May-20	May-22	Feb-24
Phase 6 S	May-20	May-22	Apr-24
Phase 7 N	May-21	May-23	Feb-25
Phase 7 S	May-21	May-23	Mar-25
Phase 8	May-22	May-24	Mar-26

Revised Jan 2020

Design Start	Construction Start	End of Pole Removal / Restoration
Dec-16	Jun-17	Jun-19
Dec-16	Jun-17	Jan-20
Jun-17	Jul-18	Jun-20
Jun-17	Jan-20	Dec-21
Nov-17	Nov-19	Oct-21
Nov-17	Sep-20	Sep-22
Jun-18	Dec-20	Dec-22
Jun-18	Dec-20	Dec-22
May-19	May-21	Apr-23
May-19	May-21	May-23
Nov-19	May-22	Feb-24
Nov-19	May-22	Apr-24
May-20	May-23	Feb-25
May-20	May-23	Mar-25
May-22	May-24	Mar-26

Actual
Estimated



Town-Wide Undergrounding - Phase 3 Undergrounding
KHA Project #044063215
May 2020 Progress Report
Period: April 19, 2020 to May 20, 2020

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 3 North Design is 100% complete
 - Phase 3 South Design is 84% complete *
 - Budget: Project is on budget as of May 15, 2020
 - Phase 3 North Design is at 98% of total task budget
 - Phase 3 South Design at 91% of total task budget
 - Easement Status
 - Phase 3 North: 100% (36/36) easements approved
 - Phase 3 South: 86% (81/94) easements approved
- * Phase 3 South is currently behind schedule.

B. Detailed Design Phase

- o Continued Subconsultant/utility owner coordination
- o Continued Progress on development of Bid Plans for Phase 3 South.
- o Progress Meeting Attendance
- o Preparation and submittal of BCE Request
- o Coordination with FPL, AT&T and Comcast on progress markup of design plans based on easement progress.
- o Continued development of Phase 3 South easement exhibits and submittal to Town.
- o Site meetings with property owners to discuss easement requests in Phase 3 South.
- o Development of legal sketches and descriptions for Phases 3 South.
- o Development of Specifications
- o Preparation of FDOT Maintenance Plans
- o Commercial Services Coordination with Subconsultant and FPL

II. Upcoming Activities (May 21, 2020 – June 20, 2020)

A. Detailed Design Phase

- o Continued Subconsultant/utility owner coordination
- o Submittal of Bid Plans for Phase 3 South.
- o Continued Easement meetings with property owners – Phases 3 South
- o Continued coordination with FPL, AT&T and Comcast to finalize the Phase 3 South design
- o Bid phase support
- o Progress Meeting Attendance



Town-Wide Undergrounding - Phase 4 Undergrounding

KHA Project #044063219

May 2020 Progress Report

Period: April 19, 2020 to May 20, 2020

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 4 North Design is 78% complete*
 - Phase 4 South Design is 62% complete*
- Budget: Project is on budget as of May 18, 2020
 - Phase 4 North Design is at 84% of total task budget
 - Phase 4 South Design at 70% of total task budget
- Easement Status
 - Phase 4 North: 85% (56/66) easements approved
 - Phase 4 South: 67% (42/63) easements approved.

*Easement progress is causing the schedule to fall behind for both phase areas.

B. Detailed Design Phase

- o Subconsultant coordination related to Phase 4 Undergrounding
- o Continued development of Equipment Locations and Conduit Plans for Phase 4 North and South.
- o Performed field work to obtain information for equipment placement based on easement meetings with property owners.
- o Continued review of FPL, Comcast, and AT&T Conduit and Equipment Plans, coordination with FPL, Comcast, and AT&T regarding design modifications.
- o Development and delivery of easement exhibits to the Town for Phases 4 North and South.
- o Progress Meeting Attendance
- o Virtual meetings and site visits with property owners to discuss easement requests
- o Streetlight Coordination with FPL

II. Upcoming Activities (May 21, 2020 – June 20, 2020)

A. Detailed Design Phase

- o Continued coordination with utility owners to refine the design.
- o Continued development and submittal of easement exhibits for Phases 4 North and South.
- o Continued development of Equipment Location and Conduit Plans for Phases 4 North and South.
- o Virtual meetings and site visits with property owners to discuss easement requests.
- o Commercial Service sizing.
- o Progress Meeting attendance.
- o Progress towards Phase 4 North bid documents



Town-Wide Undergrounding - Phase 5 Undergrounding
KHA Project #044063229
May 2020 Progress Report
Period: April 26, 2020 to May 25, 2020

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below
 - Phase 5 North Design is 33% complete
 - Phase 5 South Design is 33% complete
- **Budget:** Project is on budget as of May 15, 2020
 - Phase 5 North Design is at 29% of total task budget
 - Phase 5 South Design is at 30% of total task budget
- **Easement Status**
 - Phase 5 North: 5% (5/108) easements approved
 - Phase 5 South: 0% (0/126) easements approved

B. Detailed Design Phase

- Performed soft digs in Phase 5 South
- Coordinated with utility companies, sub-consultants, and Town
- Attended property owner meetings
- Attended meeting for 264 S County Rd
- Led coordination meetings with sub-consultants

II. Upcoming Activities (May 26, 2020 – June 25, 2020)

A. Detailed Design Phase

- Perform soft digs in Phase 5 South
- Coordinate with utility companies, sub-consultants, and Town
- Attend property owner meetings
- Lead coordination meetings with sub-consultants



**Town-Wide Undergrounding - Phase 6 Undergrounding
KHA Project #044063247
May 2020 Progress Report
Period: April 26, 2020 to May 25, 2020**

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below
 - Phase 6 North Design is 22% complete
 - Phase 6 South Design is 21% complete
- Budget: Project is on budget as of May 15, 2020
 - Phase 6 North Design is at 17% of total task budget
 - Phase 6 South Design is at 20% of total task budget
- Easement Status
 - Phase 6: N/A, will provide status when this work begins

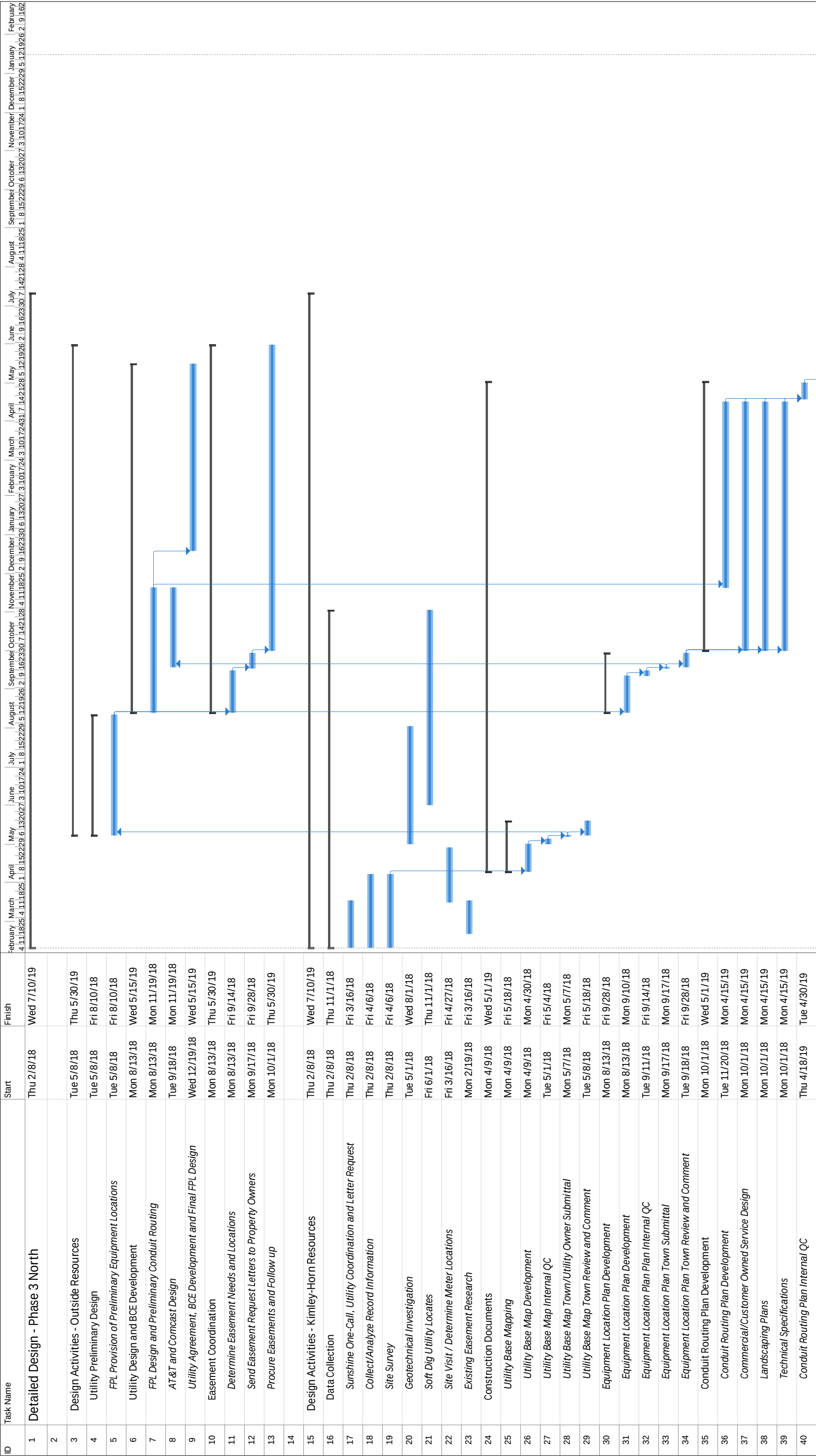
B. Detailed Design Phase

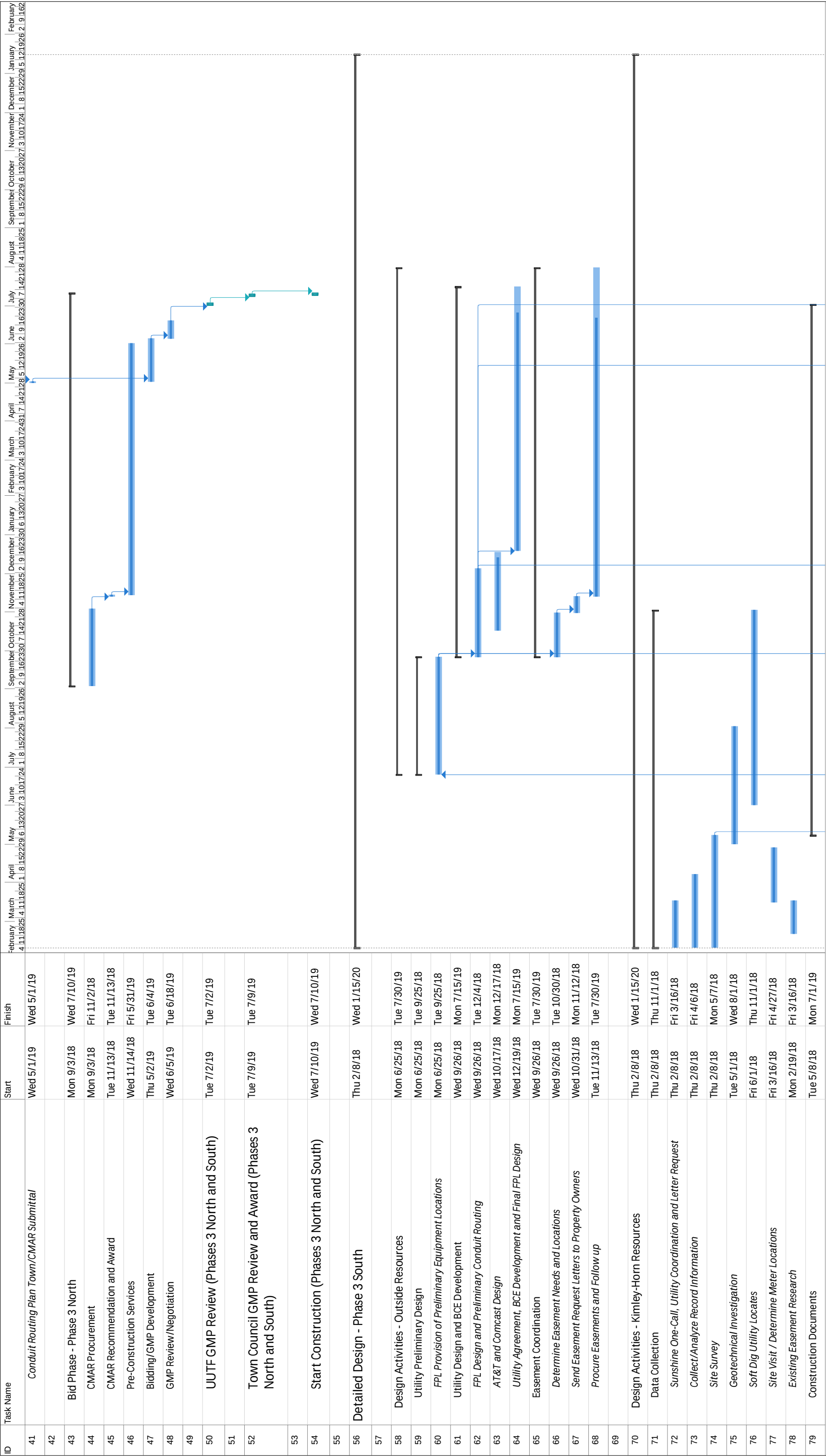
- Developed utility base maps
- Submitted utility base maps to FPL
- Performed geotechnical investigation
- Coordinated with utility companies, sub-consultants, and Town
- Attended property owner meetings
- Led coordination meetings with sub-consultants

II. Upcoming Activities (May 26, 2020 – June 25, 2020)

A. Detailed Design Phase

- Await preliminary equipment locations from FPL
- Perform geotechnical investigation
- Coordinate with utility companies, sub-consultants, and Town
- Attend property owner meetings
- Lead coordination meetings with sub-consultants





ID	Task Name	Start	Finish
80	Utility Base Mapping	Tue 5/8/18	Mon 6/18/18
81	Utility Base Map Development	Tue 5/8/18	Tue 5/29/18
82	Utility Base Map Internal QC	Wed 5/30/18	Mon 6/4/18
83	Utility Base Map Town/Utility Owner Submittal	Tue 6/5/18	Tue 6/5/18
84	Utility Base Map Town Review and Comment	Wed 6/6/18	Mon 6/18/18
85	Equipment Location Plan Development	Wed 9/26/18	Tue 11/13/18
86	Equipment Location Plan Development	Wed 9/26/18	Wed 10/24/18
87	Equipment Location Plan Plan Internal QC	Thu 10/25/18	Tue 10/30/18
88	Equipment Location Plan Town Submittal	Wed 10/31/18	Wed 10/31/18
89	Equipment Location Plan Town Review and Comment	Thu 11/1/18	Tue 11/13/18
90	Conduit Routing Plan Development	Thu 11/1/18	Mon 7/1/19
91	Conduit Routing Plan Development	Wed 12/5/18	Mon 4/15/19
92	Commercial/Customer Owned Service Design	Thu 11/1/18	Mon 4/15/19
93	Landscaping Plans	Thu 11/29/18	Mon 4/15/19
94	Technical Specifications	Thu 11/29/18	Mon 4/15/19
95	Conduit Routing Plan Internal QC	Tue 4/16/19	Fri 6/28/19
96	Conduit Routing Plan Town Submittal	Mon 7/1/19	Mon 7/1/19
97			
98	Permitting Activities - Phase 3 South	Wed 5/15/19	Wed 1/15/20
99	FDOT Utility permit Application	Wed 5/15/19	Mon 7/1/19
100	FDOT Utility permit Application Review Process	Tue 7/2/19	Mon 9/2/19
101	FDOT Landscaping Permit Application	Tue 7/2/19	Fri 7/12/19
102	FDOT Landscaping Permit Application Review and MMOA Execution Process	Mon 7/15/19	Wed 1/15/20
103			
104	Bid Phase - Phase 3 South	Mon 9/3/18	Thu 8/29/19
105	CMAR Procurement	Mon 9/3/18	Fri 1/18/19
106	CMAR Recommendation and Award	Mon 1/21/19	Tue 2/12/19
107	Pre-Construction Services	Wed 2/13/19	Mon 7/1/19
108	Bidding/GMP Development	Tue 7/2/19	Thu 8/15/19
109	GMP Review/Negotiation	Fri 8/16/19	Thu 8/29/19
110			
111	UUTF GMP Review (Phases 3 North and South)	Tue 9/3/19	Tue 9/3/19
112			
113	Town Council GMP Review and Award (Phases 3 North and South)	Tue 9/10/19	Tue 9/10/19
114			
115	Start Construction (Phases 3 North and South)	Wed 9/11/19	Wed 9/11/19

Project: Phase 3 Detailed Design
Date: Wed 5/20/20

Task

Summary

Project Summary

Inactive Task

Task

Split

Milestone

Start-only

Finish-only

External Tasks

External Milestone

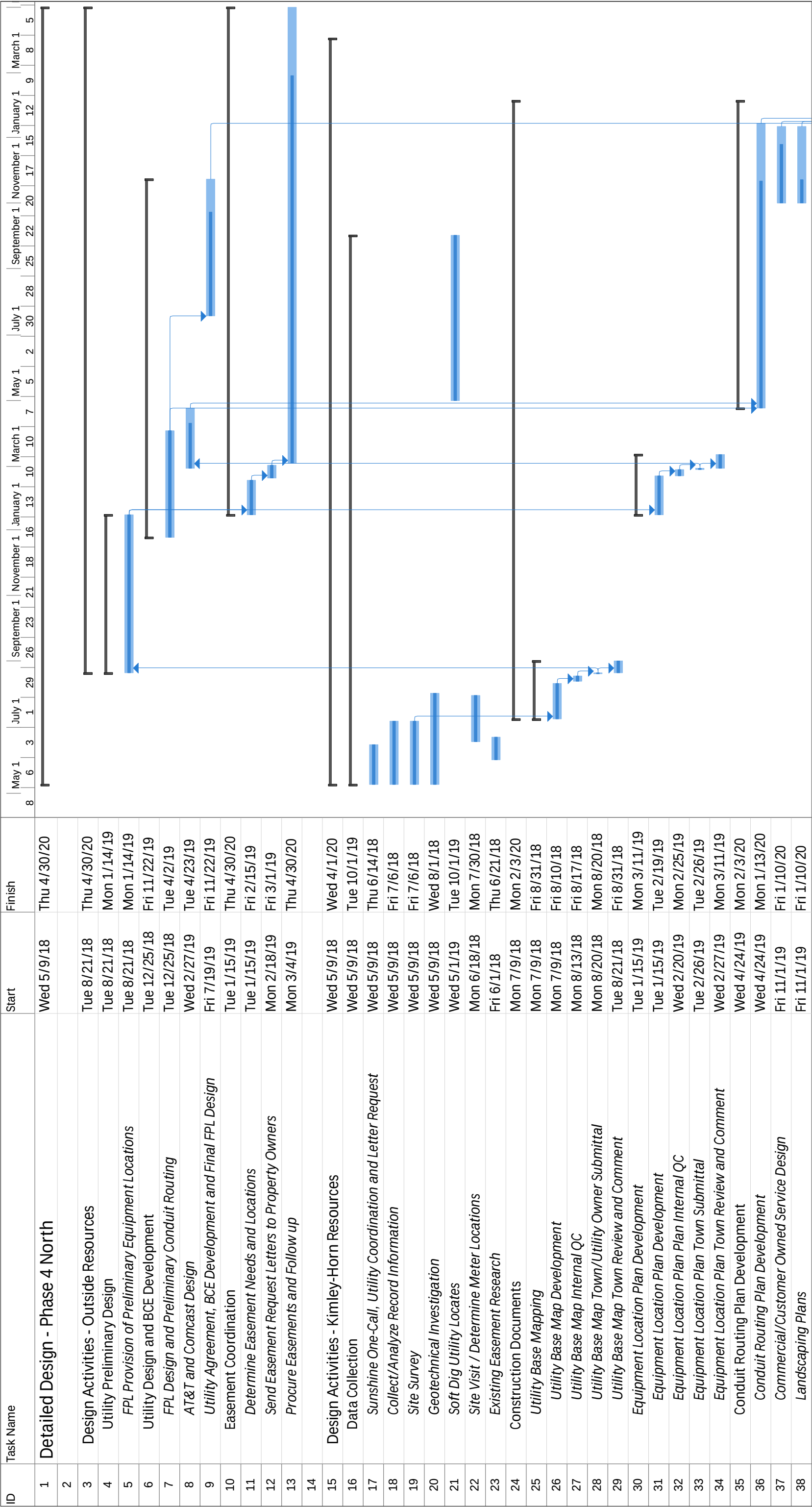
Deadline

Progress

Manual Progress

155

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Project: Phase 4 Detailed Design
Date: Thu 5/21/20

Task

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Inactive Summary

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Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

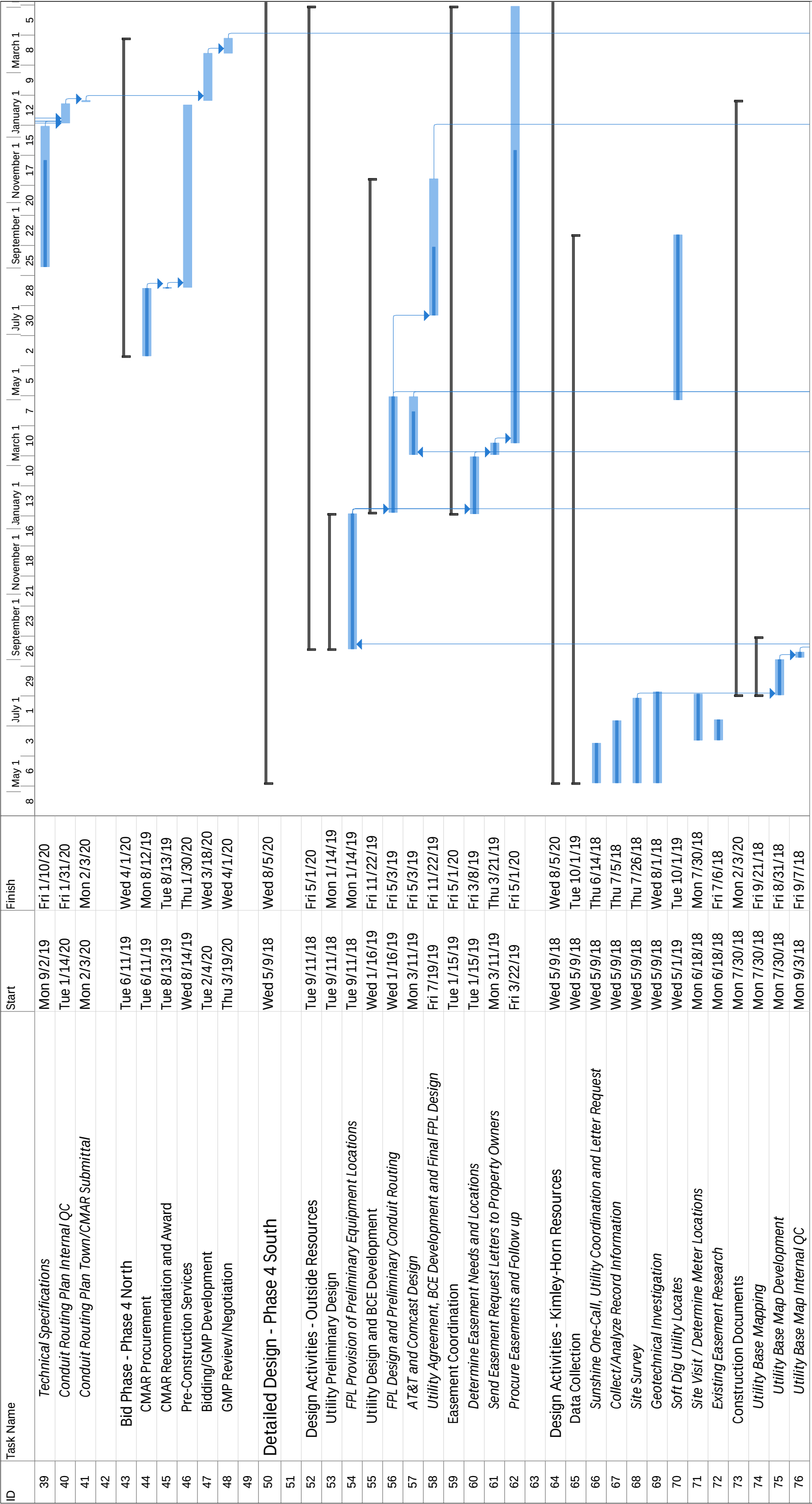
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: Phase 4 Detailed Design
Date: Thu 5/21/20

Task

Task

Split

Milestone

Summary

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Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

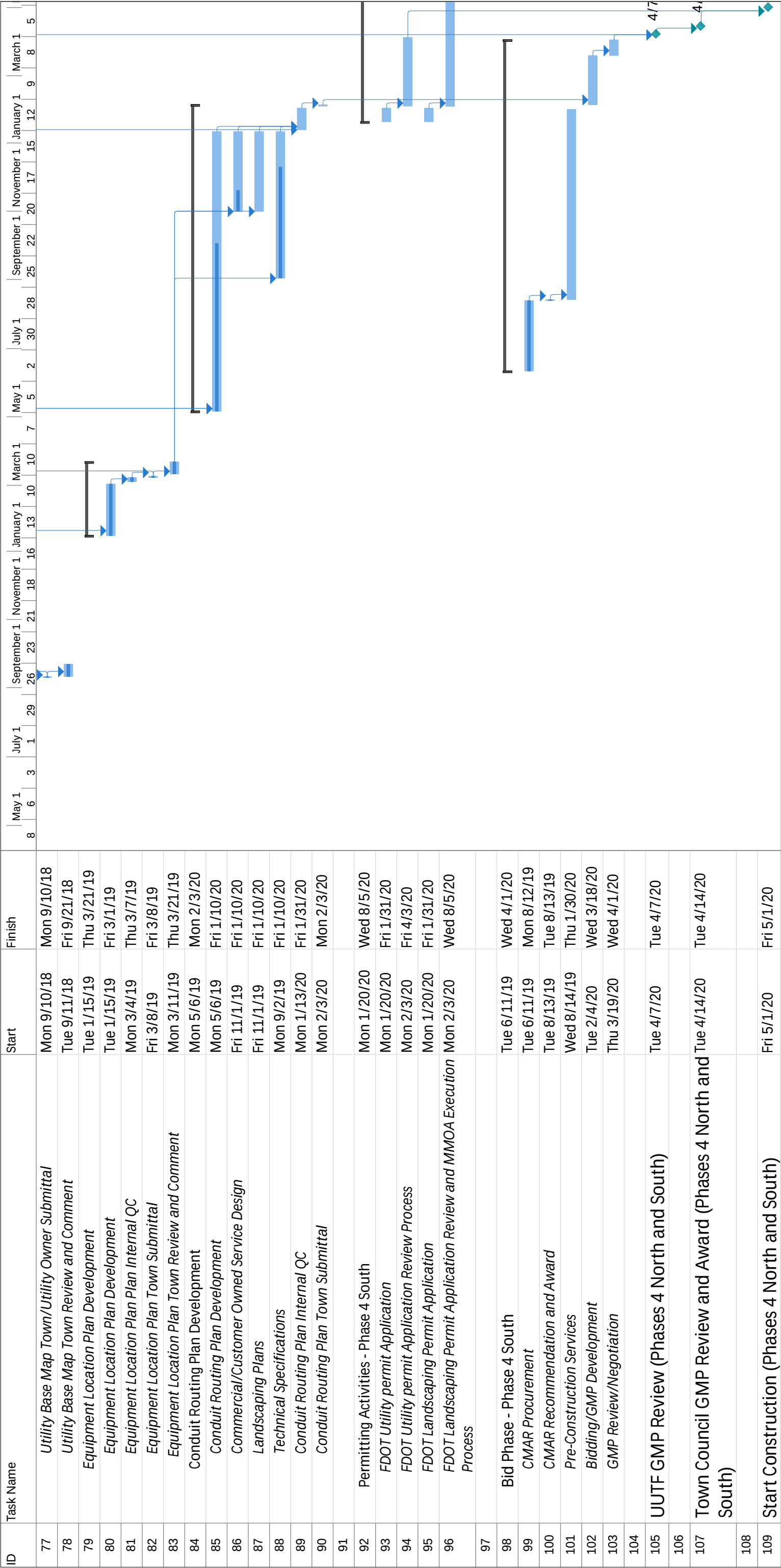
External Tasks

External Milestone

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Project: Phase 4 Detailed Design
Date: Thu 5/21/20

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Task

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Manual Summary Rollup

Manual Summary

Start-only

Finish-only

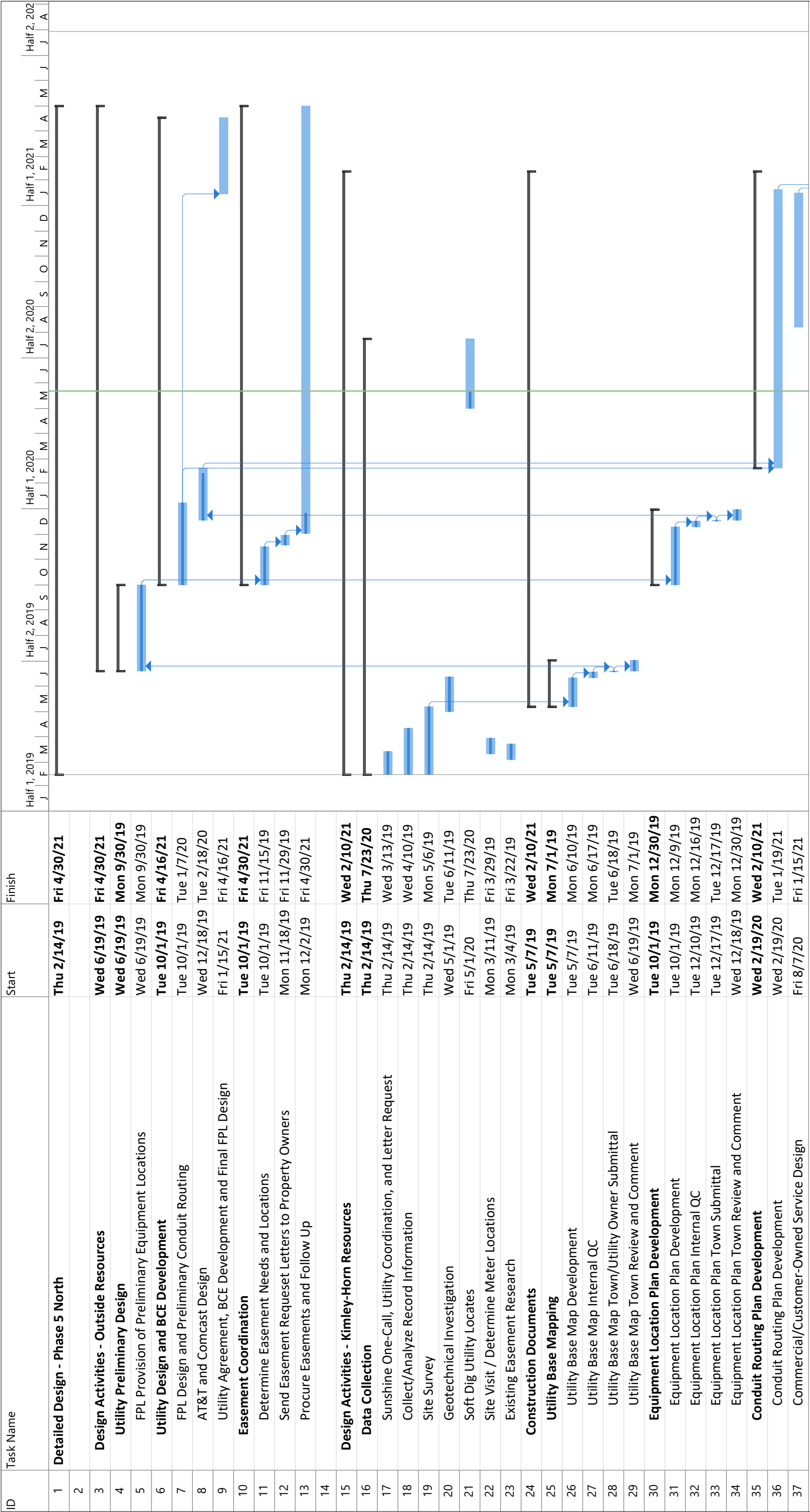
External Tasks

External Milestone

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Progress

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Project: 2019_0226_Schedule
Date: Fri 5/22/20

Task

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Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

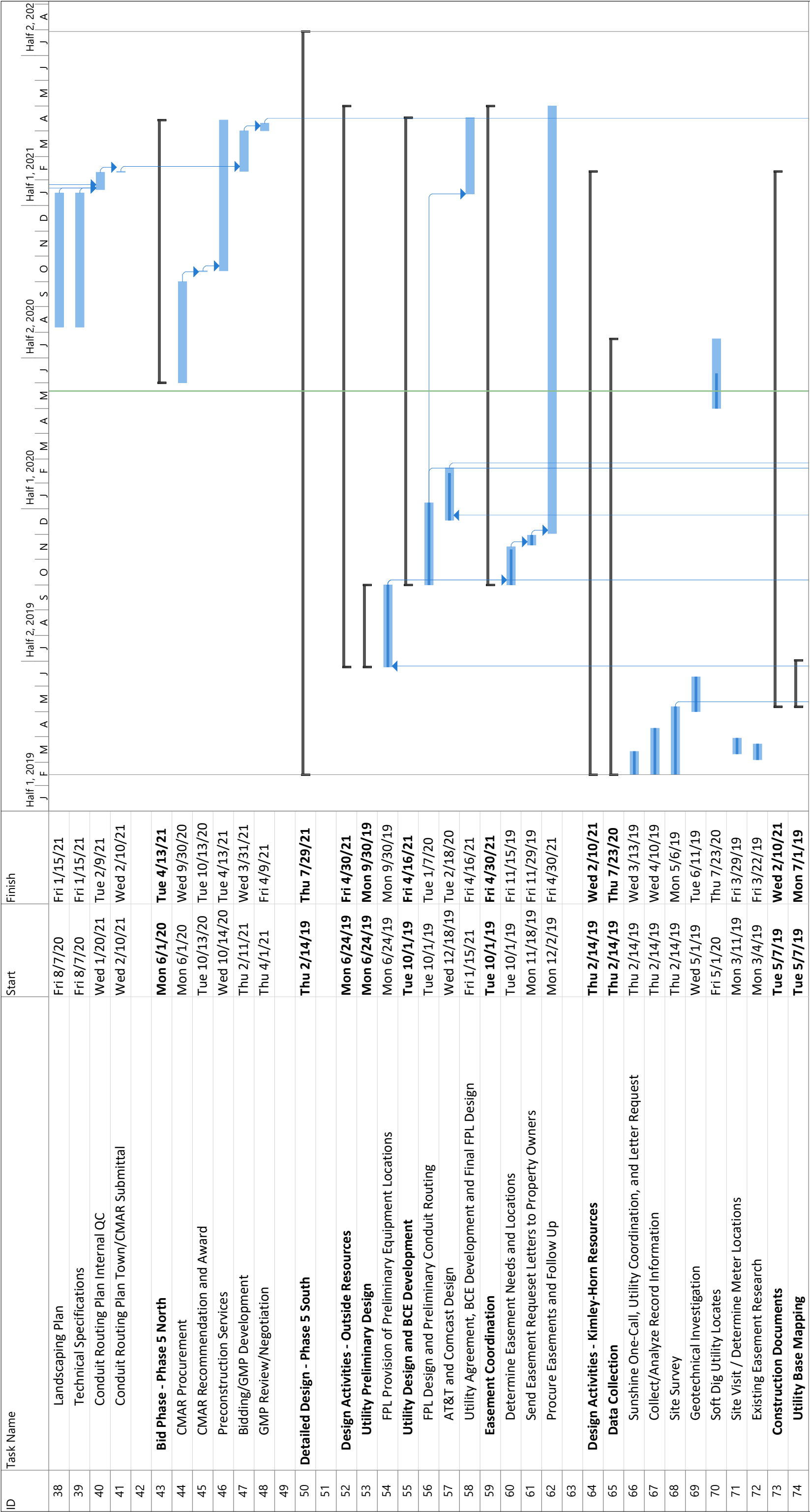
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Project: 2019_0226_Schedule
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Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

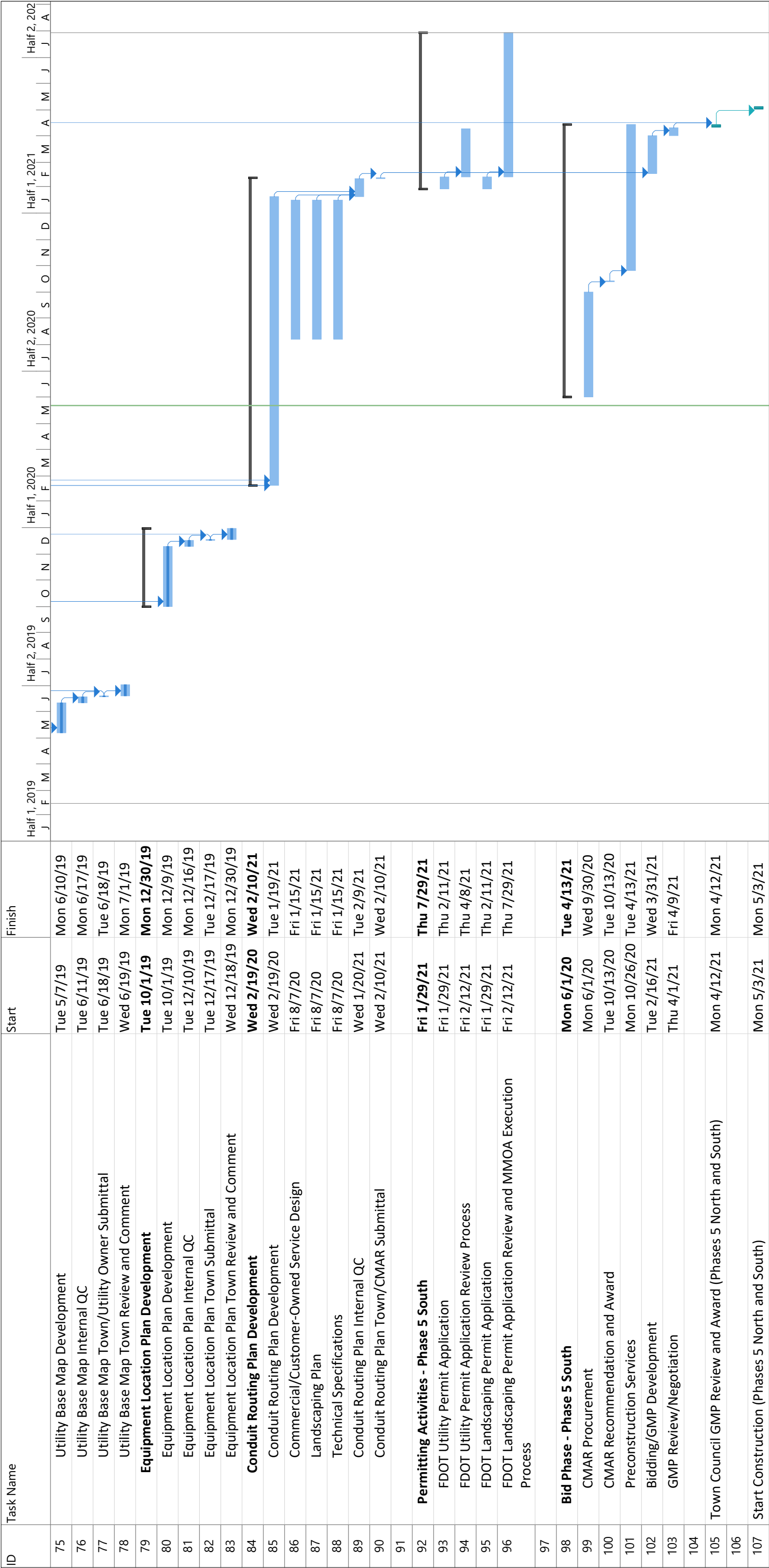
External Milestone

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Project: 2019_0226_Schedule
Date: Fri 5/22/20

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Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

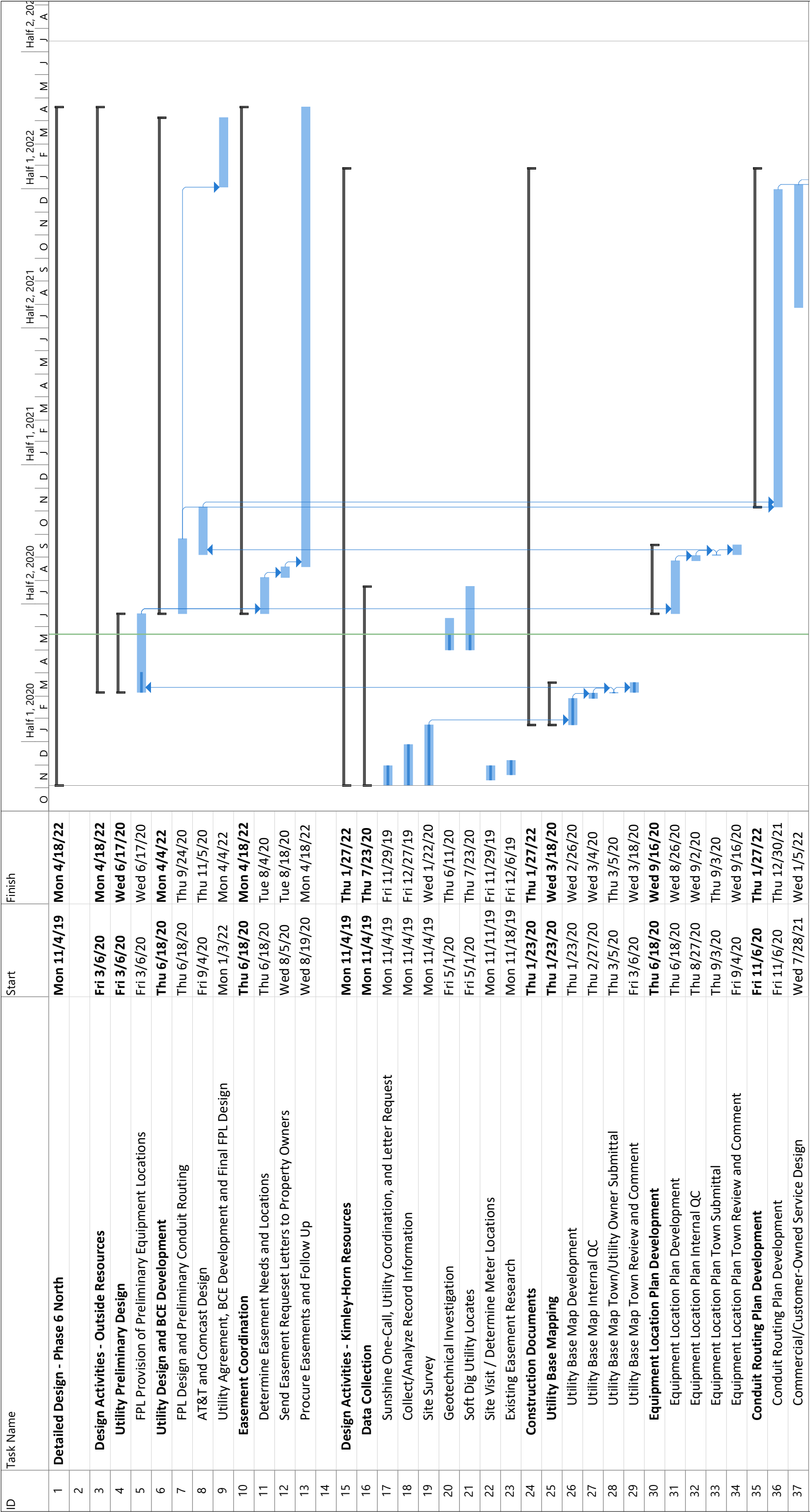
External Tasks

External Milestone

Deadline

Progress

Manual Progress



Project: 2019_0226_Schedule
Date: Fri 5/22/20

Task

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Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

ID	Task Name	Start	Finish	Half 1, 2020 Half 2, 2020 Half 1, 2021 Half 2, 2021 Half 1, 2022 Half 2, 2022																											
75	Utility Base Map Development	Thu 1/23/20	Wed 2/26/20																												
76	Utility Base Map Internal QC	Thu 2/27/20	Wed 3/4/20																												
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106																															
107	Start Construction (Phases 6 North and South)	Mon 5/2/22	Mon 5/2/22																												

Project: 2019_0226_Schedule
Date: Fri 5/22/20

Task

Split

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Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

Vincent G. Burkhardt
President



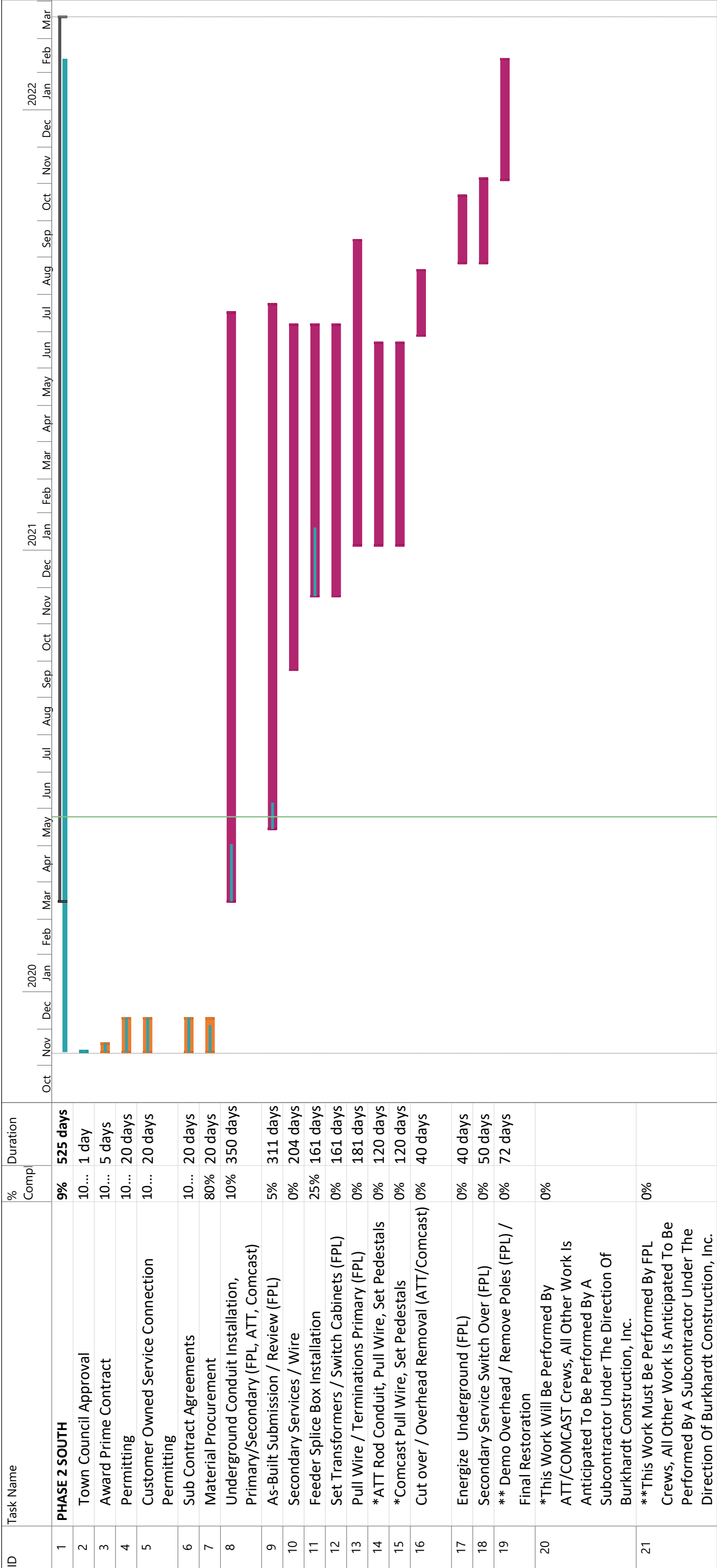
Executive Summary

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03

ID	Task Name	% Complete	Duration	</																											
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TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 2 SOUTH
PRELIMINARY SCHEDULE
RFQ No. 2019-03



TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 3 NORTH
PRELIMINARY SCHEDULE
RFQ No. 2018-03



ID	Task Name		% Complete	Duration	Qtr 3, 2019 Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Qtr 1, 2020 Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
1	PHASE 3 NORTH		54%	444 days?																							
2	Town Council Approval		100%	1 day																							
3	Award Prime Contract		100%	13 days																							
4	Permitting		100%	14 days																							
5	Customer Owned Service Connection Permitting		100%	14 days																							
6	Sub Contract Agreements		100%	14 days																							
7	Material Procurement		100%	55 days																							
8	Underground Conduit Installation, Primary/Secondary (FPL, ATT, Comcast)		85%	240 days																							
9	As-Built Submission / Review (FPL)		55%	200 days																							
10	Secondary Services / Wire		75%	100 days																							
11	Feeder Splice Box Installation		15%	55 days																							
12	Set Transformers / Switch Cabinets (FPL)		75%	55 days																							
13	Pull Wire / Terminations Primary (FPL)		40%	85 days																							
14	*ATT Rod Conduit, Pull Wire, Set Pedestals		0%	55 days																							
15	*Comcast Pull Wire, Set Pedestals		0%	55 days																							
16	Cut over / Overhead Removal (ATT/Comcast)		0%	20 days																							
17	Energize Underground (FPL)		0%	20 days																							
18	Secondary Service Switch Over (FPL)		0%	35 days																							
19	** Demo Overhead / Remove Poles (FPL) / Final Restoration		0%	57 days																							
20	*This Work Will Be Performed By ATT/COMCAST Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.		0%																								
21	**This Work Must Be Performed By FPL Crews, All Other Work Is Anticipated To Be Performed By A Subcontractor Under The Direction Of Burkhardt Construction, Inc.		0%																								

Underground Utility Project Budget
Project Financial Summary
May 31, 2020

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,829,947	\$ 12,659,857	98.7%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 12,915,885	\$ 5,840,353	45.2%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 6,080,850	\$ 3,848,657	63.3%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 1,335,096	\$ 863,284	64.7%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 1,599,805	\$ 447,007	27.9%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 1,886,346	\$ 291,783	15.5%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ -	\$ -	
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 36,647,930	\$23,950,941	65.4%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 1,180,414	\$ 1,180,414	\$ 928,441	78.7%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 121,085,059	\$ 37,828,344	\$24,879,381	65.8%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 6,098,350	\$ 4,636,639	76.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 1,158,567	\$ 1,980,838	171.0%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 121,085,059	\$ 38,986,911	\$26,860,219	68.9%

Total Project Budget - Opinion of cost for construction	\$ 121,085,059
% Budgeted/Encumbered To Date Project Costs	31.24%
% Spent to Date - Project Costs	20.55%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ -	\$ 11,966,042	0.0%
Assessment Revenue	\$ 13,380,000	\$ 12,733,113	95.2%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest on Assessment Escrow	\$ -	\$ 396,389	0.0%
Interest	\$ 512,000	\$ 2,062,629	402.9%
GO Bond Proceeds	\$ 60,500,000	\$ 60,499,897	100.0%
1 Cent Sales Tax	\$ 5,000,000	\$ 1,791,667	35.8%
FPL		\$ 450,246	0.0%
FEMA Grant	\$ 8,500,000	\$ -	0.0%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Transfer from (001) General Fund - PM Salary	\$ 409,450	\$ 349,262	85.3%
Total Project Revenues	\$ 91,908,191	\$ 93,890,887	102.2%

Underground Utility Project Budget
Phase 1 Project Costs
May 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,598,144	100.0%
Street Light Conversion			\$ 26,273	113,399	431.6%
Change Order for AT&T and Comcast Conduit			\$ 371,201	371,201	100.0%
Other Change orders			\$ 130,415	130,415	100.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	483,548	101.4%
Construction Engineering (KH)			\$ 230,532	205,818	89.3%
	\$ 4,210,000	\$ 4,930,000	\$ 4,868,657	\$ 4,937,840	101.4%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,267,153	95.9%
Change Order for AT&T and Comcast Conduit			\$ 125,147	125,147	100.0%
Other Approved Change Orders			\$ 12,749	12,749	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,362,028	99.1%
Construction Engineering (KH)			\$ 316,498	315,453	99.7%
	\$ 6,800,000	\$ 6,350,000	\$ 6,334,777	\$ 6,137,742	96.9%
Easement Recording Fees			\$ 347	740	
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment					
Surveying			\$ 13,978		
Temp Service					
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,829,947	\$ 12,659,857	98.7%

Underground Utility Project Budget
Phase 2 Project Costs
May 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 129,348	94.7%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 799,244	99.1%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 4,015,865	3,604,249	89.8%
Approved Change Orders			\$ -	-	
FPL Design Cost			\$ 11,759	1,350	11.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost				\$ 4,582	
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 496,307	100.0%
FPL - Additional Vista Switches				\$ 54,938	
Street Light Conversion			\$ 19,186	\$ 19,186	100.0%
Construction Engineering (KH)			\$ 248,121	\$ 220,338	88.8%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 4,831,238	\$ 4,437,920	91.9%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	-	
Burkhardt Construction			\$ 6,494,596	169,481	2.6%
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330	14,200	106.5%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 200,000	\$ 123,948	62.0%
Street Light Conversion			\$ 20,000	\$ 19,268	96.3%
Construction Engineering (KH)	-		\$ 282,973	\$ 62,919	22.2%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,055,899	\$ 399,398	5.7%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 19,659	90.5%
Advertising				\$ 1,101	
Jones Foster - Legal			\$ 25,000	\$ 23,325	93.3%
Postage			\$ -	\$ 491	
Recording Costs			\$ 3,605	\$ 2,793	77.5%
Easement Abandonment			\$ 15,484	\$ -	0.0%
Total Easement Acquisition Costs	200,000	219,000	\$ 222,236	\$ 203,791	91.7%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 12,915,885	\$ 5,840,353	45.2%

Underground Utility Project Budget
Phase 3 Project Costs
May 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 462,006	95.0%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 18,417	50.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 837,238	93.6%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,042,171	\$ 2,118,807	52.4%
Approved Change Orders					
FPL Design Cost			\$ 12,850	\$ 1,350	10.5%
ATT Design Cost				\$ 5,000	
Comcast Design Cost				\$ 3,128	
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion				\$ 4,249	
Construction Engineering (KH)			\$ 236,976	\$ 107,860	45.5%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 243,470	\$ 243,470	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 74,900	\$ 74,900	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 4,761,488	\$ 2,709,884	56.9%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 11,359	6,950	61.2%
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 11,359	\$ 15,078	0.0%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 270,913	99.1%
Legal Advertising				\$ 1,076	
Easement Amendment			\$ 49,285	\$ 6,856	
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal			\$ 25,000	\$ 4,328	
Recording Costs				\$ 3,284	
Easement Abandonment			\$ 28,387	\$ -	
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 413,498	\$ 286,457	69.3%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 6,080,850	\$ 3,848,657	63.3%

Underground Utility Project Budget
Phase 4 Project Costs
May 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	240,484	77.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	279,796	62.0%
Task 1.3 Permitting Assistance			\$ 14,468	-	0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	-	0.0%
Task 1.6 Meetings			\$ 77,911	42,663	54.8%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	562,943	63.0%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 12,757	8,128	63.7%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	1,350	
ATT Design Cost				5,000	
Comcast Design Cost				3,128	
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 13,160	9,478	72.0%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	255,711	91.2%
Easement Assistance (KH) -- Switches			\$ 67,747	8,552	12.6%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	16,725	43.7%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs				1,748	
Easement Abandonment			\$ 24,086		
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 415,300	282,736	68.1%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 1,335,096	863,284	64.7%

Underground Utility Project Budget
Phase 5 Project Costs
May 31, 2020

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 168,058	37.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 212,433	35.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,100		0.0%
Task 1.4 Bid Phase Assistance North			\$ 37,899		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 77,911	\$ 12,488	16.0%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 392,979	32.9%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs			\$ 16,223	17,573	108.3%
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 16,223	\$ 17,573	108.3%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
FPL Design Costs			\$ 19,283	20,633	107.0%
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 19,283	\$ 20,633	107.0%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
<i>Easement Assistance</i>			\$ 218,600	\$ 14,702	6.7%
<i>Easement Assistance</i>			\$ 81,086	\$ 1,009	1.2%
<i>Surveys</i>					
<i>Legal Sketch</i>			\$ 41,080		
<i>Jones Foster - Legal</i>					
<i>Recording Costs</i>				\$ 111	
<i>Easement Abandonment</i>			\$ 29,462	\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 370,228	\$ 15,822	4.3%
Fema Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$14,090,000	\$11,694,645	\$ 1,599,805	\$ 447,007	27.9%

Underground Utility Project Budget
Phase 6 Project Costs
May 31, 2020

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 104,504	22.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 181,841	22.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South			\$ 17,694		0.0%
Task 1.4 Bid Phase Assistance North			\$ 35,938		0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North			\$ 84,791	\$ 4,444	5.2%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 290,789	20.2%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ -	\$ -	0.0%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost					
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ -	\$ -	0.0%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 785	0.2%
<i>Surveys</i>					
Legal Sketch			\$ 58,415		0.0%
Jones Foster - Legal					
Recording Costs				\$ 209	
Easement Abandonment			\$ 36,344	\$ -	0.0%
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 446,353	\$ 994	0.2%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 1,886,346	\$ 291,783	15.5%

Underground Utility Project Budget
Other Project Costs
May 31, 2020

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan		\$ 12,015	
Easement Abandonment	\$ 200,000	\$ 7,645	3.8%
Community Outreach	\$ 282,519	\$ 210,898	74.6%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 1,180,414	\$ 928,441	78.7%

Debt Service and Related Debt Issuance Costs

	Budget	Actual	% Expended
Commercial Paper Issuance Cost		\$ 195,366	
Commercial Paper Fees		\$ 52,252	
Commercial Paper Interest		\$ 243,096	
GO Bond Closing Costs		\$ 487,471	
GO Bond Debt Service	\$ 6,098,350	\$ 3,658,456	60.0%
Total Debt Service and Related Debt Issuance Costs	\$ 6,098,350	\$ 4,636,639	76.0%

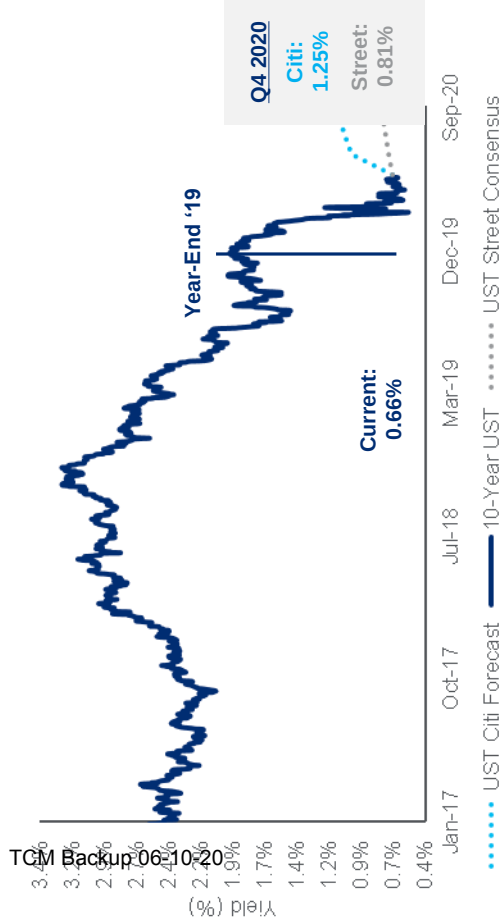
Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 346,124	98.6%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 513,847	97.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 523,173	
PBT Real Estate v TPB		\$ 159,408	
Gardner, Bist Bowden, Bush (Shef Wright)		\$ 24,799	
Temp Services - Easement acquisition	\$ 40,000	\$ 45,076	112.7%
Project Manager -Pay and benefits	\$ 454,398	\$ 409,306	90.1%
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 1,158,567	\$ 1,980,838	171.0%

U.S. Rate Forecasts

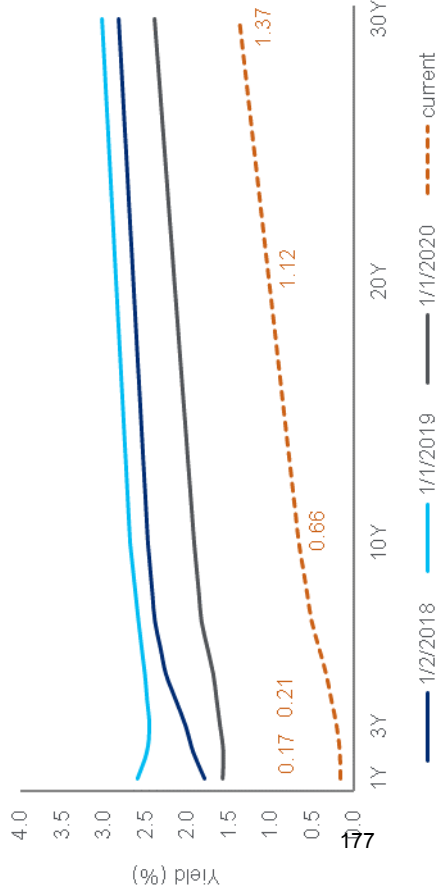
10-Year Treasury Yield Forecast

Citi is forecasting higher rates at year-end, similar to the Street consensus



US Treasury Yield Curve

The yield curve has fallen significantly as the coronavirus outbreak has prompted the Federal Reserve to cut interest rates as investors put on a flight-to-quality trade



Rate Forecasts

5-Year Treasury	Current	2Q20	3Q20	4Q20	1Q21	2Q21	3Q21
Citi's Forecast		0.61%	0.65%	0.70%	0.70%	0.70%	0.70%
Economists' Consensus	0.34%	0.40%	0.45%	0.54%	0.60%	0.68%	0.70%

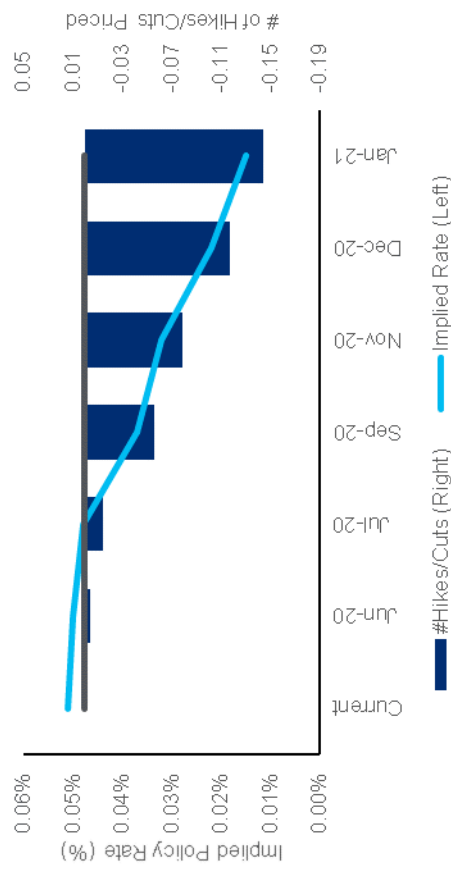
10-Year Treasury	Current	2Q20	3Q20	4Q20	1Q21	2Q21	3Q21
Citi's Forecast		0.98%	1.11%	1.25%	1.25%	1.25%	1.25%
Economists' Consensus	0.66%	0.68%	0.75%	0.81%	0.91%	1.00%	1.01%

30-Year Treasury	Current	2Q20	3Q20	4Q20	1Q21	2Q21	3Q21
Citi's Forecast		1.53%	1.64%	1.75%	1.75%	1.75%	1.75%
Economists' Consensus	1.37%	1.33%	1.40%	1.50%	1.60%	1.65%	1.70%

Fed Funds	Current	2Q20	3Q20	4Q20	1Q21	2Q21	3Q21
Citi's Forecast		0.25%	0.25%	0.25%	0.25%	0.25%	0.50%
Economists' Consensus	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%

Expectations of Fed Change in Interest Rates (Market View)

The market is pricing in lower interest rates throughout the next year



TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town Marina Project Update

Jay Boodheshwar, Deputy Town Manager

a. Design Concept Recommendation for Improvements to Lake Drive Park, South Lake Drive, and Marina Parking

b. RESOLUTION NO. 43-2020 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for Additional Design Task Services for Landmarks Preservation Commission Application for the Town Marina Project to W.F. Baird & Associates, in an Amount Not-To-Exceed \$25,000 to Increase the Purchase Order from \$1,706,229.25 to \$1,731,229.25.

H. Paul Brazil, P.E., Director of Public Works

c. RESOLUTION NO. 42-2020 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Selection Committee Recommendation for RFP No. 2020-16, Design Consultant and Peer Review of Lake Drive Park to Fairfax, Sammons & Partners, LLC in the Amount Not To Exceed \$34,500.

Dean Mealy, Purchasing Manager

Presenter

ATTACHMENTS:

- **a & b. Memorandum Dated June 2, 2020, from Jay Boodheshwar, Deputy Town Manager and H. Paul Brazil, P.E., Director of Public Works**
- **a. Lake Drive Park Improvement Concepts Presentation**
- **Citizen Comments**
- **b. Resolution No. 43-2020**
- **c. Memorandum Dated June 4, 2020, from Dean Mealy, Purchasing**

Manager

- ▣ **c. Score Sheet for RFP No. 2020-16**
- ▣ **c. Resolution No. 42-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works

RE: Design Concept Recommendation for Improvements to Lake Drive Park, South Lake Drive and Marina Parking and Town Marina Project Update on Value Engineering
Resolution No. 43-2020 – Authorization to Increase Purchase Order #190332

DATE: June 2, 2020

STAFF RECOMMENDATION

Understanding that the new Town Marina will serve the Town for decades to come, any decisions made relative to upland improvements should consider both current and future needs of not only the adjacent residential neighborhood, but also the operational needs of this important facility. Balancing the needs of a successful marina operation, varied resident desires, and passive park use is paramount. To that end and after much consideration, staff recommends Town Council approval of a modified version of the design concepts presented to the community on May 20, 2020, which will be referred to as Design Concept A-1. See below and attached for more information.

If the Town Council chooses to proceed with Concept A-1 and the required reviews and approvals of the Landmarks Preservation Commission and Town Council Development Review, an additional \$25,000 authorization is requested to accomplish these tasks. Resolution No. 43-2020 is provided for approval if that action is desired.

Staff also recommends approval to upgrade the electrical cabling associated with the overall marina project, as outlined in the Value Engineering Update below.

GENERAL INFORMATION

Below is chronology/history of the design concepts effort, which initially focused on marina related parking but evolved to address a number of other neighborhood and Council desire. Also provided is a timeline of future anticipated milestones to provide a context for the related Town Council decision on obtaining additional consultant services (that separate item, Resolution No. 42-2020, follows this item on the agenda).

The origin of the study and development of various upland design concepts was primarily based on a desire to provide a suitable number of parking spaces to accompany the reconstructed marina, with a stated goal of two (2) parking spaces per slip. The Town Council's desire was to maintain the construction contract award for the marina and continue with that project work while initiating the parking alternatives study and allowing public (resident) input. The recommendation by staff was to utilize a consultant separate from the marina consultant, and the consultant with the most relevant experience that already was available with an existing Professional Services Agreement with the Town was Kimley Horn & Associates. A proposal was received from them on September 27, 2019. This task was approved by the Town Council at its meeting on October 10, 2019 with a \$25,000 budget authorization, and as part of the Town Marina Project Update item. During the development of concepts, the scope of services was increased to reflect the additional services for renderings, colorized plans, photo simulations, additional meetings and presentations, cost estimating and further refinement of various concepts. That approval by the Town Council at its March 10, 2020 meeting was presented as part of the overall project budget, and this task's budget was revised to \$55,000 at that time.

Development of Design Concepts

The development of various design concepts undertaken by Kimley Horn & Associates (KHA) were based on guidance provided by staff regarding a desired range of alternatives. Those alternatives ranged from "do nothing" (status quo) alternative to parking concepts that had significant impacts to the use of Lake Drive Park. Staff originally focused on those concepts that provided more parking adjacent to the new dock configurations, which enhanced the marina user experience but not necessarily those of the residents and park users. When those alternatives were presented at the public meeting on February 24, 2020, it was evident that residents in attendance desired revisions to be more closely aligned with the access and usability of the park, along with a number of other considerations. These revisions included traffic safety items (traffic calming, crosswalks, stop signage at intersections, etc.) and reduced impacts to the park and existing green space. Based on the public feedback received, and again with staff input, revised concepts were to be developed. The public meeting originally anticipated for March was deferred due to COVID-19 restrictions. Updated concepts from KHA were ultimately prepared and approved by staff prior to public presentation.

May 20 Public Meeting and Summary of Feedback from Public Comment Period

A virtual meeting was held on May 20, 2020, to review the updated design concepts and had an attendance of 33 people, 12 of which were town employees or consultants related to the project. Subsequent to the meeting a public comments period was provided until May 29. Fifteen public comments were received via email (which are included in this back up) during the comment window. The Friends of Lake Drive Park submitted their comments and related renderings. The Royal Park Homeowners Association (RPHA) also submitted a memo with their feedback.

The consensus of the feedback supported no increase to the size of existing parking lots. Other themes included preserving the greenspace and the addition of some traffic safety measures (crosswalks and stop signs) were consistent. Although some residents are not in favor of pathways traversing through the park, there was sentiment to have a hard surface, allowing for easier access

for those who may have difficulties traversing the grass (people who rely on a wheelchair, cane, walker, etc.) from Lake Drive Park to the Lake Trail. Currently, many park users walk through the marina parking lots to gain access. Town staff believe using the parking lots as park pathways is unsafe and inappropriate from a marina operations perspective.

There was also concern regarding on street parking expressed. Residents of 315 and 325 South Lake Drive have both expressed concern over the loss of on street parking on the east side due to the landscape islands that would be created in order to have crosswalks and stop signs. There were also questions related for the need for landscape islands to have crosswalks. Most responses indicated residents along South Lake Drive do not want them as they reduce on street parking.

Attached are the public comments received during the public comment period (May 20-29, 2020), including communications from the Friends of Lake Drive Park and the Royal Park Homeowners Association.

Design Concept A-1 Recommended

Feedback received during the public comment period was given tremendous consideration, along with the operational needs of the marina, resulting a staff recommendation for council consideration, which is referred to as Design Concept A-1. Key design elements of this concept include:

- No expansion of existing parking lots.
- Gated and landscaped borders for parking lots (no fencing).
- Reduction of angled parking on South Lake Drive to install required landscape islands on west side of street to accommodate ingress/egress needs at parking lots, new crosswalks, and to create a connection point to Lake Trail access paths.
- Addition of some parallel parking between Australian and Brazilian on west side of street.
- New crosswalks at Brazilian and Peruvian.
- Two new access paths to Lake Trail near Peruvian and Brazilian lots with connections to crosswalks.
- New stop signs at intersections of Brazilian, Australian and Peruvian.
- No landscape islands on east side of South Lake Drive.

Attached is a copy of the draft Power Point, which will be presented on June 10, to help visualize the recommendations. The Power Point begins with the three design concepts that were presented on May 20 for context and ends with the recommended Design Concept A-1.

FUTURE MILESTONES

Town Council Approval of Recommended Design Concept – June 9, 2020 Completion Date

The concepts developed for the May 20th public meeting, associated feedback from residents, and staff recommendation are presented for Town Council consideration. Upon review and consideration, it is recommended that the Town Council approve Design Concept A-1 and provide guidance on pursuit of that concept for further development. Any delay in selecting a preferred

concept or identifying an alternative concept will cause a direct and corresponding delay in the execution of the work. A base timeline is presented below along with tentative milestone dates for each step in the process.

Please note that additional consultant services have been solicited based on the Town Council's direction at its May 13, 2020 meeting. If those services are sought and a "peer review" of alternative concepts is desired, the timeline below will be delayed. That significance of that delay is unknown but would be dependent on the new consultant's tasking and scope of services. Presentation of these peer review comments and adoption of any recommendations by the Town Council would occur at a future meeting.

Preliminary Design & Landmarks Preservation Commission (LPC) Review – August 19, 2020 Completion Date

When the Town Council provides direction on the preferred concept to be pursued, the next step would be the immediate authorization to proceed with the preparation of a preliminary (30%) design that would have sufficient detail for consideration by the LPC at its August 19, 2020 meeting. Staff recommends accomplishing this task with the Town Marina consultant (W.F. Baird & Associates). A cost proposal for these services related to the LPC application and presentation will be secured from Baird, which is estimated to not exceed \$25,000 and it is recommended that the Town Council approve Resolution No. 43-2020 to increase the existing purchase order authorization to Baird. It should also be noted that a pending task authorization to W.F. Baird & Associates was previously approved for LPC application/submission related to the original scope of the project that is located east of the bulkhead. Authorization to increase that scope to include the approved parking alternative concept is needed to incorporate those new elements into the LPC application initiated by W.F. Baird. The LPC application would need to be prepared and submitted 30 days in advance of the meeting to comply with established procedures. In order to meet the submission deadline of July 20th, the design criteria associated with the preferred alternative needs to be clearly understood at the June 9th Town Council meeting so the design consultant can develop the LPC application with adequate detail. Specific design criteria examples would include the type/extent of fencing, landscaping approach, and typical plant selections, security improvements (cameras, gates, etc.), and any hardscape revisions (sidewalks, etc.) that would be required. An interim update to the Town Council at its July 14, 2020 meeting may be helpful to ensure this key task remains on track.

Town Council Approval of LPC Recommendations – September 8, 2020 Completion Date

Subject to Town Council approval of the LPC recommendation, or by other direction provided by the Town Council, the design consultant will take the preliminary design and continue with design development resulting in the final design of the approved alternative and preparation of bid documents and corresponding cost estimate. It should be noted that, if an additional LPC review or Town Council approval cycle were necessary, the schedule would be delayed, typically a month or two depending on the meeting schedules. Authorization would be sought to have the design consultant complete the final design and bid documents for a future cost to be determined.

Final Design and Bid Documents Preparation – November 10, 2020 Completion Date

The design consultant would complete the final design as noted above and provide suitable bid documents (plans & specifications) to procure the work. An interim update to the Town Council at its October 13, 2020 meeting would be advisable to ensure that any design revisions are accommodated prior to the bid documents being finalized. The consultant's Opinion of Probable Construction Cost (OPCC) would also be established as part of this phase.

Bid Phase Schedule – January 12, 2021 Completion Date

The bid documents would be provided to the Purchasing staff for procurement. At this time, staff would recommend that the work be accomplished by the Town Marina contractor, Murray Logan, as a change order to the existing contract if possible. That would be the most expeditious method and should have the least impact on scheduled completion by avoiding overlapping work by two (2) different contractors. If a reasonable cost cannot be negotiated with the contractor, or if a contractor other than Murray Logan was chosen, then the timeline would be extended accordingly until a contract was awarded. If bid phase was accomplished sooner than expected, contract award at the January 12, 2021 Town Council meeting might be possible.

Construction Phase Schedule (Award) – February 9, 2021 Completion Date

The general contractor performing the marina construction has indicated that a decision would be required by February 2021 if the scope of work for the site improvements (parking lots, landscaping, etc.) were to be changed. After this date, the contractor cannot guarantee completion without delay to the Town Marina Project. Therefore, Town Council's approval at its February 9, 2021 meeting would be the latest an award could be made without disruption to the Town Marina Project schedule. Paving work and other site work is scheduled to be accomplished spring and early summer of 2021.

VALUE ENGINEERING & CONTINGENCY UPDATE

Dredging Volume

The original bathymetric survey provided during the design development by the consultant W.F. Baird & Associates anticipated a total volume of dredge material to be approximately 90,000 cubic yards. Based upon the pre-dredge survey conducted by Murray Logan's surveyor, their estimated volume is approximately 6,000 cubic yards less than that (about 84,000 CY total). This pre-dredge survey was performed after all the boats had departed the marina and, therefore, is likely to be more accurate than the initial survey when the marina was fully occupied. Although the reduction in volume cannot be finalized until the dredging work is completed, it appears that a savings might be realized based on the unit price from Murray Logan (\$54.50 per cubic yard) and an eventual reduction of \$327,000 may be possible.

Electrical Distribution Cabling/Wiring

The project was designed to include conduit and wiring for the electrical power distribution to and

through the floating docks. That alternative was chosen as the baseline since it reflects the lowest cost alternative that meets the electrical code requirements. During the preparation of shop drawings for the new floating docks, the manufacturer, Bellingham Marine, has informed the project team that an upgrade to a better electrical cable may be desirable. The use of a more durable cable (Type G and Type W) would be more expensive initially but will have a much longer life and would require replacement at a much longer interval than the originally specified wiring that would typically need to be replaced every 10-15 years. The recommended cable upgrade is better suited for the marine environment, and is worth the additional investment based on research by the Town's consultant. Since this upgraded cable does not require conduit to protect it, there is less cost and effort associated with its installation, and offers simpler fabrication (less labor intensive). For that reason, the dock manufacturer is offering to provide the upgraded cable at only 50% of its actual cost, and the contractor is not charging any markups (overhead & profit) on it. The net cost to upgrade the electrical cabling is \$269,615, and based on a life cycle cost analysis, would be less expensive over the life of the docks. Staff and the design consultant recommend acceptance of this proposal from the contractor.

FUNDING/FISCAL IMPACT

No additional funding authorization is required is council approves with the recommendations as described above. Due to savings achieved through previously value engineering efforts, the estimated expenses associated with the Landmarks and Council approval process for Design Concept A-1, along with the upgrade to the electrical cabling can be absorbed within the existing approved project budget. However, it is important to note that any additional expenses for work not currently included in the scope of the approved marina project will require funding authorizations from our sources.

PURCHASING REVIEW

The Purchasing Division has reviewed this item and recommends approval of Resolution No. 43-2020.

TOWN ATTORNEY REVIEW

This proposed Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Carolyn Stone, Director of Business Development and Operations
Eric Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Dean Mealy, Purchasing Manager
Jason Debrincat, Senior Project Engineer
Mike Horn, Town Dockmaster



Town Council June 10, 2020

Conceptual Improvement Plans for Marina Parking Lots, Lake Drive Park & South Lake Drive

Summary & Timeline

TCM Backup 06-10-20



- Initial design concepts developed with focus on increasing off-street marina parking.
- Initial concepts presented on February 24, 2020, to public.
- Updated design concepts took into consideration input received from residents at February 24 meeting and operational needs of marina.
- Updated concepts presented on May 20, 2020.
- Staff recommended design concept is reflective of additional public input after May 20, along with operational needs of marina.
- Today's presentation begins with review of options presented on May 20 and ends with the staff recommendation.
- Council direction required after full presentation on all marina related matters at June 10 meeting.

Review of 3 Design Concepts



- **Key Guiding Principles for Updated Design Concepts**
 - Protect the Banyans
 - Improve aesthetics
 - No loss of green space
 - Improve access to park and Lake Trail
 - Safer access to park from neighborhood
 - Improved safety and security for both marina patrons and neighborhood residents
 - Consider benefits of angled vs. parallel parking on street
- **Conceptual Designs**
 - Details plans and specs come after concept is approved
 - Landmarks and Town Council approvals required

Cost Estimate: \$1,347,000
(final design, construction
and 30% contingency)

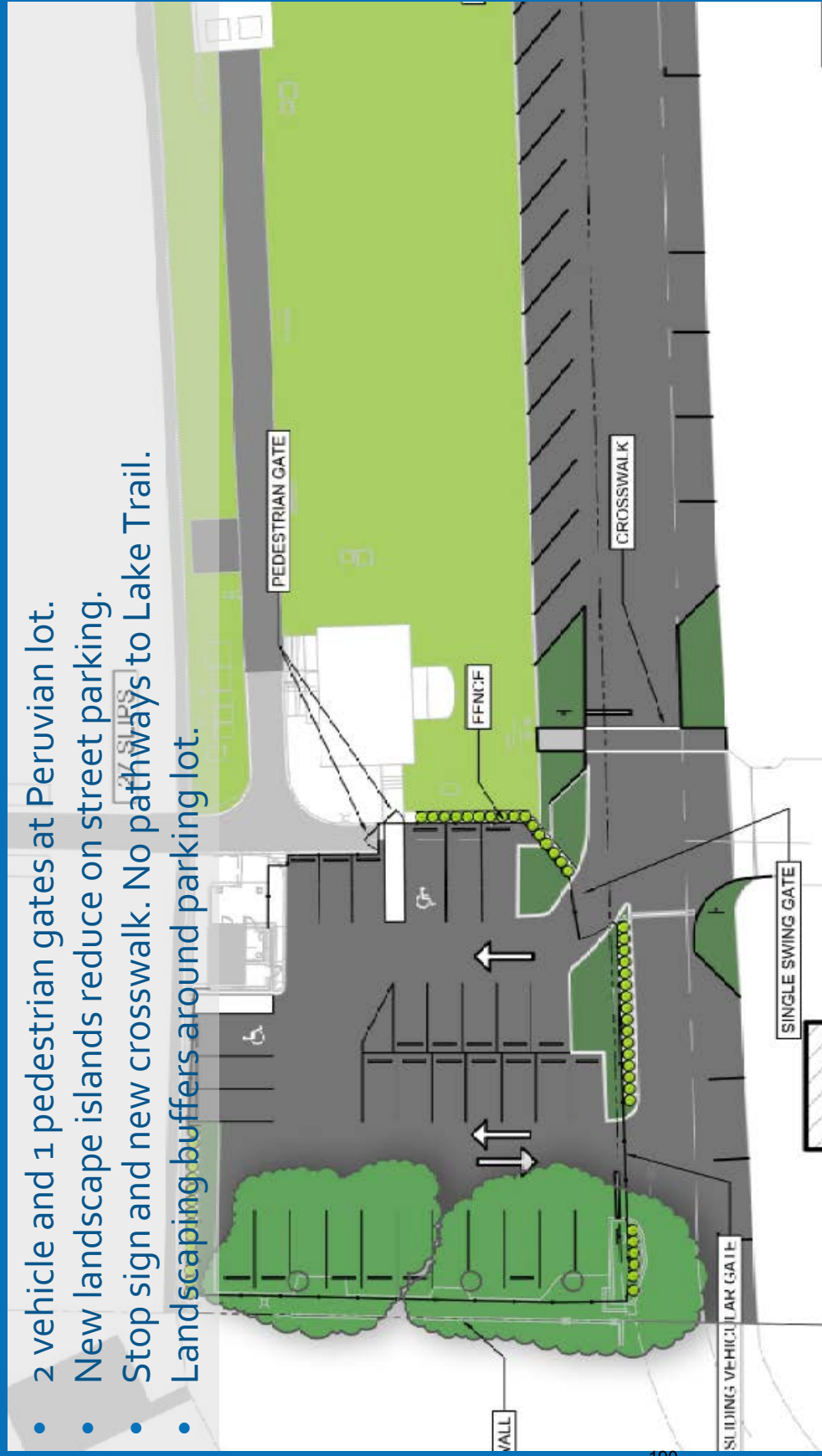


- 189

Segment of Concept A (Peruvian)



- 2 vehicle and 1 pedestrian gates at Peruvian lot.
- New landscape islands reduce on street parking.
- Stop sign and new crosswalk. No pathways to Lake Trail.
- Landscaping buffers around parking lot.



Segment of Concept A (Australian)



TCM Backup 06-10-20

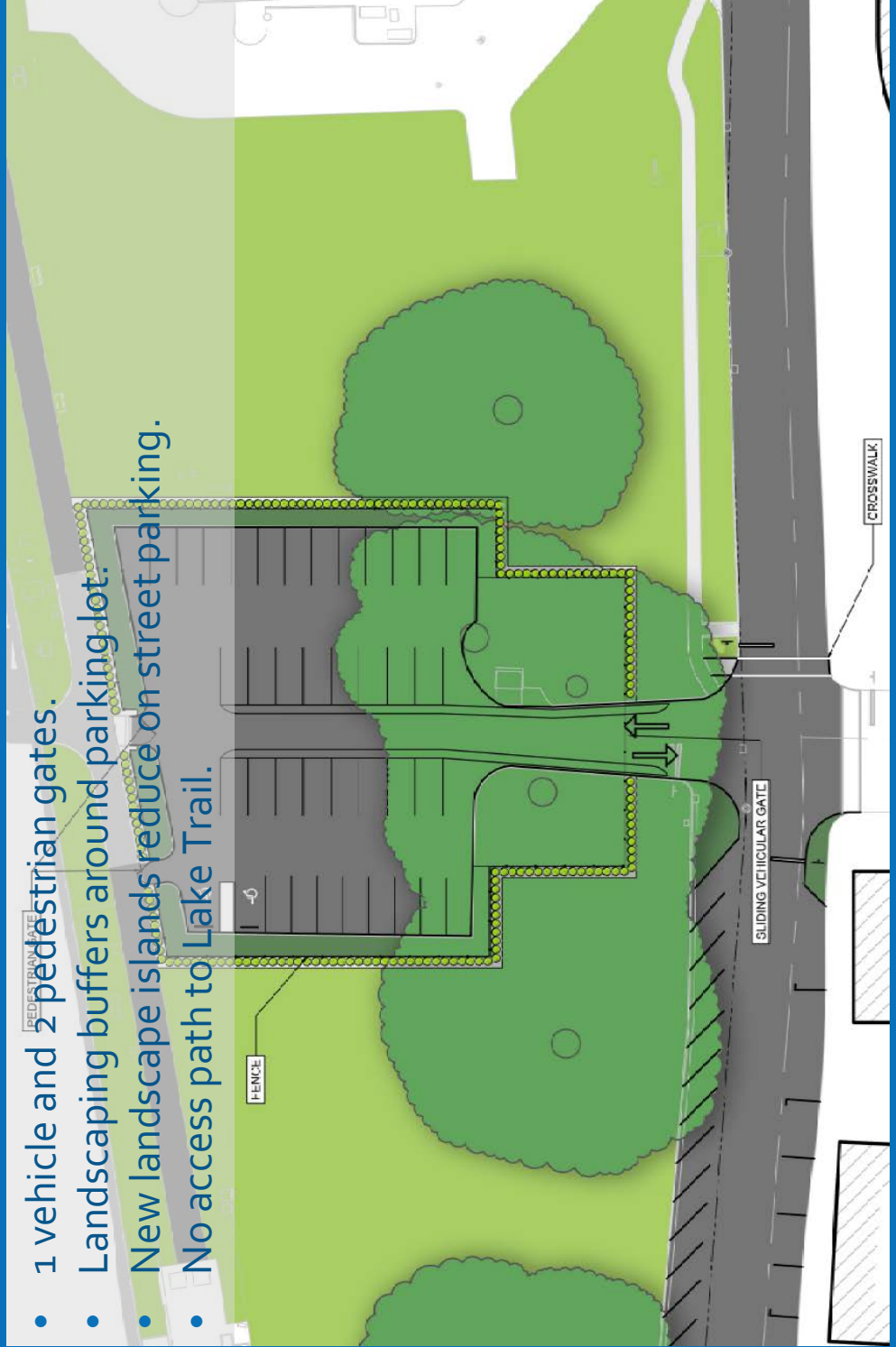
- 2 vehicle and 2 pedestrian gates
- Landscaping buffers around parking lot.
- Trash and utility area screened with landscaping.
- Crosswalks at Chilean and Australian but no access path to Lake Trail.
- New landscape islands reduce on street parking.



Segment of Concept A (Brazilian)



- 1 vehicle and 2 pedestrian gates.
- Landscaping buffers around parking lot.
- New landscape islands reduce on street parking.
- No access path to Lake Trail.



Overview of Concept B (May 20)



TC
B
Group 06-10-20

SITE DATA

OPEN SPACE

EXISTING
158,775 SF

PROPOSED
158,775 SF

4,137 SF (SEAWALL)
4,413 SF (CURB EXTENSIONS)
-3,350 SF (PATHS)
-2,024 SF (PARKING)

NET CHANGE
0 SF

4,137 SF
4,413 SF
-3,350 SF
-2,024 SF
3,176 SF

Cost Estimate: \$1,460,000
(final design, construction
and 30% contingency)

PARKING LOTS

126 SPACES

S. LAKE DR. PARKING
62 WEST SPACES
29 EAST SPACES
91 SPACES

139 SPACES

43 WEST SPACES
23 EAST SPACES
67 SPACES

13 SPACES

-19 SPACES
-6 SPACES
-25 SPACES

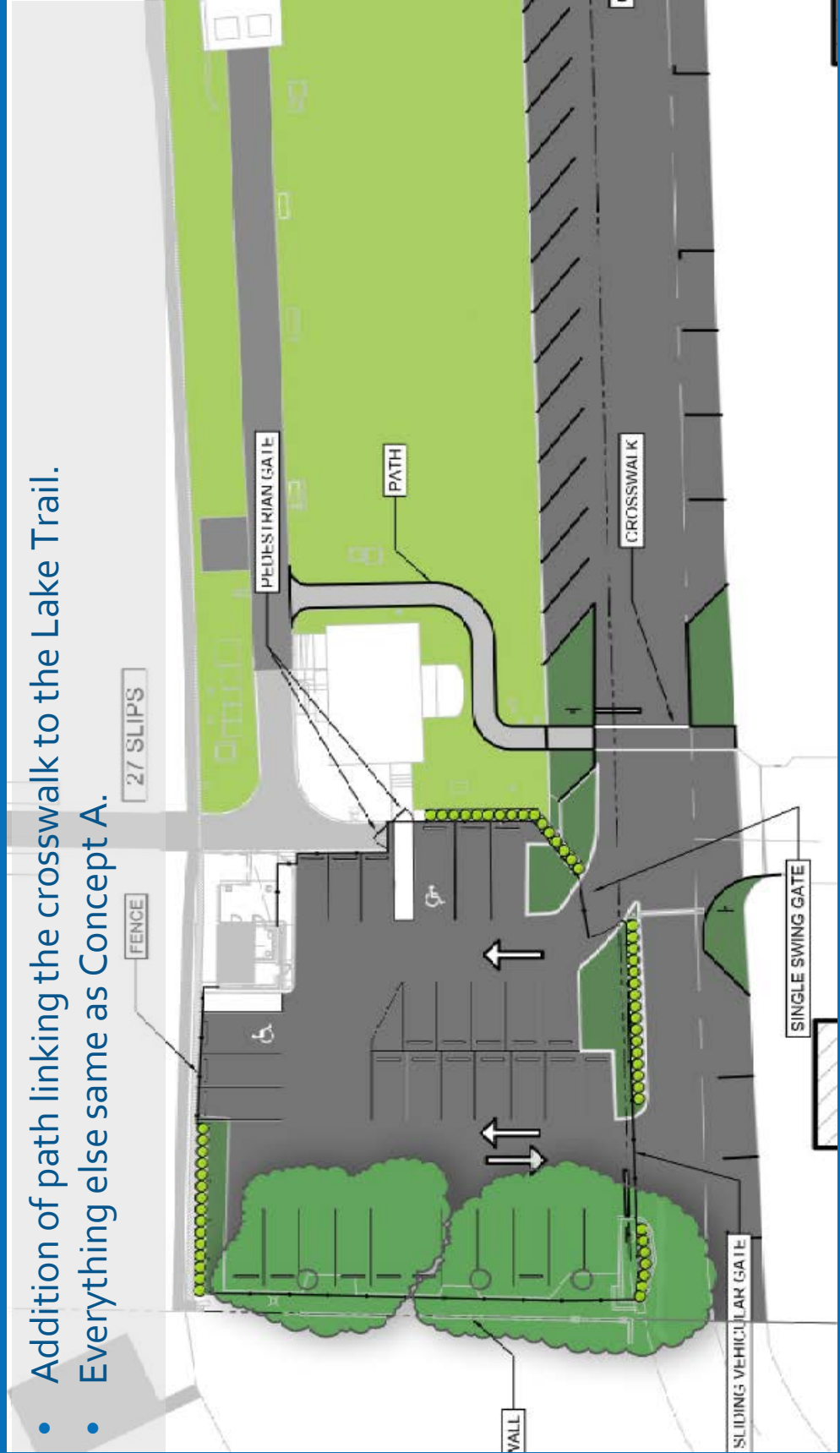


- Marina parking lots: Current 126, Proposed 139 (+13 in Australian).
- Angled parking remains but reduced by 19 to build landscape islands for safer ingress/egress at parking lots and crosswalks.
- All 3 marina lots fenced and gated with landscaping buffers to soften edges.
- Vehicular and pedestrian gate access to/from marina parking lots. Public will not be able to walk through parking lots to gain access to Lake Trail.
- Three new crosswalks on South Lake Drive and four connections to Lake Trail.

Segment of Concept B (Peruvian)



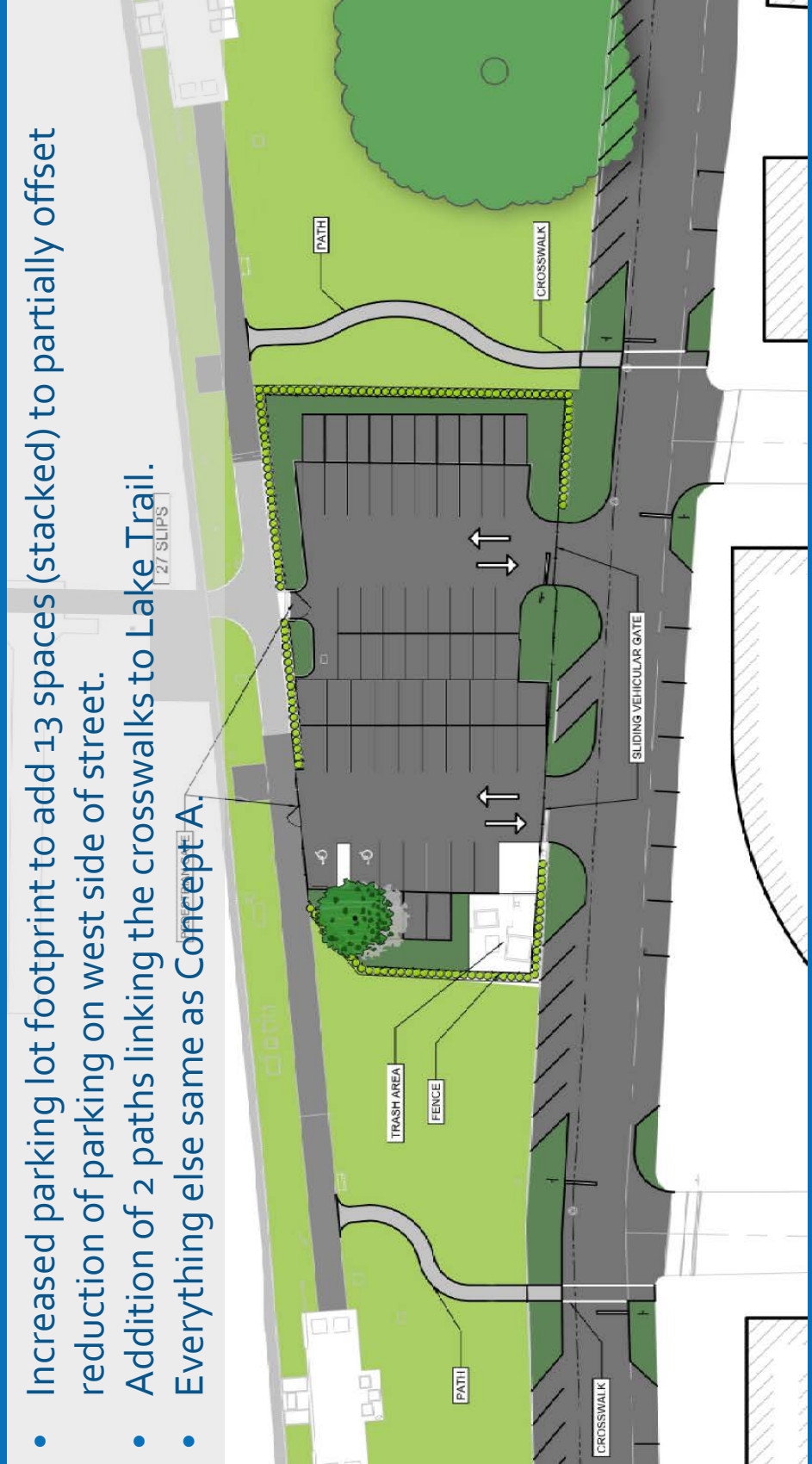
- Addition of path linking the crosswalk to the Lake Trail.
- Everything else same as Concept A.



Segment of Concept B (Australian)



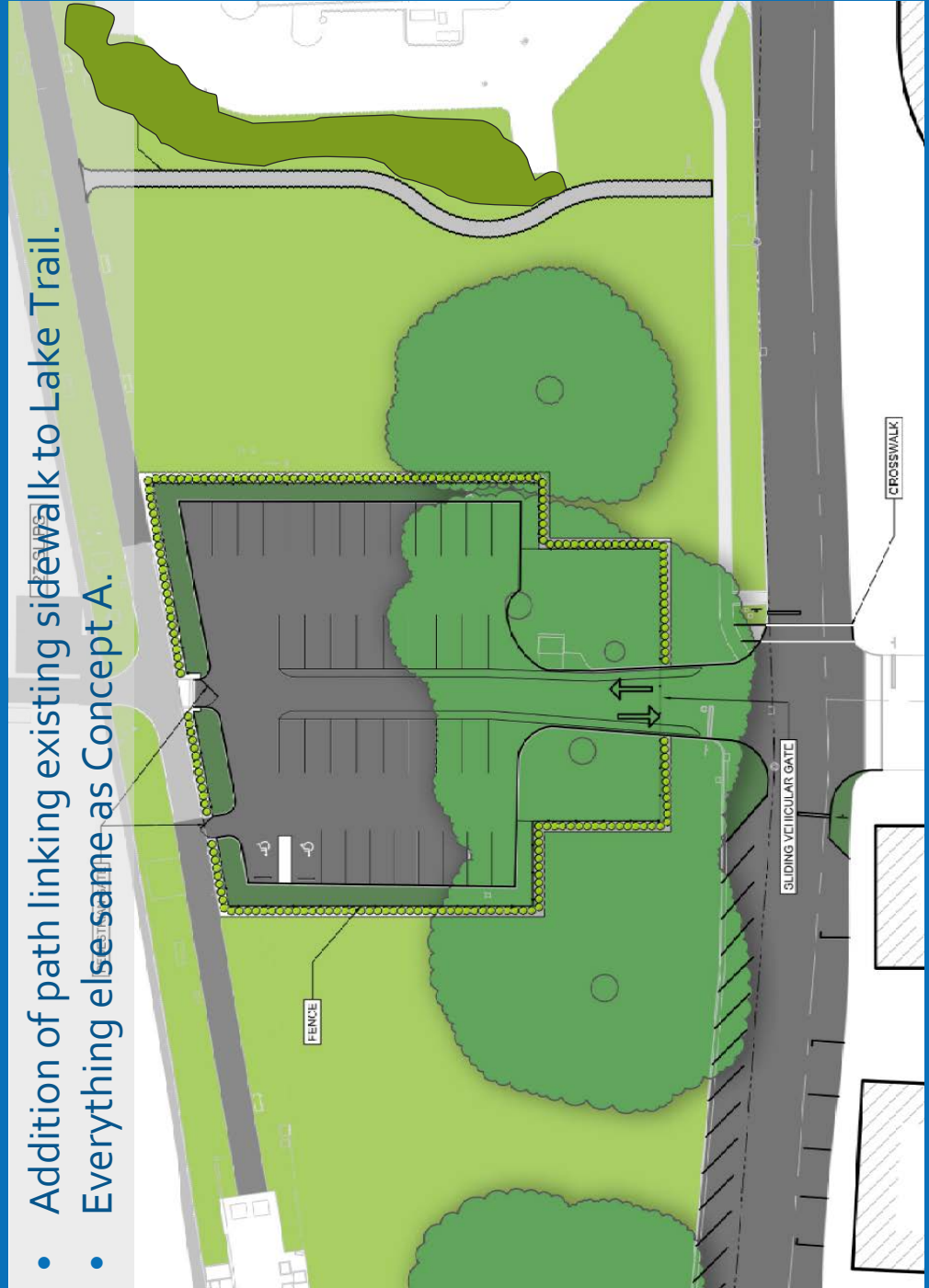
- Increased parking lot footprint to add 13 spaces (stacked) to partially offset reduction of parking on west side of street.
- Addition of 2 paths linking the crosswalks to Lake Trail.
- Everything else same as Concept A.



Segment of Concept B (Brazilian)



- Addition of path linking existing sidewalk to Lake Trail.
- Everything else same as Concept A.



Overview of Concept C (May 20)



SITE DATA
 CM Backup 06-10-20

EXISTING
 158,775 SF

PROPOSED
 158,775 SF

NET CHANGE
 0 SF

4,137 SF (SEAWALL)
 3,277 SF (CURB EXTENSIONS)
 -3,350 SF (PATHS)
 -3,968 SF (PARKING)

4,137 SF
 3,277 SF
 -3,350 SF
 -3,968 SF
 96 SF

PARKING LOTS

126 SPACES

25 SPACES

S. LAKE DR. PARKING
 62 WEST SPACES
 29 EAST SPACES
 91 SPACES

33 WEST SPACES
 23 EAST SPACES
 57 SPACES

-29 SPACES
 -6 SPACES
 -35 SPACES

Cost Estimate: \$1,666,000
 (final design, construction
 and 30% contingency)

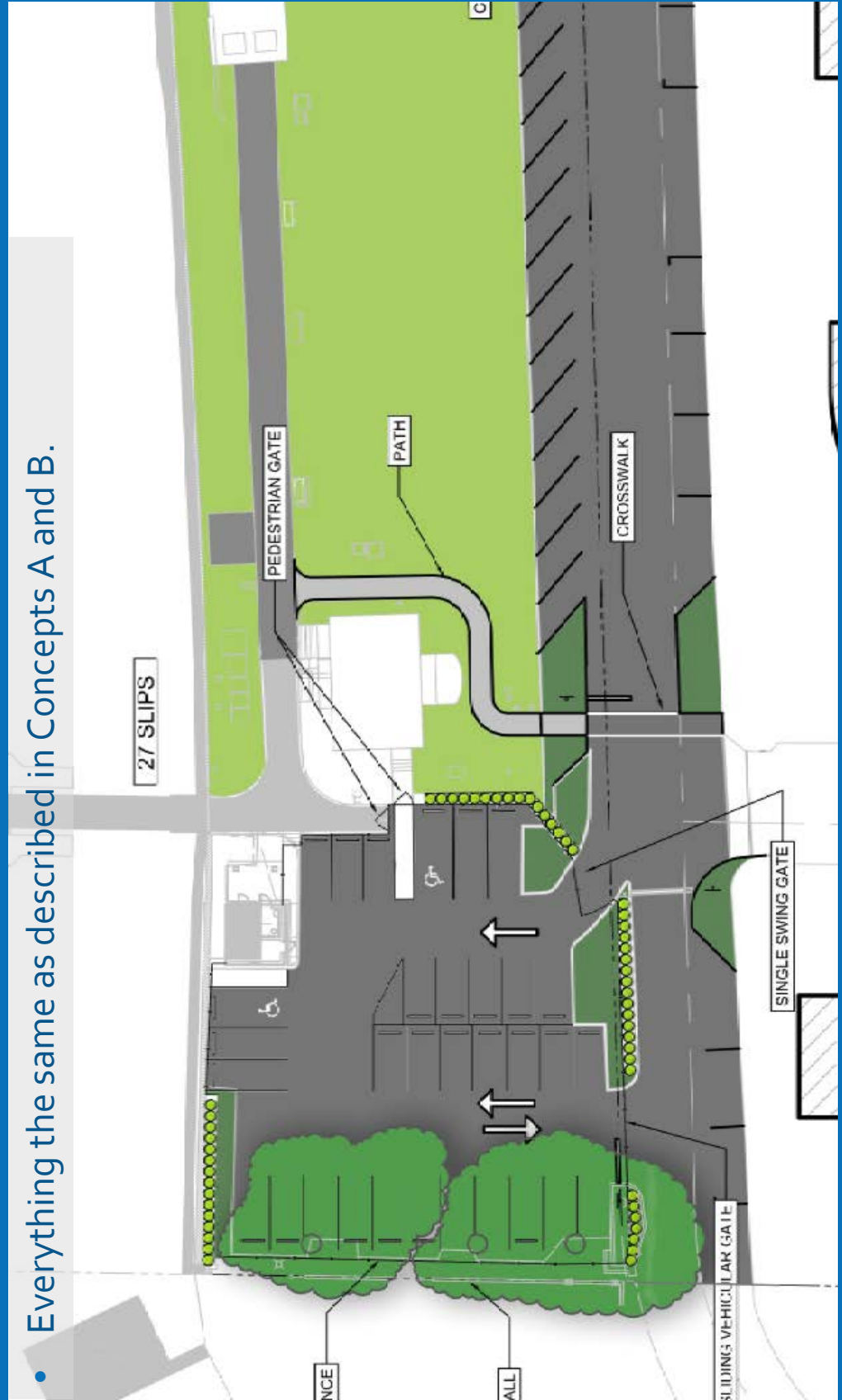


- Marina parking lots: Current 126, Proposed 151 (+13 in Australian, +12 in Brazilian).
- Some angled parking remains but reduced by 29 to build landscape islands at parking lots and crosswalks, adds a sidewalk and converts remaining angled spaces to parallel.
- All 3 marina lots fenced and gated with landscaping buffers to soften edges.
- Vehicular and pedestrian gate access to/from marina parking lots. Public will not be able to walk through parking lots to gain access to Lake Trail.
- Three new crosswalks on South Lake Drive, which connect to Lake Trail.

Segment of Concept C (Peruvian)



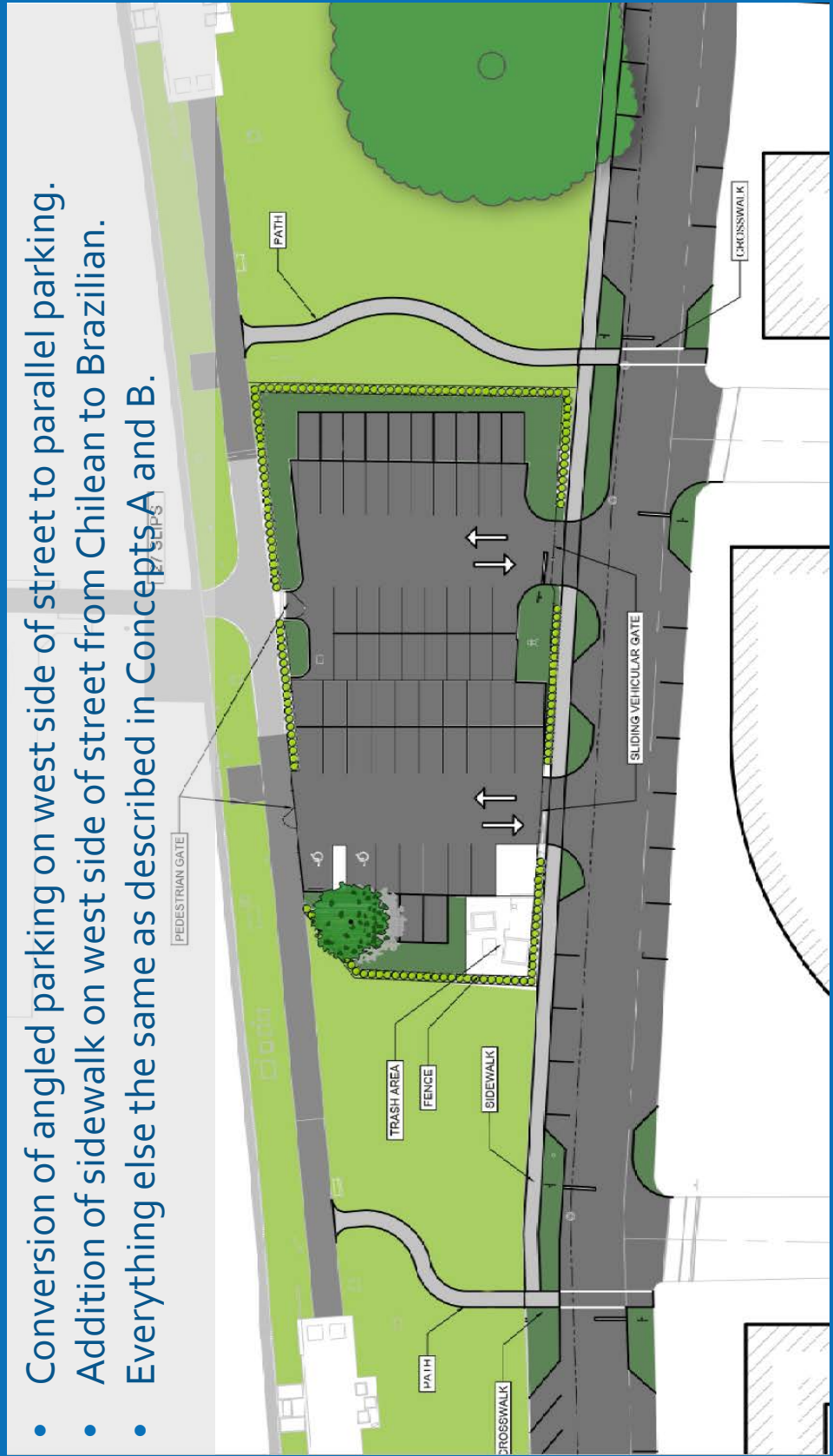
- Everything the same as described in Concepts A and B.





Segment of Concept C (Australian)

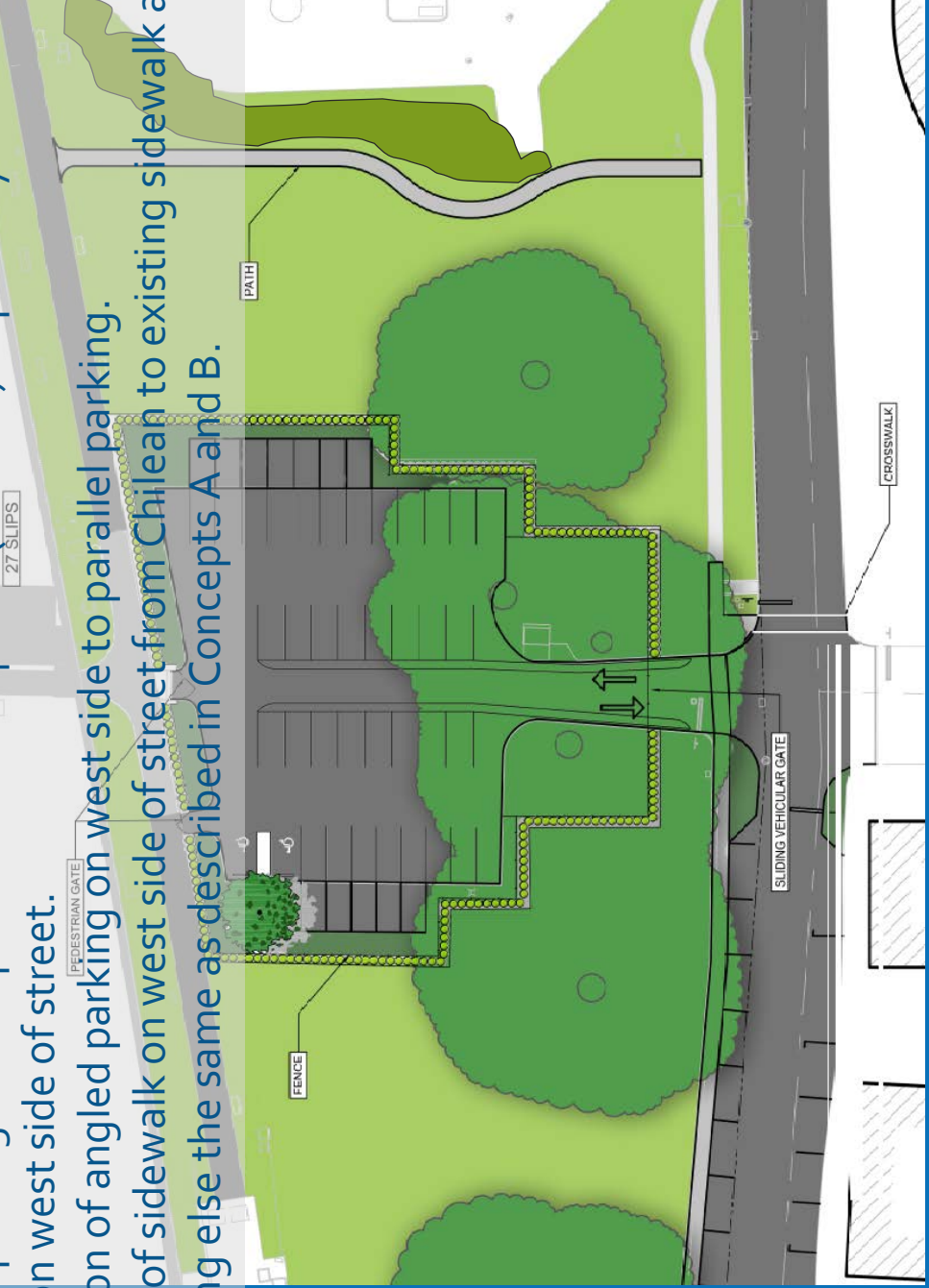
- Conversion of angled parking on west side of street to parallel parking.
- Addition of sidewalk on west side of street from Chilean to Brazilian.
- Everything else the same as described in Concepts A and B.



Segment of Concept C (Brazilian)



- Increased parking lot footprint to add 12 spaces (stacked) to partially offset reduction of parking on west side of street.
- Conversion of angled parking on west side to parallel parking.
- Addition of sidewalk on west side of street from Chilean to existing sidewalk at Brazilian.
- Everything else the same as described in Concepts A and B.



Street View of Concept C (May 20)

(from north side of Brazilian looking south)



Street View of Concept (May 20)

(from south side of Brazilian Ave. looking south)

TCM Backup 06-10-20



Resident Feedback Summary from May 20-29



TCM Backup 06-10-20

- Lots of favorability for Concept A due to no increase in footprint of existing marina parking lots
- Emphasis on protecting green space
- Preference for gated and landscaped parking lots
- Protect the Banyans
- Improve aesthetics (lighting, benches, screened utility boxes)
- Improve access to park and Lake Trail, but with limited number of paths across park)
- Addition of traffic safety measures (crosswalks and stop signs)
- Mixed comments on parallel vs. angled parking and the need/use of landscape islands
- Resident concerns about available parking on South Lake Drive

Final Recommendation: Concept A-1

TCM 06-10-20

SITE DATA

GREEN SPACE

EXISTING
158,775 SF

PROPOSED
158,775 SF

4,137 SF (SEAWALL)

4,413 SF (CURB EXTENSIONS)

NET CHANGE
0 SF

4,137 SF

4,413 SF

8,550 SF ?

Cost Estimate: \$TBD

PARKING LOTS 126 SPACES

S. LAKE DR. PARKING 62 WEST SPACES
29 EAST SPACES
91 SPACES

126 SPACES

42 WEST SPACES
25 EAST SPACES
67 SPACES

0 SPACES

-20 SPACES
-4 SPACES
-26 SPACES



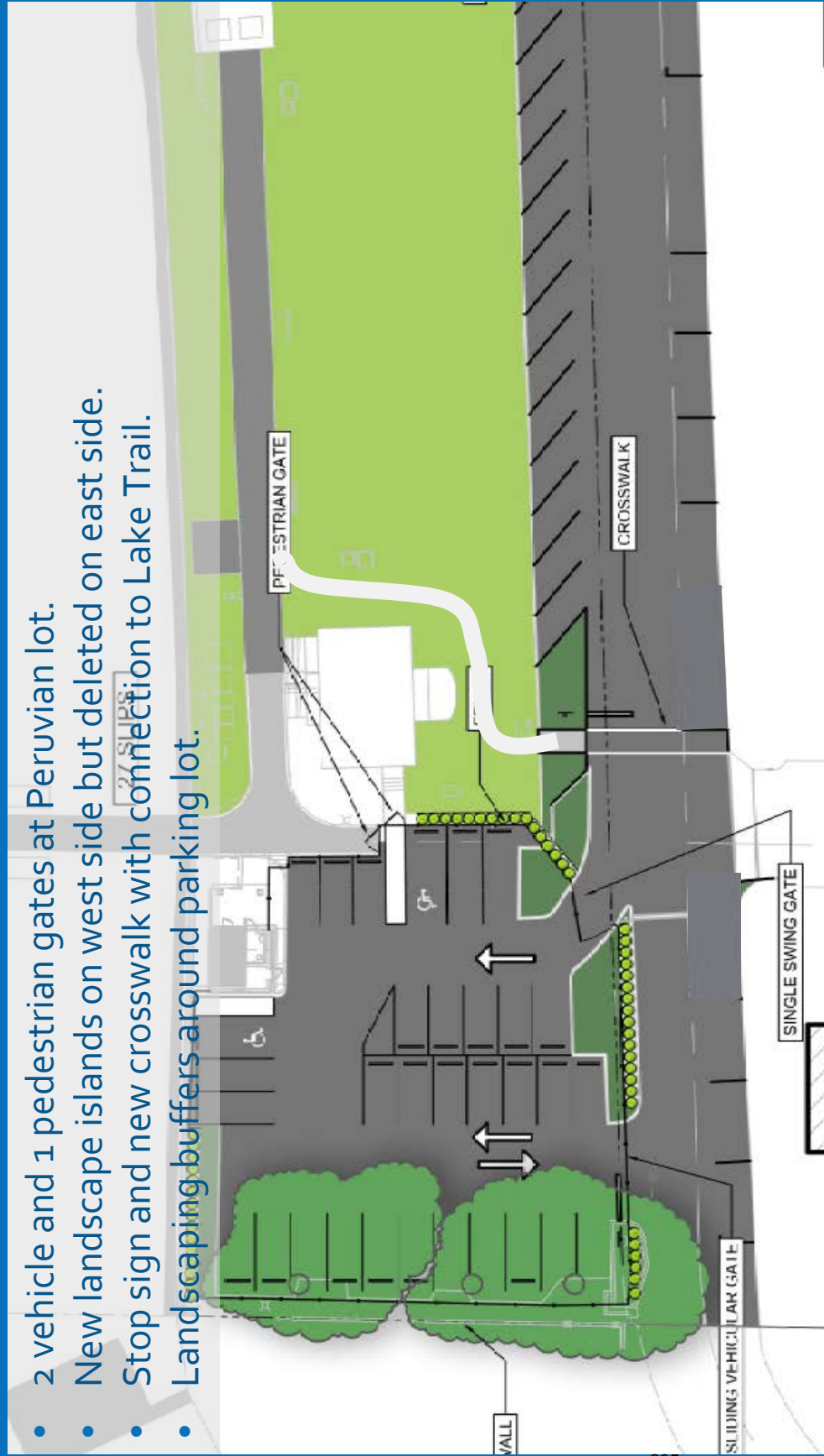
- No change to marina parking lot footprints or parking capacity.
- All 3 marina lots includes landscaping buffers to create barrier and soften edges.
- Vehicular and pedestrian gate access to/from marina parking lots.
- Two new crosswalks at Australian and Peruvian, and two access paths to Lake Trail.
- Angled parking reduced by 33 to create landscape islands for required set backs, 13 parallel spaces, sidewalk section between Australian and Brazilian to connect crosswalks to access path to Lake Trail.



Concept A-1 (Peruvian)



- 2 vehicle and 1 pedestrian gates at Peruvian lot.
- New landscape islands on west side but deleted on east side.
- Stop sign and new crosswalk with connection to Lake Trail.
- Landscaping buffers around parking lot.



Concept A-1 (Australian)

TCM Backup 06-10-20



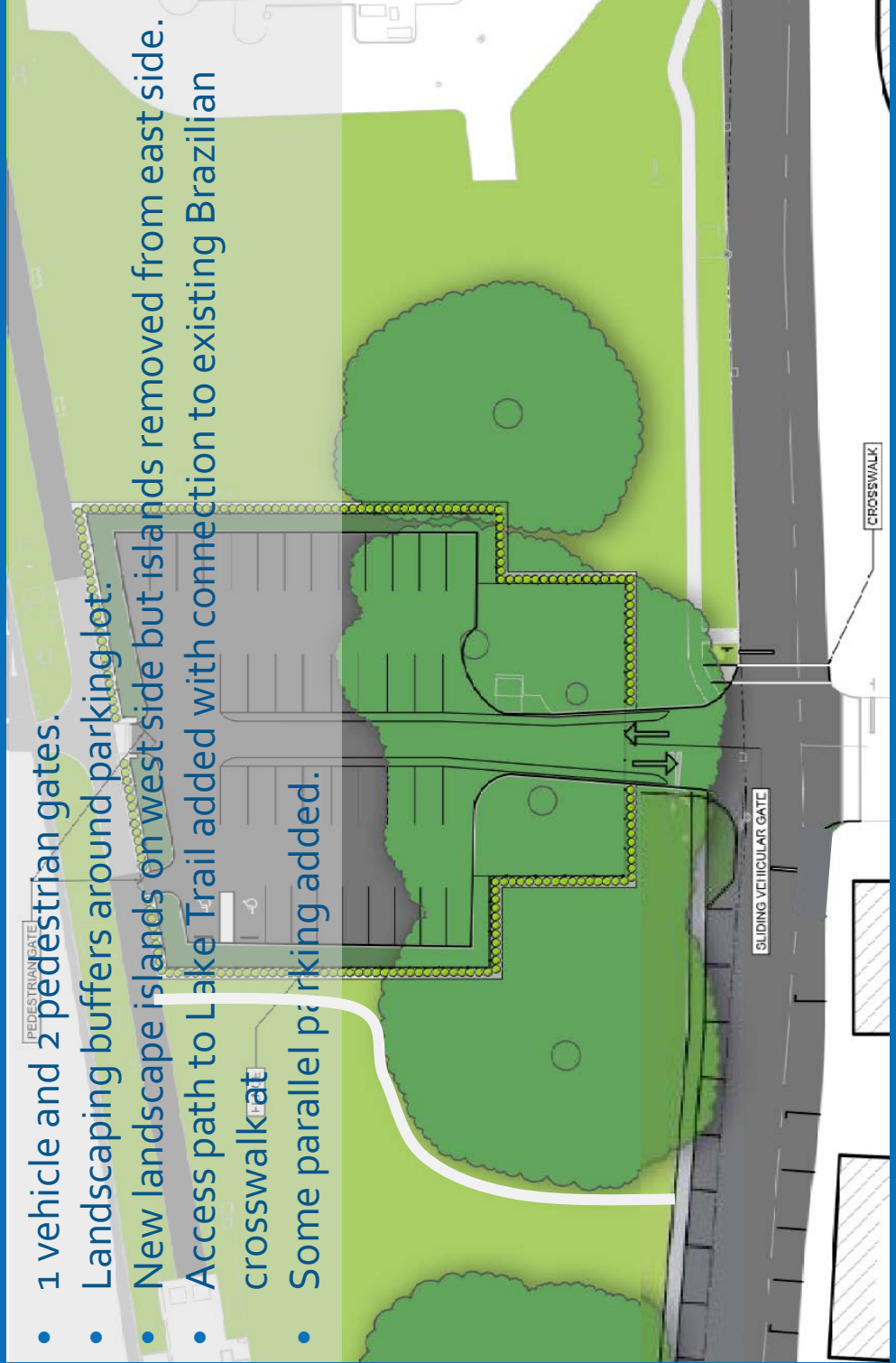
- 2 vehicle and 2 pedestrian gates
- Landscaping buffers around parking lot.
- Trash and utility area screened with landscaping.
- Crosswalk at Australian with connection path to Lake Trail.
- New landscape islands on west side but islands removed from east side.
- Angled parking added back by eliminating Chilean crosswalk..
- Some parallel parking added.



Concept A-1 (Brazilian)



- 1 vehicle and 2 pedestrian gates.
- Landscaping buffers around parking lot.
- New landscape islands on west side but islands removed from east side.
- Access path to Lake Trail added with connection to existing Brazilian crosswalk.
- Some parallel parking added.





End of Presentation

Public Input Provided in Response to May 20, 2020 Review of Conceptual Improvements Plans for Marina Parking Lots, Lake Drive Park and South Lake Drive

From: John Gooch <jhg@jhgooch.com>
Sent: Wednesday, May 27, 2020 10:38 AM
To: Town Council
Subject: Concept A

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

I have an apartment at Casa de Lago Condominium at 325 S Lake Drive and I am in 100% agreement on Concept A. My neighbors and I made it very clear at Town Hall that we do not want any loss of or “trading” of green space in the park. Side walks and hard paths through the park take away green space. We are for putting hedges around the existing parking lots and improving the lighting. We think that it is a good idea to lock the parking lots at night, but leave the gates open in the day. That way a wheelchair would have access to the park as they do now. Also if you want them locked during the day are you going to have a full time employee on duty to buzz people in? I can picture large service trucks waiting outside a locked gate while someone goes to a yacht looking for a gate pass. What about a visitor to a yacht, how will they get in? It just seems unnecessary to have them locked in the day.

Regarding the speeding on S Lake Drive. We are in favor of placing a stop sign at the intersection of Brazilian, Australian and maybe Chilean if necessary. All corners in PB have 4 way stops and everyone is used to stopping. It will solve the problem without adding bump outs which we don't want!

Thank you for your attention to this matter. Sincerely. John H. Gooch

From: Kiwi Hillard, Tuesday, May 26, 2020 1:53 p.m.
Dear Council members,

I am representing Casa de Lago Condominium at [325 S Lake Drive](#). Our members are in 100% agreement on Concept A. We made it very clear at Town Hall that we do not want any loss of or “trading” of green space in the park. Sidewalks and hard paths through the park take away green space. We are for putting hedges around the existing parking lots and improving the lighting. We think that it is a good idea to lock the parking lots at night when bad things seem to happen, but leave the gates open in the day. That way a wheelchair would have access to the park as they do now. Also if you want them locked during the day are you going to have a full time employee on duty to buzz people in? I can picture large service trucks waiting outside a locked gate while someone goes to a yacht looking for a gate pass. What about a visitor to a yacht, how will they get in? It just seems unnecessary to have them locked in the day.

We don't want our park “commercialized.”

Regarding the speeding on S Lake Drive. We are in favor of placing a stop sign at the intersection of Brazilian, Australian and maybe Chilean if necessary. All corners in PB have 4

way stops and everyone is used to stopping. It will solve the problem without adding bump outs which we don't want! (And please don't put those yellow signs that you have on S County that give you a false sense of security while people drive right through them !)

Thank you for your time and for carefully reviewing this project!

Kiwi Hilliard

[516 669-1589](tel:5166691589) (C)

Kiwi Hilliard

2335 Garth Lane

Charlottesville, VA 22901

[516 669-1589](tel:5166691589) (C)

From: LYNN ALLEGAERT <lynniealle@aol.com>

Sent: Monday, May 25, 2020 1:49 PM

To: Carolyn Stone <cstone@TownOfPalmBeach.com>

Subject: Comments on May 20, 2020 Lake Drive Park Presentation

Dear Ms. Stone,

I am a resident of Palm Beach residing at 455 Australian Avenue corner of South Lake Drive.

My apartment building was recently landmarked by the Town of Palm Beach Landmarks Commission and overlooks Lake Drive Park and the beautiful banyan trees.

I was present on the May 20 call outlining the A, B and C concepts for Lake Drive Park. I was gratified to see that the options were much improved from the February 24 presentation.

In my opinion, Option A is by far the preferable concept. It is not only the least expensive but also the most aesthetically pleasing as it does not invade the existing green space as do concepts B and C. To my thinking, concrete areas represent a hideous invasion of green space. The expansion of the Australian Dock parking and the concrete paths in concept B seriously diminish the beauty of the park. Taking away angled parking when there is a need for more spaces and adding concrete sidewalks as well as expanding the Brazilian Dock parking lot, all in concept C, make this an extremely poor choice both practically and aesthetically.

Your stated and most worthy goal of preserving green space is achieved in concept A, not in B and C. I fervently hope this is the course the Town will follow and respectfully urge you to convey my strong feelings to those making this important decision affecting the beauty and livability of our Town.

Sincerely,

Lynn Allegaert

PS I attach a letter I wrote that was published in the Palm Beach Daily News after the February 24 meeting that more fully expresses my thoughts on the Lake Drive Park issues.

Connie&Peter Geisler

Additional email from Geisler

Date: May 28, 2020, 6:31 PM

Important:

It is the Geislars' strong feeling for the need of two crosswalks across South Lake Drive and two paths ACROSS the grass to enable someone handicapped to have access to the Lake Trail. You cannot push a wheelchair on grass and cannot use the Parking Lots that we always used to cross, as they will be gated. Yes, We have a personal interest in this accessibility, but there are also many handicapped residents in our neighborhood who use the Trail.

We also, have lost our views of the Lake because of the enormous trees,
so, Please, No More large trees!

Hedges and shrubs are great!

Thank you,

Connie and Peter Geisler

Sent from my iPhone

From: Eleanora Kennedy

Date: May 25, 2020 2:22 pm

Dear Carolyn Stone,

For almost 20 years I lived in West Palm Beach with my husband Michael Kennedy. Upon his passing I felt the need for apartment living. Recently I purchased and closed on an apartment at 455 Australian Avenue and will move in come fall.

I sold our beach house in the Hamptons , kept my apartment in NYC and will become a resident of Florida. I joined the Palm Beach Civic Association and eagerly listen to Tim Malloy weekly. I have kept informed of the Marina Project.

The little park across the street with the magnificent banyans attracted me . I am a 28 year Board member of the Central Park Conservancy in NYC,,,parks are my passion. I believe it to be the jewel in the crown of Palm Beach parks. My mental health requires green space and water.

This neighborhood is drenched in people ...not boat owners, If one compares the 84 slips for boat owners to the grid and number of neighborhood residents it is clear who should be primarily served., not special interests, but the residents of the neighborhood who are the majority.

One of the guiding principles in the town's presentation for the design concept:

"NO LOSS OF GREEN SPACE"

The Town's promise :

...," to ensure that whatever is ultimately selected, we will leave the park better than it was when the marina project was started"

In closing Ms Stone, I heartily endorse Concept A ,and believe the boat owners should be obliged to use Uber or taxi for their drop off instead of adding 13 additional spaces.

Respectfully and with my very best,

Eleanora Kennedy

From: Jim Bowers

Date: May 25, 2020 3:33 pm

Please ignore my earlier preference for Concept A which was based on faulty information. We will be providing consolidated input for 455 Australian soon. Personally, my wife and I lean toward Concept C with preference for parallel parking, sidewalk and paved walkways to Lake Trail.

Best regards,

Jim Bowers

484-354-1961

Dear Carolyn,

I am in favor of Plan A.

The park is so important to all of us.

Many thanks, Eugenia Revson

Sent from my iPhone

Jacelyn Botti <jacelynbotti@gmail.com>

Carol-

My husband and I Jack and Jacelyn Botti have docked an 100 ft vessel on the Peruvian Dock for three years.

We had a shorter vessel in West Palm Beach for seven years before we moved the new ship over to the Palm Beach side of the intercostal.

Anyway, the long and the short of it is,

We moved over to the Palm Beach side of the inter coast because of the ambiance and safety from the hundreds of homeless that lay in the street on the West Palm Beach side.

Our current ship situation is such where we have one slip for us the owners and a crew of three full time thanks people. We get one parking space. We actually need two, one for us another for the crew to use.

The point is that the existing parking situation hastily accommodated us sufficiently... let alone bringing larger ships until to the dock with bigger Cruise and maintenance support needs!

My concern with both the town and citizens is that they don't and haven't expressed an understanding from a boaters perspective

Hello

I reside at 325 South Lake Drive , and have a few questions:

- Six parking spots on the East side are being taken away , where are they located?
- Since many spots are being removed from the West side of South Lake , is it possible to make parking more restrictive on the East Side. Presently it is permit parking Monday – Saturday 9 AM – 6 PM,

Can the end time move to 9 PM as 5 PM and include Sunday? Many people drive over and park to use the Lake Trail and I fear our limited street parking for 325 South Lake will be utilized by these walkers/bikers.

- On concept C , I oppose any new pavement parking in the lots , that would take away existing green space and we were told this would not be the case
- Concept A does not have a direct connection the walkway and cutting through the grass is hard to walk for many people.

Thanks

Fred Mitzner

Senior Vice President

2351 Ashmead Place
Washington DC 20009
Phone 202-483-4640
Fax 202-318-8209

From: John David Corey

May 28, 2020 11:55 a.m.

Attachments included electronically in Town Council Back up

Dear Carolyn:

After much coordination with interested parties and neighbors, the Friends of Lake Drive Park has prepared a comment letter and a Design Guidelines report that will help the Town of Palm Beach produce the best plan for Lake Drive Park and South Lake Drive to ensure the most green-space, the best quality of life and beautiful, consistent park design. We ask the Town to consider these guidelines while they engage a park design consultant to oversee the new plan to take through the community process and town approvals including the Landmarks Preservation Commission and Town Council.

Our comment letter and Design Guidelines report are attached below. Looking forward to the completion of this important Marina project with a new Lake Drive Park and enhanced South Lake Drive.

Thank you very much,

John David Corey
Miguel Rosales

Ethel Steindl
Founders - Friends of Lake Drive Park

To Ms. Caroline Stone:

My name is Elizabeth Mills. I live at 369 South Lake Drive right across the street from the Lake Drive Park. I have attended all the meetings on this project. As you may know, the Park property is protected by its status on the National Historic Register. These plan guidelines that the Friends of Lake Drive Park are circulating to the Palm Beach community are a Well Thought Out completion to the dock project. They will beautify the Park's existing green space that the community enjoys to walk and play in.

Thank you,
Elizabeth Mills

From: Gordon McCoun for the Royal Park Homeowners Association

Date: May 28, 2020

Memo attachment cut and pasted below the email

Good evening all,

Since the presentation of the revised Royal Park plans on the 20th, RPHA has surveyed our constituents for their views of the options and various aspects of the plans. We then distilled them down into the attached memo for your consideration.

We are happy to discuss if you would like.

The new options are much more in-line with the sentiment of our community and we thank you for hearing us.

Regards,
Gordon for the RPHA

From: Janet Halvorson <halvorson.janet@gmail.com>

Sent: Thursday, May 28, 2020 11:14 AM

To: gailconig1@icloud.com

Cc: Town Council

Subject: Dock Expansion on South Lake Drive

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor Coniglio,

I am writing regarding the plan options for the dock expansion on South Lake Drive. As a resident on this street I would prefer Option A.

One of the special features of our building is the ability to look out over the beautiful green space bordering the inter-coastal waterway. Many of us love to sit in its leafy environs. I strongly disapprove of adding concrete walkways to what is now one of our few green neighborhood refuges where one can sit in the shade and admire the view beyond.

While sign control is fine by me I have serious issues with street bump outs. We live in a quiet, pastoral neighborhood. I'd hate to see it get the concrete commercial treatment.

One other concern I have is regarding parking spaces. Our building's residents must park on the street. We have already lost one spot in the past. We can't afford to lose any more. Please keep this in mind when going forward.

Thank you for listening and for all the good work you do on our behalf.

All the best,

Janet Halvorson
235 South Lake Drive #6
Palm Beach, Florida 33408
646-957-0972

From: Linda Siris,
May 29, 2020 5:38 p.m.

Hi Ms. Stone,

I have lived on the corner of Brazilian Ave & Cocconut Row for over thirty years now & I would be so very disappointed if you ruined our green space at the town docks. I am in full agreement with Friends of Lake Drive Park & their suggestions. Thank you for your consideration in this matter. Most Sincerely, Linda Siris Sent from my iPhone

ROYAL PARK HOMEOWNERS ASSOCIATION

TO: Bobbie Lindsay, Jay Boodheshwar, Paul Brazil, Carolyn Stone
FROM: Royal Park Homeowners Association
DATE: 28 May 2020
RE: RPHA response to revised Lake Drive Park plans
CONFIDENTIAL

Since the presentations of the revised plans for Royal Park and South Lake Drive on May 20th, the Royal Park Homeowners Association ("RPHA") has solicited the sentiment of the residents toward the plans.

It is evident that the guidance we provided to the Staff in February was heard, and we appreciate that the new proposals are closer to the wishes of the RPHA community.

To ensure that our comments broadly and accurately reflect the views of neighborhood residents, the presidents of the RPHA buildings conducted a poll of their owners for their views on the three options. Given the short timeframe for community comment, we focused on the buildings that are most impacted by the plans, specifically those that face the Park directly.

The overall and unanimous responses indicate a continued strong desire to improve the Park, maintain/increase usable greenspace, not increase the size of the parking lots and calm traffic on South Lake Drive. Residents continue to prefer parallel to angled parking on the west side of South Lake Drive but not if it means enlarging the parking lots to achieve that.

Not surprisingly then, virtually all respondents thus expressed a strong preference for Option A, which accomplishes most of those objectives with minimal changes to the current park.

The only shortcoming of Option A is that, if the parking lots must be secured and closed to the public, pedestrians who wish to cross from South Lake Drive to Lake Trail will have to walk across the lawns. This would be an impediment or, at the very least, an inconvenience to people who use a wheelchair, walker or cane, or who are unsteady while walking.

As a solution for that, residents almost universally liked the incorporation of pathways in Option B as an alternative to entering through parking lots. The consensus was that four pathways may be excessive and that two or three would be enough. Priorities for pathways would be from the Brazilian and Peruvian intersections and, if possible, the Australian intersection. Many residents disliked the one that connects to the Chilean crosswalk to the Trail and slashes through the middle of the expansive lawn between the Peruvian and Chilean parking lots.

There was also widely held sentiment that two or three crosswalks at the intersections would be sufficient rather than all four. The Chilean crosswalk especially could be expendable if there is no connecting pathway, as the western landing would deposit pedestrians right on the grass. Eliminating one or two crosswalks and related islands would also free up additional parking spaces on South Lake Drive to mitigate the need to expand the Australian parking lot and perhaps facilitate parallel parking on

the west side of the Drive. There was also questions from some residents whether the islands at the crosswalks are necessary and sentiment to eliminate them if not.

There was no interest in having a sidewalk on the west side of South Lake Drive as presented in Option C.

Responses were universally in favor of engaging a design consultant to enhance the aesthetic aspects and integration of the various elements of the Park.

Consequently, our recommendations to the Town Council and Staff are:

- Use Option A as the core of the design, subject to the following refinements,
- Reconsider whether all four crosswalks and pathways are necessary to calm traffic and access the Lake Trail and, if not, omit some of them and capture the additional parking spaces for parallel parking if possible,
- To connect South Lake Drive to Lake Trail, incorporate at least two pathways to meet the Brazilian, Peruvian and, if possible, Australian crosswalks,
- Engage a design consultant to help with the implementation of the ultimate plan.

The current project is a splendid, but one-time, opportunity to make Royal Park a credit to the Town of Palm Beach. The Town has made a very significant commitment and financial investment to create a world-class marina that will attract a higher level of yacht owner. We believe that anything less than an elegant Royal Park would undermine the value proposition of the new Marina and hurt the reputation of the Town. We therefore encourage the Council and Staff to dedicate the necessary financial and human capital to ensure that the outcome befits the prestige and beauty of the Town.

RPHA looks forward to our continued cooperation with the Council and Staff to create a Park of which everyone will be proud.

#



Dedicated to the preservation and enhancement of Lake Drive Park as a beautiful, green, open space for the benefit of the residents of Palm Beach.

May 28, 2020

Ms. Carolyn Stone (via email)
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

**RE: Lake Drive Park and South Lake Drive
May 20, 2020 Town Presentation**

Dear Ms. Stone:

The Friends of Lake Drive Park thank you for the opportunity to comment on the recent park and parking concepts presented to the residents of Palm Beach on May 20, 2020. Our organization's main focus is to preserve and enhance the quality of the open green spaces in historic Lake Drive Park next to the Palm Beach Marina. Please find below our comments and attached proposed design guidelines.

1. Design Consultant Selection: We are in support of hiring a professional design consultant that will help improve the aesthetics and overall detailing of the park. The plans presented on May 20th, 2020 are basically parking plans that do not address the visual quality of the Park. There is no definition of landscape elements, streetscape elements, lighting, benches, pavement treatments, etc. The three plans as presented are unresolved from an aesthetic, landscape and park design point of view.

2. Concepts A, B and C: We find that all concepts have certain elements that we support including: crosswalks at Australian, Peruvian and Chilean avenues, paths running alongside the parking lots connecting the Lake Trail to the neighborhood, parallel parking to enhance and unify the street appearance and the addition of green islands between parking spaces breaking the pavement along the entire Lake Drive providing visual relief. We are also in support of adding gates to the parking lots and creating substantial landscape buffers to visually mitigate the parking lots. However, we are not in support of adding a sidewalk parallel to South Lake Drive or adding chain link fencing along the perimeter of the parking lots. We prefer a thick landscape native hedge. Please note that none of the concepts as presented accomplish all of our community goals and guidelines which we have summarized and illustrated in the attached document.

3. Additional Parking: Adding parking spaces that encroach into the parkland as in concepts B and C is not acceptable and should not be pursued. The use of angled parking creates safety issues with cars backing into traffic and does not enhance the streetscape. The current angled parking is also unsightly, abused and should be eliminated. The combination of both angled and parallel parking (as in concept C) is not desirable as it makes the street look disjointed and the safety concerns are not resolved. We support the use of only parallel parking along the Park side so both sides of the South Lake Drive match and are visually consistent. Maximizing parking cannot be the highest priority for the overall project at the expense of enhancing the Park and street. The marina project was deemed to have met concurrency by the Town's planning director and therefore no additional parking demands are required. Nevertheless, we are in agreement that all new 37 additional Marina parallel parking spaces next to the park as shown in our design guidelines report should be designated for that use only to aid the Marina operations during the day and for resident use only during the night after 6 PM.

We are looking forward to a more detailed presentation in the future in which the visual quality, landscape features and aesthetics of the park will be presented in conjunction with a sensitive and appropriate parking layout that will not encroach into the green space while also enhancing the streetscape along South Lake Drive. The quality of the Park should be consistent with the quality of the Marina currently under construction and both portions of the project should complement and mutually enhance each other for the benefit of the residents of Palm Beach for decades to come.

Best regards,

John David Corey
Miguel Rosales
Ethel Steindl
Founders - Friends of Lake Drive Park

cc: Palm Beach Town Council



Lake Drive Park Design Guidelines

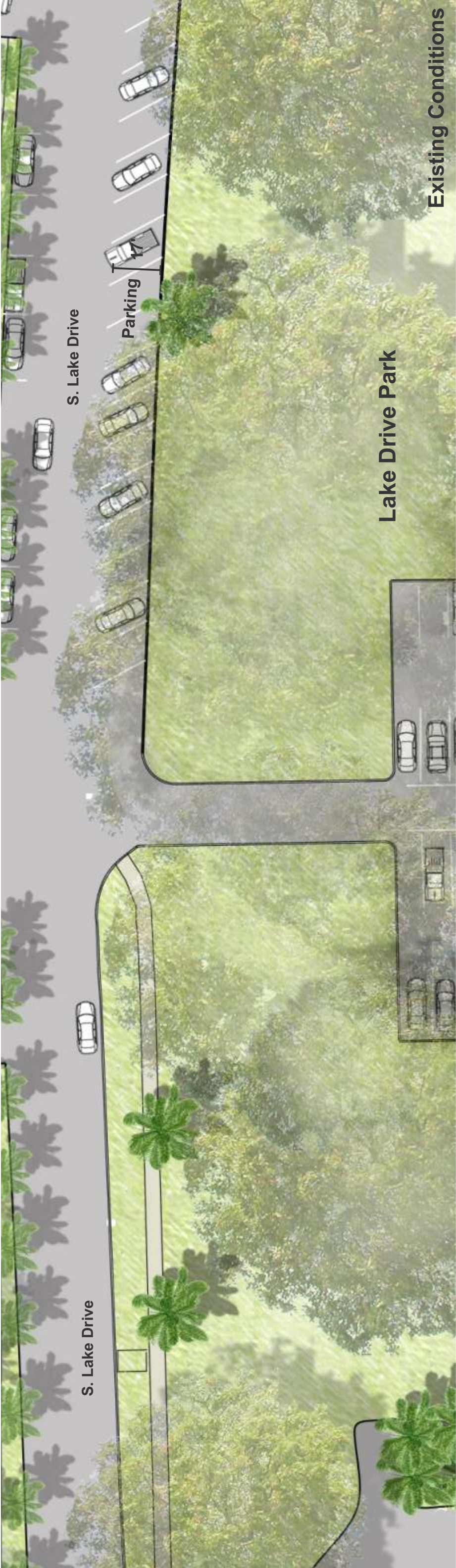
May 2020
Palm Beach



Lake Drive Park - Design Guidelines

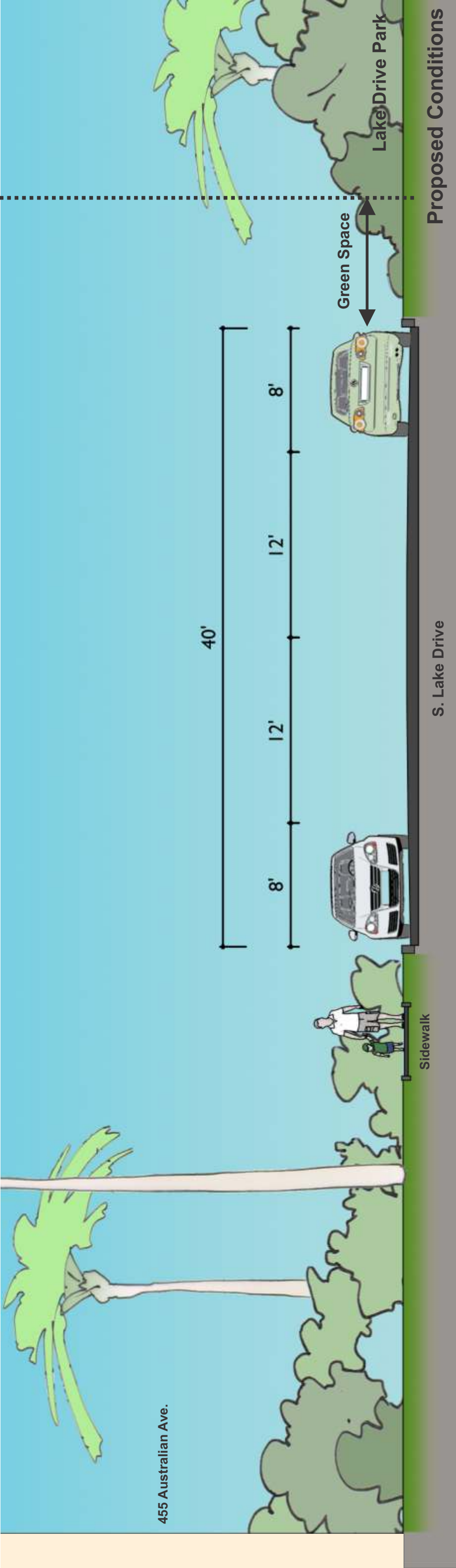
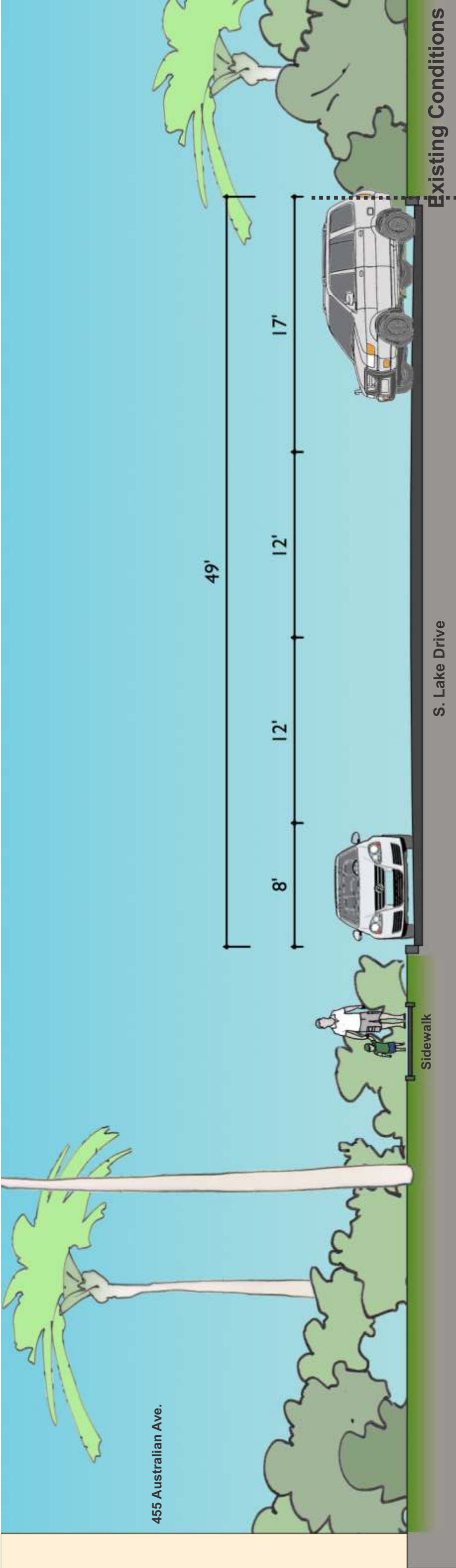
1. Improvements to South Lake Drive to include parallel parking along South Lake Drive with no angled parking. Add bump outs/green islands every few parking spaces and at entrances to the three (3) parking lots to mark pedestrian access into park and beautify street. Eliminate safety concerns with angled parking.
2. Pedestrian crosswalks at Australian, Chilean and Peruvian Avenues. Gain of 9' extra green landscape strip along South Lake Drive due to parking reconfiguration.
3. Substantial screening of the utility boxes, cabinets and pipes from the neighborhood side not only for the benefit of Town Marina customers. Additional screening next to new dock buildings.
4. Extensive use of only Florida native plants for new landscape materials for Lake Drive Park and screening of three existing parking lots. Landscape material around parking lots more substantial/sinuous/natural screening and no monoculture hedges. No chain link fence along perimeter of parking lots only a green hedge.
5. New park wood benches all consistent in appearance and historically appropriate and new improved lighting in the park and at refurbished parking lots.
6. Removal of trash dumpster from under the Ficus trees at access to Brazilian dock. New landscaping to protect landmark trees.
7. No ADA ramps along Lake Trail; instead raise the elevation of the Lake Trail in a gentle manner so that the changes in elevation are subtle and without visual impact.
8. New raised bulkhead wall along Lake Worth to be historically appropriate and consistent with historic district. Add architectural treatments/concrete rustications.
9. New parallel parking next to Lakeside park only for new Marina use during the day. After 6:00 pm only for Palm Beach residents. No placard or transient parking.













○ Replacement of missing native Royal Palms originally donated by Palm Beach Garden Club





Landmark Ficus Trees



Florida native plant mix



Use of Florida natives in the area
381 South Lake Drive



Mimosa



Dune Sunflower



Giant Leather Fern



Cocoplum



Cinnamon Bark



Muhlygrass



Saw Palmetto



Green Buttonwood



Sabal Palm



Planting buffer at all parking lots

Florida Native plant mix:

Low Planting:

Mimosa, Beach Creeper along concrete path

Intermediate Planting:

Muhlygrass, Dune Sunflower

Larger Plantings:

Saw Palmetto palms, Giant Leather Ferns

Parking Hedges:

Green Buttonwood, Cocoplum

Native Trees and Palms: Cinnamon Bark, Sabal Palms



Landscape Guidelines



Trash Receptacle



Light Pole



Wood Bench



New Marina Building at Australian Dock



Concrete Tabby
walkways and crosswalks



Parking gates to match
New Marina building gates



Hardscape Guidelines



Existing Conditions





Proposed Conditions



RESOLUTION NO. 43-2020

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER INCREASE FOR ADDITIONAL DESIGN TASK SERVICES FOR LANDMARKS PRESERVATION COMMISSION APPLICATION FOR THE TOWN MARINA PROJECT TO W.F. BAIRD & ASSOCIATES, IN AN AMOUNT NOT-TO-EXCEED \$25,000 TO INCREASE THE PURCHASE ORDER FROM \$1,706,229.25 TO \$1,731,229.25.

* * * * *

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase for additional design task services for Landmarks Preservation Commission application for the Town Marina project to W.F. Baird & Associates, in an amount not-to-exceed \$25,000 and to increase the purchase order from \$1,706,229.25 to \$1,731,229.25.

Section 2. The Town Manager is hereby authorized to execute this purchase order increase on behalf of the Town of Palm Beach.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the implementation of these services, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of June 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

TOWN OF PALM BEACH

Information for Town Council Meeting on June 10, 2020

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jane Le Clainche, CPA, Director of Finance

FROM: Dean Mealy, II CPPO Town Purchasing Manager

RE: Resolution Approving Selection Committee Recommendation of RFP No. 2020-16, Design Consultant/Peer Review for Lake Drive Park to Fairfax, Sammons & Partners, LLC, in amount not to exceed \$34,500, **Resolution No. 42-2020**

DATE: 4 June 2020

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council review the results of RFP No. 2020-16 and provide direction.

GENERAL INFORMATION

On May 13, 2020, Town Council directed staff to issue a solicitation for a proposal from a qualified design consultant to provide consulting and peer review services for approved and pending improvement plans for Lake Drive Park and upland marina amenities.

The solicitation that was issued sought proposals from consultants with experience in the design of civic and waterfront spaces. The design expert selected would be required to consult with the Town to develop a cohesive plan that ties together the elements of the marina, the improvements, landscaping, uplands, park, Lake Trail, gates, fencing, benches/seating, lighting, access, parking, and pedestrian pathways through the park with the goal of achieving an exceptional result befitting the unique character and high standards of Palm Beach. The Scope of Services and Deliverables of the RFP were as follows:

- Proposer shall review the following plans and documents and prepare a report to include proposed changes, additions and/or deletions, with supporting conceptual drawings, and elevations. • ARCOM approved marina project plans • KHA design concepts for Lake Drive Park
- Prepare cost estimates for proposed changes to the existing plans, as well as cost estimates for annual maintenance costs

- At a minimum, the design consultant shall meet with Town staff to prior to the start of their work and also to review their draft report. The design consultant shall host at least one community engagement meeting to receive input from the public. The design consultant shall attend at least one Town Council Meeting to present their report and recommendations

The Town provided copies of the 2018 W.F. Baird Masterplan and the 2007 Lake Drive Park Bonci Plan as reference material to help inform recommendations from the design consultant.

The RFP had a caveat that the total expenditures for the awarded firm could not exceed \$34,500 with no option of any additional funding. For design service expenditures above this amount, a more robust procurement methodology would be required by State Statue for a solicitation, including the issuance of a Request for Qualifications (RFQ) to select qualified firms, review of qualifications, interviews of finalists and then a Request for Proposal process to securing pricing and negotiations for a contract. This process has a minimum timeline of ninety days to complete.

The RFP was issued on May 18, 2020 and closed June 1, 2020. Three firms submitted proposals for the work. The Selection Committee was held June 3, 2020 via Go-to-Meeting to ratify the results of their individual scoring of the proposals submitted by the three firms. The Selection Committee consisted of the following members:

Jane Le Clainche, CPA, Director of Finance
 Carolyn Stone, Director of Business Development and Operations
 Tim Campbell, Par 3 Superintendent
 Jorge Sanchez, Subject Matter Expert
 Brian Vertesch, Subject Matter Expert

If Council desires to hire a firm to perform peer review and consulting services as described in the RFP, the selection committee has recommended that Fairfax, Sammons & Partners, LLC be secured to do the work, as the most qualified of the three firms who submitted. In the event that the Council desires to move forward with the Award Recommendation, Resolution No. 42-2020 would require approval.

To ensure complete clarity, if Council decides to hire a new design consultant, their work for the Town must cease after the peer review and consulting process, as no additional funds can be provided for additional work to stay in compliance with State purchasing statutes.

FISCAL IMPACT/FUNDING SOURCE

If Council wishes to award a contract to Fairfax, Sammons & Partners, LLC, an appropriation approval will be required by the Town Council to utilize funds from the Marina Contingency Fund.

DUE DILIGENCE

Due Diligence was conducted to determine vendor responsibility, including corporate status and that there are no performance and compliance issues. The review included conducting market

research.

TOWN ATTORNEY REVIEW

Resolution 42-2020 is in a format previously utilized by the Town and was approved by the Town Attorney.

CC: Jay Boodheshwar, Deputy Town Manager
Carolyn Stone, Director of Business Development and Operations
Paul Brazil, Director of Public Works
Duke Basha, Assistant Purchasing Manager



4858 RFP No. 2020-16 Peer Review and Design Consultant for Lake Drive Park Associated to New Marina Construction Project

Evaluation phase Ends on **Jun 9 2020 10:00 AM**

Settings Participants Schedule Pricing sheets Questionnaires Question & Answer
Offers/Applications Evaluate Compare & Select 0

[My Evaluation](#) [Evaluators progress](#) All evaluations [Overview](#)

Fairfax, Sammons & Partners LLC

2. EVALUATION FACTORS Questionnaire

6 Questions

[Help](#)

2.1. EVALUATION FACTORS

All answers are evaluated

5 Knockout questions (1 KO) Weight: 100% Score: 84.65%

[Back to question groups](#)

[Quick Edit](#)

EXPERIENCE OF FIRM/PAST PERFORMANCE

2.1.1. evaluated Knockout question

Weight: 30%

Please attach the following evaluation information:

- Company Credentials
- Relevant Project Experience
- Completed Municipal Projects
- Schedule/Budget Compliance
- References

Answer

Attached documents by supplier:

- | | | | |
|---|--------------------------|--|-------------------------|
| 2020_April_Anne Fairfax_CV_.pdf 65 Kb | Download | | Preview |
| 2020_April_Richard Sammons_CV.pdf 91 Kb | Download | | Preview |
| Anne and Richard Bio.pdf 94 Kb | Download | | Preview |

Score: 26.4%

[View evaluation method](#)

Tim Campbell (20%)

Score	Comment
4.8%	Experience seems more geared to residential projects and private owned businesses. No references listed.

Solicitations Palm Beach [logout](#)

Published Solicitations

Solicitations

Solicitations (Supplier)

Contracts

Documents

My Profile

Company

Contact groups

Templates

Company administrator:



Solicitations Palm Beach
(561) 838-5406
solicitations@townofpalmbeach



Need help using Negometrix3?

Visit our support page

[? Help](#)

Support

		Score	Comment
Jane LeClainche (20%)	4.5	5.4%	A lot of architectural experience on the island. Does not discuss landscaping or public parks. Serves on ARCOM and Landmarks.
Jorge Sanchez (20%)	5	6%	Their background in new urbanism and past project experience is directly inline with what is needed on this project
Carolyn Stone (20%)	4	4.8%	Explanation
Brian Vertesch (20%)	4.5	5.4%	Explanation
		Total score:	26.4%
Add summarizing comment			
There is no comment			

EXPERIENCE/ABILITY OF PERSONNEL

2.1.2. evaluated Knockout question

Weight: 35%

Please attach the following evaluation information:

- Organizational chart / Resources
- Management's Credentials
- Project Personnel Credentials
- Sub-consultant Credentials
- Demonstrated Experience designing consultant services similar to this project

Answer

Attached documents by supplier:

 f&s-project-sample.pdf 63437 Kb [Download](#) | [Preview](#)

Score: 32.55%

[View evaluation method](#)

		Score	Comment
Tim Campbell (20%)	4 	5.6%	no organizational chart

Support

		Score	Comment
Jane LeClainche (20%)	4.5	6.3%	Experience in PB, mostly architectural rather than park or civic. Serve on ARCOM and Landmarks and understand the Town. Lived next to the park.
Jorge Sanchez (20%)	5	7%	The credentials are excellent
Carolyn Stone (20%)	5	7%	Explanation
Brian Vertesch (20%)	4.75	6.65%	Explanation
Total score:		32.55%	

[Add summarizing comment](#)

There is no comment

WORKLOAD AND SCHEDULING

2.1.3. evaluated Knockout question

Weight: 20%

Please attach the following evaluation information:

- Over-all workload of the company
- Project scheduling ability/timely completion of work by XXXX
- Technical Approach to complete scope of work

Answer

Attached documents by supplier:

 RFP-Lake-Drive-Cover-Letter.pdf 21 Kb [Download](#) | [Preview](#)

Score: 16.8%

[View evaluation method](#)

		Score	Comment
Tim Campbell (20%)	4	3.2%	Satisfied the criteria for workload and scheduling, but not much detail.
Jane LeClainche (20%)	5	4%	Provided timeline and described their scope. Did not see a workload schedule.
Jorge Sanchez (20%)	4	3.2%	Explanation
Carolyn Stone (20%)	4	3.2%	Explanation
Brian Vertesch (20%)	4	3.2%	Explanation

Total score: 16.8%

[Add summarizing comment](#)

There is no comment

FINANCIAL INFORMATION

2.1.4. evaluated Knockout question

Weight: 5%

Please attach the following evaluation information:

An indication of the resources and the necessary working capital available and how it will relate to the firm's financial stability through the life of the contract shall be included in the RFQ response. Show evidence of financial resources and capabilities to complete the work.

Answer

KO

Attached documents by supplier:

 Statement_2020-04-30.pdf 902 Kb [Download](#) | [Preview](#)

Score: 0%

[View evaluation method](#)

		Score	Comment
Tim Campbell (20%)	0 	0%	Town decided to eliminate this criteria.
Jane LeClainche (20%)	0 	0%	Town decided to eliminate this criteria.
Jorge Sanchez (20%)	0 	0%	Town decided to eliminate this criteria.
Carolyn Stone (20%)	0 	0%	Town decided to eliminate this criteria.
Brian Vertesch (20%)	0 	0%	Town decided to eliminate this criteria.

Total score: 0%

[Add summarizing comment](#)

There is no comment

VOLUME OF WORK

2.1.5. evaluated

Weight: 5%

Support

Points awarded based upon past awards made by the Town:

Points will be awarded based upon the percentage of past awards made by the Town. At the closing of the Request for Qualifications the total of all purchase orders issued (for the past three-year period) will be determined for each proposer. The highest proposer total will become the basis for evaluation point distribution.

The point distribution will be as follows:

- Proposers whose past awards have totaled less than 5% of the basis will receive 5 points.
- Proposers whose past awards have totaled over 5%, but less than 25% will receive 4 points.
- Proposers whose past awards have totaled over 25%, but less than 50% will receive 3 points.
- Proposers whose past awards have totaled over 50%, but less than 85% will receive 2 points.
- Proposers whose past awards have totaled over 85% will receive 1 point.

Answer

Attached documents by supplier:

 statement of work with Town of Palm Beach.pdf 87 Kb [Download](#) | [Preview](#)

Score: 5%

[View evaluation method](#)

		Score	Comment
Tim Campbell (20%)	5	1%	Explanation
Jane LeClainche (20%)	5	1%	Explanation
Jorge Sanchez (20%)	5	1%	Explanation
Carolyn Stone (20%)	5	1%	Explanation
Brian Vertesch (20%)	5 	1%	Explanation

Total score: 5%

[Add summarizing comment](#)

There is no comment

OTHER

2.1.6. evaluated Knockout question

Weight: 5%

Please attach the following evaluation information:

- Overall completeness, clarity and quality of proposal
- Location of firm; ability to attend meetings at Public Works or Town Council
- Disputes, Litigation and Resolution

Answer

Attached documents by supplier:

 statement of availability.pdf 86 Kb [Download](#) | [Preview](#)

Score: 3.9%

[View evaluation method](#)

ScoreComment

		Score	Comments
Tim Campbell (20%)	3	0.6%	I did not feel the proposal was complete or clear. Not much detail on how they were going to get from point A to B.
Jane LeClainche (20%)	4.5	0.9%	Proposal contained the information requested.
Jorge Sanchez (20%)	4.5	0.9%	Explanation
Carolyn Stone (20%)	3	0.6%	Explanation
Brian Vertesch (20%)	4.5	0.9%	Explanation
		Total score: 3.9%	
Add summarizing comment			
There is no comment			

[Back to question groups](#)
[Previous group](#)

2.1. EVALUATION FACTOR: ▼

[Next group](#)

RESOLUTION NO. 42-2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING SELECTION COMMITTEE
RECOMMENDATION OF RFP NO. 2020-16, DESIGN
CONSULTANT AND PEER REVIEW OF LAKE DRIVE PARK
TO FAIRFAX, SAMMONS & PARTNERS, LLC IN THE
AMOUNT NOT TO EXCEED \$34,500.**

NOW, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 42-2020, approving the Selection Committee Recommendation of RFP No. 2020-16, Design Consultant and Peer Review of Lake Drive Park to Fairfax, Sammons & Partners, LLC, in amount not to exceed \$34,500.

Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of June, 2020.

Gail L. Coniglio, Mayor

ATTEST:

Patricia Gayle-Gordon, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 10, 2020

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update and Discussion on Matters Relating to the Town's Response to the Coronavirus Pandemic

Kirk W. Blouin, Town Manager

- a. Report on Status of Outdoor Seating for Restaurants and Retail Displays
- b. Consideration of Mandatory Facial Coverings in the Town of Palm Beach
- c. Update on Public Meetings (verbal update only)
- d. Discussion Regarding Lake Trail Rules (verbal update only)

Presenter

ATTACHMENTS:

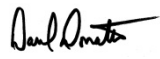
- ▣ **Memorandum Dated June 2, 2020, from Darrel Donatto, Fire Rescue Chief**
- ▣ **a. Memorandum Dated June 2, 2020, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **a. Updated Special Event Permit Application**
- ▣ **b. Draft Facial Covering Order**



Town of Palm Beach Fire-Rescue



TO: Kirk Blouin, Town Manager

FROM: Darrel Donatto, Fire Rescue Chief 

SUBJECT: Update on COVID-19 pandemic

DATE: June 2, 2020

On December 31, 2019, Chinese Health officials inform the World Health Organization (WHO) about a cluster of 41 patients with a mysterious pneumonia. By January 7, 2020, Chinese authorities had identify the virus that caused the pneumonia-like illness as a new type of coronavirus.

The first case of the novel coronavirus in the United States was reported on January 14, according to the Centers for Disease Control and Prevention. On January 24, 2020, Palm Beach Fire Rescue began to prepare for this emerging viral illness by ordering personal protective equipment, reviewing and updating our policies on infectious diseases. On February 4th, Fire-Rescue began screening 911 callers for signs and symptoms of the coronavirus.

On February 11, 2020, the WHO announced that the disease caused by the novel coronavirus will be called "COVID-19."

On February 13, 2020, the Town Manager and Department Directors began discussing the Town's response to COVID-19. Since that day, the Town has been actively involved in planning, mitigating, educating our residents, and responding to the threats caused by COVID-19.

It wasn't until February 29th that testing became available in Florida and on March 1, the governor announced Florida's first positive cases of COVID-19. Palm Beach County's first two cases of COVID-19 were reported on March 12. On March 14th, Fire-Rescue responded to the first known case in the Town of Palm Beach, a patient who later died.

As of June 3, 2020, there were a total of 31 positive cases in the Town of Palm Beach, 6,477 positive cases in Palm Beach County, and 58,764 cases in the State of Florida. The Town is aware of 2 cases from the Town that have resulted in deaths. In Palm Beach County there have been a total of 359 deaths and 1215 hospitalizations.

Palm Beach County has the third highest number of positive cases by county in the State of Florida and the second highest number of deaths by county.

The number of new cases per day in Palm Beach County varies widely, with a high of 248 on June 2. However, this number can be misleading in that it varies by the amount of testing being performed, when the test results are submitted by testing laboratories, and the amount of COVID-19 in the county. There better metric for monitoring the amount of COVID-19 in the county is the percent of positive people among people tested. As of June 3, 8.1% of all people tested in Palm Beach County tested positive for COVID-19. That number is trending downward as shown below.

Date	% Positive in Palm Beach County	% Positive in Florida
6/2/2020	8.1%	5.5%
5/26/2020	8.1%	5.7%
5/18/2020	9.1%	7%
5/11/2020	9.5%	7.5%
5/4/2020	10.3%	8.4%
4/27/2020	11.1%	9.1%
4/20/2020	13.4%	10.1%
4/13/2020	15.8%	10.7%
4/9/2020	18.1%	11%

It is anticipated that the this trend will continue as summer approaches.

The Town continues to practice and encourage citizens to practice social distancing and wearing of face coverings.

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 10, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Status Report on the Approval of Temporary Permits to Utilize Outdoor Spaces for Restaurant Seating and Retail Displays

Date: June 2, 2020

RECOMMENDATION

The following information has been provided to update the Mayor and Town Council on the number of approvals that have been granted to date for the temporary use of private and public outdoor spaces for restaurant seating and retail displays.

GENERAL INFORMATION

At the May 13, 2020 meeting, Town Council approved a program for new/expanded temporary use of outdoor spaces for restaurants and retail establishments, to mitigate the occupancy limitations placed upon them via COVID-19 related executive orders. Said approval included private property and/or public spaces, including sidewalks and appropriate parks. A draft application was provided to communicate the information that would be required for approval consideration. A final copy of the application is attached. Requirements for application include:

1. A site plan with dimensions and a description of the property the applicant would like to use, including private and public spaces.
2. A certificate of insurance, naming the Town as additional insured.
3. A hold harmless agreement for use of any public spaces.
4. Damage deposit for use of public spaces.

Conditions of approval include:

1. This temporary outdoor use will continue until rescinded by the Town Council.
2. Approval may be revoked if the outdoor areas become unsafe or are deemed a nuisance to the community due to excessive complaints.
3. Compliance with CDC, FDA and OSHA guidelines are required.
4. Temporary tables, seating and displays cannot infringe upon ADA access along sidewalks and accessible routes in and out of buildings.
5. Approval for use of private property (not owned by business) is required.
6. Must remain in compliance with minimum parking requirements if using parking lots and net number of seats may not exceed the total number during normal operations.

7. The use of the outdoor spaces shall be in conformity with all other Town Codes and Ordinances.

As of June 2, ten (10) restaurants have been approved for new or expanded outdoor seating. Three (3) are using portions of public sidewalks and one (1) is using a small section of Memorial Park. During pre-Covid operations, the 10 restaurants would normally have 1,342 seats (indoor and outdoor). Phase 1 restrictions limit indoor capacity to 50% and require at least 6 feet of spacing for outdoor seating. The total reduction of seating for the 10 restaurants has been mitigated to only a reduction of 424 with the ability to have new or expanded temporary outdoor seats. See below for more information.

Restaurants	Location(s)	Damage Deposit	Indoor (pre-covid)	Indoor (phase 1 - 50%)	Diff.	Outdoor (pre-covid)	Outdoor (phase 1 - 6 ft)	Outdoor Diff.	Total (pre-covid)	Total (phase 1)	Diff.
Cucina	Private Property	N/A	101	50	-51	16	67	51	117	117	0
Coyo Taco	Private Property	N/A	54	27	-27	26	40	14	80	67	-13
Sant Ambroeus	Private Property	N/A	100	50	-50	20	56	36	120	106	-14
Lola 41	Private Property	N/A	82	41	-41	74	45	-29	156	86	-70
Greens	Private Property	N/A	82	41	-41	0	18	18	82	59	-23
Meat Market	Public Sidewalk and Private Property	\$1,000	172	86	-86	0	20	20	172	106	-66
Buccan	Public (west section of Memorial Park between fountain and Town Hall)	\$2,500	177	88	-89	0	36	36	177	124	-53
Bice	Private Sidewalk	N/A	125	62	-63	47	32	-15	172	94	-78
Surfside	Public Sidewalk	\$1,000	78	28	-50	8	19	11	86	47	-39
Café L' Europe	Public Sidewalk	\$1,000	180	90	-90	0	22	22	180	112	-68
		\$5,500	1151	563	-588	191	355	164	1342	918	-424

As of June 2, thirty-three (33) retail establishments have been approved for temporary use of outdoor space for displays. They include the establishments listed below, which is mostly comprised of businesses in the Royal Poinciana Plaza. The Worth Ave Association was also approved to install hand-sanitizing stations in various locations on Worth Ave.

Ala von Auersperg	Cynthia Rowley	Alice & Olivia	Assouline
Kemble Interiors	Angelo's	Zadig + Voltaire	Douglas Elliman
Hermes	Valentina Kova	Woof Gang Bakery & Grooming	Saint Laurent
Kirna Zabete	Paul Labrecque	Virginia Philip Wine & Spirit	Stoney Clover Lane
Kiton	Everything But Water	Zimmermann	Daniel Cremieux
Serenella	Renny + Reed	Squeeze Pilates	Orlebar Brown
The Grand Tour	Gavlak Gallery	100% Capri	Rani Arabella
Roller Rabbit	MD Beauty Labs	Theory	Bognar and Piccolini
Love Shack Fancy			

Attachment

cc: Department Directors
John C. Randolph, Town Attorney



TOWN OF PALM BEACH

Application for Temporary Outdoor Seating and Outdoor Retail Displays

Any restaurant or retail establishment that wishes to establish new or additional outdoor dining areas or displays in order to operate consistent with State of Florida Executive Order No. 20-123, shall email this application and related exhibits to wbergman@townofpalmbeach.com.

Applicant Information: Restaurant _____ Retail _____

Business Name: _____ Owner Name: _____

Street Address: _____

Email: _____ Phone: _____

Property Owner Name (if different from business owner): _____

Contact Information:

Name: _____

Email: _____ Phone: _____

Restaurants:

Total Indoor Seats (Pre-COVID): _____ Total Indoor Seats at 50% Capacity: _____

Total Outdoor Seats (Pre-COVID): _____ Total Outdoor Seats (6 feet of separation): _____

Number of Additional Outdoor Seats Requested: _____

Where will additional seats be located? Public Sidewalk ____ and/or Private Property ____

Describe Property to be used: _____

Retail Establishments:

Total Store Capacity (Pre-COVID): _____ Total Store Capacity at 50% Capacity: _____

Please attach a site plan to show the outdoor areas proposed for use and location/number of tables, seats and displays, with dimensions indicating spacing distances.

Insurance Requirements (Use of Public Spaces Only):

Please attached a Certificate of Insurance naming the Town of Palm Beach as additional insured under your General Liability policy coverage, with limits of liability not less than \$1,000,000 per occurrence. The Certificate of Insurance shall indicate an Occurrence Basis. The Service Provider's General Liability coverage shall be primary and non-contributory.

Temporary Conditions:

1. This temporary outdoor use will continue until rescinded by the Town Council.
2. This use may be revoked if the outdoor areas become unsafe or are deemed a nuisance to the community due to excessive complaints.
3. Requests for use of public property shall include a signed hold harmless agreement and a certificate of insurance with coverage described above.
4. Compliance with CDC, FDA and OSHA guidelines are required. See attached.
5. Temporary tables, seating and displays cannot infringe upon ADA access along sidewalks and accessible routes in and out of buildings.
6. Approval for use of private property (not owned by business) is required by signature on this application.
7. Must remain in compliance with minimum parking requirements if using parking lots and net number of seats (indoor and outdoor) may not exceed the total number during normal operations.
8. The use of the outdoor spaces shall be in conformity with all other Town Codes and Ordinances.

Application Checklist:

_____ Completed Application
_____ Detailed Site Plan
_____ Certificate of Insurance (public properties only)
_____ Refundable Damage Deposit (\$1000 for right of way and \$2500 for park areas)

Signature of Business Owner: _____ Date: _____

Signature of Property Owner: _____ Date: _____

Hold Harmless Agreement (Use of Public Spaces Only):

The undersigned as owner of the business located at _____, also known as _____, in consideration for the Town allowing owner to temporarily use the public space identified herein, hereby agrees to save, defend and hold harmless the Town of Palm Beach, it's officers, employees, agents, representatives and assigns from any and all claims resulting from this agreement and/or owner's use of the public space referenced herein including, but not limited to, personal injury, death, property damage, trespass or any other tort.

Signature of Business Owner: _____ Date: _____

Required Approvals:

Planning, Zoning & Building: _____

Public Works (For Public Properties Only): _____

Police: _____

Fire-Rescue: _____

Town Manager's Office: _____

TOWN OF PALM BEACH, FLORIDA

June XX, 2020

EMERGENCY ORDER NO. 2020-02A

AMENDED ORDER REQUIRING USE OF FACIAL COVERINGS BY RESIDENTS AND VISITORS

WHEREAS, the 2019 Novel Coronavirus Disease (COVID-19) is a severe, acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, COVID-19 poses a danger to life and the economic well-being of Palm Beach residents; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Chief of Police of the Town of Palm Beach, pursuant to the authority of Section 58-41 of the Town Code of Ordinances, declared a state of emergency exists within the corporate boundaries of the Town; and

WHEREAS, on March 19, 2020, the Town Council of the Town of Palm Beach executed Resolution No. 21-2020, concurring with the request of the Town's Chief of Police to extend the declaration of a state of emergency within the corporate boundaries of the Town to May 13, 2020, unless earlier terminated by the Chief of Police; and

WHEREAS, on May 13, 2020, the Town Council of the Town of Palm Beach executed Resolution No. 34-2020, concurring with the request of the Town's Chief of Police to extend the declaration of a state of emergency within the corporate boundaries of the Town to June 9, 2020, unless earlier terminated by the Chief of Police; and

WHEREAS, on April 10, 2020, I issued Town of Palm Beach Emergency Order 2020-02 encouraging the use of facial coverings by residents and visitors; and

WHEREAS, as of today the spread of COVID-19 has not been contained and remains a threat to the public health, safety and welfare; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") issued guidance that the general population should wear cloth face coverings to capture the respiratory droplets of asymptomatic people to slow the spread of COVID-19; and

WHEREAS, many aspects of COVID-19 remain unknown, but what is known is that the virus spreads easily and can be deadly; medical experts strongly advise that reopening of communities include full observance of the social distancing, facial covering, and sanitation requirements stated in the CDC Guidelines by both operators of establishments and by persons patronizing establishments, in order to minimize the risk of a dramatic increase in infections that might overwhelm the available public health resources and require re-closure of public amenities, restaurants, and stores; and

WHEREAS, pursuant to Section 252.38, Florida Statutes and Section 58-41 of the Town's Code of Ordinances, and the Governor's Orders (including Paragraph 8 of the Governor's Executive Order 20-70), the Chief of Police has the power to issue emergency orders with the force of law.

NOW THEREFORE, I hereby **ORDER** and **PROMULGATE** the following additional emergency measures, effective at 12:01 am on June 01, 2020 (the Order):

Section 1.

The following facial covering requirements shall apply for all establishments and businesses permitted to operate in the Town of Palm Beach. The facial covering encouragements of Town of Palm Beach Emergency Order 2020-02 are hereby amended and replaced in their entirety with the following.

- A. For purposes of this Order, a facial covering is defined as a form of covering of the nose and mouth and shall include a face mask, a homemade mask, or cloth covering, including but not limited to a scarf, bandana, handkerchief or other similar cloth covering.

Facial coverings requirements are in addition to, and not in place of, any social distancing requirements imposed by any applicable orders. The provisions of this Emergency Order shall serve as minimum standards, which must be adopted by all establishments as a condition precedent to operating.

- B. Persons for whom facial coverings are required. Except as stated in section 1. C immediately below, facial coverings must be worn by the following persons:
- 1) All persons in an establishment of any type that is permitted to operate under any Executive Order of the Governor or any Palm Beach County Emergency Order, during in-person interactions with the public;
 - 2) Members of the public when obtaining any good or service or otherwise visiting any business or establishment, including entering, exiting, and otherwise moving around within the establishment.
 - 3) Any worker involved in the preparation of food is required to wear a facial covering regardless of whether they are conducting in-person interactions with the public, unless doing so would pose a hazard or health issue;

- 4) To the extent expressly required by any Executive Order of the Governor or any Palm Beach County Emergency Order, which may include additional facial covering requirements for specific activities.
- C. Persons for whom facial coverings are not required. The following persons are not required to wear facial coverings:
- 1) Children under the age of two (2) should not wear a facial covering, and any child while under the custody of a licensed childcare facility, including daycare centers, is not required to wear a facial covering;
 - 2) Persons who have difficulty breathing or a medical condition that otherwise makes the wearing of a facial covering unsafe;
 - 3) Persons receiving goods or services from a business or establishment for the shortest practical period of time during which the receipt of such goods or services necessarily precludes the wearing of a facial covering (such as eating or receiving a facial grooming);
 - 4) Public safety, fire, and other life safety personnel, as their personal protective equipment requirements will be governed by their respective agencies;
 - 5) Persons for whom wearing a facial covering is subject to a religious objection; and
 - 6) Persons subject to an express exception in an applicable Executive Order of the Governor or a Palm Beach County Emergency Order, solely while engaging in the expressly excepted activity.

Section 2. This Order is in addition to and supplements the Town's Emergency Orders. All requirements of Town Emergency Orders, County Orders, and Governor's Orders shall be strictly adhered to at all times.

Section 3. This Emergency Order is effective as of 12:01 am on June XX, 2020 and shall remain in full force and effect until terminated. This order is enforceable by the Town of Palm Beach Police Department.

ORDERED at 5:00 pm on this XXth day of June 2020.

Nicholas Caristo
Chief of Police

