



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JULY 15, 2014

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

- A. Flagler Memorial Bridge Project Update. Page 7
Geoffrey Parker, New Millennium Engineering
- B. Presentations by Applicants for the Architectural Commission. Page 8

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: JUNE 10, 2014 Page 9
Approval of the Minutes of the Regular Town Council Meeting.
Susan A. Owens, Town Clerk
2. MINUTES: JUNE 11, 2014 Page 24
Approval of the Minutes of the Regular Town Council Meeting.
Susan A. Owens, Town Clerk
3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of June 25, 2014, With the Exception of Case #B-009-2014, 167 Seagate Road, Which is Being Appealed to the Town Council on Wednesday, July 16, 2014. Page 35
John S. Page, Director of Planning, Zoning and Buiding

B. RESOLUTIONS

1. RESOLUTION NO. 82-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Charitable Solicitation Permit Fees, and Providing an Effective Date. Page 61
Susan A. Owens, Town Clerk
2. RESOLUTION NO. 83-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Agreement Between Synergy ID, LLC and Synergy Recovery of Florida, LLC and Town of Palm Beach for Acting Disaster Recovery Program Managers for the Town's Property Coverage under the Florida Municipal Insurance Trust, FMIT's Turnkey Recovery Program. Page 65
Thomas G. Bradford, Deputy Town Manager
3. RESOLUTION NO. 87-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Master of the Game, Inc., for Temporary Staffing for Trade Services in the Amount Not-To-Exceed \$125,000, and Establishing a Contractual Trade Services Budget of \$150,000. Page 83
H. Paul Brazil, P.E., Director of Public Works
4. RESOLUTION NO. 90-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Envirosapes Plus, Inc., for Landscape Fertilization and Pest Control in the Amount of \$34,200, and Establishing a Project Budget of \$40,000. Page 88
H. Paul Brazil, P.E., Director of Public Works
5. RESOLUTION NO. 91-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Engineering Design Update and Bid Phase Services for the D-10 Pump Station in the Amount of \$30,200 to Kimley-Horn and Associates, Inc., and Establishing an Engineering Design Update and Bid Phase Services Budget of \$35,000. Page 93

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

6. RESOLUTION NO. 92-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Xylem Water Solutions USA, Inc., for Four (4) Flygt Stormwater Pumps, in the Amount of \$446,536, and Establishing a Total Budget of \$460,000. Page 100

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

C. OTHER

1. Authorization to Reject All Bids for Concrete Wall Construction at the D-4 Pump Station. Page 108

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

2. Approval of Appointments to the Building Board of Adjustments and Appeals. Page 111

John S. Page, Director of Planning, Zoning and Building

IX. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules, & Standards Committee Meeting of June 11, 2014. Page 115

Penelope D. Townsend, Chair

X. PUBLIC HEARINGS

- A. RESOLUTION NO. 81-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning a Portion of an Existing Public Utility Easement Within the Property Commonly Known as Lot 6 Ocean Lane, in the Town of Palm Beach, Florida. Page 120

Deferred from the June 10, 2014, Town Council Meeting.

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

XI. REGULAR AGENDA

A. Old Business

B. New Business

1. Coastal Matters Page 127

a. Coastal Update.

b. RESOLUTION NO. 93-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$17,665,150 to Weeks Marine, Inc., for the Construction of the Mid-Town Beach Renourishment Project, and Establishing a Construction Phase Budget of \$18,548,000 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services. Page 129

c. RESOLUTION NO. 94-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Page 136

Rio-Bak Corporation, for Reaches 7 and 8 Beach and Dune Truck Haul Project, Per Bid No. 2014-39, in the Amount of \$1,324,880, and Establishing a Total Task Budget of \$1,450,000.

Page 141

d. RESOLUTION NO. 95-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2015-16 Annual Funding Application to the Florida Department of Environmental Protection, Beach Erosion Control Program.

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

Page 146

2. Town Hall Square Project

a. Review of Scope and Timing

Robert N. Wildrick, Town Council President

b. (if necessary) RESOLUTION NO. 102-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 141021 to Kimley-Horn & Associates, Inc., for Town Hall Square Design Services in the Amount of \$38,500, and Increasing the Design Services Budget by \$42,000 for a Revised Total Budget of \$310,000.

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

Page 153

3. Offer of a Donation from the Palm Beach Police Foundation for the Purchase of a New Police Boat.

Kirk W. Blouin, Director of Public Safety

4. RESOLUTION NO. 96-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Purchase Order No. 131436 for Additional Pavement Restoration to All Public Streets in the Ejector Stations Project, in the Amount of \$80,250 and Increasing the Construction Phase Budget by \$96,250 for this Project.

Page 165

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

5. Request for Temporary Closure of Peruvian Avenue Between South Lake Drive and Cocoanut Row.

Page 174

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

Page 177

6. Request for Temporary Closure at 210 Kawama Lane.

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

7. Status of Palm Beach County Mosquito Control Program and the Chikungunya Virus.

Page 179

Jay Boodheshwar, Director of Recreation and Special Projects

8. RESOLUTION NO. 97-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Non-Ad Valorem Assessment Rates for Commercial Solid Waste Collection; Providing an Effective Date.

Page 183

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

9. RESOLUTION NO. 98-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Worth Avenue Improvement Project; Establishing the Estimated Assessed Cost Against the Properties that will be Benefitted Thereby; Directing the Town Manager to Prepare an Updated Assessment Roll; Establishing a Public Hearing to Consider Approval of the Assessment Rolls and Reimposition of the Maintenance Assessments and their Collection Pursuant to the Uniform Assessment Collection Act; Directing the Provision of Notice; and Providing for an Effective Date. Page 188

Thomas G. Bradford, Deputy Town Manager

10. RESOLUTION NO. 99-2014 A Resolution of the Town Council of the Town of Palm Beach, Florida, Relating to the Peruvian Avenue Improvement Project; Describing the Property to Be Included Within the Proposed Peruvian Avenue Assessment Area and the Local Improvements and Related Services to Be Provided Therein; Determining the Estimated Project Cost and Maintenance Cost of the Peruvian Avenue Improvement Project; Establishing the Method of Assessing the Assessed Cost Against the Properties That Will Be Benefitted Thereby; Establishing Other Terms and Conditions of the Assessments; Directing the Town Manager to Prepare a Preliminary Assessment Roll; Establishing a Public Hearing to Consider Imposition of the Proposed Assessments and the Method of Their Collection; Directing the Provision of Notice; and Providing for an Effective Date. Page 210

Thomas G. Bradford, Deputy Town Manager

11. Architectural Commission Appointments. Page 256
- John S. Page, Director of Planning, Zoning and Building*

XII. ORDINANCES

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. 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.

Note 3: 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 4: 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 5: 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 6: A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS:

Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS:

Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. 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: July 15, 2014

Section of Agenda

Presentations

Agenda Title

Flagler Memorial Bridge Project Update.

Presenter

Geoffrey Parker, New Millennium Engineering

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Presentations

Agenda Title

Presentations by Applicants for the Architectural Commission.

Presenter

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JUNE 10, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on June 10, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, JUNE 10, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, June 10, 2014, at 9:32 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Manager Elwell gave the invocation. Council President Wildrick led the Pledge of Allegiance.

III. PRESENTATIONS

A. The Honorable Jeff Clemons, Florida Senate, District 27.

Senator Clemons spoke regarding the ability to secure many things for the Town in the last legislative session i.e. cultural projects, securing funding for the beaches, and the expansion of the Lake Worth Inlet.

Council Member Kleid recognized Senator Clemons for his participation with the Beach Management Agreement.

B. The Honorable Bill Hager, Florida House of Representatives, District 89.

Representative Hager spoke regarding education funding, the last legislative session, and the expansion of the Lake Worth Inlet.

Mayor Coniglio thanked Representative Hager for securing funding for the Flagler Memorial Fountain restoration project. She also stated that both Senator Clemons and Representative Hager represent the coastal communities, which helps in the Town's pursuit of funding for the Coastal Management Program.

C. Scholarship Provided by the Palm Beach Civic Association and the Citizens' Association of Palm Beach.

1 *Ned Barnes, Palm Beach Civic Association, and Bruce Heyman, Citizens'*
2 *Association of Palm Beach*

3
4 Mayor Coniglio thanked the Palm Beach Civic Association and the Citizens'
5 Association of Palm Beach for the scholarship award.

6
7 Bruce Heyman presented the scholarship award to Armand Powery, son of Allen
8 Powery, Public Works.

9
10 D. Update on Royal Poinciana Playhouse.
11 *Pamela Stark Thomas, Executive Director, National Arts Institute*

12
13 Mayor Coniglio read into the record a letter which she received from National
14 Arts Institute (NAI) Chief Executive Officer Pamela Stark Thomas regarding the
15 Playhouse's status.

16
17 Simon Taylor, Palm Beach Theatre Guild, expressed his concerns regarding the
18 opening of the Playhouse.

19
20 Council President Pro Tem Diamond expressed his concerns regarding the
21 opening of the Playhouse and inquired whether or not NAI had sufficient funding
22 to open the Playhouse.

23
24 Mayor Coniglio agreed that there are many unanswered questions and stated that
25 the Town needs to hold NAI's feet to the fire on this project.

26
27 Discussion ensued regarding ADA requirement modifications and costs, the
28 estimated timeline provided by NAI, the need for more comprehensive updates
29 and answers from NAI, and requiring NAI to come before the Town Council in
30 October or November of this year to answer the Town's questions.

31
32 **By consensus of the Town Council, an update on the Royal Poinciana Playhouse will**
33 **be placed on the November 13, 2014, Town Council agenda and a designated**
34 **representative of NAI is to be present to provide said update.**

35
36 **IV. COMMENTS OF MAYOR GAIL L. CONIGLIO**

37
38 Mayor Coniglio reported that the Tourist Development Council has proposed a one
39 percent increase to the bed tax, with thirty percent of the additional funds going towards
40 coastal projects. She added that Palm Beach County begins their property tax discussions
41 today, and expressed her desire that the County maintain the same tax rate. She thanked
42 the community and those citizens who serve on the Town Boards and Commissions for
43 their time.

44
45 **V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**
46

1 Council Member Townsend spoke regarding the Code requirements regarding hedges
2 along sidewalks, and properties not coming into compliance, and requested that ORS
3 look into the matter. She thanked the Mayor for her work on the Lake Worth Inlet
4 expansion, and spoke regarding the budget process and Town goals, and having advanced
5 defibrillators on every ambulance and fire engine.

6
7 Council Member Kleid stated that he had received a call from a resident regarding his
8 water quality.

9
10 Director of Public Works Brazil reported that Staff meets regularly with the City of West
11 Palm Beach and the Health Department about water quality and that West Palm Beach
12 will go to that resident's home and test his water.

13
14 Council President Pro Tem Diamond spoke regarding advanced defibrillators and advised
15 anyone with questions to speak with Fire-Rescue Division Chief Fuller.

16
17 Town Manager Elwell announced that the July Town Council meetings will be held on
18 July 15th and 16th and that there will be a special meeting held on July 17th to review the
19 proposed FY 2015 Town budget. Responding to the earlier comments regarding hedges,
20 Mr. Elwell reported that the Town has a number of pending enforcement actions for those
21 not in compliance and asked if the Town Council wished to hold them in abeyance until
22 the ORS Committee had reviewed the current ordinance.

23
24 Discussion ensued regarding the extent of the overgrown hedges issue, possible cures,
25 and those properties not in compliance.

26
27 **By consensus of the Town Council, the ORS Committee was directed to review the**
28 **hedges ordinance.**

29
30 Town Manager Elwell stated that Staff will continue to enforce the ordinance as it exists
31 until ORS reviews it.

32
33 Council President Wildrick spoke regarding the Memorial Fountain and coordinating
34 opposition efforts to the Lake Worth Inlet expansion.

35
36 **VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE**

37
38 Lory Volk, Volk Foundation, 206 Phipps Plaza, spoke regarding the remanding of the
39 Certificate of Appropriateness for the Town Hall Square Renovation Project back to the
40 LPC for *de novo* deliberations.

41
42 Patti Sans, President Greater South County Road Association, spoke in opposition to
43 remanding the Certificate of Appropriateness for the Town Hall Square Renovation
44 Project back to the LPC for *de novo* deliberations and requested that the Parking
45 Committee, along with a representative from each business district, investigate parking
46 options for the districts.

1 Deputy Town Manager Bradford stated that the Town just recently purchased new
2 software for parking enforcement, and that Staff is looking to see if warnings can be
3 issued to first time offenders. He clarified that the Parking Committee Ms. Sans was
4 referring to is a Staff Committee.

5
6 Ms. Sans reiterated her desire that the business community have representatives on the
7 Parking Committee.

8
9 Katie Pressley, Palm Beach, expressed her opposition to the proposed curtailment of
10 Palm Tran Bus Service Route 41.

11
12 Discussion ensued regarding the cancellation of Route 41.

13
14 Mayor Coniglio stated that she will write a letter to Palm Tran opposing the cancellation
15 of Route 41.

16
17 Gregg Beletsky, President Worth Avenue Association, spoke regarding the Turtle
18 Tuesday beach cleanups and parking issues.

19
20 Michael Scharf, 225 Dunbar Rd., spoke regarding Resolution No. 76-2014 and expressed
21 his concerns regarding the cost of the defibrillators.

22
23 Division Chief Fuller stated that these are advanced defibrillators that simultaneously
24 communicate patient information to the hospital, and that some of the defibrillators being
25 replaced are over seven years old. He added that the manufacturer actually offered
26 \$88,000 for trade in value towards the purchase of the new devices, which significantly
27 lowered the Town's costs.

28
29 Paul Dittmar, 3-D Classic Marble, spoke regarding the restoration of the Memorial
30 Fountain and providing a proposal for the work.

31
32 Discussion ensued regarding the extent of the Memorial Fountain project and how it was
33 being bid out and awarded.

34
35 Justin Katz, Boynton Beach and teacher in Palm Beach, announced that he would be
36 running for the School Board District 4 Seat, and asked everyone to pay close attention to
37 the elections.

38
39 **VII. APPROVAL OF AGENDA**

40
41 The following changes were made to the Agenda:

42
43 **DEFERRED:** Item No. X.A., Resolution No. 81-2014, was deferred to the July 15,
44 2014, Town Council meeting.

45
46 **WITHDRAWN:** Item No. XI.B.3., Temporary Road Closure at 109 Royal Palm Way,

was withdrawn from the agenda.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve the Agenda, as amended above. On roll call, the motion carried unanimously.

VIII. CONSENT AGENDA

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to approve the Consent Agenda. On roll call, the motion carried unanimously.

A. MINUTES

1. MINUTES: MAY 13, 2014

Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk

2. MINUTES: MAY 14, 2014

Approval of the Minutes of the Regular-Development Review Town Council Meeting.
Susan A. Owens, Town Clerk

3. MINUTES: MAY 14, 2014

Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk

4. Approval of Major Matters Considered by the Architectural Commission at its Meeting of May 28, 2014.

John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 67-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement Between the Town of Palm Beach and Phillips & Jordan, Inc., for Emergency Disaster Debris Removal, Reduction and Disposal Services, Pursuant to the Solid Waste Authority of Palm Beach County Contract No. 13-249, and Authorizing the Town Manager to Execute the Same on Behalf of the Town for Use as a Backup to Other Town Executed Contracts

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

2. RESOLUTION NO. 68-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Award of the Contract to Supply Unleaded and Diesel Fuel Through the

Southeast Florida Governmental Purchasing Cooperative Group RFP 14-A-035 to MacMillan Oil Co. of Florida, Inc.
Jane Struder, Finance Director

3. RESOLUTION NO. 76-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Sole Source Procurement and the Purchase of Zoll X Series Manual Monitor/Defibrillators in the Amount of \$247,960.72 from Zoll Medical Corporation.

Kirk Blouin, Director of Public Safety

4. RESOLUTION NO. 77-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Hulett Environmental Services, Inc., for Treatment of Lethal Yellowing Disease in Coconut Palms and Royal Palm Bug and Fertilization Treatment for Royal Palm Trees in the Amount of \$45,084, and Establishing a Project Budget of \$47,350.

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

5. RESOLUTION NO. 78-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Universal Electric of Florida, Inc., and C. R. Dunn, Inc., for Electrical Maintenance and Repair Services in a Cumulative Total Amount Not-To-Exceed \$154,000.

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

6. RESOLUTION NO. 79-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Preliminary Design Services to Kimley-Horn and Associates, Inc., in an Amount of \$54,360 for the Signalization and Mast Arm Upgrades and Establishing a Design Phase Budget of \$61,000.

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

7. RESOLUTION NO. 80-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn & Associates, Inc., in an Amount of \$23,480 for the Roadway Improvements on Queens Lane, and Establishing a Design and Bid Phase Budget of \$25,000.

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

8. RESOLUTION NO. 86-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving GFA Inc. as a Plan Review and Inspection Firm from the Original List of Respondents to RFP No. 2010-28, in Addition to Hybrid Inc. and MT Causley Inc. Based Upon Their Proposal and the Selection Committee's

Recommendations Pertaining Thereto; Authorizing Staff Negotiations with GFA Inc., and Authorizing the Town Manager to Execute a Negotiated Contract on Behalf of the Town for Plan Review and Inspection Services, Subject to the Town's Adopted Budget for Said Program and the Town Attorney's Approval of the Negotiated Contract for Legal Form and Sufficiency.

John S. Page, Director of Planning, Zoning and Building

C. OTHER

1. Ratification of Town Manager Peter B. Elwell's Selection of Professionals to Assist the Town in Opposing the Proposed Lake Worth Inlet Deepening and Widening Project, and Appropriation of \$200,000 from the General Fund Contingency.

Peter B. Elwell, Town Manager

2. Authorization for Continued Town Participation in the Palm Beach County Urban County Program for FY2015-FY2017.

Peter B. Elwell, Town Manager

3. Authorization to Reject All Bid Submittals for Bid No. 2014-16, Maintenance of the Peruvian Avenue 400 Block Streetscape Project Improvements.

Thomas G. Bradford, Deputy Town Manager

4. Approval of Landmarks Preservation Commission Attendance Exception for Nikita Zukov.

John S. Page, Director of Planning, Zoning and Building

IX. BOARD/COMMISSION ANNUAL REPORT

- A. Retirement Board of Trustees.

Raymond W. Snow, Retirement Board Chair

Chairman Snow provided an overview of the Annual Report.

By consensus of the Town Council, the Annual Report was accepted.

X. PUBLIC HEARINGS

- A. RESOLUTION NO. 81-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning a Portion of an Existing Public Utility Easement Within the Property Commonly Known as Lot 6 Ocean Lane, in the Town of Palm Beach, Florida.

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

This item was deferred to the July 15, 2014, Town Council meeting at the beginning of the meeting.

XI. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Project Update.

TIME CERTAIN: 11:00 AM

Geoffrey Parker, New Millennium Engineering

Mr. Parker provided an update on the Flagler Memorial Bridge Project.

2. Town Hall Square Project

TIME CERTAIN: 11:30 AM

- a. Project Update.

Town Manager Elwell provided an overview of the project and his recommendations.

Discussion ensued regarding remanding the project back to the Landmarks Preservation Commission, the project components, the timeline for completion, project costs, and state grant funds.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to approve the six actions listed in the Town Manager's backup memorandum of June 5, 2014, and to remand the project back to the Landmarks Preservation Commission for a *de novo* review.

- b. Appeal of Landmarks Preservation Commission COA #016-2014, Town Hall Square Modifications, by Attorney Manuel Kushner representing Mr. Orator Woodward and the John L. Volk Foundation.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, to deny the appeal of Landmarks Preservation Commission COA #016-2014, Town Hall Square Modifications as it was a moot point based on the above action. On roll call, the motion carried unanimously.

(Clerk's Note: Based upon the actions taken under item XI.A.2.b immediately above, the Town Council did not consider items XI.A.2.c1., XI.A.2.c2., and XI.A.2.d. immediately below.)

- c.1. RESOLUTION NO. 84-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding

a Construction Manager at Risk Contract to Burkhardt Construction, Inc., for the Town Hall Square Project, in the Amount of \$5,630,336.44, and Establishing a Construction Management Phase Budget of \$5,845,000.

This item was postponed indefinitely.

c.2. RESOLUTION NO. 89-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Alternative 1, Street Lighting Improvements, in the Amount of \$255,000 and Alternative 2, Central Fire Station Slab Replacement, in the Amount of \$45,500 to Burkhardt Construction, Inc., for the Town Hall Square Project, Increasing Resolution 84-2014 Construction Management Phase Budget to \$6,145,500

This item was postponed indefinitely.

d. RESOLUTION NO. 85-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley Horn & Associates, Inc., for the Town Hall Square Project, in the Amount of \$233,715.50 and Establishing a Construction Phase Engineering Services Budget of \$270,000.
H. Paul Brazil, P.E., Director of Public Works

This item was postponed indefinitely.

3. Consideration of Design and Bid Phase Services Contracts for the Street Lighting Upgrades and Utility Undergrounding Projects on South Ocean Boulevard from Sloan's Curve to Lake Avenue.

(Clerk's Note: The following two items were heard simultaneously.)

a. RESOLUTION NO. 73-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Erdman Anthony of Florida, Inc., in an Amount of \$180,310 for the Street Lighting Upgrade on South Ocean Boulevard from Sloan's Curve to Lake Avenue, and Establishing a Design and Bid Phase Budget of \$200,000.

b. RESOLUTION NO. 74-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Evaluating Undergrounding of Overhead Lines to Erdman Anthony of Florida, Inc., in an amount of \$24,065

for the Street Lighting Upgrade Project on South Ocean Boulevard from Sloan's Curve to Lake Avenue, and Establishing an Evaluation Budget of \$26,500.

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

Town Manager Elwell stated that he believes these items should be heard together with Florida Power & Light's undergrounding report; however, there have been some scheduling conflicts. He recommended that these items be deferred until the September 9, 2014, Town Council meeting.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to defer Resolution Nos. 73-2014 and 74-2014 to the September 9, 2014, Town Council meeting. On roll call, the motion carried unanimously.

4. Coastal Protection Matters

a. Update on Current Conditions and Ongoing Actions.

Coastal Coordinator Weber provided a presentation on the current coastline conditions and ongoing actions.

b. Reach 3 Roadway Protective Seawall Project: Alternative Proposed by Affected Residents.

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

Director of Public Works Brazil provided an overview of the project alternatives.

George Cloutier, 240 N. Ocean Blvd., spoke regarding construction alternatives, costs, and previous Council actions regarding repairs.

Discussion ensued regarding previous Council actions regarding repairs, turning the project over to the individual seawall owners, permitting, Town funding, road protection, and construction timelines.

Motion was made by Council Member Townsend, and seconded by Council Member Kleid, to reconsider the Town Council's action of May 13, 2014, "to approve the formation of an assessment district for repayment of the project costs via special non-ad valorem assessments. Said assessments shall be prorated based upon the specific amount of damage to the property owners' respective seawalls, and repayment shall be spread out over the longest legally permissible period". On roll call, the motion carried unanimously.

1 **Motion was made by Council Member Townsend, and seconded by Council**
2 **President Pro Tem Diamond, to allow property owners to be responsible for**
3 **maintenance of their own seawalls. On roll call, the motion carried unanimously.**
4

5 B. New Business

6
7 1. Off-Island Town-Owned Real Estate Matters.

8
9 a. Inventory and Planning Update.

10
11 Director of Recreation and Special Projects Boodheshwar provided
12 an overview of the inventory and an update on the Town's plans
13 for these locations.

14
15 b. RESOLUTION NO. 88-2014 A Resolution of the Town Council of
16 the Town of Palm Beach, Palm Beach County, Florida, Approving
17 a Lease Agreement between the Town and RG Towers, LLC for
18 Use of a Portion of Town Property for a Wireless Communications
19 Tower and Authorizing the Town Manager to Execute the Same on
20 Behalf of the Town.

21 *Jay Boodheshwar, Director of Recreation and Special Projects*

22
23 Director of Recreation and Special Projects Boodheshwar provided
24 an overview of the proposed agreement with RG Towers, LLC.

25
26 Discussion ensued regarding the lease terms, problems with the
27 neighbors, the effect the lease would have on the resale of the
28 property, and only allowing the United States flag to be flown on
29 the tower.

30
31 **Motion was made by Council President Pro Tem Diamond, and seconded by**
32 **Council Member Townsend, to approve Resolution No. 88-2014, subject to the**
33 **condition that the United States flag be the only flag flown on the tower. On roll**
34 **call, the motion carried unanimously.**
35

36 Discussion ensued regarding the property at 627 N. Dixie Hwy. and the
37 Town's lease with the Fraternal Order of Police (FOP). Proposals for the
38 N. Dixie Hwy. property and a proposed FOP lease agreement will be
39 brought back before the Town Council.

40
41 2. Residents' Request for Curb and Gutter on Via Marina.

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

43
44 Director of Public Works Brazil provided an overview of the Town's
45 removal of the Via Marina curb during the A-7 force main project.
46

Craig Omtvedt, 79 Middle Rd., expressed his and his neighbors' desire to have the curbs restored.

Discussion ensued regarding other areas with and without curbs, drainage issues, aesthetics, and an assessment program.

Motion was made by Council President Pro Tem Diamond for the Town to replace the curb and gutter on Via Marina. Motion died for lack of a second.

Council President Wildrick suggested that the residents contact Deputy Town Manager Bradford about an assessment petition and costs for the project.

3. Request for Temporary Road Closure at 109 Royal Palm Way.
H. Paul Brazil, P.E., Director of Public Works

This item was withdrawn earlier in the meeting.

4. Appeal of Town Code, Chapter 10, Section 10-45, Dangerous Dog Determination - "Martini," Case No. 14-000721 (per letter dated May 22, 2014, from Maya Johnson).
Kirk Blouin, Director of Public Safety

Maya Johnson, 100 Worth Ave. and owner of Martini, provided an overview of her appeal.

Lt. Ann-Marie Taylor provided an overview of Town Code Sec. 10-45 regarding dangerous dogs and provided a timeline of events.

Discussion ensued regarding another dangerous dog case and the need for sworn statements.

Steven Miller, President Winthrop House Association, stated that he agreed with the dangerous dog designation, that Martini had exhibited aggressive behavior with other dogs in the building, and that he had received many complaints regarding Martini.

Hayden Hosford, 201 Sunset Rd., West Palm Beach, and owner of a house on El Cid, stated that he has had visitors and children over when Martini was there and that Martini was well behaved.

Leah Castella, who has worked with Martini professionally, stated that she has been out to numerous restaurants with Ms. Johnson and Martini and has never seen any type of violent behavior from him.

Jan Mallory, 110 Clarendon Ave., President Humanitarian League Foundation, stated that she has been to restaurants and salons with Martini

1 and that Martini was well behaved.

2
3 Lt. Ann-Marie Taylor spoke regarding the investigation affidavits and
4 stated that all of the standards required to designate Martini as a dangerous
5 dog have been met.
6

7 **Motion was made by Council Member Pucillo, and seconded by Council President**
8 **Pro Tem Diamond, to deny the appeal of Town Code, Chapter 10, Section 10-45,**
9 **Dangerous Dog Determination - "Martini," Case No. 14-000721. On roll call, the**
10 **motion carried unanimously.**
11

- 12 5. Appeal of Town Code, Chapter 10, Section 10-45, Dangerous Dog
13 Determination - "Titan," Case No. 14-000675 (per letter dated May 27,
14 2014 from Julie Leever).

15 *Kirk Blouin, Director of Public Safety*
16

17 Attorney James Green, on behalf of Dan and Julie Leever, requested a
18 deferral to the October 14, 2014, Town Council meeting as Mrs. Leever
19 and Titan would be in Colorado until early October and his clients had
20 agreed to comply with the Town's conditions.
21

22 Mr. Leever assured the Town Council that Titan would be muzzled when
23 he leaves the house.
24

25 Lt. Ann-Marie Taylor stated that the Police Department had no objection
26 to the deferral.
27

28 **Motion was made by Council President Pro Tem Diamond, and seconded by**
29 **Council Member Pucillo, to defer the appeal of Town Code, Chapter 10, Section 10-**
30 **45, Dangerous Dog Determination - "Titan," Case No. 14-000675 to the October 14,**
31 **2014, Town Council meeting. On roll call, the motion carried unanimously.**
32

- 33 6. Discussion of Background Checks for Applicants to Town
34 Boards/Commissions.

35 *William Diamond, Town Council President Pro Tem*
36

37 Council President Pro Tem Diamond provided a proposal requiring
38 routine background checks for all applicants to Town
39 Boards/Commissions, and perhaps all elected officials, for past felonies
40 and/or misdemeanors, including consideration of who should pay for the
41 background checks, to the Town Council and requested that they send it to
42 the ORS Committee for further consideration.
43

44 Discussion ensued regarding the proposal.
45

46 William Cooley, 236 Fairview Rd., spoke in support of sending the matter

1 to ORS, but only for Board/Commission members.

2
3 Further discussion ensued regarding the proposal.

4
5 **No action was taken on this item.**

6
7 **XI. ORDINANCES – None**

8
9 **XII. ANY OTHER MATTERS – None**

10
11 **XIII. ADJOURNMENT**

12
13 There being no further business, the June 10, 2014, regular Town Council meeting was
14 adjourned at 2:37 p.m.

15
16
17 APPROVED:

18
19
20
21
22 _____
23 Robert N. Wildrick
24 Town Council President

25 ATTEST:

26
27
28 _____
29 Susan A. Owens, MPA, MMC
30 Town Clerk

31
32 _____
Date

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: JUNE 11, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on June 11, 2014](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, JUNE 11, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, June 11, 2014, at 9:36 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Town Attorney Randolph gave the invocation. Council President Wildrick led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Townsend spoke regarding the Flagler Memorial Fountain's restoration process, and requested that a special meeting be held to discuss the matter. She thanked the residents and the Landmarks Preservation Committee (LPC) members for their participation.

Council President Pro Tem Diamond spoke regarding the selection process for the Memorial Fountain restoration contractor.

Council Member Pucillo concurred with the need for a special meeting to have an in-depth discussion on the restoration of the Memorial Fountain.

Council President Wildrick, Council President Pro Tem Diamond, and Council Member Kleid each spoke regarding waiting for the LPC's determination on the proposed restoration plan before deciding on a special meeting.

Council President Wildrick spoke regarding the LPC's decision-making process.

Town Attorney Randolph provided clarification on the duties of the LPC.

Mayor Coniglio stated that funding for the Memorial Fountain was already approved within the capital improvement bond issue.

(Clerk's Note: Item V. was taken out of order and heard before Item No. VII.)

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Peter Broberg, 220 Monterey Road, spoke regarding reconsideration of the amended landscaping and construction hours of operation.

Discussion ensued regarding the temporary amendment of the landscaping and construction hours of operation due to the Flagler Bridge closing, the noise ordinance, and noise complaints.

Council President Wildrick stated that, in the future, Mr. Broberg should contact Code Enforcement with any noise complaints.

Council President Wildrick asked for a moment of silence due to the passing of Everglades Club President Bill Pannill.

VI. APPROVAL OF AGENDA

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, to approve the Agenda. On roll call, the motion carried unanimously.

VII. DEVELOPMENT REVIEWS

Administrative Assistant Boyles administered the oath to all those who would be providing testimony.

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. SPECIAL EXCEPTION #6-2014 WITH VARIANCES** The application of SunTrust Bank; relative to property commonly known as 440 Royal Palm Way, Suite 102; described as Lots 52, 53 and 61, together with the North 100 feet of Lot 54, Block C, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. A Special Exception is requested to open a new bank for "SunTrust Bank" which will be 5,964 sq. ft. gross leasable area in the previous location of Northern Trust Bank. Two variances being requested for signage

are as follows: to allow a business identification sign on the west side of the building with no street frontage which is not permitted; and, to allow said sign at a height above the first floor at 27 feet in lieu of the 15 foot maximum allowed. [Attorney: Maura Ziska].
Deferred from the May 14, 2014, Town Council Meeting John S. Page, Director of Planning, Zoning and Building
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Wildrick, Council President Pro Tem Diamond, and Council Members Kleid and Pucillo received correspondence from Attorney Ziska. Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of SunTrust Bank, provided an overview of the applicant's request and requested a deferral of the variances related to the signage to the July 16, 2014, Town Council meeting.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that Special Exception #6-2014 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Townsend, and seconded by Council Member Kleid, to defer the variances for the signage related to Special Exception #6-2014 to the July 16, 2014, Town Council meeting. On roll call, the motion carried unanimously.

2. New Business

- a. SITE PLAN REVIEW #5-2014 WITH VARIANCES The application of Palm Beach Towers Condominium Association, Inc.; relative to property commonly known as 44 Cocanut Row; described as Lengthy legal description on file; located in the R-D(2) Zoning District. The applicant is requesting a site plan review modification to upgrade paving, drainage and lighting of the parking lot and entrance to the Palm Beach Towers as follows: To bring the parking lot and vehicular drop off at the main building entry into compliance with the American with Disabilities Act (ADA), and change the material of a portion of the entry drive aisles from asphalt to pavers. The improvements include ramps and the required number of properly sized handicapped parking spaces; to redesign the parking lot lighting with fewer and shorter poles using energy efficient lighting, improving the photometric

distribution of lighting on the property; to remove the top one inch (1") of existing asphalt paving, repair subsurface issues, repave and restripe the existing parking lot, replacing same with the same size drive isles and number of parking spaces as currently exist; modify the existing storm water drainage in four areas of the parking lot to meet the 2 inch storm water retention for drainage to Cocanut Row, improving the quality of water flowing from the subject property into the Town's storm water system; to reduce the area of asphalt paving and add 2,757 square feet landscape areas in four interior island to the parking lot as part of the scope of the project; to replace an existing water feature and identification sign with a new feature and sign. Variances are requested to allow drive aisle widths of a minimum of 18 feet in lieu of 25 foot minimum required for maneuvering into a 90 degree off-street parking space as required by code; to allow a drive aisle width of a minimum of 12 feet in lieu of the 20 foot minimum required for maneuvering into a 60 degree off-street parking space as required by code; and, to allow a new identification sign with an area of 15.5 square feet in lieu of the 6 sq. ft. maximum allowed by code and 44.4 sq. ft. existing. This proposed sign would replace an existing 44.4 square foot identification sign. [Attorney: Francis X. J. Lynch]

John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Pro Tem Diamond, and Council Member Townsend met with General Manager John Grosskopf, Architect Rick Gonzalez, and received correspondence from Attorney Francis X. J. Lynch.

Attorney Francis X. J. Lynch, on behalf of Palm Beach Towers Condominium Association, Inc., provided an overview of the applicant's request.

Rick Gonzalez, REG Architects, provided additional information regarding the project.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Discussion ensued regarding the size and need for the identification signage and the grandfathering of the width of the parking aisles.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that Site Plan Review #5-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest

and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, and that the variances related to Special Exception #5-2014, be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #8-2014 The application of Symphony Workplaces, LLC (Nick Logothetis, Managing Member); relative to property commonly known as 2875 South Ocean Boulevard; described as Lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting special exception approval to expand a previously approved executive office suite (Suite 200) from 9,536 gross leasable square feet (GLA) to 16,164 GLA and an increase from 40 to 53 executive suite offices on the second floor. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Wildrick, Council President Pro Tem Diamond, and Council Members Kleid and Pucillo received correspondence from Attorney Ziska. Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Symphony Workplaces, LLC, provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that Special Exception #8-2014 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.

- c. SPECIAL EXCEPTION #9-2014 WITH SITE PLAN REVIEW AND VARIANCE The application of Ocean Terrace Beach Club, Inc. (Sean Heyniger, President); relative to property commonly known as 1331 North Ocean Boulevard; described as Unnumbered tract of land lying South of Lot 9-A, and unnumbered Tract lying North of Lot 24-A, in OCEAN TERRACE, according to the Plat thereof recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 20, Page 64. Together with that part of Albee Avenue (now Ocean Terrace)

lying East of the East line of Ocean Boulevard, according to the Plat of OCEAN TERRACE, as recorded in Plat Book 20, Page 64, of the Public Records of Palm Beach County, Florida; located in the R-B/B-A Zoning Districts. A Special Exception with site plan review is requested to construct a 330 square foot beach cabana on an ocean parcel with 159 feet of frontage across from Ocean Terrace which is used in common by the homeowners in the Ocean Terrace Beach Club, Inc. A variance is requested to allow the beach cabana to have a west setback of one inch (1") from the front property line in lieu of the 10 foot minimum required.
[Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Wildrick, Council President Pro Tem Diamond, and Council Members Kleid and Pucillo received correspondence from Attorney Ziska. Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Ocean Terrace Beach Club, Inc., provided an overview of the applicant's request.

Architect Thomas M. Kirchhoff provided additional information regarding the project.

Discussion ensued regarding vehicular access to the proposed site and having the applicant use an aluminum powder coated removable gate on the site.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Attorney Ziska stated that the curb cuts will be eliminated, there will be turtle compliant lighting, and the wall paralleling the roadway will be reduced to maintain the 50% ocean vista requirement.

Discussion ensued regarding Florida Department of Environmental Protection permits for the bathrooms.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that Special Exception #9-2014 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, that the site plan review related to Special Exception #9-2014 be approved

based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11, and that the variances related to Special Exception #9-2014, be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met, subject to the following conditions: inclusion of a 15' access for Town vehicular pass-through to the beach, elimination of curb cuts, lighting restrictions, and wall height changes as recommended by Staff. On roll call, the motion carried unanimously.

d. SPECIAL EXCEPTION #10-2014 WITH SITE PLAN REVIEW

The application of Everglades Club, Inc.; relative to property commonly known as 500 South County Road; described as Lengthy legal description on file; located in the R-A Zoning District. A Special Exception with Site Plan Review is being requested to allow the construction of a 2,631 square foot one story golf administration building for a break room, small equipment storage area and office located on the north side of the 17th hole green (located on the south side of the golf course; and, to construct a 308 square foot accessory building to house a 400 kw generator on the Everglades property adjacent to Golfview Road on the east side of the golf club building. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Wildrick, Council President Pro Tem Diamond, and Council Members Kleid and Pucillo received correspondence from Attorney Ziska. Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of the Everglades Club, Inc., provided an overview of the applicant's request.

Architect Drobot, Brasseur and Drobot Architects, provided additional information regarding the project.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Discussion ensued regarding the need for another building, adequate screening, proper notification to the neighbors, and communication with the neighbor closest to the generator.

Jackie Albarran, SKA Architects, Inc., spoke regarding working

with the owners that are closest to the generator. She said that they would have written a letter of objection if they were not in favor of the project, as they have been in contact with the Everglades Club.

Bob Moore, 318 Bunker Ranch Road, West Palm Beach provided a background on the property, and said that Mr. Schottenstein, who is building at 270 El Bravo Way, is in support of the project.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, that Special Exception #10-2014 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, that the site plan review related to Special Exception #10-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

- e. VARIANCE #25-2014 The application of John David Corey; relative to property commonly known as 426 Australian Avenue; described as Lots 43 and 44, Block 5 of ROYAL PARK ADDITION, according to the Plat thereof as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting to modify a previously approved variance (VAR #11- 2014) to construct a new 3,750 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 6,250 sq.ft. in lieu of the 10,000 sq.ft. minimum required in the R-C Zoning District. The request is to change the proposed roof of the house from a flat roof to a pitched roof. [Attorney: Maura Ziska]

John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Wildrick, Council President Pro Tem Diamond, and Council Members Kleid and Pucillo received correspondence from Attorney Ziska. Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of John David Corey, provided an overview of the applicant's request.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Discussion ensued regarding the change from a flat roof to a pitched roof.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that Variance #25-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

- f. VARIANCE #27-2014 The application of Charles and Deborah Royce; relative to property commonly known as 10 S. Lake Trail; described as Lot 2 of LAKE TRAIL ESTATES, according to the plat thereof as recorded in Plat Book 62, Page 86, OF THE Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting modifications to an existing landmark residence by expanding a one story garage by 374.39 square feet with a side yard setback ranging from 5 feet to 10.4 feet in lieu of the 15 foot minimum required in the R-A Zoning District. [Attorney: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Wildrick, Council President Pro Tem Diamond, and Council Members Kleid and Pucillo received correspondence from Attorney Ziska. Council Member Townsend spoke with Attorney Ziska, who advocated the position of her clients.

Attorney Ziska, on behalf of Charles and Deborah Royce, provided an overview of the applicants' request.

Architect Jacqueline Albarran, SKA Architects, Inc., provided additional information regarding the project.

Director of Planning, Zoning, and Building Page provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that Variance #27-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

B. Other

1. BrickTop's Restaurant Operations: Six-Month Review, Special Exception #21-2012, 375 South County Road
John S. Page, Director, Planning, Zoning and Building

Director of Planning, Zoning, and Building Page provided an overview of BrickTop's restaurant operations.

Attorney Ziska spoke regarding delivery and parking problems.

Discussion ensued regarding employees parking on the street and moving their vehicles every few hours, valet parking vehicles in front of businesses, and modifying the conditions of approval to have tractor-trailers make deliveries in the loading zone of the 200 block of Peruvian Avenue.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve deferral of BrickTop's Restaurant Operations Six Month Review to the September 10, 2014, Town Council meeting to solve the parking issue, and to modify the previous conditions of approval so as to require that any deliveries being made by tractor-trailer must be made on the 200 block of Peruvian Avenue. On roll call, the motion carried unanimously.

VIII. ORDINANCES – None

IX. ANY OTHER MATTERS – None

X. ADJOURNMENT

There being no further business, the June 11, 2014, regular Town Council Development Review meeting was adjourned at 11:18 a.m.

APPROVED:

ATTEST:

Robert N. Wildrick
Town Council President

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of June 25, 2014, With the Exception of Case #B-009-2014, 167 Seagate Road, Which is Being Appealed to the Town Council on Wednesday, July 16, 2014.

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated July 2, 2014, from John Page, Director of Planning, Zoning and Building](#)
- [ARCOM Minutes of June 25, 2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of June 25, 2014

Date: July 2, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of June 25, 2014.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of June 25, 2014.

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

JSP:cmd



MINUTES
ARCHITECTURAL COMMISSION
IN THE
TOWN COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 S. COUNTY ROAD, PALM BEACH

WEDNESDAY, JUNE 25, 2014, 09:00 a.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 of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

Acting Chairman, Anne Vanneck, made an announcement that the meeting would begin at 9:05 a.m., allowing additional time for members to arrive.

I. CALL TO ORDER: (09:05:00 a.m.)

Vice Chairman and Acting Chairman, Anne Vanneck, called the meeting to order at 9:05 a.m.

II. ROLL CALL: (09:05:33 a.m.)

Robert J. Vila, Chairman	ABSENT (pending classification)
Ann L. Vanneck, Vice Chairman and Acting Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived at 9:10 a.m.)
Michael B. Small, Alternate Member	PRESENT

Let the record show that all alternate members served as voting members for this meeting. Let the record show that a court reporter, Jill M. Felicetti with Pleasanton, Greenhill, Meek & Marsaa was present today for B-049-2014, 205 Worth Avenue.

Staff Members Present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Paul Castro, Zoning Administrator (for part of the meeting), and Cynthia M. Delp, Secretary to the Architectural Commission. John C. Randolph, Town Attorney, was present for most of the morning session.

III. PLEDGE OF ALLEGIANCE: (09:05:49 a.m.)

IV. **APPROVAL OF THE MINUTES FROM THE MAY 28, 2014 MEETING: (09:06:08 a.m.)**

**MOTION BY MR. KARAKUL FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

V. **APPROVAL OF THE AGENDA: (09:06:22 a.m.)**

Please note that the Town had received requests to remove two items from the agenda.

**MOTION BY MR. KARAKUL FOR APPROVAL OF THE AGENDA, WITH THE REMOVAL
OF ITEMS B-066-2014, 350 S. OCEAN BOULEVARD AND A-023-2014, 960 N. OCEAN
BOULEVARD.**

**MOTION SECONDED BY MR. SMALL.
MOTION CARRIED UNANIMOUSLY.**

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:07:01 a.m.)**

Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

VII. **OTHER BUSINESS: (09:07:03 a.m.)** None

VIII. **PROJECT REVIEW: (09:07:09 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (09:07:13 a.m.)**

B - 009 - 2014 New Residence

Address: 167 Seagate Road

Applicant: Mads Thomsen

Architect: Mitchell O'Neill

Project Description: New single family home, landscape design, hardscape design (preliminary)

At the March meeting, the project was not heard and was deferred to the May meeting at the request of the applicant. At the May meeting, a motion carried to defer the architecture and the landscape for re-study taking into account the comments of this commission and the comments of the attorney for the applicant on the size of the hedge as well as the scale of the property and the rhythm of the facade and its windows.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Mitchell O'Neill

LANDSCAPE PRESENTATION BY: Robert Fleck, Paradelo & Fleck Landscape Design

ATTORNEY PRESENT: George Piñon, Attorney for the property owner

OTHERS WHO TESTIFIED: Mads Thomsen, property owner; Patricia Wilson, Joanne Paladino, Ann and Bill Metzger, Maura Ziska, Jeffery Smith, Robert Moore and Louis Mrachek.

Ex parte declarations included declarations of received e-mails. As such, Attorney Randolph asked whether the applicant is aware of said e-mails. Mr. Lindgren responded that he forwarded the bulk of the opposition e-mails to the property owner, but two came in yesterday which were not forwarded due to time constraints. Mr. Randolph asked the commission if they were willing

to base their decisions today, not upon ex parte communications, but upon the testimony heard today. Members answered affirmatively.

Attorney George Piñon, in his opening remarks, placed a diminished importance upon the letters received from the neighbors, and conversely, a marked importance on the opinions of the members of the Architectural Commission who were appointed to the commission because they had specialized knowledge making them capable of making such development related decisions. He maintained that ARCOM should not allow public opinion to do anything other than minimally influence decisions, if at all. Mr. Piñon stated that his client did his “due diligence” in meeting with Mr. Lindgren prior to purchasing the property. He learned that he could propose a modern home because other modern homes are scattered throughout the island. Mr. Piñon maintained that the goal of ARCOM is not to “preserve neighborhoods”; and, that the purpose of Section 18-146 is about change, about “communities created through a deliberate search for beauty”. He noted that his client objects to neighbors telling him what he can build on his own land. Mr. Piñon asked ARCOM to protect his client’s rights regarding his land. He alleged that complaints will always be more numerous than statements of support, and stated that public comments have no limiting constraints. Mr. Piñon noted that the record, as stated above, reflects that the applicant asked for a deferral, and that is not true. Sampling of other points made by Mr. Piñon: This is really not about the mass; it’s about whether a modern structure fits; do not single out my client...there are other homes inserted where there are no other similar homes within 200 feet; when viewing the house, as proposed, from Seagate Road, there is almost no impact due to increased landscaping; and, most of the houses around 167 Seagate Road are two-story homes, and some are massive in scale.

Architect Mitchell O’Neill presented the revised plans; addressed comments made at the last meeting regarding energy conservation issues; provided additional detailing; and, presented revised landscaping for additional privacy. He continued by reading the various criteria listed in Section 18-205, and provided justification as to how the project aligns with those ARCOM criteria.

Commission comments: Thank you for reading the code...we have not been as strict as we should be; questioning the charm of the proposed structure; questioning the proportions of the proposed structure; mitered stone was shown as a detail...you do not miter stone...it is a bad detail; happy to see the details, but “you are digging yourself deeper”; to the attorney’s point that opinions should not count, this is a democracy.

Attorney Randolph reminded ARCOM that this is a quasi-judicial hearing and ARCOM must apply the criteria of the code. While it is important to hear from the public, decisions are not to be based upon popular or public opinion. They are to be based upon the criteria and competent substantial evidence.

A commission member asked the architect what design changes were made to the building since last month, other than providing additional details. Mr. O’Neill responded that he had made no changes to the building itself.

A commission member asked the architect, in reference to the code criteria in Section 18-205 (a) (6) and (a) (7), which structures within 200 feet of 167 Seagate are similar to it. He was unable to list any.

Commission comments: You have not changed anything other than raising the hedge to try to hide this building; not appropriate for the neighborhood; trying to hide it behind a hedge is not making it any better.

Mr. Piñon asked some follow-up questions to Mr. O'Neill relative to whether he was asked by the Commission to change the home; relative to listings of other modern houses in the town, and relative to "rhythm of the windows" wording included in the motion made last month.

Landscape Architect Robert Fleck presented the revised landscape plan in accordance with the submitted plans. He stated that the landscaping will root the house and property into the existing neighborhood surroundings. The design concept is for a lush tropical garden. The plans have been revised to include a taller, 12 ft. high *Clusia* hedge along the entire perimeter. That hedge along with a staggered row of 15-18 ft. clear trunk Foxtail Palms and other Foxtails, 12-15 ft. clear trunk, that surround the entire property will provide an "instant and long term visual screen". There are a total of 31 Foxtail Palms and 142 *Clusia* proposed.

Commission comments: Issue with the part of the site where the gate is located; the concept of creating good Contemporary architecture and then allowing the landscape to help in the mystery of it would be successful; re-study that part of the landscape...there is no additional softening or enhancing at the garage; more is needed there to make it more comfortable as a piece of new architecture; hard surface against hard surface is not good in this context or neighborhood...so you may not be doing it justice to feel more comfortable; that will be the most visible section and it does not complement the property properly, and you may be missing the mystery that, from the beginning, may have made this less complicated; that entire corner is completely exposed; you're letting the wrong piece exposed; as presented, it will encourage more controversy than necessary; it is not looking at the most attractive part of the house, and that whole courtyard needs to be studied; make it more handsome, unusual and special; you are on the corner...you have given yourself a bigger problem because it is a huge opening into the view of that house and the least attractive.

Mr. Piñon asked some follow up questions to Mr. Fleck regarding the 6 ft. wall in the area of concern and the views associated with it.

Mads Thomsen, property owner, offered his comments. He mentioned that he looks forward to living in Palm Beach and being a good neighbor; that he had spoken with Mr. Lindgren prior to purchasing the property; that there are other modern homes on the island surrounded by different type homes; that he feels he has been discriminated against; that other homes in the area are not maintained well or have unsightly items in the public view; and, that he requests to build his home on his land and live in peace and enjoy the views.

Mr. Lindgren asked to read the e-mails into the record which encouraged some discussion. Mrs. Vanneck asked Mr. Piñon whether he wanted all of the e-mails read into the record. He did not. Mr. Randolph advised that any which were received, but not sent to the applicant or the members should be read aloud. Mr. Piñon registered his objection for the record. Mr. Piñon handed a letter of support from Mr. Huainigg to Mr. Lindgren for the record.

Mr. Lindgren stated that he had met with Mr. Thomsen primarily to discuss the demolition of the existing house on the lot, but did not recall discussing the style of the new house which was contemplated. Mrs. Vanneck asked Mr. Lindgren to recall the reason for the initial deferral of this

project. He responded that the project did not meet code in numerous ways, thus the deferral occurred.

Mr. Lindgren read the following pieces of correspondence into the record: (1) correspondence from Anne and Bill Metzger, 277 Esplanade Way, in opposition to the project; (2) correspondence from Jeff and Katy Amling, 161 Seagate Rd., in opposition to the project; (3) Letter from Dr. Josef Huainigg, 152 Dolphin Rd., in support of the project; and (4) Letter from Javier DeOlaso, 1496 North Lake Way, in support of the project.

PUBLIC COMMENTS:

Patricia Wilson, 300 Arabian Road, spoke in opposition to the project: Chose Palm Beach because of community and sense of place; values of grace, elegance, symmetry, rhythm of windows should be maintained; wants community standards to stay the same; and, requests that the project be denied.

Joanne Paladino, 148 Seagate Road, spoke in opposition to the project: Not opposed because it is modern architecture, but because it is inappropriate and too dissimilar to the neighborhood.

Anne and Bill Metzger, 277 Esplanade Way, spoke in opposition to the project: The design is too dissimilar to the neighborhood.

Maura Ziska, 1500 North Ocean Boulevard, spoke in opposition to the project: Inappropriate for this parcel and this neighborhood; too dissimilar; the other approved modern houses were in areas that could stand that type of architecture; the Chu modern house, a client of Ms. Ziska, had 21 letters of support in the record; cited an example of when a Mediterranean style house was denied in a neighborhood of Bermuda style homes; spoke with Mr. Piñon months ago suggesting that the client re-design the house because she anticipated a problem; and, it seems like the applicant does not want to work with the design of the neighborhood.

Jeffery Smith, owner of property at 119 Seagate Road, spoke in opposition to the project: Stated he was on ARCOM thirty years or so, and he has never seen so much opposition to a house...ever; the north end is a special place and it needs to be protected; the neighborhood is asking ARCOM to do its job and deny the project.

Mr. Randolph asked **Mr. Smith** to state his qualifications for the record, and he complied. Mr. Smith stated that there is not one structure within 200 feet of 167 Seagate that is compatible with this structure. "My opinion, as an architect, is that it does not meet the ordinance based on the letter I submitted last month about any properties within 200 feet of the property, per our code, and I was pretty detailed when I submitted my letter." "The only way that this house can be approved is to change the ordinance."

Robert L. Moore, 318 Bunker Ranch Road, West Palm Beach, spoke in opposition to the project on behalf of the neighbor to the east: Stated that he was the Director of Planning, Zoning and Building for the Town of Palm Beach for 25 years; there are no modern homes within 200 feet of 167 Seagate Road; explained the historical reason that this provision was placed in the code; with regard to the letter of support from Mr. De Olaso, ironically, the De Olaso house does not fit into the neighborhood either; your charge is to look at the substantial competent evidence, and look at the ordinance; in this case, it is very much too dissimilar; you have control over mass and how

that mass is put on that property; and, you are looking at a classic case of denial for too dissimilar within the 200 feet.

Louis Mrachek, Attorney, spoke in opposition to the project: Recommended that ARCOM do the right thing in this case, which is denial on the grounds of compatibility; there is no way that this project is not incompatible; it is excessively dissimilar; look at the photos on pages 24, 25, 26, 29 and 30 of the applicant's presentation for the homes within 200 feet...a first grader could pick out what is dissimilar; 1% or less of the homes in Palm Beach are in the modern style, so they get approved 1% of the time; of the list of modern homes presented by the applicant, 19 of them are more than 1 mile away from the site, and 14 are more than 2 miles away...there is not one home within 1000 feet of the site that is an International or modern style; the Chu residence is more than 1000 feet away; nobody who has to live around this site, within sight of the home, has supported it; all the neighbors are against it on the grounds of compatibility which is well defined by the code and could not be a clearer standard; compatible means existing together in harmony; there is no way that this structure is harmonious, and it certainly doesn't make it harmonious to hide the structure; this is the Architectural Review Commission...not the hedge review commission; this building clearly does not meet the standards...there is substantial competent evidence in the record that it doesn't...look at the photographs; and, do the right and obvious thing.

Mr. Mrachek clarified that he represents Katy and Jeff Amling, who are the immediate neighbors to the east.

EXECUTIVE SESSION:

Commission Comments: I am persuaded by the evidence presented that this project should be denied as presented because of Section 18-205, (a) (4)...the proposed building is not in harmony, (a) (6)...is excessively dissimilar to existing structures within 200 feet and within one block, (a) (7) ...is not appropriate in relationship to the established character of the neighborhood, and the project is disruptive to the harmony; this is a siting issue; this is not the proper location for this particular structure; we are directed to preserve, protect, and enhance the beauty, not in vacuum, but in context; this violates the harmony in context; support denial; it's not just the issue of the architectural style; there are other areas in which this building is not similar, or is excessively dissimilar to the area; other modern houses have been approved due to materials, arrangement of components of structure, the mass from the street; it's a disappointment that there are basically no changes to the architecture from what was presented last month; I don't understand why you did not come back to this meeting, when you were granted a deferral, which could have been a denial, without any new architecture; you've wrapped the building in a gigantic hedge, except for one area, which is also not the most attractive; willing to go along with the denial given no changes to the architecture; it fails to meet Section 18-205 (a) (1), (a) (5), (a) (6), and (a) (7) of the code; subjectively, I find this project to be not in good taste and poorly designed; good architecture has to fit into its surroundings and has to fit into the land in a good way; this project does not fit on the land or with its surroundings; I would deny it; the raising of the hedge and no change in architecture is not what we had in mind last month; diversity in our town is what makes it significant and special; lack of sensitivity to the particular site; a more substantial re-design would have been better; it does not meet the criteria; I would like to defend this project, but I cannot; the code actually says that we have been too lax; the building is to have a residential character, but this does not; I question whether this is high quality or not, with ¾" stone, mitered corners...it's like commercial construction...issue with quality of aluminum windows; I would have to go along with everyone else; we do not base our judgments on hedges; and, in complete agreement that this building does not meet the too dissimilar and harmonious criteria.

**MOTION BY MR. GRUSS TO DENY THIS APPLICATION ON THE GROUNDS THAT IT FAILS TO MEET THE REQUIREMENTS IN SECTION 18-205 OF THE CODE, PARAGRAPH (A) (1), (A) (5), (A) (6) AND (A) (7).
MOTION AMENDED BY MR. GRUSS ADDING (A) (4).**

Mr. Randolph interjected, before any vote, that the applicant's attorney has informed Mr. Randolph that he believes that since ARCOM does not have two required architects on the board at this time, his client may be prejudiced as a result of the vote today. Mr. Piñon told Mr. Randolph that he intended to appeal on this basis, and request a de novo hearing. Mr. Randolph advised that he would prefer that the applicant not be able to raise this issue upon appeal. As such, he favored a deferral today until such time as ARCOM has the required two architects.

MOTION WITHDRAWN BY MR. GRUSS.

Mr. Small commented that such an objection should have been raised either before the hearing, or much earlier during the hearing, and not wait until a motion was on the floor for denial. Mr. Small opined that Mr. Piñon has waived it procedurally, and asked that the commission recognize that it is a waiver. He stated that it is grossly unfair to have to compel all these people to have to come back again to a similar hearing simply to defer this for that reason. Acting Chairman Vanneck noted that at last month's hearing, there was likewise not a full complement of architects, and no objection was raised at that time either.

Mr. Randolph advised that the persons who testified today from the public would not have to return as their testimony is already on the record. He added that he is trying to avoid a procedural argument that could be raised, but noted that he was disappointed, as well, that this was not raised by the attorney earlier. Chairman Vanneck suggested that the Commission follow Mr. Randolph's advice, and requested a motion for deferral.

MR. GRUSS STATED, ONCE AGAIN, THAT HE WAS WITHDRAWING HIS MOTION.

Mr. Ives noted that such an argument may apply to all other agenda items of today's business. Mr. Randolph acknowledged that this might be the case if anyone might wish to raise such an objection. Mr. Randolph asked Mr. Piñon to state, for the record, that he feels prejudiced in regard to this, as a result of going forward with a board which does not have the full complement of architects.

Mr. Piñon responded that he had mentioned this to Mr. Randolph, both yesterday and today, and stated that he had made it clear in his remarks today that this board requires specialized personnel. He stated that it is unfortunate that this board does not exist in the way contemplated by the legislative unit that organized it. "I don't believe that there is a cognizable board at this time that could render any decision, and to the extent that the previous time, I was not aware that the board did not have...I believe that no decision that's come out of any board that did not have the required members is actually made a decision."

MOTION BY MR. KARAKUL TO DEFER THE PROJECT FOR FURTHER RE-STUDY IN TERMS OF SCALE, AND COMPATIBILITY WITH THE NEIGHBORHOOD.

Mr. Randolph advised to defer to a time certain. Mrs. Vanneck advised to defer it until there is a full complement of architects on ARCOM. Mr. Randolph added that the full complement should be in place by the next meeting, July 23, 2014.

MOTION BY MR. KARAKUL TO CORRECT HIS MOTION TO STATE DEFERRED UNTIL THERE IS A FULL COMPLEMENT OF TWO ARCHITECTS ON THE COMMISSION.

Mr. Ives commented that he is not in favor of acquiescing to this argument.

MOTION WITHDRAWN BY MR. KARAKUL.

Mr. Gruss asked that his original motion be re-read:

**MOTION BY MR. GRUSS TO DENY THIS APPLICATION ON THE GROUNDS THAT IT FAILS TO MEET THE REQUIREMENTS IN SECTION 18-205 OF THE CODE, PARAGRAPH (A) (1), (A) (5), (A) (6) AND (A) (7), AND (A) (4).
MOTION SECONDED BY MR. SMALL.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that there was a short recess until 11:08 a.m. at which time the meeting re-convened.

Chairman Vanneck asked whether any other applicant objected to the fact that ARCOM does not have two architects on its roster. No one raised any objection.

Let the record show that Mr. Karakul had not yet returned to the meeting.

[B - 022 - 2014 Demolition and New Construction](#)

Address: 426 Australian Avenue

Applicant: 426 Australian Ave. LLC

Architect: Bridges, Marsh & Associates

Project Description: Demolish existing two-story residence/garage. Proposal to construct new two-story residence/garage with landscaping, hardscape and pool.

This project had been on the March agenda. At that meeting, Mr. Lindgren explained that the project was amended from that which was approved by Town Council. Since the applicant had to return to the Town Council for approval of the amended project, staff recommended deferral of the ARCOM project to the June 25, 2014 ARCOM meeting.

Call for disclosure of ex parte communication: Disclosure by Mr. Small

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges, Marsh & Associates
LANDSCAPE PRESENTATION BY: Dustin Mizell

Mr. Marsh provided the demolition report for this 1924 Bungalow style residence.

**MOTION BY MR. SAMMONS FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING.
MOTION SECONDED BY MR. KNOWLES.
MOTION CARRIED UNANIMOUSLY.**

Let the record show that Mr. Karakul had now returned to the meeting.

Mr. Marsh presented the new residence in accordance with the submitted plans and as described above, noting that this project complies with all setbacks. Design elements include: Side entry and portico; pool in rear; pedestrian entry on the east side; oversized single car garage on north side; Neo-Classical style; symmetrical; hipped roof with flat section; blended color barrel tile roof; two-tone grey color scheme; and, simple and elegant.

Commission comments: Re-study fenestration...lots of different widths...too much variety of window types; re-study proportion of windows; clean it up and unify it; details need more work, but a nice design; pleasing, just refine it; re-study garage door and surround...don't highlight it; mitigate the garage with greenery, perhaps espaliered vines.

Mr. Mizell continued with the landscape/hardscape in accordance with the submitted plans. He explained that all existing landscaping will be removed at the site during demolition. Design elements include: Organized front landscape, but very tropical and dense in rear; Chicago brick path; low retaining wall; pedestrian courtyard; and, four Heliocarpus in front.

Commission comments: Four Heliocarpus are too small; and, choose something other than conical trees in front.

**MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED WITH STUDYING THE FENESTRATION RELATIONSHIPS AT THE TOPS OF THE WINDOWS, AND TO ALSO INCLUDE THE ESPALIER, AND TO RETURN WITH THE FENESTRATION DETAILS, AND TO STUDY THE FOUR TREES, AND CHANGE THE SHAPE. (OF THE CONICAL ONES.)
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.**

[B - 027 - 2014 New Residence](#)

Address: 266 Fairview Road

Applicant: William and Judith Cooley

Architect: Eugene Pandula, The Pandula Architects

Project Description: Construction of a new single family residence with landscape and hardscape approval requested. Two-story; Building Color - Beige; Roof - Tan Cement Tile; Trim - White

At the March meeting, the project was heard, and a motion carried to defer the project to the April meeting for further study. At the April meeting, the project was not heard and was deferred to the May meeting at the applicant's request. At the May meeting, a motion carried for approval, as presented, with the caveat that further detailing and landscaping is to return to the commission for approval.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Eugene Pandula, the Pandula Architects

Mr. Pandula presented revised plans pursuant to comments made at the last meeting. He explained that the landscaping would not be presented today, and requested deferral of that portion of the project.

Plan revisions include: Reduced square footage on second floor rear to add it to the ground floor; changes to mansard roof; some fenestration changes; new balcony in rear; maintain "H" shape; change wood fascia and soffit to run stucco cornice line; and, removal of proposed awning at front door.

MOTION BY MR. IVES FOR APPROVAL AS PRESENTED AND DEFER THE LANDSCAPE TO THE JULY MEETING.

MOTION SECONDED BY MR. SMALL.

MOTION CARRIED 6-1, WITH MR. SAMMONS OPPOSED.

B - 048 -2014 Demolition of Cabana and New Cabana

Address: 1331 N. Ocean Blvd.

Applicant: Ocean Terrace Beach Club Inc.

Architect: Thomas M. Kirchhoff, AIA, P.A.

Project Description: Demolition of existing one-story cabana. New one-story Bermuda style cabana with landscape and hardscape

At the May meeting, this project was not heard and was deferred to the June meeting at the request of the architect.

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck, Mr. Ives and Mr. Small

ARCHITECTURAL PRESENTATION BY: Thomas Kirchhoff

LANDSCAPE PRESENTATION BY: Dale Posey, Roy and Posey

Mr. Kirchhoff provided the demolition report for the existing cabana built in 1958 and designed by Emily Obst. The current cabana is deteriorated, and the applicant would like a more functional building.

MOTION BY MR. IVES FOR APPROVAL OF THE DEMOLITION.

MOTION SECONDED BY MR. SMALL.

MOTION CARRIED UNANIMOUSLY.

Mr. Kirchhoff reported that variances for setback for the new cabana have already been obtained from the Town Council. Design elements include: Two enclosed spaces in front: bathroom and storage; two gable ends facing the road; east side is open to the air; green doors, awnings and shutters, white stucco; and, flat white tile roof.

Commission comments: Why have an exterior bathroom entrance; and, would like one of gates removed for child safety.

Mr. Posey presented the landscape/hardscape with design elements to include: Native and native friendly plant material; Green Island Ficus; espalier of Clusia on west wall; add several Coconuts; and other plant material as presented.

Commission comments: Issue with choice of Spanish Bayonet with respect to children. Mr. Posey stated that something else can be selected other than the Spanish Bayonet.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.

[B - 049 - 2014 Storefront modifications](#)

Address: 205 Worth Avenue

Applicant: LenDan LLC

Architect: Jerome Baumohl, AIA, NCARB

Project Description: We propose to change the profile of the existing awning structures to relate architecturally to the existing building profile; change the color of the awning fabric and a new paint color scheme for the building. To uniform all the signage to a brass finish and to provide a tile finish on the existing round column at the southeast corner of the building.

This project was heard at the May meeting, at which time a motion carried to approve the project with the awnings as presented, and then come back with the base color change, and remove the main entry awning.

Call for disclosure of ex parte communications: Disclosure by several members

ARCHITECTURAL PRESENTATION BY: Jerome Baumohl, Architect

ATTORNEY PRESENT: Paul Thibadeau, for the applicant

Mr. Baumohl stated that sample colors were placed on the building, but he received little feedback. The applicant would like some protection from the elements at the main entry. As such, they propose an entry awning again in the same profile as the other proposed awnings.

Commission comments: Request that awnings do not cover the stone areas on the east facade; i.e., only cover the openings, not the granite between the openings.

MOTION BY MR. IVES FOR APPROVAL AS PRESENTED, THE COLOR SAMPLE ON SOUTH COUNTY ROAD, THE ORIGINAL COLOR – TEABERRY, WITH OPENING UP THE STONE AREAS AT THE WINDOWS.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.

[B - 058 -2014 New Garage/Guest House](#)

Address: 1400 North Lake Way

Applicant: Sterling Kenan

Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.

Project Description: New two-story garage and guest house to be approximately 2,600 square feet. Structure will consist of two car garage, living room, kitchenette and loggia on main floor and two bedrooms, two bathrooms and balcony on second floor. Materials and colors of new structure shall match existing house. Final landscape and hardscape will also be included.

At the May meeting, the project was not heard, and was deferred to the June meeting at the request of the architect.

Call for disclosure of ex parte communication: Disclosure by Mr. Small

ARCHITECTURAL PRESENTATION BY: Patrick Segraves, SKA Architect + Planner

Mr. Segraves presented the project in accordance with the submitted plans and as described above to nestle a new garage/guest house into existing large Ficus trees. Due to the density of the vegetation, the structure will not be able to be seen. He briefly reviewed the landscape changes associated with the project, i.e., relocate Seagrape to frame the house; add landscape screening from the large house next door; add Confederate Jasmine over garage door; and, other associated landscaping as presented.

Commission comments: It's like a box...there could have been so many more interesting ways to complement the house...do more architecturally, perhaps a variety of roof levels; cottage is out of scale with the house and doesn't relate in detail or style; agree that it is dissimilar; it doesn't look like a guest house to the main house; perhaps consider a one-story; make it a pavilion, not a big block.

MOTION BY MR. SAMMONS TO DEFER (TO JULY) FOR RE-STUDY.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS-NEW BUSINESS: (12:07:37 p.m.)

B - 064 - 2014 New Residence

Address: 2252 Ibis Isle Road West

Applicant: Andrew & Gail Marks

Architect: Gerard Beekman, Gramatan Corporation

Project Description: A project for a new single story, 5534 sq. ft. house on a waterfront property on Ibis Isle. The International style residence is in white stucco with tropical hardwood impact-rated doors and windows. A deep overhang at the loggia and bris-soleils at the West facing bedrooms will project from the harsh sun in warmer months. The building is centered on the site with the principal garden open to the water on the West. A secondary garden is off the Eastern bedroom. The house is organized around a central great room with an entry pavilion to the East and two bedroom wings to the North and South. Roof - Grey Kemper Membrane; Building Color - White; Shutters - Sliding Merbau Wood

Call for disclosure of ex parte communication: Disclosures by Mr. Karakul and Mr. Ives

ARCHITECTURAL PRESENTATION BY: Gerard Beekman, Gramatan Corporation

LANDSCAPE PRESENTATION BY: Dustin Mizell

Mr. Beekman presented the project in accordance with the submitted plans and described above for this simple modern design using only three materials. He began by discussing the other homes in the area of this site, and continued with examples of the International style throughout the world. Design elements for this project include: Separation of public and private spaces; maximize experience of the west garden and waterfront; thick masonry walls with perforations and depressions; maximized glass, but balance maintained with solid walls; all windows/doors pocket completely into the walls; fireplace and barbeque on the ends of the rear loggia; bris-soleils at bedroom windows; sliding shutters; and, motorized interior shades; equipment courtyard

for generator and HVAC; and, marginal dock. Mr. Beekman stated that this home “fits into the neighborhood unobtrusively and respectfully, and it is an elegant and understated composition in a style that has almost 100 years of history in town.”

Commission comments: Commend the architect for a very simple, ingenious, respectful, almost charming modern house...massing and proportions are good...parti is excellent; only issue is with chimneys...look too much like pill boxes; this is an example that there are International or modern style projects that study the history of that style, not only worldwide, but in the Town of Palm Beach, and there is a way to do it successfully; and, very strong and attractive.

Mr. Mizell presented the landscape/hardscape in accordance with the submitted plans. He noted that three existing Sabal Palms at the site will be removed. Other than those trees, the lot is vacant. Design elements include: Integrate the landscaping into the house; two large Canary Island Date Palms at main entrance; white tabby shell concrete courtyard; living vertical wall systems at two locations; Podcarpus, Agaves, Coconuts, Horsetail Reed, large specimen tree in rear yard, and, other associated landscape material as presented. He noted that a pergola shown on the plans has been removed from the proposal.

Commission comments: Very complementary, simple and restrained; 75 watt lighting is too strong...LED would be better; looks a little awkward to have the Canary Date Palms outside of the hedge; this project is a very good fit for its location; and, a wonderful project.

MOTION BY MR. GRUSS FOR APPROVAL AS PRESENTED WITH THE USE OF LED LIGHTS IN GENERAL.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

B - 065 - 2014 New Golf Administration Building & New Generator Building

Address: 500 S. County Road

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

Architect: Jason P. Drobot, R.A.

Project Description: The project is a 2,631 square foot one story golf administration building for a break room, small equipment storage area, and offices to be located on the north side of the 17th hole green located on the southwest side of the existing golf course. The project is also for a 308 square foot accessory building to house a 400 kw generator on the Everglades property adjacent to Golfview Road on the east side of the golf club building. Roof-flat for administrative building and orange/brown barrel tile for accessory structure; Building Color - Green for administrative building and tan for accessory structure; Trim Color - Green for administrative building and tan for accessory structure

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Jason Drobot, Brasseur and Drobot

Mr. Drobot presented the project in accordance with the submitted plans and as described in detail above. He began by provided some historical information relative to the Everglades Club. The administrative building will be commercial in nature and is located in the proximity of other commercial buildings at this site. Design elements include: Planters to soften the building in the front; rear is shrouded in a long row of Areca Palms; 12' overhang; and, plenty of fenestration for views and natural light. As for the generator enclosure, adjacent to Golfview Road, it will be a

block structure with stucco finish located behind hedges; will have a hipped barrel tile roof and brackets; and, will not be able to be seen from the road.

Commission comments: Issue with vent on the west elevation of generator building...should not be vented toward golfers.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

Let the record show that the meeting recessed for lunch at 12:55 p.m. and was scheduled to reconvene at 1:55 p.m.

B - 066 - 2014 Addition

Address: 350 South Ocean Boulevard

Applicant: Three Fifty of Palm Beach Association Inc.

Architect: Rick Gonzalez, AIA

Project Description: Construction of a 200 sq. ft. recreation room addition to an existing pool equipment and toilet room accessory structure. The improvements require partial demolition of the existing toilet room structure as well as minimal landscape and hardscape modifications. The proposed work at the subject property is submitted for administrative site plan review and for public notification, it is being presented at ARCOM.

Please note that this project was removed from the agenda under "Approval of the Agenda".

B - 067 - 2014 Addition and New Cabana

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 102 Flagler Drive

Applicant: Kenneth and Janet Himmel

Architect: Thomas M. Kirchhoff

Project Description: New one-story cabana and small one-story addition to main house. Final landscape and hardscape.

Call for disclosure of ex parte communication: Disclosure by Mrs. Vanneck

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Kirchhoff reported that a variance is required for cubic content in relation to this project. The proposed addition to the main house is seen on the south elevation. He presented the project in accordance with the submitted plans and as described above. The new detached pool cabana on the north side, a Classical pavilion with lattice panels, will have a seating area, kitchen and bath.

Commission comments: The chimney on the cabana is bigger than the one on the main house; like the trellis.

Mr. Williams continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Dining terrace under canopy of citrus trees on one side and cabana on the other, connected to main house via limestone paving only; large expanse of open lawn area; both sides are densely planted; pool is existing, but terraces will be revised on east and west sides; new

limestone and brick courtyard; fountain on wall of house; south side of property...walkway created together with tall hedges and pleached trees and a gate; and, other landscape material as presented.

MOTION BY MR. KARAKUL THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

B - 069 - 2014 New Residence

Address: 300 Indian Road

Applicant: Mr. and Mrs. David Ferguson

Architect: Roger Janssen, Dailey Janssen Architects

Project Description: Construction of a new two-story residence with preliminary pool, landscape and hardscape. Roof-Red Flat Clay Tile; Building and Trim Color-White

Call for disclosure of ex parte communication: Disclosure by Mr. Small

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Jorge Sanchez, SMI

Mr. Janssen presented the project in accordance with the submitted plans and as described above for the new residence. Design elements include: Main pedestrian formal entry off Indian and informal entry off North Lake Way; house designed in the Bermuda West Indies style; Bermuda inspired butterfly serving as a dining pavilion and joining the two wings of the house; studio above garage, accessed by exterior stairs; flat terra cotta tile roof to emulate wood shingle; white stucco; and, mahogany casement windows.

Commission comments: That one Bermuda element (the butterfly) sticks out like a sore thumb on this otherwise Craftsman inspired house; the casements are so large...lack scale and articulation; perhaps pull the dining pavilion off the main building; the pavilion is interesting; issue with roof cover over the front entry; Bermuda pavilion is not working with the main house; the pavilion also has plate glass windows in it...not only does it not match the house stylistically, then suddenly there is a jump in scale and now you are marrying a very traditional, iconic image, that goes only in one place on Earth, with this big piece of plate glass; there may be another way of doing this that is more in keeping with the house; the pavilion cannot be alien to the rest of the building; problem with getting water away from the house; problem with roof connection that connects the two wings on the front elevation...too high, heavy and massive; and, in general, well designed, except for the butterfly.

MOTION BY MR. KARAKUL TO DEFER (TO JULY) FOR RE-STUDY THE BUTTERY PAVILION, THE WINDOWS, AND THE BUTTERY WINDOWS.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

Mr. Sanchez presented just a preliminary landscape/hardscape plan. Mr. Lindgren stated that this will have to return to the commission as a major project. Acting Chairman Vanneck asked that the applicant consider salt tolerance in the plant selections.

B - 070 - 2014 Addition

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 542 N. County Road

Applicant: Mr. and Mrs. N. Peltz

Architect: Roger Janssen, Dailey Janssen Architects

Project Description: Proposed new construction of 5,035 sq. ft. second story addition over portion of existing one-story residence. New mansard roof to match proportion and style of existing residence.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

ATTORNEY PRESENT: Maura Ziska for the applicant

OTHERS WHO TESTIFIED: Paul Castro, Zoning Administrator

Ms. Ziska discussed the variances requests for point of measurement and building height. Mr. Janssen presented the project in accordance with the submitted plans and as described above for a second story addition with mansard roof and dormers over the center portion of this home.

Commission comments: Make it an authentic mansard; the mansard that is there is well-proportioned, so if you're going to grant a variance, grant one that will allow them to proportion the roof correctly; and, issue with deeply projecting cornice at the attic story affecting the dormers.

Mr. Castro provided further explanation relative to the variances, and cautioned ARCOM against requesting further relief from the code than the applicant has already requested. Mr. Karakul and Mr. Sammons, however, responded that good architecture would merit the request.

Ms. Ziska stated that to request further relief, the variance request would have to be deferred.

**MOTION BY MR. IVES TO DEFER (TO JULY) THE ROOF FOR FURTHER STUDY.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

B - 071 -2014 Addition

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 149 Root Trail

Applicant: Robb R. Maass and David R. Maass

Architect: Bridges Marsh & Associates

Project Description: New facade addition and cypress trellis with new landscaping

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Small

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges Marsh & Associates

ATTORNEY PRESENT: M. Timothy Hanlon for the applicant

Mr. Hanlon discussed the variances requested for front yard and side yard setbacks and for lot coverage. Mr. Marsh presented the project in accordance with the submitted plans and as described above for a minor addition to the front of the building and associated modifications. Design elements include: Stucco clapboard finish; adjust fenestration for better balance on the facade; cantilevered cypress trellis over the front door; and, Peachy-beige (ecru) color for the building with white trim.

Commission comments: Two blind windows are unsuccessful; blind windows are not attractive; eliminate the blind windows and landscape there instead; perhaps do a Confederate Jasmine in the shape of the two windows, instead of the blind windows; perhaps create balance with another small window instead, if the louvers are removed.

MOTION BY MR. SAMMONS THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED, BUT DELETING THE BLIND WINDOWS AND RE-STUDY FOR SOMETHING ELSE.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

Mr. Marsh continued with the landscaping as designed by Fernando Wong. Design elements include: Proper picket fence; modify Chicago brick walkway to make it more free-flowing; and, assorted plants and trees in front of the property, as presented.

Commission comments: Madagascar Olive tree is inappropriate...re-study; Bougainvillea is a poor choice on the front, but acceptable on the side...Confederate Jasmine would be better.

MOTION BY MR. SAMMONS FOR APPROVAL OF THE LANDSCAPE ARCHITECTURE AS PRESENTED, WITH CONFEDERATE JASMINE ON THE FRONT AND RE-SELECT SOMETHING FOR THE MADAGASCAR OLIVE.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

[B - 073 - 2014 Site Improvements](#)

Address: 44 Coconut Row

Applicant: Palm Beach Towers Condominium Association Inc.

Architect: Rick Gonzalez, AIA

Project Description: Limited site maintenance and improvements to upgrade paving, drainage, and improve site lighting at the parking lots and entrance including: bringing the parking lot and vehicular drop-off at the building entry up to accessibility standards; reduce the paved area and increase the landscape area by 2,757 sq. ft.; and, replacing the entry water feature and identification sign with a new water feature and sign.

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck, Mr. Ives and Mr. Small

ARCHITECTURAL PRESENTATION BY: Rick Gonzalez

LANDSCAPE PRESENTATION BY: JoEllen Leisinger
ATTORNEY PRESENT: Frank Lynch
OTHERS WHO TESTIFIED: John Groskopf, Manager of Palm Beach Towers

Mr. Lynch introduced the project and the design team, describing the genesis of the project as the need to comply with ADA requirements in relation to the parking lot. After review, this led to a much larger scoped project, some of which required variances. The Town Council has already approved those variances related to the width of the parking and drive aisles and the signage.

Mr. Groskopf stated that the unit owners at the Towers overwhelmingly support this project. He described one part of the project related to the building lighting which will be replaced with LED lights with a bronze finish.

Mr. Gonzalez stated that the project has five parts: Replace the outdated existing sign and water feature; clean up the landscape island entry feature; make necessary modifications for ADA compliance; re-pave parking areas, including new storm system, and apply pavers to sidewalks; and, additional hedging on the north property line. In addition, new striping is proposed in the right-of-way, together with landscaping there and re-doing the aprons. Light poles will be reduced to 12 ft. and 15 ft. with a reduction in foot candles of light. Signage consists of a terrazzo slab, polished stainless steel lettering, a low fountain and LED lighting (not backlit). Two color tabby pavers will be installed.

Commission comments: Signage is too shiny...brushed lettering preferred; great job, but the white striping as you enter the property is unsightly.

Mr. Gonzalez responded that the striping was the Town Council's suggestion. Mr. Page confirmed that this project was reviewed by the Town Council on June 11, 2014 and was approved.

Jo Ellen Leisinger, from the Land Stewardship Company, presented the landscape in accordance with the submitted plans. She explained that the existing vegetation is very lush and all of that will be retained except the landscaping in the existing islands. One tree will be removed to allow for exfiltration. The proposal includes adding as much landscaping as possible into the parking lot. Podocarpus will be planted along the north boundary for additional screening. In the entry median, the landscape will be kept low and the canopies high, along with annuals for color.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED WITH THE POLISHED STEEL CHANGED TO A LESS SHINY SUBSTANCE AND WITH NO BACK LIGHTING OF THE SIGNAGE.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

[B - 074 - 2014 New storefront](#)

Address: 237 Worth Avenue

Applicant: Herve Leger

Architect: Highland Associates Architects

Project Description: Interior renovation of existing retail store and implementation of new storefront

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

ARCHITECTURAL PRESENTATION BY: Christopher Love, BCBG Max Azria and Ian Tornquist, Highland Associates Architects

Mr. Love explained that a move to the 237 Worth Avenue location is scheduled for November. Mr. Tornquist presented the project in accordance with the submitted plans and as described above. Design elements for the new facade include: New awning in black with three small horizontal stripes on the valance; raised lettering building signage with white underneath; and, black facade with ample glazing.

MOTION BY MR. IVES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

[B - 075 - 2014 Additions](#)

Address: 120 Jungle Road

Applicant: Jungle Road LLC

Architect: MP Design & Architecture

Project Description: New one-story pool house addition. Second story addition of master bedroom over existing loggia. Other associated changes as presented. All finishes to match existing.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

Mr. Perry presented the project in accordance with the submitted plans and as described above. The new pool house will be added south of the new loggia which had been added in 2005/2006. Mr. Perry passed some additional elevations to the members. All details will match the existing architecture.

Commission comments: Well done...makes sense.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

[B - 076 - 2014 Landscape, Hardscape and Lighting](#)

Address: 101 Indian Road

Applicant: 101 Indian Road LLC

Architect: John Lang, Lang Design Group

Project Description: Final landscape, hardscape and landscape lighting

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Small

LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group

Mr. Lang presented the project in accordance with the submitted plans. He explained that the preliminary landscape/hardscape had been presented quite some time ago and had been approved. Since that time, the project has remained unchanged, with one exception, that being that the

driveway off East Inlet has been moved to the west to minimize impact to the street, and to facilitate the large Seagrape that is there. He noted that they plan to bury the power lines on the road, and will place two transformers on this property and manipulate the privacy wall to accommodate them. Review of the landscape plan revealed salt tolerant native vegetation. The driveway gate, somewhat opaque, will be 14 ft. wide in wrought aluminum.

Commission comments: Counter-intuitive to have the high spot in the middle of the gate due to weight issues; concern regarding long, plain wall on East Inlet without planting; suggest duplicating the Indian Road landscaping on East Inlet; suggest panels of espaliered Confederate Jasmine and interspace with something else; issue regarding Australian Pines...some have already been removed...recommend the same on the south side; the Australian Pines need to be maintained because they cannot be replaced; concerns with how the area of the Australian Pines will be handled; and, the gate needs to be re-designed.

MOTION BY MR. SAMMONS FOR APPROVAL OF ALL, EXCEPT FOR A DEFERRAL TO THE JULY MEETING OF THE NEW GATE DESIGN AND A RE-DESIGN OF THE LANDSCAPING ALONG THE NORTHERN WALL.

MOTION SECONDED BY MR. SMALL.

MOTION CARRIED UNANIMOUSLY.

C. **MINOR PROJECTS - OLD BUSINESS:**

A - 023 - 2014 Addition

Address: 960 N. Ocean Blvd.

Applicant: Mr. & Mrs. Alan Bleznak

Architect: MP Design & Architecture

Project Description: New extension to existing garage with new mansard roof. All finishes to match existing.

At the May meeting, the project was heard and was deferred to the June meeting.

Please note that this project was removed from the agenda under "Approval of the Agenda".

Let the record show that Mr. Gruss left the meeting at 4:10 p.m.

D. **MINOR PROJECTS - NEW BUSINESS:** (04:01:50 p.m.)

A - 031 - 2014 Landscape/Hardscape

Address: 264 Country Club Drive

Applicant: Bruce Malasky, Malasky Homes

Architect: Patrick W. Seagraves, SKA Architect + Planner

Project Description: Re-design of front yard to replace east portion of driveway motor court with garden/landscaped open space. This requires realignment of driveway into garage.

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Mr. Meroney presented the project in accordance with the submitted plans and as described above. He explained that this project had been approved last year by ARCOM and is under construction. The driveway, as designed, has proven difficult to maneuver due to tight turns and

due to the grading of the land there, which creates a ramp. As such, the proposal is to move the entrance for a “straight shot” in and out of the garage, and return a paved area to a front yard garden. The former driveway will be narrowed from 14 ft. in width to a 6 ft. wide pedestrian entrance. The landscaping, as proposed remains unchanged except for removal of one tree due to the driveway change.

Commission comments: We worked really hard to ensure that this garage was not visible from the street; we really don’t want to see the garage; there are other ways to deal with the slope; if we can avoid seeing the garage, it would be good.

MOTION BY MR. SAMMONS TO KEEP THE EXISTING DESIGN, BUT ALLOW THEM TO DO THE ADDITIONAL LAWN.

More discussion continued, and several suggestions for alterations were provided to Mr. Meroney.

**MOTION BY MR. KARAKUL TO DEFER TO JULY FOR RE-STUDY.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.**

[A - 032 - 2014 Landscape/Hardscape](#)

Address: 233 West Indies Drive

Applicant: Louisa & Neale Attenborough

Architect: Mario Nievera

Project Description: Final landscape and hardscape revisions that include a front elevation fountain and driveway improvements

Call for disclosure of ex parte communications: Disclosure by Mrs. Vanneck

LANDSCAPE PRESENTATION BY: Matt Jackman, Nievera Williams Design

Mr. Jackman presented the project in accordance with the submitted plans and as described above. Design elements include: Royals along the street; 6 ft. tall Clusia hedge underneath; other landscape material as presented; new driveway alignment; hardscape material is Mega Bergerac stone; silver travertine pavers; cast stone tiered fountain on center line with front door; and, two garden gates. Mr. Jackman was advised to limit the width of the driveway opening to a maximum of 12 ft.

**MOTION BY MR. IVES FOR APPROVAL AS PRESENTED WITH THE CAVEAT THAT THE CURB CUT BE NO MORE THAN 12 FEET.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

[A - 033 - 2014 Landscape/Hardscape](#)

Address: 242 Jungle Road

Applicant: Prescott Low

Architect: Robert L. Bell

Project Description: Re-design of front yard driveway, fence, retaining wall and steps-columns. Also will include respective planting changes

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Mr. Meroney presented the project in accordance with the submitted plans and as described above. He noted that this landscape plan had been previously approved. Mr. Lindgren noted that he had previously staff approved only relocating the steps and the removal of a patio.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[A - 035 - 2014 Vehicle Gates](#)

Address: 1255 South Ocean Boulevard

Applicant: Thomas Peterffy

Architect: Daniel Kahan, Smith and Moore Architects, Inc.

Project Description: Modifications to existing vehicle gates at main (north) entry drive

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Ives

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects

Mr. Kahan presented the project in accordance with the submitted plans and as described above. Today's proposal to modify the gates would add decorative crests to the gates. The crests are important to the owner as they are family crests respecting his Hungarian heritage and family.

MOTION BY MR. IVES FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. SMALL.

MOTION CARRIED 5-1, WITH MR. SAMMONS OPPOSED.

Mr. Karakul asked Mr. Kahan to ensure that there are no views into the service area.

[A - 036 - 2014 Renovation](#)

Address: 225 Barton Avenue

Applicant: Kim Fennebresque

Architect: Stephen Roy Architect

Project Description: Renovation of an existing one-story side entry structure and replacement of a garage door

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Stephen Roy

Mr. Roy presented the project in accordance with the submitted plans and as described above for the new service door and new garage door, centered on the existing windows above.

Commission comments: The service door should have mullions; thank you for making the garage door smaller.

MOTION BY MR. SAMMONS FOR APPROVAL, BUT ADD MULLIONS TO THE SERVICE DOOR.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

A - 037 - 2014 Landscape Revisions

Address: 2266 Ibis Isle Road West

Applicant: Bruce W. and Tamara Watkins

Architect: Clemens Bruns Schaub

Project Description: During the construction of a tropical modern style lakefront home, it was determined that a few of the ARCOM approved perimeter plant species needed substitution or relocation due to overhead utility conflicts with Coconut Palms; roof eave conflicts with proposed Coconut Palms; too strong winds on site for the viability of the proposed Bamboo species, and privacy concerns using a Podocarpus hedge between the pool and a neighbor's bedroom window.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Neil Sickterman, Clemens Bruns Schaub

Mr. Sickterman presented the project in accordance with the submitted plans and as described above. Since the overhead lines are too close to the Coconut canopies for safety, they have been moved back 10 feet to the west. Bamboo has proven to be inappropriate for this location due to high winds. As such, Podocarpus hedge is proposed instead at a height of 8 ft. At the pool courtyard, an 8 ft. Podocarpus hedge had been approved, but due to concerns about a neighbor's bedroom window, a multi-trunk palm hedge at 12 ft. in height is proposed for improved aesthetic and privacy benefits. Along the west waterfront, there were originally five Coconuts in a row. The two outermost Coconuts conflict with the site wall footing, so they will be moved 3 ft. toward the center. The three innermost Coconuts conflicted with the roof eave, so triple Alexander Palms at 18 ft. overall height are proposed. Along the west frontage, the originally approved Green Island Ficus at the seawall are proposed to be changed to Boxwood Beauty Natal Plum.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE): (04:42:43 p.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (04:52:46 p.m.)

Mr. Page commented that there are currently two vacant seats on ARCOM. Applications are being accepted for those seats until Thursday, July 3, 2014 at 5:00 p.m. Appointments are expected at the July 15, 2014 Town Council meeting.

XI. ADJOURNMENT:

MOTION BY MR. SAMMONS TO ADJOURN THE MEETING AT 4:51 P.M.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, July 23, 2014 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Ann Vanneck, Acting Chairman and Vice Chairman

ARCHITECTURAL COMMISSION

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TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 82-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Charitable Solicitation Permit Fees, and Providing an Effective Date.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Memorandum dated July 3, 2014, from Susan A. Owens, MMC, Town Clerk](#)
- [Resolution No. 82-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Susan A. Owens, MPA, MMC, Town Clerk

Re: Revisions to Charitable Solicitation Permit Fees
Resolution No. 82-2014

Date: July 3, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 82-2014, amending the Town Charitable Solicitation Permit administrative processing and late fees to provide for a more equitable distribution of fees based upon the level of solicitation.

GENERAL INFORMATION

Currently, the fee to obtain a Charitable Solicitation Permit is \$460, regardless of the estimated funds to be raised. Several smaller charities that do not collect a large amount of funds have expressed their concerns regarding the application fee relative to the amount of funds they raise. Based upon the applications received in 2013, 8 of the 122 applications received estimated that they would be raising \$5,000 or less. Staff is proposing a reduction of the administrative processing fee to \$200 for these charitable organizations due to the relatively small number of them and the amount of funds they estimate raising.

Additionally, the Code allows a charitable organization to hold up to two charitable solicitations within a 12-month period. Currently there is no administrative processing fee for the second solicitation. Staff is proposing to reduce the administrative processing fee for the first solicitation to \$420, and to begin charging a \$200 fee for the second solicitation so that the administrative costs associated with the secondary permit are more evenly allocated.

FUNDING/FISCAL IMPACT

This proposal provides the Town a minimal amount of additional revenue (approximately \$4,140). The additional revenue would cover the costs of any charitable organizations that decide not to hold a second event due to the additional cost.

TOWN ATTORNEY REVIEW

This resolution has been approved by the Town Attorney for legal form and sufficiency.

Attachment

SAO

cc: Jane Struder, Director of Finance

RESOLUTION NO. 82-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHARITABLE SOLICITATION PERMIT FEES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Code of Ordinances authorizes the Town Council to set the charitable solicitation permit administrative processing fees and late filing fees via resolution.

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

Section 1. The Town Council hereby establishes the following schedule for charitable solicitation permit administrative processing fees and late filing fees:

Applications Submitted 60 Days or More in Advance:

Events Estimated to Raise \$5,000 or less:	\$460	\$200 each
First Event Estimated to Raise over \$5,000:	\$460	\$420
Second Event Estimated to Raise over \$5,000:	\$0	\$200

Applications Submitted 31-59 Days in Advance:

Events Estimated to Raise \$5,000 or less:	\$575	\$250 each
First Event Estimated to Raise over \$5,000:	\$575	\$525
Second Event Estimated to Raise over \$5,000:	\$0	\$250

Applications Submitted 16-30 Days in Advance:

Events Estimated to Raise \$5,000 or less:	\$690	\$300 each
First Event Estimated to Raise over \$5,000:	\$690	\$630
Second Event Estimated to Raise over \$5,000:	\$0	\$300

Applications Submitted 15-8 Days in Advance:

Events Estimated to Raise \$5,000 or less:	\$805	\$350 each
First Event Estimated to Raise over \$5,000:	\$805	\$735
Second Event Estimated to Raise over \$5,000:	\$0	\$350

Applications Submitted 7 Days or Less in Advance (Including After the Fact Permits):

Events Estimated to Raise \$5,000 or less:	\$920	\$400 each
First Event Estimated to Raise over \$5,000:	\$920	\$840
Second Event Estimated to Raise over \$5,000:	\$0	\$400

Section 2. This Resolution shall become effective immediately upon passage, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of July, 2014.

Gail L. Coniglio, Mayor

Robert Wildrick, Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Council Member

Michael J. Pucillo, Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Council Member

Date

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 83-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Agreement Between Synergy ID, LLC and Synergy Recovery of Florida, LLC and Town of Palm Beach for Acting Disaster Recovery Program Managers for the Town's Property Coverage under the Florida Municipal Insurance Trust, FMIT's Turnkey Recovery Program.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated July 1, 2014, from Karen Temme, Risk Manager](#)
- [Resolution No. 83-2014](#)
- [Disaster Recovery Services Agreement](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [Exhibit C](#)
- [Exhibit D](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

Via: Thomas G. Bradford, Deputy Town Manager

From: Karen Temme, ARM, Risk Manager

Re: Agreement with Synergy ID, LLC and Synergy Recovery of Florida LLC for Acting Disaster Recovery Program Managers for the Town's Property Coverage under the Florida Municipal Insurance Trust, FMIT's Turnkey Recovery Program
Resolution No. 83-2014

Date: July 1, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 83-2014 and authorize the Town Manager to execute the attached Agreement with Exhibits A-D between Synergy ID, LLC and Synergy Recovery of Florida LLC for acting disaster recovery program managers for the Town's property coverage under the Florida Municipal Insurance Trust, FMIT's Turnkey Recovery Program.

GENERAL INFORMATION

The Town's property insurance coverage is with Florida Municipal Insurance Trust, FMIT.

FMIT has contracted and approved Synergy ID, LLC and Synergy Recovery of Florida LLC, as acting Recovery Program Manager of the FMIT's Turnkey Recovery Program. FMIT's TurnKey Recovery Program is managed by Synergy. When a property claim is filed by the Town, Synergy will respond to inspect the damage, determine coverage and assist the Town as necessary in the repair and claim process. Work performed by Synergy or any contractor must be authorized by the Town in accordance with the Town's administrative procedures.

FUNDING/FISCAL IMPACT

FMIT, provides this service to its Members for insured facilities at no additional cost to the Town. Any work performed for non-insurance covered work shall be approved by the Town Engineer and Town Purchasing Manager insuring that all Town Purchasing policies and procedures are followed including approval by the Town Manager or Town Council.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed and approved the Resolution and Agreement with Exhibits A-D for legal form and sufficiency.

PURCHASING DEPARTMENT REVIEW

The Town's Purchasing Department has reviewed and approved the Agreement with Exhibits A-D.

RESOLUTION NO. 83-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT BETWEEN SYNERGY ID, LLC AND SYNERGY RECOVERY OF FLORIDA, LLC AND TOWN OF PALM BEACH FOR ACTING DISASTER RECOVERY PROGRAM MANAGERS FOR THE TOWN'S PROPERTY COVERAGE UNDER THE FLORIDA MUNICIPAL INSURANCE TRUST, FMIT'S TURNKEY RECOVERY PROGRAM.

* * * *

WHEREAS, the Town wishes to enter into a Disaster Recovery Services Agreement with Synergy ID, LLC and Synergy Recovery of Florida, LLC as acting disaster recovery program managers for the Town's property coverage under the Florida Municipal Insurance Trust - FMIT's Turnkey Recovery Program; and

WHEREAS, a copy of the proposed Disaster Recovery Services Agreement is attached hereto, along with Exhibits A – D; and

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Town Manager is hereby authorized to execute the Disaster Recovery Services Agreement with Synergy ID, LLC and Synergy Recovery of Florida LLC in the manner and form attached hereto.

Section 3. The Town Manager or his designee, is hereby authorized and directed to take such further action as may be necessary to effectuate the implementation of these services.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

DISASTER RECOVERY SERVICES AGREEMENT
Between
Synergy ID, LLC & Synergy Recovery of Florida, LLC
And
Town of Palm Beach

This agreement (“Agreement”) is made effective July 15, 2014 through September 30, 2015, collectively hereinafter referred to as “Term” by and between Synergy ID, LLC (hereinafter referred to as “SYNERGY”) and Synergy Recovery of Florida, LLC (hereinafter referred to as “SYNERGY RECOVERY”) c/o Anthony Scott of 1301 West Eau Gallie Rd, Suite 96, Melbourne, Florida USA and the Town of Palm Beach, c/o Risk Management Office, 360 South County Road, Palm Beach, Fl 33480 (hereinafter referred to as “MEMBER”)

WHEREAS, FMIT has contracted and approved SYNERGY RECOVERY, as acting Recovery Program Managers of the FMIT’s TurnKey RecoverySM Program, to provide all of its MEMBERS with project management disaster recovery service to assist them with the most efficient, economical and timely manner in which to recover from a major loss affecting insured assets utilizing the SimpliCitySM recovery management and insurance asset tracking software program, and pre-certified contractors and pre-arranged resources. FMIT TurnKey RecoverySM eliminates Member’s upfront out-of-pocket expense associated with an insured property loss. Managed by SYNERGY RECOVERY, TurnKey RecoverySM helps to minimize the financial burden that property claims can have on Members net cash-flow. Claim related recovery costs, project material deposits and vendor progress payments are eligible for direct payments by FMIT/SYNERGY RECOVERY to qualified contractors thus eliminating the need for Members to incur costs and seek reimbursements. Services to insured and eligible properties shall include, but not be limited to, the damage assessment, demolition services, stabilization of building and contents, emergency services, temporary workplace modular units, coordination of recovery sub-contractors, restoration/reconstruction activities and FEMA Public Assistance grant and closeout support;

WHEREAS, the term “Work” used in this Agreement shall mean and include any services or performance by SYNERGY OR SYNERGY RECOVERY on behalf of the MEMBERS;

NOW, THEREFORE, the parties agree as follows:

I. INCORPORATION OF DOCUMENTS

The following documents are attached hereto and, by this reference, incorporated in this Agreement:

Exhibit A	Authorized MEMBER Contacts
Exhibit B	Non-Insurance Covered Work Authorization
Exhibit C	Insurance Requirements for disaster recovery work

II. INSURANCE COVERED WORK

SYNERGY RECOVERY is FMIT's Recovery Program Manager, and exclusive partner in the State of Florida, providing planning, response and recovery services/programs ONLY to insured FMIT Members. SYNERGY RECOVERY shall provide Work to identify the most efficient, economical, and timely manner in which to recover any covered loss(s). SYNERGY RECOVERY'S services, contract terms, rates and processes have been reviewed and pre-approved by insurance as part of FMIT TurnKey RecoverySM. SYNERGY RECOVERY shall provide all labor, materials, equipment, tools, consumables and services necessary to complete the work. The MEMBER shall not be responsible nor will incur any costs by SYNERGY RECOVERY as associated with an approved insurance claim - outside of the stated insurance deductible, covered peril or scheduled limits of insurance. In the case whereby costs would apply to the MEMBER, it will be the responsibility of SYNERGY RECOVERY to identify in writing such said expenses for MEMBER approval prior to acceptance &/or any further binding engagement.

- A. SYNERGY RECOVERY will be responsible for supervision and coordination in conjunction with Town staff of the Work, the construction means, methods, techniques, sequences and procedures utilized. SYNERGY RECOVERY will be responsible to manage the entire claim process for the MEMBER, examining alternative solutions to minimize the impact on the MEMBER's business venture. SYNERGY RECOVERY shall have responsibility for safety precautions and programs in during the performance of the Work performed by SYNERGY RECOVERY, except SYNERGY RECOVERY'S subcontractors shall also be responsible for the safety of persons or property in the performance of their work, and for compliance with the provisions of applicable laws and regulations. SYNERGY RECOVERY shall seek to avoid injury, loss or damage to persons or property by taking reasonable steps to protect its employees and other persons at a worksite. In the event the MEMBER elects to perform work at a worksite directly or by others retained by MEMBER, SYNERGY RECOVERY and the MEMBER shall coordinate the activities of all forces at a worksite and agree upon fair and reasonable schedules and operational procedures for worksite activities. MEMBER shall require each separate contractor to cooperate with SYNERGY RECOVERY and assist with the coordination of activities and the review of construction schedules and operations.
- B. The MEMBER shall review the Schedule of Values (Insured Properties) with SYNERGY RECOVERY to ensure accurate listing in the MEMBER's SimpliCitySM FMIT account profile. Worksite information provided to SYNERGY RECOVERY by the MEMBER, in which SYNERGY RECOVERY shall be entitled to rely upon for its accuracy and completeness are as follows: All as-built drawings, hazardous material surveys, utility information and structural or equipment information.

- C. The scope of Work will be in two phases. The first phase will be to implement emergency services and stabilization for structure and contents of building. The second phase will be authorized for long-term recovery for restoration and reconstruction of the MEMBER's property for Insurance-covered Work &/OR Non-Insurance covered Work.

Phase I includes, but is not limited to:

1. Water Extraction
2. Board-up Services
3. Roof Dry In
4. Dry and Dehumidify
5. Asset Recovery
6. Temporary Relocation
7. Structural Stabilization
8. Investigation and Discovery of Building Systems (IE, electrical, phones, elevator)
9. Assessment for Phase II

The MEMBER reserves the right, at its sole discretion, to authorize additional Work, which may be determined for Phase I and/or Phase II. After a rapid damage assessment with the assistance of SYNERGY RECOVERY, the MEMBER shall provide SYNERGY RECOVERY with its property schedule detailing degrees of damage to each facility representative(s) will execute the appropriate authorizations, amendments or changes to this Agreement, SYNERGY RECOVERY will work with the MEMBER to comply with the MEMBER's and FEMA's procurement processes. MEMBER may also add, change, or alter this property schedule as deemed necessary in MEMBER's sole discretion, and shall provide reasonable notification to SYNERGY RECOVERY of the same.

- D. SYNERGY RECOVERY shall purchase and/or maintain insurance coverage at limits of liability as set forth in Exhibit C. Such insurance shall protect SYNERGY RECOVERY and the MEMBER from claims arising out of any disaster recovery Work under this Agreement, whether the Work is performed by SYNERGY RECOVERY, or any of its consultants, or subcontractors or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.
- E. SYNERGY RECOVERY agrees to the Indemnification Requirements set forth in Exhibit D for disaster recovery Work applicable to this Agreement. The provisions of this paragraph shall also apply to the termination of the Agreement and shall survive such termination.
- F. If SYNERGY RECOVERY fails to provide sufficient labor, materials, or equipment to prosecute the Work or is otherwise guilty of a material breach for disaster recovery services under this Agreement, the MEMBER shall give SYNERGY RECOVERY seven (7) days written notice (if conditions allow) to cure default to SYNERGY RECOVERY and has not commenced and continues to cure such default, the MEMBER may terminate this Agreement for disaster recovery services, and shall give seven (7) days written Notice of Termination (if conditions allow) to SYNERGY RECOVERY's address herein. If MEMBER fails to make payment to SYNERGY RECOVERY in accordance with this

Agreement SYNERGY RECOVERY shall give the MEMBER a seven (7) days written (if conditions allow) Notice of Payment Default to the MEMBER's address herein, if MEMBER fails to make payment within a thirty (30) day period, SYNERGY RECOVERY may terminate this Agreement for the recovery disaster services by providing seven (7) days written (if conditions allow) Notice of Termination, and SYNERGY RECOVERY shall have no further obligation under the Agreement.

G. MEMBER and SYNERGY RECOVERY agree to waive all claims against each other for any consequential damages that may arise out of or relate to this Agreement. The MEMBER agrees to waive damages including but not limited to the MEMBER's loss of use of the project, any rental expenses incurred, loss of Income, profit or financing principal office overhead and expenses, loss of profits not related to this project or loss of reputation. SYNERGY RECOVERY agrees to waive damages including but not limited to loss of business, loss of financing, principal office overhead and expenses, loss of profits not related to this project, loss of bonding capacity or loss of reputation. This Paragraph shall not be construed to preclude contractual provisions for liquidated damages, if applicable, when such provisions relate to the disaster recovery services only. The Provisions of the Paragraph shall also apply to the termination of the Agreement and shall survive such termination.

H. The MEMBER's construction contact shall be, unless otherwise designated by MEMBER:

Town of Palm Beach
Public Works Department
William "Bill" Francis, Town Engineer
951 Okeechobee Road
West Palm Beach, Fl 33401
(561) 227-7027

I. The MEMBER's Finance contact shall be, unless otherwise designated by MEMBER:

Town of Palm Beach
Finance Department
Jane Struder, Finance Director
360 S. County Road
Palm Beach, Fl 33480
(561) 838-5444

J. The MEMBER's Purchasing contact shall be, unless otherwise designated by MEMBER:

Town of Palm Beach
Purchasing Department
Adis Pedraza, Purchasing Manager
951 Old Okeechobee Road
West Palm Beach, Fl 33401
(561) 227-7000

III. NON-INSURANCE COVERED WORK

- A. In order for MEMBER to resume normal operations following a disaster, the MEMBER may require certain Work which is in excess of or outside the scope of covered insurance (i.e. excluded coverage, exhausted policy limits, non-insurable risks, flat deductibles, percentage named storm wind deductibles, maintenance related repairs/upgrades, or betterments and improvements). In order for the MEMBER to preserve and apply the best use of resources and to meet the MEMBER's immediate needs of providing for continuity of services, ongoing health, safety, and welfare obligations to the community, the MEMBER may wish to use SYNERGY RECOVERY to perform certain work for the Town as Authorized Tasks with appropriate approvals, following the requirements of Section 7 of the Purchasing Manual and/or under an Emergency Ordinance enacted by MEMBER'S Town Council, in coordination with the Insurance covered Work SYNERGY RECOVERY is performing through the FMIT insurance policy.
- B. SYNERGY RECOVERY's responsibility under this Agreement's section is for the non-insured covered portion of the work SYNERGY RECOVERY's sub-contractor(s) are currently performing for the MEMBER through or outside the FMIT insurance plan. The parties agree that specific scope of services for Non-insurance covered Work will be presented to the MEMBER in a proposal containing a clearly delineated description of the non-insurance work proposed to be undertaken by SYNERGY RECOVERY's subcontractor's obligations and responsibilities and is deemed to include preliminary consideration and prerequisites, and all labor, materials, equipment and tasks which are inseparable part of the work described that exclusion would render performance by SYNERGY RECOVERY's subcontractor impractical, illogical, or unconscionable. No work shall begin nor any costs be incurred for any non-insurance covered part of the Work without an approved Task Authorization, authorized by the MEMBER's Town Engineer and Town Purchasing Manager insuring that all Town Purchasing policies and procedures are followed including approval by Town Manager or Town Council is required.
- C. A Task Authorization is a description of a specific task and scope of work that has been approved by the authorized MEMBER representatives and accepted by the SYNERGY RECOVERY with functional detail and limits on expense, timelines, and date of completion for that specific task and scope of work. A sample Task Authorization is shown in Exhibit B, which is made part of the Agreement by this reference. The Task Authorization must be signed by all parties to be valid. SYNERGY RECOVERY acknowledges and agrees that the MEMBER's representatives have no authority to make verbal changes that would increase, decrease or otherwise modify the Task Authorization. Any change to a Task Authorization must be accomplished by a written revision to the original Task Authorization and executed by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the date first written above by its duly authorized representative.

Witness

Town of Palm Beach (MEMBER)

By: _____

Name: Peter B. Elwell

Title: Town Manager

Date: _____

Witness

Synergy ID, LLC (SYNERGY) & Synergy
Recovery of Florida, LLC (SYNERGY RECOVERY)

By: _____

Name: Anthony Scott

Title: Managing Director/Secretary

Date: _____

EXHIBIT “A”

AUTHORIZED MEMBER CONTACTS

For purposes of this Agreement, the following individuals shall be designated as the authorized MEMBER contacts:

Karen Temme, ARM
Risk Manager
Town of Palm Beach
360 S. County Road
Palm Beach, Fl 33480
561/838-5496
ktemme@townofpalmbeach.com

Thomas G. Bradford
Deputy Town Manager
Town of Palm Beach
360 S. County Road
Palm Beach, Fl 33480
561/838-5410
tbradford@townofpalmbeach.com

EXHIBIT “B”

NON-INSURANCE COVERED WORK

TASK AUTHORIZATION NO. _____

TOWN’S CLAIM NUMBER _____

This Task Authorization is between the Town of Palm Beach (MEMBER) and Synergy Recovery Resources, LLC (SYNGERY RECOVERY) as required pursuant to Section III. Non-Insurance Covered Work in the Agreement.

This Task Authorization provides for non-insurance covered work for the following

Scope of work located at _____ as further detailed in SYNGERY RECOVERY’S sub-contractor’s proposal dated _____, which is attached and incorporated by reference.

Total costs for this Task Authorization shall not exceed _____ dollars (\$ _____), unless authorized in writing by the MEMBER as an amendment to this Task Authorization No. _____.

Time is of the essence and work will be completed as soon as possible. SYNGERY RECOVERY’s sub-contractor shall complete all work hereunder no later than _____ (#) calendar weeks of signatures dates by all parties.

A facsimile or e-mail signature may be accepted as an original and signatures may be accepted in counter-part originals.

Town of Palm Beach
Authorized Name: William “Bill” Francis
Town Engineer

Town of Palm Beach
Authorized Name: Paul H. Brazil
Director of Public Works

Signature

Signature

Date: _____

Date: _____

Town of Palm Beach
Authorized Name: Jane Struder
Finance Director

Signature

Date: _____

Town of Palm Beach
Authorized Name: Adis Pedraza
Purchasing Manager

Signature

Date: _____

Town of Palm Beach
Authorized Name: Peter B. Elwell
Town Manager

Signature

Date: _____

INSURANCE REQUIREMENTS FOR DISASTER RECOVERY
WORK UNDER THIS AGREEMENT

- 1.1 SYNERGY RECOVERY agrees, at its sole expense, to maintain on a primary basis during the life of this Agreement, or the performance of work hereunder, insurance coverages, limits, and endorsements as required herein. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida.
- 1.2 SYNERGY RECOVERY agrees the insurance requirements herein as well as Town of Palm Beach's review or acknowledgement, is not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by SYNERGY RECOVERY under this Agreement.
- 1.3 General Liability – SYNERGY RECOVERY agrees to maintain General Liability coverage at a limit of liability not less than \$1,000,000 each occurrence and \$2,000,000 aggregate. The coverage shall be primary and non-contributory. It is agreed that the coverage will include Premises-Operation, Products/Completed Operations (2 years postdate of completion), Independent contractors and Subcontractors, Broad Form Contractual Liability. SYNERGY RECOVERY agrees any self-insured retention or deductible shall not exceed \$25,000 unless the Town of Palm Beach is notified on the certificate of insurance.
- 1.4 Automobile Liability – SYNERGY RECOVERY agrees to maintain automobile liability coverage at a limit not less than \$1,000,000 each occurrence. Coverage shall include liability for Owned, Non-Owned & Hired automobiles. In the event SYNERGY RECOVERY does not own automobiles, SYNERGY RECOVERY agrees to maintain coverage for Hired & Non-Owned Auto Liability, which may be satisfied by way of endorsement to the General Liability policy or separate Automobile Liability policy.
- 1.5 Workers' Compensation & Employer's Liability. SYNERGY RECOVERY agrees to maintain its own Workers' Compensation with statutory limits pursuant to Florida State Statute 440 and Employer's Liability coverage with limits not less than \$100,000 for each accident, \$100,000 disease (each employee) and \$500,000 disease (policy limit). Should the scope of work performed by contractor qualify its employee for benefits under federal workers compensation statute (example, U.S. Longshore & Harbor Workers Act or Merchant Marine act), proof of appropriate federal act coverage must be provided.
- 1.6 Umbrella/Excess Liability is required up to the minimum limit of liability if the limits of liability shown on the Certificate of Insurance under General Liability do not meet the minimum limit of liability as required. Town of Palm Beach must be endorsed as an additional insured under any umbrella/excess policy.

- 1.7 Builder's risk – written for 100% of completed value, endorsing the Town of Palm Beach as an additional insured or alternatively as a loss payee for all risk form with an extension of buildings coverage to include personal property of others in the care, custody, and control of the insured and shall include a flat premium endorsement. Builder's risk completed form – for additional and repairs of existing buildings or structures, repairs, additions, alternations to completed buildings. SYNERGY RECOVERY, sub-contractors, including property acquired under a sales tax incentive program, property in transit, and property on or off-premises, which shall become part of the work.
- 1.8 Additional Insured Endorsements. The Town of Palm Beach shall be endorsed as an additional insured on the General Liability policy, Umbrella/Excess policy, and Builder's Risk policy as part of this Agreement.
- 1.9 Waiver of Subrogation. SYNERGY RECOVERY agrees by entering into this written Agreement to a Waiver of Subrogation in favor of the Town of Palm Beach, SYNERGY RECOVERY, sub-contractor, architects, or engineers for each required policy providing coverage during the life of this Agreement. All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy.
- 1.10 Certificate of Insurance. SYNERGY RECOVERY agrees to provide the Town of Palm Beach with Certificate(s) of Insurance that clearly evidences SYNERGY RECOVERY maintains the minimum coverages, limits, and endorsements set forth herein. It shall be an affirmative obligation upon SYNERGY RECOVERY to advise the Town's Risk Manager at fax no. 561-838-5497, e-mail risk@townofpalmbeach.com, 360 S. County Road, Palm Beach, Fl 33480 within 24 hours or the next business day of cancellation, non-renewal or modification of any stipulated insurance and failure to do so shall be construed to be a breach of this Agreement. When notified by the Town of Palm Beach the Contractor agrees not to continue disaster recovery work pursuant to this Agreement, unless all required insurance remains in effect. SYNERGY RECOVERY agrees the Town of Palm Beach reserves the right to withhold payment to Contractor until evidence of reinstated or replacement coverage is provided to the Town of Palm Beach. The Certificate Holder(s) are as follows:

Original to:
Town of Palm Beach
Risk Management Office
360 S. County Road
Palm Beach, Fl 33480

Copy to:
Town of Palm Beach
Public Works Department
951 Old Okeechobee Blvd.
West Palm Beach, Fl 33401

- 1.11 Right to Revise or Reject. SYNERGY RECOVERY agrees the Town of Palm Beach reserves the right, but not the obligation, to review or revise any insurance requirements, not limited to limits, coverage and endorsements based on insurance market conditions affecting the availability or affordability of coverage; or changes in the scope of work/specifications affecting the applicability of coverage. Additionally, the Town of Palm Beach reserves the right, but not the obligation, to review and reject any insurance policies failing to meet the criteria stated herein, or any insurer(s) providing coverage due of its poor financial condition or failure to operate legally in the State of Florida. In such events, the Town of Palm Beach shall provide SYNERGY RECOVERY written notice of such revisions or rejections.

INDEMNIFICATION REQUIREMENTS FOR DISASTER RECOVERY WORK
UNDER THIS AGREEMENT

Synergy ID LLC and Synergy Recovery of Florida, LLC shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach as Member, and the Town’s officers, agents and employees free and harmless from and against any and all claims losses, penalties, damages, settlements, costs, charges, attorneys and other professional fees, or other expenses or liabilities to the extent caused by the negligence, recklessness or intentional wrongful misconduct of Synergy ID LLC and Synergy Recovery of Florida, LLC and persons employed or utilized by Synergy ID LLC and Synergy Recovery of Florida, LLC in the performance of this Agreement. These indemnifications shall survive the terms of this Agreement.

Synergy ID LLC and Synergy Recovery of Florida, LLC acknowledges and agrees that Town of Palm Beach as Member would not enter into an agreement without this indemnification by Synergy ID LLC and Synergy Recovery of Florida, LLC, and that the Town of Palm Beach as Member entering into an agreement shall constitute good and sufficient consideration for this indemnification. These provisions shall survive the expiration or earlier termination of the agreement. Nothing in this agreement shall be construed to affect in any way the Town of Palm Beach rights, privileges, and immunities as set forth in Florida Statute 768.28.

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 87-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Master of the Game, Inc., for Temporary Staffing for Trade Services in the Amount Not-To-Exceed \$125,000, and Establishing a Contractual Trade Services Budget of \$150,000.

Presenter

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

Supporting Documents

- [Memorandum dated June 23, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 87-2014](#)
- [Bid Tab](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on July 15, 2014

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Award Contract for Temporary Staffing for Trade Services – Bid No. 2014-28
Resolution No. 87-2014

DATE: June 23, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 87-2014 awarding a contract to Master of the Game, Inc., for temporary staffing for trade services for a period of one (1) year, in the amount not-to-exceed \$125,000 and establishing a contractual trade services budget of \$150,000.

GENERAL INFORMATION

This trade services contract consists of common building maintenance and repair tasks such as carpentry, dry wall, painting, plumbing, pressure washing and concrete finishing. The Town conducted a bid process for these services (Bid No. 2014-28). We contract out some of these services to allow us to keep full-time staff levels as low as possible.

On May 28, 2014, Master of the Game, Inc. was determined to be the lowest responsive bidder in all categories except pressure washing. Green Earth Power Washing, Inc. was the lowest responsive bidder for pressure washing. A separate purchase order not-to-exceed \$25,000 will be issued for that work. The Town Manager is authorized to approve a purchase order of that magnitude.

The services contract will be used in various Town buildings on an as-needed basis to assist Town staff with emergency repairs as well as normal maintenance and repairs. The contract provides for the option of (4) twelve-month renewals with all original terms, conditions and pricing.

FUNDING/FISCAL IMPACT

The cost of these services is fully covered by the Public Works operating budget for FY2014 and the proposed FY2015 operating budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 87-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING A CONTRACT TO MASTER OF THE GAME, INC.,
FOR TEMPORARY STAFFING FOR TRADE SERVICES IN THE
AMOUNT NOT-TO-EXCEED \$125,000, AND ESTABLISHING A
CONTRACTUAL TRADE SERVICES BUDGET OF \$150,000.

* * * *

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 awards a contract to Master of
the Game, Inc., for temporary staffing for trade services in the amount not-to-exceed \$125,000, and
establishes a contractual trade services budget of \$150,000.

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

Section 3. The Town Manager, or his designee, is hereby authorized and directed 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 15 day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



TOWN OF PALM BEACH
Bid No. 2014-28
Temporary Staffing for
Trades and Services
TABULATION

Vendor:	A & Associates	Green Earth Powerwashing	Pipeline Plumbing Sys. Of Broward, Inc.	Master of the Game Inc.
Address:	8144 Okeechobee Boulevard West Palm Beach, FL 33411	1422 Old Okeechobee Rd West Palm Beach, FL 33401	2945 NE 19th St Pompano Beach, FL 33062	1332 W Pine St Lantana, FL 33462
Telephone:	561-533-5303	877-511-4379	954-695-2430	561-379-4145
Fax:	561-533-3858	561-653-8010	954-228-6618	561-833-0255
Contact:	Evelyn Looney	Kenneth Boisch	Frederick Schilling	Stephen M. Doran

Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
TASK A. CARPENTER (GENERAL/ROUGH)											
LABOR RATES – STANDARD HOURLY											
1	Carpenter (General/Rough)	200	Hour	\$ 17.00	\$ 3,400.00	nb	nb	nb	nb	\$ 39.80	\$ 7,960.00
2	Helper	200	Hour	\$ 13.50	\$ 2,700.00	nb	nb	nb	nb	\$ 34.20	\$ 6,840.00
Total				\$ 6,100.00		nb		nb		\$ 14,800.00	
LABOR RATES – PREMIUM HOURLY											
1	Carpenter (General/Rough)	200	Hour	\$ 22.00	\$ 4,400.00	nb	nb	nb	nb	\$ 59.70	\$ 11,940.00
2	Helper	200	Hour	\$ 16.00	\$ 3,200.00	nb	nb	nb	nb	\$ 51.30	\$ 10,260.00
Total				\$ 7,600.00		nb		nb		\$ 22,200.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		nb		nb		15%	
LIST MINUS PERCENTAGE				0%		nb		nb		-	
TASK B. CARPENTER (FINISH)											
LABOR RATES – STANDARD HOURLY											
1	Carpenter (Finish)	200	Hour	\$ 17.00	\$ 3,400.00	nb	nb	nb	nb	\$ 46.50	\$ 9,300.00
2	Helper	200	Hour	\$ 13.50	\$ 2,700.00	nb	nb	nb	nb	\$ 34.20	\$ 6,840.00
Total				\$ 6,100.00		nb		nb		\$ 16,140.00	
LABOR RATES – PREMIUM HOURLY											
1	Carpenter (Finish)	200	Hour	\$ 22.00	\$ 4,400.00	nb	nb	nb	nb	\$ 69.75	\$ 13,950.00
2	Helper	200	Hour	\$ 16.00	\$ 3,200.00	nb	nb	nb	nb	\$ 51.30	\$ 10,260.00
Total				\$ 7,600.00		nb		nb		\$ 24,210.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		nb		nb		15%	
LIST MINUS PERCENTAGE				0%		nb		nb		-	
TASK C. DRYWALL											
LABOR RATES – STANDARD HOURLY											
1	Drywall Installer	200	Hour	\$ 16.00	\$ 3,200.00	nb	nb	nb	nb	\$ 41.00	\$ 8,200.00
2	Helper	200	Hour	\$ 13.00	\$ 2,600.00	nb	nb	nb	nb	\$ 34.20	\$ 6,840.00
Total				\$ 5,800.00		nb		nb		\$ 15,040.00	
LABOR RATES – PREMIUM HOURLY											
1	Drywall Installer	200	Hour	\$ 19.00	\$ 3,800.00	nb	nb	nb	nb	\$ 61.50	\$ 12,300.00
2	Helper	200	Hour	\$ 16.00	\$ 3,200.00	nb	nb	nb	nb	\$ 51.30	\$ 10,260.00
Total				\$ 7,000.00		nb		nb		\$ 22,560.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		nb		nb		15%	
LIST MINUS PERCENTAGE				0%		nb		nb		-	
TASK D. PAINTING											
LABOR RATES – STANDARD HOURLY											
1	Painter	200	Hour	\$ 15.00	\$ 3,000.00	nb	nb	nb	nb	\$ 39.50	\$ 7,900.00
2	Helper	200	Hour	\$ 13.00	\$ 2,600.00	nb	nb	nb	nb	\$ 34.20	\$ 6,840.00
Total				\$ 5,600.00		nb		nb		\$ 14,740.00	
LABOR RATES – PREMIUM HOURLY											
1	Painter	200	Hour	\$ 17.50	\$ 3,500.00	nb	nb	nb	nb	\$ 59.25	\$ 11,850.00
2	Helper	200	Hour	\$ 15.50	\$ 3,100.00	nb	nb	nb	nb	\$ 51.30	\$ 10,260.00
Total				\$ 6,600.00		nb		nb		\$ 22,110.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		nb		nb		15%	
LIST MINUS PERCENTAGE				0%		nb		nb		-	
TASK E. PRESSURE WASHING											
LABOR RATES – STANDARD RATE PER SQ. FOOT											
1	Pressure Washer	5000	SF	\$ 0.50	\$ 2,500.00	\$ 0.08	\$ 400.00	nb	nb	\$ 0.10	\$ 500.00
2	Helper	5000	SF	\$ 0.35	\$ 1,750.00	\$ 0.08	\$ 400.00	nb	nb	\$ 0.10	\$ 500.00
Total				\$ 4,250.00		\$ 800.00		nb		\$ 1,000.00	
LABOR RATES – PREMIUM RATE PER SQ. FOOT											
1	Pressure Washer	5000	SF	\$ 0.75	\$ 3,750.00	\$ 0.12	\$ 600.00	nb	nb	\$ 0.15	\$ 750.00
2	Helper	5000	SF	\$ 0.55	\$ 2,750.00	\$ -	\$ -	nb	nb	\$ 0.15	\$ 750.00
Total				\$ 6,500.00		\$ 600.00		nb		\$ 1,500.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		0%		nb		15%	
LIST MINUS PERCENTAGE				0%		0%		nb		-	
TASK F. PLUMBING											
LABOR RATES – STANDARD HOURLY											
1	Plumber	200	Hour	\$ 20.00	\$ 4,000.00	nb	nb	\$ 69.00	\$ 13,800.00	\$ 46.50	\$ 9,300.00
2	Helper	200	Hour	\$ 13.00	\$ 2,600.00	nb	nb	\$ 42.00	\$ 8,400.00	\$ 34.20	\$ 6,840.00
Total				\$ 6,600.00		nb		\$ 22,200.00		\$ 16,140.00	
LABOR RATES – PREMIUM HOURLY											
1	Plumber	200	Hour	\$ 23.00	\$ 4,600.00	nb	nb	\$ 69.00	\$ 13,800.00	\$ 69.75	\$ 13,950.00
2	Helper	200	Hour	\$ 13.00	\$ 2,600.00	nb	nb	\$ 42.00	\$ 8,400.00	\$ 51.30	\$ 10,260.00
Total				\$ 7,200.00		nb		\$ 22,200.00		\$ 24,210.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		nb		20%		15%	
LIST MINUS PERCENTAGE				0%		nb		-		-	
TASK G. CONCRETE FINISHING											
LABOR RATES – STANDARD HOURLY											
1	Concrete Finisher	200	Hour	\$ 15.00	\$ 3,000.00	nb	nb	nb	nb	\$ 39.80	\$ 7,960.00
2	Helper	200	Hour	\$ 13.00	\$ 2,600.00	nb	nb	nb	nb	\$ 34.20	\$ 6,840.00
Total				\$ 5,600.00		nb		nb		\$ 14,800.00	
LABOR RATES – PREMIUM HOURLY											
1	Concrete Finisher	200	Hour	\$ 19.00	\$ 3,800.00	nb	nb	nb	nb	\$ 59.70	\$ 11,940.00
2	Helper	200	Hour	\$ 15.50	\$ 3,100.00	nb	nb	nb	nb	\$ 51.30	\$ 10,260.00
Total				\$ 6,900.00		nb		nb		\$ 22,200.00	
MATERIALS AND SUPPLIES											
COST PLUS PERCENTAGE				0%		nb		nb		15%	
LIST MINUS PERCENTAGE				0%		nb		nb		-	

Non-Responsive, Did not supply
licenses, as required

Costs left blank

Bid Opened on May 28, 2014 at 2:00 PM
 Opened by: Adis Pedraza
 Witnessed by: John Cmar

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 90-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Enviroscapes Plus, Inc., for Landscape Fertilization and Pest Control in the Amount of \$34,200, and Establishing a Project Budget of \$40,000.

Presenter

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

Supporting Documents

- [Memorandum dated July 2, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 90-2014](#)
- [Bid Tab](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for Landscape Fertilization and Pest Control Program
Resolution No. 90-2014

Date: July 2, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 90-2014, awarding a contract for Landscape Fertilization and Pest Control to Enviroscapes Plus, Inc., in the amount of \$34,200 and establishing a project budget of \$40,000.

GENERAL INFORMATION

This landscape fertilization and pest control program consists of treatment of Town owned turf areas and trees in right-of-ways, medians and parks. This includes the ficus canopy, kapoks and various other large Town owned trees and green spaces.

The Town conducted a bid process for these services (Bid No. 2014-38) and on June 5, 2014, Enviroscapes Plus, Inc., was identified as the lowest responsive bidder. The contract will be overseen by the Parks Bureau in consultation with the Town Arborist. The contract provides for the option of (4) twelve-month renewals with all original terms, conditions and pricing.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works Department FY14 budget and in the proposed FY15 budget to complete this work.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 90-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO ENVIROSCAPES PLUS, INC., FOR LANDSCAPE FERTILIZATION AND PEST CONTROL IN THE AMOUNT OF \$34,200, AND ESTABLISHING A PROJECT BUDGET OF \$40,000.

* * * *

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 awards a contract to Enviroscapes Plus, Inc., for landscape fertilization and pest control in the amount of \$34,200, and establishes a project budget of \$40,000.

Section 2. The Town Manager is hereby authorized and directed 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 and directed 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 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



TOWN OF PALM BEACH

Bid No. 2014-38
Landscape Fertilizing
and Pest Control
TABULATION

Vendor:		Apex Pest Control, Inc.		Beach Environmental Exterminating, Inc.		Enviroscapes Plus Inc.		Florida Environmental Pest Mgmt., Inc.		GreenSource Landscape & Sports Turf		Hulet Environmental Services		O'Hara Pest Control	
Address:		1910 Hypolux Rd. #D12 Lakewood, FL 33402		5400 Dwyer Way Mangrove Park, FL 33407		6019 W. Broward Blvd #150 Plantation, FL 33317		6315 Henry Ave West Palm Beach, FL 33405		4800 SW 201st Terrace Southwest Ranches, FL 33332		7870 Oleochobee Blvd. West Palm Beach, FL 33411		1001 25th Ct. West Palm Beach, FL 33407	
Telephone:		888-220-1888		561-351-7011		954-583-1213		561-486-8911		954-385-0040		800-285-7378		561-455-0011	
Fax:		561-202-9848		561-441-0070		n/a		561-486-8974		954-385-0450		800-488-3284		561-455-2229	
Contact:		Jim Bartley		Brett McCoy		Johnny Cannon		Nick Benulis		Rich Penza		Joe Jonovich/Chris Socco		Kris Wilson	
Line	Annual Frequency	Location	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit
Fertilize all turfgrass areas with 13-3-13 granular fertilizer, as specified															
1	4	Wrightman Estates Park	\$ 135.00	\$ 540.00	\$ 525.00	\$ 2,100.00	\$ 120.00	\$ 480.00	\$ 376.20	\$ 1,504.80	\$ 332.96	\$ 1,331.84	\$ 475.00	\$ 1,900.00	\$ 237.50
2	4	North Fire Station	\$ 48.00	\$ 192.00	\$ 30.00	\$ 120.00	\$ 50.00	\$ 200.00	\$ 7.42	\$ 29.68	\$ 45.00	\$ 180.00	\$ 93.70	\$ 374.80	\$ 10.00
3	4	Bradley Park	\$ 1,784.00	\$ 7,136.00	\$ 1,736.00	\$ 6,944.00	\$ 360.00	\$ 1,440.00	\$ 1,243.70	\$ 4,974.80	\$ 1,107.74	\$ 4,431.00	\$ 1,570.33	\$ 6,281.32	\$ 785.17
4	4	Royal Poinciana Way	\$ 900.00	\$ 3,600.00	\$ 876.00	\$ 3,504.00	\$ 180.00	\$ 720.00	\$ 827.26	\$ 3,309.04	\$ 555.16	\$ 2,220.64	\$ 792.00	\$ 3,168.00	\$ 398.00
5	4	Royal Poinciana Way	\$ 258.00	\$ 1,032.00	\$ 1,002.00	\$ 4,008.00	\$ 240.00	\$ 960.00	\$ 717.70	\$ 2,871.16	\$ 435.28	\$ 1,741.12	\$ 698.00	\$ 2,792.00	\$ 349.00
6	4	Midtown Beach	\$ 50.00	\$ 200.00	\$ 104.00	\$ 416.00	\$ 60.00	\$ 240.00	\$ 138.80	\$ 555.20	\$ 122.84	\$ 491.36	\$ 175.25	\$ 701.00	\$ 87.63
7	4	Memorial Fountain and Town Hall Complex	\$ 38.00	\$ 152.00	\$ 146.00	\$ 584.00	\$ 80.00	\$ 320.00	\$ 104.54	\$ 418.16	\$ 92.53	\$ 370.12	\$ 132.00	\$ 528.00	\$ 66.00
8	4	Lakeside Park	\$ 383.00	\$ 1,532.00	\$ 1,490.00	\$ 5,960.00	\$ 360.00	\$ 1,440.00	\$ 1,067.30	\$ 4,269.20	\$ 844.61	\$ 3,378.44	\$ 1,347.60	\$ 5,390.40	\$ 673.80
9	4	Itis Isle Park	\$ 78.00	\$ 312.00	\$ 303.00	\$ 1,212.00	\$ 60.00	\$ 240.00	\$ 271.01	\$ 1,084.04	\$ 192.06	\$ 768.24	\$ 274.00	\$ 1,096.00	\$ 137.00
10	4	Phipps Ocean Park	\$ 98.00	\$ 392.00	\$ 381.00	\$ 1,524.00	\$ 90.00	\$ 360.00	\$ 273.18	\$ 1,092.72	\$ 241.78	\$ 967.12	\$ 344.02	\$ 1,376.88	\$ 172.46
Total to Fertilize all turfgrass areas with 13-3-13 granular fertilizer			\$ 6,892.00	\$ 26,732.00			\$ 6,320.00	\$ 19,092.80		\$ 17,051.84	\$ 24,444.40		\$ 12,074.84		
Apply Celsius Herbicide to turf, as specified															
1	3	Wrightman Estates Park	\$ 142.00	\$ 426.00	\$ 108.00	\$ 324.00	\$ 150.00	\$ 450.00	\$ 210.90	\$ 632.70	\$ 154.05	\$ 463.95	\$ 712.50	\$ 2,137.50	\$ 167.00
2	3	North Fire Station	\$ 36.00	\$ 108.00	\$ 20.00	\$ 60.00	\$ 100.00	\$ 300.00	\$ 4.16	\$ 12.48	\$ 45.00	\$ 135.00	\$ 14.05	\$ 42.15	\$ 5.00
3	3	Bradley Park	\$ 471.00	\$ 1,413.00	\$ 358.00	\$ 1,074.00	\$ 500.00	\$ 1,500.00	\$ 697.27	\$ 2,091.81	\$ 511.26	\$ 1,533.78	\$ 2,825.50	\$ 8,476.50	\$ 650.00
4	3	Royal Poinciana Way	\$ 238.00	\$ 714.00	\$ 180.00	\$ 540.00	\$ 166.66	\$ 499.98	\$ 351.65	\$ 1,054.95	\$ 257.86	\$ 773.58	\$ 1,188.00	\$ 3,564.00	\$ 278.00
5	3	Royal Poinciana Way	\$ 272.00	\$ 816.00	\$ 208.00	\$ 624.00	\$ 400.00	\$ 1,200.00	\$ 1,027.20	\$ 3,081.60	\$ 265.86	\$ 797.58	\$ 1,359.45	\$ 4,078.35	\$ 318.00
6	3	Midtown Beach	\$ 52.00	\$ 156.00	\$ 40.00	\$ 120.00	\$ 113.33	\$ 339.99	\$ 77.81	\$ 233.43	\$ 57.06	\$ 171.18	\$ 262.88	\$ 788.64	\$ 62.00
7	3	Memorial Fountain and Town Hall Complex	\$ 40.00	\$ 120.00	\$ 30.00	\$ 90.00	\$ 113.33	\$ 339.99	\$ 58.61	\$ 175.83	\$ 45.00	\$ 135.00	\$ 168.00	\$ 504.00	\$ 40.00
8	3	Lakeside Park	\$ 404.00	\$ 1,212.00	\$ 307.00	\$ 921.00	\$ 500.00	\$ 1,500.00	\$ 568.33	\$ 1,704.99	\$ 438.74	\$ 1,316.22	\$ 2,021.40	\$ 6,064.20	\$ 472.00
9	3	Itis Isle Park	\$ 82.00	\$ 246.00	\$ 62.00	\$ 186.00	\$ 166.66	\$ 499.98	\$ 121.66	\$ 364.98	\$ 89.21	\$ 267.63	\$ 411.00	\$ 1,233.00	\$ 96.00
10	3	Phipps Ocean Park	\$ 104.00	\$ 312.00	\$ 79.00	\$ 237.00	\$ 166.66	\$ 499.98	\$ 153.14	\$ 459.42	\$ 112.30	\$ 336.90	\$ 517.38	\$ 1,552.14	\$ 121.00
Total to apply Celsius Herbicide to turf			\$ 5,451.00	\$ 4,170.00			\$ 7,289.91	\$ 8,027.79		\$ 6,020.82	\$ 27,930.48		\$ 6,345.00		
Fertilize all trees with 8-2-12 granular fertilizer, as specified															
1	4	Fertilize all trees with 8-2-12 granular fertilizer, as specified	\$ 4,920.00	\$ 19,680.00	\$ 4,217.00	\$ 16,868.00	\$ 950.00	\$ 3,800.00	\$ 1,100.00	\$ 4,400.00	\$ 1,060.20	\$ 4,240.80	\$ 2,432.00	\$ 9,728.00	\$ 425.00
Total to Fertilize all trees with 8-2-12 granular fertilizer				\$ 19,680.00		\$ 16,868.00		\$ 3,800.00		\$ 4,400.00		\$ 4,240.80		\$ 9,728.00	
Apply Imidacloprid WSP 75 to all selected trees, as specified															
1	4	Apply Imidacloprid WSP 75 to all selected trees via drench method, as specified	\$ 4,650.00	\$ 18,600.00	\$ 3,617.00	\$ 14,468.00	\$ 2,375.00	\$ 9,500.00	\$ 3,168.84	\$ 12,795.36	\$ 2,633.44	\$ 10,533.76	\$ 2,432.00	\$ 9,728.00	\$ 4,360.00
Total to apply Imidacloprid WSP 75 to all selected trees				\$ 18,600.00		\$ 14,468.00		\$ 9,500.00		\$ 12,795.36		\$ 10,533.76		\$ 9,728.00	
Apply Arena Insecticide to turf, as specified															
1	2	Wrightman Estates Park	\$ 365.00	\$ 730.00	\$ 558.00	\$ 1,116.00	\$ 225.00	\$ 450.00	\$ 370.50	\$ 741.00	\$ 69.92	\$ 139.84	\$ 558.12	\$ 1,116.24	\$ 404.00
2	2	North Fire Station	\$ 24.00	\$ 48.00	\$ 30.00	\$ 60.00	\$ 150.00	\$ 300.00	\$ 7.31	\$ 14.62	\$ 45.00	\$ 90.00	\$ 11.00	\$ 22.00	\$ 10.00
3	2	Bradley Park	\$ 1,206.00	\$ 2,412.00	\$ 1,847.00	\$ 3,694.00	\$ 750.00	\$ 1,500.00	\$ 1,224.86	\$ 2,449.72	\$ 211.32	\$ 422.64	\$ 1,845.14	\$ 3,690.28	\$ 1,335.00
4	2	Royal Poinciana Way	\$ 608.00	\$ 1,216.00	\$ 932.00	\$ 1,864.00	\$ 250.00	\$ 500.00	\$ 617.76	\$ 1,235.52	\$ 108.58	\$ 217.16	\$ 920.00	\$ 1,840.00	\$ 674.00
5	2	Royal Poinciana Way	\$ 698.00	\$ 1,396.00	\$ 1,064.00	\$ 2,128.00	\$ 600.00	\$ 1,200.00	\$ 708.91	\$ 1,417.82	\$ 121.96	\$ 243.92	\$ 1,604.00	\$ 3,208.00	\$ 771.00
6	2	Midtown Beach	\$ 135.00	\$ 270.00	\$ 208.00	\$ 416.00	\$ 250.00	\$ 500.00	\$ 136.70	\$ 273.40	\$ 45.00	\$ 90.00	\$ 205.92	\$ 411.84	\$ 149.00
7	2	Memorial Fountain and Town Hall Complex	\$ 101.00	\$ 202.00	\$ 155.00	\$ 310.00	\$ 170.00	\$ 340.00	\$ 102.96	\$ 205.92	\$ 45.00	\$ 90.00	\$ 155.10	\$ 310.20	\$ 113.00
8	2	Lakeside Park	\$ 1,038.00	\$ 2,076.00	\$ 1,385.00	\$ 2,770.00	\$ 750.00	\$ 1,500.00	\$ 1,051.13	\$ 2,102.26	\$ 181.35	\$ 362.70	\$ 1,583.43	\$ 3,166.86	\$ 1,146.00
9	2	Itis Isle Park	\$ 210.00	\$ 420.00	\$ 322.00	\$ 644.00	\$ 250.00	\$ 500.00	\$ 427.44	\$ 854.88	\$ 45.00	\$ 90.00	\$ 321.06	\$ 642.12	\$ 233.00
10	2	Phipps Ocean Park	\$ 266.00	\$ 532.00	\$ 408.00	\$ 816.00	\$ 250.00	\$ 500.00	\$ 260.04	\$ 520.08	\$ 46.42	\$ 92.84	\$ 405.28	\$ 810.56	\$ 294.00
Total to apply Arena Insecticide to turf				\$ 9,268.00		\$ 14,214.00		\$ 7,290.00		\$ 9,401.78		\$ 1,823.10		\$ 15,242.88	
SUMMARY															
1		Fertilize all turfgrass areas with 13-3-13 granular fertilizer, as specified	\$ 6,892.00	\$ 26,732.00			\$ 6,320.00	\$ 19,092.80		\$ 17,051.84	\$ 24,444.40		\$ 12,074.84		
2		Apply Celsius Herbicide to turf, as specified	\$ 5,451.00	\$ 4,170.00			\$ 7,289.91	\$ 8,027.79		\$ 6,020.82	\$ 27,930.48		\$ 6,345.00		
3		Fertilize all trees with 8-2-12 granular fertilizer, as specified	\$ 19,680.00	\$ 16,868.00			\$ 3,800.00	\$ 4,400.00		\$ 4,240.80	\$ 9,728.00		\$ 1,700.00		
4		Apply Imidacloprid WSP 75 to all selected trees via drench method, as specified	\$ 18,600.00	\$ 14,468.00			\$ 9,500.00	\$ 12,795.36		\$ 10,533.76	\$ 9,728.00		\$ 17,440.00		
5		Apply Arena Insecticide to turf, as specified	\$ 9,268.00	\$ 14,214.00			\$ 7,290.00	\$ 9,401.78		\$ 1,823.10	\$ 15,242.88		\$ 10,258.00		
TOTAL			\$ 59,891.00	\$ 76,452.00			\$ 34,199.91	\$ 53,717.73		\$ 39,670.32	\$ 87,073.76		\$ 47,817.84		

Math errors noted: Unit price prevails. Total on submitted bid: \$39,667.88	Math errors noted: Unit price prevails. Total on submitted bid: \$90,086.76	Math errors noted: Unit price prevails. Total on submitted bid: \$46,133.80
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Bid Opened on June 5, 2014 at 2:00 PM

Opened by: John Cmar

Witnessed by: Lynda Cummings

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 91-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Engineering Design Update and Bid Phase Services for the D-10 Pump Station in the Amount of \$30,200 to Kimley-Horn and Associates, Inc., and Establishing an Engineering Design Update and Bid Phase Services Budget of \$35,000.

Presenter

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

Supporting Documents

- [Memorandum dated June 23, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 91-2014](#)
- [Kimley-Horn Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Approval of a Purchase Order for Engineering Design Update and Bid Phase Services for the D-10 Pump Station Improvements
Accelerated Capital Improvement Program – Phase 2
Resolution No. 91-2014

DATE: June 23, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 91-2014 approving a purchase order for Engineering Design Update and Bid Phase Services for the D-10 Pump Station Improvements, in an amount of \$30,200 to Kimley-Horn and Associates, Inc. (KHA), and establishing an engineering design update and bid phase budget of \$35,000.

GENERAL INFORMATION

At the March 9, 2010 Town Council Meeting, Town Council approved Resolution No. 32-10 authorizing KHA to begin design phase services on the D-10 Storm Water Pump Station at the intersection of North Lake Way and Via Marila. This project replaces the aging hydraulically driven pumps with electrically driven pumps, upgrading electrical and mechanical systems, and correcting any structural deficiencies. The design phase was completed within the Accelerated Capital Improvement Program (ACIP) – Phase I.

The project construction was scheduled to begin during the 2014 construction season, but was suspended due to the closure of the Flagler Memorial Bridge. Upon review of the plans and specifications it has been determined that the plans, specifications, and structural calculations will need to be updated because they were prepared under the 2007 Florida Building Code and will need to conform to the 2010 Florida Building Code prior to bidding, permitting, and construction. The plans and specifications update is also necessary to comply with the new EPA Tier 3 certifications that are now in effect.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the Town's Accelerated Capital Improvement Program, Phase 2.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Douglas Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 91-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR ENGINEERING DESIGN UPDATE AND BID PHASE SERVICES FOR THE D-10 PUMP STATION IN THE AMOUNT OF \$30,200 TO KIMLEY-HORN AND ASSOCIATES, INC., AND ESTABLISHING AN ENGINEERING DESIGN UPDATE AND BID PHASE SERVICES BUDGET OF \$35,000.

* * * * *

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 for Engineering Design Update and Bid Phase Services for the D-10 Pump Station in the amount of \$30,200 to Kimley-Horn and Associates, Inc., and establishes an engineering design update and bid phase services budget of \$35,000.

Section 2. The Town Manager is hereby authorized and directed to approve this purchase order on behalf of the Town of Palm Beach for this improvement.

Section 3. The Town Manager, or his designee, is hereby authorized and directed 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 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



June 19, 2014

Mr. Jeff Sanon, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

RE: *D-10 Storm Water Pump Station Construction Plan Update and Bid Phase Services Proposal*

Dear Jeff,

Kimley-Horn and Associates, Inc. ("KHA" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services related to the improvements at the D-10 Storm Water Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

KHA has been requested by the Town to provide construction plan updates and bid phase services for the project. The construction plans were completed under the 2007 Florida Building Code and will be required to be updated to conform to the 2010 Florida Building Code prior to bidding, permitting, and construction. The construction plans and specifications also depict generators that meet EPA Tier 2 certifications and will be required to be updated to reflect EPA Tier 3 certifications that are now in effect. These Tier 3 generators are anticipated to utilize a larger footprint than the original Tier 2 generators. The construction documents were also designed considering MWI storm water pumps. The Town has since standardized on Flygt Stormwater Pumps which require an update to the plans and specifications to account for these units. The project is expected to be bid in the fall of 2014 with construction to be scheduled for the summer of 2015.

Scope of Services

Task 1 – Regulatory Update

KHA will update the construction plans, specifications, and structural calculations to conform to the 2010 Florida Building Code. Electrical drawings and specifications will be updated by a subconsultant employed by Kimley-Horn. KHA will coordinate with generator manufacturers to obtain updated drawings and specifications to comply with the EPA Tier 3 regulations. KHA will review the new EPA Tier 3 generator footprints, ventilation and exhaust requirements to determine if the original design can accommodate the new generators. It is currently unknown if mechanical room dimensions, ventilation system, and exhaust system depicted on the construction drawings will accommodate the new generator footprints. Any changes to the current building design footprint, mechanical ventilation, and/or exhaust system required to accommodate the new generators,

including ARCOM and/or site plan approval, are not included in the scope of services and will be considered an additional service.

Task 2 – Pump Manufacturer Update

KHA will update the construction plans and specifications for Flygt Storm Water Pumps. The plans will be updated to include pump supports, splitter plates, vortex cones, and concrete divider walls that are required for use with the Flygt pumps.

Task 3 – Bid Phase Services

KHA will attend the prebid meeting, review the bid proposal from the apparent low bidder, and prepare a summary memorandum to the Town containing our findings after our review of the bid. KHA will also assist the Town with responding to questions received from prospective bidders, if required. KHA will provide up to 5 signed and sealed copies of the construction documents for the Town to distribute to the selected contractor for permitting. We will respond to one round of reasonable comments from the building department after submittal by the Town/contractor, if required.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope you request, will be considered additional services. These services will be performed based on proposals approved by the Town prior to the performance of those requested additional services. Additional services we can provide include, but are not limited to, the following:

- Surveying and Mapping
- Soft Digs – Existing Utility Locates
- Easement Descriptions
- Geotechnical Investigation
- Construction Phase Services
- Tank Closure Assessments
- ARCOM and /or Zoning Site Plan Approval

Information Provided By the Town

We shall be entitled to rely upon the accuracy of information provided by others in the performance of professional services. It is anticipated that the following items will need to be provided to KHA by the Town during the project.

- EPA Tier 3 Generator Information from State Contract (assuming Town direct purchase)
- Surveying and Mapping, Construction Layout
- Off-site improvement information

Schedule

We will provide our services as expeditiously as practicable to meet the mutually agreed upon schedule.

Fee and Billing

KHA will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for these services.

<i>Task 1 – Regulatory Update</i>	<i>\$19,200</i>
<i>Task 2 – Pump Manufacturer Update</i>	<i>\$ 6,100</i>
<i>Task 3 – Bid Phase Services</i>	<i>\$ 4,900</i>

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated December 17, 2013, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\D-10 Stormwater Pump Station\D-10 Stormwater Pump Station Plans Update and Bid Phase Proposal.docx

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 92-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Xylem Water Solutions USA, Inc., for Four (4) Flygt Stormwater Pumps, in the Amount of \$446,536, and Establishing a Total Budget of \$460,000.

Presenter

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

Supporting Documents

- [Memorandum dated July 1, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 92-2014](#)
- [Request For Quotation](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of a Purchase Order to Replace the Pumps at the D-12 Pump Station
Pay-As-You-Go Capital Budget
Resolution No. 92-2014

Date: July 1, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 92-2014 approving a purchase order to Xylem Water Solutions USA, Inc., for four (4) Flygt 200 HP axial flow pumps, in the amount of \$446,536 and establishing a total budget of \$460,000.

GENERAL INFORMATION

The D-12 Stormwater Pump Station, located at the western end of Everglade Avenue, has four (4) existing 200 horsepower pumps manufactured by Moving Water Industries (MWI) that are each capable of pumping 28,000 gallons per minute. These pumps have a long history of failures that have resulted in high repair costs and extended down times that leave the Town vulnerable during periods of heavy rainfall. The most recent failure was on January 9, 2014, when three of the four pumps at D-12 and one of two pumps at the D-3 pump station failed, resulting in moderate to heavy flooding. Subsequent repairs exceeded \$116,000, and the pumps were out of service for more than six weeks. Since the D-3 pump station has not had the same history of failures, staff is recommending that we continue to operate and maintain the current pumps at that location and only proceed with an upgrade there at some time in the future, when warranted.

Staff commissioned Kimley Horn & Associates, Inc., to conduct a study to determine if the existing pump station, including the electrical controls and pump discharge piping, could accommodate the newly proposed Flygt pumps. Their study concluded that they could with little to no modifications. Replacing the existing MWI pumps at the D-12 Storm Water Pump Station with Flygt pumps would give the station more reliability due to their superior performance and service. Flygt pumps have been used successfully at another storm station and many of our sanitary pump stations. Town Council previously approved the Flygt products as our standard pumps for both storm water and sanitary pump stations.

The proposed D-12 pumps will come equipped with electronic monitoring designed to alert us of conditions hazardous to the pumps, such as high temperature, moisture and over voltage. Water

Resources personnel will install the pumps, with assistance from one of the Town's electrical contractors (at an estimated cost of \$6,280).

FUNDING/FISCAL IMPACT

Funding is available in the 2014 Pay-As-You-Go Capital Budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
Eric B. Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer
Douglas Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 92-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A
PURCHASE ORDER TO XYLEM WATER SOLUTIONS USA, INC., FOR FOUR
(4) FLYGT STORMWATER PUMPS, IN THE AMOUNT OF \$446,536, AND
ESTABLISHING A TOTAL BUDGET OF \$460,000.

* * * * *

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 Xylem Water Solutions USA, Inc., for four (4) Flygt Stormwater Pumps in the amount of \$446,536, and establishes a total budget of \$460,000.

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

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project, 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 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 106-2014**

STORMWATER PUMPS FOR D-12 PUMP STATION

INTENT AND SCOPE

It is the intent to obtain pricing which covers and includes all required labor, materials, equipment, and services necessary for and reasonably incidental for full and complete execution of this project.

PLANS AND SPECIFICATIONS

All associated equipment shall be in accordance with the following documents:

- D-3 and D-12 Pump Selection Evaluation Technical Memorandum by Kimley, Horn & Associates dated April 29, 2014

SCHEDULE OF BID ITEMS

The undersigned as bidder does declare that no other persons other than the bidder herein named has any interest in this bid or in the contract to be taken, and that it is made without any connection with any other person or persons making bid for the same article, and is in all respects fair and without collusion or fraud.

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for therein.

The undersigned further declares that he proposes to furnish the articles called for at for the following price:

1. TERMS		2. F.O.B.		3.SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30		Destination					
Item	Description /Specifications			Qty	Unit	Unit Cost	Extended Cost
1	MAIN PUMPS Flygt Model PL 7081/735; Each pump shall be equipped with a 200 HP submersible electric motor, connected for operation on 460 volts, 3 phase, 60 Hertz, 4 wire service with lengths of power (2x60') and signal cable sufficient to reach the MCC and control cabinet in the electrical room (1x160'). Industrial Coating and Zinc Anodes.			4	EA	\$ 104,790.00	\$ 419,160.00
2	Modify pumps for existing tubes			4	EA	\$ 4,434.00	\$ 17,738.00

Company Name: Xylem Water Solutions, USA, Inc. Authorized Signature: 

3	MAS units for control panel monitoring	4	EA	\$ 4591.00	\$ 18,364.00
4	Transformer, 50VA 110/220-24V	4	EA	\$ 244.00	\$ 976.00
5	Transformer CT 300:1	4	EA	\$ 66.00	\$ 264.00
6	Hymax flange adaptor 6.42-7.68" #T21000768175	4	EA	\$ 651.00	\$ 2604.00
7	Start up by service representative	1	L.S.	\$ 2100.00	\$ 2100.00
				Freight	\$ 8723.00

Total w/5% discount 469,929
446,433.00

Estimated time for delivery upon receipt of Purchase Order: 16 weeks

REMARKS: _____

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing this RFQ. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer.

Firm: Xylem WATER Solutions, USA, Inc.
 *Signature: [Signature] Name/Title: Steve Kiss, Branch Mgr.
 Address: 1730 10 St. W., Riviera Beach, FL Zip: 33404
 Federal ID#: _____
 Telephone Number: (561) 848-1200 Fax: (561) 848-1299
 Date: 7-1-14

*Failure to affix signature may result in disqualification of proposal.

Name of Bidder's Contact Person: Steve Kiss or Brian Stengle
 Address: SAME
 Phone Number: _____ Fax Number: _____
 E Mail Address: Steve.Kiss@XYLEMINC.com

Town of Palm Beach
RFQ 106-2014 – Stormwater Pumps for D-12 Pump Station
Proposal Must Be Received by Friday, July 3, 2014 AT 2:00 PM

General Conditions, Instructions and Information for Bidders

This Request for Quotation, General Conditions, Instructions to Bidders, Special Conditions, Specifications, Addenda and/or any other pertinent document form a part of this proposal and by reference are made a part thereof.

1. GENERAL INFORMATION

These documents constitute the complete set of specification requirements and bid forms. Bid Proposal response is to be filled in, signed, sealed and mailed or presented to the Purchasing Division on or before the specified date and time.

It is sole responsibility of the bidder to ensure that his/her bid reaches the Purchasing Division on or before the closing date and time. The TOWN shall in no way be responsible for delays caused by any other occurrence. Offers by telephone, telegram or facsimile will not be accepted.

The bid time must be and shall be scrupulously observed. Under no circumstances will bids delivered after the time specified be considered. Such bids shall be returned to the vendor unopened.

All bids must be typewritten or written in ink, and must be signed in ink by an officer or employee having authority to bind the company or firm.

For information concerning this bid, please contact:

Town of Palm Beach
Purchasing Department
851 Old Okeechobee Road, Suite "D"
West Palm Beach, FL 33401
(561) 838-5406

2. PRICE/DELIVERY

Price quoted must be the price for new merchandise and free from defects. Any bids containing modifying or "escalator" clauses will not be considered unless specifically requested in the bid specifications.

"Acceptance" as herein used means the acceptance by Town of Palm Beach, herein referred to as TOWN, after the Purchasing Agent or his authorized agent has, by inspection or test of such items, determined that they fully comply with specifications.

Deliveries of all items shall be made as soon as possible. In the appropriate blank on the bid form, the vendor must indicate the best delivery date after receipt of order (ARO). Deliveries resulting from this bid are to be made during the normal working hours of the TOWN. Time is of the essence and the bidder's delivery date must be specified and adhered to. Should the bidder, to whom the order or contract is awarded, fail to deliver on or before his/her stated date, the TOWN reserves the right to CANCEL the order or contract and make the purchase elsewhere. The successful bidder(s) shall be responsible for making any and all claims against carriers for missing or damaged items.

3. FEDERAL AND STATE TAX

TOWN is exempt from Federal and State Taxes for tangible personal property. The Purchasing Agent will sign an exemption certificate submitted by the successful bidder. Vendors or contractors doing business with the TOWN shall not be exempted from paying sales tax to their suppliers for materials to fulfill contractual obligations with the TOWN, nor shall any said vendor or contractor be authorized to use the Town's tax exemption number in securing such materials.

4. ACCEPTANCE / REJECTION

TOWN reserves the right to accept or to reject any or all bids and make the award to that bidder, who in the opinion of the TOWN will be in the best interest of and/or the most advantageous to the TOWN. TOWN also reserves the right to reject the bid of any vendor who has previously failed in the proper performance of an award or to deliver on time contracts of a similar nature or who is not in a position to perform properly under this award. TOWN reserves the right to waive any irregularities and technicalities and may, at its discretion, request a re-bid.

5. ALTERNATIVES / APPROVED EQUAL / DEVIATIONS

Unless otherwise specified, the mention of the particular manufacturer's brand name or number in the specifications does not imply that this particular product is the only one that will be considered for purchase. This reference is intended solely to designate the type or quality of merchandise that will be acceptable. Alternate offers will be considered and must include descriptive literature and/or specifications. Failure to provide descriptive literature and/or specifications with alternate offers may be cause for disqualification of the bid.

The TOWN shall make the determination as to whether any alternate product or service is or is not equal, and such determination shall be final and binding upon all bidders.

• The bidder shall be responsible for reading carefully, and understanding completely, the requirements and specifications of the items bid upon. Any deviation from specifications listed herein must be clearly indicated, otherwise it will be considered that items offered are in strict compliance with these specifications, and the successful bidder will be held responsible. Therefore deviations must be explained in detail on an attached sheet(s) and itemized by number. Any item(s) that do not meet the TOWN specifications upon delivery will not be accepted and if the item cannot be brought up to specifications in a reasonable time (reasonable time as determined by TOWN), the bidder will be required to compensate the TOWN for difference in price incurred from going to the next low bidder.

6. NO BID

Where more than one item is listed, any items not bid upon shall be indicated "NO BID." If no items are bid on, the "Statement of NO BID" should be returned, with the envelope plainly marked "NO BID" and with the bid number. Failure to do so will be an indication that the bidder does not wish to be considered for future bids.

7. NON-COLLUSION

Bidder certifies that this bid is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a bid for the same materials, services, supplies or equipment, and is in all respects fair and without collusion or fraud.

No premiums, rebates or gratuities permitted; either with, prior to or after any delivery of material or provision of services. Any such violation may result in contract cancellation, return of materials or discontinuation of services and the possible removal from the vendor bid list(s).

8. CONFLICT OF INTEREST

The award is subject to provisions of State Statutes and Town Ordinances. All bidders must disclose with their bid the name of any officer, director or agent who is also an employee of the TOWN. Further, all bidders must disclose the name of any Town employee who owns, directly or indirectly, an interest of ten (10) percent or more in the bidder's firm or any of its branches.

9. LEGAL REQUIREMENTS

Federal, State, County and local laws, ordinances, rules and regulations that in any manner affect the items covered herein apply. Lack of knowledge by the bidder shall in no way be a cause for relief from responsibility.

- (a) Vendors doing business with the TOWN are prohibited from discriminating against any employee, applicant or client because of race, creed, color, national origin, sex, age or non-disqualifying physical or mental disability, with regard to but not limited to the following: employment practices, rates of pay or other compensation methods, and training selection.
- (b) Identical Tie Bids/Proposals shall be awarded in accordance with the preference established in Section 287.087, Florida Statutes, to a vendor submitting the attached Drug-Free Workplace Certification form properly completed and certified. In the event that tie bids are received either from vendors who have all submitted a Drug-Free Workplace Certification or none of whom who have submitted such certification, the award will be made in accordance with TOWN purchasing procedures pertaining to tie bids.
- (c) A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity, crime may not submit a bid on a contract to provide any goods or services to a public entity may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO (Currently \$25,000) for a period of 36 months from the date of being placed on the convicted vendor list.

10. UNIFORM COMMERCIAL CODE

The Uniform Commercial Code (Florida Statutes, Chapter 672) shall prevail as the basis for contractual obligations between the awarded contractor/vendor and the TOWN for any terms and conditions not specifically stated in the Invitation to Bid.

11. MISTAKES

In the event of extension error(s) the unit price will prevail and the bidder's total offer will be corrected accordingly. In the event of addition errors, the extended totals will prevail and the bidder's total will be corrected accordingly. If there is a difference between the written price and the numerical price, the written price shall prevail. Bidders must check their bid proposal where applicable. Failure to do so will be at the bidder's risk. Bids having erasures or corrections must be initiated in ink by the bidder.

12. AVAILABILITY OF FUNDS

The obligations of the TOWN under this award are subject to the availability of funds lawfully appropriated for its purpose by the Town Council.

13. EEO STATEMENT

TOWN is committed to assuring equal opportunity in the award of contracts and, therefore, complies with all laws prohibiting discrimination on the basis of race, color, religion, national origin, sex, age and non-disqualifying physical or mental disability.

14. BID FORMS

All bid proposals must be submitted on our standard Invitation to Bid form. Bid proposals on vendor quotation forms will not be accepted.

15. CONTRACTUAL AGREEMENT

This Invitation to Bid shall be included and incorporated in the final award. The order of contractual precedence will be the purchase order or price agreement bid document (original Terms and Conditions) and response. Any and all legal action necessary to enforce the award will be held in Palm Beach County and the contractual obligations will be interpreted according to the laws of Florida. Any additional contract or agreement requested for consideration by vendor must be enclosed as part of the bid response.

16. SUBCONTRACTING

If a vendor subcontracts any portion of a contract for any reason, he/she must state the name and address of the subcontractor and the name of the contact person on the attached "Schedule of Subcontractors Form." TOWN also reserves the right to reject a bid of any bidder if the bid names a subcontractor who has previously failed in the proper performance of an award or failed to deliver on time contracts of a similar nature, or who is not in a position to perform properly under this award. TOWN reserves the right to make a determination as to the foregoing.

17. INFORMATION

Any questions by prospective vendors should be directed to the Purchasing Division contact, noted on page no. 1, who is authorized only to direct inquiries to various portions of the bid so bidders may read and interpret such for themselves. No authorization is allowed by Purchasing personnel to interpret, or give information as to bid requirements in addition to that, which is contained in the original bid document. Interpretation of the bid or additional information as to its requirements, where necessary, shall be communicated to bidders only by written addendum.

18. AWARDS

As the best interest of the Town Council may require, the right is reserved to make award(s) by individual commodities/services, all or none or any combination thereof. A bidder desiring to bid "No Charge" must so indicate, otherwise the bid will be construed as incomplete and may be rejected.

19. PRICES QUOTED

Bidder warrants by virtue of bidding that prices shall remain firm for a period of ninety (90) days from the date of bid opening or time stated in Special Conditions.

20. PAYMENT

Payment will be made by the TOWN after commodities/services have been received, accepted and properly invoiced as indicated in contract and/or order. Invoices must bear the order number. Payment shall be made within 30 days of such acceptance.

21. DISCOUNT

Bidders may offer a discount for prompt payment. However, such discounts will not be considered in determining the lowest net cost for bid evaluation purposes unless otherwise specified in Special Conditions. Bidders should reflect any discounts to be considered in the bid evaluation in the unit prices bid.

22. CERTIFICATIONS

When applicable, vendor must hold Certificate of Competency issued by the State of Florida or the Palm Beach County Construction Industry Licensing Board and a current Occupational License for Palm Beach County. Copy of certificate and license must be submitted with bid and must be in the name of the vendor shown on the Bid Proposal page.

23. LICENSES AND PERMITS

When applicable, it shall be the responsibility of the successful bidder to obtain at no additional cost to the TOWN, any and all licenses and permit required to complete contractual service. A copy of these licenses and permits shall be submitted prior to commencement of work. Permit fees shall be waived for this work, however, the successful vendor must pay any applicable TOWN Occupational License fees.

24. COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH

Bidder certifies that all material, equipment, etc., contained in his/her bid meets all O.S.H.A. requirements. Bidder further certifies that, if he/she is the successful bidder, and the material, equipment, etc., delivered is subsequently found to be deficient in any O.S.H.A. requirement in effect on date of delivery, all costs necessary to bring the material, equipment, etc., into compliance with the aforementioned requirements shall be borne by the bidder.

25. MATERIAL SAFETY DATA SHEET

In compliance with Chapter 442, Florida Statutes, a Material Safety Data Sheet (MSDS) must accompany any toxic substance resulting from this bid. The MSDS must include the following information:

- (a) The identity used on the chemical product's label.
- (b) The chemical and the common name(s) of all ingredients, which have been determined to be a health hazard.
- (c) Physical and chemical characteristics of the hazardous chemicals (i.e. vapor pressure, flashpoint).
- (d) The physical hazards of the hazardous chemical, including the potential for fire, explosion and reactivity.
- (e) The health hazards of the hazardous chemical, including signs and symptoms of exposure.
- (f) The primary route(s) of entry.
- (g) The Occupational Safety and Health Administration (OSHA) permissible exposure limit, American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value, and any other exposure limit used or recommended.
- (h) Whether the hazardous chemical is listed on the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen.
- (i) Any general applicable precautions for safe handling and use that are known.
- (j) Any general applicable control measures, which are known.
- (k) Emergency and first aid procedures.
- (l) The date of MSDS preparation or last change to it.
- (m) The name, address and telephone number of the chemical Manufacturer or importer.

26. SAFETY REGULATIONS

Equipment must meet all State and Federal safety regulations for grounding of electrical equipment.

27. CODES AND REGULATIONS

The vendor must strictly comply with all Federal, State and local building and safety codes.

28. INDEMNIFICATION

To the fullest extent allowed by law the Contractor shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the Town's officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of every kind and character in connection with, or arising directly or indirectly out of or related to this Contract and the Work performed hereunder. Without limiting the generality of the foregoing, Contractor's Indemnity shall include all claims, damages, losses, or expense arising out of or related to personal injury, death, damages to property, defects in materials or workmanship, actual or alleged infringement of any patent, trademark, copyright, proprietary information, or applications of any thereof, or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or order of any court. Contractor agrees to investigate, respond, adjust and provide a defense for, all and any such claims, demands and actions at Contractor's sole expense and agrees to bear and remain liable for all such other costs and expenses relating thereto, even if such claim is groundless, false or fraudulent. Notwithstanding the foregoing, Contractor's Indemnity shall not extend to liability for damages to persons or property to the extent such damage was caused by any act, omission, or default of the Town, or by the Town's officers, agents and employees.

Contractor acknowledges and agrees that TOWN would not enter into a contract without this indemnification of TOWN by Contractor, and that TOWN's entering into a contract shall constitute good and sufficient consideration for this indemnification. These provisions shall survive the expiration or earlier termination of the Contract. Nothing in this Contract shall be construed to affect in any way the TOWN's rights, privileges, and immunities as set forth in Florida Statutes 768.28.

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Consent - Other

Agenda Title

Authorization to Reject All Bids for Concrete Wall Construction at the D-4 Pump Station.

Presenter

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

Supporting Documents

- [Memorandum dated June 18, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Bid Tabulation](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Reject All Bids for Concrete Wall Construction at the D-4 Pump Station

DATE: June 18, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council reject all bids related to Bid No. 2014-19 for Concrete Wall Construction at the D-4 Pump Station.

GENERAL INFORMATION

The Town solicited bids in February 2014 for concrete wall construction at the D-4 Pump Station. Those bids were received on February 20, 2014, and all significantly exceeded the Town's estimate of \$50,000.

About this time, it was decided to merge the D-3/D-4 Electrical Upgrades with the D-4 Pump Station project. Staff is of the opinion that it would be appropriate to reject the bids related to Bid No. 2014-19 and to include the concrete wall work with the pump station project in order to complete the wall in the most cost effective manner.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

Attachment

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer
Charles Langley, P.E., Senior Project Engineer
Lynda Cummings, Purchasing Agent



TOWN OF PALM BEACH

Bid No. 2014-19

**Concrete Wall Construction
D-4 Pump Station**

Tabulation

 TOWN OF PALM BEACH Bid No. 2014-19 Concrete Wall Construction D-4 Pump Station Tabulation				Vendor:		Hinterland Group, Inc.		Murray Logan Construction, Inc.		The Murphy Construction Co.	
Address:				5401 Haverhill Road, Unit 114		313 65th Trail North		1615 Clare Avenue			
Telephone:				West Palm Beach, FL 33407		West Palm Beach, FL 33413		West Palm Beach, FL 33401			
Fax:				561-640-3503		561-686-3948		561-655-3634			
Contact:				561-633-7067		561-686-7465		561-655-3674			
				Daniel Duke III		David A. Loga		Martin E. Murphy			
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total		
1	Mobilization/Demobilization	1	L.S.	\$ 3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00	\$ 16,770.00	\$ 16,770.00		
2	Project Maintenance of Traffic	1	L.S.	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 2,760.00	\$ 2,760.00		
3	Insurance and Indemnification	1	L.S.	\$ 250.00	\$ 250.00	\$ 1,000.00	\$ 1,000.00	\$ 3,150.00	\$ 3,150.00		
4	Permitting	1	L.S.	\$ 250.00	\$ 250.00	\$ 350.00	\$ 350.00	\$ 250.00	\$ 250.00		
5	Concrete Wall	1	L.S.	\$ 69,900.00	\$ 69,900.00	\$ 81,500.00	\$ 81,500.00	\$ 66,990.00	\$ 66,990.00		
6	General Contingency	1	ALLOW	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00		
TOTAL				\$	77,900.00	\$	88,350.00	\$	92,920.00		

Bid Opening: February 20, 2014 2:00 PM

Opened By: *Adis Pedraza*

Witnessed By: *John Cmar*

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Consent - Other

Agenda Title

Approval of Appointments to the Building Board of Adjustments and Appeals.

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated July 2, 2014, from John S. Page, Director of Planning, Zoning and Building](#)
- [Building Board of Adjustments and Appeals Roster](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council
Via: Peter B. Elwell, Town Manager
From: John S. Page, Director of Planning, Zoning & Building
Re: Appointments to the Building Board of Adjustments and Appeals
Date: July 2, 2014

STAFF RECOMMENDATION

Please be advised that the current regular member terms of Vance F. Carpenter and Douglas G. Batten expire in July 2014. Staff recommends that the Town Council reappoint Messrs. Carpenter and Batten as regular members of the Building Board of Adjustments and Appeals.

GENERAL INFORMATION

The Building Board of Adjustments and Appeals “shall be composed of individuals with knowledge and experience in the technical codes to include an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there shall be two alternate members, one member with the qualifications referenced above and one member at large from the public.”

Messrs. Carpenter and Batten have submitted applications indicating that they are interested in continuing to serve on the Building Board of Adjustment and Appeals. Members may serve an unlimited number of terms on the Building Board of Adjustments and Appeals. No other persons have submitted applications or letters of interest for these appointments.

attachments

JSP:cmd

cc: Susan A. Owens, Town Clerk
William Bucklew, Building Official

March 20, 2014

BUILDING BOARD OF ADJUSTMENTS AND APPEALS

CHAIRMAN

~~Ames Bennett, Architect~~ **(Deceased 9/4/2013)(Vacant seat)**
217 Peruvian Avenue #4
Palm Beach, FL 33480

Phone: 655-0555
Fax: 655-1232

First Appointed - 7/85	Term Expires - 3/88
Re-appointed - 3/88	Term Expires - 3/89
Re-appointed - 3/89	Term Expires - 7/91
Re-appointed - 6/91	Term Expires - 7/94
Re-appointed - 7/94	Term Expires - 7/97
Re-appointed - 7/97	Term Expires - 7/2000
Re-appointed - 7/00	Term Expires - 7/2003
Re-appointed - 7/03	Term Expires - 7/2006
Re-appointed - 7/06	Term Expires - 7/2009
Re-appointed - 7/09	Term Expires - 7/2012
Re-appointed - 7/12	Term Expires - 7/2015

VICE CHAIRMAN

John Nora Jr., **General Contractor**
10316 Seagrape Way
Palm Beach Gardens, FL 33418

Phone: 622-4563
Fax: 622-4563

First Appointed - 7/85	Term Expires - 3/88
Re-appointed - 3/88	Term Expires - 3/89
Re-appointed - 3/89	Term Expires - 7/91
Re-appointed - 6/91	Term Expires - 7/94
Re-appointed - 7/94	Term Expires - 7/97
Re-appointed - 7/97	Term Expires - 7/2000
Re-appointed - 7/00	Term Expires - 7/2003
Re-appointed - 7/03	Term Expires - 7/2006
Re-appointed - 7/06	Term Expires - 7/2009
Re-appointed - 7/09	Term Expires - 7/2012
Re-appointed - 7/12	Term Expires - 7/2015

Vance Carpenter, **Electrical Contractor**
Carpenter Electric Inc.
1333 53rd Street
West Palm Beach, FL 33407

Phone: 848-7881

First Appointed - 2/92	Term Expires - 7/93
Re-appointed - 7/93	Term Expires - 7/96
Re-appointed - 7/96	Term Expires - 7/99
Re-appointed - 7/99	Term Expires - 7/2002
Re-appointed - 7/2002	Term Expires - 7/2005
Re-appointed - 8/2005	Term Expires - 7/2008
Re-appointed - 8/12/2008	Term Expires - 7/2011
Re-appointed - 7/12/2011	Term Expires - 7/2014

Sanford J. Klion, **Engineer**
2773 South Ocean Boulevard #210
Palm Beach, FL 33480

Phone: 547-6555

First Appointed - 7/2004	Open Term as Alternate Member
Appointed 8/2005	Term Expires - 7/2008 (Regular Member)
Re-appointed 8/12/2008	Term Expires - 7/2011
Re-appointed 7/12/2011	Term Expires - 7/2014

John C. Cassidy Jr., **Air Conditioning Contractor**
P.O. Box 2716
West Palm Beach, FL 33402

Phone: 832-0416

First Appointed - 10/1/2004	Open Term as Alternate Member
Appointed 7/10/2007	Term Expires - 7/2010 (Regular Member)
Re-appointed 7/13/2010	Term Expires - 7/2013
Re-appointed 7/9/2013	Term Expires - 7/2016

Timothy Benitz, **General Contractor**
50 Rutland Boulevard
West Palm Beach, FL 33405

Phone: 659-4024

First Appointed - 8/9/2005	Open Term as Alternate Member
Appointed 7/10/2007	Term Expires - 7/2010 (Regular Member)
Re-appointed 7/13/2010	Term Expires - 7/2013
Re-appointed 7/9/2013	Term Expires - 7/2016

Douglas G. (Gregg) Batten, **General Contractor**
Batten Construction Inc.
1400 Clare Avenue
West Palm Beach, FL 33401

Phone: 820-0027 x 102

First Appointed - 8/12/2008	Term Expires: 7/2011 (Regular Member)
Re-appointed 7/12/2011	Term Expires 7/2014

Brian K. Lee, **General Contractor**
South Ocean Builders
1325 S. Killian Drive, Ste. 1
Lake Park, FL 33403

Phone: 533-3888

First Appointed - 8/12/2008	Open Term as Alternate Member - may serve indefinitely
-----------------------------	--

Robert L. Moore, **General Public** (Building Official and former Dir. of PZ&B) Phone: 366-8188
420 Santa Fe Road
West Palm Beach, FL 33406

First Appointed - 8/12/2008	Open Term as Alternate Member - may serve indefinitely
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TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of June 11, 2014.

Presenter

Penelope D. Townsend, Chair

Supporting Documents

- [Report of the Ordinances, Rules, & Standards Committee Meeting of June 11, 2014](#)

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON WEDNESDAY, JUNE 11, 2014**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Wednesday, June 11, 2014, at 1:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

Motion was made by Committee Member Pucillo, and seconded by Committee Chair Townsend, to approve the Agenda. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. New Business

1) Consideration of a Town Ordinance Prohibiting Sale of Animals and Fowl

Deputy Town Manager Bradford provided an overview of the item and the Village of Wellington ordinance regarding same.

Discussion ensued regarding the Wellington ordinance, allowing animal rescue group events, not prohibiting pet stores or presupposing that all pet stores are supplied by “puppy mills”, and federal and commerce laws.

Laurie Brown, Wellington, spoke regarding the accounts that she had heard regarding the health and deaths of dogs bought in pet stores, and spoke regarding the efforts other municipalities have undertaken to combat the puppy mill problem. She also provided a background on how poor the industry is regulated and the legal minimum standards for housing dogs. She spoke regarding animal shelters and stated that this is also a taxpayer and consumer protection issue.

1 Discussion ensued regarding prohibitions on interstate commerce and
2 justifications for such ordinances.
3

4 Terry Mersentes, associated with the Humane Society of the United States
5 and Tri-County Humane Society Board Member, spoke regarding the
6 organizations' legislative measures for animal welfare, the state of the
7 animals that come into the shelters, the costs to taxpayers and private
8 organizations, consumer protection, emotional protection, and a puppy
9 mill in the Acreage where 67 animals were seized. She stated that the
10 animal welfare regulations are too weak and easy to evade. She
11 recommended some of the models used such as Pet Smart and PetCo that
12 do dog and cat adoptions, but also sell fish and other small animals. She
13 stated that she is not in support of any sale of animals on store premises.
14

15 Rich Anderson, Executive Director Peggy Adams Rescue League, spoke
16 regarding the number of pets already available in shelters. This is a
17 consumer protection, taxpayer, and humane issue. He stated that the fact
18 that there aren't any pet stores in the Town already gives the Town a great
19 advantage in this effort and that momentum is gaining on this issue. He
20 stated that he is not in support of any sale of animals on store premises.
21

22 Assistant Planning, Zoning, and Building Director Close stated that there
23 is a pet store in town, but that it sells retail items and offers grooming
24 services only.
25

26 Town Attorney Randolph stated that one option is to amend the Code to
27 prohibit the sale of pets within stores within the town. If the town does
28 choose that option, he recommended doing a zoning in progress. He
29 concurred that the fact that there aren't any pet stores in the Town
30 simplifies the matter.
31

32 Raychel Houston, Parking/Code Enforcement Manager, stated that Palm
33 Beach Gardens put this matter under their animal ordinance, not their
34 zoning ordinance, and spoke regarding some of the other provisions in
35 their ordinance.
36

37 Discussion ensued regarding the enforcement of a prohibition on the sale
38 of animals unless they came from an animal rescue organization or a
39 public animal shelter.
40

41 Heidi Nelson, Peggy Adams Animal Rescue, stated that any animal that
42 they have for adoption in a store is required to have a health certificate and
43 a rabies certificate signed by a veterinarian. Palm Beach County Code
44 also requires that any pet for sale in a store has the origin of the pet listed.
45

Parking/Code Enforcement Manager Houston stated that the Town could enforce the ordinance with that documentation.

Discussion ensued regarding the City of Miami Beach ordinance which prohibits the sale of animals unless they come from an animal rescue organization or a public animal shelter, and whether or not the ordinance should be adopted under the zoning ordinance or the animal ordinance.

Motion was made by Committee Chair Townsend, and seconded by Committee Member Pucillo, to recommend that the Town Council approve an ordinance prohibiting the sale of animals unless they come from an animal rescue organization or a public animal shelter, as modeled in the City of Miami Beach ordinance. The Council President and Town Manager shall decide if the ordinance shall go on the July 15, 2014, Town Council meeting agenda for first reading or for discussion. Included with the ORS Report will be a copy of the draft ordinance. On call for a vote, the motion carried unanimously.

V. ANY OTHER MATTERS

Committee Chair Townsend spoke regarding the scheduling of the next ORS meeting.

Deputy Town Manager Bradford stated that ORS needs to meet in July to discuss an ordinance protecting the Town seal, vehicles for hire, and a number of to-do list items that Committee Chair Townsend wants to bring forward.

It was the consensus of the Committee to schedule the next meeting for July 17, 2014, following the special meeting on the budget.

VI. ADJOURNMENT

There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Wednesday, June 11, 2014, was adjourned at 2:00 p.m.

APPROVED:

Penelope D. Townsend
Chair

ATTEST:

Susan A. Owens, MPA, MMC, Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 81-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning a Portion of an Existing Public Utility Easement Within the Property Commonly Known as Lot 6 Ocean Lane, in the Town of Palm Beach, Florida.

Deferred from the June 10, 2014, Town Council Meeting.

Presenter

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

Supporting Documents

- [Memorandum dated June 30, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 81-2014](#)
- [Notification To Property Owner](#)
- [Published Legal Ad](#)
- [Exhibit A](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Vacate and Abandon a Portion of Existing Public Utility
Easement – Lot 6 Ocean Lane
Resolution No. 81-2014

Date: June 30, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 81-2014, authorizing the abandonment of a portion of the public utility easement located on Lot 6 Ocean Lane to allow construction of a new single family residence on Lots 5 and 6. If Town Council approves the abandonment of the utility easement, said approval should be with the condition that the owner shall pay all fees related to implementing the abandonment, including but not limited to recording fees.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon a portion of the public utility easement on Lot 6 – Ocean Lane. The easement to be abandoned is shown as Exhibit “A” to the proposed resolution. An application fee of \$1,000 was received with the application for abandonment.

All utilities have been contacted and have agreed to the abandonment as described. The only existing utility in the easement is providing service to this property and will be re-established without the need for a new easement.

Notification letters were sent to the neighboring property owners within 300 feet of the easement to be abandoned. To date no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

No property is being gained by owner by virtue of the abandonment of the public utility easement, therefore a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
 William K. Francis, P.E., Town Engineer
 Martin Gauthier, P.E., Planning, Zoning & Building Project Engineer
 Allen Powery, Public Works Inspector

RESOLUTION NO. 81-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF AN EXISTING PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY COMMONLY KNOWN AS LOT 6 OCEAN LANE, IN THE TOWN OF PALM BEACH, FLORIDA.

* * * * *

WHEREAS, the owner of the land hereinafter described has proposed the construction of a new single family residence on Lots 5 and 6 Ocean Lane; and

WHEREAS, it is necessary to abandon the certain portions of the public utility easements on Lot 6 Ocean Lane which will conflict with the construction of that new single family residence; and

WHEREAS, all utilities have agreed to the abandonment of the existing easement; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easement located on Lot 6, Ocean Lane as described below is no longer necessary and does not serve any public purpose nor is it necessary for public use.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. That the easement described and illustrated on Exhibit A on Lot 6, Ocean Lane is hereby vacated and abandoned.

Section 3. The Town Clerk is hereby authorized to advertise and record the Resolution pursuant to law.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



TOWN OF PALM BEACH

Public Works Department

NOTIFICATION TO PROPERTY OWNER REGARDING TOWN OF PALM BEACH ABANDONMENT OF DEDICATED PUBLIC PROPERTY (RIGHT-OF-WAY AND EASEMENTS)

All property owners within a three hundred-foot radius of the subject property are hereby being notified by registered mail of the proposed abandonment of the right-of-way, on the subject property.

This notice is being provided to you in conjunction with the review by the Town Council of this matter.

Please be advised the Town Council will consider the following matter on July 15, 2014. The meeting will begin at 9:30 a.m. at the Council Chambers 360 S. County Road, P.O. Box 2029, Palm Beach, Florida 33480.

Subject Property Address: 5 and 6 Ocean Lane
Palm Beach, FL

Applicant: 6 Ocean Lane, LLC

Project Description: Abandonment of a Portion of Existing Public Utility Easement

This notification is not to solicit your approval or disapproval. If you desire, you may file your comments in writing before the meeting or you may attend the meeting to speak on the matter. The application and plans are on file in the Public Works Department and are available for review Monday through Friday between 8:30 a.m. and 4:30 p.m.

If we can be of further assistance, please contact the Public Works Department at 561-838-5440.

Employment

Drivers/Logistics/Transportation

DRIVERS - Now Hiring Day & Evening Shifts; Also Part Time Shifts

Local passenger transportation co has 34+ immediate openings. Must be 25 yrs old, w/ 3+ yrs clean FL driving record. Fluent English, DOR Free, DOT Physical. **START NOW! APPLY AT:**
230 Truck & Trailer Way, WPT 33413
OR CALL NOW
* Yellow Cab 561-242-6400
* ParTransit 561-616-2800 EOE

Medical/Health

APPOINTMENT SCHEDULER, F/T Mon-Fri. Busy GI practice in the Lake Worth area. MEDICAL EXP a must. Good salary & benefits. Fax 561-434-0598

CNA Become a CNA! 1 & 2 Wk Day/Eve EKG/Phleb Prep/Nat'l test/On-Site CNA Testing Call NOW! Paramount Training 561-840-6804 or visit www.fastCNA.com

MEDICAL ASSISTANT Must be fluent in English/Spanish. Must have experience in Pediatrics & Electronic medical records (Office Notes). Fax: 561-641-0813

MEDICAL RECORDS / EMR, F/T Mon-Fri. Busy GI practice in the Boynton Beach area. 3+ years exp a must. Good salary & benefits. Fax 561-752-3837

Other Employment

Call Center Reps

10 Immediate Openings. Day/Evening Shifts. FT/PT. \$8/hr Paid Training. Make up to \$11 + Bonus. 561-434-7833

Non-Profit Fundraisers

\$8/hr to \$11/hr + BONUS. FT/PT. Immediate openings. No experience; paid training! Lake Worth 561-649-4308

Hire Me

CERTIFIED HHA/COMPANION for the elderly. Over 18 years experience. Excellent references. Honest, reliable. Call available. PB, WFB, Boca, Jupiter, Juno Beach and surrounding areas. 561-628-7306

Planning a Garage Sale?
Call (561) 820-4343 to advertise.

COMPANION/HOUSEKEEPER Can travel, driver's license. Full time. Honest, reliable, dependable. References available. Call Miriam (561) 310-5861

WANT TO BUY A HOME?

Look to the Real Estate section of The Post's Classified.

The Palm Beach Post
PalmBeachPost.com

CLASSIFIED ACTION

Legal Notices

ALL STAR TOWING, LLC WILL SELL AT PUBLIC SALE AT AUCTION THE FOLLOWING VEHICLES TO SATISFY LIEN PURSUANT TO CHAPTER 713.585 OF THE FLORIDA STATUTES. VEHICLES WILL BE AUCTION AT 1781 NW 1ST COURT BOCA RATON, FL 33432 START AT 9:00 AM JULY 10TH, 2014 2003 HD MOTORCYCLE VIN 5HD18WB1X3Y034449 AND 1996 LINCOLN VIN 4T1UNMB1V8T639070. 2005 PT CRUISER VIN 3C3A7V58T313022. PUB: The Palm Beach Post 6-26/2014 #266693

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA
FILE NO. CP2014CP002588
IN RE: ESTATE OF ISOBEL E. BECKER
Deceased.
Division: PROBATE
NOTICE TO CREDITORS
The administration of the Estate of ISOBEL E. BECKER, Deceased, whose date of death was May 1, 2014, is pending in the Circuit Court for Palm Beach County, Florida, Probate Division, the address of which is 205 North Dixie Highway, Room 3.23, West Palm Beach, Florida 33401. The names and addresses of the Personal Representative and the Personal Representative's attorney are set forth below.
All creditors of the Decedent and other persons having claims or demands against Decedent's Estate whom a copy of this Notice is required to be served must file their claims with this Court WITHIN THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.
All other creditors of the Decedent and other persons having claims or demands against Decedent's Estate must file their claims with this Court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.
ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN SECTION 733.702 OF THE FLORIDA PROBATE CODE WILL BE FOREVER BARRED. NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.
The date of first publication of this Notice is June 26, 2014.
Manley P. Caldwell, Jr.
Attorney for Petitioner
Telephone Number: 0011239
E-mail: manley@pccattorneys.com
930 South Australian Avenue, Suite 600 West Palm Beach, FL 33401
(561) 655-0620
Fax: 561-655-0725
Email: manley@pccattorneys.com
Twitter: @pccattorneys
CHARLES DOMERS
Petitioner
PUB: The Palm Beach Post 6-26/2014 #266657

NOTICE

Dr. Jordan J. Miller of Palm Beach Dermatology, located at 5053 S. Congress Ave. #204, Lake Worth, FL 33467 will be relocating out of state after June 12, 2014. Medical records can be obtained by calling (561) 969-7300.
PUB: The Palm Beach Post 6-19, 6-26, 7-3, 7-10/2014 #260139

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Palm Beach, Florida, at a regular meeting to be held on July 15, 2014, beginning at 9:30 a.m. in the Council Chambers of the Town Hall, 360 South County Road, Palm Beach, Florida will have on the Agenda the following:

PETITION FOR THE ABANDONMENT OF A 6 FOOT PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY COMMONLY KNOWN AS LOT 6 OCEAN LANE IN THE TOWN OF PALM BEACH, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT TO BE ABANDONED:

THAT PORTION OF THE 5 FOOT PUBLIC UTILITY EASEMENT WITHIN LOT 6 OF OCEAN LANE SUBDIVISION, LYING EAST OF AND PARALLEL TO THE WEST LINE OF LOT 6, RESERVED IN THE PLAT OF OCEAN LANE SUBDIVISION RECORDED IN PLAT BOOK 24, PAGE 60 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

This application for abandonment has been filed by 6 Ocean Lane, LLC, 41 SE 5th St, Second Floor, Boca Raton, Florida 33432. ALL PERSONS INTERESTED in this matter may appear before the Town Council of the Town of Palm Beach at the time and place aforesaid and be heard.

SHOULD ANY INTERESTED PARTY SEEK TO APPEAL, ANY DECISION MADE BY THE TOWN COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, SAID PARTY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. 286.0105, F.S.
H. Paul Brazil, P.E.
Director, Department of Public Works
Town of Palm Beach
PUB: The Palm Beach Post 6-26/2014 #267021

Notice is hereby given that July 12, 2014 and continuing from day to day, until all goods are sold or otherwise disposed of at the Storage Pros, 330 Business Parkway Royal Palm Beach, FL 33411 #1521 William Charbonneau #0411 Erica Kelly
PUB: The Palm Beach Post 6-26, 7-3/2014 #266870

PUBLIC CASH AUCTION
Storage Boynton Beach, 2951 W 14th Place Boynton Beach, FL 33426 on Wednesday, July 16, 2014 at 11:00 am, we will auction per FL ST. 83.806 The following items are delinquent in rent and fees:
C709 Aloures Owens Assorted Furniture, Personal Items
C745 William Thomas Boxes

Legal Notices

services contracts and the numbers of these same business types who are actually participating in these same types of contracts with the County and is so, whether such disparity can be attributed to discrimination.
Please visit the Palm Beach County Purchasing Department website at: www.pbcgov.com/purchasing
PUB: The Palm Beach Post 6-26, 7-3/2014 #264555

Legal Fictitious Names

Notice Under Fictitious Name Law Pursuant to Section 855.09, Florida Statutes
NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of SHUTTER ORCHIDS, located at 540 E. Tall Oaks Dr., in the County of Palm Beach, in the City of Palm Beach Gardens, Florida 33410, intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida.
Dated at West Palm Beach, Florida this 6-26/2014
Pamela McGahee
PUB: The Palm Beach Post #266961

Legal Foreclosures

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR SAINT LUCIE COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 562012CA004400A000XXXXH
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION Plaintiff, vs. RUBY T. WILLIAMS, et al Defendants. / NOTICE OF FORECLOSURE SALE NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of foreclosure dated June 5, 2014, and entered in Case No. 562012CA004400A000XXXXH of the Circuit Court of the NINETEENTH Judicial Circuit in and for SAINT LUCIE COUNTY, Florida, wherein JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, is Plaintiff, and RUBY T. WILLIAMS, et al are Defendants, the clerk will sell to the highest and best bidder for cash, beginning at 08:00 AM at www.stlucie.clerkaction.com. In accordance with Chapter 45, Florida Statutes, on the 31 day of July, 2014, the following described property as set forth in said Final Judgment, to wit: Lots 9 and 10, Block 10 of Silver Lake Park Addition, according to the Plat thereof, as recorded in Plat Book 10, page 8, of the Public Records of St. Lucie County, Florida.

Any person claiming an interest in the surplus funds from the sale, if any, other than the person(s) who are the date of the lis pendens must file a claim within 60 days after the sale.
Dated: June 17, 2014
Phelan Hallinan, PLC
Attorneys for Plaintiff
2727 West Cypress Creek Road
Ft. Lauderdale, FL 33309
Tel: 954-462-7000
Fax: 954-462-7001
Service by e-mail:
FLService@PhelanHallinan.com
By: /s/ Heather J. Koch
Phelan Hallinan, PLC
Heather J. Koch, Esq.,
Florida Bar No. 89107
Emilio R. Lenzi, Esq.,
Florida Bar No. 0668273
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
SPANISH Si usted es una persona discapacitada que necesita alguna adaptacion para poder participar de este procedimiento o evento, usted tiene derecho, sin costo alguno a que se le provea cierta ayuda. Favor de comunicarse con Corrie Johnson, Coordinadora de A.D.A., 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 por lo menos 7 dias antes de que tenga que comparecer en corte o inmediatamente despues de haber recibido esta notificacion si es que falta menos de 7 dias para su comparecencia. Si tiene una discapacidad auditiva o de habla, llame al 711.
KREYOL Si ou se yon moun ki kokobe ki bezwen asistans ou aparey pou ou ka patisipeen prosedusa-a, ou gen dwa san ou pa bezwen peye anyen pou ou jwen on seri de ed. Tanpri kontakte Corrie Johnson, Co-ordinator ADA, 250 NW Country Club Drive, suite 217, Port St. Lucie, FL 34986, (772) 807-4370 /mwen 7 jou avan ke ou gen pou ou paret nan tribinal, ou imediatman ke ou resevwa avis sa-a ou si le ke ou gen pou-ou ale nan tribinal-la mwens ke 7 jou; Si ou pa ka tande ou pale byen, rele 711.
PUB: The Palm Beach Post 6-19, 6-26/2014 #263995

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE COUNTY, FLORIDA
CASE NO. 56-2013-CA-000293
WELLS FARGO BANK, N.A., Plaintiff(s), vs. ANDREA SUTHERLAND, PERSONAL REPRESENTATIVE OF THE ESTATE OF CAROL, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Judgment, Final Judgment

Legal Foreclosures

Fax: 561.392.6965
BY: Nalini Singh, Esq.
Fla. Bar #43700
Primary E-Mail: ServiceMail@acliawlp.com
IMPORTANT
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
PUB: The Palm Beach Post 6-26, 7-3/2014 #266633

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR SAINT LUCIE COUNTY, FLORIDA
CIVIL DIVISION
CASE NO.: 562012CA003881A000XXXXH
WELLS FARGO BANK, NA Plaintiff, vs. LILLIAN ROSARIO STEWART A/K/A LILLIAN STEWART A/K/A LILLIAN (CHARO) STEWART A/K/A LILLIAN R. STEWART, et al Defendants.
RE-NOTICE OF FORECLOSURE SALE
RE-NOTICE IS HEREBY GIVEN pursuant to an Order Granting Plaintiff's Motion to Reschedule Foreclosure Sale filed May 12, 2014 and entered in Case No. 562012CA003881A000XXXXH of the Circuit Court of the NINETEENTH Judicial Circuit in and for SAINT LUCIE COUNTY, Florida, wherein WELLS FARGO BANK, NA, is Plaintiff, and LILLIAN ROSARIO STEWART A/K/A LILLIAN STEWART A/K/A LILLIAN (CHARO) STEWART A/K/A LILLIAN R. STEWART, et al are Defendants, the clerk will sell to the highest and best bidder for cash, beginning at 08:00 AM at www.stlucie.clerkaction.com, in accordance with Chapter 45, Florida Statutes, on the 14 day of August, 2014, the following described property as set forth in said Lis Pendens, to wit: CONDOMINIUM UNIT 201, ATLANTIS III BY THE SEA, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 376, PAGE 412 AND ANY AMENDMENTS THEREOF; TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS DECLARED IN SAID DECLARATION OF CONDOMINIUM TO BE APPURTENANCE TO THE ABOVE DESCRIBED UNIT; SAID INSTRUMENTS BEING RECORDED AND SAID LAND SITUATE, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.
Any person claiming an interest in the surplus funds from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim within 60 days after the sale.
Dated: June 13, 2014
Phelan Hallinan, PLC
Attorneys for Plaintiff
2727 West Cypress Creek Road
Ft. Lauderdale, FL 33309
Tel: 954-462-7000
Fax: 954-462-7001
Service by email:
FLService@PhelanHallinan.com
By: /s/ Heather J. Koch
Phelan Hallinan, PLC
Heather J. Koch, Esq.,
Florida Bar No. 89107
Emilio R. Lenzi, Esq.,
Florida Bar No. 0668273
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
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KREYOL Si ou se yon moun ki kokobe ki bezwen asistans ou aparey pou ou ka patisipeen prosedusa-a, ou gen dwa san ou pa bezwen peye anyen pou ou jwen on seri de ed. Tanpri kontakte Corrie Johnson, Co-ordinator ADA, 250 NW Country Club Drive, suite 217, Port St. Lucie, FL 34986, (772) 807-4370 /mwen 7 jou avan ke ou gen pou ou paret nan tribinal, ou imediatman ke ou resevwa avis sa-a ou si le ke ou gen pou-ou ale nan tribinal-la mwens ke 7 jou; Si ou pa ka tande ou pale byen, rele 711.
PUB: The Palm Beach Post 6-19, 6-26/2014 #263995

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 50 2009 CA 004858 XX
HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR THE HOLDERS OF NOMUR HOME EQUITY LOAN, INC. HOME EQUITY LOAN TRUST, SERIES 2007-1 Plaintiff, vs. MARIA RIVERA, et al., Defendant(s).

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE COUNTY, FLORIDA
CASE NO. 562012CA001754A000XXXXH
DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2007Q58, Plaintiff(s), vs. JOAN L JOHNSON F/K/A JOAN S LANGE, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Judgment. Final Judgment was awarded on June 2, 2014 in Civil Case No. 562012CA001754A000XXXXH, of the Circuit Court of the NINETEENTH Judicial Circuit in and for ST. LUCIE COUNTY, Florida, wherein, DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2007Q58, is the Plaintiff and JOAN L JOHNSON F/K/A JOAN S LANGE, et al., is the Defendant.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE COUNTY, FLORIDA
CASE NO. 562012CA001754A000XXXXH
DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2007Q58, Plaintiff(s), vs. JOAN L JOHNSON F/K/A JOAN S LANGE, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Judgment. Final Judgment was awarded on June 2, 2014 in Civil Case No. 562012CA001754A000XXXXH, of the Circuit Court of the NINETEENTH Judicial Circuit in and for ST. LUCIE COUNTY, Florida, wherein, DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2007Q58, is the Plaintiff and JOAN L JOHNSON F/K/A JOAN S LANGE, et al., is the Defendant.

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR ST. LUCIE COUNTY, FLORIDA
CASE NO. 562012CA001754A000XXXXH
DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2007Q58, Plaintiff(s), vs. JOAN L JOHNSON F/K/A JOAN S LANGE, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Judgment. Final Judgment was awarded on June 2, 2014 in Civil Case No. 562012CA001754A000XXXXH, of the Circuit Court of the NINETEENTH Judicial Circuit in and for ST. LUCIE COUNTY, Florida, wherein, DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RALI 2007Q58, is the Plaintiff and JOAN L JOHNSON F/K/A JOAN S LANGE, et al., is the Defendant.

Legal Foreclosures

IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE.
Dated this 23rd day of June, 2014, Aldridge Connors, LLP
Attorney for Plaintiff(s)
1615 South Congress Avenue, Suite 200 Delray Beach, FL 33445
Phone: 561.392.6391
Fax: 561.392.6965
BY: Nalini Singh, Esq.
Fla. Bar #43700
Primary E-Mail: ServiceMail@acliawlp.com
IMPORTANT
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Germaine English, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
PUB: The Palm Beach Post 6-26, 7-1/2014 #266506

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR ST. LUCIE COUNTY
GENERAL JURISDICTION DIVISION
CASE NO. 2009CA005354
U.S. BANK NATIONAL ASSOCIATION, Plaintiff, vs. ANTHONY T. MULL, ET AL., Defendants.
NOTICE OF FORECLOSURE SALE
NOTICE IS HEREBY GIVEN pursuant to a Final Judgment of Foreclosure entered March 6, 2014 in Civil Case No. 2009CA005354 of the Circuit Court of the NINETEENTH Judicial Circuit in and for St. Lucie County, Florida, wherein U.S. BANK NATIONAL ASSOCIATION is Plaintiff and ANTHONY T. MULL; MARCIA C. MULL; JOHN DOE AS UNKNOWN TENANT IN POSSESSION; JANE DOE AS UNKNOWN TENANT IN POSSESSION; AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER OR AGAINST THE ABOVE NAMES, DEFENDANT(S), WHO (S) ARE NOT KNOWN TO BE SEAS OR ALIVE, WHETHER SAID UNKNOWN PARTIES CLAIM AS HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES, SPOUSES, OR OTHER CLAIMANTS, are Defendants, the clerk of Court will sell to the highest and best bidder for cash electronically at <https://stlucie.clerkaction.com> in accordance with Chapter 45, Florida Statutes on the 9th day of July, 2014 at 08:00 AM on the following described property as set forth in said Summary Final Judgment, to wit: Lot 17, Block J, MARAVILLA ESTATES, according to the plat thereof, recorded in Plat Book 8, Page 77, Public Records of St. Lucie County, Florida.
Any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim within 60 days after the sale.
Dated: June 13, 2014
Phelan Hallinan, PLC
Attorneys for Plaintiff
2727 West Cypress Creek Road
Ft. Lauderdale, FL 33309
Tel: 954-462-7000
Fax: 954-462-7001
Service by email:
FLService@PhelanHallinan.com
By: /s/ Heather J. Koch
Phelan Hallinan, PLC
Heather J. Koch, Esq.,
Florida Bar No. 89107
Emilio R. Lenzi, Esq.,
Florida Bar No. 0668273
If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
SPANISH Si usted es una persona discapacitada que necesita alguna adaptacion para poder participar de este procedimiento o evento, usted tiene derecho, sin costo alguno a que se le provea cierta ayuda. Favor de comunicarse con Corrie Johnson, Coordinadora de A.D.A., 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 por lo menos 7 dias antes de que tenga que comparecer en corte o inmediatamente despues de haber recibido esta notificacion si es que falta menos de 7 dias para su comparecencia. Si tiene una discapacidad auditiva o de habla, llame al 711.
KREYOL Si ou se yon moun ki kokobe ki bezwen asistans ou aparey pou ou ka patisipeen prosedusa-a, ou gen dwa san ou pa bezwen peye anyen pou ou jwen on seri de ed. Tanpri kontakte Corrie Johnson, Co-ordinator ADA, 250 NW Country Club Drive, suite 217, Port St. Lucie, FL 34986, (772) 807-4370 /mwen 7 jou avan ke ou gen pou ou paret nan tribinal, ou imediatman ke ou resevwa avis sa-a ou si le ke ou gen pou-ou ale nan tribinal-la mwens ke 7 jou; Si ou pa ka tande ou pale byen, rele 711.
PUB: The Palm Beach Post 6-19, 6-26/2014 #263995

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 502009CA031551XXXXMB
BANK OF AMERICA, N.A., Plaintiff, vs. FRANCISCO A SANCHEZ, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Summary Judgment. Final Judgment was awarded on May 20, 2014 in Civil Case No.: 502009CA031551XXXXMB, of the Circuit Court of the FIFTEENTH Judicial Circuit in and for PALM BEACH COUNTY, Florida, wherein, FLAGSTAR BANK, FSB is the Plaintiff, and, GABRIEL RAMIREZ; GRETER FERNANDEZ; CITIZENS EQUITY FIRST CREDIT UNION; HOMEOWNERS' ASSOCIATION OF PALAUDES INC.; AND UNKNOWN TENANT(S) IN POSSESSION are Defendants. The clerk of the court, Sharon R. Bock, will sell to the highest bidder for cash online at www.mypalmbeachclerk.clerkaction.com at 10:00 AM on July 8, 2014, the following described real property as set forth in said Final Summary Judgment, to wit: LOT 9, OF PALISADES, P.U.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 101, PAGE 168, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. Property Address: 1826 PALISADES DRIVE, WEST PALM BEACH, FL 33411
ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE. Dated this 23rd day of June, 2014.
Aldridge Connors, LLP
Attorney for Plaintiff(s)
1615 South Congress Avenue, Suite 200 Delray Beach, FL 33445
Phone: 561.392.6391
Fax: 561.392.6965
By: Nalini Singh, Esq., Fla Bar # 43700
Primary E-Mail: ServiceMail@acliawlp.com
IMPORTANT If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Germaine English, Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
PUB: The Palm Beach Post 6-26, 7-3/2014 #266598

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 502009CA031551XXXXMB
BANK OF AMERICA, N.A., Plaintiff, vs. FRANCISCO A SANCHEZ, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Summary Judgment. Final Judgment was awarded on May 20, 2014 in Civil Case No.: 502009CA031551XXXXMB, of the Circuit Court of the FIFTEENTH Judicial Circuit in and for PALM BEACH COUNTY, Florida, wherein, FLAGSTAR BANK, FSB is the Plaintiff, and, GABRIEL RAMIREZ; GRETER FERNANDEZ; CITIZENS EQUITY FIRST CREDIT UNION; HOMEOWNERS' ASSOCIATION OF PALAUDES INC.; AND UNKNOWN TENANT(S) IN POSSESSION are Defendants. The clerk of the court, Sharon R. Bock, will sell to the highest bidder for cash online at www.mypalmbeachclerk.clerkaction.com at 10:00 AM on July 7, 2014, the following described real property as set forth in said Final Summary Judgment, to wit: LOT 9, OF PALISADES, P.U.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 101, PAGE 168, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. Property Address: 1826 PALISADES DRIVE, WEST PALM BEACH, FL 33411
ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE. Dated this 23rd day of June, 2014.
Aldridge Connors, LLP
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Phone: 561.392.6391
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PUB: The Palm Beach Post 6-26, 7-3/2014 #266598

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 502009CA031551XXXXMB
BANK OF AMERICA, N.A., Plaintiff, vs. FRANCISCO A SANCHEZ, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
NOTICE IS HEREBY GIVEN that Sale will be made pursuant to an Order or Final Summary Judgment. Final Judgment was awarded on May 20, 2014 in Civil Case No.: 502009CA031551XXXXMB, of the Circuit Court of the FIFTEENTH Judicial Circuit in and for PALM BEACH COUNTY, Florida, wherein, FLAGSTAR BANK, FSB is the Plaintiff, and, GABRIEL RAMIREZ; GRETER FERNANDEZ; CITIZENS EQUITY FIRST CREDIT UNION; HOMEOWNERS' ASSOCIATION OF PALAUDES INC.; AND UNKNOWN TENANT(S) IN POSSESSION are Defendants. The clerk of the court, Sharon R. Bock, will sell to the highest bidder for cash online at www.mypalmbeachclerk.clerkaction.com at 10:00 AM on July 7, 2014, the following described real property as set forth in said Final Summary Judgment, to wit: LOT 9, OF PALISADES, P.U.D., ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 101, PAGE 168, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. Property Address: 1826 PALISADES DRIVE, WEST PALM BEACH, FL 33411
ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE. Dated this 23rd day of June, 2014.
Aldridge Connors, LLP
Attorney for Plaintiff(s)
1615 South Congress Avenue, Suite 200 Delray Beach, FL 33445
Phone: 561.392.6391
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IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 502009CA031551XXXXMB
BANK OF AMERICA, N.A., Plaintiff, vs. FRANCISCO A SANCHEZ, et al., Defendant(s).
NOTICE OF FORECLOSURE SALE
PURSUANT TO CHAPTER 45
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ANY PERSON CLAIMING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS PENDENS MUST FILE A CLAIM WITHIN 60 DAYS AFTER THE SALE. Dated this 23rd day of June, 2014.
Aldridge Connors, LLP
Attorney for Plaintiff(s)
1615 South Congress Avenue, Suite 200 Delray Beach, FL 33445
Phone: 561.392.6391
Fax: 561.392.6965
By: Nalini Singh, Esq., Fla Bar # 43700
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PUB: The Palm Beach Post 6-26, 7-3/2014 #266598

Legal Foreclosures

FAST 608.93 FEET TO THE POINT OF BEGINNING.<

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Coastal Matters

a. Coastal Update.

b. RESOLUTION NO. 93-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract for \$17,665,150 to Weeks Marine, Inc., for the Construction of the Mid-Town Beach Renourishment Project, and Establishing a Construction Phase Budget of \$18,548,000 for Said Project, and Authorizing the Town Manager to Take Actions Necessary to Complete Said Services.

c. RESOLUTION NO. 94-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Rio-Bak Corporation, for Reaches 7 and 8 Beach and Dune Truck Haul Project, Per Bid No. 2014-39, in the Amount of \$1,324,880, and Establishing a Total Task Budget of \$1,450,000.

d. RESOLUTION NO. 95-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Fiscal Year 2015-16 Annual Funding Application to the Florida Department of Environmental Protection, Beach Erosion Control Program.

Presenter

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

Supporting Documents

- [b. Memorandum dated June 26, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [b. Resolution No. 93-2014](#)
- [b. Bid Tab](#)
- [c. Memorandum dated July 3, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)

- [c. Resolution No. 94-2014](#)
- [c. Bid Tab](#)
- [d. Memorandum dated July 3, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [d. Resolution No. 95-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for Mid-Town Beach Renourishment Project
Resolution No. 93-2014

Date: June 26, 2014

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 93-2014 awarding a contract to Weeks Marine, Inc., for Mid-Town Beach Renourishment, per Bid No. 2014-35, in the amount of \$17,665,150, and establishing a total task budget of \$18,548,000.

GENERAL INFORMATION

The Town of Palm Beach has actively managed the Mid-Town shoreline with periodic beach nourishment since 1995. During the past 19 years, more than 3 million cubic yards of sand has been placed.

Date	Project Location	Volume (CY)
1995-1996	Clarke Beach to Via Marina	880,000
2003	Via Los Incas to El Brillo Way	1,273,100
2006	Via Los Incas to El Brillo Way	900,000
2011	Clarke Beach to Via Marina	52,000

Total	3,105,100
--------------	------------------

Large scale beach nourishment projects generally have expected project durations of 6 to 8 years before renourishment projects become necessary. The length of time between the initial Mid-Town project and the first renourishment in 2003 was nearly 8 years. As a result of the hurricane seasons of 2004 and 2005, Mid-Town was renourished a second time in 2006, just three years after the 2003 sand placement effort. The 2011 partial nourishment project replaced the sand losses attributed from Tropical Storm Fay in 2008. If Mid-Town is renourished this coming winter, nearly 9 years of time will have elapsed since the last full-scale nourishment project at Mid-Town.

Because the end of the life cycle for the 2006 project has been reached, the condition of the northern section of the Mid-Town project is in an eroded state.

In 2013, the Florida Department of Environmental Protection (FDEP) Palm Beach Island Beach Management Agreement (BMA) was signed. Within this agreement, FDEP provided a list of projects that could receive state regulatory authorization through an Individual Project Approval (IPA), rather than the lengthy Joint Coastal Permit (JCP) process. The first project to be constructed through the BMA/IPA process is the Mid-Town Beach Renourishment project. This project was evaluated through the BMA stakeholder meetings. The purpose of the evaluations was to develop a project that provided shore protection with no impacts to environmental resources. A modified project was developed that expanded the project north into Reach 2 (north of Casa Bendita) and south near Banyan Road in Reach 4. Volume densities nearest to the environmental resources were slightly reduced, but the same overall level of storm protection was maintained in the modified design.

A permit from the U.S. Army Corps of Engineers is required, as well. It is anticipated to be received well in advance of the scheduled commencement of construction of the Mid-Town project.

The unit cost of upland-mined sand is roughly three (3) times the cost of dredged sand. For this reason, The Town's 10-year plan was developed using dredged sand for interim sand placement efforts in Mid-Town, Reach 7, and Reach 8. The volume for the Mid-Town project includes approximately 130,000 cubic yards of sand that will be pumped onto the beaches of Mid-Town, near Peruvian Avenue, to be trucked down into Reaches 7 and 8.

Once the dredge has arrived for the Mid-Town project and while the project is underway in Reach 3, sand will be first excavated from the beach in the Peruvian Avenue vicinity (in Reach 4) and trucked to Phipps Ocean Park for Reach 7. The dredged sand will replenish the beach in the Peruvian Avenue vicinity and a stockpile will be created in this same area to be trucked down to Reach 8 once the dredging project is completed.

Bidding History

Construction for beach nourishment projects in Southeast Florida is only allowed between November 1 and February 28, outside of sea turtle nesting season. With construction-specific sea turtle monitoring tasks conducted, construction can continue to May 1. With this construction window, contractors begin planning their work during the late spring/early summer. The Town's 10-year Coastal Protection Plan was approved in June of 2013 and the funding was approved in October, so the first solicitation of bids for this project occurred in late October. There are only a small number of dredging contractors that are equipped to do this type of work. The bid opening on November 20, 2013 revealed much higher than expected bids. This was an indication that the industry was still busy completing Hurricane Sandy projects and had already scheduled their projects for the winter of 2013/2014.

The following is a summary of the 2013 bids received:

Mid-Town Bid No. 2014-06 Results

Rates	10-Year Plan Estimate	Great Lakes Dredge & Dock Company	Manson Construction Co.
Mobilization	\$2 million	\$11.1 million	\$4.7 million
Average Unit Cost Per Cubic Yard (CY)	\$12	\$15.50	\$16.50
Volume (in CY)	800,000	*875,586	*875,586
Total Project Cost	\$11.6 million	\$27.3 million	\$22.9 million

*Bid included another 159,939 CY to be stockpiled for Reaches 7 and 8

Staff recommended and Town Council approved the rejection of all bids in December 2013 so that the Town could rebid the project in the spring of 2014. Construction was rescheduled for the winter of 2014-2015.

Town staff worked with Palm Beach County Environmental Resources Management (County) staff to solicit bids for the Town's Mid-Town Beach Renourishment and the County's Jupiter/Carlin Shore Protection projects concurrently. Both projects are of similar size, with similar borrow areas, and would require the same equipment to construct. By advertising concurrently, the Town and the County hoped that the prospective contractors would be more competitive with their bids, especially with regard to mobilization costs. On April 20 and 27, 2014, a bid solicitation for the Mid-Town Beach Renourishment project was published. Mid-Town bids were opened on June 6, 2014 and revealed that the 2013 bids were indeed heavily inflated. However, the new bids still exceeded project estimates. The following is a summary of our current bids:

Mid-Town Bid No. 2014-35 Results

Rates	10-Year Plan Estimate	Great Lakes Dredge & Dock Company	Weeks Marine, Inc.
Mobilization	\$2 million	\$5.5 million	\$3.2 million
Average Unit Cost Per Cubic Yard (CY)	\$12	\$8.50	\$14.87
Volume (in CY)	800,000	918,500	918,500
Total Project Cost	\$11.6 million	*\$13.5 million	\$17.6 million

*Bid was conditioned by GLDD and deemed by Town Attorney to be unresponsive to the bid solicitation

The following is a summary of the bids received by the County for the Jupiter/Carlin project that were opened on June 10, 2014:

Palm Beach County Jupiter/Carlin Bid 2014ERM03 Results

Rates	ERM Estimate	Great Lakes Dredge & Dock Company	Weeks Marine, Inc.
Mobilization	\$2.5 million	\$8.95 million	\$6.25 million
Average Unit Cost Per Cubic Yard (CY)	\$12	\$18.55	\$26.75
Volume (in CY)	822,000	822,000	822,000
Total Project Cost	\$12.6 million	\$24.4 million	\$28.6 million

These bids were subsequently rejected by the County, which is instead pursuing an interim truck haul project.

We believe that higher unit costs for the County project are due to the amount of risk that the contractor was to assume because of the presence of rock in the borrow areas. The difference between the Town and the County bids was the Town's permit conditions allow a limited amount of rock and the County's project had no allowable rock. Neither the Town nor the County was willing to assume responsibility for the contractor's actions and an unknown liability for excessive rock placed on the beach.

Results of the Town's two most recent bid solicitations for beach nourishment, as well as the County's recent Jupiter/Carlin bid solicitation, indicate that the work load for the dredging companies is high and the desire to competitively bid projects is relatively low. The industry's hunger for new projects is somewhat difficult to predict. However, the Town and the County cost estimates are still reasonable expectations for beach nourishment and there is no long term trend that the mobilization cost and unit rates need to be increased within the Town's 10-year plan at this time. Revisiting project estimates may need to be done after the bidding process next year for the Phipps Ocean Park/Reach 7 Beach Renourishment project, currently planned for construction during the winter of 2015/2016.

If the Mid-Town project is approved by Town Council, Town staff will receive a schedule from the contractor and provide this information to Town Council with the monthly coastal updates.

FUNDING/FISCAL IMPACT

Sufficient reserves have been accumulated in the Coastal Protection Fund to award both the Mid-Town Beach Renourishment Project and the Reaches 7 and 8 Truck Haul Project (presented as a separate item). The Coastal Protection Fund budget anticipated \$11,600,000 for the Mid-Town Project and \$2,750,000 for the Reaches 7 and 8 Truck Haul Project, totaling \$14,350,000. The proposed construction budgets of \$18,548,000 (Mid-Town) and \$1,450,000 (Reaches 7 & 8) total \$19,998,000. The shortfall of \$5,648,000 can be funded by the current reserves in the Coastal Protection Fund. However, this will reduce those reserves to only \$335,378. Therefore, staff is recommending that the Town Council consider a budget amendment that would transfer \$3,000,000 from "excess" unassigned General Fund reserves to

the Coastal Protection Fund. As described in the recently released FY 2015 proposed budget document, the amount remaining in unassigned General Fund balance after that transfer would still comfortably exceed the 25% minimum required by Town policy. If the Town Council concurs with staff's recommendation, we will present the budget amendment ordinance for first reading at the August 12, 2014, Town Council meeting.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

Town Attorney reviewed the bids and determined that the Great Lakes Dredge & Dock, Inc. bid was non-responsive. This resulted in Weeks Marine, Inc. having the lowest responsible bid.

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

Attachments

cc: Shore Protection Board
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator
Lynda Cummings, Purchasing Agent
Adis Pedraza, Assistant Purchasing Agent

RESOLUTION NO. 93-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$17,665,150 TO WEEKS MARINE, INC., FOR THE CONSTRUCTION OF THE MID-TOWN BEACH RENOURISHMENT PROJECT, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$18,548,000 FOR SAID PROJECT, AND AUTHORIZING THE TOWN MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE SAID SERVICES.

* * * * *

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 awards a contract to Weeks Marine, Inc., in an amount of \$17,665,150 for construction of the Mid-Town Beach Renourishment project, and establishes a construction phase budget of \$18,548,000.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for construction of the Mid-Town Beach Renourishment project with Weeks Marine, Inc.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the said project, 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 15th day of June 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



TOWN OF PALM BEACH

Bid No. 2014-35

MID-TOWN BEACH RENOURISHMENT TABULATION

 TOWN OF PALM BEACH Bid No. 2014-35 MID-TOWN BEACH RENOURISHMENT TABULATION			Vendor: Address: Telephone: Fax: Contact:		Great Lakes Dredge & Dock Company, LLC 2122 York Road Oak Brook, IL 60523 630-574-3000 630-574-2909 Russell F. Zimmerman		Weeks Marine, Inc. 304 Gaille Drive, Inwoods Business Park Covington, LA 70433 985-875-2500 986-875-2570 J. Stephen Chatry	
Line	Description /Specification	Qty	Unit	Price per Unit	Total	Price per Unit	Total	
1	Mobilization and Demobilization	1	L.S.	\$5,446,000.00	\$5,446,000.00	\$3,250,000.00	\$3,250,000.00	
2	General Conditions	1	L.S.	\$120,000.00	\$120,000.00	\$500,000.00	\$500,000.00	
3	Site Prep/Staging Areas	1	L.S.	\$15,000.00	\$15,000.00	\$75,000.00	\$75,000.00	
4	Sand Excavation/Placement							
4A.	North Mid-Town	337,300	CY	\$8.35	\$2,816,455.00	\$14.50	\$4,890,850.00	
4B.	South Mid-Town	581,200	CY	\$8.65	\$5,027,380.00	\$15.25	\$8,863,300.00	
5	Traffic Maintenance/MOT	1	L.S.	\$5,000.00	\$5,000.00	\$25,000.00	\$25,000.00	
6	Performance & Payment Bond	1	L.S.	\$65,000.00	\$65,000.00	\$60,000.00	\$60,000.00	
7	Indemnification	1	L.S.	\$165.00	\$165.00	\$1,000.00	\$1,000.00	
TOTAL				\$	13,495,000.00	\$	17,665,150.00	

Conditioned Bid; deviated from requested bid terms
Determined to be Unresponsive/Not to be considered (per Town Att.)

Bid Opened on June 6, 2014 at 2:00 PM

Opened by: John Cmar
Witnessed by: Adis Pedraza

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Contract for Reach 7 and 8 Beach and Dune Truck Haul Project
Resolution No. 94-2014

Date: July 3, 2014

STAFF RECOMMENDATION

If Town Council has approved Resolution No. 93-2014, awarding a contract to Weeks Marine, Inc. for Mid-Town Beach Renourishment, Town staff recommends that the Town Council also approve Resolution No. 94-2014 awarding a contract to Rio-Bak Corporation, for construction of the Reaches 7 and 8 Beach and Dune Truck Haul Project per Bid No. 2014-39, in the amount of \$1,324,880, and establishing a total task budget of \$1,450,000.

If Town Council has rejected all bids for Bid No. 2014-35, Town staff recommends that Town Council also reject all bids for Bid No. 2014-39.

GENERAL INFORMATION

One of the cost efficiencies identified within the 10-year coastal protection plan that was recommended by staff and the Woods Hole Group, Inc. was the use of dredged sand rather than upland-mined sand for interim sand placement projects. That is, when the Mid-Town project is constructed, additional sand is to be dredged onto Mid-Town beach and truck-hauled to Reaches 7 and 8. And, when the Phipps Ocean Park/Reach 7 project is constructed, additional sand is to be dredged onto Reach 7 and truck-hauled to Mid-Town beach (if needed) and Reach 8. This plan anticipates that the more expensive upland-mined sand for emergency projects where State or Federal cost sharing may be more available.

Town staff has solicited bids for a Reaches 7 and 8 truck haul project using offshore sand source for the material. Therefore, this truck haul project is dependent on proceeding with the Mid-Town dredging project.

This truck haul project focuses on the north end of Reach 7, specifically between Sloan's Curve and the Par 3 Golf Course, and Reach 8 (South of the Lake Worth Pier). The project includes approximately 130,000 cubic yards of sand to be placed on the dry beach above the mean high water line between Sloan's Curve and Phipps Ocean Park, to be placed on the beach and into the water between Phipps Ocean Park and the Par 3 Golf Course, and to be placed above the mean high water line south of the Lake Worth pier in Reach 8. This volume of sand will help maintain storm protection in Reaches 7 and 8 until the large project of more than 1 million cubic yards is placed in the winter of 2015/2016 for Reach 7 and a recommended project is determined through the Environmental Impact Statement (EIS) process for Reach 8.

SPECIAL CONSIDERATION

The Reach 8 portion of the project will require a private upland property to provide access for the construction vehicles and trucks. Dune restoration has been performed three (3) times over the past 10 years. Access has previously been provided by Bellaria in 2005 (before the buildings were constructed), 3200 Condominium in 2006, and 3360 Condominium in 2011.

Town staff has reached out to both the 3200 and 3360 condominiums in preparation for Town Council's consideration for this project. On June 18, 2014, Town staff received a letter from 3200 reaffirming their position from a meeting with Town staff on June 3, 2014 in which the property declined to grant access for the project. The 3200 Condominium did state that they would reconsider if no other property in Reach 8 would provide access. Any reconsideration would also likely include compensation beyond site restoration.

Town staff has been in communication with the 3360 Condominium since June 5, 2014 regarding construction access. The most recent correspondence by Town staff via email on June 25, 2014 provided additional project details to both the Coalition to Save Our Shoreline, Inc. (SOS) organization and the 3360 Condominium representatives. At the time this memorandum was drafted, no response from SOS or 3360 has been received.

In summary, the Town has not been successful to date in securing an access point in Reach 8 for dune restoration. Solicitations for both Bid Nos. 2014-35 and 2014-39 include language that contracts can be awarded in their entirety or with specific line items removed. If the Reach 8 portion has to be eliminated for this coming winter of 2014/2015, the Mid-Town Beach Renourishment project would be reduced in cost by \$646,600 (a reduction of 42,400 cubic yards at a unit rate of \$15.25) and the Reaches 7 and 8 Beach and Dune Truck Haul project would be reduced in cost by \$497,745 (eliminating Phase 2).

Access for the Reach 7 portion will occur through the north end of Phipps Ocean Park.

FUNDING/FISCAL IMPACT

Sufficient funds for Reaches 7 and 8 Beach and Dune Truck Haul Project have been included in the FY 2014 Town Council approved Coastal Management Program budget.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Shore Protection Board
Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator
Lynda Cummings, Purchasing Agent
Adis Pedraza, Assistant Purchasing Agent

RESOLUTION NO. 94-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO RIO-BAK CORPORATION, FOR REACHES 7 AND 8 BEACH AND DUNE TRUCK HAUL PROJECT, PER BID NO. 2014-39, IN THE AMOUNT OF \$1,324,880, AND ESTABLISHING A TOTAL TASK BUDGET OF \$1,450,000.

* * * * *

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 awards a contract to Rio-Bak Corporation, Inc. for construction of the Reaches 7 and 8 Beach and Dune Truck Haul Project, per Bid No. 2014-39, in an amount of \$1,324,880, and establishes a total task budget of \$1,450,000.

Section 2: The Town Manager is hereby authorized and directed to execute this contract on behalf of the Town of Palm Beach for this project.

Section 3: The Town Manager, or his designee, is hereby authorized and directed 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 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

**TOWN OF PALM BEACH**

Bid No. 2014-39

**REACHES 7 AND 8 BEACH AND DUNE
TRUCK HAUL PROJECT
Tabulation**

TOWN OF PALM BEACH									
Bid No. 2014- 39									
REACHES 7 AND 8 BEACH AND DUNE TRUCK HAUL PROJECT									
Tabulation									
Vendor:				Bergeron Land Development Inc.	Dev-Land Demolition & Site, Inc.	Eastman Aggregate Enterprises, LLC	Habana Excavating Inc.		
Address:				11440 Okeechobee Blvd Ste 218	11240 Brandywine Lake Way	3705 Bellevue Ave.	2415 Ceciele Ave - Unit D		
Telephone:				Royal Palm Beach, FL 33411	Boynton Beach, FL 33473	Lake Worth, FL 33461	West Palm Beach, FL 33417		
Fax:				561-795-9147	561-585-6370	561-969-7147	561-689-0058		
Contact:				561-795-8837	561-732-0106	561-434-3477	561-689-9603		
				Chad Wrelop	Carl Deveaux	Bernard Eastman	Henry Rodriguez		
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
Phase 1 - Reach 7									
1	Mobilization/Demobilization	1	L.S.	\$22,340.41	\$22,340.41	\$25,000.00	\$25,000.00	\$18,150.00	\$18,150.00
2	General Conditions	1	L.S.	\$167,596.82	\$167,596.82	\$84,910.00	\$84,910.00	\$55,000.00	\$55,000.00
3	Site Prep and Restoration	1	L.S.	\$141,229.63	\$141,229.63	\$25,000.00	\$25,000.00	\$67,650.00	\$67,650.00
4	Sand Procurement/Placement	88,600	C.Y.	\$11.10	\$983,460.00	\$8.50	\$753,100.00	\$7.90	\$699,940.00
5	Traffic Maintenance/MOT	1	L.S.	\$35,806.25	\$35,806.25	\$8,000.00	\$8,000.00	\$1,540.00	\$1,540.00
6	Beach Tilling	1	L.S.	\$2,187.38	\$2,187.38	\$38,000.00	\$38,000.00	\$5,500.00	\$5,500.00
SUBTOTAL - PHASE 1				\$1,352,620.49		\$934,010.00		\$847,780.00	
\$922,431.00									
Phase 2 - Reach 8									
1	Mobilization/Demobilization	1	L.S.	\$14,191.67	\$14,191.67	\$25,000.00	\$25,000.00	\$18,150.00	\$18,150.00
2	General Conditions	1	L.S.	\$49,896.61	\$49,896.61	\$47,040.00	\$47,040.00	\$41,250.00	\$41,250.00
3	Site Prep and Restoration	1	L.S.	\$112,286.74	\$112,286.74	\$25,000.00	\$25,000.00	\$42,625.00	\$42,625.00
4	Sand Procurement/Placement	42,400	C.Y.	\$11.10	\$470,640.00	\$8.50	\$360,400.00	\$8.75	\$371,000.00
5	Traffic Maintenance/MOT	1	L.S.	\$36,356.14	\$36,356.14	\$6,000.00	\$6,000.00	\$1,127.50	\$1,127.50
6	Beach Tilling	1	L.S.	\$1,640.54	\$1,640.54	\$54,000.00	\$54,000.00	\$5,500.00	\$5,500.00
SUBTOTAL - PHASE 2				\$685,011.70		\$517,440.00		\$479,652.50	
\$483,318.00									
Bonds, Insurance, Indemnification and Mid-Town Beach Tilling									
1	Performance and Payment Bond – Combined, Phase 1 & 2	1	L.S.	\$127,159.28	\$127,159.28	\$72,572.00	\$72,572.00	\$8,477.80	\$8,477.80
2	Insurance & Indemnification – Combined, Phase 1 & 2	1	L.S.	\$46,852.56	\$46,852.56	\$10,000.00	\$10,000.00	\$4,846.53	\$4,846.53
3	Beach Tilling of Mid-Town Beach	1	L.S.	\$1,640.54	\$1,640.54	\$92,000.00	\$92,000.00	\$5,000.00	\$5,000.00
SUBTOTAL - BONDS, INS., INDEM. & TILLING				\$175,652.38		\$174,572.00		\$18,324.33	
\$56,333.00									
SUBTOTAL - PHASE 1									
\$922,431.00									
SUBTOTAL - PHASE 2									
\$483,318.00									
SUBTOTAL - BONDS, INS., INDEM. & TILLING									
\$56,333.00									
TOTAL									
\$1,462,082.00									

Summary Totals on original bid did not match Subtotals: Phase 1 = \$844,310.00; Phase 2 = #432,568.00; Total = \$1,451,450.00 (unit prices prevail)

Bid Opening July 1, 2014 at 11:00 AM

Opened By: John Cmar
Witnessed By: Lynda Cummings

**TOWN OF PALM BEACH**

Bid No. 2014-39

**REACHES 7 AND 8 BEACH AND DUNE
TRUCK HAUL PROJECT
Tabulation**

TOWN OF PALM BEACH				Vendor:		Mancil's Tractor Service, Inc.		Rio-Bak Corporation		Triple R Paving Inc.	
Bid No. 2014-39				Address:		4551 SE Hampton Court		12773 W. Forest Hill Blvd., Suite 210		3328 SW 46th Ave	
REACHES 7 AND 8 BEACH AND DUNE TRUCK HAUL PROJECT Tabulation				Telephone:		Stuart, FL 34997		Wellington, FL 33414		Fort Lauderdale, FL 33314	
				Fax:		772-288-0951		561-791-9721		954-792-4205	
				Contact:		772-288-0983		561-791		954-792-8985	
						Mark D'Annunzio		9734		Patricia Fucale	
Line	Description	Qty	Unit	Price per Unit	Total	Thomas L. King Jr.	Total	Price per Unit	Total		
Phase 1 - Reach 7											
1	Mobilization/Demobilization	1	L.S.	\$60,000.00	\$60,000.00	\$20,500.00	\$20,500.00	\$54,000.00	\$54,000.00		
2	General Conditions	1	L.S.	\$10,000.00	\$10,000.00	\$41,855.00	\$41,855.00	\$101,682.00	\$101,682.00		
3	Site Prep and Restoration	1	L.S.	\$20,000.00	\$20,000.00	\$37,400.00	\$37,400.00	\$45,650.00	\$45,650.00		
4	Sand Procurement/Placement	88,600	C.Y.	\$9.00	\$797,400.00	\$7.60	\$673,360.00	\$6.36	\$740,696.00		
5	Traffic Maintenance/MOT	1	L.S.	\$12,500.00	\$12,500.00	\$7,150.00	\$7,150.00	\$21,600.00	\$21,600.00		
6	Beach Tilling	1	L.S.	\$7,500.00	\$7,500.00	\$7,700.00	\$7,700.00	\$6,804.00	\$6,804.00		
SUBTOTAL - PHASE 1					\$907,400.00	\$787,965.00		\$970,432.00			
Phase 2 - Reach 8											
1	Mobilization/Demobilization	1	L.S.	\$50,000.00	\$50,000.00	\$18,300.00	\$18,300.00	\$43,200.00	\$43,200.00		
2	General Conditions	1	L.S.	\$10,000.00	\$10,000.00	\$40,975.00	\$40,975.00	\$28,296.00	\$28,296.00		
3	Site Prep and Restoration	1	L.S.	\$20,000.00	\$20,000.00	\$22,000.00	\$22,000.00	\$45,335.00	\$45,335.00		
4	Sand Procurement/Placement	42,400	C.Y.	\$10.00	\$424,000.00	\$9.55	\$404,920.00	\$9.22	\$390,928.00		
5	Traffic Maintenance/MOT	1	L.S.	\$10,000.00	\$10,000.00	\$7,700.00	\$7,700.00	\$10,800.00	\$10,800.00		
6	Beach Tilling	1	L.S.	\$5,000.00	\$5,000.00	\$3,850.00	\$3,850.00	\$3,888.00	\$3,888.00		
SUBTOTAL - PHASE 2					\$519,000.00	\$497,745.00		\$522,447.00			
Bonds, Insurance, Indemnification and Mid-Town Beach Tilling											
1	Performance and Payment Bond – Combined, Phase 1 & 2	1	L.S.	\$22,500.00	\$22,500.00	\$14,000.00	\$14,000.00	\$27,540.00	\$27,540.00		
2	Insurance & Indemnification – Combined, Phase 1 & 2	1	L.S.	\$25,000.00	\$25,000.00	\$1,000.00	\$1,000.00	\$100.00	\$100.00		
3	Beach Tilling of Mid-Town Beach	1	L.S.	\$20,000.00	\$20,000.00	\$24,170.00	\$24,170.00	\$22,356.00	\$22,356.00		
SUBTOTAL - BONDS, INS., INDEM. & TILLING					\$67,500.00	\$39,170.00		\$49,996.00			
SUBTOTAL - PHASE 1										\$970,432.00	
SUBTOTAL - PHASE 2										\$522,447.00	
SUBTOTAL - BONDS, INS., INDEM. & TILLING										\$49,996.00	
TOTAL					\$1,493,900.00	\$1,324,880.00		\$1,542,875.00			

Bid Opening July 1, 2014 at 11:00 AM

LOW BID

Opened By: John Cmar
Witnessed By: Lynda Cummings

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Florida Department of Environmental Protection Submittal of Long Range Budget Plan
Resolution No. 95-2014

Date: July 3, 2014

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 95-2014, expressing the Town's intent to provide the necessary local funding share for the projects listed in the Florida Department of Environmental Protection (FDEP) FY 2015-2016 budget which begins on July 1, 2015.

GENERAL INFORMATION

Annually, the Town prepares a 10-year cost estimate for the Town's Coastal Management Program. This document is submitted to FDEP as a funding request for State cost sharing under their Beach Management Funding Assistance (BMFA) Program. The funding request document is submitted annually to FDEP in preparation for the State's fiscal year planning which starts on July 1 of the following year. This year, the Town received a request to submit the annual funding request by August 4, 2014.

The FDEP BFMA program allows up to 50% cost sharing on the non-Federal portion of beach and dune and nourishment projects for eligible shorelines, based on public accessibility. Through 62B-36.003, Florida Administrative Code (F.A.C.), inlet sediment bypassing and the adjacent shorelines impacted by inlets are eligible for the BFMA program and do not have to provide for public access.

The percentage of participation is calculated using guidelines contained in 62B-36, F.A.C. Despite applicability to the State's Strategic Beach Management Plan, there are no guarantees that Town coastal projects will receive State funding until a grant agreement is in place. FDEP Bureau of Beaches and Coastal Systems (BBCS) utilizes all the information contained in the local government submittals to determine a ranking of project priorities for either beach projects or inlet related projects. Only after approved appropriations by State Legislature for the Beach Management Funding Assistance Program will FDEP know how many projects, if any, can be cost shared.

Please note that this is a budget planning document and does not obligate the Town financially until we enter into a contract with FDEP for a specific project. The annual funding request is consistent with the projects identified within the Town Council approved FY 2014 and proposed FY 2015 and FY 2016 Coastal Management Program budgets. These three annual budgets were initially presented

by Town staff and recommended by Woods Hole Group, Inc. to Town Council on June 11, 2013 as part of a long term 10-year plan. The cost estimates being submitted to FDEP have been updated from the 10-year plan document to reflect the results of the recent competitive bidding.

The funding request also includes beach related eligible project design tasks completed by the Town. Local governments can include recently completed projects in their annual funding request for a period of three (3) years. Eligible tasks within this year's Town funding request include both the Mid-Town and Phipps beach nourishment design and permitting.

A full copy of the Town's submittal is available for public viewing in the Town Manager's Office and in the Public Works Department. In summary, the FY 2015-2016 funding request includes:

Lake Worth Inlet Section, including Reaches 1 & 2

Cost Share anticipated at 50% State and 50% Town, consistent with 62B-36.003(6), for activities related to mitigating the critically eroded shoreline downdrift of an inlet.

Lake Worth Inlet Maintenance Dredging

- Monitoring, Sea Turtle Nesting Monitoring: \$33,000
- Monitoring, Tilling/Escarpment Removal: \$10,000
- Monitoring, Physical Monitoring: \$19,000

Mid-Town Section, including Reaches 3 & 4

Cost share percentages will be calculated based on existing public accessibility and the project limits, as defined in the Palm Beach Island Beach Management Agreement.

Mid-Town Beach Nourishment

- Design, Beach Nourishment (Federal Permitting underway), *reimbursement*: \$130,000;
- Construction, Beach Nourishment: \$15,667,400
- Monitoring, Biological Monitoring: \$400,000
- Monitoring, Sea Turtle Nesting Monitoring: \$32,000
- Monitoring, Tilling/Escarpment Removal: \$10,000
- Monitoring, Physical Monitoring: \$38,000

Phipps Ocean Park Section, including Reach 7

Cost share percentages will be calculated based on existing public accessibility and the project limits, as defined in the Palm Beach Island Beach Management Agreement.

Phipps Ocean Park Beach Renourishment

- Construction, Interim Beach Nourishment: \$2,158,700
- Construction, Beach Renourishment: \$15,100,000
- Monitoring, Biological Monitoring: \$240,000
- Monitoring, Sea Turtle Nesting Monitoring: \$32,000
- Monitoring, Tilling/Escarpment Removal: \$10,000
- Monitoring, Physical Monitoring: \$28,000

FUNDING/FISCAL IMPACT

As required within 62B-36.005(d), F.A.C., a resolution is presented for consideration which states “The Town Council hereby expresses its commitment to provide the necessary local funding share for the projects requested for State FY 2015-2016” (Section 3, Resolution 95-2014).

Once a contract is executed for a particular project, the Town is obligated to front the full funding for the project and then be reimbursed after the fact for the State cost share. State reimbursement payments replenish the Town’s Coastal Capital Fund balance and reduce the amount of future year requests for transfers from the General Fund.

TOWN ATTORNEY REVIEW

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

RW

Attachment

cc: Jane Struder, Finance Director
Shore Protection Board
Robert Weber, Coastal Coordinator

RESOLUTION NO. 95-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE FISCAL YEAR 2015-16 ANNUAL FUNDING APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BEACH EROSION CONTROL PROGRAM.

* * * * *

WHEREAS, America's beaches provide vital economic, recreational, storm damage reduction, and environmental benefits to the Nation; and

WHEREAS, the Town Council has approved a Comprehensive Coastal Management Plan for the Town of Palm Beach; and

WHEREAS, the Town desires to pursue implementation of the Plan; and

WHEREAS, the Town is authorized to act as a local sponsor; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) provides State cost sharing via its FDEP Beach Erosion Control Program; and

WHEREAS, the Town intends to provide the Local Cost Share for the projects included within the Town's Local Governmental Funding Request for State Fiscal Year 2015/2016; and

WHEREAS, the Town annually secures funds through ad valorem revenues to specifically support the feasibility, design, engineering, permitting, construction, and monitoring of projects identified within the Comprehensive Coastal Management Plan; and

WHEREAS, this Resolution shall go into effect immediately upon Town Council approval and signature authentication.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The FY 2015/2016 funding request of state cost-sharing for the Town's Comprehensive Coastal Management Plan is hereby approved for application submittal to the Florida Department of Environmental Protection.

Section 3. The Town Council hereby expresses its commitment to provide the necessary local funding share for the project requested for FY 2015/2016 subject to the Town and FDEP entering into a contract relating to said projects.

Section 4. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to submit a completed application to FDEP for cost-sharing for the Town's Comprehensive Coastal Management Plan.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Town Hall Square Project

a. Review of Scope and Timing

Robert N. Wildrick, Town Council President

b. (if necessary) RESOLUTION NO. 102-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 141021 to Kimley-Horn & Associates, Inc., for Town Hall Square Design Services in the Amount of \$38,500, and Increasing the Design Services Budget by \$42,000 for a Revised Total Budget of \$310,000.

Presenter

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

Supporting Documents

- [Memorandum dated July 9, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 102-2014](#)
- [Kimley-Horn Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Change Order and Additional Appropriation
for Town Hall Square Design Services
Accelerated Capital Improvement Program – Phase 2
Resolution No. 102-2014

Date: July 9, 2014

STAFF RECOMMENDATION

If Town Council wishes to move forward with Landmarks Preservation Commission (Landmarks) and Town Council review and action on the entire proposed Town Hall Square project, then staff recommends that Town Council approve Resolution No. 102-2014 authorizing a change order to Purchase Order No. 141021 with Kimley-Horn & Associates, Inc. (KHA) for the Town Hall Square Project for additional design services in the amount of \$38,500 and increasing the design services budget in the amount of \$42,000 from \$268,000 to \$310,000.

GENERAL INFORMATION

At the November 12, 2013 Town Council meeting, Town Council directed staff to develop a preliminary design for the restoration of Town Hall Square and retain the services of a consultant for the preliminary design. The limits of the project are South County Road, from Peruvian Avenue north to Brazilian Avenue. The maximum scope of the project would extend from “storefront to storefront” which would involve three different property areas; Town owned property, FDOT right-of-way, and private property. The consultant for the Town Hall Square preliminary design was then responsible to meet with interested parties, prepare a conceptual plan, and prepare a preliminary budget.

Once the Town Hall Square preliminary design was completed, staff was directed to solicit for a final design team. The final design team would be responsible to finalize the design, prepare bid documentation, present to the Landmarks, and coordinate with the Town’s Construction Manager at Risk (CMAR) contractor to develop a Guaranteed Maximum Price (GMP). As part of the Consultants Competitive Negotiation Act (CCNA) process a selection committee was formed and short listed three potential final design teams who had submitted their qualifications as part of a published RFQ (2014-14). Town Council approved the selection committee’s ranking at the February 11, 2014 Town Council meeting awarding KHA the final design services for the Town Hall Square Project.

At the June 10, 2014 Town Council meeting, staff was prepared to present KHA a Construction Phase Engineering Services contract for the Town Hall Square Project along with awarding the Town Hall Square GMP to Burkhardt Construction. Upon further evaluation of the project in its entirety, Town Council directed staff to resubmit the project to Landmarks. Town Council then deferred Resolutions 84, 85 & 89-2014 to a later Town Council meeting.

The enclosed additional services request from KHA is necessary to prepare the special exception with Site Plan Review and Variance documentation and resubmit to Landmarks for Certificate of Appropriateness (COA). These services also include additional meetings with Town staff, preparing the required public notifications, presenting at the July 21, 2014 Landmarks meeting, making any minor site plan revisions, and preparing and submitting to the August 12, 2014 Town Council meeting. Please note that in order to expedite certain elements of this work and stay on the schedule approved by Town Council on June 10, some of this scope of services is work that has been completed between June 10 and today. The proposal does not include revisions to the construction plans that may be required as a result of the Landmarks review process. Once the project has been approved and a path has been clearly defined, KHA would present a proposal to the Town for construction plan revisions, if required.

FUNDING/FISCAL IMPACT

A detailed project cost estimate was presented at the June 10, 2014 Town Council meeting that was estimated to be approximately \$6,453,336.44. The project cost estimate included the study, engineering design, permitting, and bid phase services and a submitted Town Hall Square GMP, of which \$5.7 million was included in the bonds issued for Phase 2 of the Accelerated Capital Improvement Program. Some of the funding (state grants, assessments and donations) may be received as reimbursements to the Town and would help offset the overall cost of the project. The additional design services addressed in this memorandum were not included in the original project cost estimate.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

cc: Thomas G. Bradford, Deputy Town Manager
Jane Struder, Finance Director
Eric Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer
Michael Roach, P.E. Project Engineer
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 102-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
INCREASING EXISTING PURCHASE ORDER NO. 141021 TO
KIMLEY-HORN & ASSOCIATES, INC., FOR TOWN HALL
SQUARE DESIGN SERVICES, IN THE AMOUNT OF \$38,500,
AND INCREASING THE DESIGN SERVICES BUDGET BY
\$42,000 FOR A REVISED TOTAL BUDGET OF \$310,000.

* * * * *

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
increase of \$38,500 to Kimley-Horn & Associates, Inc., for the Town Hall Square Design Services.

Section 2. The Town Council of the Town of Palm Beach hereby approves an increase of \$42,000
to the final design services budget for Town Hall Square Design Services, with a revised total budget of
\$310,000.

Section 3. The Town Manager is hereby authorized and directed to execute a change order on
behalf of the Town of Palm Beach for these additional final design services.

Section 4. The Town Manager is hereby authorized and directed to affect an increase to the final
design phase budget.

Section 5. The Town Manager, or his designee, is hereby authorized and directed to take such
further actions as may be necessary to effectuate the completion of the said project, 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 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member



July 3, 2014 (revised)

June 23, 2014

Mr. Paul Brazil, P.E.
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

**RE: *Town Hall Square Streetscape and Infrastructure Improvement Project
Landmarks Commission and Zoning Approval Process Assistance***

Dear Paul,

Kimley-Horn is pleased to submit this proposal to The Town of Palm Beach ("TOWN") for providing consulting services related to the Town Hall Square Streetscape and Infrastructure Improvement Project in the Town of Palm Beach. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

Kimley-Horn is in the final design and permitting phase of streetscape and infrastructure improvements on South County Road (S.R. A1A) between Chilean Avenue and Brazilian Avenue. At the June Town Council meeting, it was decided that the project would need to be resubmitted to the Landmarks Commission and that a Special Exception with Site Plan Review and Variance would be required through the Town Zoning Department for ultimate approval of both processes by the Town Council.

The team of Kimley-Horn, Bridges, Marsh Architects (BMA), and Sanchez & Maddux (SMI) (collectively referred to as the "Kimley-Horn Team") will work collaboratively to prepare the documentation and attend the meetings as specifically described in our below scope of services to assist the Town staff through the Landmarks Commission and Zoning approval process.

Based on this understanding, we offer the following Scope of Services.

Scope of Services

The Kimley-Horn Team will provide consulting services as specifically stated below:

Landmarks Preservation Commission Review

The Kimley-Horn Team will perform the following services to support the Town during the anticipated Landmarks Commission approval process.

- Attend a meeting with Town Staff to overview the process and define the schedule
- Prepare and submit the Landmarks Commission Certificate of Appropriateness (COA) application and supporting documentation required in the application for submittal to the Town and Commission for review

- Prepare the required Public Notifications
- Attend a meeting with Town staff to prepare for the Landmarks meeting presentation
- Prepare and submit the presentation materials and attend the July 21, 2014 Landmarks Commission meeting to give the presentation
- Attendance at the August Town Council meeting to answer questions the Council may have regarding the recommendations made by the Landmarks Commission in July

This scope of services does not include any services beyond the attendance at the August Town Council meeting. Should the Town Council decide to revise the scope and/or design of the project at that meeting, we will address how to move forward with the project in a subsequent proposal.

Special Exception with Site Plan Review and Variance

According to the Zoning Administrator, the site requires a Special Exception with Site Plan Review and Variance. The Kimley-Horn Team will perform the following services to support the Town during the anticipated Town Council Zoning approval process.

- Attend a pre-application meeting with Town Staff to overview the process, review the preliminary application materials and define the schedule
- Prepare and submit the Special Exception with Site Plan Review and Variance Application. The application will include the supporting documentation required for submittal to the Town and Council for review
- Prepare an Abstracted Survey for the Site
- Prepare the justification sheets for the Special Exception and Variance
- Prepare a specific purpose site plan and site data table to support the application
- Prepare the required Public Notifications
- Attend a meeting with Town staff to prepare for the Council meeting presentation
- Prepare and submit the presentation materials and attend the August 13, 2014 Town Council site plan review meeting to give the presentation

This scope of services does not include revisions to the construction plans that may be required as a result of the above described review processes. Once the project has been approved and a path has been clearly defined, we will present a proposal to the Town for construction plan revisions, if required.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional services to this task and will be performed based on proposals approved prior to performance of the additional services.

Information and Services Provided By the Town

Kimley-Horn assumes that all information provided by the Town can be relied upon in the performance of professional services. The following information shall be provided to Kimley-Horn and the following services will be performed by the Town.

- Grant Administration Services
- Signature/Review of Landmarks/Site Plan Review with Variance Applications

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$38,500 be established for this work. A breakdown of this fee is attached to this proposal.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated February 27, 2014, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you. With Kimley-Horn, you should expect more and will experience better. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Schanen\Proposals\Palm Beach\South County Road\Construction Admin\Town Hall Square CA services prop.docx

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Offer of a Donation from the Palm Beach Police Foundation for the Purchase of a New Police Boat.

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- [Memorandum dated June 30, 2014, from Kirk W.Blouin, Director of Public Safety](#)
- [Attachment A - Letter from Palm Beach Police Foundaton](#)
- [Attachment B - Boat Appraisal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Acceptance of a Donation from Palm Beach Police Foundation

Date: June 30, 2014

STAFF RECOMMENDATION

Staff recommends Town Council accept a donation up to the amount of \$170,000 from the Palm Beach Police Foundation for the purchase of a new police boat (Attachment A). This gift exceeds \$25,000, thereby requiring the Mayor and Town Council's approval.

Staff also requests approval to allow for the sale of the current police boat to the City of West Palm Beach in the amount of \$53,000. If approved, the revenue from the sale of the boat will be used to offset the purchase cost of the new vessel.

GENERAL INFORMATION

The current police boat is a 35' Island Runner that is 9 years old, donated by the late Leo Albert. The Marine Patrol Unit's function is to patrol the nearly 30 linear miles of waterfront property and the police jurisdiction extends three miles into the Atlantic Ocean. Marine Patrol Officers are responsible for conducting proactive crime prevention patrol for burglary and grand theft, in addition to enforcing violations for boating under the influence, environmental and other hazards, manatee and wake zone abuses as well as investigating human smuggling and the illegal transportation of narcotics in the waters surrounding the Town of Palm Beach. Marine Patrol Officers also conduct or assist in rescue operations which have been responsible for saving many lives of residents and visitors.

Although the current police boat has approximately five years of remaining useful life, the offer from the Palm Beach Police Foundation presents a unique opportunity for the Police Department and the Town of Palm Beach. If the Town Council approves of the donation, the Police Department will have the opportunity to purchase a new police boat with better technology and functionality. Further, Chief Kummerlen of the West Palm Beach Police Department has shown interest in the purchase of the current Palm Beach Police Department's police boat. An appraisal (Attachment B) has been conducted on the boat and the City of West Palm Beach Police Department has agreed to pay \$53,000 for the department's boat based on this appraisal. It is possible that the Town could receive more or less money at auction but the Police Department sees this as a great opportunity to expand the police presence in the waterways around the Town of Palm Beach which will enhance the safety and security that our residents expect and appreciate.

FUNDING/FISCAL IMPACT

Revenue from the sale of the police department's current boat and the donation from the Palm Beach Police Foundation will be used to fund the entire purchase of the new police boat. No additional Town funds are requested.

PURCHASING REVIEW

Purchasing has reviewed this item and approves it as recommended.

KWB:lsg

cc: Jane Struder, Director of Finance



THE PALM BEACH POLICE FOUNDATION

June 30, 2014

Board of Directors

John F. Scarpa
President

Tim Moran
Vice President

David S. Mack
2nd Vice President

Gerald Frank
Secretary / Treasurer

Michael A. Belisle

Annie Falk

Mark E. Freitas

Jeff Greene

Lawrence Herbert

Joel H. Kassewitz

Michele Kessler

William I. Koch

Stephen A. Levin

John W.S. Preston

Matthew K. Smith

Peter Elwell, Town Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Dear Mr. Elwell:

This letter is to inform you that the Palm Beach Police Foundation is willing to underwrite the cost for a new police boat for the Town of Palm Beach. The gift will not exceed \$170,000.00.

I would appreciate it if you would advise us on how to proceed with regard to obtaining approval from the Town, and to advise us if any additional information is required.

We are very excited to be able to provide this type of support to the Town of Palm Beach.

Respectfully submitted,

JOHN F. SCARPA,
President

cc: Kirk Blouin, Director of Public Safety
PBPF, Board of Directors



FORT LAUDERDALE ■ PALM BEACH ■ NORTH KEY LARGO



**35' Island Runner Appraisal prepared
for the Palm Beach Police Foundation**

CHARTER ■ NEW CONSTRUCTION ■ YACHT BROKERAGE
1635 Miami Road, Suite #1 ■ Fort Lauderdale, FL 33316 ■ Phone: 954-763-8201 ■ Fax: 954-763-9079
E-mail: info@denisondaves.com ■ Website: www.denisondaves.com



FORT LAUDERDALE ■ PALM BEACH ■ NORTH KEY LARGO

June 2, 2014

USED BOAT APPRAISAL FORM

Customer Name: Palm Beach Police Foundation
139 North County Rd., Suite 20C
Palm Beach, FL 33480

Boat Make & Model: 35 Island Runner, Center Console

Serial No: _____

Boat Size in Feet: 34.6"

Boat Year: 2005

Motor HP: Twin 300 horsepower

Motor HRS: 600

Description & Color: Mercury Verado 4-stroke, black

Type of Use: Mainly intracoastal

Condition of Hull: Gel Coat: Good, freshly painted

Color: White, good

Color Band: Good

Deck: Good, freshly painted

Bottom: Clean, never painted

General Condition of Hull: Good

Tankage

Fuel: 375 Gallons in three aluminum tanks

Water: 60 Gallons in one fiberglass tank

Waste: 30 Gallons in one fiberglass tank

Electronics

Standard/Horizon VHF Radio

Furano NAVNET with:

Radar

GPS Navigation and Chart Plotter

Depth Sounder with Speed Indicator

CHARTER ■ NEW CONSTRUCTION ■ YACHT BROKERAGE

1635 Miami Road, Suite #1 ■ Fort Lauderdale, FL 33316 ■ Phone: 954-763-8201 ■ Fax: 954-763-9079

E-mail: info@denisondaves.com ■ Website: www.denisondaves.com

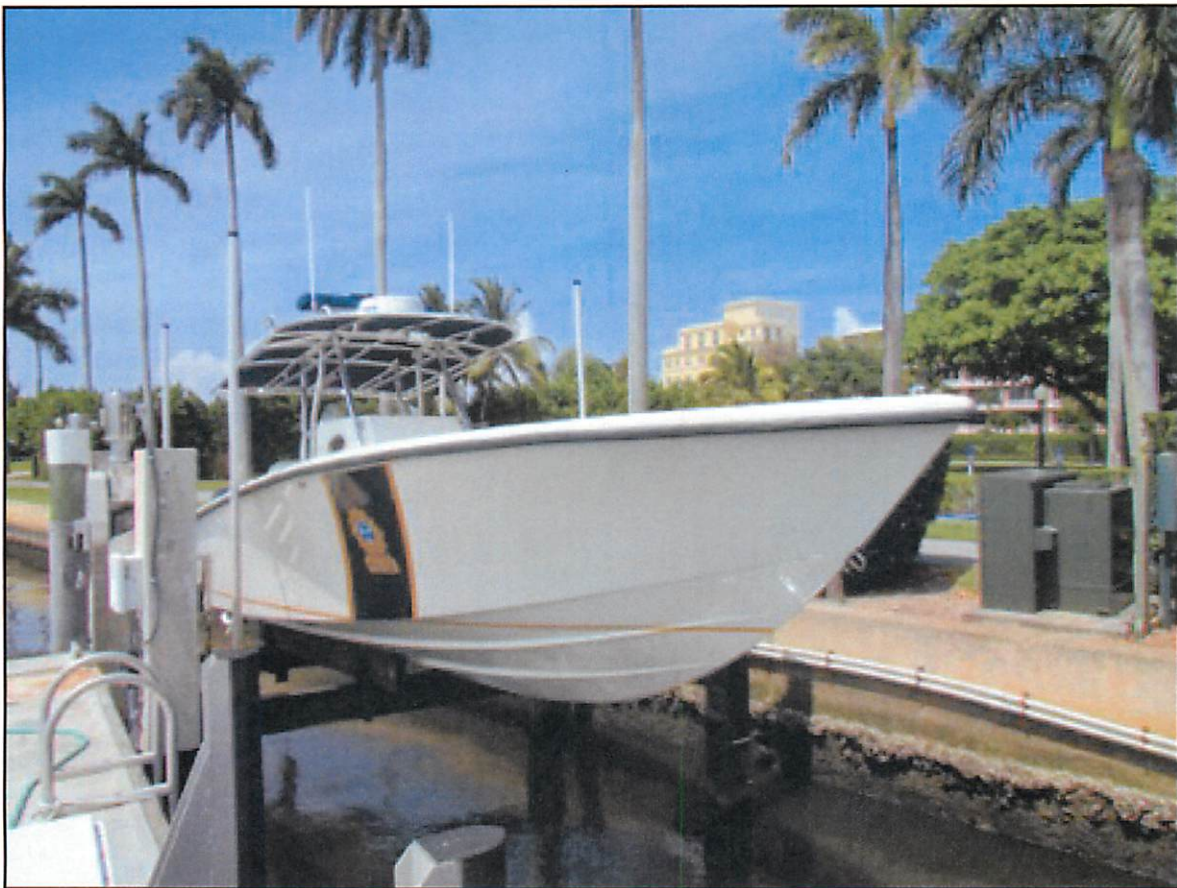
Synopsis:

The above described vessel was inspected out of the water on a boat lift at the Brazilian Dock in the town of Palm Beach, Florida. The vessel has been used by the Palm Beach Police since new, primarily to patrol the waters around the town of Palm Beach, Florida. It was re-powered 600 hours ago, thus it is on its second set of motors.

Based on the age, condition, equipment on board and general appearance, its current market value is \$51,000.00-\$52,000.00.

This report was prepared without prejudice by Christian Daves of Denison & Daves Yachting. I have been a licensed yacht broker in South Florida for 36 years.

Very Truly Yours,
Christian Daves





CHARTER ■ NEW CONSTRUCTION ■ YACHT BROKERAGE
 1635 Miami Road, Suite #1 ■ Fort Lauderdale, FL 33316 ■ Phone: 954-763-8201 ■ Fax: 954-763-9079
 E-mail: info@denisondaves.com ■ Website: www.denisondaves.com



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E-mail: info@denisondaves.com ■ Website: www.denisondaves.com



CHARTER ■ NEW CONSTRUCTION ■ YACHT BROKERAGE
1635 Miami Road, Suite #1 ■ Fort Lauderdale, FL 33316 ■ Phone: 954-763-8201 ■ Fax: 954-763-9079
E-mail: info@denisondaves.com ■ Website: www.denisondaves.com

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 96-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Purchase Order No. 131436 for Additional Pavement Restoration to All Public Streets in the Ejector Stations Project, in the Amount of \$80,250 and Increasing the Construction Phase Budget by \$96,250 for this Project.

Presenter

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

Supporting Documents

- [Memorandum dated July 3, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 96-2014](#)
- [Schedule of Values](#)
- [Milling and Resurfacing Plans](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorize a Change Order and Additional Appropriation for Pavement Restoration to the Ejector Stations Upgrades Project
Pay-As-You-Go Capital Improvement Program
Resolution No. 96-2014

Date: July 3, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 96-2014 authorizing a change order to Purchase Order No. 131436 with Murray Logan Construction for additional pavement restoration to all public streets in the Ejector Stations Upgrades Project in the amount of \$80,250, and increase the construction phase budget from \$4,625,000 to \$4,721,250; an increase of \$96,250, including additional contingency.

GENERAL INFORMATION

The Town Council approved Resolution No. 16-2014 on February 11, 2014 authorizing an additional appropriation of \$325,000 to the construction phase budget for ejector stations upgrades to have sufficient contingency available to enable the processing of change orders for any unanticipated work, to expand the pavement restoration of affected streets from partial to full length of disturbed areas in accordance with code changes, and to have additional funds to upgrade the E-8 Pump Station that was only partially upgraded this last construction season due to traffic and access issues.

The original budget increase by Resolution No. 16-2014 allowed staff to comply with the Right-of-Way Manual to mill & resurface the roadway fifty (50) feet on both sides and full lane width of all disturbed areas. Staff is concerned that affected residents will consider this approach unacceptable as the roadways will have a patchwork appearance. The attached plans present a graphical representation of the proposed milling and resurfacing as required by the current code for a typical public and a typical private street.

The roadways in question lie west of South County Road and South Ocean Boulevard, south of Island Road, and were the next roadways to be resurfaced under the annual milling and resurfacing program that is funded under the Pay-As-You-Go Capital Improvement Program.

Attached are spreadsheets that illustrate the cost differential between three alternatives; Option A - meeting minimum ROW Manual Code (\$272,460), Option B - provides full milling and

resurfacing of Public Streets and meeting minimum Code for Private streets (\$352,710), and Option C - providing full milling and resurfacing of both public and private streets (\$418,465). Staff recommends that the Town Council authorize a change order to the Ejector Stations Upgrades Project for additional pavement restoration under Option B for an additional cost of \$80,250 and also authorize the use of Pay-As-You-Go Capital Improvement Program monies to mill and resurface the entire width and length of each public ejector stations street, which will provide the most comprehensive and aesthetic restoration.

The additional cost to mill and resurface the private streets would be \$65,755. Town Council would need to provide direction to staff and additional funding should they desire to mill and resurface the private streets in addition to the public streets. In the event the private streets were not done as part of the project, to do them as a separate stand-alone project could increase the cost thirty (30) percent or more.

FUNDING/FISCAL IMPACT

Funding for this recommended change order is fully contained within the Pay-As-You-Go Capital Improvement Program. Approval of the above recommended, additional work will require that the construction phase budget for this project be increased by \$96,250 which includes a contingency of \$16,000.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 96-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING
PURCHASE ORDER NO. 131436 FOR ADDITIONAL PAVEMENT
RESTORATION TO ALL PUBLIC STREETS IN THE EJECTOR
STATIONS PROJECT, IN THE AMOUNT OF \$80,250 AND
INCREASING THE CONSTRUCTION PHASE BUDGET BY \$96,250
FOR THIS PROJECT.

* * * * *

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 of \$80,250 to Murray Logan Construction for additional pavement restoration to all public streets in the Ejector Stations Project.

Section 2. The Town Council of the Town of Palm Beach hereby approves an increase of \$96,250 to the construction phase budget for additional pavement restoration to the Ejector Stations Project.

Section 3. The Town Manager is hereby authorized and directed to execute a change order on behalf of the Town of Palm Beach for this additional construction work.

Section 4. The Town Manager is hereby authorized and directed to affect an increase to the construction phase budget.

Section 5. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the additional construction work for the project, 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 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

7/3/14

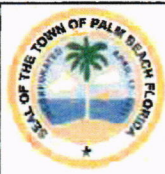
 <i>Town of Palm Beach</i> SCHEDULE OF VALUES OPTION NO. A - PAVE TO CODE ONLY ENGINEER'S PROJECT NUMBER: B3053.00 PROJECT TITLE: EJECTOR STATION MILL AND RESURFACE					
Item No.	Item Description	Unit	Quantity	Unit Price	Total Price
A-1	MOBILIZATION	LS	1	\$ 120,855.00	\$ 120,855.00
A-2	MOT	LS	1	\$ 9,240.00	\$ 9,240.00
A-3	MILLING	SY	8,250	\$ 3.30	\$ 27,225.00
A-4	RESURFACE TYPE S-III (3/4")	SY	1,000	\$ 9.60	\$ 9,600.00
A-5	RESURFACE TYPE S-III (1")	SY	7,250	\$ 9.60	\$ 69,600.00
A-6	RESTORATION	EA	14	\$ 1,540.00	\$ 21,560.00
A-7	ASPHALT OVERBUILD	SY	50	\$ 158.00	\$ 7,900.00
A-8	PAVEMENT RECONSTRUCTION	SY	20	\$ 324.00	\$ 6,480.00
TOTAL					\$ 272,460.00

Signed: _____

Kurt Kapsos, Sec/Treas.

Date: July 3, 2014

7/3/14



Town of Palm Beach
SCHEDULE OF VALUES
OPTION NO. B - PAVE ALL PUBLIC - PRIVATE TO CODE

ENGINEER'S PROJECT NUMBER: B3053.00

PROJECT TITLE: EJECTOR STATION MILL AND RESURFACE

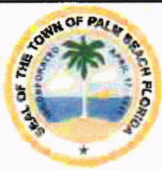
Item No.	Item Description	Unit	Quantity	Unit Price	Total Price
A-1	MOBILIZATION	LS	1	\$ 120,855.00	\$ 120,855.00
A-2	MOT	LS	1	\$ 9,240.00	\$ 9,240.00
A-3	MILLING	SY	15,450	\$ 3.00	\$ 46,350.00
A-4	RESURFACE TYPE S-III (3/4")	SY	1,750	\$ 6.70	\$ 11,725.00
A-5	RESURFACE TYPE S-III (1")	SY	13,700	\$ 8.60	\$ 117,820.00
A-6	RESTORATION	EA	14	\$ 2,310.00	\$ 32,340.00
A-7	ASPHALT OVERBUILD	SY	50	\$ 158.00	\$ 7,900.00
A-8	PAVEMENT RECONSTRUCTION	SY	20	\$ 324.00	\$ 6,480.00
				TOTAL	\$ 352,710.00

Signed: _____

Kurt Kapsos, Sec/Treas.

Date: July 3, 2014

7/3/14



Town of Palm Beach
SCHEDULE OF VALUES
OPTION NO. C - PAVE ALL PUBLIC AND PRIVATE

ENGINEER'S PROJECT NUMBER: B3053.00

PROJECT TITLE: EJECTOR STATION MILL AND RESURFACE

Item No.	Item Description	Unit	Quantity	Unit Price	Total Price
A-1	MOBILIZATION	LS	1	\$ 120,855.00	\$ 120,855.00
A-2	MOT	LS	1	\$ 9,240.00	\$ 9,240.00
A-3	MILLING	SY	21,950	\$ 2.70	\$ 59,265.00
A-4	RESURFACE TYPE S-III (3/4")	SY	2,350	\$ 6.30	\$ 14,805.00
A-5	RESURFACE TYPE S-III (1")	SY	19,600	\$ 8.00	\$ 156,800.00
A-6	RESTORATION	EA	14	\$ 3,080.00	\$ 43,120.00
A-7	ASPHALT OVERBUILD	SY	50	\$ 158.00	\$ 7,900.00
A-8	PAVEMENT RECONSTRUCTION	SY	20	\$ 324.00	\$ 6,480.00
TOTAL					\$ 418,465.00

Signed: 
 Kurt Kapsos, Sec/Treas.

Date: July 3, 2014

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request for Temporary Closure of Peruvian Avenue Between South Lake Drive and Cocoanut Row.

Presenter

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

Supporting Documents

- [Memorandum dated June 24, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Photo 1](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Request for Temporary Closure of Peruvian Avenue Between South Lake Drive and
Cocoanut Row

Date: June 24, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council grant permission to Florida Power and Light (FPL) to close a portion of Peruvian Avenue for the replacement of transformers at 425 Worth Avenue.

GENERAL INFORMATION

FPL needs to replace transformers providing electric service to a condominium located at 425 Worth Avenue. The vault at the north side of the building has been making excessive noise and FPL would like to take a pro-active approach to correcting the noise situation, as well as replacing the units before they fail. It was originally intended to use a small crane from the parking lot on the north side of the building. FPL provided the crane weight and specifications to the building owner as a courtesy and their structural engineer's analysis indicated that it was likely that the existing parking area would experience damage if the crane was allowed on the pavement. As can be seen from the attached Photo 1, the parking area is a non-standard, decorative tile-like surface, that has already experienced some previous damage. Therefore, FPL is proposing to use a larger crane from Peruvian Avenue and reach across the adjacent property to perform the work. Staff concurs that the most prudent method of performing the work is from Peruvian Avenue.

Peruvian Avenue will need to be closed to through traffic from South Lake Way to Cocoanut Row for approximately five hours. The road will be open to local traffic and flaggers will direct traffic as necessary at the entrance to Peruvian Avenue. All efforts will be made to minimize the closure time. If approved by Town Council, staff will coordinate other work in the right-of-way to assure no conflicts with other projects.

cc: Kirk Blouin, Director of Public Safety
John Page, Director Planning, Zoning and Building
William K. Francis, P.E., Town Engineer
Dan Szarszewski, Deputy Chief
Allen Powery, Public Works Inspector



Google earth

feet 10
meters 3



Photo 1

425 Worth Avenue – Facing South from Peruvian Avenue

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request for Temporary Closure at 210 Kawama Lane.

Presenter

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

Supporting Documents

- [Memorandum dated June 24, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Request for Temporary Road Closure at 210 Kawama Lane

Date: June 24, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council grant permission to Greenscape Design Inc., to work in the right-of-way during the closure of the Flagler Memorial Bridge and close a portion of Kawama Lane at 210 Kawama Lane.

GENERAL INFORMATION

Greenscape Design Inc., is requesting permission from the Town of Palm Beach to work in the right-of-way in order to unload seventeen (17) trees using a large crane. Kawama Lane will need to be closed to through traffic in front of the Clarke Residence at 210 Kawama Lane on July 30, 2014 and July 31, 2014. The road will be open to local traffic and flaggers will direct traffic as necessary at each entrance to Kawama Lane. All efforts to minimize the closure time will be made. Staff will coordinate other work in the right-of-way to assure no conflicts with other projects.

While the work limitations due to the Flagler Memorial Bridge closure primarily pertain to north-south roads, staff reviews each project to assess potential impacts. Since Kawama Lane is an east-west road with limited traffic and has adjacent streets to accommodate traffic, the project should not pose a significant impact to traffic.

cc: Kirk Blouin, Director of Public Safety
John Page, Director Planning, Zoning and Building
William K. Francis, P.E., Town Engineer
Dan Szarszewski, Deputy Chief
Allen Powery, Public Works Inspector

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Status of Palm Beach County Mosquito Control Program and the Chikungunya Virus.

Presenter

Jay Boodheshwar, Director of Recreation and Special Projects

Supporting Documents

- [Memorandum dated July 3, 2014, from Jay Boodheshwar, Director of Recreation and Special Projects](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jay Boodheshwar, Director of Recreation and Special Projects

Re: Status of Palm Beach County Mosquito Control and the Chikungunya Virus

Date: July 3, 2014

STAFF RECOMMENDATION

Staff recommends Town Council review the following information regarding Palm Beach County's mosquito control program and the status of the mosquito-borne Chikungunya virus (CHIKV), and provide direction as necessary.

GENERAL INFORMATION

Palm Beach County Mosquito Control Program

With the rainy season upon us, the Palm Beach County Mosquito Control Division is on high alert in responding to outbreaks of mosquitos throughout the County. The County has reported that their focus is primarily on eradicating mosquitoes before they become adults. Breeding sources created by standing water in public right of ways such as grassy swales, subdivision drains, roadside drains and flood channels are sprayed with *Bacillus thuringiensis israelensis*, a natural pathogen of mosquito larvae. Adult mosquitoes are controlled using ultralow volume spraying machines at night. The spraying machines are mounted on trucks or attached to an aircraft. They are dispatched when adult mosquitoes are observed in high numbers, detected in monitoring traps by inspectors, or when an outbreak of mosquito-borne disease occurs.

On July 3, 2013, staff was informed that the County does not have any planned mass spraying scheduled for the Town of Palm Beach and will not conduct any street-wide spraying unless they confirm that there is a major outbreak. They have requested that any resident or property owner experiencing excessive mosquitos call or email the County's Mosquito Control Division to request an inspection of their property. The phone number is 561-967-6480 and the website address to report mosquito activity is www.pbcgov.com/erm/mosquito. County staff will assess each individual complaint to determine the source of the mosquito problem and take the appropriate measures, which can range from isolated to neighborhood-wide spraying if a high mosquito population is discovered. In addition to the spraying, the County will provide advice on how to minimize breeding of additional mosquitos.

Alternative Options for Addressing Mosquito Control

The City of Palm Beach Gardens, as well as Jupiter, Wellington, and Belle Glade, maintain their own in-house mosquito control programs. They use their own trucks and cross-trained staff to manage

their program and conduct spraying when needed, and they provide these services to their communities in lieu of the County's program. Staff has verified with Michael Page, Bureau Chief of Entomology for the Florida Department of Agriculture and Consumer Services (FDACS), that Chapter 388 of the Florida State Statutes permits the Town to implement its own program or contract with a private vendor to provide mosquito control services as a supplement or in lieu of the County's program.

If the Town decides to implement its own program by purchasing the necessary equipment and supplies, we will also have to evaluate our current staffing resources to determine if existing staff can be cross-trained or if an additional employee would be needed to properly implement and manage the program. At least one member of our staff would have to obtain the required license from the FDACS, which is free but requires taking an exam. Start-up equipment and supplies can cost up to \$35,000.

If the Town decides to contract with a private vendor, it recommended by the State that the Town employee assigned to manage the contract should get certified by the FDACS. There are at least two large private vendors currently providing mosquito control services to municipalities and counties in Florida. The Town could choose to piggyback on an existing contract or issue an RFP to retain a company for long-term services. The cost of said services depends upon the scope of services provided. As an example, the range of costs for providing truck spraying is \$80 - \$95 per mile.

For both alternative options to relying solely on the County program, the Town would be obligated to follow the same process the County does to ensure that conditions have met the required criteria to conduct spraying. The requirements for administering a local mosquito control program are outlined in the Florida Administrative Code in Chapter 5E-13, which addresses issues such as employee licensing, monitoring of mosquito population growth, minimum criteria for spraying, pesticide use/storage, spraying methods, record keeping, etc.

Mosquito Breeding Prevention

Spraying for mosquitos is a reactive measure. The most effective way to control mosquitos is to prevent breeding. If the Town chooses to conduct its own spraying, only one generation of mosquitos will be eliminated if the sources of breeding are not addressed. To assist with the control of mosquitos on the island, residents and business owners are reminded to take appropriate steps to eliminate breeding on their properties. Some of the key actions property owners can take include:

- Ornamental ponds: Stock with mosquito-eating fish. Avoid spraying with garden insect sprays. Keep water level up.
- Swimming pools: Operate filter and skimmer continuously. If a pool cover is used, keep it tightly sealed.
- Boats: Store small boats and kayaks upside down or cover to keep out the rain. Bail out standing water and check bilge for larvae.
- Rain gutters: Keep cleaned and cleared of leaves.
- Tree holes: Fill tree holes with sand where possible.
- Containers: All containers should be stored upside down. Discard unwanted containers that might collect rain water or water from sprinklers. This includes: barrels, buckets, wading pools and watering pans under potted plants.
- Surface Depressions: Level off surface depressions with standing water so it can run off.
- Bromeliads: Flush out bromeliads every 3 to 4 days.

In additional to the preventative actions outlined above, property owners should consider the installation of misting systems and private pest control contracts, especially for larger and heavily landscaped estates.

Chikungunya Virus

According to the Florida Department of Health website, the Chikungunya fever is an infection caused by the Chikungunya virus (CHIKV). The virus is spread through the bite of an infected mosquito, similar to West Nile and Dengue viruses. CHIKV was first identified during an outbreak in 1952 in southern Tanzania, although it is suspected to have been present in Africa and Asia for much longer.

Chikungunya fever outbreaks have been widely reported in Africa, southern Europe, Southeast Asia, India, and islands in the Indian and Pacific Oceans. In December 2013, a cluster of cases were reported in the Caribbean, which were the first known occurrences of CHIKV transmission in the Americas. CHIKV has made its way to the United States and numerous cases have been reported in Florida, including several in Palm Beach County. CHIKV is spread by two mosquito species: *Aedes aegypti* (primarily) and *Aedes albopictus*, both found in Florida. It is not transmitted from person to person.

Symptoms of Chikungunya usually begin 3-7 days after being bitten by an infected mosquito and can include fever and severe joint pains often in hands and feet. Other symptoms can include headache, muscle pain, joint swelling or rash. There is currently no vaccine or medication to prevent Chikungunya fever. People at increased risk for severe disease include newborns exposed during delivery, older adults (65+ years), and people with medical conditions such as high blood pressure, diabetes, or heart disease. A person infected with Chikungunya should stay indoors as much as possible until symptoms subside to prevent further transmission.

It is important to note that a person can be infected with the Chikungunya and dengue viruses at the same time as they are both carried by the same types of mosquitoes. Therefore, it is important to make sure your doctor considers both Dengue fever and CHIKV when evaluating suspected cases. Testing is the only way for a health care provider to definitively differentiate CHIKV and Dengue fever.

The same actions to prevent other mosquito-borne illness such as Dengue and West Nile virus disease are effective for preventing Chikungunya fever. While traveling in areas where CHIKV, Dengue or other mosquito-borne diseases are present, remember to use EPA approved repellants such as DEET, wear comfortable clothing that protects skin from mosquito bites, and select hotels or other residences with window and door screens.

cc: Thomas G. Bradford, Deputy Town Manager
Department Directors

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 97-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing the Non-Ad Valorem Assessment Rates for Commercial Solid Waste Collection; Providing an Effective Date.

Presenter

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

Supporting Documents

- [Memorandum dated June 26, 2014, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 97-2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Commercial Solid Waste Fee Assessments
Resolution No. 97-2014

Date: June 26, 2014

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 97-2014, to establish rates for the commercial solid waste fee assessments.

GENERAL INFORMATION

Using the rate analysis methodology approved previously, we have developed non-ad valorem assessment rates for commercial solid waste collection as follows:

	FY 2014	FY 2015
1. Apartments	\$14.20/Unit/Month	\$13.30/Unit/Month
2. Low Volume (5 day)	\$0.029/SF/Year	\$0.030/SF/Year
3. Medium Volume (5 day)	\$0.195/SF/Year	\$0.206/SF/Year
4. High Volume (5 day)	\$0.853/SF/Year	\$0.898/SF/Year
5. Low Volume (7 day)	\$0.032/SF/Year	\$0.038/SF/Year
6. Medium Volume (7 day)	\$0.220/SF/Year	\$0.252/SF/Year
7. High Volume (7 day)	\$0.958/SF/Year	\$1.100/SF/Year

Upon approval of these proposed rates, the owners of the properties to be assessed will be notified via the normal distribution of TRIM notices by the County as to the estimated amount of the assessment. Resolution No. 97-2014 sets rates from which the assessment can be calculated for each property. A public hearing will be scheduled for September 2014, during one of the Town Council meetings as required, before final adoption of the proposed rates.

FUNDING/FISCAL IMPACT

This is a “zero-sum” initiative, in that revenues are intended to balance/off-set the costs. It is anticipated that this action will provide and generate the requisite funding.

TOWN ATTORNEY REVIEW

This resolution has been reviewed by the Town Attorney for legal form and sufficiency.

Attachment

EB:nb

cc: Jane Struder, Director of Finance w/Attachment
Eric B. Brown, Assistant Director of Public Works, w/Attachment
John C. Randolph, Town Attorney, w/Attachment
Chester Purves, Services Division Manager, w/Attachment
Nancy Boyer, Office Manager and Public Works File, w/Attachment

RESOLUTION NO. 97-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF PALM BEACH, PALM BEACH COUNTY, FLORIDA,
ESTABLISHING THE NON-AD VALOREM ASSESSMENT
RATES FOR COMMERCIAL SOLID WASTE COLLECTION;
PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, Town Council has approved the use of the uniform method of collecting non-ad valorem assessments within the incorporated area of the Town for certain commercial solid waste collection services; and

WHEREAS, a rate analysis has been completed; and

WHEREAS, the rate analysis calculated charges for certain commercial properties in Town.

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

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: The solid waste collection service non-ad valorem assessment rates for Fiscal Year 2014-2015 are hereby adopted as follows:

Apartments	\$13.30/Unit/Month
Low Volume (5-day Service)	\$0.030/SF/Year
Medium Volume (5-day Service)	\$0.206/SF/Year
High Volume (5-day Service)	\$0.898/SF/Year
Low Volume (7-day Service)	\$0.038/SF/Year
Medium Volume (7-day Service)	\$0.252/SF/Year
High Volume (7-day Service)	\$1.100/SF/Year

Section 3: The above rates are to be applied to the number of apartments on a property or to the volume of commercial use generated per square foot on a property as determined by the Solid Waste Authority of Palm Beach County. Five-day service rates shall apply to properties receiving service five days per week and seven-day service rates shall apply to properties receiving service seven days per week.

Section 4: This Resolution shall become effective October 1, 2014.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 15th day of July 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 98-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Relating to the Worth Avenue Improvement Project; Establishing the Estimated Assessed Cost Against the Properties that will be Benefitted Thereby; Directing the Town Manager to Prepare an Updated Assessment Roll; Establishing a Public Hearing to Consider Approval of the Assessment Rolls and Reimposition of the Maintenance Assessments and their Collection Pursuant to the Uniform Assessment Collection Act; Directing the Provision of Notice; and Providing for an Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated July 3, 2014, from Thomas G. Bradford, Deputy Town Manager](#)
- [Resolution No. 98-2014](#)
- [Exhibit A Maintenance Budget](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Worth Avenue Commercial District Assessment Area – Adoption of Assessment Roll and Improvement and Maintenance Assessments for FY 2015.
Resolution No. 98-2014

Date: July 3, 2014

STAFF RECOMMENDATION

Staff recommends the Mayor and Town Council adopt Resolution No. 98-2014 which is the preliminary assessment resolution for the proposed improvement (debt service) and maintenance assessments for the Worth Avenue Commercial District in FY 2015.

GENERAL INFORMATION

The non-ad valorem assessment process that causes special assessments implemented by the Town to appear on a property owner's property tax bill dovetails with the statewide budget and millage rate adoption schedule. Accordingly, it is time to begin the formal steps of implementing the next year's FY 2015 proposed capital and maintenance assessments for the Worth Avenue Commercial District Assessment Area that will appear on a property owner's tax bill mailed on or about November 1. By adopting Resolution No. 98-2014 you will be initiating a process whereby each affected property owner will be advised of the amount of their proposed improvement and maintenance assessments and the date, time, and place of the public hearing to adopt the final assessment and associated assessment roll on the Property Appraiser's TRIM notice issued in late August of this year and by letter from the Town in late August.

The total net assessment amount is based upon the following budget factors:

- 1) Public Improvement Revenue Bonds, Series 2010 B, FY 2015 Annual Debt Service- \$773,531.28.¹
- 2) Carryover of Fund Balance from Capital Account: \$0
- 3) Property Appraiser Administrative Service Fee: **\$150**
- 4) Proposed FY 2015 Net Debt Service Assessment - **\$773,681.28**
- 5) Proposed FY 2015 Maintenance Budget - \$232,925. A copy is attached as Exhibit A.
- 6) Donations (Garden Club for Living Wall Maintenance) - \$10,000
- 7) Carryover of Maintenance Account Fund Balance for Maintenance: \$0

¹ Debt service represents \$772,031.28 in debt service and a Bank of New York service fee of \$1,500.

- 8) **Proposed FY 2015 Net Maintenance Assessment - \$222,925**
- 9) **Total Net Assessment (item 3+ item 7) - \$996,606.28**

To employ a defensible assessment methodology to ensure that property owners are only paying costs in proportion to the benefits they derive from the improvements or costs related to the improvements, we again used the methodology developed in 2010 by Special District Services which was previously found by the Town Council to provide benefits from the improvements that were/are in proportion to the assessments to be allocated to each benefitted property and that the apportionment of the special benefits to each benefitted property is fair and reasonable.

In order to place assessments on the property tax bill, which virtually assures that the Town will receive payment and avoid having to create an internal billing and collection function, a number of steps are required to be taken in coordination with the Tax Collector and Property Appraiser. The Tax Collector charges a fee for the work they undertake on the Town's behalf that is 1% of the value of the assessments. In out years the Property Appraiser only charges a fee of \$150, which has been included as shown above. These costs are passed on to a property owner being assessed. In addition, since a property owner can receive a 4% discount for early payment of their property tax bill in November of each year, the assessments have to be adjusted upward by like amount to ensure the sum needed to pay expenses is realized in full. All totaled, for every \$100 in assessments the Town needs to collect, the assessment will be approximately \$105 in order to net the \$100 needed.

The additional 5 percent is attributable as follows:

- Property Appraiser – \$150 as indicated above
- Tax Collector – 1%
- Potential early property tax bill payment discount – 4%
- Total – 5%

These multipliers have been added to the Town's proposed FY 2015 net assessment of \$996,606.28 resulting in a **gross assessment of \$1,049,059.24**.

Resolution No.98-2014 formally initiates the process to implement the intended assessments for FY 2015. The resolution describes the property to be assessed, the improvements and related services to be provided, determines the estimated cost to be assessed for the fiscal year commencing on October 1, delineates which properties will be assessed, and, among other things, directs staff to take certain required steps to effectuate the assessment process. The final public hearing will be on Tuesday, September 9 in the Town Hall Council Chambers. It is recommended that Resolution No. 98-2014 be adopted.

The notices that property owners will receive from the Town prior to the final public hearing via first class mail and the TRIM notice provided by the Property Appraiser alerts the property owner to their right to object or call to the Town's attention any mistakes that they believe may have been made in applying the assessment formula to any given property. The law recognizes the difficulties that can exist in the assessment process and creates a check and balance into the process whenever an assessment is proposed for the first time or there is an increase in the cost or method in calculating the assessment.

FUNDING/FISCAL IMPACT

All direct costs borne by the Town to accomplish this project are paid for by the properties benefitting from the project improvements as opposed to all property owners in Town. The Improvement budget is based upon the amended debt service schedule that resulted from the one time early redemption of \$1,485,000 of bonds issued for the project referred to as the 2010 Series B bond issue. Resolution No. 98-2014 adopting the estimated 2015 assessment roll is attached. The proposed FY 2015 Worth Avenue maintenance budget which makes up the other portion of the assessment roll costs is attached as Exhibit A.

TOWN ATTORNEY REVIEW

Resolution No. 98-2014 was prepared by Heather Encinosa, Esq., of the law firm Nabors, Giblin & Nickerson. Ms. Encinosa focuses her practice on assessments and special districts and previously prepared the Town's ordinance that established Chapter 90 of the Town Code pertaining to special assessments.

Attachment

cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Heather Encinosa, Esq.

N: TGB/2014/Agenda Items/ Backup Memo for Worth Avenue Commercial District FY 15 Assessments for Improvement & Maintenance 070314

RESOLUTION NO. 98-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RELATING TO THE WORTH AVENUE IMPROVEMENT PROJECT; ESTABLISHING THE ESTIMATED ASSESSED COST AGAINST THE PROPERTIES THAT WILL BE BENEFITTED THEREBY; DIRECTING THE TOWN MANAGER TO PREPARE AN UPDATED ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER APPROVAL OF THE ASSESSMENT ROLLS AND REIMPOSITION OF THE MAINTENANCE ASSESSMENTS AND THEIR COLLECTION PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; DIRECTING THE PROVISION OF NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Chapter 90, Article II, of the Town of Palm Beach Code of Ordinances (the "Code"), the Initial Assessment Resolution (Resolution No. 74-10), the Final Assessment Resolution (Resolution No. 99-10), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution initiates the annual process for updating the Improvement and Maintenance Assessment Rolls and directing the continued imposition of Improvement Assessments and reimposition of Maintenance Assessments within the Worth Avenue Assessment Area for the Fiscal Year beginning October 1, 2014 (hereinafter the "Preliminary Rate Resolution"). All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

SECTION 3. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 4. FINDINGS. The legislative determinations embodied in the Code, the Initial Assessment Resolution and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 5. PUBLIC HEARING. There is hereby established a public hearing to be held by the Town Council at 5:01 p.m. on September 9, 2014, in the Town of Palm Beach Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida, to consider continued imposition of Improvement Assessments and reimposition of the Maintenance Assessments, approval of the Improvement Assessment Roll and Maintenance Assessment Roll, and collection of the Improvement Assessments and Maintenance Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 6. NOTICE BY PUBLICATION. Upon completion of the updated Improvement Assessment Roll and the updated Maintenance Assessment Roll, the Town Manager shall publish a notice of the public hearing authorized by Section 5 hereof in the manner and the time provided in Sec. 90-64 of the Code. Such notice shall be in substantially the form attached hereto as Appendix A.

SECTION 7. NOTICE BY MAIL.

(A) Upon completion of the updated Improvement Assessment Roll and the updated Maintenance Assessment Roll, the Town Manager shall, at the time and in the manner specified in Sec. 90-65 of the Town Code, provide first class mailed notice of the public hearing authorized by Section 5 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll, if required. Such notice shall be in substantially the form attached hereto as Appendix B.

(B) In accordance with Chapter 92-264, Laws of Florida, as amended, a special act relating to the Property Appraiser, the Town Council shall provide additional notice of the Assessment as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

(C) If the Town Council determines that the notice provided under paragraph (B) of this Section 2.05 also fulfills the requirements of paragraph (A) of this Section 2.05, then the separate mailing requirement described in paragraph (A) will be deemed to be fulfilled by the notice described in paragraph (B).

IMPROVEMENT ASSESSMENTS

SECTION 8. ANNUAL ASSESSMENTS TO FUND WORTH AVENUE IMPROVEMENT PROJECT.

(A) The Tax Parcels described in the updated Improvement Assessment Roll are hereby found to be specially benefited by construction of the Worth Avenue Improvement Project in the amount of the maximum annual Improvement Assessment set forth in the Improvement Assessment Roll. The methodology for computing annual Improvement Assessments described in the Initial Assessment Resolution is hereby approved.

(B) The Improvement Assessments shall be imposed against all property located within the Worth Avenue Assessment Area for each Fiscal Year in which Obligations are outstanding in the amount of the maximum annual Improvement Assessment and shall be computed in accordance with this Preliminary Rate Resolution. When imposed, the Improvement Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in Worth Avenue Assessment Area pursuant to Sec. 90-50 of the Code.

SECTION 9. UPDATED IMPROVEMENT ASSESSMENT ROLL. The Town Manager is hereby directed to prepare the updated Improvement Assessment Roll in the manner provided in Sec. 90-63 of the Code. The Town Manager shall apportion the Project Cost among the parcels of real property within Worth Avenue Assessment Area as reflected on the Tax Roll in conformity with this Preliminary Rate Resolution. The updated Improvement Assessment Roll shall be maintained on file in the office of the Town Manager and be open to public inspection. The updated Improvement Assessment Roll is attached hereto as Appendix C and incorporated herein by reference.

SECTION 10. APPLICATION OF IMPROVEMENT ASSESSMENT PROCEEDS. Proceeds from the Improvement Assessments received during each Fiscal Year shall be applied by the Town for payment of the Improvement Assessment Collection Costs, payment of any Transaction Costs not funded from proceeds of the Obligations, payment of interest due on the Obligations, and payment of principal due on the Obligations.

MAINTENANCE ASSESSMENTS

SECTION 11. ESTIMATED MAINTENANCE COST.

(A) The estimated Maintenance Cost for the Aesthetic Infrastructure Improvements and the Basic Infrastructure Improvements is \$222,925.00 for the Fiscal Year beginning on October 1, 2014.

(1) The estimated EVU Maintenance Cost allocated to the Aesthetic Infrastructure Improvements is \$179,900.47.

(2) The estimated Land Area Maintenance Cost allocated to the Basic Infrastructure Improvements is \$43,024.53.

(B) The Maintenance Cost will be funded through the imposition of Maintenance Assessments against property located in Worth Avenue Assessment Area.

SECTION 12. ANNUAL MAINTENANCE ASSESSMENTS.

(A) The Tax Parcels described in the updated Maintenance Assessment Roll are hereby found to be specially benefited by the maintenance of the Worth Avenue Improvement Project in the amount of the estimated annual Maintenance Assessment set forth in the Maintenance Assessment Roll.

(B) The Maintenance Assessments shall be imposed against all property located within the Worth Avenue Assessment Area for each Fiscal Year and shall be computed in accordance with this Preliminary Rate Resolution. When imposed, the Maintenance Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in Worth Avenue Assessment Area pursuant to Sec. 90-50 of the Code.

SECTION 13. COMPUTATION OF MAINTENANCE ASSESSMENTS. The annual Maintenance Assessments shall be computed for each Tax Parcel located in Worth Avenue

Assessment Area in the manner set forth in Section 5.03 of the Initial Assessment Resolution, which is hereby affirmed and incorporated herein by reference.

SECTION 14. UPDATED MAINTENANCE ASSESSMENT ROLL. The Town Manager is hereby directed to prepare the updated Maintenance Assessment Roll in the manner provided in Sec. 90-63 of Code. The Town Manager shall apportion the Maintenance Cost among the parcels of real property within Worth Avenue Assessment Area as reflected on the Tax Roll in conformity with this Preliminary Rate Resolution. The estimate of Maintenance Cost and the updated Maintenance Assessment Roll shall be maintained on file in the office of the Town Manager and be open to public inspection. The updated Maintenance Roll is attached hereto as Appendix C and incorporated herein by reference.

SECTION 15. METHOD OF COLLECTION. The Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

SECTION 16. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 17. REVISIONS TO ASSESSMENTS. If any Assessment or exemption made under the provisions of this Preliminary Rate Resolution is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Town Council is satisfied that any such Assessment or exemption is so irregular or defective that the same cannot be enforced or collected, or if the Town Council has failed to include or omitted any property on the Assessment Roll which property should have been so included, the Town Council may take all necessary steps to impose a new Assessment against any property benefited by the Worth Avenue Improvement Project,

following as nearly as may be practicable, the provisions of the Code and in case such second Assessment is annulled, vacated, or set aside, the Town Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 18. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of July, 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, Town Clerk

Penelope D. Townsend, Town Council Member

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 19, 2014

NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS IN THE WORTH AVENUE ASSESSMENT AREA TO PROVIDE FOR THE WORTH AVENUE IMPROVEMENT PROJECT AND OTHER RELATED SERVICES

Notice is hereby given that the Town Council of the Town of Palm Beach will conduct a public hearing to consider reimposing non-ad valorem special assessments for the provision of the design, construction, installation and maintenance of the Worth Avenue Improvement Project within the boundaries of the Worth Avenue Assessment Area for the Fiscal Year beginning October 1, 2014.

The hearing will be held at 5:01 p.m. on September 9, 2014, in the Town of Palm Beach Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Worth Avenue Assessment Area and the special assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice.

Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 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) days prior to the date of the hearing.

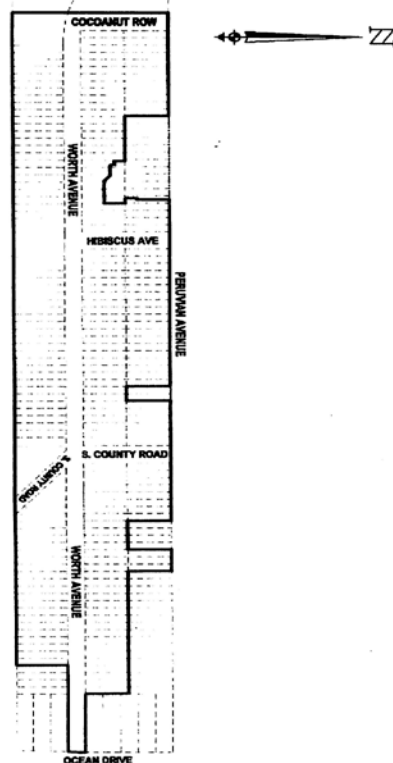
The assessment for each parcel of property will be based in part on the amount of Land Area on the Tax Parcel and in part on the Taxable Value of the Tax Parcel as these were assigned at the initiation of the assessment program at the time of the adoption of the Initial Assessment Resolution (Resolution No. 74-10). A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment

Resolution (Resolution No. 74-10) adopted by the Town Council on July 13, 2010. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution, the Final Assessment Resolution (Resolution No. 98-10), the Preliminary Rate Resolution, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2014, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town Council intends to collect the assessments in 30 annual installments, the first of which was included on the ad valorem tax bill to be mailed in November 2010.

If you have any questions, please contact the Town Manager's Office at (561) 838-5410, Monday through Friday between 8:30 a.m. and 5:00 p.m.

MAP OF ASSESSMENT AREA



**TOWN COUNCIL OF
THE TOWN OF PALM BEACH, FLORIDA**

APPENDIX B

FORM OF NOTICE TO BE MAILED

APPENDIX B

FORM OF NOTICE TO BE MAILED

**Town Council of the
Town of Palm Beach, Florida
Address
Town of Palm Beach, FL**

TOWN OF PALM BEACH, FLORIDA NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS NOTICE DATE: AUGUST 19, 2014
--

**Owner Name
Address
City, State Zip**

Tax Parcel #: _____
Legal Description: _____
Sequence #: _____

As required by section 197.3632, Florida Statutes, and the direction of the Town Council of the Town of Palm Beach, Florida, notice is given by the Town of Palm Beach that an annual assessment for the design, construction, installation, and maintenance of the Worth Avenue Improvement Project using the tax bill collection method may be levied on your property contained within the Worth Avenue Assessment Area for the fiscal year October 1, 2014 - September 30, 2015 and future fiscal years. The use of an annual special assessment to fund improvements and services benefiting improved property located within the Worth Avenue Assessment Area is a fair, efficient and effective means of funding these needed improvements and services. The total annual assessment revenue related to the Improvement Assessment to be collected within the Worth Avenue Assessment Area is estimated to be \$_____. The total annual assessment revenue related to the Maintenance Assessment to be collected within the Worth Avenue Assessment Area is estimated to be \$_____. The annual assessment will include your fair share of the principal, interest, administration, project and maintenance costs related to the Worth Avenue Improvement Project and amounts related to collection of assessments.

The assessment for your property will be based in part of the amount of Land Area on the Tax Parcel and in part on the Taxable Value of the Tax Parcel, as these values were assigned upon the initiation of the assessment program with the adoption of the Initial Assessment Resolution (No. 74-10). A more specific description of the improvements and the method of computing the

assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted the Town Council on July 13, 2010 (Resolution No. 74-10). Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. 74-10), the Final Assessment Resolution (Resolution No 98-10), the Preliminary Rate Resolution and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The total Land Area assigned to the above parcel was _____.

The total number of EVUs (value) assigned to the above parcel was _____.

The maximum annual Improvement Assessment for the above parcel is \$_____ for the fiscal year commencing on October 1, 2014 and future fiscal years.

The annual Maintenance Assessment for the above parcel is \$_____ for the fiscal year commencing on October 1, 2014 and future fiscal years.

A public hearing will be held at 5:01 p.m. on September 9, 2014, in the Town of Palm Beach Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Worth Avenue Improvement Project and the special assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 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) days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Both the non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2014. Failure

to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town has issued debt to finance this project. This will permit the cost attributable to your property to be amortized and collected as an Improvement Assessment over a period of 30 years beginning in 2010; however, if there are no significant defaults in payments of the assessments, all or part of the last payments may be made from any reserve accounts funded by the bonds.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your assessment, please contact the Town Manager's Office at (561) 838-5410, Monday through Friday between 8:30 a.m. and 5:00 p.m.

*** * * * * THIS IS NOT A BILL * * * * ***

APPENDIX C
ASSESSMENT ROLL

Worth Avenue Assessment Area Improvement and Maintenance FY 2015 ASSESSMENT ROLL						
PROPERTY OWNER NAME	STREET ADDRESS	PROPERTY CONTROL NUMBER	EVUs Per Parcel Land	EVUs Per Parcel Value	IMPROVEMENT ASSESSMENT	MAINTENANCE ASSESSMENT
Whalou Properties III LLC	125 Worth Ave.	50-43-43-23-05-016-0380	5.74	6.79	\$51,333.07	\$15,450.02
Worth Avenue Assoc. Ltd	150 Worth Ave	50-43-43-23-05-017-0011	14.70	12.85	\$111,559.58	\$30,990.89
Worth Avenue Assoc. Ltd	172 Worth Ave.(1)	50-43-43-23-05-017-0012	0.00	2.74	\$11,994.57	\$5,184.09
Second Worth Company LLC	151 Peruvian Ave.	50-43-43-23-05-016-0130	5.74	6.33	\$49,354.18	\$14,594.74
Love Gallery Place	175 Worth Ave. 0010	50-43-43-26-14-000-0010	0.50	1.45	\$8,417.09	\$2,994.93
Love Gallery Place	175 Worth Ave. 0020	50-43-43-26-14-000-0020	0.80	0.55	\$5,523.37	\$1,411.90
Hals Realty Associates LTD	175 Worth Ave. 0030 (3)	50-43-43-26-14-000-0030	0.40	0.71	\$4,537.19	\$1,509.48
Town of Palm Beach	400 S. County Rd.	50-43-43-23-05-015-0220	0.00	0.00	\$0.00	\$0.00
Hals Realty Associates LTD	401 S. County Rd.	50-43-43-23-05-016-0010	4.20	1.89	\$23,982.85	\$5,466.34
Hals Realty Associates LTD	411 S. County Rd.	50-43-43-23-05-016-0600	3.80	2.05	\$23,277.17	\$5,601.68
Moda Imports Inc.	204 Worth Ave.	50-43-43-23-05-018-0230	5.30	5.41	\$43,572.16	\$12,637.57
212 Worth Avenue LLC	212 Worth Ave.	50-43-43-23-05-018-0212	0.30	0.72	\$4,356.57	\$1,501.58
Napoleon Palm Beach	218 Worth Ave.	50-43-43-23-05-018-0190	1.50	2.28	\$15,687.49	\$5,005.72
Worth Pondfield	222 Worth Ave.	50-43-43-23-05-018-0170	1.20	1.86	\$12,718.45	\$4,076.21
Palm V Assoc. LTD	224 Worth Ave.	50-43-43-23-05-018-0050	7.30	8.12	\$62,901.38	\$18,661.70
Power Love Assoc.	256 Worth Ave.	50-43-43-23-05-018-0010	2.70	2.94	\$22,916.49	\$6,769.14
Love 300	306 Worth Ave.	50-43-43-23-05-019-0220	1.90	2.60	\$18,647.27	\$5,792.88
Northern Trust Bank of Fla Burton J & Franz L. Trust	312 Worth Ave.	50-43-43-23-05-019-0200	0.70	0.82	\$6,074.39	\$1,852.09
Everglades Club Inc.	350 Worth Ave.	50-43-43-23-05-019-0010	3.10	1.41	\$17,917.28	\$4,080.93
Lendan Inc.	201 Worth Ave. (5)	50-43-43-23-05-015-0280	3.20	4.08	\$30,053.95	\$9,192.59
Love LLC & Gedney Station	219 Worth Ave.	50-43-43-23-05-015-0340	2.10	2.34	\$18,127.37	\$5,385.15
PA FL Assoc.	225 Worth Ave.	50-43-43-23-05-015-0380	2.10	2.74	\$19,852.44	\$6,130.73
Miklor Equities, Inc.	235 Worth Ave.	50-43-43-23-05-015-0420	1.00	1.13	\$8,890.87	\$2,617.88
237-243 Worth Avenue LTD Partnership	243 Worth Ave.	50-43-43-23-05-015-0440	2.10	2.46	\$18,652.26	\$5,612.00
Jane B. Holzer	247 Worth Ave.	50-43-43-23-05-015-0480	2.10	2.33	\$18,085.99	\$5,367.26
Love III LLC	250 Worth Ave. 1	50-43-43-27-69-000-0010	0.30	0.16	\$1,911.53	\$446.00
Edward & Robert Kassatly TRS	250 Worth Ave. 2	50-43-43-27-69-000-0020	0.20	0.22	\$1,763.41	\$514.84
Manchester Realty Group	250 Worth Ave. 3	50-43-43-27-69-000-0030	0.20	0.16	\$1,287.97	\$377.55
Burton & Lucille Handelsman	250 Worth Ave. 4	50-43-43-27-69-000-0040	0.40	0.24	\$2,411.18	\$623.93
Madden Family Associates LTD	259 Worth Ave.	50-43-43-23-05-015-0520	1.60	2.60	\$17,263.00	\$5,623.95
Peruvian Avenue Corporation	405 Hibiscus Ave.	50-43-43-23-05-015-0010	10.00	1.90	\$46,005.70	\$8,134.73
Love II LLC	400 Hibiscus Ave.	50-43-43-23-05-014-0241	1.70	0.93	\$10,588.43	\$2,547.33
Chanel, Inc	301 Worth Ave.	50-43-43-23-05-014-0242	2.80	3.64	\$26,324.27	\$8,148.52
Love LLC	309 Worth Ave.	50-43-43-23-05-014-0331	1.90	1.98	\$15,749.92	\$4,602.17
New Palm	325 Worth Ave.	50-43-43-23-05-014-0391	0.70	0.96	\$6,903.57	\$2,140.70
Dogramacyan Garbis	329 Worth Ave. 0010	50-43-43-27-62-000-0010	0.20	0.41	\$2,628.54	\$873.67
Usher LLC	329 Worth Ave. 0020	50-43-43-27-62-000-0020	0.20	0.37	\$2,372.84	\$795.29
Marikio Inc.	329 Worth Ave. 0030	50-43-43-27-62-000-0030	0.20	0.42	\$2,696.74	\$897.85
Carlos Caijgas	329 Worth Ave. 0040	50-43-43-27-62-000-0040	0.10	0.07	\$479.81	\$148.19
Carlos & Michela Caijgas	329 Worth Ave. 0050	50-43-43-27-62-000-0050	0.10	0.14	\$1,012.24	\$312.66
Carlos Caijgas	329 Worth Ave. 0060	50-43-43-27-62-000-0060	0.10	0.18	\$1,318.65	\$407.27
Usher LLC	329 Worth Ave. 0070	50-43-43-27-62-000-0070	0.10	0.13	\$969.56	\$299.51
Worth Avenue Holdings, LLC	331 Worth Ave.	50-43-43-23-05-014-0430	0.50	0.95	\$6,118.51	\$2,032.05
Everglades Club Inc.	347 Worth Ave. & 405 Cocoonut Row	50-43-43-23-05-014-0010	2.70	2.04	\$19,138.55	\$5,090.85
Mimi G. Duncan	9 Via Parigi	50-43-43-23-05-014-0031	0.00	0.02	\$171.03	\$43.35
City National Bank of Florida Trust	333 Worth Ave. 117S	50-43-43-27-71-001-1170	0.10	0.19	\$1,243.24	\$407.18
City National Bank of Florida Trust	333 Worth Ave. 118S	50-43-43-27-71-001-1180	0.10	0.36	\$2,027.18	\$732.22
City National Bank of Florida Trust	335 Worth Ave. 119S	50-43-43-27-71-001-1190	0.10	0.29	\$1,620.83	\$585.45
City National Bank of Florida Trust	337 Worth Ave. 120S	50-43-43-27-71-001-1200	0.10	0.28	\$1,613.98	\$582.97
Argon LC	Via Mizner R-1N	50-43-43-27-71-002-0010	0.00	0.00	\$0.00	\$0.00
City National Bank of Florida Trust	339 Worth Ave. 101S	50-43-43-27-71-001-1010	0.20	0.46	\$2,581.92	\$932.59
City National Bank of Florida Trust	341 Worth Ave. 102S	50-43-43-27-71-001-1020	0.10	0.30	\$1,675.62	\$605.24
City National Bank of Florida Trust	343 Worth Ave. 103S	50-43-43-27-71-001-1030	0.10	0.26	\$1,499.84	\$541.74
City National Bank of Florida Trust	345 Worth Ave. 104S	50-43-43-27-71-001-1040	0.10	0.27	\$1,554.63	\$561.53
Via Mizner South Realty Trust	1 Via Mizner R-1S	50-43-43-27-71-001-0010	0.00	0.00	\$0.00	\$0.00
Via Mizner Associates Ltd.	2 Via Mizner R-2S	50-43-43-27-71-001-0020	0.00	0.00	\$0.00	\$0.00
Not Applicable	48 Via Mizner R-3S	50-43-43-27-71-001-0030	0.00	0.00	\$0.00	\$0.00
City National Bank of Florida Trust	7 Via Mizner 105S	50-43-43-27-71-001-1050	0.00	0.08	\$520.21	\$170.38
City National Bank of Florida Trust	8 Via Mizner 106S	50-43-43-27-71-001-1060	0.00	0.08	\$509.38	\$166.83
City National Bank of Florida Trust	14 Via Mizner 109S	50-43-43-27-71-001-1090	0.10	0.09	\$614.66	\$201.31
City National Bank of Florida Trust	9 Via Mizner 107S	50-43-43-27-71-001-1070	0.00	0.08	\$520.21	\$170.38

City National Bank of Florida Trust	12 Via Mizner 108S	50-43-43-27-71-001-1080	0.10	0.20	\$1,295.89	\$424.42
City National Bank of Florida Trust	23 Via Mizner 110S	50-43-43-27-71-001-1100	0.00	0.08	\$512.47	\$167.84
City National Bank of Florida Trust	21 Via Mizner 111S	50-43-43-27-71-001-1110	0.10	0.13	\$821.29	\$274.89
City National Bank of Florida Trust	5 Via Mizner 112S	50-43-43-27-71-001-1120	0.00	0.06	\$418.03	\$136.91
City National Bank of Florida Trust	32 Via Mizner 115S	50-43-43-27-71-001-1150	0.10	0.19	\$1,229.31	\$402.61
City National Bank of Florida Trust	33 Via Mizner 116S	50-43-43-27-71-001-1160	0.10	0.15	\$981.59	\$321.48
City National Bank of Florida Trust	27 Via Mizner 113S (6)	50-43-43-27-71-001-1140	0.10	0.10	\$667.30	\$218.55
Anglo American Holdings Inc.	16 Via Mizner 208S	50-43-43-27-71-001-2080	0.30	0.36	\$2,534.64	\$793.51
City National Bank of Florida Trust	38 Via Mizner 216S	50-43-43-27-71-001-2160	0.30	0.41	\$2,876.13	\$900.42
Via Mizner Associates Ltd.	42 Via Mizner 219S (2)	50-43-43-27-71-001-2190	0.00	0.00	\$0.00	\$0.00
Via Mizner Associates Ltd.	45 Via Mizner 217S (2)	50-43-43-27-71-001-2170	0.00	0.00	\$0.00	\$0.00
Via Mizner Associates Ltd.	42 Via Mizner 218S (2)	50-43-43-27-71-001-2180	0.00	0.00	\$0.00	\$0.00
Not Applicable	Confidential	50-43-43-27-71-002-0020	0.00	0.00	\$0.00	\$0.00
L C. Argon	60 Via Mizner 101N	50-43-43-27-71-002-1010	0.10	0.07	\$524.13	\$157.00
L C. Argon	64 Via Mizner 102N	50-43-43-27-71-002-1020	0.10	0.06	\$475.26	\$142.36
L C. Argon	64 Via Mizner 103N	50-43-43-27-71-002-1030	0.10	0.08	\$584.00	\$174.93
Gretchen B. Black	66 Via Mizner 105N	50-43-43-27-71-002-1050	0.00	0.05	\$378.75	\$113.45
City National Bank of Florida Trust	87 Via Mizner 106N	50-43-43-27-71-002-1060	0.10	0.13	\$978.63	\$293.13
City National Bank of Florida Trust	87 Via Mizner 107N	50-43-43-27-71-002-1070	0.10	0.08	\$613.32	\$183.71
City National Bank of Florida Trust	87 Via Mizner 108N	50-43-43-27-71-002-1080	0.10	0.10	\$734.28	\$219.94
City National Bank of Florida Trust	88 Via Mizner 109N	50-43-43-27-71-002-1090	0.20	0.17	\$1,470.45	\$409.74
Gretchen B. Black	66 Via Mizner 104N	50-43-43-27-71-002-1040	0.00	0.05	\$350.64	\$105.03
City National Bank of Florida Trust	90 Via Mizner 110N	50-43-43-27-71-002-1100	0.20	0.23	\$1,741.00	\$521.49
City National Bank of Florida Trust	99 Via Mizner 115N	50-43-43-27-71-002-1150	0.10	0.14	\$1,071.48	\$320.95
City National Bank of Florida Trust	92 Via Mizner 111N	50-43-43-27-71-002-1110	0.10	0.11	\$868.67	\$260.20
City National Bank of Florida Trust	96 Via Mizner 112N	50-43-43-27-71-002-1120	0.00	0.05	\$409.52	\$122.55
City National Bank of Florida Trust	99 Via Mizner 114N	50-43-43-27-71-002-1140	0.00	0.05	\$347.72	\$104.30
L C. Argon	64 Via Mizner 201N	50-43-43-27-71-002-2010	0.10	0.12	\$986.24	\$282.78
	TOTALS				\$814,401.34	\$234,657.89

Worth Avenue Commercial District Proposed Maintenance Budget - FY 2015								
FY 2015								
Miscellaneous Fees	Sub-Totals	Budget	Actual	Sub-Totals	Proposed	Budget	Actual	
	2014	2014	2014	2014	2015	2015	2015	
			6/11/2014					
Bank of New York - Mellon (Bond Admin Service Fee)(1)		\$ -			\$ -			
Attorney Fees for Initial and Final Resolution		\$ 2,000	\$ 653		\$ 1,500			
Postage		\$ 60			\$ 60			
Palm Beach Post Ad		\$ 485			\$ 500			
Tax Collector Mailing Assessment		\$ 60			\$ 60			
Tax Collector Administrative Charge		\$ 150			\$ 150			
	\$ 2,755			\$ 2,270				
Facilities and Landscaping Maintenance								
Base Fee - Landscape Contractor		\$ 66,135	\$ -		\$ 67,790			
(\$5,511.25 x 1.025 = \$5,649.03 x 12 = \$67,788.38								
Pressure Cleaning Package (2 X Per Year)		\$ 51,355	\$ -		\$ 52,640			
(\$51,355 x 1.025 = \$52,638.88 or \$26,319.44 per service)								
Annals (Replace 2 X Per Year)		\$ 13,390	\$ -		\$ 13,715			
(\$13,390 x 1.025 = \$13,714.75)								
Plant and Tree Replacement		\$ 2,500	\$ -		\$ 2,565			
\$2,500 X 1.025 = \$2,562.50								
Fertilization (4 X Per Year)		\$ 2,020	\$ -		\$ 2,075			
(\$2,020 x 1.025 = \$2,070.50)								
Ornamental Tree Trimming (2 x Per Year)		\$ 3,820	\$ -		\$ 3,915			
(\$1,910 x 1.025 = \$1,957.75 x 2 = \$3,915.50)								
Palm Tree Trimming (4 X Per Year)		\$ 8,450	\$ -		\$ 8,665			
(\$2,112.50 x 4 = \$8,450 x 1.025 = \$8,661.25)								
Vericutting Lawn		\$ 1,060	\$ -		\$ 1,090			
(\$1.06 per sq ft x 1,000 sq.ft = \$1,060 x 1.025 = \$1,086.50)								
Top Dressing of Turf Areas		\$ 3,000	\$ -		\$ 3,075			
\$3,000 X 1.025 = \$3,075								
Bulb Replacement		\$ 150	\$ -		\$ 155			
(20 x \$7.50 = \$150 x 1.025 = \$153.75)								
Street Light Re-Lamping		\$ 1,000	\$ -		\$ 1,025			
Misc. bulbs and ballasts (\$1,000 X 1.025 = \$1,025)								
Sprinkler Head Replacement and Irrigation Repairs		\$ 585	\$ -		\$ 600			
(\$585 x 1.025 = \$599.63)								
G-Sky Living Wall Maintenance		\$ 27,860	\$ -		\$ 28,560			
(\$27,860 x 1.025 = \$28,556.50)								
Lethal Yellowing Inoculations		\$ 2,960	\$ -		\$ 3,035			
(190 Palms 1 x Per Year = 190 x 15.58 x 1.025 = \$15.11 x 190 = \$3,034.21)								
Clock Tower Maintenance		\$ 640	\$ 375		\$ 770			
Verdin Maintenance Contract for the clocks - \$750 x 1.025 = \$768.75								
WhiteFly Treatments		\$ 4,500	\$ -		\$ 4,615			
Quarterly spraying @ \$1,125 X 1.025 = \$1,153.13 X 4 = \$ 4,612.50								
Sidewalk Repairs		\$ 4,000	\$ -		\$ 10,000			
As needed. C.S. Whiteside Increase budget to \$10,000 annual to catch up.								
Miscellaneous		\$ -			\$ -			
Unanticipated Expenditures								
	\$ 193,425			\$ 204,290				
Utilities								
Electric		\$ 6,380	\$ 3,667		\$ 7,520			
259 Worth Ave Meter: \$1,778 x 2 = \$3,556 X 1.025 = \$3,644.90			\$ 1,778					
205 Worth Ave Meter: \$1,889 x 2 = \$3,778 X 1.025 = \$3,872.45			\$ 1,889					
Water		\$ 7,255	\$ 2,826		\$ 7,255			
170 Worth Ave Meter: (\$6485 FY 14) (\$5,172.15 FY 15) Keep same			\$ 2,523					
412 Hibiscus Meter: (\$770 FY 14) (\$606 FY 15) Keep same			\$ 303					
Gas		\$ 780	\$ 235		\$ 780			
FPUC Flat Rate @ \$39.34 per mo = \$472.08 x 1.025 = \$483.88 Keep same								
	\$ 14,415			\$ 15,555				
Contingency	Approximately 5.0% of Expenditures for Unanticipated	\$ 10,530		\$ 10,810	\$ 10,810			
		\$ 13,290						
Total Expenditures		\$ 225,899	\$ 221,125	\$ 14,249	\$ 232,925	\$ 232,925		
REVENUES								
Non Ad-Valorem Assessments		\$ 207,761			\$ 222,925			
Special Non Ad-Valorem Assessments Per Florida Statutes								
Garden Club Donation		\$ 10,000			\$ 10,000			
\$10,000 annual donation for 5 years effective October 2011								
Carry Forward of Fund Balance		\$ -			\$ -			
Undesignated Fund Balance Brought Forward and Appropriated								
Total Revenues		\$ 217,761	\$ 217,761		\$ 232,925			
Key: (1) Fee reallocated to debt service account for proper accounting.								
For Preliminary and Final Resolution purposes total estimated EVU maintenance cost allocated to Aesthetic Infrastructure is 80.7% and the estimated land area maintenance cost allocated to Basic Infrastructure improvements is 19.3% per the Special District Services Worth Avenue assessment methodology report adopted by the Town Council in 2010.								

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 99-2014 A Resolution of the Town Council of the Town of Palm Beach, Florida, Relating to the Peruvian Avenue Improvement Project; Describing the Property to Be Included Within the Proposed Peruvian Avenue Assessment Area and the Local Improvements and Related Services to Be Provided Therein; Determining the Estimated Project Cost and Maintenance Cost of the Peruvian Avenue Improvement Project; Establishing the Method of Assessing the Assessed Cost Against the Properties That Will Be Benefitted Thereby; Establishing Other Terms and Conditions of the Assessments; Directing the Town Manager to Prepare a Preliminary Assessment Roll; Establishing a Public Hearing to Consider Imposition of the Proposed Assessments and the Method of Their Collection; Directing the Provision of Notice; and Providing for an Effective Date.

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- [Memorandum dated July 3, 2014, from Thomas G. Bradford, Deputy Town Manager](#)
- [Resolution No. 99-2014](#)
- [Peruvian Ave 400 Blk Streetscape Proj Maintenance Budget](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Peruvian Avenue 400 Block Streetscape Project Underground Assessment Area – Adoption of Estimated Assessment Roll for FY 2015.

Resolution No. 99-2014

Date: July 3, 2014

STAFF RECOMMENDATION

In regard to the Peruvian Avenue 400 Block Streetscape Project Assessment Area, staff recommends the Town Council adopt Resolution No. 99-2014. This is the initial assessment resolution for the proposed improvement and maintenance assessments for FY 2015 for this special non-ad valorem assessment project.

GENERAL INFORMATION

The Peruvian Avenue 400 Block Streetscape Project was completed on January 31, 2014. A maintenance program overseen by the Town was implemented immediately following completion of the project and remains in effect. The project construction cost was slightly under the \$1.3 million not to exceed construction budget established in conjunction with the residents of the assessment benefit area. Improvement assessments will be commensurately less than originally estimated as a result.

The Peruvian Avenue 400 Block Streetscape Project net improvement and maintenance assessment for FY 2015 has been calculated as follows:

Cost Description	Amount
Estimated Original Principal	\$1,224,759
Outstanding Principal	\$1,224,759
Anticipated Funding Agreement Required Principal Payment	\$122,476
Estimated Interest Rate @ .61%	\$4,056
Interest Rate Surcharge @ 1.0%	\$6,656
Estimated Attorney Fees	\$3,000
Estimated Postage (2 X \$.49 X 162 properties)	\$160
Estimated PB Post Ad:	\$515.00
Maintenance: 02/01/14 to 09/30/15	\$39,733

Est. Property Appraiser First Year Administrative Fees	N/A – Covered by 1% Assessment Denominator Explained Below
Est. Tax Collector First Year Administrative Fees	N/A – Covered by 1% Assessment Denominator Explained Below
Estimated Preliminary FY 2015 Total Net Assessment	\$176,581

The non-ad valorem assessment process that causes special assessments implemented by the Town to appear on a property owner's property tax bill dovetails with the statewide budget and millage rate adoption schedule. Accordingly, it is time to begin the formal steps of implementing the first year's proposed improvement and maintenance assessments for the FY 2015 Peruvian Avenue 400 Block Streetscape Project Assessment Area that will appear on an affected property owner's tax bill mailed on or about November 1. By adopting Resolution No. 99-2014 you will be initiating a process whereby each affected property owner will be advised of the amount of their proposed improvement and maintenance assessment and the date, time, and place of the public hearing to adopt the final assessment and associated assessment roll by letter from the Town and on the Property Appraiser's TRIM Notice, both issued in late August of this year.

To employ a defensible assessment methodology to ensure that property owners are only paying costs in proportion to the benefits they derive from the improvements, we used the most common methodology in use throughout Florida called the Linear Front Footage method of assessment. Resolution No. 99-2014 confirms the use of the Linear Front Footage methodology and finds that the project improvements will provide a special benefit to all Tax Parcels located within the Peruvian Avenue Assessment Area by protecting and enhancing the value, use, enjoyment and attractiveness and viability of such property by improving and enhancing: (1) the boundaries, character and neighborhood identity of the Assessment Area; (2) the safety and overall aesthetics of the Assessment Area; (3) utility services, reliability and safety for those properties within the Assessment Area; (4) establishing improved ingress and egress for pedestrian and vehicles within the Assessment Area which will increase the residential attractiveness and development or redevelopment potential of all properties therein; and (5) storm water drainage within the Assessment Area, which assists in reducing flooding and responsibly managing the burden of storm water produced by developed properties.

In order to place assessments on the property tax bill, which virtually assures that the Town will receive payment, a number of steps are required to be taken in coordination with the Tax Collector and Property Appraiser. Each constitutional officer charges a fee for the work they undertake on the Town's behalf that is estimated to be up to 1% of the value of the annual assessments. These costs are passed on to a property owner being assessed. In addition, since a property owner can receive a 4% discount for early payment of their property tax bill in November of each year, the assessments have to be adjusted upward by like amount to ensure the sum needed to pay expenses is realized in full. All totaled, for every \$100 in assessments the Town needs to collect, the assessment will be approximately \$106 in order to net the \$100 needed.

The additional 6 percent is attributable as follows:

- Property Appraiser – 1% in year one
- Tax Collector – 1%

- Potential early property tax bill payment discount – 4%
- Total – 6%

These multipliers have been added to the Town's proposed FY 2015 net assessment of \$176,581 resulting in a gross assessment of 187,852.02.

Resolution No. 99-2014 formally initiates the process to implement the intended assessments for FY 2015. The resolution describes the property to be assessed, the improvements and related services provided, determines the estimated cost to be assessed for the fiscal year commencing on October 1, delineates which properties will be assessed, and, among other things, directs staff to take certain required steps to effectuate the assessment process. The final public hearing will begin at 5:01 p.m. on Tuesday, September 9 in the Town Hall Council Chambers. It is recommended that Resolution No. 99-2014 be adopted.

Resolution No. 99-2014 is attached hereto. The FY 2015 Preliminary Assessment Roll and estimated assessments for this project are indicated in Appendix D of Resolution No. 99-2014. These estimates are subject to change as all items associated with the assessment are finalized for the property owner notice and Final Assessment Resolution to be considered in September. For your information, the proposed maintenance budget upon which a portion of the proposed assessments are based is attached hereto as Exhibit A.

The notices that property owners will receive from the Town prior to the final public hearing via first class mail and the TRIM notice provided by the Property Appraiser alerts the property owner to their right to object or call to the Town's attention any mistakes that they believe may have been made in applying the assessment formula to any given property. The law recognizes the difficulties that can exist in the assessment process and creates a check and balance into the process whenever an assessment is proposed for the first time or there is an increase in the cost or method in calculating the assessment.

FUNDING/FISCAL IMPACT

All direct costs borne by the Town to accomplish this project are paid for by the property owners whose properties benefit from the project improvements as opposed to all property owners in Town.

TOWN ATTORNEY REVIEW

Resolution No. 99-2014 was prepared by Heather Encinosa, Esq., of the law firm Nabors, Giblin & Nickerson. Ms. Encinosa focuses her practice on assessments and special districts and previously prepared the Town's ordinance that established Chapter 90 of the Town Code pertaining to special assessments.

Attachment

cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Heather Encinosa, Esq.

TOWN OF PALM BEACH, FLORIDA

**INITIAL ASSESSMENT RESOLUTION FOR
PERUVIAN AVENUE IMPROVEMENT PROJECT**

ADOPTED JULY 15, 2014

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RESOLUTION NO. 99-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, RELATING TO THE PERUVIAN AVENUE IMPROVEMENT PROJECT; DESCRIBING THE PROPERTY TO BE INCLUDED WITHIN THE PROPOSED PERUVIAN AVENUE ASSESSMENT AREA AND THE LOCAL IMPROVEMENTS AND RELATED SERVICES TO BE PROVIDED THEREIN; DETERMINING THE ESTIMATED PROJECT COST AND MAINTENANCE COST OF THE PERUVIAN AVENUE IMPROVEMENT PROJECT; ESTABLISHING THE METHOD OF ASSESSING THE ASSESSED COST AGAINST THE PROPERTIES THAT WILL BE BENEFITTED THEREBY; ESTABLISHING OTHER TERMS AND CONDITIONS OF THE ASSESSMENTS; DIRECTING THE TOWN MANAGER TO PREPARE A PRELIMINARY ASSESSMENT ROLL; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR COLLECTION; DIRECTING THE PROVISION OF NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

ARTICLE I

DEFINITIONS AND CONSTRUCTION

SECTION 1.01. DEFINITIONS. This resolution constitutes the Initial Assessment Resolution as defined in the Code. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Code. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Abutting Properties" means those Tax Parcels within the Assessment Area directly abutting Peruvian Avenue and the proposed Peruvian Avenue Improvement, but not including Flag Properties or Condominiums.

"Annual Debt Service Component" means the amount computed for each Tax Parcel pursuant to Section 4.04(E) hereof.

"Annual Debt Service Factor" means the factor computed pursuant to Section 4.04(D) hereof.

"Annual Maintenance Component" means the amount computed for each Tax Parcel pursuant to Section 5.03(A) hereof.

"Assessment Unit" means Front Footage.

"Assessments" means the Capital Assessments and the Maintenance Assessments.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes.

"Building Area" means the adjusted area of the building contained on each Tax Parcel within the Peruvian Avenue Assessment Area, as contained within the Property Appraiser's Tax Roll database.

"Benefitted Properties" means those Tax Parcels within the Assessment Area fronting on Peruvian Avenue and the proposed Peruvian Avenue Improvement Project or otherwise relying on Peruvian Avenue for access and including those Tax Parcels located above the first floor of a building that fronts on Peruvian Avenue where the Peruvian Avenue Improvement Project is planned.

"Capital Assessments" means an annual special assessment imposed against property located within the Peruvian Avenue Assessment Area to fund the Project Cost of the Peruvian Avenue Improvement Project, computed in the manner described in Section 4.04 hereof.

"Capital Cost" means all or any portion of the expenses that are properly attributable to the design, acquisition, construction and installation of the Peruvian Avenue Improvement Project and imposition of the Assessments under accounting principles generally accepted in the United States of America and including reimbursement to the Town for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

"Code" means Chapter 90, Article II of the Town of Palm Beach code of ordinances, concerning Special Assessments.

"Common Element" means property within a condominium community as defined in Section 718.103, Florida Statutes, or its statutory successor in function, that are not included within the Condominium Units.

"Condominium Unit" means those Tax Parcels within the Assessment Area that are located within a condominium community created by a declaration of condominium pursuant to Chapter 718, Florida Statutes, or a cooperative association created pursuant to Chapter 719, Florida Statutes, or other common interest development authorized under Florida law.

"Debt Service Amount" means the amount computed pursuant to Section 4.04(A) hereof.

"Final Assessment Resolution" means the resolution described in Section 90-66 of the Code which shall confirm, modify or repeal this Resolution and which shall be the final proceeding for the imposition of the Assessments within the Peruvian Avenue Assessment Area.

"Front Footage" means the total amount of lineal front feet along Peruvian Avenue that is attributed to each Tax Parcel of Abutting Property within the Assessment Area, as determined by a survey measurement performed by Betsy Lindsay, Inc.

"Flag Properties" means those Tax Parcels that are situated along Peruvian Avenue in such a way that only one Tax Parcel directly abuts Peruvian Avenue (the "front parcel") and the other Tax Parcels are located behind the front parcel, but with access to Peruvian Avenue through the front parcel.

"Funding Agreement" means the agreement pursuant to which the Town agreed to deliver the Obligations against payment therefore by the purchaser or underwriter of such Obligations.

"Improvement Assessment" means an annual special assessment imposed against property located within Peruvian Avenue Assessment Area to fund the Project Cost of the Peruvian Avenue Improvement Project, and related expenses, computed in the manner described in Section 4.04 hereof.

"Improvement Assessment Collection Cost" means the estimated cost to be incurred by the Town during any Fiscal Year in connection with the collection of the Assessments.

"Improvement Assessment Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 4.04(F) hereof.

"Improvement Assessment Roll" means a non-ad valorem assessment roll relating to the Project Cost of the Peruvian Avenue Improvement Project.

"Improvement Assessment Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 4.04(G) hereof.

"Land Area" means the square footage of the land contained within each Tax Parcel, as shown on the latest available information from the Property Appraiser.

"Maintenance" means a Related Service to provide maintenance of the Peruvian Avenue Improvement Project, including electricity, replacement parts and equipment, irrigation water, and other goods or services as deemed necessary by the Town.

"Maintenance Assessment" means an annual special assessment imposed against property located within Peruvian Avenue Assessment Area to fund the Maintenance Cost of the Peruvian Avenue Improvement Project, and related expenses, computed in the manner described in Section 5.03 hereof.

"Maintenance Assessment Collection Cost" means the estimated cost to be incurred by the Town during any Fiscal Year in connection with the collection of Maintenance Assessments.

"Maintenance Assessment Collection Cost Component" means the amount computed for each Tax Parcel pursuant to Section 5.03(B) hereof.

"Maintenance Assessment Roll" means a non-ad valorem assessment roll relating to the Maintenance Cost of the Peruvian Avenue Improvement Project.

"Maintenance Assessment Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 5.03(C) hereof.

"Maintenance Cost" means all or any portion of the expenses that are properly attributable to Maintenance under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the Town for any funds advanced for Maintenance, and interest on any interfund or intrafund loan for such purpose.

"Modified Debt Service Amount" means the amount computed pursuant to Section 4.04(C) hereof.

"Obligations" means Original Obligations or Refunding Obligations.

"Original Obligations" means bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance all or a portion of the Project Cost of the Peruvian Avenue Improvement Project and secured, in whole or in part, by proceeds of the Assessments.

"Peruvian Avenue Assessment Area" or **"Assessment Area"** means the Benefitted Properties, as more particularly described in Section 3.01 and Appendix A hereof.

"Peruvian Avenue Improvement Project" means a Local Improvement as defined in the Code and hereby more specifically defined as the design, acquisition, construction and installation of the following streetscape project and improvements along the 400 block of Peruvian Avenue from South Lake Drive to Cocoanut Row: utility improvements, storm water improvements, roadway and parking improvements, sidewalks, signage, striping, street lighting, landscaping, irrigation, and associated beautification improvements, as more fully detailed in those certain plans and drawings dated June 30, 2014 entitled "Peruvian Ave. 400 Blk Streetscape Plan, Inc Utility As-Built" on file in the Town Manager's Office.

"Prepayment Amount" means the amount computed pursuant to Section 4.03 hereof for each Tax Parcel located in the Peruvian Avenue Assessment Area to prepay the Improvement Assessment in full.

"Prepayment Modification Factor" means the factor computed pursuant to Section 4.04(B) hereof.

"Project Cost" means (A) the Capital Cost of the Peruvian Avenue Improvement Project, (B) the Transaction Cost associated with the Obligations attributable to the Peruvian Avenue Improvement Project, (C) interest accruing on such Obligations for such period of time

as the Town deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations attributable to the Peruvian Avenue Improvement Project, and (E) any other costs or expenses related thereto.

"Refunding Obligations" means a series of bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligations of the Town issued or incurred to refund all or any portion of the Original Obligations or any indebtedness issued to refinance the Original Obligations.

"Related Service" means the operation and maintenance of a Local Improvement.

"Statutory Discount Amount" means the amount computed for each Tax Parcel pursuant to Section 4.04(G) hereof.

"Tax Parcel" means a parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

"Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

"Transaction Cost" means the costs, fees and expenses incurred by the Town in connection with the issuance and sale of any series of Obligations, including but not limited to (A) rating agency and other financing fees; (B) the fees and disbursements of bond, disclosure, and underwriter's counsel; (C) the underwriters' discount; (D) the fees and disbursements of the Town's financial advisor; (E) the costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations; (F) the fees payable in respect of any municipal bond insurance policy, paying agent, and trustee fees; (G) administrative, development, credit review, and all other fees

associated with any pooled commercial paper or similar interim financing program; and (H) any other costs of a similar nature incurred in connection with issuance of such Obligations.

"Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

SECTION 1.03. FINDINGS. It is hereby ascertained and declared that the Peruvian Avenue Improvement Project will provide a special benefit to the Assessed Property and that the Project Cost will be fairly and reasonably apportioned among those Assessed Properties based upon the following legislative determinations:

(A) Pursuant to Article VIII, Section 2(b) of the Florida Constitution, sections 166.021 and 166.041, Florida Statutes, and the Charter of the Town of Palm Beach, the Town Council has all powers of local self-government to perform municipal functions and to render municipal services except when prohibited by law and such power may be exercised by the enactment of legislation in the form of Town ordinances and resolutions.

(B) The Town Council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the Town Council may legislate on any subject matter on which the Legislature may act, except those subjects

described in (a), (b), (c), and (d) of section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c) and (d) of section 166.021(3), Florida Statutes, are not relevant to imposition of Assessments related to the Peruvian Avenue Improvement Project within the Town.

(C) The Town Council has enacted the Code to provide for the creation of Assessment Areas and authorize the imposition of Assessments to fund the cost of Local Improvements and Related Services that benefit the property located therein.

(D) The Town Council desires to create the Peruvian Avenue Assessment Area as an Assessment Area and to fund a portion of the Project Cost of the Peruvian Avenue Improvement Project, which is a Local Improvement as defined in the Code, and the Maintenance Cost of the Maintenance, which is a Related Service as defined in the Code, through Assessments.

(E) The design, acquisition, construction, and installation of the Peruvian Avenue Improvement Project will provide a special benefit to all Tax Parcels located within the Peruvian Avenue Assessment Area by protecting and enhancing the value, use, enjoyment and attractiveness and viability of such property by improving and enhancing: (1) the boundaries, character and neighborhood identity of the Assessment Area; (2) the safety and overall aesthetics of the Assessment Area; (3) utility services, reliability and safety for those properties within the Assessment Area; (4) establishing improved ingress and egress for pedestrian and vehicles within the Assessment Area which will increase the residential attractiveness and development or redevelopment potential of all properties therein; and (5) storm water drainage within the Assessment Area, which assists in reducing flooding and responsibly managing the burden of storm water produced by developed properties.

(F) The Town Council hereby finds and determines that the Assessments to be imposed in accordance with this Initial Assessment Resolution provide an equitable method of funding the Peruvian Avenue Improvement Project and the Maintenance by fairly and reasonably allocating the cost to specially benefitted property, based upon the amount of Front Footage attributed to each parcel of property in the manner hereinafter described. It is the Town Council's view that the benefits of the Project will be far greater than its costs to the individual property owner.

(G) It is fair and reasonable and proportionate to the special benefit received to apportion the Project Cost based upon Front Footage attributed to each Benefitted Property because the various improvements will be constructed along the entire length of Peruvian Avenue within the project area and are thus directly related to the Front Footage attributed to the Tax Parcel.

(H) The Town Council hereby finds that each Tax Parcel within the proposed Assessment Area will be benefitted by the Town's provision of the Peruvian Avenue Improvement Project in an amount not less than the Assessment imposed against such property, computed in the manner set forth in this Resolution.

ARTICLE II

NOTICE AND PUBLIC HEARING

SECTION 2.01. PUBLIC HEARING. There is hereby established a public hearing to be held by the Town Council at 5:01 p.m. on September 9, 2014, in the Town of Palm Beach Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida, to consider: (A) creation of the Peruvian Avenue Assessment Area; (B) imposition of the Improvement Assessments and Maintenance Assessments, and (C) collection of the Improvement Assessments and Maintenance Assessments pursuant to the Uniform Assessment Collection Act.

SECTION 2.02. NOTICE BY PUBLICATION. Upon completion of the Assessment Roll, the Town Manager shall direct the publication of a notice of the public hearing authorized by Section 2.01 hereof in the manner and the time provided in Section 90-64 of the Code. Such notice shall be in substantially the form attached hereto as Appendix B.

SECTION 2.03. NOTICE BY MAIL.

(A) Upon completion of the Improvement Assessment Roll and the Maintenance Assessment Roll, the Town Manager shall, at the time and in the manner specified in Sec. 90-65 of the Code, provide first class mailed notice of the public hearing authorized by Section 2.01 hereof to each property owner proposed to be assessed at the address indicated on the Tax Roll. Such notice shall be in substantially the form attached hereto as Appendix C.

(B) In accordance with Chapter 92-264, Laws of Florida, a special act relating to the Property Appraiser, the Town Council shall provide additional notice of the Assessment as part of the notice of proposed property taxes under Section 200.069, Florida Statutes, the truth-in-millage notification.

(C) If the Town Council determines that the notice provided under paragraph (B) of this Section 2.03 also fulfills the requirements of paragraph (A) of this Section 2.03, then the separate mailing requirement described in paragraph (A) will be deemed to be fulfilled by the notice described in paragraph (B).

ARTICLE III

PERUVIAN AVENUE ASSESSMENT AREA AND UNITS

SECTION 3.01. DESCRIPTION OF PROPOSED ASSESSMENT AREA.

(A) In accordance with Section 90-46 of the Code, the Town Council proposes to create the Peruvian Avenue Assessment Area encompassing all the area of the Town more particularly described in Appendix A attached hereto, which includes the Benefitted Properties.

(B) The Assessment Area is proposed to provide beautification, better identification and recognition of property, improved utility reliability and safety, and enhance safety and access to property, as well and preserve and/or enhance the value of all property therein through the provision of the Peruvian Avenue Improvement Project and maintenance thereof.

SECTION 3.02. ASSIGNMENT OF ASSESSMENT UNITS. To reflect the relative amount of special benefit to be derived from the design, acquisition, construction, and installation of the Peruvian Avenue Improvement Project, the amount of Front Footage attributable to each Tax Parcel within the Peruvian Avenue Assessment Area shall be determined in the manner set forth in this Section 3.02.

(A) All Abutting Properties in the Assessment Area shall be assigned Front Footage determined by Betsy Lindsay, Inc.'s GIS-based measurement of the amount of lineal front feet the Tax Parcel has on Peruvian Avenue within the project area. This assignment of Front Footage to each Tax Parcel is based upon the Town's best available information, which may differ from information available to the property owner.

(B) All Condominium Units in the Assessment Area shall be assigned a proportionate share of the total Front Footage associated with (1) the Tax Parcel or Parcels directly abutting Peruvian Avenue that are within the same condominium community and (2) any Common

Elements within the same condominium community, based upon each Condominium Units relative amount of Building Area as compared to the total Building Area of all Condominium Units within the same condominium community.

(C) All Flag Properties in the Assessment Area that are improved with a Building shall be assigned a proportionate share of the total Front Footage associated with the Tax Parcel or Parcels directly abutting Peruvian Avenue, based upon each Flag Property's relative amount of Building Area as compared to the total Building Area of all other associated Flag Properties.

(D) All Flag Properties in the Assessment Area that are not improved with a Building shall be assigned a proportionate share of the total Front Footage associated with the Tax Parcel or Parcels directly abutting Peruvian Avenue, based upon each Flag Property's relative amount of Land Area as compared to the total Land Area of all other associated Flag Properties.

ARTICLE IV

IMPROVEMENT ASSESSMENTS

SECTION 4.01. ESTIMATED PROJECT COST. The total estimated Project Cost of the Peruvian Avenue Improvement Project is \$1,250,402.02, which will be funded through the imposition of Improvement Assessments against property located in the Peruvian Avenue Assessment Area.

SECTION 4.02. IMPOSITION OF IMPROVEMENT ASSESSMENTS. The Improvement Assessments shall be imposed against all Tax Parcels located within the Peruvian Avenue Assessment Area for each Fiscal Year in which the Obligations remain outstanding, the amount of which shall be computed in accordance with this Article IV. When imposed, the Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in the Assessment Area pursuant to Section 90-50 of the Code.

SECTION 4.03. PREPAYMENT AMOUNT.

(A) Upon adoption of the Final Assessment Resolution, a Prepayment Amount for each Tax Parcel located within the Peruvian Avenue Assessment Area shall be computed by dividing the number of Front Feet attributable to such Tax Parcel by the total amount of Front Footage attributable to all Tax Parcels within the Peruvian Avenue Assessment Area, and multiplying the result by the Project Cost.

(B) Following adoption of the Final Assessment Resolution, the Town Manager shall provide by first class mail a notice to the owner of each Tax Parcel subject to the Improvement Assessment of the owner's option to prepay all future annual Assessments. On or prior to the date specified in such notice, the owner of each Tax Parcel subject to the Improvement

Assessment shall be entitled to prepay all future annual Improvement Assessments by paying the Prepayment Amount.

(C) The amount of all prepayments made pursuant to this Section 4.03 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the actual Project Cost of the Peruvian Avenue Improvement Project is less than the estimated Project Cost upon which the Prepayment Amount was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 4.04. COMPUTATION OF IMPROVEMENT ASSESSMENTS.

Commencing with the tax bill to be mailed in November 2014, the Improvement Assessments will be imposed for each Fiscal Year in which Obligations remain outstanding and collected on the ad valorem tax bill in the manner authorized by the Uniform Assessment Collection Act. The annual Improvement Assessment shall be computed for each Tax Parcel that has not prepaid in accordance with Section 4.03 hereof in the manner set forth in this Section 4.04.

(A) DEBT SERVICE AMOUNT. A "Debt Service Amount" shall be computed for each Fiscal Year as the amount which is payable by the Tax Parcels within the Assessment Area in respect of the Obligations in accordance with a debt service schedule prepared with principal installments equal to those established in the Funding Agreement and allocated to the Tax Parcels in the Assessment Area; provided, however, that the "Debt Service Amount" for any Fiscal Year shall not exceed the principal amount of Obligations then outstanding plus interest thereon.

(B) PREPAYMENT MODIFICATION FACTOR. A "Prepayment Modification Factor" shall be computed for each Fiscal Year by dividing (1) the amount computed by subtracting (a) the sum of the Prepayment Amounts, as of the date on which the Obligations are

issued by the Town, for all Tax Parcels as to which prepayment has been made, from (b) the total principal amount of Obligations initially issued by the Town and allocated to the Tax Parcels within the Assessment Area, by (2) the total principal amount of Obligations initially issued by the Town and allocated to the Tax Parcels within the Assessment Area.

(C) MODIFIED DEBT SERVICE AMOUNT. A "Modified Debt Service Amount" shall be computed for each Fiscal Year by multiplying (1) the Debt Service Amount by (2) the Prepayment Modification Factor.

(D) ANNUAL DEBT SERVICE FACTOR. An "Annual Debt Service Factor" shall be computed for each Fiscal Year by dividing (1) the Modified Debt Service Amount by (2) the aggregate Prepayment Amount.

(E) ANNUAL DEBT SERVICE COMPONENT. The "Annual Debt Service Component" shall be computed for each Fiscal Year for each Tax Parcel by multiplying (1) the Prepayment Amount for such Tax Parcel by (2) the Annual Debt Service Factor.

(F) IMPROVEMENT ASSESSMENT COLLECTION COST COMPONENT. The Improvement Assessment Collection Cost Component shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Prepayment Amount for such Tax Parcel by (b) the sum of the aggregate Prepayment Amounts, and (2) multiplying the result by the Improvement Assessment Collection Cost.

(G) IMPROVEMENT ASSESSMENT STATUTORY DISCOUNT AMOUNT. The Improvement Assessment Statutory Discount Amount shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments, such amount to be calculated by deducting (1) the sum of (a) the Annual Debt Service Component and (b) the Improvement Assessment Collection Cost

Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Debt Service Component and (ii) the Improvement Assessment Collection Cost Component, by (b) the factor of 0.96.

(H) IMPROVEMENT ASSESSMENT. The annual Improvement Assessment for each Tax Parcel shall be computed as the sum of the Annual Debt Service Component, the Improvement Assessment Collection Cost Component and the Improvement Assessment Statutory Discount Amount, as set forth in the preliminary Assessment Roll which is attached hereto as Appendix D and incorporated herein by reference.

SECTION 4.05. ADDITIONAL PREPAYMENT OPTION.

(A) Following the date specified in the notice provided pursuant to Section 4.03(B) hereof, or such later date as the Town Council may allow in its sole discretion, the owner of each Tax Parcel subject to the Improvement Assessment shall be entitled to prepay all future unpaid annual Improvement Assessments by paying an amount equal to the sum of (1) the original Prepayment Amount for such Tax Parcel, and (2) interest on the Prepayment Amount, computed at a rate one full percentage point in excess of the rate on the Obligations, from the most recent date to which interest on the Obligations has been paid to the next date following such prepayment on which the Obligations can be redeemed after providing all notices required to redeem all or any portion of the Obligations.

(B) During any period commencing on the date the annual Improvement Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the future unpaid annual Improvement Assessments for the Tax

Parcel by the amount of the Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

SECTION 4.06. MANDATORY PREPAYMENT.

(A) If at any time a tax certificate has been issued and remains outstanding in respect of any Tax Parcel subject to the Assessment, the owner shall prepay all future unpaid annual Improvement Assessments for such Tax Parcel if the Town Council, at its sole option, elects to accelerate the Improvement Assessment. The amount required to prepay the future unpaid annual Improvement Assessments will be equal to the sum of (1) the Prepayment Amount for such Tax Parcel, and (2) interest on the Prepayment Amount, computed at the rate utilized to compute the Debt Service Amount in Section 4.04(A) hereof, from the most recent date to which interest on the Obligations has been paid to the next date on which the Town can redeem Obligations.

(B) During any period commencing on the date the annual Improvement Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the Town may reduce the amount required to prepay the future unpaid annual Improvement Assessments for the Tax Parcel by the amount of the Improvement Assessment that has been certified for collection with respect to such Tax Parcel.

(C) The amount of all prepayments made pursuant to this Section 4.04 shall be final. The Town shall not be required to refund any portion of a prepayment if (1) the Project Cost of the Peruvian Avenue Improvement Project is less than the amount upon which such Prepayment Amount was computed, or (2) annual Improvement Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

SECTION 4.07. REALLOCATION. If an owner intends to subdivide a Tax Parcel, the Prepayment Amount for such Tax Parcel may be reallocated pro rata among the new Tax Parcels upon (1) application of the owner or the Town and (2) assignment of a distinct ad valorem property tax identification number to each new Tax Parcel by the Property Appraiser.

SECTION 4.08. IMPROVEMENT ASSESSMENT ROLL. The Town Manager is hereby directed to prepare a final estimate of the Project Cost for the Peruvian Avenue Improvement Project and to prepare the preliminary Improvement Assessment Roll in the manner provided in Section 2.04 of the Code. The Town Manager shall apportion the Project Cost among the parcels of real property within Peruvian Avenue Assessment Area as reflected on the Tax Roll in conformity with Article IV hereof. The estimate of Project Cost and the Improvement Assessment Roll shall be maintained on file in the office of the Town Manager and be open to public inspection. The preliminary Improvement Assessment Roll is attached hereto as Appendix D and incorporated herein by reference.

SECTION 4.09. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds from the Improvement Assessments received during each Fiscal Year shall be applied by the Town for payment of the Improvement Assessment Collection Costs, payment of any Transaction Costs not funded from proceeds of the Obligations, payment of interest due on the Obligations, and payment of principal due on the Obligations. Any remaining proceeds will then be used for prepayment of the Obligations or payment of future debt service.

ARTICLE V

MAINTENANCE ASSESSMENTS

SECTION 5.01. ESTIMATED MAINTENANCE COST.

(A) The estimated Maintenance Cost for the Peruvian Avenue Improvement Project is \$39,733.00 for the Fiscal Year beginning on October 1, 2014. This Maintenance Cost includes actual costs incurred by the Town during calendar year 2014 and additional costs the Town has included within the budget for Fiscal Year 2014-2015.

(B) The Maintenance Cost will be funded through the imposition of Maintenance Assessments against property located in Peruvian Avenue Assessment Area.

SECTION 5.02. IMPOSITION OF MAINTENANCE ASSESSMENTS. The Maintenance Assessments shall be imposed against all property located within the Peruvian Avenue Assessment Area for each Fiscal Year and shall be computed in accordance with this Article V. When imposed, the Maintenance Assessments for each Fiscal Year shall constitute a lien upon the Tax Parcels located in Peruvian Avenue Assessment Area pursuant to Sec. 90-50 of the Code.

SECTION 5.03. COMPUTATION OF MAINTENANCE ASSESSMENTS. The annual Maintenance Assessments shall be computed for each Tax Parcel located in Peruvian Avenue Assessment Area in the manner set forth in this Section 5.03.

(A) ANNUAL MAINTENANCE COMPONENT. The "Annual Maintenance Component" shall be calculated for each Fiscal Year for each Tax Parcel by dividing the number of Front Feet attributable to such Tax Parcel by the total amount of Front Footage attributable to all Tax Parcels within the Peruvian Avenue Assessment Area, and multiplying the result by the Maintenance Cost.

(B) MAINTENANCE ASSESSMENT COLLECTION COST COMPONENT. The Maintenance Assessment Collection Cost Component shall be computed each Fiscal Year for each Tax Parcel by (1) dividing (a) the Annual Maintenance Component for such Tax Parcel by (b) the Maintenance Cost, and (2) multiplying the result by the Maintenance Assessment Collection Cost.

(C) MAINTENANCE ASSESSMENT STATUTORY DISCOUNT AMOUNT. The Maintenance Assessment Statutory Discount Amount shall be computed for each Tax Parcel as the amount allowed by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem assessments, such amount to be calculated by deducting (1) the sum of (a) the Annual Maintenance Component and (b) the Maintenance Assessment Collection Cost Component, from (2) the amount computed by dividing (a) the sum of (i) the Annual Maintenance Component and (ii) the Maintenance Assessment Collection Cost Component, by (b) the factor of 0.96.

(D) MAINTENANCE ASSESSMENT. The annual Maintenance Assessment for each Tax Parcel shall be computed as the sum of (1) the Annual Maintenance Component, (2) the Maintenance Assessment Collection Cost Component, and (3) the Maintenance Assessment Statutory Discount Amount, as set forth in the preliminary Assessment Roll which is attached hereto as Appendix D and incorporated herein by reference.

SECTION 5.04. MAINTENANCE ASSESSMENT ROLL. The Town Manager is hereby directed to prepare a final estimate of the Maintenance Cost for the Peruvian Avenue Improvement Project and to prepare the preliminary Maintenance Assessment Roll in the manner provided in Sec. 90-63 of Code. The Town Manager shall apportion the Maintenance Cost among the parcels of real property within Peruvian Avenue Assessment Area as reflected on the

Tax Roll in conformity with Article V hereof. The estimate of Maintenance Cost and the Maintenance Assessment Roll shall be maintained on file in the office of the Town Manager and be open to public inspection. The preliminary Maintenance Roll is attached hereto as Appendix D and incorporated herein by reference.

ARTICLE VI

GENERAL PROVISIONS

SECTION 6.01. METHOD OF COLLECTION. Commencing with the tax bill to be mailed in November 2014, the Assessments shall be collected pursuant to the Uniform Assessment Collection Act.

SECTION 6.02. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 6.03. EVIDENCE OF PAYMENT. Prepayment in full of the Assessment imposed against any Tax Parcel shall operate as a release of the Assessment lien upon such Tax Parcel. Upon request, the Town Manager may issue a written confirmation to evidence such payment; provided however, that the issuance of written confirmation shall not be required to release the Assessment lien. The Town may impose an administrative fee to defray the cost of providing written confirmation pursuant to this Section 5.03.

SECTION 6.04. REVISIONS TO ASSESSMENTS. If any Assessment or exemption made under the provisions of this Initial Assessment Resolution is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the Town Council is satisfied that any such Assessment or exemption is so irregular or defective that the same cannot be enforced or collected, or if the Town Council has failed to include or omitted any property on the Assessment Roll which property should have been so included, the Town Council may take all necessary steps to impose a new Assessment against any property benefited by the Peruvian Avenue Improvement Project, following as nearly as may be practicable, the provisions of the

Code and in case such second Assessment is annulled, vacated, or set aside, the Town Council may obtain and impose other Assessments until a valid Assessment is imposed.

SECTION 6.05. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 15th day of July, 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, Town Clerk

Penelope D. Townsend, Town Council Member

APPENDIX A

DESCRIPTION OF THE PERUVIAN AVENUE ASSESSMENT AREA

APPENDIX A

PERUVIAN AVENUE ASSESSMENT AREA

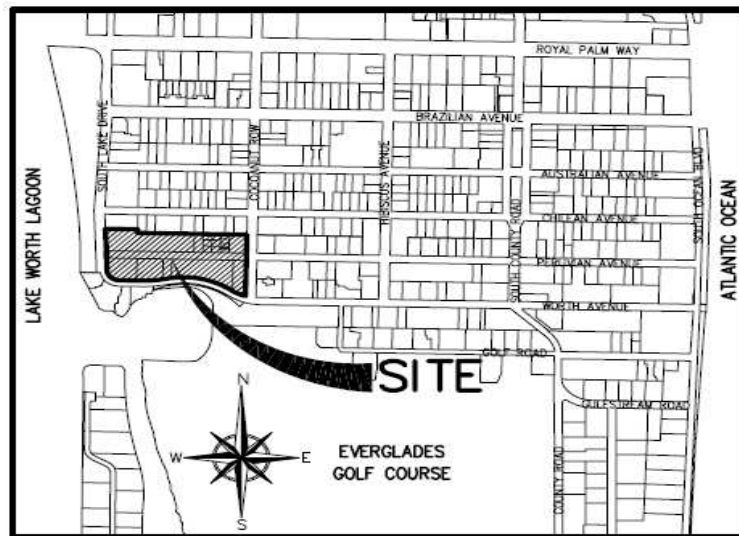
Legal Description

A PARCEL OF LAND BEING A PORTION OF BLOCKS 12 AND 13 OF THE REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 30, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION, SAID POINT ALSO LYING AND BEING ON THE WEST RIGHT OF WAY LINE OF COCOANUT ROW; THENCE S01°06'29"W ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 418.77 FEET TO AN INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF WORTH AVENUE AND THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N15°24'14"E, A RADIAL DISTANCE OF 240.00 FEET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE FOR THE FOLLOWING FIVE (5) COURSES; (1) NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 20°09'30", A DISTANCE OF 844.4 FEET; (2) N54°13'31"W, A DISTANCE OF 7.26 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 468.52 FEET AND A CENTRAL ANGLE OF 47°46'49"; (3) WESTERLY ALONG THE ARC A DISTANCE OF 390.71 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 613.00 FEET AND A CENTRAL ANGLE OF 130°6'49"; (4) WESTERLY ALONG THE ARC, A DISTANCE OF 140.30 FEET; (5) N88°53'31"W, A DISTANCE OF 129.94 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 69.35 FEET AND A CENTRAL ANGLE OF 86°59'49"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 105.30 FEET TO AN INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF SOUTH LAKE DRIVE; THENCE ALONG SAID EAST RIGHT OF WAY FOR THE FOLLOWING TWO (2) COURSES; (1) N01°50'36"W, A DISTANCE OF 115.25 FEET; (2) N02°01'43"W, A DISTANCE OF 169.44 FEET TO AN INTERSECTION WITH THE NORTH LINE OF LOT 3, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION; THENCE S88°53'31"E ALONG SAID NORTH LINE, A DISTANCE OF 183.76 FEET TO AN INTERSECTION WITH THE EAST LINE OF LOT 3, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION; THENCE S01°06'29"W ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF LOT 6, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION; THENCE S88°53'31"E ALONG THE NORTH LINE OF LOTS 6 THROUGH 30, BLOCK 12 OF SAID REVISED MAP OF ROYAL PARK ADDITION, A DISTANCE OF 625.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 265,903 SQUARE FEET OR 6.10 ACRES, MORE OR LESS.

SAID PARCEL BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, DEDICATIONS OR RESTRICTIONS.



APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To Be Published by August 19, 2014

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS IN THE PERUVIAN AVENUE ASSESSMENT AREA TO PROVIDE FOR THE PERUVIAN AVENUE IMPROVEMENT PROJECT AND OTHER RELATED SERVICES

Notice is hereby given that the Town Council of the Town of Palm Beach will conduct a public hearing to consider imposing non-ad valorem special assessments for the provision of the design, construction, installation and maintenance of the Peruvian Avenue Improvement Project within the boundaries of the Peruvian Avenue Assessment Area (Block 400) for the Fiscal Year beginning October 1, 2014.

The hearing will be held at 5:01 p.m. on September 9, 2014, in the Town of Palm Beach Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Peruvian Avenue Assessment Area and the special assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice.

Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 838-5410, at least two (2) days prior to the date of the hearing. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at (800) 955-8770.

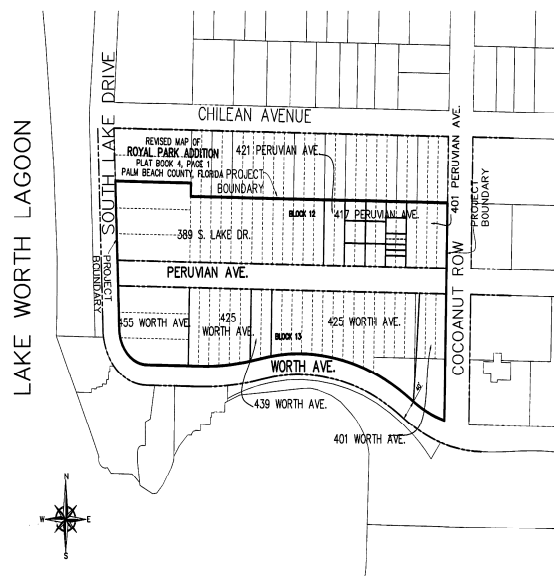
The assessment for each parcel of property will be based on the lineal front feet along Peruvian Avenue where the Peruvian Avenue Improvement Project is planned that have been attributed to the Tax Parcel. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution adopted by the Town Council on July 15, 2014. Copies of Chapter 90, Article II of

the Town Code, the Initial Assessment Resolution (Resolution No. ____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2014, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town Council intends to collect the assessments in ten (10) annual installments, the first of which will be included on the ad valorem tax bill to be mailed in November 2014.

If you have any questions, please contact the Town Manager's Office at (561) 838-5410, Monday through Friday between 8:30 a.m. and 5:00 p.m.

MAP OF ASSESSMENT AREA



**TOWN COUNCIL OF THE
TOWN OF PALM BEACH, FLORIDA**

APPENDIX C
FORM OF NOTICE TO BE MAILED

APPENDIX C

FORM OF NOTICE TO BE MAILED

**Town Council of the
Town of Palm Beach, Florida
Address
Town of Palm Beach, FL**

TOWN OF PALM BEACH, FLORIDA
NOTICE OF HEARING TO IMPOSE AND
PROVIDE FOR COLLECTION OF NON-AD
VALOREM ASSESSMENTS
NOTICE DATE: AUGUST 19, 2014

**Owner Name
Address
City, State Zip**

*Tax Parcel #:
Legal Description:*

As required by section 197.3632, Florida Statutes, and the direction of the Town Council of the Town of Palm Beach, Florida, notice is given by the Town of Palm Beach that an annual assessment for the design, construction, installation, and maintenance of the Peruvian Avenue Improvement Project using the tax bill collection method may be levied on your property contained within the Peruvian Avenue Assessment Area for the fiscal year October 1, 2014 - September 30, 2015 and future fiscal years. The use of an annual special assessment to fund improvements and services benefiting improved property located within the Peruvian Avenue Assessment Area is a fair, efficient and effective means of funding these needed improvements and services. The total annual assessment revenue related to the Improvement Assessment to be collected within the Peruvian Avenue Assessment Area is estimated to be \$145,509.00. The total annual assessment revenue related to the Maintenance Assessment to be collected within the Peruvian Avenue Assessment Area is estimated to be \$44,700.00. The annual assessment will include your fair share of the principal, interest, administration, project and maintenance costs related to the Peruvian Avenue Improvement Project and amounts related to collection of assessments.

The assessment for your property will be based on the lineal front feet along Peruvian Avenue where the Peruvian Avenue Improvement Project is planned that have been attributed to the Tax Parcel. A more specific description of the improvements and the method of computing the assessment for each parcel of property are set forth in the Initial Assessment Resolution

adopted by the Town Council on July 15, 2014. Copies of Chapter 90, Article II of the Town Code, the Initial Assessment Resolution (Resolution No. ____), and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the office of the Town Manager, located at Town Hall, 360 South County Road, Palm Beach, Florida.

The total Front Feet assigned to the above parcel is _____.

The annual Improvement Assessment for the above parcel is \$_____ for the fiscal year commencing on October 1, 2014 and future fiscal years.

The annual Maintenance Assessment for the above parcel is \$_____ for the fiscal year commencing on October 1, 2014 and future fiscal years.

A public hearing will be held at 5:01 p.m. on September 9, 2014, in the Town of Palm Beach Town Council Chambers, Town Hall, 360 South County Road, Palm Beach, Florida, for the purpose of receiving public comment on the proposed Peruvian Avenue Improvement Project and the special assessments. You and all other affected property owners have a right to appear at the hearing and to file written objections with the Town Council within 20 days of this notice. Pursuant to section 286.0105, Florida Statutes, if you decide to appeal any decision made by the Town Council with respect to any matter considered at the hearing or at any subsequent meeting to which the Town Council has continued its deliberations, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Manager's Office at (561) 838-5410, at least two (2) days prior to the date of the hearing. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at (800) 955-8770.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Town Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

Both the non-ad valorem assessment amount shown on this notice and the ad valorem taxes for the above parcel will be collected on the ad valorem tax bill mailed in November 2014. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The Town has issued debt to finance this project. This will permit

the cost attributable to your property to be amortized and collected as an Improvement Assessment over a period of ten (10) years; however, if there are no significant defaults in payments of the assessments, all or part of the last payments may be made from any reserve accounts funded by the bonds. Additionally, you may choose to prepay your assessment in full and avoid the additional administration and collection costs. Please do not send payment now. If the assessments are imposed, you will receive a separate notice of the date and place of payment.

If there is a mistake on this notice, it will be corrected. If you have any questions regarding your assessment, please contact the Town Manager's Office at (561) 838-5410, Monday through Friday between 8:30 a.m. and 5:00 p.m.

*** * * * * THIS IS NOT A BILL * * * * ***

APPENDIX D
ASSESSMENT ROLL

APPENDIX D ASSESSMENT ROLL

Peruvian Avenue 400 Block Streetscape Project Assessment Calculations Proposed FY 2015 Improvement and Maintenance Assessment Roll															
Property	Location Address	PCN	FY 2015 Estimated Total Net Assessment Cost	Acreage	Square Footage	Total Project Linear Front Footage	Property Linear Front Footage	Assessment Units Attributable to Property	Total Property Square Footage	Square Footage of Unit	Unit Percentage of Property Square Footage & Unit Share of Property Cost	Assessment Units Attributable to Unit or Parcel	Net Unit Share of Project Debt Service & FY 2015 Maintenance Budget & FY 2015 Interest & Fees	First Year Denominator	GROSS TOTAL ASSESSMENT IMPROVEMENT & MAINTENANCE FY 2015
389 S LAKE DR	389 S LAKE DR 1A	50-43-43-27-63-000-1010	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,332	2.3406%	0.73	\$ 1,294.22	0.94	\$1,376.83
389 S LAKE DR	389 S LAKE DR 1B	50-43-43-27-63-000-1020	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,655	2.9082%	0.91	\$ 1,608.06	0.94	\$1,710.71
389 S LAKE DR	389 S LAKE DR 1C	50-43-43-27-63-000-1030	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,286	2.2597%	0.71	\$ 1,249.53	0.94	\$1,329.29
389 S LAKE DR	389 S LAKE DR 1D	50-43-43-27-63-000-1040	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,176	2.0665%	0.65	\$ 1,142.65	0.94	\$1,215.58
389 S LAKE DR	389 S LAKE DR 2A	50-43-43-27-63-000-2010	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,332	2.3406%	0.73	\$ 1,294.22	0.94	\$1,376.83
389 S LAKE DR	389 S LAKE DR 2B	50-43-43-27-63-000-2020	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,655	2.9082%	0.91	\$ 1,608.06	0.94	\$1,710.71
389 S LAKE DR	389 S LAKE DR 2C	50-43-43-27-63-000-2030	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,286	2.2597%	0.71	\$ 1,249.53	0.94	\$1,329.29
389 S LAKE DR	389 S LAKE DR 2D	50-43-43-27-63-000-2040	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,176	2.0665%	0.65	\$ 1,142.65	0.94	\$1,215.58
389 S LAKE DR	389 S LAKE DR 2E	50-43-43-27-63-000-2050	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,184	2.0805%	0.65	\$ 1,150.42	0.94	\$1,223.85
389 S LAKE DR	389 S LAKE DR 2F	50-43-43-27-63-000-2060	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,194	2.0981%	0.66	\$ 1,160.14	0.94	\$1,234.19
389 S LAKE DR	389 S LAKE DR 2G	50-43-43-27-63-000-2070	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,258	2.2105%	0.69	\$ 1,222.32	0.94	\$1,300.34
389 S LAKE DR	389 S LAKE DR 2H	50-43-43-27-63-000-2080	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,262	2.2176%	0.69	\$ 1,226.21	0.94	\$1,304.48
389 S LAKE DR	389 S LAKE DR 3A	50-43-43-27-63-000-3010	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,332	2.3406%	0.73	\$ 1,294.22	0.94	\$1,376.83
389 S LAKE DR	389 S LAKE DR 3B	50-43-43-27-63-000-3020	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,655	2.9082%	0.91	\$ 1,608.06	0.94	\$1,710.71
389 S LAKE DR	389 S LAKE DR 3C	50-43-43-27-63-000-3030	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,286	2.2597%	0.71	\$ 1,249.53	0.94	\$1,329.29
389 S LAKE DR	389 S LAKE DR 3D	50-43-43-27-63-000-3040	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,176	2.0665%	0.65	\$ 1,142.65	0.94	\$1,215.58
389 S LAKE DR	389 S LAKE DR 3E	50-43-43-27-63-000-3050	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,184	2.0805%	0.65	\$ 1,150.42	0.94	\$1,223.85
389 S LAKE DR	389 S LAKE DR 3F	50-43-43-27-63-000-3060	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,194	2.0981%	0.66	\$ 1,160.14	0.94	\$1,234.19
389 S LAKE DR	389 S LAKE DR 3G	50-43-43-27-63-000-3070	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,258	2.2105%	0.69	\$ 1,222.32	0.94	\$1,300.34
389 S LAKE DR	389 S LAKE DR 3H	50-43-43-27-63-000-3080	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,262	2.2176%	0.69	\$ 1,226.21	0.94	\$1,304.48
389 S LAKE DR	389 S LAKE DR 4A	50-43-43-27-63-000-4010	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,332	2.3406%	0.73	\$ 1,294.22	0.94	\$1,376.83
389 S LAKE DR	389 S LAKE DR 4B	50-43-43-27-63-000-4020	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,655	2.9082%	0.91	\$ 1,608.06	0.94	\$1,710.71
389 S LAKE DR	389 S LAKE DR 4C	50-43-43-27-63-000-4030	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,286	2.2597%	0.71	\$ 1,249.53	0.94	\$1,329.29
389 S LAKE DR	389 S LAKE DR 4D	50-43-43-27-63-000-4040	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,176	2.0665%	0.65	\$ 1,142.65	0.94	\$1,215.58
389 S LAKE DR	389 S LAKE DR 4E	50-43-43-27-63-000-4050	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,184	2.0805%	0.65	\$ 1,150.42	0.94	\$1,223.85
389 S LAKE DR	389 S LAKE DR 4F	50-43-43-27-63-000-4060	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,194	2.0981%	0.66	\$ 1,160.14	0.94	\$1,234.19
389 S LAKE DR	389 S LAKE DR 4G	50-43-43-27-63-000-4070	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,258	2.2105%	0.69	\$ 1,222.32	0.94	\$1,300.34
389 S LAKE DR	389 S LAKE DR 4H	50-43-43-27-63-000-4080	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,262	2.2176%	0.69	\$ 1,226.21	0.94	\$1,304.48
389 S LAKE DR	389 S LAKE DR 5A	50-43-43-27-63-000-5010	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,332	2.3406%	0.73	\$ 1,294.22	0.94	\$1,376.83
389 S LAKE DR	389 S LAKE DR 5B	50-43-43-27-63-000-5020	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,655	2.9082%	0.91	\$ 1,608.06	0.94	\$1,710.71
389 S LAKE DR	389 S LAKE DR 5C	50-43-43-27-63-000-5030	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,286	2.2597%	0.71	\$ 1,249.53	0.94	\$1,329.29
389 S LAKE DR	389 S LAKE DR 5D	50-43-43-27-63-000-5040	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,176	2.0665%	0.65	\$ 1,142.65	0.94	\$1,215.58
389 S LAKE DR	389 S LAKE DR 5E	50-43-43-27-63-000-5050	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,184	2.0805%	0.65	\$ 1,150.42	0.94	\$1,223.85
389 S LAKE DR	389 S LAKE DR 5F	50-43-43-27-63-000-5060	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,194	2.0981%	0.66	\$ 1,160.14	0.94	\$1,234.19
389 S LAKE DR	389 S LAKE DR 5G	50-43-43-27-63-000-5070	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,258	2.2105%	0.69	\$ 1,222.32	0.94	\$1,300.34
389 S LAKE DR	389 S LAKE DR 5H	50-43-43-27-63-000-5080	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,262	2.2176%	0.69	\$ 1,226.21	0.94	\$1,304.48
389 S LAKE DR	389 S LAKE DR PHA	50-43-43-27-63-000-6010	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	2,002	3.5179%	1.10	\$ 1,945.22	0.94	\$2,069.39
389 S LAKE DR	389 S LAKE DR PHB	50-43-43-27-63-000-6020	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	2,443	4.2928%	1.34	\$ 2,373.72	0.94	\$2,525.23
389 S LAKE DR	389 S LAKE DR PHC	50-43-43-27-63-000-6030	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,808	3.1770%	0.99	\$ 1,756.72	0.94	\$1,868.86
389 S LAKE DR	389 S LAKE DR PHD	50-43-43-27-63-000-6040	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	1,817	3.1928%	1.00	\$ 1,765.47	0.94	\$1,878.16
389 S LAKE DR	389 S LAKE DR PHE	50-43-43-27-63-000-6050	\$176,581	NA	NA	1,598.44	500.54	31.31	56,909	2,002	3.5179%	1.10	\$ 1,945.22	0.94	\$2,069.39
389 S LAKE DR			\$176,581			1,598.44	500.54	31.31	56,909	56,909	1.00	31.31	\$55,295	0.94	\$58,824.51
421 PERUVIAN AVE	421 PERUVIAN AVE	50-43-43-23-05-012-0190	\$176,581	NA	NA	1,598.44	50	3.13	4,541	4,541	100.0000%	3.13	\$ 5,523.54	0.94	\$5,876.10
421 PERUVIAN AVE						1,598.44	50	3.13	4,541	4,541	100.0000%	3.13	\$ 5,523.54	0.94	\$5,876.10
MAJOR ALLEY	417 PERUVIAN AVE	50-43-43-23-05-012-0213	\$176,581	NA	NA	1,598.44	50	3.13	4,378	1,546	35.3129%	1.11	\$ 1,950.52	0.94	\$2,075.02
MAJOR ALLEY	417 PERUVIAN AVE	50-43-43-23-05-012-0212	\$176,581	NA	NA	1,598.44	50	3.13	4,378	1,442	32.9374%	1.03	\$ 1,819.31	0.94	\$1,935.44
MAJOR ALLEY	417 PERUVIAN AVE	50-43-43-23-05-012-0211	\$176,581	NA	NA	1,598.44	50	3.13	4,378	1,390	31.7497%	0.99	\$ 1,753.70	0.94	\$1,865.64
MAJOR ALLEY			\$176,581			1,598.44	50	3.13	4,378	4,378	100.0000%	3.13	\$ 5,523.54	0.94	\$5,876.10
MAJOR ALLEY	417 PERUVIAN AVE	50-43-43-23-05-012-0233	\$176,581	NA	NA	1,598.44	50	3.13	4,351	2,002	46.0124%	1.44	\$ 2,541.51	0.94	\$2,703.74
MAJOR ALLEY	417 PERUVIAN AVE	50-43-43-23-05-012-0232	\$176,581	NA	NA	1,598.44	50	3.13	4,351	927	21.3054%	0.67	\$ 1,176.81	0.94	\$1,251.93
MAJOR ALLEY	417 PERUVIAN AVE	50-43-43-23-05-012-0231	\$176,581	NA	NA	1,598.44	50	3.13	4,351	1,422	32.6821%	1.02	\$ 1,805.21	0.94	\$1,920.44

APPENDIX D ASSESSMENT ROLL

MAJOR ALLEY					1598.44	50	3.13	4,351	4,351	100.0000%	4,351	3.13	\$ 5,523.54	0.94	\$5,876.10
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20254			1,598.44	50	3.13	5,789	5,789	15.0489%	871.20	0.47	\$ 831.23	0.94	\$884.29
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20255	0.02	43,560	1,598.44	50	3.13	5,789	5,789	7.5245%	435.60	0.24	\$ 415.62	0.94	\$442.14
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20256	0.01		1,598.44	50	3.13	5,789	5,789	7.5245%	435.60	0.24	\$ 415.62	0.94	\$442.14
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20257	0.0115		1,598.44	50	3.13	5,789	5,789	8.6531%	500.94	0.27	\$ 477.96	0.94	\$508.47
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20258	0.0114		1,598.44	50	3.13	5,789	5,789	8.5779%	496.58	0.27	\$ 473.80	0.94	\$504.05
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20251	0.03		1,598.44	50	3.13	5,789	5,789	22.5734%	1,306.80	0.71	\$ 1,246.85	0.94	\$1,326.43
417 PARKING LOT	417 PERUVIAN AVE	50-43-43-23-05-01-20252	0.04		1,598.44	50	3.13	5,789	5,789	30.0978%	1,742.40	0.94	\$ 1,662.46	0.94	\$1,768.58
417 PARKING LOT					1,598.44	50	3.13	5,789	5,789	100.0000%	5,789.12	3.13	\$ 5,523.54	0.94	\$5,876.10
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-1010	NA	NA	1,598.44	100	6.26	12,075	12,075	9.73013%	715	0.37	\$ 654.13	0.94	\$695.89
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-1030	NA	NA	1,598.44	100	6.26	12,075	12,075	9.7308%	1,175	0.61	\$ 1,074.97	0.94	\$1,143.59
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-1040	NA	NA	1,598.44	100	6.26	12,075	12,075	4.80333%	580	0.30	\$ 530.63	0.94	\$564.50
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-1050	NA	NA	1,598.44	100	6.26	12,075	12,075	4.9275%	595	0.31	\$ 544.35	0.94	\$579.09
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-2010	NA	NA	1,598.44	100	6.26	12,075	12,075	5.9213%	715	0.37	\$ 654.13	0.94	\$695.89
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-2020	NA	NA	1,598.44	100	6.26	12,075	12,075	4.9275%	595	0.31	\$ 544.35	0.94	\$579.09
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-2030	NA	NA	1,598.44	100	6.26	12,075	12,075	4.80333%	580	0.30	\$ 530.63	0.94	\$564.50
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-2040	NA	NA	1,598.44	100	6.26	12,075	12,075	4.80333%	580	0.30	\$ 530.63	0.94	\$564.50
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-2050	NA	NA	1,598.44	100	6.26	12,075	12,075	4.9275%	595	0.31	\$ 544.35	0.94	\$579.09
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-3010	NA	NA	1,598.44	100	6.26	12,075	12,075	5.9213%	715	0.37	\$ 654.13	0.94	\$695.89
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-3020	NA	NA	1,598.44	100	6.26	12,075	12,075	4.9275%	595	0.31	\$ 544.35	0.94	\$579.09
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-3030	NA	NA	1,598.44	100	6.26	12,075	12,075	4.80333%	580	0.30	\$ 530.63	0.94	\$564.50
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-3040	NA	NA	1,598.44	100	6.26	12,075	12,075	4.80333%	580	0.30	\$ 530.63	0.94	\$564.50
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-3050	NA	NA	1,598.44	100	6.26	12,075	12,075	4.9275%	595	0.31	\$ 544.35	0.94	\$579.09
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-4010	NA	NA	1,598.44	100	6.26	12,075	12,075	6.87375%	830	0.43	\$ 759.34	0.94	\$807.81
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-4020	NA	NA	1,598.44	100	6.26	12,075	12,075	8.4886%	1,025	0.53	\$ 937.74	0.94	\$997.60
401 PERUVIAN AVE	401 PERUVIAN AVE	50-43-43-27-39-000-4030	NA	NA	1,598.44	100	6.26	12,075	12,075	8.4886%	1,025	0.53	\$ 937.74	0.94	\$997.60
401 PERUVIAN AVE					1,598.44	100	6.26	12,075	12,075	100.0000%	12,075	6.26	\$ 11,047.08	0.94	\$11,752.21
401 WORTH AVE	401 WORTH AVE	201 50-43-43-27-45-000-2010	NA	NA	1,598.44	65.62	4.11	13,936	13,936	17.4799%	2,436	0.72	\$ 1,267.13	0.94	\$1,348.02
401 WORTH AVE	401 WORTH AVE	202 50-43-43-27-45-000-2020	NA	NA	1,598.44	65.62	4.11	13,936	13,936	15.0402%	2,096	0.62	\$ 1,090.28	0.94	\$1,159.87
401 WORTH AVE	401 WORTH AVE	203 50-43-43-27-45-000-2030	NA	NA	1,598.44	65.62	4.11	13,936	13,936	17.4799%	2,436	0.72	\$ 1,267.13	0.94	\$1,348.02
401 WORTH AVE	401 WORTH AVE	301 50-43-43-27-45-000-3010	NA	NA	1,598.44	65.62	4.11	13,936	13,936	17.4799%	2,436	0.72	\$ 1,267.13	0.94	\$1,348.02
401 WORTH AVE	401 WORTH AVE	302 50-43-43-27-45-000-3020	NA	NA	1,598.44	65.62	4.11	13,936	13,936	15.0402%	2,096	0.62	\$ 1,090.28	0.94	\$1,159.87
401 WORTH AVE	401 WORTH AVE	303 50-43-43-27-45-000-3030	NA	NA	1,598.44	65.62	4.11	13,936	13,936	17.4799%	2,436	0.72	\$ 1,267.13	0.94	\$1,348.02
401 WORTH AVE					1,598.44	65.62	4.11	13,936	13,936	100.0000%	13,936	4.11	\$ 7,249.09	0.94	\$7,711.80
425 WORTH AVE	425 WORTH AVE	201 50-43-43-27-68-000-2010	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	202 50-43-43-27-68-000-2020	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	203 50-43-43-27-68-000-2030	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	204 50-43-43-27-68-000-2040	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	205 50-43-43-27-68-000-2050	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	206 50-43-43-27-68-000-2060	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	301 50-43-43-27-68-000-3010	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	302 50-43-43-27-68-000-3020	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	303 50-43-43-27-68-000-3030	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	304 50-43-43-27-68-000-3040	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	305 50-43-43-27-68-000-3050	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	306 50-43-43-27-68-000-3060	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	401 50-43-43-27-68-000-4010	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	402 50-43-43-27-68-000-4020	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	403 50-43-43-27-68-000-4030	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	404 50-43-43-27-68-000-4040	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	405 50-43-43-27-68-000-4050	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	406 50-43-43-27-68-000-4060	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	501 50-43-43-27-68-000-5010	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	502 50-43-43-27-68-000-5020	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	503 50-43-43-27-68-000-5030	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	504 50-43-43-27-68-000-5040	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.0687%	2,536	0.98	\$ 1,726.82	0.94	\$1,837.05
425 WORTH AVE	425 WORTH AVE	505 50-43-43-27-68-000-5050	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.3422%	2,762	1.07	\$ 1,880.71	0.94	\$2,000.76
425 WORTH AVE	425 WORTH AVE	506 50-43-43-27-68-000-5060	NA	NA	1,598.44	509.38	31.87	82,640	82,640	3.9109%	3,232	1.25	\$ 2,200.75	0.94	\$2,341.22
425 WORTH AVE	425 WORTH AVE	601 50-43-43-27-68-000-6010	NA	NA	1,598.44	509.38	31.87	82,640	82,640	4.8003%	4,800	1.85	\$ 3,268.44	0.94	\$3,477.06
425 WORTH AVE	425 WORTH AVE	602 50-43-43-27-68-000-6020	NA	NA	1,598.44	509.38	31.87	82,640	82,640	5.8083%	4,800	1.85	\$ 3,268.44	0.94	\$3,477.06
425 WORTH AVE	425 WORTH AVE	603 50-43-43-27-68-000-6030	NA	NA	1,598.44	509.38	31.87	82,640	82,640	5.8083%	4,800	1.85	\$ 3,268.44	0.94	\$3,477.06
425 WORTH AVE					1,598.44	509.38	31.87	82,640	82,640	100.0000%	82,640	31.87	\$ 56,271.60	0.94	\$59,863.41
439 WORTH AVE	439 WORTH AVE	50-43-43-23-05-013-100	NA	NA	1,598.44	50	3.13	5,588	5,588	100.0000%	5,588	3.13	\$ 5,523.54	0.94	\$5,876.10

ASSESSMENT ROLL

[illegible]

Peruvian Avenue 400 Block Streetscape Project Proposed Maintenance Budget - FY 2015								
FY 2015								
		Budget 2014	Sub-Totals 2014	Anticipated 2014	Sub-Totals 2015	Proposed 2015	Budget 2015	Actual 2015
Facilities and Landscaping Maintenance								
	Base Fee - Landscape Contractor (1)	\$ -	\$ -	\$ 3,312	\$ 11,000	\$ 11,000		
	Mowing/Edging 3,940 SF St. Aug. Palmetto Sod, Weeding/Cleanup 44 x yr @ \$250= \$11,000 (2)							
	Pressure Cleaning Package (1 X Per Year)							
	Tabby Drive Approach and Driveways 4,115 SF @ .10 = \$411.50	\$ -	\$ -	\$ -		\$ 412		
	Tabby Sidewalk 6,940 SF @ .10 = \$694 (3)	\$ -	\$ -	\$ 1,500		\$ 694		
	Type F Curb 1,280 LF @ .12 = \$153.60	\$ -	\$ -	\$ -		\$ 154		
	Type D Curb 225 LF @ .12 = \$27	\$ -	\$ -	\$ -		\$ 27		
	Valley Gutter 500 LF @ .12 = \$60	\$ -	\$ -	\$ -		\$ 60		
	H.C. Ramps 24 SF x 36 = 864 SF @ .12= 103.68	\$ -	\$ -	\$ -		\$ 104		
	Tabby Sealing 11,055 SF X \$0.30 = \$3,316.50					\$ 3,317		
					\$ 4,766			
	Annals (Replace 2 X Per Year)	\$ -	\$ -	\$ -	\$ 2,090	\$ 2,090		
	4" pot, 10" o/c- 418 X \$2.50 = \$1,045 X 2= 3,120							
	Fertilization, Pesticide, Herbicide & Fungicide (2 X Per Year)	\$ -		\$ -	\$ 2,230	\$ 2,230		
	3,940 SF Sod areas & planter beds @ \$1,115 X 2 = \$2,230							
	Mulch	\$ -	\$ -	\$ -	\$ 400	\$ 400		
	Mulch and labor 1 x per year @ \$400							
	Ylang-Ylang Tree Trimming (1 x Per Year)	\$ -	\$ -	\$ -	\$ 550	\$ 550		
	31 x \$17.75 = \$550.25							
	Palm Tree Trimming (2 X Per Year)	\$ -		\$ -				
	Maypan Coconut Palm 18 x \$24.23= \$436.14 x 2 = \$872.28					\$ 872		
	Royal Palm 8 x \$24.23 = \$193.84 x 2 = 387.68					\$ 388		
					\$ 1,260			
	Irrigation Review, Repairs & Sprinkler Head Replacement	\$ -		\$ -				
	Irrigation review and minor adjustment: \$55 x 52 = \$2,860			\$ -		\$ 2,860		
	Irrigation repairs - assume head replacement @ \$14 x 7= \$98			\$ -		\$ 98		
	Control Valve - assume replacement @ \$90 x 2 = \$180	\$ -				\$ 180		
		\$ -			\$ 3,138			
	Lethal Yellowing Inoculations							
	(26 Palms, 3 x Per Year @ \$15.97 per palm, per year = 26 x \$15.97 = \$415.22)	\$ -		\$ -	\$ 415	\$ 415		
	Plant and Tree Replacement	\$ -		\$ -				
	Assume (1) ylang-ylang 50 gal w/ 14' htoa, 3" caliper min. @ \$750	\$ -		\$ -	\$ -	\$ -		
	Assume (1) Maypan palm tree w/ 10' gray wood, curved w/character @ \$1,500	\$ -		\$ -	\$ -	\$ -		
	Assume (1) Royal Palm w/ 17' gray wood heavy caliper to match @ \$2,080	\$ -		\$ -	\$ -	\$ -		
	Assume None in FY 2015, but bump contingency from 5% to 10%				\$ -			
	Sidewalk Repairs							
	As needed. C.S. Whiteside. None anticipated in year one.	\$ -		\$ -	\$ -	\$ -		
Utilities								
	Water							
	400 S. Lake Drive Meter: 4 mo. @ \$1,213.25	\$ -		\$ 2,427		\$ 3,640		
		\$ -			\$ 3,640			
	Contingency	\$ -			\$ 3,005	\$ 3,005		
	Approximately 10.0% of Expenditures for Unanticipated							
	Total Expenditures			\$ 7,239	\$ 32,494	\$ 39,733	\$ 39,733	
REVENUES								
	Non Ad-Valorem Assessments	\$ -		\$ -		\$ 39,733		
	Special Non Ad-Valorem Assessments Per Florida Statutes							
	Carry Forward of Fund Balance	\$ -		\$ -		\$ -		
	Undesignated Fund Balance Brought Forward and Appropriated							
	Total Revenues	\$ -		\$ -		\$ 39,733		
Key: (1) 2014 landscape maintenance provided via CO to Property Works for mowing, edging weed eating @ \$1, 656 for 4 months x 2 = \$3,312 (2) Cleanup includes weed blowing and spot stain and gum removal, if needed. (3) 2014 pressure spot cleaning provided as needed by Property Works via CO @ \$750 per 4 months x 2 = \$1,500								
Notes:								

TOWN OF PALM BEACH

Town Council Meeting on: July 15, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Architectural Commission Appointments.

Presenter

John S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated July 3, 2014 from John S. Page, Director of Planning Zoning and Building](#)
- [ARCOM Ballot](#)
- [ARCOM Roster](#)
- [ARCOM Attendance Record 2012](#)
- [ARCOM Attendance Record 2013](#)
- [ARCOM Attendance Record 2014](#)
- [ARCOM Voting Conflicts 2012](#)
- [ARCOM Voting Conflicts 2013](#)
- [ARCOM Voting Conflicts 2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning & Building

Re: Architectural Commission Appointments

Date: July 3, 2014

STAFF RECOMMENDATION

- Staff recommends that the Town Council appoint a regular member to the Architectural Commission to fill the seat which was vacated as a result of the resignation of Henry Homes III.
- Staff recommends that the Town Council appoint a regular member, who is an architect, to the Architectural Commission to fill the seat which was vacated due to the resignation of Nikita Zukov.
- Staff recommends that the Town Council make any appointments of alternate members to the Architectural Commission which may become necessary as a result of making the aforementioned appointments.

GENERAL INFORMATION

- **Martin Gruss**, alternate member, has filed an Application for Service on the Architectural Commission indicating that he is seeking promotion to regular member status.
- Pursuant to the news release notifying the public of the upcoming vacancies on the Architectural Commission, several persons have submitted an Application for Service on the Architectural Commission together with other appropriate qualifying information.
- All applicants are registered voters in the town as required by Section 18-167 (b) Qualifications of Members.

Architectural Commission Appointments

July 3, 2014

Page 2

SPECIAL CONSIDERATIONS

- As of this date, there is only one (1) Florida registered architect, **Richard Sammons**, remaining on the roster of the Architectural Commission. Pursuant to Section 18-166, **“at least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the Town Council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.”**
- **Ann Vanneck** currently serves as the member who is **“someone with equivalent expertise in landscape.”** None of the applicants is a landscape architect or master gardener.
- Two of the applicants, **Robert N. Garrison and William P. Feldkamp**, are Florida registered architects.

Attachments

JP:cmd

cc: Susan Owens, Town Clerk
Veronica Close, Assistant Director of Planning, Zoning and Building
John Lindgren, Planning Administrator

Town Council Meeting on July 15, 2014

Please circle 2 name(s) from the list of names appearing below

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ARCHITECTURAL COMMISSION MEMBERS

	<u>Appointed</u>	<u>Term Expires</u>
Robert J. Vila, Chairman 690 Island Drive (c) 917-392-4347 (h) 651-1124	3/2010 3/2013	3/2013 (Term 1) 3/2016 (Term 2)
Ann Vanneck, Vice Chairman 217 West Indies Drive (h) 881-5364	3/2011 3/2012	3/2012 (Term 0*) *Fulfilling unexpired member term of Leslie Diver, serving 12 mo., (less than 50% of a term) 3/2015 (Term 1)
Nikita Zukov, Vice Chairman ARCHITECT 130 Sunrise Avenue # 408 RESIGNED May 2014 (e) 452-2422	3/2010 3/2012	3/2012 (Term 1)* *Fulfilling the unexpired term of Thomas Youchak, serving 24 mo., (more than 50% of a term) 3/2015 (Term 2)
Kenn Karakul 4 El Bravo Way (o) 379-5594 (h) 659-7612	6/2009 3/2010 3/2013	3/2010 (less than 50% of a term) 3/2013 (Term 1) 3/2016 (Term 2)
Henry Homes III RESIGNED May 2014 157 Peruvian Avenue (h) 833-6533	3/2011 3/2014	3/2014 (Term 1) 3/2017 (Term 2)
Peter I. C. Knowles II 248 Sanford Avenue (h) 804-9137	11/2011 3/2014	3/2014 (Term 1)* *Fulfilling the unexpired term of Alexander Griswold, serving 28 mo., (more than 50% of a term) 3/2017 (Term 2)
Richard Sammons 455 Worth Avenue, #302-303 (h) 646-270-1094 (w) 561-805-8591	ARCHITECT 3/2012	3/2015 (Term 1)

Martin D. Gruss (Alternate) 777 S. Flagler Drive #801E (Mailing address) West Palm Beach, FL 33401 (h) 655-3388	3/2010 3/2013	3/2013 (Term 1) 3/2016 (Term 2)
Alexander C. Ives (Alternate) 237 Jamaica Lane (h) 309-1645	3/2011 3/2012	3/2012 (Term 0*) *Fulfilling unexpired alternate term of Ann Vanneck, serving 12 mo., (less than 50% of a term) 3/2015 (Term 1)
Michael B. Small (Alternate) 156 East Inlet Drive Palm Beach, FL (h) 844-2606 (c) 385-2401	3/2013	3/2015 (Term 1*) *Fulfilling unexpired alternate term of Dr. Martin Phillips; serving 2 yrs, (more than 50% of a term)

ARCOM ATTENDANCE RECORD 2012

MEMBERS

1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12	
P__	P__	(termed out)										
P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	
<u>P__</u>	P__	P__	P__	P__	P__	P__	P__	U__	U__	P__	<u>E__</u>	
P__	P__	P__	P__	P__	P__	E__	P__	P__	E__	P__	P__	
U__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	
P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	P__	P__	
P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	
		P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	

ALTERNATE MEMBER

MARTIN D. GRUSS	P__	P__	P__	U__	P__	U__	P__	P__	P__	P__	P__	P__
ALEXANDER C. IVES	P__	P__	P__	U__	P__	P__	P__	P__	U__	P__	P__	E__
DR. MARTIN PHILLIPS	P__	P__	P__	P__	P__	P__	P__	P__	E__	P__	resigned 11/12	

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ARCOM ATTENDANCE RECORD 2013

MEMBERS

1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
P__	P__	P__	P__	P__	U__	P__	P__	P__	P__	U__	P__
P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	P__	P__
U__	P__	P__	P__	P__	P__	E__	P__	P__	P__	U__	P__
P__	P__	P__	P__	P__	P__	P__	P__	P__	U__	P__	P__
P__	P__	E__	P__	P__	P__	P__	P__	P__	P__	P__	P__
P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__	P__
P__	P__	P__	P__	P__	P__	U__	E__	P__	P__	P__	P__

ROBERT VILA

KENN KARAKUL

NIKITA ZUKOV

ANN VANNECK

HENRY HOMES III

PETER I.C. KNOWLES

RICHARD SAMMONS

ALTERNATE MEMBER

MARTIN D. GRUSS

ALEXANDER C. IVES

MICHAEL B. SMALL

LEGEND:

P= present

E=excused absence

U=un excused absence

A=absence pending classification as excused or un excused

ARCOM ATTENDANCE RECORD 2014

MEMBERS

1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
ROBERT VILA	P__	P__	P__	P__	A__	__	__	__	__	__	__
KENN KARAKUL	P__	U__	P__	P__	P__	__	__	__	__	__	__
NIKITA ZUKOV	P__	E__	P__	P__	resigned	__	__	__	__	__	__
ANN VANNECK	P__	P__	P__	P__	P__	__	__	__	__	__	__
HENRY HOMES III	P__	P__	P__	P__	resigned	__	__	__	__	__	__
PETER I.C. KNOWLES	P__	P__	P__	P__	P__	__	__	__	__	__	__
RICHARD SAMMONS	P__	P__	P__	U__	P__	P__	__	__	__	__	__

ALTERNATE MEMBER

MARTIN D. GRUSS	P__	P__	P__	P__	P__	__	__	__	__	__	__
ALEXANDER C. IVES	P__	P__	P__	P__	P__	__	__	__	__	__	__
MICHAEL B. SMALL	P__	E__	P__	P__	P__	P__	__	__	__	__	__

LEGEND: P= present
 E=excused absence
 U=un excused absence
 A=absence pending classification as excused or un excused

ARCOM VOTING CONFLICTS 2012

MEMBERS

	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
JEFFERY SMITH	<u>VPD & V</u>	<u>VPD</u>	(termed out)									
ROBERT VILA	—	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	<u>VPD</u>	—	—	V	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	—	<u>VPD</u>	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	—	—	—	V	—	—	—	—	—

ALTERNATE MEMBERS

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
DR. MARTIN PHILLIPS	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
V2 = two voting conflicts during a meeting
VPD = voting conflict previously declared

³VPD to be used when a conflict has been declared at a previous meeting for an ongoing project.
⁴The originally declared conflict will be counted only for ongoing projects, per JCR
Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year

ARCOM VOTING CONFLICTS 2013

	1/13	2/13	3/13	4/13	5/13	6/13	7/13	8/13	9/13	10/13	11/13	12/13
<u>MEMBERS</u>												
ROBERT VILA	—	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	—	—	—	<u>VPD</u>	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	—	—	—	—	—	—	—	—
ANN VANNECK	—	—	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	—	—	—	—	—	—	—	—
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBERS

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
MICHAEL B. SMALL	—	—	—	—	—	—	—	—	—	—	—	—

LEGEND: V = one voting conflict during a meeting
 V2 = two voting conflicts during a meeting
 VPD = voting conflict previously declared

VPD to be used when a conflict has been declared at a previous meeting for an ongoing project.
 The originally declared conflict will be counted only for ongoing projects, per JCR
 Excessive conflicts of interest are defined as three or more conflicts of interest in any one calendar year

ARCOM VOTING CONFLICTS 2014

	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14	10/14	11/14	12/14
<u>MEMBERS</u>												
ROBERT VILA	V	—	—	—	—	—	—	—	—	—	—	—
KENN KARAKUL	—	—	—	—	—	—	—	—	—	—	—	—
NIKITA ZUKOV	—	—	—	—	resigned							
ANN VANNECK	—	—	—	—	—	—	—	—	—	—	—	—
HENRY HOMES III	—	—	—	—	resigned							
PETER I.C. KNOWLES	—	—	—	—	—	—	—	—	—	—	—	—
RICHARD SAMMONS	—	—	—	—	—	—	—	—	—	—	—	—

ALTERNATE MEMBERS

MARTIN D. GRUSS	—	—	—	—	—	—	—	—	—	—	—	—
ALEXANDER C. IVES	—	—	—	—	—	—	—	—	—	—	—	—
MICHAEL B. SMALL	—	—	—	—	—	—	—	—	—	—	—	—

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