



TOWN OF PALM BEACH

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JULY 9, 2024

9:30 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

Danielle H. Moore, Mayor
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. RECOGNITIONS

- A. Recognition of Fernando Wong's Service on the Landmarks Preservation Commission (LPC) from May 2019 to May 2024.

VI. PRESENTATIONS

- A. County Commission Update by Vice Mayor Maria Marino, District 1
B. Presentation by Dorothy Jacks, Palm Beach County Property Appraiser

VII. COMMENTS OF MAYOR DANIELLE H. MOORE

VIII. COMMENTS OF TOWN COUNCIL MEMBERS

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA

A. MINUTES

1. Town Council Meeting Minutes
Kelly Chumey, Acting Town Clerk Page 7
 - a. June 10, 2024, Special Town Council Meeting Minutes
 - b. June 11, 2024, Town Council Meeting Minutes
 - c. June 12, 2024, Town Council Development Review Meeting Minutes
 - d. June 25, 2024, Special Town Council Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 26, 2024.
Wayne Bergman, Director of Planning, Zoning and Building Page 52

B. RESOLUTIONS

1. RESOLUTION NO. 062-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Change Order to Earth Balance Corporation for Phase 2 Invasive Plant Removal at Phipps Ocean Park in the Amount of \$32,500 and Establishing a new award amount of \$141,950.
Dean Mealy, II Procurement and Contract Manager Page 72
2. RESOLUTION NO. 070-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for Designation and/or the De-Designation of the Historic/Specimen Trees at 304 Maddock Way Providing an Effective Date.
H. Paul Brazil, P.E., Director of Public Works Page 81
3. RESOLUTION NO. 071-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding the 2024 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2024 Hardbottom Map to Coastal Protection Engineering LLC in the Amount of \$169,200.14 and Page 87

Establishing a Project Budget in the amount of \$194,500.

Dean Mealy, II Procurement and Contract Manager

4. RESOLUTION NO. 072-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding the Beach Management Agreement for the Mid-Town Nourishment Project & 2022 Palm Beach Harbor Disposal Project to Coastal ECO-Group, Inc. in the Amount of \$136,199 and Establishing a Project Budget in the Amount of \$159,199. Page 99

Dean Mealy, II Procurement and Contract Manager

5. RESOLUTION NO. 075-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2024-23, Phase 5S and Phase 3S, Milling and Paving Improvements to M&M Asphalt Maintenance Inc. DBA, All County Paving, in the amount of \$2,374,763.90 and establishing a project budget in the amount of \$2,700,636. Page 112

Dean Mealy, II Procurement and Contract Manager

6. RESOLUTION NO. 076-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Chen Moore and Associates for Paving Oversight for Phase 5S and Phase 3S in the Amount of \$221,770 and Establishing a project budget in the Amount of \$261,770. Page 118

Dean Mealy, II Procurement and Contract Manager

7. RESOLUTION NO. 077-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, requesting approval to modify Resolution No. 130-2023 to include the third ranked firm Alpha1 Staffing as tertiary awardee to provide Temporary Labor Services. Page 125

Dean Mealy, II Procurement and Contract Manager

8. RESOLUTION NO. 078-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Insituform Technologies, LLC for 2024 CIPP Lining Basin E6, E8 and E10 in an Amount not to Exceed \$150,000 for a new award authorization of \$2,240,494. Page 129

Dean Mealy, II Procurement and Contract Manager

XI. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

B. Old Business

1. Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status Page 138

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

2. RESOLUTION NO. 061-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding the GMP for Phase 7 South to Burkhardt Construction in the amount of Page 154

\$11,442,769.58 and establishing a project budget in the amount of \$13,159,184.

Dean Mealy, II, Procurement and Contract Manager

3. RESOLUTION NO. 063-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for Construction Phase Services for Phase 7 South Undergrounding in the amount of \$376,765 and establishing a project budget in the amount of \$433,279. Page 180

Dean Mealy, II, Procurement and Contract Manager

4. RESOLUTION NO. 067-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Requesting Formal Approval to Reject Previously Awarded Resolution No. 146-2022, Approving RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvement to Burkhardt Construction Inc. Page 190

TIME CERTAIN: 11:30 AM

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

C. New Business

1. Beach Access and Donation for Restoration with Lake Worth Beach Page 202
H. Paul Brazil, P.E., Director of Public Works
2. Discussion on Ocean Vista Standards and Regulation
Bobbie D. Lindsay, Town Council President

D. Time Extensions and Waivers

1. Waiver of Town Code Section 18-237, For Building Permit Extension at **3360 S. Ocean Boulevard**, for permit number B-22-97335 Page 204
Wayne Bergman, Director of Planning, Zoning and Building
2. Waiver of Town Code Section 18-237, For Building Permit Extension at **1025 N. Lake Way**, for permit B-22-96565 Page 221
Wayne Bergman, Director of Planning, Zoning and Building
3. Waiver of Town Code Section 18-237, For Building Permit Extension at **172 S Ocean Boulevard**, for permit number B-23-97764 Page 233
Wayne Bergman, Director of Planning, Zoning and Building
4. Waiver of Town Code Section 18-237, For Building Permit Extension at **441 Seaview Avenue**, for permit number B-22-97563 Page 246
Wayne Bergman, Director of Planning, Zoning and Building

XII. ORDINANCES

A. Second Reading

1. Proposed Ordinance to Amend the Town Code at Chapter 82 Page 259

Relative to Personnel and Employee Benefits

ORDINANCE NO. 024-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Gillian Barth, Director of People and Culture

B. First Reading

1. Proposed Ordinance to Amend the Town Code at Chapter 77 Relative to the Public Employees Relations Commission ("mini-PERC")

Page 265

ORDINANCE NO. 026-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Ordinance No. 6-80, Appendix A – Public Employee Relations To The Town Code Pursuant To The Provisions Of Section 447.603 Florida Statutes, Chapter 77-343, By Amending Section 1.006 To Provide For The Completion And Retention Of Membership Authorization Forms, The Revocation Of Membership In Employee Organizations And Providing For Certain Exemptions Thereto; By Amending Section 1.007 To Expand The Definition Of Public Safety Employees; By Amending Section 1.008 To Modify The Required Financial Statements From Audited Statements To Those Prepared By A Licensed Independent Certified Public Accountant; And By Amending Section 1.021 To Provide New Prohibitions On Unions Or Their Representatives Offering Compensation Or Things Of Value To Public Officers, As Defined By Florida Ethics Law; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Joanne O'Connor, Town Attorney

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

Procedures for Public Participation:

Note 1: **Live Stream audio:** To watch/listen live, visit the 'Public Meetings' webpage on the Town's website at www.townofpalmbeach.com. and select the "View Event" or "Click Here to Listen" button.

Note 2: Any citizen is entitled to be heard concerning any matter under the sections entitled 'Communications from Citizens' and 'Public Hearings',

subject to the three-minute limitation. The public also can speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion. 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. In-person or virtual Public Comment is limited to three minutes and must be preceded by your name and address for the record. As a public business meeting, the Town Council President retains the right to limit discussion on any issue.

Alternative public comment is also welcome for Town Council Meetings via four methods:

1. To make a public comment virtually (for Town Council Meetings Only), email a request to publiccomment@townofpalmbeach.com and identify the desired agenda item(s) to be addressed
2. Written public comment submittals should be sent to publiccomment@townofpalmbeach.com.
3. Direct written entry into the public meeting record through the eComment portal on the Public Meetings webpage.
4. Mail or in-person submittal of written document to the Town Clerk's Office at Town Hall no later than the Friday prior to the meeting.

Note 3: **Appeals:** If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons needing accommodations to participate in this meeting are requested to call the Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda Minutes

Agenda Title
Town Council Meeting Minutes
Kelly Churney, Acting Town Clerk

- a. June 10, 2024, Special Town Council Meeting Minutes
- b. June 11, 2024, Town Council Meeting Minutes
- c. June 12, 2024, Town Council Development Review Meeting Minutes
- d. June 25, 2024, Special Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **June 10, 2024, Special Town Council Meeting Minutes**
- ▣ **June 11, 2024, Town Council Meeting Minutes**
- ▣ **June 12, 2024, Town Council Development Review Meeting Minutes**
- ▣ **June 25, 2024, Special Town Council Meeting Minutes**



Town Clerk's Office

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 10, 2024

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of June 10, 2024 was called to order at 9:30 a.m. On roll call, all council members were found to be present except Council Member Cooney.

II. PLEDGE OF ALLEGIANCE

President Lindsay led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve the Agenda. On roll call the Motion passed 4-0 with Council Member Cooney absent.

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT

There were none.

V. REGULAR AGENDA

A. New Business

1. Cybersecurity Training with Florida International University in
Collaboration with State of Florida
Andy Jadoo, CIO & Director of Information Technology

Andy Jadoo, CIO and Director of Information Technology provided background information on the need for cybersecurity training for the Town's employees. He

introduced Dr. Dwight Elliott, Professor from Palm Beach State College who requested the attendees to introduce themselves.
Dr. Elliott introduced Michael Asencio, Program Director of Cybersecurity at Florida International University. Mr. Ascencio stated that certain legislative bills were making it mandatory for this training.

Dr. Elliott introduced his team member, Christiane Glenn, one of his students who holds a Bachelor of Science and Master of Science in Information Technology and is now pursuing her Doctorate and is the Cybersecurity Grant Coordinator and Stanley Wisnioski, Cybersecurity Student Ambassador and hacker. He mentioned Adrian Crasuc, IT staff member and former student.

Dr. Elliott gave a lengthy presentation on Cybersecurity regarding Emerging Threats, Developing Policy and Strategy and Operations.

There was a brief discussion and question and answer session, after which the presentation was concluded.

VI. ADJOURNMENT

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adjourn the June 10, 2024, Special Town Council Meeting at 11:30 AM. On roll call, the Motion passed 4-0 with Council Member Cooney absent.

APPROVED:

Bobbie D. Lindsay, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE TOWN COUNCIL MEETING HELD ON TUESDAY, JUNE 11, 2024

I. [CALL TO ORDER AND ROLL CALL](#) (02:54)

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

II. [INVOCATION AND PLEDGE OF ALLEGIANCE](#) (03:14)

Deputy Town Clerk Gayle-Gordon gave the Invocation, and President Lindsay led the Pledge of Allegiance.

III. [MODIFICATIONS TO THE AGENDA](#) (04:04)

The following items were added under **ANY OTHER MATTERS**:

1. Scheduling a Special Town Council Meeting to discuss the Traffic Study
2. Re-Consideration of Closing Time for Taboo Restaurant

IV. [APPROVAL OF AGENDA](#) (05:11)

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve the agenda, as amended. On roll call, the Motion passed unanimously.

Motion was made by Council Member Moran and seconded by Council President Pro Tem Crampton to re-consider the closing hours for Taboo

Restaurant at the July 10, 2024 Town Council Development Review Meeting. On roll call, the Motion passed 3-2, with Council Member Cooney and Council President Lindsay dissenting.

V. RECOGNITIONS (09:26)

- A.** Recognition of Josh Martin for his Service on the Architectural Review Commission (ARCOM) from March 2022 to March 2024

Mayor Moore recognized Josh Martin, who was not in attendance, for his service on ARCOM.

VI. PRESENTATIONS (09:54)

Rhonda Giger, General Counsel for the Palm Beach County Commission on Ethics

Ms. Giger explained the role of the Palm Beach County Commission on Ethics. She is hoping to be a more proactive agency and encouraged questions. She responded to questions from the Town Council and encouraged members to review the County Ethics code.

This presentation and discussion lasted 9 minutes. To listen, please click the link on the agenda topic above.

VII. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS (18:59)

- A.** Presentations by the Applicants and Appointments to the Architectural Commission (ARCOM)
Kelly Churney, Acting Town Clerk

Applicant Alicia (Maisie) Grace presented her application to the Town Council.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to appoint Alicia Grace as an alternate member to the Architectural Commission. On roll call, the Motion passed unanimously.

This presentation and discussion lasted almost 6 minutes. To listen, please click the link on the agenda topic above.

- B.** [Presentations by the Applicants and Appointments to the Landmarks Preservation Commission](#) (25:12)
Kelly Churney, Acting Town Clerk

Applicants Catherine Brooker, Kim Coleman, Isabella Gonzalez, Alexander Ives and Henry Ittleson presented their applications to the Town Council. Laura Rose was unable to attend but had forwarded a letter to the Town Council regarding her application.

The ballots were tallied and the Town Council made the appointments.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to appoint Alexander Ives as a Regular Member to the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

Motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to appoint Catherine Brooker and Laura Rose as alternate members to the Landmarks Preservation Commission. On roll call, the Motion passed unanimously.

The presentations, discussion and appointments lasted about 25 minutes. To listen, please click the link on the agenda topic above.

VIII. [COMMENTS OF MAYOR DANIELLE H. MOORE](#) (50:53)

Mayor Moore announced that the Town had been awarded the Sun Sentinel's Top Workplaces Award. She explained that this award was based on the annual employee engagement survey scores and only one other south Florida municipality received this award with Palm Beach. She presented the award to Mr. Blouin, Town Manager.

The following employees achieved milestones of service as follows:

Walter Arcila, Firefighter/Paramedic (FR) 5 years
Vincent Askins, Equipment Operator 1 (PW) 10 years
Coraliz Cordero, GIS Manager (TMO) 25 years
Carolyn Stone, Deputy Town Manager (TMO) 5 years

Terri Bayard (TMO) entered the DROP on May 25, 2024 after 24 years of service.

Mayor Moore stated that the Coast Guard has requested input on the reduced bridge openings during morning and evening rush hours. The temporarily modified bridge schedule in the morning and afternoon has benefitted the Town. She encouraged the Town Council and residents to use the public online link to encourage the Coast Guard to make the reduced bridge openings a permanent rule. She also thanked all the Civic and Cultural organizations for encouraging their members to support the reduced bridge openings. The Mayor also commented on her positive meeting with senior Army Corps executives at the beach.

The comments lasted about 10 minutes. To listen, please click the link on the agenda

topic above.

IX. COMMENTS OF TOWN COUNCIL MEMBERS (1:00:07)

Council Member Cooney had no comments.

Council Member Araskog thanked Police Chief Caristo for installing speed monitors on N. County Road. Between Sunrise and St. Edwards Church. She also noted that she had seen car carriers on the north end and inquired about signs redirecting them. Director Brazil responded that signs were not effective but he would look into it if the Council directed him to do so. Council Member Moran suggested using the GIS maps to state restrictions. Mr. Brazil said he would get with the Information Technology Department about utilizing Council Member Moran's suggestion.

Council Member Araskog thought the truck study that was previously conducted should be reviewed again. Council President Lindsay supported reviewing the study again, but she mentioned that enforcement was difficult. Mayor Moore's concern was that the service providers needed the equipment to meet the demands of the residents and they needed large vehicles to transport the equipment. Council President Pro Tem Crampton suggested the matter go back to the Ordinances, Rules and Standards Committee (ORS) for review. He also encouraged the applicants who were not appointed at this time to reapply in the future.

Council Member Moran had no comments.

Council President Pro Tem Crampton encouraged residents not selected today to come back and submit their applications again.

The comments lasted about 11 minutes. To listen, please click the link on the agenda topic above.

Clerk's Note: A brief recess was taken at 10:35 a.m. The meeting was reconvened at 10:40 a.m.

X. COMMUNICATIONS FROM CITIZENS-3 MINUTE LIMIT PLEASE (1:11:23)

Tonya Pergament, 333 Sunset Avenue, expressed her concerns regarding pedestrian safety at the crosswalk of Bradley Place and Sunset Avenue. Council Member Cooney requested that the safety concerns be included in the update next month to Council on Sunset Avenue.

Rick Smith, 130 Sunrise Avenue, thanked the staff and council members for their assistance and responsiveness and spoke about the Paramount Theater project including his concern re: the variance required for the Paramount applicant to use the Breakers parking lot in the evening more than one ½ mile away from the proposed

club.

The comments lasted about 10 minutes. To listen, please click the link on the agenda topic above.

XI. APPROVAL OF CONSENT AGENDA (1:21:27)

Council Member Araskog acknowledged and thanked the Police and Fire Foundation for their very generous donation regarding the training tower.

Resolution No. 068-2024 was pulled from the Consent Agenda and heard as Item No. XII.A.1.

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

A. MINUTES

1. Town Council Meeting Minutes
Kelly Churney, Acting Town Clerk
 - a. May 14, 2024, Town Council Meeting Minutes
 - b. May 15, 2024, Local Planning Agency Meeting Minutes
 - c. May 15, 2024, Town Council Development Review Meeting Minutes
2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting on May 29, 2024.
Wayne Bergman, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 059-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order for a Mobile Training Tower for Fire Rescue to Joiner Reliability and Maintenance, Inc. in the amount of \$214,845 and Establishing a project budget in the amount of \$235,845.
Dean Mealy, II, Procurement and Contract Manager
2. RESOLUTION NO. 060-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, accepting a donation from The Palm Beach Police and Fire Foundation for the new Mobile Training Tower for Fire Rescue in the amount of \$214,845.
Dean Mealy, II Procurement and Contract Manager
3. RESOLUTION NO. 064-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing State Grant of

Florida Department of Environmental Protection Amendment No. 1 to Grant 22PB12, Between the State of Florida Department of Environmental Protection and the Town of Palm Beach Under the Florida Beach Management Funding Assistance Program, Specifically Reimbursement for Lake Worth IMP Implementation Project, In the Amount of \$666,500, and Authorizing the Mayor to Execute Same on Behalf of the Town.

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

4. RESOLUTION NO. 065-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a change order to Chen Moore and Associates for Plans Review Assistance in the amount of \$75,000 for an awarded Purchase Order in the amount of \$169,000.

Dean Mealy, II Procurement and Contract Manager

5. RESOLUTION NO. 068-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving ITB No. 2024-19, D-2 Outfall Repairs and Improvements to Murray Logan Construction, LLC in the amount of \$168,948 and establishing a project budget of \$205,790.

Dean Mealy, II Procurement and Contract Manager – Pulled

XII. REGULAR AGENDA

A. Matters Pulled From Consent Agenda: If needed

1. RESOLUTION NO. 068-2024 (1:22:27) A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving ITB No. 2024-19, D-2 Outfall Repairs and Improvements to Murray Logan Construction, LLC in the amount of \$168,948 and establishing a project budget of \$205,790.

Dean Mealy, II Procurement and Contract Manager

Council Member Cooney expressed the council's previous environmental concerns and request to improving the water quality of the storm water outfall into the intracoastal waterway. Mr. Brazil and Ms. Strayer confirmed that Chen Moore was completing the cost analysis and staff would bring the requested information to improving all the Town's storm quality outfalls to the Town Council in the near future (August). He said approval of this resolution would not cause a loss of opportunity to make additional improvements.

Motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve Resolution No. 068-2024. On roll call, the Motion passed unanimously.

This discussion lasted 5 minutes. To listen, please click the link on the agenda topic above.

B. Old Business

1. [Discussion Regarding Brazilian Avenue and South County Road Traffic Pattern Changes](#) (1:27:12)

Nicholas Caristo, Chief of Police

Jason Debrincat, Assistant Director of Public Works, provided an update on the progress of this project explaining the temporary fixes and extending the median next year.

Council Member Araskog asked if there had ever been an accident in the area.

Chief Nicholas Caristo, Police Department, said the intersection had been problematic and unsafe, particularly for pedestrians during the season. He said the pattern changes would be a good solution even though he realized it was going to be inconvenient for some vehicle operators.

H. Paul Brazil, P.E., Director of Public Works, agreed with Chief Caristo. He said the intersection was nonconforming and was under the jurisdiction of the Florida Department of Transportation (FDOT). He felt this alternative, where they would add a curb and sod, was the least negative approach to the intersection vs a signalized intersection.

Council Member Cooney wanted to ensure that every option had been considered. He was concerned about traffic movement limitations.

Council President Lindsay had received some feedback from people concerned about the aesthetics of the intersection. There was some discussion about landscaping to make the area more aesthetically appealing and bringing the plan to council for approval before proceeding.

This discussion lasted 9 minutes. To listen, please click the link on the agenda topic above.

2. [Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status](#) (1:36:24)

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

Patricia Strayer, Town Engineer, provided an update on the progress of the project as well as addressing how to aesthetically hide the large switch cabinets on Hibiscus Avenue and Coconut Row.

Council President Pro Tem Crampton asked when the Phase 3 poles would be removed, particularly the ones on County Road. Ms. Strayer said the staff was waiting for AT&T to remove their hardware from the poles. She anticipated about one month.

This discussion lasted 4 minutes. To listen, please click the link on the agenda topic above.

3. [Authorization for 235 Sunrise Avenue - Use of Right-of-Way](#) (1:40:25)
H. Paul Brazil, P.E., Director of Public Works

Mr. Brazil said structural modifications were underway at the Palm Beach Hotel. He stated that the second phase would look identical to the first phase. Staff asked council to approve the request for the use of four parking spaces.

There was discussion about ensuring the shop owners would have the ability to advertise. Mr. Brazil said signage would be allowed on the scaffolding, and there had been no objections.

Council Member Moran suggested eliminating the two parking spaces on the west side, north end of Bradley, between the last curb cut and the traffic signal to create a right-hand turning lane for northbound traffic. Mr. Brazil said staff would look into it and make a recommendation to the Town Manager.

This discussion lasted 7 minutes. To listen, please click the link on the agenda topic above.

C. New Business

1. [Discussion on Regulating and Possible Zoning in Progress for Restaurants, Bars, Lounges, Nightclubs and Private Clubs](#) (1:47:20)
Joanne O'Connor, Town Attorney / Wayne Bergman, Director of Planning, Zoning and Building

Joanne O'Connor, Town Attorney, provided opening comments and stated that Mr. Bergman would discuss the traffic study data that might impact discussions about potential regulations on restaurants, bars, nightclubs, and private clubs.

Mr. Bergman discussed the updated information provided to the Town Council. A map of active, approved or in the queue, restaurants, dining halls, clubs, and bars was provided, indicating approximately 9,900 restaurant, bar, nightclub, and lounge seats in town. Mayor Moore made a correction to the location of the Biltmore Beach Club location which is just south of the Sun & Surf on the beach. Mr. Bergman mentioned the current traffic and parking study and previous opinions by attorney Skip Randolph stating how the Town could legally limit the number or mandatory separation of food and beverage establishments.

Ms. O'Connor added that the options available to the Town Council were to limit the number of restaurants, as well as dimensional limits on

restaurants as previously outlined in 2021 by her partner, Skip Randolph. She is also studying Miami's ordinance that dimensionally limits restaurants in commercial zones.

Council Member Araskog stated that no events were included in the study. She said establishments such as Mar-a-Lago, the Everglades, and Sailfish Clubs were not captured. She felt like their events would increase the numbers. She also mentioned that the Flagler Museum and The Four Arts hold events for the public and residents. She was in support of implementing a Zoning in Progress (ZIP), and thought the timing was appropriate.

Mayor Moore did not want to see a ZIP to prevent Taboo from reopening. However, she was not against the ZIP. She did suggest that in cases such as The Breakers, where there are seven restaurants, it would be nice if we counted them all together.

Council Member Cooney spoke of the numbers of seats in the clubs and wanted clarification on Brandon's (located in the Tideline Hotel.)

Council President Lindsay supported the ZIP and explained her reasons. She has heard more feedback on the issue of not becoming a regional draw to West Palm Beach than on any other single item. Other cities do this, and we need to get started and address this now.

Council President Pro Tem Crampton thought that if a ZIP were implemented, the study should target the central business district or some variation where the alleged problem exists. It doesn't make sense to include the clubs. In addition, Council President Pro Tem Crampton noted that West Palm Beach was growing its own set of curated restaurants and curated places to go, citing 12 restaurants in the new NORA development.

Council Member Cooney agreed with Council President Pro Tem Crampton and said he believes the Special Exception process works. He said the business community is fragile and thought caution should be used to avoid the stifling of business interests.

Council Member Moran was inclined to support the ZIP as another tool for the town, as it's in our comp plan not to intensify uses. She cited a familiar town up north.

Council President Lindsay supported the ZIP and agreed it could be limited to business areas. She noted that the for-profit clubs were continuing to grow and asked how many more for profit clubs we need? I would include for profit clubs in the restaurant review.

Council President Pro Tem Crampton noted the number of new families that are on wait lists here, should be considered.

Council Member Moran reminded us that we are a built-out town, and every decision we make to change from something to something else, is lost

forever. It's easy to lose sight of what we love but there is a way to control that growth.

The Mayor likes that the ZIP is temporary and that's one reason she is more supportive.

Council Member Araskog agreed that for-profit clubs should be included in the ZIP study.

Council Member Cooney suggested that valet operations on Worth Avenue can be better managed.

Public Comments

Ellen Howe, 2295 S. Ocean Boulevard, supported the zoning in progress.

Anne Pepper, 333 Seaspray Avenue, supported the zoning in progress, especially with the comprehensive plan and zoning code being under extensive review.

Council Member Cooney asked whether the plan is to send the ZIP to Planning & Zoning Commission and Mr. Bergman confirmed that.

Motion was made by Council Member Araskog to initiate a Zoning in Progress for restaurants, bars, lounges, nightclubs, for-profit private clubs, and retail specialty foods for six months from today until December 10, 2024, for a study to be conducted by the Planning and Zoning Department to help gain an understanding of where the Town is with restaurants, and if there are legal or zoning tools that may be used to protect the Town's health, welfare, safety, traffic and parking. The motion died for lack of a second.

Motion was made by Council Member Araskog and seconded by Council Member Moran to initiate a Zoning in Progress for six months from today until December 10, 2024, for the five (5) commercial districts for Planning and Zoning to conduct a study of what can be done legally within the Town's zoning code and comprehensive plan to protect the Town's safety, welfare and health, and to include restaurants, bars, lounges, nightclubs, and for-profit clubs. On roll call, the Motion passed unanimously.

Council President Pro Tem Crampton noted that with respect to strong legal input from Ms. O'Connor the planning and zoning review needed to be structured. He stated this study needed to be done carefully.

Council Member Cooney concurred with Council President Pro Tem Crampton.

This discussion lasted for 57 minutes. To listen, please click the link on the agenda topic above.

Clerk's Note: A brief recess was taken at 12:16 p.m. The meeting was reconvened at 12:27 p.m.

2. [Discussion of Existing Ordinance on Short-Term Rentals](#) (2:44:23)

Bobbie D. Lindsay, Town Council President

Council President Lindsay explained she put this item on the agenda because there seems to be a lot of confusion about short term rentals in Palm Beach and turned it over to Town Attorney, Joanne O'Connor.

Joanne O'Connor said the Town does prohibit short term rentals in its residential zoning districts. She referred to the Town's Code 134-2 regarding short-term rentals. The town defines dwelling, single family, as a detached building designed and used exclusively for residential purposes by one family. Residential use is the use of land or the structures on the land for residential occupancy of a permanent or semi-permanent nature. Our code does allow residential unit uses to be occupied by any one individual or family for periods of less than 3 months, no more than 3 times per year. The Town expressly does not allow occupancy of a transient nature such as in hotel, motel or time-sharing uses. Florida statutes defines a vacation rental as a transient public lodging establishment which is any building rented to guests more than 3 times per year for less than 30 days. Our position is that vacation rentals have been prohibited here since 2011, which is grandfathered as compared to more recent pre-emptive legislation. She advised the Town Council to be mindful when making any changes to the Code because when a municipality is grandfathered by state law, amendments must be made carefully to avoid being swept up into the pre-emption by state law.

Council Member Cooney confirmed that selling a portion of a home and sharing amongst multiple owners is not currently accepted under the zoning code. Ms. O'Connor confirmed that the Pacaso analysis was slightly different because it was not a short-term rental analysis.

Council President Pro Tem Crampton wondered if the same protections were in place for residents in the south end since it is primarily condominiums and townhomes. He noted that there were a few single-family residences, and his concern was the three to five buildings in the south end that could potentially be taken over by developers. Mr. Blouin, Town Manager, advised that if a developer were to take over any of the buildings, a zoning change would likely be necessary. He also noted that the homeowner's associations have rules that are stricter than the zoning code in most cases.

Council Member Moran asked for some clarification of the rules that apply to the Palm Beach Hotel. She had been contacted by some residents who were not happy. Mr. Blouin stated he had been in touch with two of the residents who were unhappy because individual owners had rented their

properties out similar to hotel rooms. He said it is legal to do that as it is defined as a hotel. The Town had addressed as much as possible, but the issues may be civil. Mr. Blouin stated that he would send the complaint to legal for additional review.

This discussion lasted 14 minutes. To listen, please click the link on the agenda topic above.

3. [Discussion Regarding Time Share/Fractional Ownership](#) (2:58:10)
Bobbie D. Lindsay, Town Council President

Council President Lindsay described the business use model for fractional ownership being offered in Palm Beach. Typically found in resorts such as Vail, Colorado an LLC purchases the property, typically selling 1/8 ownerships of the home. Fractional owners can stay a minimum of 2 days and maximum of 14 days with a total of 44 days a year. She believes the use is incompatible with our neighborhood communities and would degrade our community, disrupt our quality of life and if successful, reduce property values on the streets where they were present. Numerous small towns have been using their timeshare laws to fight this use.

Ms. O'Connor, Town Attorney, stated this discussion was in reference to a fractional ownership business model use, Pacasso.com, and staff was not yet currently aware of any home in the Town that had been purchased by fractional owners. However, there were at least one dozen homes in Palm Beach listed on the Pacasso.com website as potential homes of which a 1/8 fraction may be purchased. She elaborated on the fractional ownership occupancy rules and said the website advertises that the typical fractional owner uses their property an average of 6 to 7 times per year. Ms. O'Connor has drafted a letter notifying Pacaso that their use structure is not permitted in any of the Town's residential districts, and alternatively, it is a type of timeshare use that is prohibited in all but one residential district, where it is only permitted by Special Exception. The ownership use model is not permitted by town code. Residential zoning permitted uses are limited to single family dwellings or buildings containing multi or duplex family dwellings. A family must have residential occupancy of not less than 3 months.

Mayor Moore asked what would happen if a company such as Pacaso purchased a home and could not sell any shares. Ms. O'Connor said she was unsure how their business model would address that situation.

Council Member Araskog wondered what the Town's options were if Pacaso purchased a home and sold fractions, and subsequently the Town began code violation proceedings. Ms. O'Connor said the code process would take place as it would for any other violation. Council Member Araskog asked if Pacaso could be forced into single ownership, and Ms. O'Connor said no.

Mr. Blouin said that a letter will be sent to Pacaso proactively. Should

anyone purchase a home in the Town of Palm Beach, it would become a Code Enforcement issue, and the maximum that could be charged under State Statute is \$250 per day. He said that in this situation, the Town would have leverage from a legal perspective. He noted that a home purchased under an LLC may not be designated for homestead exemption.

Public Comment

Anne Pepper, 333 Seaspray Avenue, spoke about timeshares and fractional ownership and asked what recourse the Town would have to stop this use. Mr. Blouin responded.

Ms. O'Connor stated that the demand letter would be sent via email and registered mail.

Donald Singer, 2295 S Ocean Blvd, and on behalf of the Citizens Association, stated that a survey was being prepared for residents. He said citizens at the south end continue to be concerned about growth.

The consensus of the Town Council was not to allow fractional ownership of homes in Palm Beach and to send the Town Attorney's demand letter that day via email and also by registered mail.

Mr. Blouin stated that the town staff would take action to the fullest extent against fractional ownership in the Town.

This discussion lasted 34 minutes. To listen, please click the link on the agenda topic above.

Clerk's Note: A lunch recess was taken at 1:15 p.m. The meeting was reconvened at 2:00 p.m.

D. [Quarterly Litigation Report](#) (3:34:14)

1. Litigation Status Report
Joanne O'Connor, Town Attorney

Ms. O'Connor provided a summary of litigation against the Town that is pending as of June 1, 2024, and concluded in the preceding quarter. She spoke about the Form 6 litigation and advised the council members to file Form 1 unless or until the court amends their recent order.

The presentation lasted 4 minutes. To listen, please click the link on the agenda topic above.

XIII. ORDINANCES

A. Second Reading

1. [Proposed Ordinance to Amend the Town Code at Chapter 74 Regarding the Hours for the Lake Trail](#) (3:38:53)

ORDINANCE NO. 019-2024 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 74, Parks and Recreation, Article VI - Recreational Area Closures, By Amending Sec. 74-283 To Change the Hours of Closure of Lake Trail; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Nicholas Caristo, Chief of Police

Town Attorney O'Connor read the Ordinance by title only.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adopt Ordinance No. 019-2024 on Second Reading. On roll call, the Motion passed 4-1 with Council Member Cooney dissenting.

This discussion lasted 3 minutes. To listen, please click the link on the agenda topic above.

B. First Reading

1. [Proposed Ordinance to Amend the Town Code at Chapter 82 Relative to Personnel and Employee Benefits](#) (3:40:10)

ORDINANCE NO. 024-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Gillian Barth, Director of People and Culture

Town Attorney O'Connor read the Ordinance by title only.

Gillian Barth, Director of People and Culture, explained the revisions to the section of the Code regarding the Deferred Retirement Option Program (DROP).

Council Member Araskog expressed her concern with certain wording in the Ordinance and directed the Town Attorney to revise same before next month's second reading.

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to approve First Reading of Ordinance No. 024-2024, as amended. On roll call, the Motion passed unanimously.

This discussion lasted 9 minutes. To listen, please click the link on the agenda topic above.

XIV. ANY OTHER MATTERS

1. [Scheduled a Special Town Council Meeting to discuss the Traffic Study](#) (3:49:10)
Julie Araskog, Town Council Member

Wayne Bergman, Director of Planning, Zoning and Building, informed the Town Council that the Traffic Study was received today.

Council Member Araskog requested that a Special Town Council Meeting be held to discuss the Traffic Study. After confirming that there will be a quorum, council members agreed to hold a special meeting on Friday, June 28, 2024, at 9:30 a.m. in the Town Council Chambers.

This discussion lasted 5 minutes. To listen, please click the link on the agenda topic above.

2. Re-Consideration of Closing Time for Taboo Restaurant
Julie Araskog, Town Council Member

Council Member Araskog requested that the closing time for Taboo Restaurant be re-considered. As a Motion was already made to reconsider this item at the July 10, 2024 Development Review Meeting, no further action was taken.

XV. ADJOURNMENT

Motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to adjourn the June 11, 2024 Town Council Meeting at 2:23 PM. On roll call, the Motion passed unanimously.

APPROVED:

Bobbie D. Lindsay, Town Council President

ATTEST:

Pat Gayle-Gordon, Deputy Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on June 12, 2024

I. **CALL TO ORDER AND ROLL CALL (00:08)**

The Development Review Town Council Meeting was called to order on June 12, 2024, at 9:31 a.m. On roll call, all elected officials were found to be present except for Council Member Cooney, who arrived at 9:32 a.m.

II. **INVOCATION AND PLEDGE OF ALLEGIANCE (00:31)**

Acting Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

III. **COMMENTS OF MAYOR DANIELLE H. MOORE (01:21)**

Mayor Moore thanked her colleagues, particularly Council Member Araskog, for requesting to revisit the Zoning in Progress (ZIP). After their last ZIP discussion, she did not support the item; however, she changed her mind after the recent discussion at the Tuesday meeting and now supports it for the Town.

She also thanked all the employees for attending the Employee Appreciation Party at her home in May and stated there was a nice turnout.

IV. **COMMENTS OF TOWN COUNCIL MEMBERS (03:09)**

Council Member Araskog thanked Council President Lindsay for adding the Zoning in Progress to the agenda this month and Mayor Moore for holding the Employee Appreciation Party at her home.

Council President Lindsay also thanked Mayor Moore for hosting the Employee Appreciation Party and stated that she had already received positive feedback about the Zoning in Progress that had passed at yesterday's meeting.

V. **COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT, PLEASE (05:46)**

Martin Klein, 1060 N. Ocean Blvd., thought the staff could handle the Code Review. He was troubled not by how much had been spent but how much had been committed

to Code Review. He thought the Town had the staff and talent to handle the changes.

Council Member Araskog mentioned an error in the paper and stated that the Town Council did not call for a steering committee. The newspaper was incorrect in its comment that PZC had overridden a decision of the Town Council.

VI. [APPROVAL OF AGENDA \(11:07\)](#)

Council President Lindsay noted the two time-certain items listed.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Araskog to approve the agenda as presented. The motion was carried unanimously, 5-0.

VII. [CONSENT AGENDA \(11:37\)](#)

A. ZON-24-044 (ARC-24-031) 1181 N LAKE WAY (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW The applicant, Sage Andrew G C III Trust (Gregg Sage, Trustee), has filed an application requesting Town Council review and approval for construction of a new single-family residence on an existing nonconforming parcel comprised of portions of platted lots, which is deficient in lot width. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 7-0.]

B. ZON-24-068 (ARC-24-061) 171 EL PUEBLO WAY (COMBO)— SPECIAL EXCEPTION The applicants, Kevin and Carolyn Ryan, have filed an application requesting Town Council review and approval for a Special Exception to develop the existing nonconforming lot in order to construct a new two-story single-family residence. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Please note: Council Member Araskog pulled this project, which was not included in the approval of the consent agenda.

C. ZON-24-0003 241 ROYAL PALM WAY—SPECIAL EXCEPTION The applicant, JPMorgan Chase Bank (Eric Johnson, VP Consumer Bank Regulatory & Support Ops), has filed an application requesting Town Council review and approval of a Special Exception to permit a bank in the C-OPI Zoning District.

A motion was made by Council President Pro Tem Crampton and was seconded by Council Member Araskog to approve the consent agenda, as amended, and that the projects contained within the Consent Agenda meet the requirements and criteria of Chapter 134, specifically Sections 134-326 through 134-330 for Site Plan Review, Section 134-229 for Special Exceptions, and Section 134-201 for Variances, and shall not include ZON-24-068, 171 El Pueblo Way. The motion was carried unanimously, 5-0.

VIII. [REGULAR BUSINESS](#)

A. [Discussion Regarding Bifurcating the Project Designation Manual or Design Review Matrix for LPC and ARCOM as referenced in Chapter 18 of the Town Code of Ordinances \(13:10\)](#)

Assistant Director James Murphy reviewed how the project designation manual evolved in the Planning, Zoning and Building Department and presented the reasons for bifurcating the ARCOM and LPC matrices.

Council Member Araskog thanked Director Bergman and Assistant Director Murphy for their work on the issue. She stated she had minor semantic changes to the matrices. She thought that the chair of the commissions should review outdoor seating, furniture, and awnings. She thought a landscape architect on the commission should review landscaping in the site alterations. She also thought the one-story accessory structures should be reviewed by an architect on the commission.

Council Member Cooney thought the chair could review any of the items. He thought the items for staff approval were minor and could be reviewed by the chairs; if the chairs thought the Commission should see the changes, it was easy for the item to continue as a regular project.

Council President Pro Tem Crampton asked Assistant Director Murphy to give an example of the review process. Mr. Murphy responded.

Council Member Moran thought the revisions would make the process more clear and more direct. She had confidence in the chairs to make the decisions on staff approvals. She did not believe it was necessary to involve the architects. She wondered if the new neighbor-consent required more projects to go to the commissions.

Mayor Moore questioned the approval for changing the color of commercial buildings and discussed a recent change to one of the buildings on Royal Poinciana Way. She also discussed how many residents care about the historic colors of commercial buildings.

Council President Lindsay agreed and stated she received many questions about the change of color on the building on Royal Poinciana Way. She favored the new neighbor's consent, especially at the north end of the island, where the lots were smaller and more neighbors were affected. She thought administrative approvals for smaller items were helpful and improved the timeline for residents.

Council Member Araskog discussed how critical it was to require a review of the removal of landscape material where neighbors were being affected. She questioned who would approve fenestration replacement; she thought some changes should be approved at the commission level. Mr. Murphy stated that the windows would fall under building alterations. Council Member Araskog asked her fellow Council Members how they felt about those changes; she thought only in-kind replacements should be approved at the staff level.

Council Member Moran thought the chairs and staff members should be allowed to use their best judgment on replacements.

Council President Pro Tem Crampton thought some minor revisions were appropriate, and staff could move forward.

Council President Lindsay called for public comment.

Maura Ziska, an attorney and resident at 1500 N. Ocean Blvd., discussed the new neighbor consent form. She spoke about an issue that she had

witnessed: her clients, who had to use the new neighbor consent form, experienced not being able to reach the neighbors or neighbors extorting the homeowner to get what they wanted. She was not in support of empowering neighbors to approve or disapprove a request.

Lizzi Connaughton, 226 Brazilian Avenue, agreed with Ms. Ziska. She had dealt with both sides of the issue.

Council Member Araskog disagreed with Ms. Ziska and Connaughton. She thought the neighbor's consent made the process easier. She noted that even if a neighbor did not consent, the applicant could go before ARCOM for approval.

Some Council Members thought the Town Council should be pragmatic in reviewing and making changes. Mayor Moore discussed her personal experience and did not think residents could be expected to go back to ARCOM for landscaping changes.

Mr. Murphy advised that the neighbor's consent was intended for landscaping in setbacks that may have been planted as a screening or buffer.

Council Member Cooney wondered if the problem with the new changes was related to the amount of time it took before a project could be placed on the agenda. He asked if the process could be identified for the approval of minor requests. Currently, even minor requests take up to three months to approve.

This discussion lasted approximately 1 hour and 7 minutes. To listen, please click the link on the agenda topic above.

B. [Verbal Update Regarding 100 Casa Bendita \(1:20:16\)](#)

Director Bergman stated that Council President Pro Tem Crampton worked with the neighbors to obtain a construction management agreement for a six-month permit.

Council President Pro Tem Crampton provided an update on the meetings he had attended. He stated that the neighbors participated in the agreement and that the contractor began making emergency improvements to the home. Council President Pro Tem Crampton stated that monthly updates would be made to Director Bergman, and he recommended approval of the extension to November 2026.

Council Member Cooney thanked Council President Pro Tem Crampton for participating in the initiative to facilitate an agreement with the contractor.

Council President Lindsay stated that she had received a phone call from one of the neighbors indicating they did not see any changes. She suggested that the staff provide concerned citizens with a bi-weekly update.

Council President Pro Tem Crampton recommended that the neighbors receive bi-weekly updates in narrative form and Director Bergman receive a monthly update, which could be given to the Town Council.

Council Member Cooney reminded the Council that approval was given at

last month's meeting; the only condition was that the owner develop a construction management agreement with the neighbors' consent.

Director Bergman recommended issuing a permit every six months to ensure the construction stays on task. The Town Council agreed with this suggestion.

The consensus of the Town Council was approval to extend the work until November 2026, with the requirement that bi-weekly reports be provided in narrative form to the neighbors and a monthly report be provided to Director Bergman.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

C. [The Society of the Four Arts Future Land Use Map \(CPA-24-0001\) and Zoning Map \(ZCA-24-001\) Amendments - Review and Feedback \(1:26:04\)](#)

Director Bergman provided staff comments on the item.

Harvey Oyer, the attorney on behalf of The Society of the Four Arts, discussed the need for a future land use (FLU) map for the new zoning district. He stated that the Planning and Zoning Commission would review these proposals. He reviewed the existing and proposed FLU maps for the Four Arts.

Mayor Moore thought the public portion of the Four Arts property should be changed to private group use. Director Bergman agreed.

Council Member Moran agreed with Mayor Moore's suggestion and recommended sending the FLU map changes to the Planning and Zoning Commission.

Council Member Araskog asked about the house on Seaspray. She agreed with Mayor Moore and Council Member Moran that it should be converted from public to private use now.

A motion was made by Council Member Araskog and seconded by Council Member Cooney to send The Society of the Four Arts Future Land Use Map and Zoning Map Amendments to the Planning and Zoning Commission for their review and recommendations. The motion was carried unanimously, 5-0.

This discussion lasted approximately 11 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A short break was taken at 11:08 a.m. The meeting resumed at 11:20 a.m.

D. [Discussion Regarding Mechanical Equipment Placed on Rooftops of in Single Family Homes in Residential Zones \(1:38:47\)](#)

Council Member Araskog placed the item on an agenda to discuss a recent issue of a resident who had an issue with mechanical equipment placed on the roof of the adjacent home, which had affected their light and air. She thought the item should be sent to the Planning and Zoning Commission for review and to ask the Architectural Commission to hold

off on any approval of rooftop mechanical equipment.

Director Bergman disagreed with Council Member Araskog. He stated that, alternatively, the mechanical equipment could be set on the ground, 5 feet from the property line. He said the six pieces of mechanical equipment were on the flat roof of a one-story building, 35 feet from the property line.

Council President Pro Tem Crampton thought that the Planning and Zoning Commission had much more pressing issues and currently had a full plate. He agreed with Director Bergman but also understood Council Member Araskog's point.

Council President Lindsay stated she asked staff to review the item, and she also visited the property. She noted there were two concerns expressed by the owner. She said this property had a large courtyard, and the equipment had to go on one side. In hindsight, the opportunity existed for the equipment to be placed on the streetside of the roof where the neighbors would not have seen it, but that opportunity was missed. She suggested sending a message to ARCOM to ensure they are looking at opportunities on the streetside in areas where appropriate.

Council Member Cooney agreed with Director Bergman. He was not inclined to make a major change due to one scenario. He also reminded everyone that residents were not entitled to a view over their neighbor's property under Florida State Law.

Council Member Moran agreed with Council Member Cooney.

Council Member Araskog questioned Council Member Cooney's statement about the lack of a view. She said the Town had never allowed mechanical equipment on a roof in residential areas. She said that wall heights and equipment placement need to be looked at closely.

This discussion lasted approximately 17 minutes. To listen, please click the link on the agenda topic above.

IX. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. [ZON-23-046 329 WORTH AVE - CHURCHILL CIGAR COMPANY - Declaration of Use Progress Update \(1:55:41\)](#)

Ashley Wendell, the attorney with The RealReal, stated that they have seen a vast improvement since last month's meeting. They had been keeping a log and checking three times a day and had noticed a big improvement.

The owner, Matt Raptis, stated that he appreciated Ms. Wendell's comments and had been keeping the door closed.

Council Member Cooney wondered if keeping the door closed should be included in the Declaration of Use Agreement (DOU). He reviewed a conversation with a customer who indicated that the door had always been left open. Council Member Araskog indicated that the item was included in the DOU. Council Member Cooney was

satisfied.

Council Member Araskog wanted to ensure that the Town Council could pull the Special Exception Use in the event of issues. Town Attorney O'Connor stated that the remedy section of the agreement states, "If a violation continues, the Town Council may, upon a finding of violation, alter the agreement or rescind the approval of the use." Council Member Araskog was satisfied.

Council President Lindsay asked if the air scrubbers were continuously running. Mr. Raptis confirmed that they were continuously running. Council Member Araskog thought that the condition should be added to the DOU.

Council President Lindsay called for public comment. No one indicated a desire to speak.

This discussion lasted approximately 10 minutes. To listen, please click the link on the agenda topic above.

B. Items Pulled from The Consent Agenda, If Needed

[ZON-24-068 \(ARC-24-061\) 171 EL PUEBLO WAY \(COMBO\)— SPECIAL EXCEPTION \(2:05:26\)](#) The applicants, Kevin, and Carolyn Ryan, have filed an application requesting Town Council review and approval for a Special Exception to develop the existing nonconforming lot in order to construct a new two-story single-family residence. The Architectural Commission shall perform design review of the application. [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex-parte communications were disclosed by Council Member Cooney and Mayor Moore.

Maura Ziska, an attorney for the applicant, showed the architectural plans.

Council Member Araskog thought the house appeared very large on the site; however, she thought the home was beautiful.

Council Member Cooney commented he did not think a site plan review was the appropriate forum to raise questions about the size of the home.

Council President Lindsay thought the owners had made a big effort to come back with new changes and made sure the home fit onto the site.

A motion was made by Council Member Cooney and seconded by Council Member Araskog that Special Exception No. ZON-24-068 and Site Plan Review No. ZON-24-068, as said applications meet the criteria set forth in sections 134-229 and 134-329, respectively, of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329. The motion was carried unanimously, 5-0.

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. [ZON-23-117 \(COA-23-043\) 235 BANYAN RD \(COMBO\) - VARIANCES \(2:09:52\)](#) The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: (1) front yard setback found in Section 134-843(5), (2) building height plane requirement found in Section 134-843(7), and (3) side yard setback found in Section 134-843(8) associated with the construction of a new two-story approximately 1,072 SF accessory structure with hardscape and landscape. The Landmarks Preservation Commission shall perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 5-1.] [The Landmarks Preservation Commission approved the project as presented. Carried 5-1.]

Ex-parte communications were disclosed by Council Members Cooney, Moran, and Mayor Moore.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans. Ms. Ziska discussed the hardship that prompted the request.

Council Member Cooney indicated they could build a much larger addition if the home was not landmarked. He thought the addition's location was ideal.

Council Member Araskog asked about the front yard setback. Patrick O'Connell of Patrick Ryan O'Connell Architects discussed the yard's orientation and how the addition was cited so as not to interfere with the landmarked structure. Council Member Araksog asked about the height plane variance.

Council Member Moran stated that the height plane variance was mitigated at Landmarks as they asked the professional to reduce the height of the addition.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Araskog that Variance No. ZON-23-117 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried unanimously, 5-0.

This discussion lasted approximately 7 minutes. To listen, please click the link on the agenda topic above.

- b. [ZON-24-050 \(COA-24-014\) 218 PHIPPS PLAZA \(COMBO\)—VARIANCES \(2:17:28\)](#) The applicant, Bruce Leeds, Trustee of the Bruce

Leeds Declaration of Trust, has filed an application requesting Town Council review and approval of variances for three (3) variances for; (1) greater lot coverage, (2) a reduced rear-yard setback, and (3) a reduced side-yard setback in conjunction with the construction of a new covered parking structure, to modify the location of the pedestrian entryway with new piers and a gate, revisions to the landscape and hardscape to accommodate the new pedestrian entryway, and to install a decorative wall. The Landmarks Preservation Commission shall perform design review of the application. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 6-0.] [The Landmarks Preservation Commission approved the project with conditions. Carried 6-0.]

Ex-parte communications were disclosed by Council Members Cooney and Moran.

Maura Ziska, the applicant's attorney, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Council Member Araskog asked about the hardship of the request. Ms. Ziska discussed the hardship associated with the property being landmarked.

Council Member Cooney thought the addition of the driveway was a reasonable solution.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-24-050 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 8 minutes. To listen, please click the link on the agenda topic above.

- c. **ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE** The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review and approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to forgo required garage parking. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-1.] [The Architectural Review Commission approved the project with conditions. Carried 5-2.] [Town Council remanded this project back to ARCOM at the May 15, 2024, Town Council meeting.] [This project shall be deferred to the August 12, 2024, Town Council meeting pending Architectural Review.]

Clerk's note: This item was deferred to the August 12, 2024, meeting at

the Approval of the Agenda, Item VI.

- d. [**ZON-24-039 \(ARC-24-033\) 1464 N OCEAN BLVD \(COMBO\) – VARIANCE \(2:25:10\)**](#) The applicant, Manuel & Evan Castelo, has filed an application requesting Town Council review and approval for one (1) variance to reduce landscape open space below minimum requirements with the installation of artificial turf material. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause a negative architectural impact to the subject property. Motion Carried 6-1.][The Architectural Review Commission approved the project. Carried 6-1.]

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, and Council President Lindsay.

Dustin Mizell of Environment Design Group provided an overview of the project and presented the landscape and hardscape plans. John Eubanks, the applicant's attorney, explained the zoning requests.

Council Member Araskog expressed frustration that the contractor told the homeowner they could install artificial turf. She thought the application was problematic because she knew other types of material could be planted in shady areas. She did not approve of the proposal because she was afraid this would set a precedent.

Council Member Cooney thought the owners had a good case for their proposal. He stated that artificial turf was all over the island. While the Town Council would approve the material in certain situations, he added that the Architectural Commission would almost never approve it. Therefore, he thought the Town Council may want to consider taking a stand on the issue.

Council President Lindsay understood the hardship of the proposal. She discussed the issues with artificial turf and her concerns about it.

Mr. Mizell reminded the Town Council that the variance request was for hardscape, not artificial turf.

Ms. Moran understood the hardship and was sympathetic but thought the situation was unfortunate.

MJ Castelo, the property owner, admitted that he was oblivious to the landscape issues. He indicated that this lot had a unique circumstance.

Council Member Araskog wondered if grass could be added to a portion of the driveway. Mr. Mizell stated it would not work, but they analyzed the situation.

Mr. Castelo stated he kept asking his previous contractor to enforce his

warranty, so new plants kept replacing the material until it was realized that nothing would grow. He said the area is also very tight due to the curve with little room to maneuver.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-039 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 32 minutes. To listen, please click the link on the agenda topic above.

- e. [ZON-24-058 \(ARC-24-073\) 400 ROYAL PALM WAY \(COMBO\) – VARIANCES \(2:57:21\)](#) The applicant, Citizens Bank (James Meany), has filed an application requesting Town Council review and approval for eight (8) variances as they relate to the installation of commercial signage, including (1) a variance to install signage on an exterior electronic banking machine, (2-4) variances to exceed maximum sign area permitted, exceed maximum logo size permitted, and exceed maximum sign and logo height above grade permitted on the north elevation, (5) variance to exceed height of logo above grade on east elevation, and (6 – 8) variances to exceed maximum height and logo size and to permit signage facing a parking area in lieu of a right of way. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions. Carried 6-1.]

Council Members Cooney, Moran, Council President Pro Tem Crampton, and Mayor Moore disclosed ex-parte communications.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Mayor Moore asked to see the ATM signage, which Ms. Ziska showed to the Town Council. She thought the signage was reasonable.

Council Member Cooney thought there was too much signage; he did not understand the hardship. He thought they should be able to comply with the zoning code. Ms. Ziska stated that she could not comply on the north side of the building due to the existing building design. He thought eight variances was an excessive request.

Council Member Moran agreed with Council Member Cooney and thought the signage was too much. She thought the ATM signage was acceptable.

Assistant Director Murphy said there was a configuration the applicant could make concessions on that would not require variances. He agreed that the architecture did propose problems with signage. He further discussed the building and signage options.

Council President Pro Tem Crampton did not have an issue with the signage. He thought it was appropriate and reminded the Council that it was approved at ARCOM.

Council Member Araskog agreed with Council Members Cooney and Moran. She thought the signage was too large, and she thought approving variances would allow more applicants to ask for bigger signage. She stated she would like to see a plan without variances.

Keith Spina of Spina O'Rourke Architects thought the previous signage request was much larger. He thought Citizens had made significant efforts to reduce their request. He discussed the signage that could be added to the building without approval, which would be much larger.

Council Member Araskog asked the applicant to work with the staff to reduce the variance requests. Mr. Murphy stated he would be happy to work with the applicant.

Mayor Moore wondered if there was a state law that required signage for financial institutions. She recommended moving the logo down one level on the north side of the building. Ms. Ziska stated they could reduce the logo to comply with the Code.

Council President Lindsay agreed with Mayor Moore and Council Member Araskog. She thought the applicant should work more on the request and return to the Town Council with fewer or no variance requests. She thought the signage should be understated and classy.

A motion was made by Council Member Araskog and seconded by Council Member Moran to defer the project to the meeting on July 10, 2024. The motion was carried unanimously, 5-0.

This discussion lasted approximately 28 minutes. To listen, please click the link on the agenda topic above.

Clerk's note: A lunch break was taken at 1:08 p.m. The meeting resumed at 2:00 p.m.

2. New Business

- a. [**ZON-24-0012 240 PARK AVE—SITE PLAN REVIEW \(3:27:25\)**](#)The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval of site-wide landscape and hardscape improvements to an existing park.

2:00 PM TIME CERTAIN

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, Council President Pro Tem Crampton, and Council

President Lindsay.

Patricia Strayer, Public Works, discussed how the generators were proposed months ago to the Town Council, which approved their installation in the parks. She then showed the Town Council the location of the generators in the north and south parks.

Council Member Araskog questioned the generator that faced 231 Park Avenue and wondered if it could be changed. Ms. Strayer agreed to change the landscaping to hide the generator.

Council Member Cooney asked about the generator location in the park to the north. Ms. Strayer stated she had an old exhibit, and the Town Council would see the locations in the next presentation.

Cory Meyer of Nievera Williams Design presented the landscape and hardscape presentations for the two parks after an anonymous donation was made for the improvements.

Council Member Araskog wondered if a more permeable material could be used instead of tabby concrete. Mr. Meyer agreed to look at an alternate material. She expressed concern about the height of the wall; it was pointed out that it was only 18 inches of wall and then 18 inches of picket railings. She asked if the Foxtail Palms could be replaced with more native material. Mr. Meyer agreed.

Council President Lindsay liked the Saw Palmetto plants and added that they would not be a conducive material for someone to hide in. She liked Council Member Araskog's suggestion to use permeable material instead of tabby concrete.

Council President Lindsay called for public comment.

Michelle Cohen, a resident of the Palm Beach Condominium, expressed concern about the Town's ability to sell the property. She wanted to ensure that the town was aware of all the changes and that the donor would not be hosting parties in the park.

Council President Lindsay stated that the Town could close the parks for special events and that the donation was not conditional.

Town Attorney Joanne O'Connor stated that hours of operations and conditions could be made through a resolution.

Tony Smith, 235 Sunrise Avenue, thought that the Architectural Review Commission (ARCOM) should have reviewed the park's changes before they were reviewed at the Town Council level.

Mayor Moore suggested turning down the donation, placing the generators in the space, and leaving the spaces to look as they currently exist, which was not great.

Town Council Crampton thought the situation was unfortunate. He thought most of the questions should have been answered weeks ago. He was upset

that the Town was not trusted enough to make the decisions that would improve the park.

Council Member Araskog said there had been some security issues, and she felt citizens had the right to ask questions. She said that when a park is made more beautiful, it attracts visitors.

Ann Heap, 234 Park Avenue, spoke in favor of the park but did not support it always being open to the public. She thought the park should have set opening and closing times. (All other town parks had rules regarding opening and closing times.)

Rhonda Nassar, 242 Park Avenue, spoke about the park and stated that she liked the improvements. She had some suggestions for the park. She noticed the plan showed a significant loss of greenspace to hardscape material. She thought something more permeable would be better. She asked to see a plan for drainage and runoff. She also had recommendations for transformer placement and suggested no entrances or passages at the rear of the park.

Council Member Araskog asked Nievera Williams to hold one more meeting with the neighbors so that they could hear all the concerns and suggestions.

Ms. Strayer said the location of the transformer would be resolved by the Town agreeing to move it closer to the street. Council Member Araskog suggested that nothing would be changed until after Nievera Williams had met with the neighbors.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to defer the project to the meeting on August 12, 2024. The motion was carried unanimously, 5-0.

This discussion lasted approximately 56 minutes. To listen, please click the link on the agenda topic above.

- b. [ZON-24-0013 247 PARK AVE—SITE PLAN REVIEW \(4:23:01\)](#)The applicant, the Town of Palm Beach, has filed an application requesting Town Council review and approval of site-wide landscape and hardscape improvements to an existing park.

2:00 PM TIME CERTAIN

A motion was made by Council Member Araskog and seconded by Council Member Moran to defer the project to the meeting on August 12, 2024. The motion was carried unanimously, 5-0.

- c. [ZON-23-043 \(ARC-23-044\) 1480 N OCEAN BLVD \(COMBO\) – VARIANCE \(4:23:31\)](#)The applicant, Jason Kalisman, has filed an application requesting Town Council review and approval of modifications to an existing residence with a variance to exceed the maximum allowable cubic content ratio (CCR). The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the

subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Ex-parte communications were disclosed by Council Members Araskog, Cooney, and Moran.

Maura Ziska, an attorney for the applicant, provided an overview of the project, explained the zoning requests, and showed the architectural plans.

Mr. Bergman provided staff comments.

Council Member Araskog asked if the floor area ratio (FAR) would increase with the addition. Mr. Bergman stated it would be increased by 100 square feet. Council Member Araskog asked about the hardship, to which Ms. Ziska responded.

Council President Lindsay called for public comment. No one indicated a desire to speak.

A motion was made by Council Member Cooney and seconded by Council Member Moran that Variance No. ZON-23-043 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met. The motion was carried 3-1, with Council Member Araskog dissenting.

Clerk's note: Council President Pro Tem Crampton was not in the room during the vote.

This discussion lasted approximately 9 minutes. To listen, please click the link on the agenda topic above.

- d. [ZON-24-063 \(ARC-24-065\) 137 E INLET DR \(COMBO\) – VARIANCE \(4:32:16\)](#) The applicant, Ocean Inlet Revocable Trust, has filed an application requesting Town Council review and approval for a variance to reduce the required vehicle queuing space between the driveway gate and the edge of the roadway. The Architectural Commission shall perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with conditions. Carried 5-2.]

Ex-parte communications were disclosed by Council Members Araskog, Cooney, Moran, and Council President Lindsay.

Maura Ziska, the applicant's attorney, provided an overview of the project and explained the zoning requests. Cory Meyer of Nievera Williams Design presented the hardscape and landscape presentation.

Council Member Cooney wondered if the home would need a variance if located on a dead-end street. Ms. Ziska stated it would require a special

exception. Council Member Cooney asked if the artificial turf could be removed, to which Mr. Meyer responded.

Council Member Moran was not in favor of the proposed gate. She thought it looked like a wall and should be more transparent.

Council Member Araskog agreed with Council Member Moran; she was not in favor of the gate and thought it was too close to the street.

Council President Lindsay agreed that the gate could be a little more open. However, she understood the gate's location because the parking court was very shallow in depth.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton that Variance No. ZON-24-063 shall be granted and find, in support thereof, that all the criteria applicable to this application as set forth in Section 134-201 (a), items 1 through 7, have been met, and with the condition that the gate is revised to have less opacity and if staff approved by Chairman Smith and all artificial turf on the property is removed. The motion was carried 4-1, with Council Member Araskog dissenting.

This discussion lasted approximately 13 minutes. To listen, please click the link on the agenda topic above.

e. **ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) – VARIANCES**

The applicant Ocean Front Avenue 2, LLC, a VA limited liability Company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The Architectural Commission shall perform design review of the application. [This project shall be deferred to the July 10, 2024, Town Council meeting pending Architectural Review.]

Clerk's note: This item was deferred to the July 10, 2024, meeting at the Approval of the Agenda, Item VI.

D. Time Extensions and Waivers

1. **[Waiver of Town Code Section 18-237, For Building Permit Extension for 253 El Pueblo \(4:45:28\)](#)**

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Terence, the Project Manager with AMC Custom Builders, explained the purpose of the request.

Council Member Araskog confirmed that it was a four-month extension. The project manager affirmed and said they were trying to complete the project before the winter season began.

Mayor Moore asked if there was any neighbor opposition, to which there was none.

Council Member Moran asked for confirmation that the four-month extension would be sufficient, which the project manager confirmed.

A motion was made by Council Member Cooney and seconded by Council President Pro Tem Crampton to approve the building permit extension request for 253 El Pueblo Way. The motion was carried unanimously, 5-0.

This discussion lasted approximately 3 minutes. To listen, please click the link on the agenda topic above.

2. [Waiver of Town Code Section 18-237 For Building Permit Extension for 200 Via Bellaria \(4:47:58\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Gene Parker of Hedrick Brothers explained the purpose of the request and described the reasons needed for a fourth extension.

Council Member Araskog thought the time to finish the project was insane and acknowledged that the neighbors were upset.

Council President Pro Tem Crampton shared Council Member Araskog's frustration but thought denying the time extension request would be counterproductive. He asked when the inside work would be done. Mr. Parker said the horizontal work and interior work were currently in progress.

Mayor Moore asked Director Bergman to inspect the site within the next ten days. She thought the site should be impeccable. She thought the contractor should update Director Bergman in writing so that staff could make sure they were on schedule.

Council Member Moran agreed with Mayor Moore.

Council Member Cooney thought that the construction schedule was doable.

Council President Lindsay agreed with her colleagues.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the building permit extension request for 200 Via Bellaria to July 4, 2025, with the condition that Hedrick Brothers provide the Town's Building Official with a set of construction milestones and submit subsequent monthly progress reports for each milestone. The motion was carried unanimously, 5-0.

This discussion lasted approximately 13 minutes. To listen, please click the link on the agenda topic above.

3. [Waiver of Town Code Section 24-199 For Construction Work Hour Extension at 2660 S Ocean Blvd. \(5:00:53\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the construction work hour extension request.

Glori Carchi, Beach Point Board of Directors, explained the purpose of the request.

Council President Pro Tem Crampton asked if the board had reviewed and approved this work. Ms. Carchi affirmed they had.

Council Member Cooney thought the site was clean and neat. He thought it was a well-run operation.

Council Member Araskog asked about the amount of time needed. Ms. Carchi responded and discussed the time needed to complete the work. Council Member Araskog agreed with Council Member Cooney regarding the site. She added that if any complaints were received, the Town's Building Official would address them.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the construction work hour extension request for 2660 S Ocean Blvd. with the condition that any difficulties or delays be reported to the Town's Building Official. The motion was carried unanimously, 5-0.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

4. [Waiver of Town Code Section 18-237 For Building Permit Extension at 200 Bahama Ln. \(5:06:47\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Todd Cury of The Cury Group explained the purpose of the request.

Responding to a question from Council Member Cooney, Mr. Cury indicated that the home had changed several times from a house on speculation to a private owner.

Council Member Moran asked if any additional changes to the home were on the horizon. Mr. Cury responded.

Council member Araskog asked if the motion maker would condition the motion so it could not be extended.

A motion was made by Council Member Cooney and seconded by Council Member Moran to approve the building permit extension request for 200 Bahama Lane. The motion was carried unanimously, 5-0.

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

5. [Waiver of Town Code Section 18-237 For Building Permit Extension at 2000 S Ocean Blvd. \(5:10:56\)](#)

Wayne Bergman, Director of the Planning, Zoning and Building Department, described the building permit extension request.

Scott Haubert of C.A. Lindman explained the purpose of the request.

Council President Pro Tem Crampton confirmed it was only exterior work on the 2000 building and not the 2100 building, which Mr. Haubert confirmed.

Council Member Moran asked for a further explanation of the ongoing repairs, to which Mr. Haubert responded. Council Member Moran wondered if the additional work needed to be permitted. Director Bergman stated that the ongoing work was included in the permit.

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Moran to approve the building permit extension request for 2000 S. Ocean Blvd. The motion was carried unanimously, 5-0.

This discussion lasted approximately 4 minutes. To listen, please click the link on the agenda topic above.

X. [ANY OTHER MATTERS \(5:14:27\)](#)

Town Attorney Joanne O'Connor stated that Resolution No. 069-2024, created in response to the conversation regarding Zoning in Progress, was ready to be passed. A copy of the Resolution was placed on the screen so everyone could view it.

RESOLUTION NO. 069-2024: A Resolution Of The Town Council Of The Town Of Palm Beach Declaring Zoning In Progress In Regard To The Regulation Of The Location And Limitation Of The Number Of Restaurants, Bars, Night Clubs, Lounges And For-Profit Private Clubs In All Commercial Zoning Districts Of The Town In Which Said Uses Are Special Exception Uses, Specifically, The C-TS Town-Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional And Institutional District, C-PC Planned Center District, And C-B Commercial District; Directing That While Zoning Is In Progress That No Permits Shall Be Processed Or Granted Which Are In Contravention Of The Study Which Is Being Undertaken By The Planning And Zoning Commission And The Town Regarding Said Matters; Excepting Any Applications Which Have Been Previously Filed And Under Consideration By The Town; Providing That The Town Council May Grant A Waiver To Zoning In Progress Upon Application And For Good Cause Shown; Providing An Effective Date.

Director Bergman read Resolution No. 069-2024 by title only.

Council President Pro Tem Crampton expressed concern for the project at the Paramount. His colleagues reminded him that the Paramount project would not be affected as it was already in the queue of projects.

A motion was made by Council Member Araskog and seconded by Council Member Moran to approve Resolution No. 069-2024. The motion was carried 4-1, with Council Member Cooney dissenting.

This discussion lasted approximately 6 minutes. To listen, please click the link on the agenda topic above.

XI. [ADJOURNMENT \(5:20:29\)](#)

A motion was made by Council Member Moran and seconded by Council Member Cooney to adjourn the meeting at 3:55 p.m. The motion was carried unanimously, 5-0.

APPROVED:

Bobbie D. Lindsay, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____



TOWN OF PALM BEACH

Minutes of the Development Review

Special Town Council Meeting

Held on June 25, 2024

I. **CALL TO ORDER AND ROLL CALL (00:59)**

The Special Town Council Meeting was called to order on June 25, 2024, at 9:31 a.m. On roll call, all elected officials were found to be present except for Mayor Moore, who was not in attendance, and Council Member Moran, who listened to the meeting online.

II. **INVOCATION AND PLEDGE OF ALLEGIANCE (01:34)**

Acting Town Clerk Churney gave the invocation. Council President Lindsay led the Pledge of Allegiance.

III. **APPROVAL OF AGENDA (01:51)**

A motion was made by Council President Pro Tem Crampton and seconded by Council Member Cooney to approve the agenda as presented. The motion was carried unanimously, 4-0.

IV. **COMMUNICATIONS FROM CITIZENS - 3-MINUTE LIMIT (02:14)**

No one indicated a desire to speak.

A. **OLD BUSINESS (02:45)**

1. REVIEW AND CONSIDER ACCEPTING THE REVISED TOWN OF PALM BEACH TRAFFIC ANALYSES AND COMMERCIAL PARKING STUDY PREPARED BY THE CORRADINO GROUP

Wayne Bergman, Planning, Zoning and Building Director, introduced the traffic and parking study initiated in February 2023. The traffic and parking study concept originated with a Zoning in Progress that was declared for restaurants and bars at that time. Previous Town Attorney Skip Randolph had authored correspondence advising the Town Council on whether they could limit new food and beverage establishments. One of the steps necessary to place

limitations on such establishments was to study the impacts of restaurants and bars, including the associated impacts on traffic and parking. Most of the data in the study was collected in March of 2023, with an update done in 2024. The draft study was provided to the Town in January of 2024. The Town Council reviewed and requested eleven revisions or additional information. Today, the study will be reviewed and considered.

Mr. Bergman presented some statistics as a preamble to the Corradino Group presentation. He said a daily peak season traffic count was conducted annually for fourteen road segments within the Town of Palm Beach. Traffic on the fourteen roadway segments was updated annually. He said since 2017, the daily peak season traffic counts on the subject fourteen roadway segments had increased by 21.7%, and over the past year, the same roadway segments had seen a 6.2% increase in traffic. Mr. Bergman used the roadway segment of North County Road, north of Royal Poinciana Way, as an example to demonstrate that the daily peak seasonal traffic counts had increased by 28.2% since 2017 and 10.4% in the past year. It is projected that these counts will increase by 10.5% by 2034. He said downtown West Palm Beach had almost 5,000 new dwelling units approved or already under construction. In addition, since 2021, new Class A office towers approved or under construction would provide 3.2 million square feet of new commercial space. Newly approved hotels would provide another 2,006 rooms. The population of downtown West Palm Beach has grown substantially over the past twenty years. Downtown West Palm Beach was also a Transportation Concurrency Exemption Area, which means new development in the area was not required to meet traffic requirements that the City would normally impose. Mr. Bergman spoke about levels of service at select roadway segments and intersections. He thought the question, moving forward, was whether the Town found a Level of Service “D” acceptable.

Mr. Bergman addressed a document Mr. Sean Suder of ZoneCo had provided to the Town Council. In his memorandum, Mr. Suder outlined that in 2023, San Francisco had the most restaurants per person, which equated to 39.4 restaurants per 10,000 people. Other cities with similar statistics were New York City, Boston, Seattle, and San Jose. Mr. Bergman stated that Palm Beach topped San Francisco with the number of seats per person in the town. He summarized his comments and invited the Corradino Group to give their presentation.

Joe Corradino of the Corradino Group introduced his staff. He provided a brief synopsis of where the study was, following up on Mr. Bergman’s analysis. New data was collected, and peak areas were studied for a new analysis. Mr. Corradino said there was an issue in the Town of Palm Beach. He explained that the tolerable capacity on the roadway network was not reflected in the Comprehensive Plan. He said that based on the study, the tolerance in the town was for a “C” level of service. There were only two ways to mitigate the deficiencies in the network: decrease volume or add capacity to the network.

Eric Czerniejewski of the Corradino Group stated that the original scope of work

included traffic and parking analyses. He provided an overview of the timeline and activities completed to date. Items were folded into the final report following directions from the Town Council. An itemized response memo was submitted to the Town staff, addressing each comment provided to the Town of Palm Beach on June 13, 2024. He explained how the comments were addressed and what the results were. Mr. Czerniejewski presented new recommendations based on the Intersection Capacity Analysis, which included annual evaluations of the Adaptive Traffic Control System (ATCS), coordination with FDOT and the US Coast Guard to reduce drawbridge openings during peak hours, increasing the number of evaluations of road segments as part of the Town's LOS evaluation, complete a field queueing evaluation during peak season, explore the possibility of restricting on-street parking along Seaview Avenue.

Council President Pro Tem Crampton asked Messrs. Brazil and Bergman if they had completed the review and if they felt they had received a product that responded to the Town's request. They both agreed that the study met the request and recommended accepting it when considering future matters that may come before the Town Council.

Council Member Araskog asked if the study included the streets from North Lake to near Wells, Royal Poinciana, and County to Wells Road. She wondered if the consultants included the counts on these streets. Mr. Czerniejewski responded that it was the queueing that the professionals wanted to evaluate. He also said that the drone footage collected by the Police Department may be useful. Council Member Araskog noted some items in the PowerPoint presentation were not in the study. Mr. Czerniejewski said he was developing the table for ease of use, but it could be folded into the study documents. She asked that the PowerPoint be added and incorporated into the document. Mr. Bergman noted that the table being referenced was created by the Corradino Group and Kimley Horn. It was developed to be placed in the Comprehensive Plan and was currently being reviewed by the Planning and Zoning Commission.

Council President Pro Tem Crampton asked about the service ratings. He thought evaluating the benefit gained in exchange for additional seconds of waiting time was important. He said the improvements were fairly small in comparison with the large decisions that had to be made. He asked if the new Econolite adaptive signal control system improved on the existing signalization. Mr. Brazil responded.

Aditya Katragadda of the Corradino Group spoke about the data used for the analysis. He said the trips could only be classified as work or commercial trips, but it was not possible to track the actual types of work vehicles. Council President Pro Tem Crampton opined that restaurants were not a problem during rush hour. He said restaurants do need to be dealt with after dark but not during the daytime rush hours. He also thought the restaurant issues were closely tied to valet operations. Mr. Czerniejewski said the town had a high volume of restaurants, which was the most quantifiable data available to study.

Council President Lindsay clarified the number of trips being studied was one way. She asked if 10,000 of the 38,000 were work trips, and Mr. Czerniejewski said that was correct. She said the residents were noticing the volume of visitors causing traffic issues daily during the season. She thought it was important to understand that 38,000 coming across was really much more because most of them returned across the bridges that same day. She noted that Palm Beach restaurants were a regional attraction. She said resident tolerance was a function of their perceptions of their quality of life. She felt Palm Beach residents were experiencing a reduction in their quality of life due to the volume of traffic on the island. Council President Lindsay asked how the town could get its roadways to a level "C."

Mark Alvarez of the Corradino Group explained the inherent challenges associated with making changes to raise service levels. He said the town did not have technical capacity, and it would be nearly impossible to add physical capacity to the town's intersections. He said the only thing that could be done to bring some relief would be to reduce volume.

Council Member Araskog was concerned that by the time the traffic valet studies were completed in April, many seasonal residents had left the island. A brief discussion ensued about parking and the overall system in the town.

Council President Pro Tem Crampton asked about the fact that additional capacity was not being required. He wanted to know if there were areas where vacant spaces were not being used. He asked if there was a parking management problem as opposed to a parking capacity problem. Mr. Alvarez said the comment was referring to the district overall. He said there was parking capacity in the district. However, the locations exceed a typical five-minute walk. Council President Pro Tem Crampton asked, specifically about the Worth Avenue area, if the professional would recommend that the town consider constructing a parking facility. Mr. Alvarez said the goal was to fill available capacity before committing to building a parking structure. Council President Pro Tem Crampton asked about parking incentives, and Mr. Alvarez responded that parking incentives typically work well when transit services are available. Council President Pro Tem Crampton asked about some strategies discussed, such as a ride-share program. Mr. Alvarez said ride-share systems were in place and worked well when implemented correctly. Council President Pro Tem Crampton asked if Declaration of Use Agreements to require that workers be shuttled in from off-island would work effectively, and Mr. Alvarez responded affirmatively.

Council Member Cooney asked about the report where parking was shown at more than 100%; the professional responded that anything over 100% was likely illegally parked vehicles or valet queuing.

Council Member Moran said a multiplier was used in April when the valet studies were done. She said that moving forward, she did not think the multiplier was adequate. Overall, she was pleased with the report and the suggestions. She liked the idea of exploring the use of a micro-transit system.

Mr. Czerniejewski stated that the multiplier was based on several factors. Mr. Katragadda explained how the professionals arrived at the 1.5% multiplier. Mr. Czerniejewski further explained the multiplier and stated that he stood by it because his team believed the numbers were conservative in the traffic analysis and that 1.5% was appropriate.

Council President Lindsay called for public comment.

Vince Cloud, 146 Sunset Avenue, expressed concern about the change in the entrance at the Paramount from County Road to Sunset Avenue. He thought it would exacerbate the traffic volume on Sunset.

Judy Cooper, 100 Sunrise Avenue, discussed the heavy traffic during the season when traveling from her home to the bridge.

Henry Ittleson, 132 El Brillo Way, expressed concern about the increase in development throughout the Town and how that would affect traffic impacts.

James Spinks of Volker Inc., 13450 West Sunrise Blvd, Sunrise, FL, stated that many more development projects would be coming to West Palm Beach. He said the projects currently under review did not necessarily reflect all projects that would be reviewed and approved in the future.

John Eubanks, an attorney representing residents at the Leverett House, the Palm Beach Biltmore Condominium, and One North Ocean Condominiums, spoke about the growth in the Palm Beach area. He said traffic was an issue and that the average driving time should be considered.

William Gilbane, 675 N. Lake Way, thought the report was good and that changes should be made gradually. He thought the projections needed to be corrected so that adequate planning could be made.

Susan Gary, 229 Onondaga Avenue, thought the traffic was intolerable for residents. She understood that the Town Council needed to find a legal reason to deal with and regulate the traffic in the Town. However, she believed Mr. Bergman's comment about preventing region-serving, high-traffic-generating commercial uses from further proliferating the town was the best recommendation.

Rick Smith, 130 Sunrise Avenue, expressed concerns about Palm Beach's traffic. He noted that the report did not include information about bridge openings.

Jerry Zaro, 100 Sunrise Avenue, thought it was well-known that traffic was an issue on the island. He thought any discretionary growth on the island should be stopped.

KT Catlin, 265 Fairview Road, thought that the Town should consider out-of-the-box, new, creative solutions. She wondered if the county or the state could be pressured to place services in their areas commensurate with development.

Rob Spatt, 150 North Ocean Blvd., was concerned about some of the data provided and shared Mr. Zaro's views.

Council Member Araskog asked for the time estimates on some of the data. She also discussed areas that she wanted to ensure were thoroughly evaluated. She noted some of the driving times she had experienced navigating traffic on the island.

Kirk Blouin, Town Manager, discussed the number of people who travel to Palm Beach just to visit and use the town's amenities. He noted that the same variables do not exist in most areas.

Mr. Katragadda discussed how the growth variables were calculated. Mr. Blouin thought the calculation method was acceptable for other cities but did not believe it could be used for Palm Beach because of the Town's uniqueness and history.

Mr. Bergman discussed the items the staff learned from the report submitted, including a great list of recommendations, and reviewed some of these recommendations. He stated that this study would be very helpful with the zoning code review, especially as it relates to commercial uses and parking regulations. Based upon the recommendations found in the study, the Planning and Zoning Commission was also looking at Zoning in Progress. He recommended that the Town Council accept the study to allow the staff to move forward.

Paul Brazil, Director of Public Works, acknowledged that the Town's roads were considered a level of service D, which was unacceptable. He thought the recommendations from the Corradino Group were well-founded and should be considered.

Council President Lindsay thanked the staff for preparing the Council for this meeting. She said there is much more traffic in town now, and she thought the report should be accepted.

Council President Pro Tem Crampton agreed that the Town Council should accept the report. He stated that the report proved that the roads were at level D and the parking capacity was not evenly distributed throughout the town. He thought developments that would have a regional impact should not be approved in the Town.

Council Member Araskog thought the report could be accepted if the grades of E and F were included.

Council Member Cooney asked about the streetlight data and how it was captured in relation to the Breakers Hotel. Mr. Katragadda responded.

Council Member Moran wondered if an additional study would be needed to include information on emergency vehicles.

Staci Barber, 100 Sunrise Avenue, asked about the data collection. She thought the data may have been incorrect due to the school being out of session. She wanted to ensure that all traffic impacts were captured. She was also concerned that the traffic report may not have included the impacts of road construction on traffic.

Cecelia Ward, President of JC Consulting and urban planner, spoke about the concerns in Palm Beach. She thought Mr. Bergman made an important point: The comprehensive plan already had policies, goals, and objectives that allow for consideration of traffic and parking impacts with respect to future development.

Elaine Bedell, 100 Sunrise Avenue, had a question about the grading system used in the report. She wondered if the levels of service E and F in the report would be considered a failure. She also questioned if the Town would be willing to accept a grade of D or below. Mr. Brazil said that in the Town of Palm Beach, what is experienced on a level of service D roadway is not acceptable to the Town.

A motion was made by Council Member Araskog and seconded by Council President Pro Tem Crampton to accept the traffic report, conditioned that the final version of the study shall include the following: Wayne Bergman's factual information from his memorandum written on June 20, 2024, the data in the PowerPoint presentation from the Corradino Group that related to the grades E's and F's for directional traffic, the same information in the written version with drone photographs, and emergency safety vehicles in those areas when they are congested. The motion was carried unanimously, 4-0.

This discussion lasted approximately 2 hours and 46 minutes. To listen, please click the link on the agenda topic above.

V. ANY OTHER MATTERS

There were no other matters discussed.

VI. [ADJOURNMENT \(2:49:17\)](#)

A motion was made by Council Member Cooney and seconded by Council President Lindsay to adjourn the meeting at 12:20 p.m. The motion was carried unanimously, 4-0.

APPROVED:

Bobbie D. Lindsay, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of June 26, 2024.

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated June 27, 2024 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Review Commission Meeting of June 26, 2024**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of June 26, 2024

Date: June 27, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting on June 26, 2024.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve major items considered at the regularly scheduled meeting on June 26, 2024.

GENERAL INFORMATION

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

Attachment

kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JUNE 26, 2024

Please be advised that in keeping with a 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 once it has concluded may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. **CALL TO ORDER**

Chair Smith called the meeting to order at 8:59 a.m.

II. **ROLL CALL**

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	PRESENT
Betsy Shiverick, Member	PRESENT
Kenn Karakul, Member	PRESENT
Elizabeth Connaughton, Member	PRESENT
Katherine "KT" Catlin	PRESENT
Claudia Visconti, Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
David Phoenix, Alternate Member	PRESENT
Maisie Grace, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Sarah Pardue, Design & Preservation Planner
Bradley Falco, Design & Preservation Planner
Kelly Churney, Acting Town Clerk
Assistant Town Attorney Lainey Fransisco

III. **PLEDGE OF ALLEGIANCE**

Chair Smith led the Pledge of Allegiance.

IV. **APPROVAL OF MINUTES**

A. Minutes of the Architectural Review Commission Meeting of May 29, 2024

A motion was made by Ms. Catlin and seconded by Mr. Karakul to approve the minutes of the May 29, 2024, meeting as presented. The motion was carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

Ms. Pardue indicated that the staff would like to remove item ARC-24-0014, 599 S. County Road, from the Consent Agenda and have the project heard under A. Items Pulled from the Consent Agenda.

A motion was made by Mr. Karakul and seconded by Ms. Shiverick to approve the amended agenda. The motion was carried unanimously, 7-0.

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

Ms. Churney administered the oath and continued to do so throughout the meeting, as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**

No comments were heard at this time.

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

No one indicated a desire to speak at this time.

IX. **PROJECT REVIEW**

A. CONSENT AGENDA

1. **ARC-24-0014 599 S COUNTY RD.** The applicant, SAS Realty Enterprises, LLC (Greg Simonian, President), has filed an application requesting Architectural Commission review and approval for modifications to the design of a previously approved new single-family residence.

Clerk's note: This item was pulled from consent and discussed under A. Items Pulled from the Consent Agenda

B. DEMOLITIONS AND TIME EXTENSIONS

1. **EXTPLAN-24-0001 [FKA ARC-22-216] (ZON-22-140) 248 COLONIAL LANE (COMBO)]**. The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting a one-year extension of time for a previously issued Architectural Commission approval for the construction of a new two-story residence. (ORIGINALLY APPROVED AT THE MARCH 29, 2023, MEETING)

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

Ms. Connaughton stated she was not in favor of granting the time extension.

Ms. Shiverick understood Ms. Connaughton's concerns. She asked the staff about the process if the extension was not approved. Ms. Pardue responded and explained the process if denied.

Mr. Smith inquired if the owner could demolish the home. Ms. Pardue stated that demolition required a building permit. Mr. Smith asked about the approval of the variances. Ms. Pardue stated that the approval for the variances would be lost if the extension was denied.

Ms. Catlin inquired if there was any legal reason to deny the project.

Assistant Director of Planning and Zoning James Murphy stated that the applicant should have outlined their request for the time extension and noted that they had not yet submitted a building permit. He stated the reason that expiration dates exist on approvals was due to many conditions that could change in a year.

Mr. Smith wondered if the construction drawings had been submitted. Mr. Murphy stated that he was unaware of any drawings. Mr. Smith asked about the new rule of limitations on time extensions. Ms. Pardue responded that applicants were allowed one (1) time extension since the recent decision by the Town Council.

Mr. Floersheimer questioned if it was in the purview of the Commission to deny the request.

Ms. Catlin stated that she could not view the plans and determine if they met the approval criteria. Ms. Pardue stated that the request was to approve the extension and pointed out that no changes had been made to the approved plans.

Ms. Shiverick asked about the reason for the delay.

Dinyar Wadia of Wadia Associates presented the request for a time extension.

Ms. Visconti asked about the Commission's precedent of granting time extensions. Ms. Pardue responded, spoke about the approval of past time extensions, and discussed the amount of time that would be granted with the time extension.

Ms. Grace asked about the criteria for the Commission to make the decision. She also questioned the amount of surrounding construction in the area and wondered if that should be considered in her decision.

Mr. Smith questioned the professional's ability to find another contractor to build the home for less than the initial bid. Mr. Wadia responded.

Ms. Catlin did not believe the cost would decrease over time.

Mr. Karakul thought the design was attractive; he did not believe the approval of the time extension was a bad decision.

A discussion ensued on whether the Commission should grant the extension.

Town Attorney Francisco discussed the criteria to consider on whether to grant the time extension.

A motion was made by Ms. Visconti and seconded by Mr. Karakul to approve the time extension as requested.

Mr. Smith called for public comment.

David Kelso, 255 Monterey Road, spoke against the time extension request and advocated for the Commission to deny the request.

Ms. Catlin asked about the length of time it would take to grant a building permit. Mr. Murphy responded.

A discussion ensued.

The motion was carried 5-2, with Mr. Smith and Ms. Connaughton dissenting.

A. ITEMS PULLED FROM CONSENT AGENDA, IF NEEDED

1. **ARC-24-0014 599 S COUNTY RD.** The applicant, SAS Realty Enterprises, LLC (Greg Simonian, President), has filed an application requesting Architectural Commission review and approval for modifications to the design of a previously approved new single-family residence.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Rafael Portuondo of Portuondo Perotti made the architectural presentation.

Clerk's note: Mr. Smith exited the room at 9:35 a.m. He returned at 9:42 a.m.

Mr. Sammons called for public comment. No one indicated a desire to speak.

Ms. Grace inquired about the change in the fenestration sizes. Mr. Portuondo explained the error in the drawings. Ms. Grace preferred the shingle roof and the currently proposed front entrance.

Ms. Shiverick asked about the change in the front door and the bay window. Mr. Portuondo explained the design. Ms. Shiverick asked about the front gate and the material. Mr. Portuondo responded and stated the gate was proposed metal.

Mr. Floersheimer reviewed the changes. He also asked about the change to the pedestrian gate. Mr. Portuondo responded.

Ms. Connaughton wondered if the professional would consider a pedestal on the columns on the loggia bay window. Mr. Portuondo responded.

Mr. Sammons commented on the gate design and thought it needed restudied. He thought the previous front door was too tall and thin. If the design was to have an arched opening, he thought the arch should be wider. Mr. Sammons asked about the roof on the front elevation. Mr. Portuondo discussed the roof pitch.

Greg Simonian, the homeowner, advocated for the current proposed front entrance. He indicated that his wife preferred that elevation.

Mr. Karakul made a motion, seconded by Ms. Visconti, to approve the project on the condition that the front door be widened. The motion was carried unanimously, 7-0.

B. MAJOR PROJECTS-OLD BUSINESS

1. **ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO)** The applicant, Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape landscape and swimming pool, with variances for building height and cubic content ratio. This is a combo application that shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Roger Janssen of Dailey Janssen Architects made the architectural presentation. Tyler Nielsen of Nielsen Landscape Architecture made the landscape and hardscape presentation.

Ms. Connaughton asked about the variance for cubic content, to which Mr. Janssen responded. She did not believe the home would fit into the neighborhood and Palm Beach.

Mr. Sammons agreed with Ms. Connaughton. He thought the design had been approved but questioned whether it fit into Palm Beach.

Ms. Catlin liked the home and its style. She thought surrounding homes related to the proposed home and the plan had improved. Mr. Janssen responded.

Mr. Karakul thought the home was well-designed and liked the variety of styles on the island. He thought it was healthy to have variety. He thought the refinements in the design were nice. He cautioned that the scale of the landscaping, especially the front landscaping, be appropriate.

Ms. Visconti agreed with Mr. Karakul. She thought this home would tie some of the architectural styles in the area. She questioned the Cocoplum and how it was proposed to be showcased in the front of the property; she recommended using Jamaican Caper. Mr. Nielsen agreed. She also questioned Crabwood and wondered if that proposed height would be hard to find. Mr. Nielsen responded.

Ms. Grace inquired about the homes marked on the map. She thought the changes were nice but questioned whether the home fit into the neighborhood or Palm Beach. If the home moved forward, she hoped the materials would be high-quality.

Ms. Shiverick thought the home had a place in Palm Beach but sympathized with the neighbors' concerns. She wondered if the changes exaggerated the modernism of the style. She suggested lightening the windows to a lighter bronze and adding vertical muntins to the windows. Mr. Janssen showed the Commission an alternate view of the muntins, which the Commission preferred. She recommended using more of the English Chestnut wood material in the design.

Mr. Floersheimer liked Ms. Shiverick's suggestion to bring back warm elements in the design. He asked about the height of the home and wondered if the home could be lowered. He made suggestions to lower the height by lowering the finished floor. Mr. Janssen responded and explained the proposed height design.

Maura Ziska, the owner's attorney, stated that the request was to have the finished floor at grade.

Mr. Phoenix thought the changes would make the home warmer and raise the bar in the neighborhood. He added that he agreed with Ms. Shiverick's suggestions to add vertical muntins, lighten the window color, and add more chestnut wood to the design.

Ms. Sammons thought the home had improved, but added ornamentation could enhance the home.

Ms. Catlin thought the zoning code was broken. She thought the Commission should stop penalizing properties with unique lots; she thought there was value in owners embracing the uniqueness of the lot when deciding where to site their homes. She spoke in favor of the way the professional cited the home.

Ms. Grace recalled a home on the Seaview where the lot was excavated to lower the home.

Ms. Smith did not believe it was fair for the Commission to state that the home did not fit into the neighborhood. He thought some of the changes were good, and some were not. He asked about changing the breeze block to resemble louvers. Mr. Janssen discussed the design. A short discussion ensued about using stone for the breeze block; the Commissioners thought it should be wood.

Ms. Shiverick wondered if the chestnut wood could be used for the breeze block. Mr. Janssen agreed.

Ms. Connaughton suggested using a different material for the breeze block.

A motion was made by Ms. Shiverick and seconded by Mr. Karakul to defer the project to the meeting on July 24, 2024, to allow a restudy of the following elements: the vertical mullions, adding more Chestnut wood into the design, the breeze block, the gate, some elements in the landscaping and adding ornamentation in the design.

Mr. Smith called for public comment.

Jorge Sanchez, 239 Southland Road, thought more vegetation was needed on the road to shield the home.

The motion was carried 6-1, with Ms. Connaughton dissenting.

Clerk's note: The Commission took a short break at 10:29 a.m. The meeting resumed at 10:42 a.m. Mr. Karakul returned at 10:46 a.m.

2. **ARC-24-051 1330 N OCEAN BLVD.** The applicant, 1330 N Ocean Trust (James M. Crowley, Authorized Representative), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with final hardscape, landscape, swimming pool, and beach parcel improvements.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Greg Tankersley of McAlpine made the architectural presentation. Keith Williams of Nievera Williams Design made the landscape and hardscape presentation.

Mr. Smith called for public comment.

Scott Schuster, 101 Ocean Terrace, spoke in favor of the project.

Mr. Sammons asked about the height of the windows, the front door, and the eaves design. Mr. Tankersley responded. Mr. Sammons thought the light fixtures were oversized; he suggested reducing their size.

Ms. Shiverick liked the home but thought it was too big for the island's north end. She also thought the neighbor's home was too large for the space. She agreed that the lanterns were too large and did not like the placement of the lanterns on the east side.

Ms. Catlin liked the home but thought it needed to be reduced in size. She thought it took up too much of the building footprint, especially in the proposed area.

Mr. Karakul thought the home was attractive and well-planned. He liked how the guest wings were reduced. He did believe the detailing around the front door could be more balanced and suggested additional landscaping on the north side.

Ms. Connaughton thanked the professional for making the changes; she thought it helped the home and the owners would appreciate the additional light. She agreed with the comments on the lanterns and the front door. She discussed the height differences on the south wing and questioned the elevator shaft expressed through the roof.

Mr. Floersheimer liked the courtyard-style home. He agreed with the comments on the lanterns but supported the front door change. He expressed concern about the fenestration, especially in the courtyard elevations. He also recommended adding vines to the wall next to the pool.

Ms. Grace thought the reduction was nice; however, she thought the home was still massive and questioned the amount of fenestration proposed. She wondered if some more changes could be made to make it fit into the north end; she provided some suggestions.

Mr. Smith liked the reduction to the guest wing. He did not favor the elevator roof design and questioned the roof over the children's wing on the south elevation.

Mr. Sammons recommended moving the children's wing towards the garage and elevator shaft to provide more room in the courtyard. He thought the large openings in the living room and dining room were too dark, especially as black windows; he recommended adding vertical mullions. He also recommended changing the front door.

A motion made by Mr. Sammons and seconded by Mr. Karakul to approve the project with the following conditions: the lanterns shall be removed on the east elevation and modified on the front entry, the front door shall be changed to be more symmetrical, the children's wing shall

be moved to the south, vertical mullions shall be added to the living and dining room windows, the elevator shaft and the heights between the one and two-story buildings shall be modified. The motion was carried 5-2, with Mses. Shiverick and Catlin dissenting.

Mr. Falco indicated that the professional would need to submit a staff application for the changes suggested by the Commission, which would be reviewed and approved in coordination with Chair Smith.

C. MAJOR PROJECTS-NEW BUSINESS

- 1. ARC-24-0004 (ZON-24-0005) 260 COLONIAL LN (COMBO)** The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Architectural Commission review and approval for construction of a new one-story single-family residence with final hardscape landscape and swimming pool, requiring Special Exception with Site Plan Review approval to develop a nonconforming parcel and a variance to reduce the rear yard setback for the swimming pool. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications. *During the discussion, Ms. Visconti declared a conflict of interest and left the dais.*

Meredith Hunt, owner of the home, discussed her proposed home and advocated for a positive decision.

Jacqueline Albarran of SKA Architect + Planner made the architectural presentation. Jorge Sanchez of SMI Landscape Architecture made the landscape and hardscape presentation.

Mr. Smith called for public comment.

David Kelso, 255 Monterey Road, spoke against the proposed project.

Maura Ziska, the applicant's attorney, explained the zoning requests that were being requested.

Ms. Albarran discussed the neighbor that supported the project.

Mr. Sammons thought the roof plan was overly complicated. He discussed the front elevation design and pointed out areas of improvement. He thought the proportions needed to be restudied.

Ms. Connaughton agreed with Mr. Sammons's assessment of the roof. She inquired about the window sizes, to which Ms. Albarran responded. Ms. Connaughton thought the proportions and type of windows needed restudy. She supported the variance requests. She also suggested including a

chimney for the ventless fireplace as well as looking at Bermudian precedent pictures when restudying the design.

Ms. Catlin agreed with Mr. Sammons and thought the floor plan was driving the design. She acknowledged that the lot was undersized but thought the home should fit on the lot. She thought the pool should be designed without the need for a variance.

Mr. Karakul thought the home could be more charming. He applauded the homeowner for building a one-story home. He supported the variance for the pool.

Ms. Shiverick supported the simplistic one-story design and the variance for the pool. She agreed with Ms. Connaughton's assessment of the windows. She thought the entrance could be more charming and gracious, possibly with Bermudian welcoming arms and a staircase. She recommended using double-hung windows and asked to see color samples.

Mr. Floersheimer agreed with many of the previous comments. He asked about the two curb cuts and the large amount of hardscape proposed at the front of the property. He questioned the Sylvester Palm proposed near the pool.

Ms. Grace was in favor of the one-story home. She thought there was too much hardscape and questioned the cluster of Coconut palms; she requested a shade tree in the front yard. She recommended eliminating the variance for the pool.

Mr. Smith thought the roof peak was too tall. He also thought the pool should be relocated so it did not require a variance.

A motion was made by Ms. Catlin and seconded by Mr. Floersheimer to defer the project to the meeting on July 24, 2024. The motion was carried unanimously, 7-0.

2. **ARC-24-0011 (ZON-24-0006) 1741 S OCEAN BLVD (COMBO)** The applicant, Maura Ziska (attorney), in conjunction with SKA Architect + Planner, has filed an application requesting Architectural Commission review and approval for partial second-floor demolition, construction of an expanded second floor on a single-family residence including variances from setbacks, open space requirements, and lot coverage. Additional components of the request include a new covered terrace area, interior renovation, and replacement of the swimming pool with a smaller version. This is a combination project that shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications. *During the discussion, Ms. Visconti declared a conflict of interest and left the dais.*

Jacqueline Albarran of SKA Architect + Planner made the architectural presentation. Jorge Sanchez of SMI Landscape Architecture made the landscape and hardscape presentation.

Mr. Sammons asked to see the building sections. He questioned the change of fenestration, the change in the garage doors and the entablature. He thought the proposed design lacked study and needed much more work.

Ms. Connaughton thought the second story was appropriate but also requested to see the section drawings. She thought the square proportions on the windows worked best and thought that the same design should be carried to the rear of the home.

Ms. Shiverick agreed with the comments of Mr. Sammons and Mr. Connaughton. She recommended using an awning rather than a pergola.

Mr. Floersheimer thought the project was interesting. He thought the existing home was in disrepair. He supported the addition of a second story. He expressed caution for using too much fenestration, especially on the west elevation.

Mr. Karakul thought the design was heading in the right direction. He wondered if the professional considered a terrace on the second floor at the rear.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Sanchez discussed the amount of green that is proposed for the design.

A motion was made by Mr. Floersheimer and seconded by Mr. Karakul to defer the project to the meeting on August 28, 2024. The motion was carried unanimously, 7-0.

3. **ARC-24-0013 216 VIA MARILA** The applicant, 216 VM LLC (Jason Green, Agent), has filed an application requesting Architectural Commission review and approval for a new two-story single-family residence with final hardscape, landscape, and swimming pool.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Roger Janssen of Dailey Janssen Architects made the architectural presentation. Steve West with Parker Yanette Design Group made the landscape and hardscape presentation.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Sammons thought the front elevation's symmetry was problematic, so he suggested a design change. He also provided recommendations for the fenestration on the second floor, the bay windows on the front elevation, and the design on the south elevation. Overall, he thought the home was nice.

Mr. Phoenix liked the home and the materials proposed.

Ms. Catlin expressed concern about how the home presented itself on the street. She thought it would loom over the street and wondered if it could be pulled back. Mr. Janssen responded.

Ms. Grace thought the home would seem too massive on the street.

Ms. Connaughton asked about the lintel and sill detail materials and wondered if that could be carried to the second floor. Mr. Janssen responded. She also wondered if the design had too much going on. Mr. Janssen responded. She recommended changing some of the details to be more consistent.

Ms. Shiverick agreed with Ms. Connaughton about the front elevation; she thought there may be too much going on. She recommended changing the front balcony to include pickets to simplify the detail. She suggested creating a gallery off the front entrance.

Mr. Karakul liked the home. He thought the layering of the landscaping would be important. He suggested pushing the library wing back from the street.

Ms. Visconti agreed the front entrance was busy; she recommended removing the brick lintels. She asked about the palms proposed by the street on the north elevation; she recommended carrying them across the entire front of the property and installing them at 12 feet.

Mr. Smith asked if the study could be moved so that the roof's peak was between the two upper windows. Mr. Janssen responded.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Karakul and seconded by Ms. Shiverick to defer the project to the meeting on July 24, 2024, to restudy the fenestration and proportions. The motion was carried unanimously, 7-0.

4. **ARC-24-0019 1214 N OCEAN BLVD.** The applicant, Michael Perry, has filed an application requesting Architectural Commission review and

approval for an addition to primary structure, construction of a new guest house, new pool, landscape and hardscape to expand into recently combined property to the west.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications.

Michael Perry of MP Design & Architecture made the architectural presentation. Cory Meyer of Nievera Williams Design made the landscape and hardscape presentation.

Ms. Connaughton found it difficult to consider the presentation with the different styles proposed. She liked the courtyard design and thought the site was respected. She did not favor the roof on the guest house; she thought that portion of the design needed restudy.

Ms. Visconti wondered if the professional considered a parapet roof rather than a gable roof. Mr. Perry responded. She thought the design looked like three separate buildings and commented on the different roof materials. She thought more consistency was needed among the roof materials and pitches. She asked about the blue pergola proposed. Mr. Perry responded. Ms. Visconti recommended using a white pergola.

Ms. Grace thought the design worked since it was quirky and had a scale similar to the neighborhood. She thought the roof material on the guest house could be changed to match the main house. She recommended adding a specimen tree on the northwest corner. Mr. Meyer stated that he proposed a Pigeon Plum tree.

Ms. Shiverick agreed with Ms. Grace that the roof material should be consistent with the existing home. She was in favor of the folly design.

Mr. Floersheimer liked the gallery. He wondered if the roof peaks were too tall. He recommended looking at the amount of fenestration in the gallery. He agreed the guest house should have roof material to match the existing home. He asked about the trees being root pruned; he wondered if they would be reused. Mr. Meyer responded. Mr. Floersheimer wondered if steps would be added between the buildings. Mr. Perry responded and described the design.

Ms. Catlin agreed with Ms. Shiverick and Grace. She thought the addition was unique and worked with the land. She liked the open space. She agreed with the comments on the roof materials and thought they should be consistent.

Mr. Sammons agreed that the roof material should be consistent. He asked if the shutters could be removed from the main home.

Ms. Connaughton wondered if the addition could have nicer windows.

Mr. Smith did not object to the folly but did not support the proposed addition. He did not like the main home.

A motion was made by Ms. Visconti and seconded by Mr. Sammons to defer the project to the meeting on July 24, 2024, for a restudy. The motion was carried unanimously, 7-0.

Clerk's note: A short break was taken at 1:09 p.m. The meeting resumed at 1:22 p.m.

5. **ARC-24-0023 (ZON-24-0010) 515 NORTH LAKE WAY (COMBO)** The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Architectural Commission review and approval for the construction of a new one-story single-family residence with final hardscape and landscape, a special exception to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision. This is a combination project that shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications.

Roger Janssen of Dailey Janssen Architects made the architectural presentation. Dustin Mizell of Environment Design Group made the landscape and hardscape presentation.

Ms. Connaughton asked about removing the curb cut and wondered about the property's address change. She did not favor the entry next to the garage and recommended changing its orientation. Mr. Janssen explained how different options were studied. She recommended looking at the proportions on the entablature.

Ms. Shiverick asked about the proposed fenestration and the fenestration at the existing home. Mr. Janssen responded. She also asked about the proposed paving, to which Mr. Mizell responded.

Mr. Sammons thought the building's length needed to be shortened. He also thought the proposal was overreaching and unlivable as a single-family home.

Ms. Catlin recommended moving the front door to create more of a garden entry.

Mr. Karakul agreed with Ms. Catlin and thought the driveway material should be consistent with the main house.

Ms. Visconti agreed with Ms. Catlin and Mr. Karakul. She wondered if the garage could be shifted to the east so it could be sideloaded. She recommended using some of the hardscape material from the main home to tie into the guest home.

Ms. Grace wondered if there would be unity of title between the two properties. Mr. Janssen responded. She liked the previous suggestions for changing the garage but wished the design looked more traditional. She recommended vertical panes for the fenestration rather than horizontal.

Mr. Sammons wanted to see the garden of the neighboring home and how it related to the proposal.

Mr. Smith thought the west elevation was unattractive and needed restudy.

Ms. Connaughton thought the plan was strange. She was not in favor of the garage entrance on Tangier Avenue.

Mr. Floersheimer also questioned the look of the landscape plan for the main house. Mr. Mizell stated he would return with that plan.

Ms. Grace asked about the palms and thought they should be lower.

Ms. Visconti asked why the front of the home was not proposed for N. Lake Way. Mr. Janssen responded. She recommended changing the design of the guest home so it did not match the main home.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Ms. Catlin and seconded by Ms. Visconti to defer the project to the meeting on July 24, 2024, for a restudy of the project and a review of the requested variance. The motion was carried 4-3, with Messrs. Sammons, Smith, and Ms. Connaughton dissenting.

D. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-142 318 SEASPRAY AVE.** The applicants, Robert and Elizabeth Russell, have filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence with sitewide landscape and hardscape improvements.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications.

Daniel Clavijo of Wadia Associates made the architectural presentation.

Ms. Connaughton asked about the material proposed. Mr. Clavijo responded and further explained the design.

Mr. Smith asked about the plan that was proposed for staff approval. Mr. Clavijo responded.

Mr. Sammons preferred the second option but questioned the tile between the windows and recommended changing the proportion of the small windows over the front door.

Ms. Visconti asked about the tile proposed at the front entrance and the stucco surround. Mr. Clavijo did not have a tile sample but stated the color pallet was light blue.

Ms. Connaughton agreed that the second option was better. However, on the first option, she recommended removing the rope detail. She recommended removing the two smaller windows on the front elevation above the front door. She also recommended attaching the keystone to the upper window on the second option. Mr. Clavijo expressed a concern about attaching the keystone to the windows.

Ms. Grace favored the change but did not support attaching the keystone to the windows; she felt it would look too heavy.

A motion was made by Ms. Connaughton and seconded by Ms. Visconti to approve the project with option number two, with the conditions that the tile between the two upper windows and the two smaller windows on the north elevation shall be eliminated and the lanterns next to the front door shall be lowered and pulled in slightly. The motion was carried unanimously, 7-0.

E. MINOR PROJECTS-NEW BUSINESS

1. **ARC-24-0001 640 ISLAND DR.** The applicant, 640 FLORIDA LAND TRUST BALLERANO HAMES A JR TR, has filed an application requesting Architectural Commission review and approval for modifications to an existing vehicular and pedestrian gate design.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

Cory Meyer of Nievera Williams Design presented the two gates as proposed.

Mr. Sammons questioned the need for the gates.

Mr. Floersheimer thought the gates were too foreboding and industrial.

Ms. Connaughton asked about the color proposed for the gate.

Ms. Catlin was not in favor of the proposal.

A motion was made by Ms. Catlin and seconded by Mr. Karakul to defer the project to the meeting on July 24, 2024, for a redesign of the gates. The motion was carried unanimously, 7-0.

2. **ARC-24-0016 (ZON-24-0007) 403 BRAZILIAN AVE (COMBO)** The applicant, BHJ Land Trust, has filed an application requesting Architectural Commission review and approval for modifications to an existing pool and courtyard of an existing single-family residence with a variance for the placement of the pool equipment. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

Dustin Mizell of Environment Design Group made the landscape and hardscape presentation.

Ms. Visconti thought the proposal clearly showed a problem with the code. She supported the variances.

A motion was made by Ms. Visconti and seconded by Mr. Karakul that the implementation of the proposed variance will not cause a negative architectural impact on the subject property. The motion was carried unanimously, 7-0.

A motion was made by Ms. Visconti and seconded by Mr. Karakul to approve the project as presented. The motion was carried unanimously, 7-0.

3. **ARC-24-0005 260 EL PUEBLO** The applicant, David Khoury, has filed an application requesting Architectural Commission review and approval for removal of an existing carport, a garage renovation and expansion to an existing residence.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

Caroline Forrest of MHK Architecture made the architectural presentation.

Ms. Connaughton did not feel the proposal would change how the home was perceived from the street. She thought the addition should be lower than the main home to feel more secondary. She recommended splitting the garage doors.

Mr. Sammons thought the lower eave on the addition was nicer so the roof could blend with the main home. He recommended changing the window to a wall dormer and installing a shed roof in the rear of the addition.

Mr. Smith asked about the design of the garage doors. Ms. Forrest described the proposed doors.

Ms. Catlin thought the proposal worked and the plan was simple.

Mr. Floersheimer agreed with Ms. Catlin. He asked about the room over the garage. Ms. Forrest responded and described the existing and proposed changes.

A motion was made by Ms. Catlin and seconded by Ms. Shiverick to approve the project as presented. The motion was carried unanimously, 7-0.

X. **ANY OTHER MATTERS**

Mr. Smith spoke favorably about the iPads provided to the Commission by the staff.

Mr. Sammons raised the issue of the significantly different criteria in the Code, which were placed there to prevent tract housing from being built in the Town. A discussion ensued.

XI. **NEXT MEETING DATE:** July 24, 2024, at 9:00 AM

XII. **ADJOURNMENT**

A motion was made by Mr. Sammons and seconded by Mr. Karakul to adjourn the meeting at 2:35 p.m. The motion was carried unanimously, 7-0.

The next meeting will be held on Wednesday, July 24, 2024, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 062-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Change Order to Earth Balance Corporation for Phase 2 Invasive Plant Removal at Phipps Ocean Park in the Amount of \$32,500 and Establishing a new award amount of \$141,950.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 062-2024**
- ▣ **Quote for Phase 2**
- ▣ **Previously Awarded Resolution**

Information for Town Council Meeting on July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP -CPP, CPPO Town Procurement and Contract Manager

RE: Resolution Approving a Change Order to Earth Balance Corporation of Phase 2 Invasive Plant Removal at Phipps Ocean Park in the Amount of \$32,500 and Establishing a new award amount of \$141,950.

DATE: June 28, 2024

STAFF RECOMMENDATION

Town Staff recommends approval of Resolution No. 062-2024 approving a Change Order to Earth Balance Corporation for Phase 2 Invasive Plant Removal at Phipps Ocean Park in the Amount of \$32,500 and Establishing a new award amount of \$141,950.

SUMMARY EXPLANATION/BACKGROUND

Town Council approved Resolution No. 018-2023 approving the Award of RFP No. 2023-10 and approving a Purchase Order for Invasive Plant Removal Phipps Ocean Park to Earth Balance Corporation in the Amount of \$99,500 and Establishing a Project Budget of \$109,450.

The plan was for three phases of invasive plant removal. This change order will enable the second phase to be completed.

Additional information of how the bid was originally solicited and awarded is noted below.

The Procurement and Contract Management Division issued an RFP for Invasive Plant Removal at the Phipps Ocean Park.

The Town received four submissions as follows:

- All Florida Tree
- Earth Balance Corporation
- Enviroscapes Plus, Inc.
- The Brothers Tree and Landscape

The Selection Committee for this RFP consisted of the following members:

- Bob Miracle, CPA
- Mike Roach, P.E.
- Paul Colby
- Rob Weber
- Ryan Canterbury – Facilitator
- Eric Brown, P.E. – Non-Voting

The Selection Committee ranked Earth Balance Corporation with the highest ranked score with an overall quality score of 74.16%. None of the other firms reached a quality score of 70% which is the designated score for a proposer to be considered for award. Oral presentations were not held for this RFP.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from Coastal Program Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 062-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING A CHANGE ORDER TO EARTH BALANCE
CORPORATION FOR PHASE 2 INVASIVE PLANT REMOVAL
AT PHIPPS OCEAN PARK IN THE AMOUNT OF \$32,500 AND
ESTABLISHING A NEW AWARD AMOUNT OF \$141,950**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 062-2024, awarding a Change Order to Earth Balance Corporation for Phase 2 Invasive Plant Removal at Phipps Ocean Park in the amount of \$32,500 and establishing a new award amount of \$141,950.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of *July*, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

Price Quote

PROJECT NAME: Phipps Ocean Park Phase 2 Maintenance

ATTENTION: Paul Colby, Facilities Division Manager
Town of Palm Beach
951 Old Okeechobee Road, Suite "D"
West Palm Beach, FL 33401
PColby@townofpalmbeach.com

PRICE QUOTED:

Description	Total Price
Herbicide Treatment	\$32,500.00

SCOPE OF WORK:

Herbicide Treatment

EarthBalance® will provide the labor, equipment, and materials necessary for 2 herbicide treatments on the beach dune at Phipps Ocean Park in Palm Beach County, Florida. Species targeted for treatment include beach vitex (*Vitex rotundifolia*), Brazilian pepper (*Schinus terebinthifolia*), seaside mahoe (*Thespesia populnea*), beach naupaka (*Scaevola taccada*), natal plum (*Carissa macrocarpa*), mother-in-law tongue (*Sansevieria trifasciata*), wedelia (*Sphagneticola trilobata*), and any other listed Category I and II Florida Invasive Species Council's 2019 "List of Invasive Plant Species." All target species within the treatment area will be treated with an appropriate dye-laced herbicide approved for use by the State of Florida. The second treatment will take place approximately two (2) months after the initial treatment and will be focused on treating anything that was missed or is growing back since the initial treatment. All work will be directed by a qualified Project Manager licensed to apply herbicides by the State of Florida.

EarthBalance® will perform the services described above for a fixed fee of **\$32,500.00**.

Price Quote (continued)

PROJECT NAME: Phipps Ocean Park Phase 2 Maintenance

CONDITIONS:

This quote shall remain valid for a period not to exceed thirty (30) days beyond the submittal date of **March 13, 2024**. If not accepted within this period, **EarthBalance®** reserves the right to modify any portion thereof or withdraw the quotation in its entirety. This agreement and the attached terms and conditions shall be effective upon its full execution.

QUOTED BY: Chrissy Hensel, MS, PMP, PWS
Senior Project Manager
EarthBalance®
705 13th Street
St. Cloud, FL 34769
chensel@earthbalance.com

IN WITNESS WHEREOF, this Agreement is executed on the dates hereinafter stated.

EARTHBALANCE®

CLIENT

By: _____

By: _____

Printed: _____

Printed: _____

Title: _____ Vice President _____

Title: _____

Date: _____, 2024

Date: _____, 2024

PLEASE INDICATE IF THE CLIENT IS ALSO THE OWNER OF THE PROPERTY ON WHICH THE SERVICES/WORK WILL BE PERFORMED:

_____ **OWNER**

_____ **NOT THE OWNER**

IF THE CLIENT IS NOT THE PROPERTY OWNER, PLEASE PRINT THE NAME AND CONTACT INFORMATION FOR THE PROPERTY OWNER:

Name: _____

Address: _____

Phone Number: _____

PRICE QUOTE TERMS AND CONDITIONS

1. Services. **EarthBalance®** hereby agrees to provide all supervision, labor, materials, equipment, and other facilities to complete the Work as described in the attached Price Quote ("Scope of Work" or "Work"). **EarthBalance®** agrees to use its best efforts in completing the Work. The Work shall be accomplished in a workmanlike and professional manner using the degree of skill and care ordinarily exercised by a reputable member of **EarthBalance's®** profession practicing in the same or similar locality. No other warranty, express or implied, is made or intended, unless provided in the Scope of Work.

This agreement is limited to tasks identified in the attached Price Quote and does not include additional or repeat Work resulting from changes to the project or the information upon which this agreement is based. Modification to the final work products performed at the request of the Client that is not the result of the Contractor's errors or omissions shall be billed to the Client as additional services.

2. Time. This quote shall remain valid for a period not to exceed thirty (30) days beyond the date of submittal. If not accepted within this period, **EarthBalance®** reserves the right to modify any portion thereof or withdraw the quotation in its entirety. This agreement shall be effective upon its full execution.

3. Duty to Cooperate. Client agrees to cooperate with **EarthBalance®** in all respects in connection with **EarthBalance's®** efforts to discharge the Scope of Work. Client shall make Client's property available to **EarthBalance®**, shall timely comply with **EarthBalance's®** requests for information, and shall execute all documents reasonably required by **EarthBalance®** in discharging the Scope of Work. Client agrees to inform **EarthBalance®** of any known job site hazards including, but not limited to, hazardous substances, buried debris, ordnance or explosives, sinkholes, wildlife hazards, etc.

4. Payment. Client agrees to pay a fee for the Work performed based upon the information contained in attached Price Quote. As soon as may be practicable at the beginning of each month, **EarthBalance®** shall invoice Client for all work performed in the prior month and any other sums due **EarthBalance®**. Client shall pay the invoice amount within thirty (30) days after the invoice date. **EarthBalance®** may cease performing work under the attached Price Quote if any payment due hereunder is not paid within thirty (30) days of the invoice date. **EarthBalance®** accepts cash, check, credit card, ACH or Wire Transfer as payment. A convenience fee of 5% will be added to all credit card payments.

Client agrees that **EarthBalance®** may place a lien upon the Property for Work performed under the attached Price Quote and that **EarthBalance®** may record and enforce the lien for Work performed in accordance with the provisions of Florida's Construction Lien Law. In any litigation arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs. In addition, if **EarthBalance®** places this executed Price Quote in the hands of an attorney for the collection of any sums due hereunder, Client agrees to reimburse **EarthBalance®** for its reasonable attorney's fees and costs relating thereto.

5. Termination and Default. This agreement may be terminated by either party giving the other party thirty (30) days written notice of intent to terminate. Upon a notice of termination without cause, Client shall pay **EarthBalance®** for all labor and materials procured to the date of termination, including a reasonable profit not to exceed 10% of completed work that complies with the Contract Documents. This shall include all cost incurred in preparing to fulfill the contractual obligations and any re-stocking fees along with all other damages associated with termination. In addition, upon default by Client, monetary or otherwise, this agreement may be terminated by **EarthBalance®** with seven (7) days written notice of intent to terminate if the default remains uncured after such notice period and **EarthBalance®** shall be entitled to recover all damages both actual and consequential, incurred as a result of said default. **EarthBalance's®** liability to Client or any related party for any claim related to or arising out of (i) this agreement or (ii) **EarthBalance's®** Work shall be limited to two times the amount of fees paid by Client hereunder.

6. Force Majeure Event. **EarthBalance®** shall not be liable to Client for damages resulting from delay in or termination of **EarthBalance's®** Work because of fire or casualty, riots, strikes, picketing, boycotts, lockouts, labor disturbances, shortages of materials, epidemics, pandemics, war, terrorism or combined action of the workmen or others, governmental delays, or any acts of God including, but not limited to, severe snowstorms, earthquakes, hurricanes, floods, or any other cause or condition beyond its control making it inadvisable in **EarthBalance's®** determination to proceed with the Work (collectively, a "Force Majeure Event"). **EarthBalance®** shall have no obligation to resume Work discontinued under this Section. If **EarthBalance®** elects not to resume the Work, Client's sole and exclusive remedy shall be payment on a pro-rata basis for the percentage of Work that has actually been completed as of the date of its receipt of **EarthBalance's®** notice of the Force Majeure Event.

7. Warranties. Unless otherwise provided: **THERE ARE NO EXPRESS OR IMPLIED WARRANTIES WHATSOEVER INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.** All warranties/guarantees provided by **EarthBalance®**, if any, shall be deemed null and void if Client fails to strictly adhere to the payment terms contained in the Agreement. All warranties and guarantees, if any, provided under the Agreement are solely for the original Client and are non-transferable, unless otherwise agreed to by Client and **EarthBalance®** in writing. Any express warranty provided, if any, by **EarthBalance®** is the sole and exclusive remedy for alleged defects, in lieu of all other remedies, implied or statutory. Warranties to be issued upon completion and full payment of this Agreement.

8. **Price Escalation.** If there is an increase in the price of labor, materials, or fuel surcharge charged to **EarthBalance®** in excess of **five (5%) percent**, subsequent to making this Agreement, then the price set forth in this Agreement shall be increased without the need for a written change order or amendment to the Agreement to reflect the price increase and additional direct cost to **EarthBalance®**. **EarthBalance®** shall submit written documentation of the increased charges to Client. As an additional remedy, if the actual cost of any line item increases more than ten (10%) percent subsequent to entering into this Agreement, **EarthBalance®**, at its sole discretion, may terminate the Agreement for convenience.

9. **Delay.** This contract contemplates installation on N/A . As living plants, Client acknowledges that ongoing watering, feeding, maintenance and storage costs will continue beyond the specified installation date at a per diem rate of N/A . Accordingly, despite any Contract Document provision to the contrary, **EarthBalance®** will be compensated for any delays beyond the Installation Date via change order at the per diem rate.

10. **Site Conditions.** Should **EarthBalance®** discover concealed or unknown conditions in the existing soil suitability that vary from those conditions ordinarily encountered and generally recognized as inherent in the work of the character identified in this Agreement, then the Agreement amount shall be equitably adjusted upon notice thereof from **EarthBalance®** to Client.

11. **Choice of Law, Venue and Attorney's Fees.** This Agreement shall be governed by the laws of the State of Florida. Venue of any proceeding arising out of this Agreement shall be **Sarasota County, Florida**. The non-prevailing party in any legal or equitable action arising out of or relating to this Agreement including arbitration, administrative, appellate and/or bankruptcy proceedings shall reimburse the prevailing party on demand for all attorney's fees, costs, and expenses incurred by the prevailing party in connection with the action.

12. **Arbitration.** If a dispute shall arise between **EarthBalance®** and Client with respect to any matters or questions arising out of or relating to this Agreement or the breach thereof, such dispute, other than collection matters, shall be decided by arbitration administered by and in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association.

13. **Jury Trial Waiver.** In the event there is litigation over the enforcement of a collection matter or construction lien, the parties **KNOWINGLY, VOLUNTARILY, IRREVOCABLY AND INTENTIONALLY WAIVE THE RIGHT TO A TRIAL BY JURY IN RESPECT TO ANY LITIGATION ARISING OUT OF OR PERTAINING TO THE AGREEMENT, OR ANY COURSE OF CONDUCT, COURSE OF DEALINGS, STATEMENTS (WHETHER VERBAL OR WRITTEN) OR ACTIONS OF ANY PERSON OR PARTY RELATED TO THIS AGREEMENT; THIS IRREVOCABLE WAIVER OF THE RIGHT TO A JURY TRIAL BEING A MATERIAL INDUCEMENT FOR THE PARTIES TO ENTER INTO THIS AGREEMENT.**

14. **Damage Limitation.** In no event, whether based on contract, warranty (express or implied), tort, federal or state statute or otherwise arising from or relating to the work and services performed under the Agreement, shall **EarthBalance®** be liable for special, consequential, punitive, or indirect damages, including loss of use or loss of profits. **EarthBalance®** and Client agree to allocate certain risks so that, to the fullest extent permitted by law, **EarthBalance's®** total aggregate liability to Customer is limited to the dollar amount of the Agreement for any and all injuries, damages, claims, expenses or claim expenses including attorneys' fees arising out of or relating to this Agreement regardless of whether it is based in warranty, tort, contract, strict liability, negligence, errors, omissions, or from any other cause or causes.

15. **Claims.** It is Client's duty to notify **EarthBalance®** in writing within **three (3) days** of the occurrence of any claim, defect or deficiency arising out of work, services or materials provided by **EarthBalance®** under this Agreement ("Occurrence"). Failure of Client to provide written notice of the Occurrence shall result in Client waiving all claims that may be brought against **EarthBalance®** arising out of or relating to the Occurrence, including claims arising in law, equity, contract, warranty (express or implied), tort or federal or state statutory claims.

16. **Shortages.** In the event that any specified material or equipment becomes unavailable either temporarily or permanently after the Agreement is executed, provided that such availability is a result of factors beyond **EarthBalance's®** control, then in the event of temporary unavailability, the Agreement time shall be extended to reflect the duration of time that **EarthBalance®** is delayed by the unavailability, and in the case of permanent unavailability, **EarthBalance®** shall be excused from providing said material or equipment and allowed to provide an available substitute. To the extent an available substitute is provided by **EarthBalance®** under this provision, any increase in the cost between the originally specified material or equipment and its substitute shall be paid by the Customer to the **EarthBalance®**. Due to material shortages, Client may experience delays related to the inability to timely obtain materials for this project. In the event of such a delay, **EarthBalance®** shall notify Client, and Client agrees to provide **EarthBalance®** with an extension of time for any delay attributable to the temporary inability to obtain materials.

17. **Miscellaneous.** The invalidity of any provision of the agreement shall not impair the validity of any other provision. If any provision of this agreement is determined to be unenforceable by a court of competent jurisdiction, such provision shall be deemed severable and the remaining provisions of the agreement shall be enforced. Headings are for convenience only and do not affect interpretation. This Agreement records the entire agreement of the parties and supersedes any previous or contemporaneous agreement, understanding, or representation, oral or written, by the parties and may only be amended, modified or terminated by the written mutual consent of all the parties hereto and duly executed by the authorized representatives of the parties hereto. All documents/exhibits referred to in this Agreement are an integral part of the Agreement and are incorporated by reference.

RESOLUTION NO. 018-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE AWARD OF RFP NO. 2023-10 AND
APPROVING A PURCHASE ORDER FOR INVASIVE PLANT
REMOVAL PHIPPS OCEAN PARK TO EARTH BALANCE
CORPORATION IN THE AMOUNT OF \$99,500 AND
ESTABLISHING A PROJECT BUDGET OF \$109,450**

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

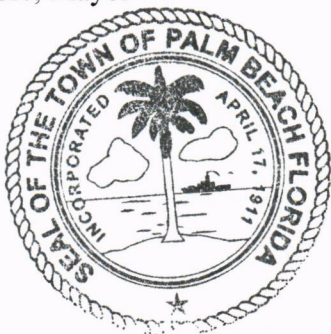
Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 018-2023, Approving the Award of RFP No. 2023-10 and Approving a Purchase Order for Invasive Plant Removal Phipps Ocean Park to Earth Balance Corporation in the Amount of \$99,500 and Establishing a Project Budget of \$109,450.

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

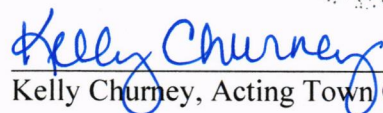
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of March 2023.



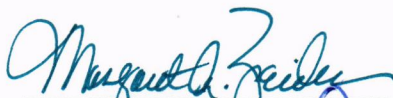
Danielle H. Moore, Mayor



ATTEST:



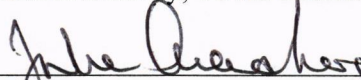
Kelly Churney, Acting Town Clerk



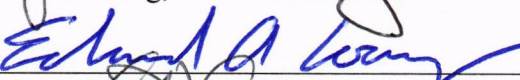
Margaret A. Zeidman, Town Council President



Bobbie Lindsay, Town Council President Pro Tem



Julie Araskog, Town Council Member



Edward A. Cooney, Town Council Member



Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 070-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for Designation and/or the De-Designation of the Historic/Specimen Trees at 304 Maddock Way Providing an Effective Date.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 14, 2024, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 070-2024**
- ▣ **Photos**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Historic or Specimen Tree De-Designation - 304 Maddock Way
Resolution No. 070-2024

DATE: June 14, 2024

STAFF RECOMMENDATION

Town staff requests that Town Council approve Resolution No. 070-2024 the de-designation of Historic/Specimen tree as described below.

GENERAL INFORMATION

There are 121 trees on the island that have been designated as Historic/Specimen trees. These trees are inspected annually by the Town Arborist. During the inspection, the trees are evaluated to determine if they are of suitable quality and condition to remain as a Historic/Specimen tree, an inspection report is provided to the owner. The Town Ordinance allows for relocation of trees and the adding of trees that are deemed to be of Historic/Specimen quality.

On April 16, 2024, Town staff met on-site with Livingston Builders at 304 Maddock Way regarding new seawall construction and its new approved elevation. Due to this elevation change, ARCOM approved the relocation of a Historic or Specimen Green Buttonwood tree (tree # 71).

During this meeting, the Town's Arborist concluded that due to canopy size, orientation, and trimming needs, relocating the tree would likely be fatal. Town staff consulted the Garden Club of Palm Beach and all parties agreed on de-designation and removal.

Livingston Builders, understanding the Historic/Specimen tree ordinance, proposes replacing tree #71 with two (2) like Green Buttonwood trees. They've provided photos of the replacements, approved by the Garden Club of Palm Beach and the Town's Arborist. The exact placement and designation are pending.

Staff recommends that the Council approve this request.

FUNDING/FISCAL IMPACT:

There would be no impact on the budget unless the property owners participate in the Voluntary Maintenance Program which includes a fee as described in the Town Ordinance.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jason Debrincat, P.E., Assistant Director of Public Works
Paul Colby, Facilities Maintenance Division Manager
Christine Aylward, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist
Joanne M. O'Connor, Town Attorney

RESOLUTION NO. 070-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR DESIGNATION AND/OR THE DE-DESIGNATION OF THE HISTORIC/SPECIMEN TREES AT 304 MADDOCK WAY PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Conocarpus Erectus (Green Buttonwood) designated as a historic or specimen tree shall be removed from 304 Maddock Way. Two (2) replacement Conocarpus Erectus (Green Buttonwood) trees shall be planted on site. Location on site to be determined by Town's Arborist and landscape architect.

304 Maddock Way (PCN/Legal No.: 50-43-43-10-36-000-0030)

<u>Count</u>	<u>Common Name</u>	<u>Botanical Name</u>
1	Green Buttonwood	Conocarpus Erectus

Section 2. This Resolution shall become effective upon its adoption as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member



GREEN BUTTONWOOD
TREE #1
25' x 16', 22" Cal at Base

07/09/24 TCM Backup



GREEN BUTTONWOOD
TREE #2
26' x 26', 26" Cal at Base

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 071-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding the 2024 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2024 Hardbottom Map to Coastal Protection Engineering LLC in the Amount of \$169,200.14 and Establishing a Project Budget in the amount of \$194,500.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 071-2024**
- ▣ **Proposal**
- ▣ **Awarded Resolution for Coastal Protection Engineering**

Information for Town Council Meeting on July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP -CPP, CPPO Town Procurement and Contract Manager

RE: Resolution awarding the 2024 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2024 Hardbottom Map to Coastal Protection Engineering LLC in the amount of \$169,200.14 and Establishing a project budget in the amount of \$194,500.

DATE: June 28, 2024

STAFF RECOMMENDATION

Town Staff recommends approval of Resolution No. 071-2024 awarding the 2024 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2024 Hardbottom Map to Coastal Protection Engineering LLC (CPE) in the amount of \$169,200.14 and Establishing a project budget in the amount of \$194,500.

SUMMARY EXPLANATION/BACKGROUND

The scope of services will include creation of the 2024 hardbottom map based on delineation of exposed hardbottom in aerial photography and nearshore edge mapping of the entire BMA cell, biological monitoring of transects and offshore stations, data analysis, and reporting required by the BMA. Tasks include; creation of 2024 hardbottom map and BMA biological monitoring, data analysis and annual report development.

CPE was awarded at the July 23, 2023 Town Council Meeting to provide this service.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the Coastal Program Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 071-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING THE 2024 FDEP BEACH MANAGEMENT
AGREEMENT CELL-WIDE HARDBOTTOM MONITORING
AND 2024 HARDBOTTOM MAP TO COASTAL PROTECTION
ENGINEERING LLC IN THE AMOUNT OF \$169,200.14 AND
ESTABLISHING A PROJECT BUDGET IN THE AMOUNT OF
\$194,500**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 071-2024, awarding the 2024 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2024 Hardbottom Map to Coastal Protection Engineering LLC in the amount of \$169,200.14 and Establishing a project budget in the amount of \$194,500.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member



COASTAL PROTECTION ENGINEERING
5301 N. FEDERAL HWY, SUITE 335
BOCA RATON, FL 33487
561-565-5100

June 19, 2024

Sent via Email

Patricia Strayer, Town Engineer
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, Florida 33401
Submitted via email to:

Re: Proposal for the 2024 FDEP Beach Management Agreement Cell-Wide Hardbottom Monitoring and 2024 Hardbottom Map

Dear Mrs. Strayer,

This proposal is being provided to the Town of Palm Beach (Town) for Coastal Protection Engineering LLC (CPE) to provide professional environmental services in support of the Beach Management Agreement (BMA) annual monitoring and reporting. This proposal has been divided into two tasks that will result in the creation of the 2024 BMA Hardbottom Map and production of the 2024 BMA Annual Hardbottom Monitoring Report. Language repeated directly from the BMA is shown in italics.

Scope of Services

The scope of services outlined below will include creation of the 2024 hardbottom map based on delineation of exposed hardbottom in aerial photography and nearshore edge mapping of the entire BMA cell, participation in one public meeting, biological monitoring of transects and offshore stations, data analysis, and reporting required by the BMA. The specific scope of work to be implemented is described in the BMA, Appendix B - Cell-Wide Monitoring and Mitigation Plans.

Task 1. 2024 Hardbottom Mapping and Creation of 2024 BMA Hardbottom Map

Task 1 includes digitization of exposed hardbottom from aerial photographs, in situ hardbottom edge mapping, and development of the 2024 BMA Hardbottom Map. This corresponds to the BMA requirements as presented in Section 1.2.51 Aerial Photograph Survey and 1.2.5.2 Hardbottom Edge Survey of the BMA Appendix B.

Aerial Delineation of Exposed Hardbottom

Exposed hardbottom will be digitized from one set of 2024 aerial photography (Town's boundaries) provided by the Town using ArcGIS, including inter-observer QA-QC, following the standards used to develop the Town's historic hardbottom GIS database in the BMA. The area south of the Town's boundaries will be digitized using aerial imagery from the County-wide aerial photographs, if acceptable.

In situ Nearshore Hardbottom Edge Survey

CPE divers will map the nearshore hardbottom edge from R-76 to R-87 and R-110 to R-151. The hardbottom edge in the Mid-Town Project area between R-87 and R-106 will be mapped by others (under



separate contract) and the resulting shapefiles will be provided to CPE for inclusion in BMA cell-wide maps. The nearshore hardbottom edge is defined as the visible border between sand and hardbottom. A two-person dive team will follow the nearshore edge while towing a buoy with a survey-grade DGPS, which transmits continuous positions to hydrographic survey software on board the survey vessel. The buoy shall be on the shortest possible tether, such that the buoy is directly over the diver. In areas where the nearshore edge is located in the intertidal/subtidal zone, the nearshore edge will be mapped by qualified biologists using a handheld Trimble Geo 7x DGPS (or comparable) system. The biologists will carry the DGPS unit as they walk/wade around the hardbottom features at the sand/rock interface. The DGPS unit shall collect data every second during edge mapping. Photographs will be taken when it is not possible to record video. Survey mapping methods are compliant with the BMA cell-wide monitoring plan for mapping of the nearshore hardbottom edge.

During the edge mapping, divers will take periodic relief measurements or assign a relief category along segments with obvious changes in relief along the hardbottom edge. The coordinates of each relief point will be recorded by signaling to the vessel to take a GPS position. The relief features will be included in the geodatabase and BMA maps. As conditions allow, digital video will be recorded to document the nearshore edge for descriptive analysis of relief, benthic communities, and sediment condition. The final video record will be hyperlinked to the hardbottom edge shapefile in GIS.

2024 BMA Hardbottom Map

The delineation of exposed hardbottom from the 2024 aerial photographs and the in situ hardbottom edge mapping will be used to generate the final 2024 BMA Hardbottom Map. A geodatabase with the hardbottom edge, relief designations, and hyperlinked video files will also be submitted to FDEP and the Town on an external hard drive.

Task 2. BMA Biological Monitoring (Transects and Offshore Stations), Data Analysis and Annual Report Development

Task 2 includes biological monitoring of the BMA transects and offshore stations, along with data analysis and report development of the 2024 Annual Hardbottom Monitoring Report.

BMA Biological Monitoring – Transects, Mid-Town Transect Extensions, and Offshore Stations

CPE will monitor the BMA transects, Mid-Town transect extensions, and offshore stations as listed in Table 1. If exposed hardbottom is observed seaward of the BMA transects listed in Table 1 during the 2024 survey, the transects will be extended to the length of exposed hardbottom, and sediment depth and line intercept monitoring will be performed across the full cross-shore extent of the hardbottom. Transects T-14, T-13, T-9 are sediment only transects and will not be extended if hardbottom is exposed beyond the transect end point. The seaward end of exposure in 2024 will be marked with a 6-inch PK nail, and DGPS coordinates will be recorded.

Table 1. BMA transects, offshore stations, and Mid-Town BMA extensions to be monitored in 2024.

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-83	156.8	6/22/2015	7/16/2015
R-88 ext.	21.5	10/30/2014	12/17/2014
R-90 ext.	132	10/20/2014	12/16/2014
T-14	50	10/3/2014	12/14/2014
T-13	50	10/2/2014	12/15/2014
R-91 ext.	158	10/3/2014	12/16/2014
R-92 ext.	175.6	10/17/2014	12/15/2014
R-93 ext.	53	10/17/2014	12/15/2014
R-94 ext.	131	10/29/2014	12/17/2014
Station R-92	22	6/22/2015	7/16/2015
Station R-94	22	6/22/2015	7/16/2015
T-9	44	10/2/2014	12/14/2014
R-113	2.2	10/30/2014	12/18/2014
R-115	15.5	10/30/2014	12/18/2014
R-116	29.5	10/30/2014	12/18/2014
R-132	117	10/30/2014	12/18/2014
R-133	143	10/30/2014	12/18/2014
R-136	137	6/19/2015	7/16/2015
R-139	67	6/19/2015	7/16/2015
R-142	125.5	6/19/2015	7/15/2015
R-145	157.4	6/19/2015	7/15/2015

Transect Survey Methods

Cell-wide hardbottom monitoring shall occur along non-regulatory biological transects (and, when occurring, along sections of regulatory transects beyond 150 m [see Section 1.2.4.3]). Monitoring of specific projects within the BMA shall occur along regulatory transects of two types — biological and sediment only. All survey methods described below apply to biological transects while only line-intercept, interval sediment depth, and video collection apply to sediment only transects. To obtain the most accurate information on sediment depth and the location of sediment and hardbottom, line-intercept and interval sediment depth shall be the first surveys conducted along each transect. For biological transects, initial surveys (line-intercept, interval sediment depth, video) shall be followed by benthic quadrat and belt transect sampling.

Line-Intercept Survey

In order to document larger areas of uninterrupted sand (physical transitions along the monitoring transects between sand and hardbottom) and to track changes in sediment cover on the hardbottom, line-intercept surveys shall be conducted along all permanent transects. During each monitoring event, the landward and seaward position of each sand patch / trough at least 0.5 m in length shall be recorded along each transect by reference to transect tape meter marks. Meter mark references will be to one

decimal place (e.g., patch from 2.4 to 3.2 m).

Interval Sediment Depth Measurements

In order to track changes in sediment depth associated with changes in sediment cover, each monitoring event will include collection of interval sediment depth measurements along each permanent transect. Sediment depth shall be measured and recorded to the nearest centimeter at two (2) meter intervals (e.g., 0m, 2m, 4m, etc.) along the length of each transect. For each measurement, a ruler graduated in centimeters (0 to 30 cm) shall be pressed through the sediment until the ruler reaches the surface of hard substrata or is totally immersed in sand. Depth measurements shall be rounded to the nearest cm (i.e., sediment thickness of less than 0.5 cm will be recorded as "0 cm", while thickness greater than 0.5 cm but equal or less than 1 cm shall be recorded as "1 cm", etc.). Measurements greater than 30 cm will be recorded as ">30 cm". Measurements may be truncated to the first and last few meters of each trough in areas of Mid-Town known to contain large, deep sand troughs.

Video Survey

Video survey data collected as part of required biological monitoring functions as an archival data set that can be used for general reference purposes or to help resolve potential impacts suggested by quadrat and sediment survey data. As such, video data could be reviewed and compared between surveys and must be of a quality sufficient to allow for post-collection quantitative image analysis using point count procedures.

Video surveys shall be conducted along all permanent monitoring transects using a digital video camera. Video of the seafloor along each transect shall progress no faster than 5 meters per minute over hardbottom and 10 m per minute over large sand patches (troughs). A convergent laser guidance system shall be used to indicate the precise height of the camera at 40 cm from the bottom. The transect line shall be clearly visible in all video so that locations may be accurately referenced. A 360° panoramic view at an angle of roughly 30° to the horizon shall be recorded both at the beginning and end of each transect from an elevation of roughly 1 m above the bottom. At the beginning and end of each transect, a standard underwater display shall also be recorded and integrated directly onto the digital video track. The standard display shall report: 1) the BMA transect number; 2) the survey date (e.g., 06/25/2021); 3) the water depth in meters for both the beginning (transect meter 0) and end (final meter) of the transect (e.g., start depth = 2 m, end depth = 4.5 m); and 4) any pertinent notes (e.g., poor visibility, large swell, etc.). Video data (files) will be supplied to FEDP during raw data submittal. Video shall be reviewed at the end of each transect surveyed to ensure the quality is acceptable for general characterization of the benthos; poor quality video shall be re-filmed.

Quadrat Sampling

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples benthic habitat and assemblages within permanently positioned quadrats along all nonregulatory transects and along each biological regulatory transect. This method ensures the same quadrats (same location, same size) are sampled in each monitoring event in order to document changes in hardbottom/sediment and benthic communities over time. The sampling protocol is similar to that used in the Benthic Ecological Assessment for Marginal Reefs (BEAMR) (Lybolt and Baron, 2006). Similar to all other non-invasive and non-consumptive methods of sampling, the quadrat method is limited to

physical characteristics and organisms that can be visually recorded and identified in the field. As described below, three (3) main benthic characteristics will be assessed in each quadrat during sampling: physical structure, planar percent cover of sessile benthos, and coral (scleractinian and octocoral) size and density. Datasheets have a standardized layout similar to that used in BEAMR (Baron and Lybolt, 2006), and will simplify data collection and entry for statistical treatment.

Physical Structure: Maximum topographic relief and mean sediment depth (average of five [5] depth measurements) shall be measured (in centimeters) within each quadrat to document physical structure.

Cover (Percent) of Functional Groups: The distribution of substrata and composition of the benthic community within each quadrat shall be documented by estimating the planar cover (percent) of functional groups. Specifically, the following 15 major functional groups shall be assessed: sediments, bare hardbottom, macroalgae, turf algae, encrusting red algae, sponges, scleractinian corals, octocorals, zoanthids, hydroids, hydrocorals *Millepora* sp., sessile worms (including wormrock, *Phragmatopoma* spp.), bivalves, bryozoans, and tunicates. Each functional group shall be assigned a cover value (percent) from 0%-100%, with the total of all functional groups in each quadrat equaling 100%. Macroalgae with at least 1% cover shall be identified to genus and the cover (percent) of each genus shall be recorded. Unattached or floating macroalgae shall be disregarded and shall be removed from quadrats prior to sampling. The cover (percent) of cyanobacteria shall also be assessed but will be recorded separately from other cover estimates (i.e., not included with the main 15 functional groups).

Coral Size and Density: Monitoring staff shall also measure and record to the nearest centimeter (cm) the maximum dimension (height or width) of each scleractinian coral and octocoral colony within each quadrat. The smallest size recorded shall be one (1) cm; for colonies less than one (1) cm in size, the measurement recorded shall be "< 1 cm". Each colony within each quadrat shall also be enumerated and identified (by species for scleractinians, by genus for octocorals) to determine coral density and composition. Abnormal colony conditions shall also be recorded (e.g., bleaching, disease, predation, etc.) when encountered.

Offshore Station Survey Methods

The sampling protocol for stations very far offshore will follow the protocol employed by the Southeast Coral Reef Evaluation and Monitoring Project (SECREMP). The monitoring stations will be established with permanent stainless-steel markers and will include permanent, shore-parallel 22-m long photo-transects (N=3 per station), and a 1-m wide belt transect (N=1 per station).

Photo Transects

The three photo-transects will be sampled using a digital camera. Non-overlapping consecutive photographs will be taken along the full length of each transect at a height above the reef substrate to yield images approximately 40 cm wide by 30 cm in height. A constant distance above the substrate will be maintained using an aluminum bar affixed to the bottom of the camera housing or converging lasers which confirm the 40-cm distance. Percent cover of benthic functional groups

is analyzed post-collection by way of image analysis software based on the point-count methodology.

Belt Transects

The 1-m wide belt transect will be surveyed in the field to assess stony coral, octocoral and barrel sponge populations. All scleractinian coral colonies greater than 4 cm in maximum dimension will be identified and counted along the entire 22-m belt transect, maximum height and diameter of each colony will be recorded, and each colony will be visually assessed for the presence of diseases, bleaching and other conditions. Where these conditions result in partial mortality, the percentage will be visually estimated. All octocoral colonies will be counted along the first 10 m of the belt transect to provide an estimate of overall density. Following the octocoral colony count, erect octocorals listed as target species will be identified, measured, and their condition (presence of disease/predation) recorded along the first 10 m of the transect. Target octocoral species are Eunicea calyculata, Antillogorgia americana (formerly Pseudopterogorgia americana), Eunicea flexuosa (formerly Plexaura flexuosa), Pseudoplexaura porosa, and Gorgonia ventalina.

Barrel sponge (Xestospongia muta) density will be assessed by counting all sponges within the 1 m x 22 m belt transect. For each sponge colony, maximum diameter, maximum base diameter, and maximum height will be measured, and the sponge will be visually assessed for the presence of disease, bleaching and other conditions (i.e. damage/injury, predation). The percent of the sponge affected by injury, disease, and/or bleaching will be recorded.

Raw Data Deliverables, Data Analyses, and Annual Report Development**Raw Data**

All raw post-construction monitoring data will be provided to FDEP on portable hard drives or via an FTP site). All data submitted shall be provided in standard formats, as specified below. All transect monitoring data submitted shall have been checked against field datasheets and corrected (if necessary) to ensure accuracy. Raw data provided shall consist of aerial photographs, hardbottom edge survey data, raw transect and quadrat survey data, underwater video and photographs, and field datasheets, and survey logs.

Data Analysis

Descriptive statistics along with univariate and multivariate analyses will be conducted on the data collected based on the list of suggested data treatments and statistical analysis in Section 1.5.3 of the BMA Appendix B. Temporal comparisons by way of univariate and multivariate tests shall be confined to data collected during the most recent monitoring event (current survey) and the baseline survey.

Report

The 2024 BMA Annual Report will include hardbottom distribution maps based on the 2024 aerial delineation and diver-mapped hardbottom edge survey. It will also include a comparative analysis of sediment cover, sediment depth, and benthic community data between the baseline survey and the 2024 survey. The report will provide results in appropriate graphical, tabular and text formats. The



final report will be submitted as a PDF file to the Town and FDEP.

Cost Estimate

CPE proposes to provide these services as detailed in Attachment 1 on a Time and Materials basis with the support of our subcontractor Aptim Environmental & Infrastructure, LLC (APTIM) for an estimated Not-To-Exceed amount \$169,200.14 to be performed in accordance with this proposal and Professional Services Agreement (PSA) 2020-24 between the Town of Palm Beach and CPE. The compensation for services rendered under this proposal will be based on the Rate Schedule of the PSA as shown in Attachment 1. Although this proposal is detailed by separable items and estimated by specific staff and categories, it is anticipated that some work elements will exceed the estimate while others fall below the estimate to complete. Our staff and subconsultant will be used as needed to achieve the scope of services and to meet the stated objectives and timelines within the proposed budget. Should the Town desire additional services beyond this scope, CPE will be available to discuss adjustments as appropriate.

Thank you for the opportunity to serve the Town of Palm Beach. If you have any questions, please feel free to contact me directly at 561-632-1210.

Sincerely,

A handwritten signature in blue ink that reads "Stacy E. Buck".

Stacy Buck
Senior Marine Biologist
Coastal Protection Engineering LLC
Mobile: 561-632-1210
sbuck@coastalprotectioneng.com

Cc: Lindino Benedet, PhD, CPE
Thomas Pierro, PE, D.CE., CPE



Attachment 1

CPE Cost Proposal

Town of Palm Beach
2024 BMA Monitoring

CPE Cost Proposal		LABOR		MATERIALS	SUBCONTRACTOR	
		Principal Coastal Scientist Hours	Senior Marine Biologist Hours	Jr. Coastal Scientist Hours	Equipment & Insurance diver/day	APTIM Cost
Task 1	Aerial Delineation		68			\$ 7,260.00
	Hardbottom Edge Mapping		60	36	6	\$ 17,463.40
	Map	1	40			\$ 4,840.00
	Public Meeting	4	24			\$ -
Task 2	Transect Monitoring and Offshore Stations		88	60	11	\$ 28,480.00
	Data Entry and Raw Data Submittal		116	44		\$ 3,762.00
	Data Analysis and Annual Report	2	100	24		\$ 5,412.00
	TOTAL	7	496	164	17	\$ 67,217.40
RATE		\$ 279.00	\$ 153.00	\$ 100.00	\$ 60.00	\$ 1.10
COST		\$ 1,953.00	\$ 75,888.00	\$ 16,400.00	\$ 1,020.00	\$ 73,939.14
LABOR		\$ 94,241.00				
MATERIALS		\$ 1,020.00				
SUBCONTRACTOR		\$ 73,939.14				
TOTAL		\$ 169,200.14				

RESOLUTION NO. 082-2023

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$162,996.10 TO COASTAL PROTECTION ENGINEERING, LLC, FOR THE 2023 FDEP BMA CELL-WIDE ANNUAL BIOLOGICAL MONITORING, AND ESTABLISHING A BIOLOGICAL MONITORING PHASE BUDGET OF \$178,000

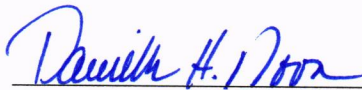
BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 082-2023 approving a purchase order to Coastal Protection Engineering, LLC (CPE), in the amount of \$162,996.10 for the 2023 annual FDEP BMA cell-wide annual biological monitoring and establishing a biological monitoring phase budget of \$178,000.

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

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

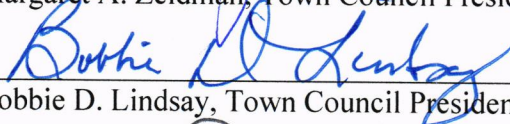
PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 11th day of July 2023.



Danielle H. Moore, Mayor



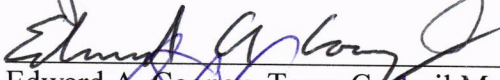
Margaret A. Zeidman, Town Council President



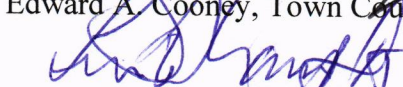
Bobbie D. Lindsay, Town Council President Pro Tem



Julie Araskog, Town Council Member

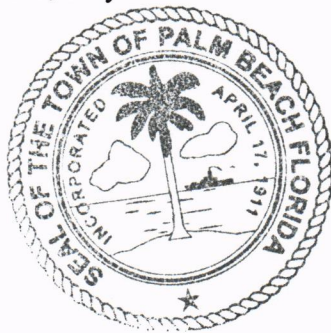


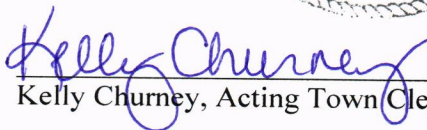
Edward A. Cooney, Town Council Member



Lewis S.W. Crampton, Town Council Member

ATTEST:





Kelly Churney, Acting Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 072-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding the Beach Management Agreement for the Mid-Town Nourishment Project & 2022 Palm Beach Harbor Disposal Project to Coastal ECO-Group, Inc. in the Amount of \$136,199 and Establishing a Project Budget in the Amount of \$159,199.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 072-2024**
- ▣ **Proposal**

Information for Town Council Meeting on July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP -CPP, CPPO Town Procurement and Contract Manager

RE: Resolution awarding the Beach Management Agreement (BMA) for the Mid-Town Nourishment Project & 2022 Palm Beach Harbor Disposal Project to Coastal ECO-Group, Inc in the amount of \$136,199 and establishing a project budget in the amount \$159,199.

DATE: June 28, 2024

STAFF RECOMMENDATION

Town Staff recommends approval of Resolution No. 072-2024 awarding BMA for the Mid-Town Nourishment Project & 2022 Palm Beach Harbor Disposal Project to Coastal ECO-Group (CEG), Inc in the amount of \$136,199 and establishing a project budget in the amount \$159,199.

SUMMARY EXPLANATION/BACKGROUND

This scope of work is to complete 2024 monitoring required by the Beach Management Agreement for the Mid-Town Beach Nourishment Project and Palm Beach Harbor Operations and Maintenance Project in Reach 2. The specific scope of work to be implemented is based on FDEP's revised Cell-Wide Monitoring and Mitigation Plans. This includes the 2024 regulatory monitoring for the 2020 Mid-Town Beach Nourishment Project and data analyses/report preparation of the 2024 annual report. The 2024 report will include evaluation of potential project-related effects of the 2020 Mid-Town Beach Nourishment Project relative to variability documented at the BMA transects in the evaluation of project-related effects. The 2024 survey is the Year 1 post-construction survey of the two regulatory transects for the Palm Beach Harbor Operations and Maintenance Project in Reach 2.

CEG was awarded for the same service in 2023 and performed with a high level of satisfaction.

FUNDING IMPACT/FUNDING SOURCE

The funding for this project is from the Coastal Program Fund.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 072-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING THE BEACH MANAGEMENT AGREEMENT FOR
THE MID-TOWN NOURISHMENT PROJECT & 2022 PALM
BEACH HARBOR DISPOSAL PROJECT TO COASTAL ECO-
GROUP, INC. IN THE AMOUNT OF \$136,199 AND
ESTABLISHING A PROJCT BUDGET IN THE AMOUNT OF
\$159,199**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 072-2024, awarding Beach Management Agreement for the Mid-Town Nourishment Project & 2022 Palm Beach Harbor Disposal Project to Coastal ECO-Group (CEG), Inc in the amount of \$136,199 and establishing a project budget in the amount \$159,199

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of *July*, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

June 10, 2024

Ms. Patricia Strayer, PE., Town Engineer
Town of Palm Beach Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Proposal for the 2024 hardbottom monitoring and report required by the Palm Beach Island Beach Management Agreement (BMA)- Mid-Town Beach Nourishment Project & Palm Beach Harbor Operations and Maintenance Project

Dear Ms. Strayer:

Coastal Eco-Group is pleased to provide the Town of Palm Beach with the following proposal for the 2024 monitoring required by the BMA for the Mid-Town Beach Nourishment Project and Palm Beach Harbor Operations and Maintenance Project in Reach 2. The specific scope of work to be implemented in 2024 is based on FDEP's revised Cell-Wide Monitoring and Mitigation Plans (Appendix B of the BMA). This proposal is being submitted to the Town on a Time and Materials–Not to Exceed basis for the services as described herein.

This scope covers the 2024 regulatory monitoring for the 2020 Mid-Town Beach Nourishment Project and data analyses/report preparation of the 2024 annual report. The 2024 report will include evaluation of potential project-related effects of the 2020 Mid-Town Beach Nourishment Project relative to variability documented at the BMA transects (data/report to be provided by others) in the evaluation of project-related effects. The 2024 survey is the Year 1 post-construction survey of the two regulatory transects for the Palm Beach Harbor Operations and Maintenance Project in Reach 2.

The specific scope of work to be implemented is based on the 2021 BMA Cell-Wide Monitoring and Mitigation Plans. Methods repeated directly from the BMA cell-wide monitoring plan are shown in italics below.

Nearshore hardbottom edge survey

The nearshore hardbottom edge adjacent to the Mid-Town project area (FDEP control monument R-87 south to R-105) and Palm Beach Harbor Operations and Maintenance Project (Palm Beach Inlet south to R-82) will be mapped by CEG divers. The nearshore hardbottom edge is defined as the western border of exposed hardbottom areas, or the position of the landward visible border between sand and hardbottom defined by emergent biota. Survey mapping methods are compliant with the BMA cell-wide monitoring plan for mapping of the nearshore hardbottom edge.

A two-person dive team (one scuba diver/one snorkeler) will follow the nearshore edge: one diver will follow the edge on the bottom and collect digital video documentation while the snorkeler on the surface pushes a float with a Juniper Systems Geode GNS3 receiver. The float is positioned directly above the diver on bottom. The Geode receiver transmits continuous, corrected positions to the survey vessel via Bluetooth with a range extender. These positions are transmitted to a handheld tablet on the vessel via Bluetooth technology. The positions are simultaneously viewed and stored as a GIS shapefile with Juniper Uinta or Trimble PenMap software on the tablet. This system allows the dive team to map the hardbottom edge untethered to the vessel.

The hardbottom video and relief characterization points will be georeferenced in the field. The video diver will record periodic relief measurements along the hardbottom edge. The snorkeler will signal to the vessel to record a GPS point at the location of each relief measurement, and each point will be assigned a number, which is then relayed back to the diver on bottom. Coordinates will also be taken to georeference the video record; the snorkeler will signal the boat at the beginning of each video segment, and a coordinate will be recorded. In the office, navigational data collected from the vessel-based mapping system will be imported into ArcGIS and exported as a single line shapefile containing numerous line segments. Relief measurements will be exported as a separate point shapefile. The final video record will be georeferenced with the video reference points, and the video will be hyperlinked in the attribute table of the GIS point shapefile. An ArcMap document with video hyperlinks will be submitted to the FDEP and Town on an external hard drive.

Permanent Transects

Mid-Town Project Area

Table 1 provides a list of the regulatory benthic and sediment transects in the Mid-Town Project monitoring area that will be monitored during the 2024 survey. The regulatory transects extend for a maximum distance of 150 m from the nearshore hardbottom edge. The updrift/downdrift transects at R-88 and R-103 and two former BMA transects within the Mid-Town Project area, R-94 and R-95 natural, were re-classified as Mid-Town regulatory transects in 2021 and will be used to evaluate project-related effects. CEG will sample the entire artificial reef transect at R-95 Breaker's Rockpile; the transect extends approximately 185 m from the shoreline. In consultation with FDEP staff, the 60-m natural hardbottom transect at R-95, which starts immediately waterward of the Breaker's Rockpile transect, will re-numbered as 0 to 60 m since the transect begins at the natural hardbottom edge at R-95.

Reach 2 Project Area

There are two regulatory transects in Reach 2, R-80.5 and R-82, that are monitored for the Palm Beach Harbor Operations and Maintenance Project. The 2024 survey is the Year 1 post-construction monitoring for the 2022 project.

Table 1. Town of Palm Beach Mid-Town Regulatory Benthic and Sediment Transects

Transect	Length (m)	Date of Installation	Baseline Survey Date
R-88	150	10/30/2014	12/17/2014
R-90	150	10/20/2014	12/16/2014
T-14	150	10/3/2014	12/14/2014
T-13	150	10/2/2014	12/15/2014
R-91	150	10/3/2014	12/16/2014
R-92	150	10/17/2014	12/15/2014
R-93	150	10/17/2014	12/15/2014
R-94	150	10/29/2014	12/17/2014
R-95- Breaker's Artificial Rockpile	185	10/22/2014	12/17/2014
R-95 Natural	60	10/22/2014	12/17/2014
T-9	150	10/2/2014	12/14/2014
T-8	56	10/1/2014	12/14/2014
T-7	62	10/1/2014	12/13/2014
R-97	75.2	10/22/2014	12/15/2014
T-6	83	10/1/2014	12/13/2014
R-98	94	10/20/2014	12/15/2014
T-5	78	9/30/2014	12/13/2014
R-99	95	10/20/2014	12/16/2014
T-4	90	9/30/2014	12/13/2014
R-100	117	10/22/2014	12/16/2014
R-101	107	10/22/2014	12/16/2014
R-103	151	10/29/2014	12/17/2014

Note: Because the total length of Transect R-103 is 151 m, CEG will sample the final quadrat at 150.5 m and provide the data to CPE for evaluation of the BMA transect data.

BMA ENVIRONMENTAL MONITORING SURVEY METHODS

Line Intercept Survey

In order to document larger areas of uninterrupted sand (physical transitions along the monitoring transects between sand and hardbottom) and to track changes in sediment cover on the hardbottom, line-intercept surveys shall be conducted along all permanent transects. During each monitoring event, the landward and seaward position of each sand patch/trough at least 0.5 m in length shall be recorded along each transect by reference to transect tape meter marks. Meter mark references will be to one decimal place (e.g., patch from 2.4 to 3.2 m).

Interval Sediment Depth Measurements

In order to track changes in sediment depth associated with changes in sediment cover, each monitoring event will include collection of interval sediment depth measurements along each permanent transect. Sediment depth shall be measured and recorded to the nearest centimeter at

two (2) meter intervals (e.g., 0m, 2m, 4m, etc.) along the length of each transect. For each measurement, a ruler graduated in centimeters (0 to 30 cm) shall be pressed through the sediment until the ruler reaches the surface of hard substrata or is totally immersed in sand. Depth measurements shall be rounded to the nearest cm (i.e., sediment thickness of less than 0.5 cm will be recorded as “0 cm”, while thickness greater than 0.5 cm but equal or less than 1 cm shall be recorded as “1 cm”, etc.). Measurements greater than 30 cm will be recorded as “>30 cm”. Measurements may be truncated to the first and last few meters of each trough in areas of Mid-Town known to contain large, deep sand troughs.

Video Transect Survey

Video survey data collected as part of required biological monitoring functions as an archival dataset that can be used for general reference purposes or to help resolve potential impacts suggested by quadrat and sediment survey data. As such, video data could be reviewed and compared between surveys and must be of a quality sufficient to allow for post-collection quantitative image analysis using point count procedures.

Video surveys shall be conducted along all permanent monitoring transects using a digital video camera. Video of the seafloor along each transect shall progress no faster than 5 meters per minute over hardbottom and 10 m per minute over large sand patches (troughs). A convergent laser guidance system shall be used to indicate the precise height of the camera at 40 cm from the bottom. The transect line shall be clearly visible in all video so that locations may be accurately referenced. A 360° panoramic view at an angle of roughly 30° to the horizon shall be recorded both at the beginning and end of each transect from an elevation of roughly 1 m above the bottom. At the beginning and end of each transect, a standard underwater display shall also be recorded and integrated directly onto the digital video track. The standard display shall report: 1) the BMA transect number; 2) the survey date (e.g., 06/25/2021); 3) the water depth in meters for both the beginning (transect meter 0) and end (final meter) of the transect (e.g., start depth = 2 m, end depth = 4.5 m); and 4) any pertinent notes (e.g., poor visibility, large swell, etc.). Video data (files) will be supplied to FEDP during raw data submittal. Video shall be reviewed at the end of each transect surveyed to ensure the quality is acceptable for general characterization of the benthos; poor quality video shall be re-filmed.

Quadrat Sampling

Table 2 shows the number of quadrats that will be sampled at the Reach 2 and Mid-Town regulatory transects. All quadrats measure 0.5 m² (0.7 m x 0.7 m) in area.

Benthic communities and their habitats will be characterized quantitatively using the quadrat method, which samples benthic habitat and assemblages within permanently positioned quadrats along all nonregulatory transects and along each biological regulatory transect. This method ensures the same quadrats (same location, same size) are sampled in each monitoring event in order to document changes in hardbottom/sediment and benthic communities over time. The sampling protocol is similar to that used in the Benthic Ecological Assessment for Marginal Reefs (BEAMR) (Lybolt and Baron, 2006). Similar to all other non-invasive and non-consumptive methods of sampling, the quadrat method is limited to physical characteristics and organisms that can be visually recorded and identified in the field. As described below, three (3) main benthic characteristics will be assessed in each quadrat during sampling: physical

structure, planar percent cover of sessile benthos, and coral (scleractinian and octocoral) size and density.

Table 2. Number of quadrats to be sampled at each regulatory transect.

Transect	Total No. of Quadrats	Length (m)
R-80.5	15	150
R-82	5	24
R-88	24	150
R-90	25	150
R-91	20	150
R-92	22	150
R-93	22	150
R-94	23	150
R-95 Breaker's Rockpile	9	185
R-95 Natural	20	60
R-97	20	75.2
R-98	20	94
R-99	20	95
R-100	20	117
R-101	20	107
R-103	25	151

Physical structure

Maximum topographic relief and mean sediment depth (average of five [5] depth measurements) shall be measured (in centimeters) within each quadrat to document physical structure.

Cover (Percent) of Functional Groups

*The distribution of substrata and composition of the benthic community within each quadrat shall be documented by estimating the planar cover (percent) of functional groups. Specifically, the following 15 major functional groups shall be assessed: sediments, bare hardbottom, macroalgae, turf algae, encrusting red algae, sponges, scleractinian corals, octocorals, zoanthids, hydroids, hydrocorals *Millepora* sp., sessile worms (including wormrock, *Phragmatopoma* spp.), bivalves, bryozoans, and tunicates. Each functional group shall be assigned a cover value (percent) from 0%-100%, with the total of all functional groups in each quadrat equaling 100%. Macroalgae with at least 1% cover shall be identified to genus and the cover (percent) of each genus shall be recorded. Unattached or floating macroalgae shall be disregarded and shall be removed from quadrats prior to sampling. The cover (percent) of cyanobacteria shall also be assessed but will be recorded separately from other cover estimates (i.e., not included with the main 15 functional groups).*

Coral Size and Density

Monitoring staff shall also measure and record to the nearest centimeter (cm) the maximum dimension (height or width) of each scleractinian coral and octocoral colony within each quadrat. The smallest size recorded shall be one (1) cm; for colonies less than one (1) cm in size, the measurement recorded shall be "< 1 cm". Each colony within each quadrat shall also be enumerated and identified (by species for scleractinians, by genus for octocorals) to determine coral density and composition. Abnormal colony conditions shall also be recorded (e.g., bleaching, disease, predation, etc) when encountered.

Data Analyses

The Mid-Town and Reach 2 regulatory data survey data deliverables (Microsoft Access database of monitoring data, Excel summary sheets, and electronic library of raw monitoring data (scanned field datasheets), GIS shape files, still photos and video shall be prepared according to the requirements of the BMA cell-wide monitoring plan. The survey data will be entered into the BMA Access database with two rounds of QAQC review of all entered data by different observers. The data will be exported and summarized in individual Excel spreadsheets. The survey data deliverable shall be submitted to the FDEP and the Town on an external hard drive within 45 days of survey completion.

According to the regulatory monitoring described in the BMA cell-wide monitoring plan, temporal comparisons by way of univariate and multivariate tests will be confined to data collected during the most recent monitoring event (current event) and the baseline monitoring event (i.e., statistical tests will not be used to compare results between different post-construction monitoring events). Such a comparison represents repeated measures and, depending on the statistical test, these data are to be analyzed accordingly (e.g., paired T-test, repeated measures

ANOVA/ANCOVA, linear mixed-effects models, MANOVA, etc.). Multivariate analysis by way of PRIMER does not require such repeated measures tests, due to the non-parametric permutation-based nature of its routines. Comparison among all monitoring events should solely be through descriptive/summary statistics, presented in graphical or tabular form in the report. The Breaker's artificial reef regulatory transect should be assessed separately from other Midtown regulatory transects due to its proximity to shore.

Statistical Tests

The following includes a list of suggested data treatments and statistical analyses to be performed with each single survey dataset to effectively compare between annual surveys as well as between annual survey and the Habitat Map of Hardbottom. Temporal comparisons by way of univariate and multivariate tests shall be confined to data collected during the 2024 monitoring event (current survey) and the baseline survey. Statistical tests will not be used to compare results between different post-construction monitoring events. All data treatment and statistical analyses will be conducted according to the 2021 BMA cell-wide monitoring plan.

Descriptive Statistics

Unlike inferential statistics (hypothesis tests [see univariate and multivariate tests below]), descriptive statistics aim to provide simple quantitative summaries of a sample (i.e., they describe the main features of a collection of information). Such summaries may be either quantitative i.e., summary statistics) or visual (i.e., straightforward graphics). These statistics generally include measurements of central tendency (e.g., mean, median, and mode) and dispersion (e.g., variance and/or standard deviation). Numerical descriptors like mean and standard deviation are good for summarizing continuous data (like the density [n/m²] of a particular species), while frequency and percentage are more useful in terms of describing categorical data.

*One of the most useful and effective statistical calculations is the estimation of percentage change. For example, in the assessment of change in percent cover, size class distribution, and sediment depth over time. The following example provides the formula for calculating percent change over time for sediment depth: %Change = ((Depth F – Depth I)/Depth I)*100; where Depth F is the final sediment depth (depth during the most recent monitoring event), and Depth I is the initial sediment depth (depth during the baseline survey). Changes expressed as percentages provide useful summaries for changes occurring in hardbottom communities as a result of beach nourishment. Percent change may be presented in tabular and/or graphical form, and can be used as the dependent variable in analyses of sediment depth, sand patch size, percent cover, etc.*

Univariate tests

These consist of both parametric and non-parametric hypothesis tests. While the results of such tests are useful in determining whether impacts from nourishment have occurred, the statistical significance of change in the absolute value of a parameter or in percentage does not necessarily reflect a critical, biologically meaningful threshold. Thus, while tests can indicate significant

differences, non-significant differences can still be meaningful. Several useful univariate tests are provided below.

T-test

Simple hypothesis test that operates on the mean. One-sample, Two-sample, and Paired tests are possible; Homoscedastic (equal variance) and Heteroscedastic (unequal variance) tests are also available. Programs should provide a p-value to compare to a pre-determined alpha (usually 0.05). While inappropriate for other, more complex statistical tests, Microsoft Excel may be used to run T-tests.

ANOVA

More advanced hypothesis test that also operates on means. In the event assumptions of general linear models are not met, non-parametric Analysis of Variance (ANOVA), generalized linear, or mixed-effects models may be used to account for the nature of the data. Analysis of covariance (ANCOVA) may also be useful. Repeated measures (i.e., violation assumption of independence) must be handled appropriately.

Multivariate Statistics

These statistics encompass the simultaneous observation and analysis of more than one outcome/dependent variable. Multivariate analysis of variance (MANOVA) models may be used, though analysis via PRIMER routines is more common. Various PRIMER routines are described in 1-6 below. MANOVA and PERMANOVA are suggested for complex multivariate hypothesis tests.

Similarity Matrix

The original data matrix should include data from the current survey as well as from the baseline survey. Bray-Curtis similarity should be used to produce the resemblance matrix. In order to even out the influence of dominant and rare species, data should be square root, fourth root, or log (x+1) transformed prior to producing the resemblance matrix.

Cluster Analysis with Similarity Profile (SIMPROF) Test

Based on simple agglomerative hierarchical clustering, creates a dendrogram from a similarity matrix. Group average linking should be used. Similarity profile analysis (SIMPROF) should be used in conjunction with cluster analysis (tree production). The pi statistic and the results of the associated hypothesis test should be presented in the results section of the monitoring report.

nMDS Ordination

A technique for mapping samples in a low dimensional space (typically 2-D) such that the distance between samples approximately reflects (to one degree or another) similarity in community structure. Model checking should include interpreting the resultant Shepard Diagrams (smooth increasing curves are best) and Stresses (2-D and 3-D), which provide information on the distortion between the ranked dissimilarities and corresponding distances in the plot. Stress scores are to be reported; as a rule of thumb, a score of: < 0.05 suggests excellent representation; < 0.1 suggests a good fit; < 0.2 suggests the pattern is still useful, but should not be completely trusted; and > 0.3 suggests the pattern is little better than random

points.

Analysis of Similarity (ANOSIM)

Compares the variation in species abundance and composition among sampling units in terms of grouping factors (or experimental treatment levels). The histogram, R-statistic, and p-values provided as outputs should be reported.

Similarity of Percentage (SIMPER)

Used to determine the role of individual taxa in contributing to the separation (dissimilarity) between two groups of samples (e.g., Artificial vs. Natural, Baseline vs. Year 1 post-construction).

Second Stage Analysis (2STAGE)

Provides a succinct summary in a 2-d picture of the relationship between the multivariate sample patterns under various choices.

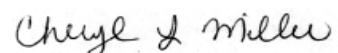
Reporting

The 2024 report will include hardbottom distribution maps based on interpretation of 2024 aerial photography (GIS shape files provided by others) with the summer 2024 diver-mapped hardbottom edge survey as an overlay; sediment analyses including bar graphs depicting sediment patch data and average sediment depths of transects and depth zones; benthic community analysis and change, and statistical analyses. The final report presenting the 2024 Mid-Town and Reach 2 hardbottom survey regulatory results, interpretations, and comparison to the baseline survey data and 2024 BMA transect data (provided by others) will be submitted within 120 days of the completion of the 2024 survey. The final report will be submitted as a PDF file to the Town and FDEP.

The total estimated cost of this proposal is **\$136,199** and is submitted on a Time & Materials – Not to Exceed basis. The commencement dates of the surveys will be reported to the FDEP approximately 7 days prior to beginning the work effort, and the FDEP will be notified of survey completion.

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

Sincerely,



Cheryl L. Miller
President, Principal Scientist
Coastal Eco-Group, Inc.

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 075-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding ITB No. 2024-23, Phase 5S and Phase 3S, Milling and Paving Improvements to M&M Asphalt Maintenance Inc. DBA, All County Paving, in the amount of \$2,374,763.90 and establishing a project budget in the amount of \$2,700,636.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 075-2024**
- ▣ **Chen Moore Review of Bids**
- ▣ **Bid Tab**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution awarding ITB No. 2024-23, Phase 5S and Phase 3S, Milling and Paving Improvement to M&M Asphalt Maintenance Inc. DBA, All County Paving in the amount of \$2,374,763.90 and establishing a project budget in the amount of \$2,700,636

DATE: June 28, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 075-2024, awarding ITB No. 2024-23, Phase 5S and Phase 3S, Milling and Paving Improvement to M&M Asphalt Maintenance Inc., DBA, All County Paving in the amount of \$2,374,763.90 and establishing a project budget in the amount of \$2,700,636

SUMMARY EXPLANATION/BACKGROUND

After the completion of each phase of undergrounding all roads are milled and resurfaced as part of the pavement management program. The project is located within the Utility Underground Phases 5 South and 3 South, which is portions of mid-town Palm Beach between Via Vizcaya and Seaspray Avenue.

Procurement and Contract Management issued ITB No. 2024-23 for Phase 5S and 3S. The Town received four responsive bid submittals.

Bidder	Price
M&M Asphalt Maintenance Inc., DBA, All County Paving	\$2,374,763.90
R & D Paving	\$3,414,098.95
Janice M Riley, DBA The Paving Lady	\$3,598,352.84
Ranger Construction Industries, Inc.	\$4,914,578.74

The engineer's opinion of probable cost is \$4,770,200.00. Three of the four bid prices are below the engineer's estimate. It is prudent for the Engineer and the Town to evaluate the cost variance in the project's components. After further review, it is CMA's opinion that the cost submitted by

M & M Asphalt Maintenance, Inc. is the lowest cost that the Town can successfully construct the project while meeting the established goals. There does not appear to be any omissions in the cost components in the price submitted.

FUNDING/FISCAL IMPACT

This project will be funded by the Capital Improvement Program.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 075-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING ITB NO. 2024-23, PHASE 5S AND PHASE 3S,
MILLING AND PAVING IMPROVEMENTS TO M&M
ASPHALT MAINTENANCE INC. DBA ALL COUNTY PAVING
IN THE AMOUNT OF \$2,374,763.90 AND ESTABLISHING A
PROJECT BUDGET IN THE AMOUNT OF \$2,700,636**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 075-2024, awarding ITB No. 2024-23, Phase 5S and Phase 3S, Milling and Paving Improvement to M&M Asphalt Maintenance Inc., DBA, All County Paving in the amount of \$2,374,763.90 and establishing a project budget in the amount of \$2,700,636.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

500 Australian Avenue South
Suite 850
West Palm Beach, FL 33401
Office: +1 (561) 746-6900



June 25, 2024

Town of Palm Beach
Public Works Department
951 Okeechobee Road, Suite A
West Palm Beach, FL 33401

Attention: Julie Parham, P.E.
Senior Project Engineer

Reference: ITB No. 2024-23 - Phase 5S and Phase 3S: Milling and Paving Improvements

Dear Ms. Parham,

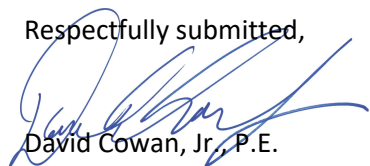
Chen Moore and Associates, Inc. (CMA) has conducted a review of the four (4) bids for the Phase 5S and Phase 3S: Milling and Paving Improvements. The lowest bidder is M & M Asphalt Maintenance, Inc. with a total submitted bid of \$2,374,763.90. The second lowest bidder is R & D Paving with a total submitted bid of \$3,414,098.95. The third lowest bidder is Janice M. Riley d.b.a. The Paving Lady with a total submitted bid of \$3,598,352.18. The fourth lowest bidder is Ranger Construction Industries, Inc. with a total submitted bid of \$4,914,578.74

The engineer's opinion of probable cost is \$4,770,200.00. Three of the four bid prices are below the engineer's estimate. It is prudent for the Engineer and the Town to evaluate the cost variance in the project's components. After further review, it is CMA's opinion that the cost submitted by M & M Asphalt Maintenance, Inc. is the lowest cost that the Town can successfully construct the project while meeting the established goals. There does not appear to be any omissions in the cost components in the price submitted.

The M & M Asphalt Maintenance, Inc. references were previously submitted and verified for a similar milling and paving improvement project in 2023. The reference check performed included questions verifying the type of work completed and contractor performance during the project. Further, the contractor has qualifying experience within the Town of Palm Beach.

In conclusion, M & M Asphalt Maintenance, Inc. is the lowest bidder and is qualified to perform the work. CMA recommends awarding the contract to M & M Asphalt Maintenance, Inc. based on the submitted unit prices and for the total bid price of **\$2,374,763.90**.

Respectfully submitted,



David Cowan, Jr., P.E.
Senior Engineer
Chen Moore and Associates, Inc.



Town of Palm Beach
ITB No. 2024-23
Phase 5S and Phase 3S: Milling and Paving Improvements
Bid Tabulation

M&W ASPHALT MAINTENANCE INC D/B/A ALL										R & D Paving				Janice M Riley DBA The Paving Lady				Ranger Construction Industries, Inc.			
COUNTY PAVING										\$3,414,098.95				\$3,598,352.18				\$4,914,578.74			
#	Items	Unit of Measure	Quantity	Total Cost	COUNTY PAVING				Total	\$3,414,098.95				\$3,598,352.18				\$4,914,578.74			
					Multiplier	Unit Price	Unit	Cost		Multiplier	Unit Price	Unit	Cost	Multiplier	Unit Price	Unit	Cost	Multiplier	Unit Price	Unit	Cost
1	General Conditions (9)							\$270,000.00	\$412,033.00												
#1-1	G-C1 General Conditions	LS	1		1	\$7,500.00		\$7,500.00	\$5,500.00	1	\$5,500.00		\$5,500.00	1	\$202,837.34		\$202,837.34	1	\$307,200.00		\$307,200.00
#1-2	G-C2 Performance and Payment Bond (2%)	LS	1		1	\$14,000.00		\$14,000.00	\$33,000.00	1	\$33,000.00		\$33,000.00	1	\$45,000.00		\$45,000.00	1	\$26,170.00		\$26,170.00
#1-3	G-C3 Mobilization and Demobilization	LS	1		1	\$65,000.00		\$65,000.00	\$108,670.00	1	\$108,670.00		\$108,670.00	1	\$50,000.00		\$50,000.00	1	\$123,900.00		\$123,900.00
#1-4	G-C4 Layout, Survey & Record Exhibits (Input Unit Price of \$35,000.00)	AL	1		1	\$35,000.00		\$35,000.00	\$35,000.00	1	\$35,000.00		\$35,000.00	1	\$35,000.00		\$35,000.00	1	\$35,000.00		\$35,000.00
#1-5	G-C5 Professional Videotaping (Pre-Construction Video)	LS	1		1	\$8,500.00		\$8,500.00	\$8,635.00	1	\$8,635.00		\$8,635.00	1	\$12,500.00		\$12,500.00	1	\$10,970.00		\$10,970.00
#1-6	G-C6 NPDES	LS	1		1	\$15,000.00		\$15,000.00	\$4,815.00	1	\$4,815.00		\$4,815.00	1	\$15,600.00		\$15,600.00	1	\$48,840.00		\$48,840.00
#1-7	G-C7 Maintenance Of Traffic	LS	1		1	\$100,000.00		\$100,000.00	\$172,060.00	1	\$172,060.00		\$172,060.00	1	\$312,000.00		\$312,000.00	1	\$483,800.00		\$483,800.00
#1-8	G-C8 Testing and Inspections	LS	1		1	\$10,000.00		\$10,000.00	\$34,353.00	1	\$34,353.00		\$34,353.00	1	\$60,125.00		\$60,125.00	1	\$64,990.00		\$64,990.00
#1-9	G-C9 Protect Private Property, Driveways, Landscaping, Etc.	LS	1		1	\$15,000.00		\$15,000.00	\$10,000.00	1	\$10,000.00		\$10,000.00	1	\$57,070.00		\$57,070.00	1	\$61,050.00		\$61,050.00
2	Civil (36)							\$2,104,763.90	\$3,002,065.95												
#2-1	C-1 Mill And Resurface Existing Asphalt	SY	111378		1	\$11.95		\$1,330,967.10	\$1,971,390.60	1	\$17.70		\$1,971,390.60	1	\$17.32		\$1,929,066.96	1	\$19.82		\$2,207,511.96
#2-2	C-2 Full Depth Restoration	SY	728		1	\$125.00		\$91,000.00	\$187,896.80	1	\$258.10		\$187,896.80	1	\$103.59		\$75,413.52	1	\$382.25		\$278,278.00
#2-3	C-3 Asphalt Leveling	SY	2662		1	\$10.00		\$26,620.00	\$14,900.00	1	\$14.90		\$39,663.80	1	\$18.42		\$49,034.04	1	\$34.20		\$91,040.40
#2-4	C-4 Asphalt Overlay	SY	108		1	\$75.00		\$8,100.00	\$17,280.00	1	\$160.00		\$17,280.00	1	\$236.32		\$25,522.56	1	\$329.00		\$35,532.00
#2-5	C-5 Adjust Valve Box Riser Ring, Ring Provided By Utility	EA	87		1	\$350.00		\$30,450.00	\$6,390.15	1	\$73.45		\$6,390.15	1	\$162.50		\$14,137.50	1	\$37.00		\$32,187.75
#2-6	C-6 Adjust Storm Water Inlet Riser Ring or Pavement Grade Method	EA	9		1	\$250.00		\$2,250.00	\$837.00	1	\$93.00		\$837.00	1	\$110.50		\$994.50	1	\$647.00		\$5,833.00
#2-7	C-7 Adjust Storm Water Inlet Riser Ring or Pavement Grade Method	EA	60		1	\$500.00		\$30,000.00	\$27,243.00	1	\$454.05		\$27,243.00	1	\$1,430.00		\$86,800.00	1	\$748.00		\$44,880.00
#2-8	C-8 Adjust Storm Water Inlet Remove And Reinstall	EA	2		1	\$500.00		\$1,000.00	\$1,307.00	1	\$653.50		\$1,307.00	1	\$1,430.00		\$2,860.00	1	\$1,465.00		\$2,930.00
#2-9	C-9 Adjust Manhole Ring, Riser Ring or Pavement Grade Method	EA	40		1	\$300.00		\$12,000.00	\$33.40	1	\$33.40		\$1,336.00	1	\$422.50		\$16,900.00	1	\$1,038.00		\$41,520.00
#2-10	C-10 Adjust Manhole Ring, Remove And Reinstall	EA	4		1	\$500.00		\$2,000.00	\$1,876.00	1	\$1,876.00		\$7,504.00	1	\$1,300.00		\$5,200.00	1	\$1,465.00		\$5,860.00
#2-11	C-11 Provide Concrete Type "D" Curb	LF	1653		1	\$40.00		\$66,120.00	\$91,162.95	1	\$55.15		\$91,162.95	1	\$39.00		\$64,467.00	1	\$146.00		\$241,338.00
#2-12	C-12 Provide Concrete Type "F" Curb	LF	353		1	\$50.00		\$17,650.00	\$95.45	1	\$95.45		\$33,693.85	1	\$65.00		\$22,945.00	1	\$173.75		\$61,333.75
#2-13	C-13 Provide Concrete Drop Curb	LF	219		1	\$50.00		\$10,950.00	\$89.00	1	\$89.00		\$19,491.00	1	\$45.50		\$9,964.50	1	\$154.00		\$33,726.00
#2-14	C-14 Provide Concrete Flush Header Curb	LF	235		1	\$20.00		\$4,700.00	\$33,005.75	1	\$140.45		\$33,005.75	1	\$32.50		\$7,637.50	1	\$159.25		\$37,423.75
#2-15	C-15 Remove Concrete Curb	LF	2460		1	\$20.00		\$49,200.00	\$123,123.00	1	\$50.05		\$123,123.00	1	\$10.40		\$25,584.00	1	\$21.20		\$52,152.00
#2-16	C-16 Site Concrete	CY	100		1	\$500.00		\$50,000.00	\$46,350.00	1	\$463.50		\$46,350.00	1	\$851.50		\$85,150.00	1	\$1,215.00		\$121,500.00
#2-17	C-17 Concrete Sidewalk	SF	216		1	\$15.00		\$3,240.00	\$6,048.00	1	\$28.00		\$6,048.00	1	\$15.60		\$3,369.60	1	\$15.30		\$3,304.80
#2-18	C-18 Excavatable Flowable Fill	CY	22		1	\$350.00		\$7,700.00	\$11,990.00	1	\$545.00		\$11,990.00	1	\$292.50		\$6,435.00	1	\$556.75		\$12,248.50
#2-19	C-19 Sodding (Including Fertilizer and Water)	SF	501		1	\$6.00		\$3,006.00	\$6,262.50	1	\$12.50		\$6,262.50	1	\$13.00		\$6,513.00	1	\$97.40		\$48,797.40
#2-20	C-20 Install Temporary to Permanent Striping with Necessary RPMs	LS	1		1	\$25,200.00		\$25,200.00	\$24,750.00	1	\$24,750.00		\$24,750.00	1	\$21,162.70		\$21,162.70	1	\$22,780.00		\$22,780.00
#2-21	C-21 Double Yellow Thermoplastic Striping with Necessary RPMs	LF	7143		1	\$3.35		\$23,923.05	\$23,571.50	1	\$3.30		\$23,571.50	1	\$2.02		\$14,428.86	1	\$4.27		\$30,500.61
#2-22	C-22 Single Yellow Thermoplastic Striping	LF	10280		1	\$1.15		\$11,822.00	\$11,308.00	1	\$1.10		\$11,308.00	1	\$1.01		\$10,382.80	1	\$1.83		\$18,812.40
#2-23	C-23 24 in. White Thermoplastic Striping Stop Bars (Stop Bar Only)	EA	70		1	\$5.60		\$3,920.00	\$385.00	1	\$5.50		\$385.00	1	\$91.00		\$6,370.00	1	\$7.94		\$555.80
#2-24	C-24 Furnish and Install Blue Raised Pavement Markers for Fire Hydrants	EA	71		1	\$11.20		\$795.20	\$781.00	1	\$11.00		\$781.00	1	\$14.30		\$1,015.30	1	\$8.55		\$607.05
#2-25	C-25 Furnish and Install (1 Each) White Raised Pavement Markers for FPL Transformers	EA	253		1	\$11.20		\$2,833.60	\$2,783.00	1	\$11.00		\$2,783.00	1	\$14.30		\$3,617.90	1	\$8.55		\$2,163.15
#2-26	C-26 Furnish and Install (2 Each) White Raised Pavement Markers for FPL Switch Gear	EA	45		1	\$185.00		\$8,325.00	\$990.00	1	\$22.00		\$990.00	1	\$28.60		\$1,287.00	1	\$17.10		\$769.50
#2-27	C-27 Pavement Core Test	EA	40		1	\$18.00		\$720.00	\$7,050.00	1	\$176.25		\$7,050.00	1	\$110.50		\$4,420.00	1	\$159.75		\$6,390.00
#2-28	C-28 Site Concrete Removal	SF	5458		1	\$10.00		\$54,580.00	\$64,404.40	1	\$11.80		\$64,404.40	1	\$8.45		\$46,120.10	1	\$2.38		\$12,990.04
#2-29	C-29 Grind Concrete	SF	546		1	\$75.00		\$40,950.00	\$32,214.00	1	\$59.00		\$32,214.00	1	\$10.40		\$5,678.40	1	\$48.20		\$26,317.20
#2-30	C-30 Furnish and Install Manhole Frame and Lid	EA	10		1	\$1,750.00		\$17,500.00	\$16,500.00	1	\$1,650.00		\$16,500.00	1	\$1,560.00		\$15,600.00	1	\$1,881.00		\$18,810.00
#2-31	C-31 Furnish and Install Stormwater Type C Inlet	EA	3		1	\$9,000.00		\$27,000.00	\$46,200.00	1	\$15,400.00		\$46,200.00	1	\$17,810.00		\$53,430.00	1	\$17,090.00		\$51,270.00
#2-32	C-32 Furnish and Install Stormwater Type E Inlet with Hood	EA	3		1	\$9,000.00		\$27,000.00	\$49,500.00	1	\$16,500.00		\$49,500.00	1	\$17,810.00		\$53,430.00	1	\$18,310.00		\$54,930.00
#2-33	C-33 Temporary Supplemental Dewatering* (Input Unit Price of \$2,000.00)	Dwy	5		1	\$2,000.00		\$10,000.00	\$10,000.00	1	\$2,000.00		\$10,000.00	1	\$2,000.00		\$10,000.00	1	\$2,000.00		\$10,000.00
#2-34	C-34 Night Work in Commercial Corridors* (Input same Unit Price as C-1)	SY	2474		1.5	\$11.95		\$44,444.45	\$54,737.25	1.25	\$17.70		\$54,737.25	1	\$10,140.00		\$60,840.00	1	\$19.82		\$49,034.68
#2-35	C-35 Traffic Monitoring Site Inductive Loop Assembly, Furnish & Install, 2 Loops	EA	6		1	\$3,135.00		\$18,810.00	\$18,810.00	1	\$3,135.00		\$18,810.00	1	\$10,140.00		\$60,840.00	1	\$6,105.00		\$36,630.00
#2-36	C-36 Furnish and Install Traffic-Rated Electrical Pull Box	EA	2		1	\$5,500.00		\$11,000.00	\$6,106.00	1	\$3,053.00		\$6,106.00	1	\$4,940.00		\$9,880.00	1	\$6,105.00		\$12,210.00

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 076-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Purchase Order to Chen Moore and Associates for Paving Oversight for Phase 5S and Phase 3S in the Amount of \$221,770 and Establishing a project budget in the Amount of \$261,770.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 076-2024**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution awarding a purchase order to Chen Moore and Associates for Paving Oversight for Phase 5S and Phase 3S in the amount of \$221,770 and establishing a project budget in the amount of \$261,770

DATE: June 28, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 076-2024, awarding a purchase order to Chen Moore and Associates (CMA) for Paving Oversight for Phase 5S and Phase 3S in the amount of \$221,770 and establishing a project budget in the amount of \$261,770.

SUMMARY EXPLANATION/BACKGROUND

After the completion of each phase of undergrounding all roads are milled and resurfaced as part of the pavement management program. The project is located within the Utility Underground Phases 5 South and 3 South, which is portions of mid-town Palm Beach between Via Vizcaya and Seaspray Avenue.

Milling and resurfacing of the roads takes a great deal of coordination with the property owners and oversight of the contractor. CMA will provide construction oversight of the contractor, M&M Asphalt Maintenance Inc. DBA All County Paving, and coordinate and communicate with the property owners to ensure landscaping is trimmed out of the right of way. They will also work with the residents to ensure that garbage pickup occurs and that landscapers do not interfere with the paving. They will work with the contractor to ensure that the results meet the requirements of the bid package.

FUNDING/FISCAL IMPACT

Funding for this project will be from the Pay-Go Capital Improvement Fund under the Pavement Management accounts.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 076-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING A PURCHASE ORDER TO CHEN MOORE AND
ASSOCIATES FOR PAVING OVERSIGHT FOR PHASE 5S AND
PHASE 3S IN THE AMOUNT OF \$221,770 AND
ESTABLISHING A PROJECT BUDGET IN THE AMOUNT OF
\$261,770**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 076-2024, awarding a purchase order to Chen Moore and Associates for Paving Oversight for Phase 5S and Phase 3S in the amount of \$221,770 and establishing a project budget in the amount of \$261,770.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member



June 13, 2024

SENT VIA EMAIL
(DMealy@TownofPalmBeach.com)

Dean Mealy, II
Purchasing Manager
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Subject: **PAVING OVERSIGHT PHASE 5S AND PHASE 3S**
CMA Proposal: P24.431.0012

Dear Mr. Mealy:

Chen Moore and Associates (CMA) is pleased to submit the attached proposal for professional services to provide construction oversight of paving operations related to the Phase 5S and Phase 3S (Ph5S & Ph3S) of the Townwide Electric Utility Undergrounding Project. The focus of CMA's effort will be providing a person to act as a liaison with Town Staff, the Contractor, and residents of field operations.

It is assumed that the work to be performed by the Town's selected contractor will be focused entirely on milling and paving streets that had been impacted by the undergrounding. The general location of the proposed work is bordered on the North and includes Seaspray Avenue from the Intracoastal to the Atlantic Ocean. The southern limit of the project is Via Vizcaya. Within these limits the following roads are excluded, S. Ocean Boulevard from 888 S. Ocean Boulevard to Chilean Avenue. Also excluded is S. County Road from Via Vizcaya to Seaspray Avenue. Hibiscus Avenue from Peruvian Avenue to Worth Avenue and s. Lake Drive from Worth Avenue to Royal Palm Way. This also excludes an area known as Ph4S that is generally from Brazilian Avenue south to Hammon Avenue from Hibiscus Avenue east to S Ocean Boulevard. Work includes the adjustment or replacement of existing manhole frames and lids, storm inlet grates, and valve boxes prior to resurfacing and includes the milling and resurfacing of the roads within the limits of the project, the approximate length of the roadway to be resurfaced is 7.9 miles. Work also includes the removal and replacement of selected curbing and sidewalks throughout the limits. The work will also include all necessary public notice and maintenance of traffic in accordance with the Town's requirements and standard procedures.

I. SCOPE OF SERVICES

The Scope of Services is comprised of the following tasks:

- Task 1 – Meetings and Coordination
- Task 2 – Resident Outreach
- Task 3 – Construction Observation
- Task 4 – Pay Application, Submittal Review, and Project Closeout

Below is a description of the services included with each of these tasks:

Task 1 – Meetings and Coordination

The Consultant will prepare for and attend a kick-off meeting with the Town and the Contractor to establish lines of communication, expectations, and procedures for the performance of the paving work. In the kickoff meeting the technical specifications, standards, and construction requirements for the work will be reviewed in detail.

After the kickoff meeting, a pre-construction work conference will be held between the CONTRACTOR, the ENGINEER, and the TOWN in the field. The Consultant will prepare a meeting summary from this meeting.

After the pre-work meeting, the Consultant will prepare for and attend up to six (6) progress meetings to review the work completed, discuss any issues or concerns, to help maintain progress. The Consultant will prepare an agenda and meeting summary for each progress meeting to document the status of the work. In addition to formal meetings, the Consultant will review and record all correspondence associated with the work in cooperation with the Town.

Task 2 – Resident Outreach

The Consultant will coordinate with Town Staff and Code Enforcement to make sure that any landscaping that is in the right of way and is in conflict with the paving operation is trimmed in advance of equipment mobilization. The Consultant will coordinate to make sure that residents are contacted, and door hangers are placed at all affected residences to alert everyone to the upcoming milling and paving operations and potential for short-term roadway closures. The Consultant will provide staff to respond to resident phone calls or field meetings to address questions or concerns with the construction activities. The Consultant will inform Town staff of resident concerns and respond to all inquiries directly in cooperation with Town staff directives.

The Consultant will also coordinate with the Contractor and Town staff to make sure that workable Maintenance of Traffic (MOT) plans are prepared for road closures and traffic management during equipment mobilization, milling and paving. The Consultant will ensure that MOT plans are prepared in sufficient advance of mobilization such that Town staff can post notifications of the changes in traffic patterns for public information.

Task 3 – Construction Observation

The Consultant will provide routine field inspections during the set-up of MOT, field oversight of milling and paving crews, and inspection of cleanup and demobilization during each day of construction activities. The Consultant's field inspector will also prepare a daily report for each day's inspections to document activities for the Town's reference.

Task 4 – Pay Application, Submittal Review, and Project Closeout

The Consultant will provide a thorough review of each payment application submitted by the Contractor, and after coordinating all comments will provide a recommendation for payment to the Town. For the

purposes of this proposal, it is assumed there will be five (5) payment applications reviewed. The Consultant will also review any additional submittals such as change order requests or shop drawings for potential substitutions. Considering the existing contract will already be in place and the work is not complex, it is assumed that no more than eight (8) submittals will require review by the Consultant. Once all paving has been completed, the Consultant will provide review of all records and documentation to the Town.

II. SCHEDULE

Based on the nature of the construction observation element of the proposed effort, the schedule is largely dependent on the means and methods of the selected contractor and how the work proceeds. For the purposes of this proposal, it is assumed that the work can be completed in less than four (4) months and assumes one (1) month for administrative elements. If the Contractor is able to find efficiencies in the process, it is anticipated the work could be completed sooner.

III. EXCLUSIONS

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the Town with these services if necessary:

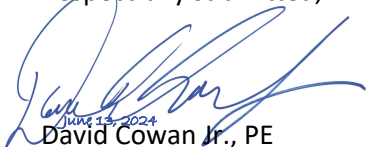
1. Procuring field survey of topographic.
2. Grading and drainage design.
3. Designing the replacement or rehabilitation of existing facilities.
4. Permitting for any activities related to the work.
5. Storage of samples or laboratory testing and related coordination.

IV. COMPENSATION

CMA will be compensated for the services described on an hourly basis in the amount of **\$221,770.00** per attached Exhibit A.

Should you have any questions, I can be reached via email at dcowan@chenmoore.com.

Respectfully submitted,



June 13, 2024

David Cowan Jr., PE
Senior Engineer
Chen Moore and Associates

Attachments: Exhibit A: Detailed Fee Estimate

EXHIBIT A - FEE PROPOSAL
Town of Palm Beach
PAVING OVERSIGHT PHASE 5S AND PHASE 3S

07/09/24 TCM Backup
Chen Moore and Associates Project # P24.431.0012

Hourly Rate	CMA							Total
	Principal \$275.00	Project Director \$220.00	Project Manager \$180.00	Project Engineer \$125.00	Associate Engineer \$115.00	Senior Const Specialist \$125.00	Clerical \$65.00	
TASK 1 – Meetings and Coordination								
1.1 Kickoff and Pre-construction Meetings (Prepare/Attend/Document)	8	8			20	8		\$7,260.00
1.2 Up to 6 progress meetings (Prepare/Attend/Document)	2	48			24	12		\$15,370.00
Task 1 Total Fee	\$2,750	\$12,320	\$0	\$0	\$5,060	\$2,500	\$0	\$22,630.00
Task 1 Total Hours	10	56	0	0	44	20	0	130
TASK 2 – Resident Outreach								
2.1 Pre-mobilization coordination with Town staff and residents		24			48			\$10,800.00
2.2 Coordination with residents during mob/demob		12			36			\$6,780.00
2.3 Coordinate public notification of MOT with Town					48			\$5,520.00
Task 2 Total Fee	\$0	\$7,920	\$0	\$0	\$15,180	\$0	\$0	\$23,100.00
Task 2 Total Hours	0	36	0	0	132	0	0	168
TASK 3 - Construction Observation								
3.1 On-site field observations (Up to 120 days / 6 hours for 5 months)		96			300	420		\$108,120.00
3.2 Prepare Documentation / Review Reports and Videos / Track Progress					60	120		\$21,900.00
Task 3 Total Fee	\$0	\$21,120	\$0	\$0	\$41,400	\$67,500	\$0	\$130,020.00
Task 3 Total Hours	0	96	0	0	360	540	0	996
TASK 4 – Pay Application, Submittal Review, and Project Closeout								
4.1 Review Pay Applications (Up to 5)		8			24	32		\$8,520.00
4.2 Review Submittals (Up to 8)		16			24	16		\$8,280.00
4.3 Project Closeout (Including Substantial, Punch List, and Final)		18			24	180		\$29,220.00
Task 4 Total Fee	\$0	\$9,240	\$0	\$0	\$8,280	\$28,500	\$0	\$46,020.00
Task 4 Total Hours	0	42	0	0	72	228	0	342

TOTAL FEE **\$221,770.00**

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 077-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, requesting approval to modify Resolution No. 130-2023 to include the third ranked firm Alpha1 Staffing as tertiary awardee to provide Temporary Labor Services.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▢ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▢ **Resolution No. 077-2024**
- ▢ **Previously Awarded Resolution**

Information for Town Council Meeting on June 11, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II CPPO Town Procurement and Contract Manager

RE: Resolution requesting approval to modify Resolution No. 130-2023 to include third ranked firm Alpha1 Staffing as tertiary awardee to provide Temporary Labor Services

DATE: June 28, 2024

STAFF RECOMMENDATION

Staff recommends modification to Resolution No. 130-2023 to include the third ranked firm, Alpha 1 Staffing as tertiary awardee to provide Temporary Labor Services.

SUMMARY EXPLANATION/BACKGROUND

Resolution No. 130-2023 was awarded by Town Council for Temporary Labor Services to the two ranked firms. Since that award, one of the firms has gone bankrupt. Due to the need to supply staffing as requested, we need to add another vendor that was part of the bid process to ensure access to staffing placement if the top ranked firm cannot supply.

FUNDING IMPACT/FUDNING SOURCE

Funding is from respective departments as they request services.

USER DEPARTMENT CONCURRENCE

The user departments are in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 077-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
REQUESTING APPROVAL TO MODIFY RESOLUTION NO.
130-2023 TO INCLUDE THE THIRD RANKED FIRM ALPHA1
STAFFING AS TERTIARY AWARDEE TO PROVIDE
TEMPORARY LABOR SERVICES**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 077-2024, requesting approval to modify Resolution No. 130-2023 to include third ranked firm Alpha1 Staffing as tertiary awardee to provide Temporary Labor Services.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

RESOLUTION NO. 130-2023

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING ITB NO. 2023-34, TEMPORARY LABOR
SERVICES TO SPUR STAFFING AS THE PRIMARY AWARDEE
AND ANYTIME LABOR-SOUTHEAST FLORIDA LLC AS THE
SECONDARY AWARDEE IN THE ANNUAL AMOUNT OF
\$300,000 AND A FIVE-YEAR AWARD IN THE AMOUNT OF
\$1,500,000 BASED ON SATISFACTORY PERFORMANCE AND
BUDGET AUTHORIZATION**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 130-2023, awarding ITB No. 2023-34, Temporary Labor Services to Spur Staffing as the Primary Awardee and Anytime Labor -Southeast Florida LLC as the Secondary Awardee in the annual amount of \$300,000 and a five-year award in the amount of \$1,500,000 based on satisfactory performance and budget authorization.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of *October* 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 078-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Change Order to Insituform Technologies, LLC for 2024 CIPP Lining Basin E6, E8 and E10 in an Amount not to Exceed \$150,000 for a new award authorization of \$2,240,494.

Presenter

Dean Mealy, II Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated June 28, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 078-2024**
- ▣ **Proposal - Remaining CIPP Lining for 2023**
- ▣ **Proposal for 2024 CIPP Lining**
- ▣ **Previously Awarded Resolution**

Information for Town Council Meeting on July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA, Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP -CPP, CPPO Town Procurement and Contract Manager

RE: Resolution approving a change order to Insituform Technologies, LLC for 2024 CIPP Lining Basin E6, E8 and E10 in an amount not to exceed \$150,000 for a new award authorization of \$2,240,494

DATE: June 28, 2024

STAFF RECOMMENDATION

Town Staff recommends approval of Resolution No. 078-2024, approving a change order to Insituform Technologies, LLC for 2024 CIPP Lining Basin E6, E8 and E10 in an amount not to exceed \$150,000 for a new award authorization of \$2,240,494.

SUMMARY EXPLANATION/BACKGROUND

Town Council approved Resolution No. 084-2021 at the August 10, 2021, Town Council Meeting for the A-5 Basin lining of pipes and Resolution No. 113-2021 at the September 14, 2021, Town Council Meeting for A-6 Basin with AEGION/Insituform Technologies, LLC through the National Cooperative, Buyboard contract. The Town provided a change order to include A-39 Basin and then modified to Townwide lining of sanitary sewer pipes. The Town is continuing the Inflow and Infiltration lining of sanitary sewer pipes in basins E-6, E-8 and E-10 with AEGION/Insituform Technologies, LLC utilizing American Rescue Plan Act funding.

The Town has many miles of older clay sanitary sewer pipes. The pipe sections are not mechanically connected. Over time, the pipes joints can deflect and allow ground water to enter the pipes. This ground water is then unnecessarily sent to the regional sewer treatment plant and treated as sewage. Eliminating the inflow of ground water will substantially reduce the volume of effluent treated and therefore our pumping and treatment costs. Lining sewer pipes is a proven method to eliminate groundwater infiltration and is a much more cost-effective approach than excavating and replacing old sanitary lines. Using a “no dig” trenchless process to avoid yard excavation, sidewalk destruction or digging up trees, sewer lining involves inserting new epoxy-saturated pipe tubing into existing pipes, inflating the tubing and curing it into place with hot air, steam or bluelight LED technology. This results in a new seal lining the walls of existing pipes, replacing broken piping with the potential to last for decades.

The proposal from Insituform for E-6, E-8 and E-10 sanitary sewer basin lining totals \$316,927.

Insituform will complete previous work in their scope this season along with this added scope.

FUNDING IMPACT/FUDNING SOURCE

The funding for this project is from the American Rescue Plan Act. The proposal for \$316,927 will be funded using existing remaining funds and contingency on the prior purchase order along with an additional \$150,000 from the allotted amount of \$4,415,526 put towards this project from ARPA.

USER DEPARTMENT CONCURRENCE

The Public Works Department is in full concurrence with this recommendation.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 078-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A CHANGE ORDER TO INSITUFORM
TECHNOLOGIES, LLC FOR 2024 CIPP LINING BASIN E6, E8
AND E10 IN AN AMOUNT NOT TO EXCEED \$150,000 FOR A
NEW AWARD AUTHORIZATION OF \$2,240,494**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 078-2024, approving a change order to Insituform Technologies, LLC for 2024 CIPP Lining Basin E6, E8 and E10 in an amount not to exceed \$150,000 for a new award authorization of \$2,240,494.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this *9th* day of *July*, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

Proposal

Remaining CIPP Lining 2023

Prepared for:

Town of Palm Beach

Prepared by:

Kenny Boeh



June 26, 2024

Michael A. Roach, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite "A"
West Palm Beach, FL 33401
Phone: 561-838-5440
Fax: 561-835-4691
mroach@townofpalmbeach.com

Re: Proposal – Town of Palm Beach – Remaining CIPP Lining 2023

Dear Mike:

Insituform Technologies, LLC (ITL) herein proposes to furnish the proposal pricing below for the labor, materials, equipment, and services set forth below to reconstruct the above referenced project.

ITEM	DESCRIPTION	QTY	UNIT OF MEASURE	BID UNIT PRICE	TOTAL
393	Travel and Mobilization - States Other Than Texas	LS	1	\$7,300.00	\$7,300.00
86	8" Clean and TV	LF	445	\$4.00	\$1,780.00
87	8" Clean and TV	LF	1,723	\$4.00	\$6,892.00
2	CIPP 8" x 6.0mm	LF	445	\$30.00	\$13,350.00
3	CIPP 10" x 6.0mm	LF	1,723	\$35.00	\$60,305.00
169	Internal Reconnects	EA	63	\$275.00	\$17,325.00
57	Bypass System Equip/pipe delivery, tear down, pick up 6"	EA	5	\$4,000.00	\$20,000.00
104	Root/Grease removal 6" - 12"	LF	1,723	\$4.00	\$6,892.00
184	Traffic Control	Day	5	\$1,000.00	\$5,000.00
				Total	\$138,844.00

We truly appreciate the opportunity to continue to provide solutions for your team and the residents of the Town of Palm Beach.

Best Regards,



Kenny Boeh
 Commercial Manager - Florida
 Insituform Technologies, LLC
 3014 North US Highway 301, Suite #700 | Tampa, FL 33619
 Cell: 412-310-8826 | Fax: 813.381.5356

Proposal

CIPP Lining Basins E6-8-10

Prepared for:

Town of Palm Beach

Prepared by:

Kenny Boeh



June 19, 2024

Michael A. Roach, P.E.
Town of Palm Beach
951 Old Okeechobee Road
Suite "A"
West Palm Beach, FL 33401
Phone: 561-838-5440
Fax: 561-835-4691
mroach@townofpalmbeach.com

Re: Proposal – Town of Palm Beach - 2024 CIPP Lining Basin E6-8-10

Dear Mike:

Insituform Technologies, LLC (ITL) herein proposes to furnish the proposal pricing below for the labor, materials, equipment, and services set forth below to reconstruct the above referenced project.

The following pricing and information herein is based off of the BuyBoard Contract 730-24 and should be considered confidential:

ITEM	DESCRIPTION	QTY	UNIT OF MEASURE	BID UNIT PRICE	TOTAL
374	Travel and Mobilization - States Other Than Texas	1	LS	\$7,500.00	\$7,500.00
90	8" Clean and TV	6,382	LF	\$4.50	\$28,719.00
2	CIPP 8" x 6.0mm	6,382	LF	\$35.00	\$223,370.00
39	Internal Reconnects	76	EA	\$275.00	\$20,900.00
34	CIPP Short Length Add-On (<300 LF)	6,848	In/Dia/Ft	\$6.00	\$41,088.00
27	6" - 12" CIPP Setup Charge per Install Length	5,171	LF	\$2.00	\$10,342.00
31	6" - 10" Backyard Easement Setup per Install Length	1,211	LF	\$3.00	\$3,633.00
104	6" - 18" Post TV Inspection After Rehabilitation	6,382	LF	\$2.00	\$12,764.00
202	Flagman	225	HR	\$75.00	\$16,875.00
	Grouting of Laterals	76	EA	\$400.00	\$30,400.00
				Total	\$395,591.00

We truly appreciate the opportunity to continue to provide solutions for your team and the residents of the Town of Palm Beach.

Best Regards,



Kenny Boeh
 Commercial Manager - Florida
 Insituform Technologies, LLC
 3014 North US Highway 301, Suite #700 | Tampa, FL 33619
 Cell: 412-310-8826 | Fax: 813.381.5356

RESOLUTION NO. 142-2021

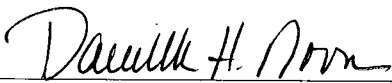
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING THE CONSOLIDATION OF RESOLUTION NO.
084-2021 AND RESOLUTION NO. 113-2021 TO
AEGION/INSITUFORM TECHNOLOGIES, LLC FOR LINING
OF SEWER PIPES FROM THE NATIONAL COOPERATIVE,
BUYBOARD IN THE AMOUNT OF \$1,868,864.50 AND
ESTABLISHING A PROJECT BUDGET OF \$2,090,494.**

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

Section 1. The Town Council of the Town of Palm Beach, Palm Beach County, Florida hereby approves Resolution No. 142-2021, approving the consolidation of Resolution No. 084-2021 and Resolution No. 113-2021 to Aegion/Insituform Technologies, LLC for lining of sewer pipes from the National Cooperative, BuyBoard in the amount of \$1,868,864.50 and establishing a project budget of \$2,090,494.

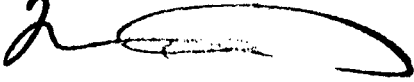
Section 2. The Town Manager is hereby authorized to execute this purchase order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of November, 2021.

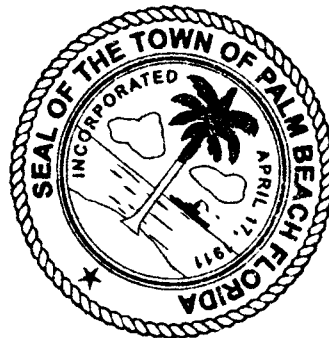


Danielle H. Moore, Mayor

ATTEST:



Queenester Nieves, CMC, Town Clerk



TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project - Review of Project and Dashboard, Summary of Project Status

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 24, 2024, from Patricia Strayer, P.E., Town Engineer**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor & Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Paul Brazil, Public Works Director

FROM: Patricia Strayer, Town Engineer

RE: Utility Undergrounding Project Status Report

DATE: June 24, 2024

I. COMMUNICATIONS:

A. Community Meetings:

None to report

B. Significant Residential Communications

Staff meetings are focused on Phase 8 easement acquisition.

II. PROGRESS SUMMARY:

Overall, Town-wide construction progress, thirteen (13) of fifteen (15) construction zones are either complete or in progress/funded for construction, inclusive of Phases 1N, 1S, 2N, 2S, 3N, 3S, 4N, 4S, 5N, 5S, 6N, 6S and 7N.

A. Construction Progress:

Phase 1 North:

From the Inlet south to Onondaga Ave.

- Completed March 30, 2019

Phase 1 South:

From southern Town limits north to Sloan's Curve

- Completed April 3, 2020

Phase 2 North Construction:

From Esplanade Way to Ocean Terrace

- Completed October 29, 2020

Phase 2 South Construction:

From Sloan's Curve to the intersection of South Ocean Blvd and South County Road

- Completed September 2023.

Phase 3 North Construction:

From Osceola Way to the north-side of La Puerta Way

- Completed September 17, 2021.

Phase 3 South:

From South Ocean Boulevard and South County Road to the alleyway south of Worth Avenue

- Phase 3 South construction is 93% complete.
- Conversions are ongoing.
- At this time, we are unsure when poles will be removed.

Phase 4 North:

From south-side of La Puerta Way to north-side of List Road

- Poles are in the process of being removed.

Phase 4 South:

From Peruvian Avenue to Royal Palm Way

- Construction is 78% complete.

Phase 5 North:

From Country Club Road to Southland Road

- Construction phase is 88% complete.
- Comcast has started installation.
- Energizing the underground network has begun.

Phase 5 South:

From South Lake Drive/Hibiscus Avenue & Peruvian Avenue/Royal Palm Way, properties between the intracoastal waterway and the Atlantic Ocean and from Royal Palm Way to Seaspray Avenue.

- Construction phase is 85% complete.
- Energizing the underground network has begun.
- Unsure when poles will be removed.

Phase 6 North:

From Chateaux Drive and Kawama Lane to the south-side of Plantation Road

- Construction phase is 73% complete.
- Poles should be removed end of 2024.

Phase 6 South:

Seaspray Avenue to the south of Royal Poinciana Way

- Construction is 40%complete.
- Poles should come down in 2025.

Phase 7 North:

Palm Beach Country Club north to the south side of List Road

- Construction phase is 21% completed.
- 79 of 79 (100%) easements approved.

Phase 7 South:

Atlantic Avenue north to Via Los Incas and Sanford Avenue

- Design is 100% complete and on schedule. Expect to receive bid for review in 30 days.
- 55 of 55 (100%) easements approved.

Phase 8:

Royal Poinciana Way north to Everglade Avenue

- Design is 80% complete and on schedule.
- 107 of 114 (94%) easements approved.

III. FINANCIAL SUMMARY:

A. FEMA Grant Update:

FEMA has granted the request for an extension of the completion deadline.

B. Project Budget Summary:

There are no significant changes since the last report. Updates include processing of vendor pay applications for design and work performed in active phases. The table below shows the latest construction cost summary which has been updated to include Phase 7 South.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%
5N	\$7,147,435.31	\$6,960,000.00	\$187,435.31	+2.7%
5S	\$7,962,327.89	\$8,940,000.00	(\$977,672.11)	-10.9%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
7N	\$10,472,977.00	\$5,980,000.00	\$4,492,977.00	+75.1%
7S	\$11,442,769.58	\$6,300,000.00	\$5,142,769.58	+81.6%
Totals	\$74,718,271.60	\$63,310,000.00	\$11,408,271.60	+18.0%

As shown in the table above, while there is volatility in the individual phases, the overall construction cost for these eight phases is within 18% of the updated, pre-pandemic Master Plan opinion of cost. Additionally, it should be noted that there is anticipated to be a cost savings of over \$540,000 across Phase 4 North, Phase 5 North, and Phase 5 South through the elimination of chicanes. These anticipated savings are reflected in the table.

The cost proposal for Phase 7 South was predominantly based on unit prices that were originally developed for Phase 7 North, without any adjustment. Phase 7 North was also significantly above the Master Plan opinion of cost for that phase due to it being predominantly based on unit prices that were impacted by historically significant changes in market conditions.

Underground Utility Project Budget
Project Financial Summary
May 31, 2024

Expenditures	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%
Phase 2	\$ 9,170,000	\$ 13,470,000	\$ 13,669,545	\$ 13,617,739	99.6%
Phase 3	\$ 10,910,000	\$ 15,400,000	\$ 18,447,002	\$ 15,411,306	83.5%
Phase 4	\$ 10,370,000	\$ 15,220,000	\$ 19,081,845	\$ 17,182,957	90.0%
Phase 5 (Includes \$8.5 Million FEMA Grant Offset)	\$ 14,090,000	\$ 11,694,645	\$ 18,517,330	\$ 14,974,076	80.9%
Phase 6	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 9,528,250	47.7%
Phase 7	\$ 11,730,000	\$ 15,910,000	\$ 24,777,484	\$ 3,753,816	15.2%
Phase 8	\$ 12,300,000	\$ 14,500,000	\$ 1,654,946	\$ 1,484,343	89.7%
Total Project Costs To Date	\$ 98,010,000	\$ 119,904,645	\$ 128,887,926	\$ 88,671,218	68.8%
Other Costs Associated Directly with the Project (Page 8)	\$ 570,000	\$ 2,957,405	\$ 2,957,405	\$ 2,834,542	95.8%
Grand Total of Costs Related to Project	\$ 98,580,000	\$ 122,862,050	\$ 131,845,331	\$ 91,505,760	69.4%
Debt Service and Related Debt Issuance Costs (Page 8)			\$ 19,420,699	\$ 19,420,409	100.0%
Total Other Costs Outside Underground Budget (Page 8)			\$ 690,317	\$ 1,686,453	244.3%
Grand Total of All Costs Related to the Project	\$ 98,580,000	\$ 122,862,050	\$ 132,535,648	\$ 112,612,622	85.0%

Total Project Budget - Opinion of cost for construction	\$ 122,862,050
% Budgeted/Encumbered To Date Project Costs	107.31%
% Spent to Date - Project Costs	74.48%

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments	\$ 18,329,914	\$ 18,329,914	0.0%
Assessment Revenue	\$ 25,280,000	\$ 29,080,543	115.0%
Commercial Paper	\$ -	\$ -	0.0%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 1,667,009	\$ 5,662,583	339.7%
GO Bond Proceeds 2018	\$ 60,500,000	\$ 60,499,897	100.0%
GO Bond Proceeds 2021	\$ 9,198,896	\$ 9,198,896	100.0%
1 Cent Sales Tax (CIP Pay go)	\$ 5,000,000	\$ 3,500,000	70.0%
FPL	\$ 450,246	\$ 450,246	100.0%
FEMA Grant	\$ 8,500,000	\$ 3,919,184	46.1%
Other			
Kevin McGann - CO #9	\$ -	\$ 34,900	0.0%
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 1,551,867	204.1%
Transfer from (401) Fund Marina	\$ 5,200,000	\$ 7,933,333	152.6%
Transfer from (001) General Fund - PM Salary	\$ 942,116	\$ 1,209,157	128.3%
Total Project Revenues	\$ 138,674,922	\$ 144,217,062	104.0%

Underground Utility Project Budget
Phase 1 Project Costs
May 31, 2024

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Project Engineering					
Task 2.1 - Detailed Design North End	590,000		472,063	472,063	100.0%
Task 2.2 - Detailed Design South End	740,000		619,411	619,411	100.0%
Task 2.3 - Permitting Assistance			17,790	17,790	100.0%
Task 2.4 - Bid Phase Assistance			42,166	42,166	100.0%
Task 2.5 - Meetings - Design Phase			125,399	125,383	100.0%
Subtotal Design Phase	\$ 1,330,000	\$ 1,280,000	\$ 1,276,829	\$ 1,276,813	100.0%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	3,606,916	100.2%
Street Light Conversion			\$ 135,322	135,322	100.0%
Change Order for AT&T and Comcast Conduit			\$ 500,655	491,883	98.2%
Utility Design Costs			\$ 15,595	79,767	511.5%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	325,523	68.3%
Construction Engineering (KH)			\$ 207,771	205,818	99.1%
	\$ 4,210,000	\$ 4,930,000	\$ 4,953,984	\$ 4,864,949	98.2%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	4,518,572	101.5%
Utility Design Costs			\$ 33,013	119,725	362.7%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,250,395	91.0%
Construction Engineering (KH)			\$ 317,963	317,483	99.8%
	\$ 6,800,000	\$ 6,350,000	\$ 6,198,347	\$ 6,228,375	100.5%
Easement Recording Fees			\$ 740	740	100.0%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 350,000	\$ 301,359	\$ 306,723	101.8%
Legal Sketch and Description - Easements			34,000	33,215	97.7%
Easement Abandonment			\$ 8,256	5,120	62.0%
Legal Advertising				2,795	
Total Phase 1 Costs	\$ 12,620,000	\$ 12,910,000	\$ 12,773,514	\$ 12,718,730	99.6%

Underground Utility Project Budget
Phase 2 Project Costs
May 31, 2024

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000		\$ 281,304	\$ 281,304	100.0%
Task 1.2 Phase 2 South Design	400,000		\$ 335,353	\$ 335,353	100.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ 12,674	100.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ 40,565	100.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 131,510	96.3%
Total Phase 2 Design	\$ 735,000	\$ 807,000	\$ 806,513	\$ 801,406	99.4%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	31,970	91.3%
Burkhardt Construction			\$ 3,932,792	3,932,792	100.0%
Owner Purchased Supplies			\$ 253,631	253,631	100.0%
FPL Design Cost			\$ 34,936	34,936	100.0%
ATT Design Cost			\$ 10,000	\$ 10,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 496,307	\$ 423,898	85.4%
FPL - Additional Vista Switches			\$ 55,000	\$ 54,938	99.9%
Construction Engineering (KH)			\$ 248,121	\$ 246,227	99.2%
Total Phase 2 North Construction	3,800,000	5,020,000	\$ 5,070,787	\$ 4,992,974	98.5%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	87,667	250.5%
Burkhardt Construction			\$ 6,419,862	6,367,234	99.2%
Owner Supplied Materials			\$ 175,898	175,898	100.0%
FPL Design Cost			\$ 34,936	34,936	100.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 5,000	\$ 4,582	91.6%
Utility Costs (FPL, Comcast, AT&T)			\$ 601,448	\$ 601,448	100.0%
Reimburse John Moran				\$ 39,240	
Construction Engineering (KH)	-		\$ 325,280	\$ 319,791	98.3%
Total Phase 2 South Construction	4,435,000	7,424,000	\$ 7,602,424	\$ 7,635,795	100.4%
Easement Acquisition/Abandonment	200,000	219,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 64,935	100.0%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 77,467	100.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 14,020	100.0%
Task 1.7 Legal Sketch South			\$ 21,725	\$ 20,689	95.2%
Advertising			\$ 1,200	\$ 1,101	91.7%
Recording Costs			\$ 3,605	\$ 3,359	93.2%
Easement Abandonment			\$ 6,870	\$ 5,994	87.2%
Total Easement Acquisition Costs	200,000	219,000	\$ 189,822	\$ 187,564	98.8%
Total Phase 2 Costs	\$ 9,170,000	\$ 13,470,000	\$ 13,669,545	\$ 13,617,739	99.6%

Underground Utility Project Budget
Phase 3 Project Costs
May 31, 2024

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000		\$ 280,189	\$ 280,189	100.0%
Task 1.2 Phase 3 South Design	\$ 535,000		\$ 486,333	\$ 486,323	100.0%
Task 1.3 Permitting Assistance			\$ 13,739	\$ 13,739	100.0%
Task 1.4 Bid Phase Assistance			\$ 36,834	\$ 36,834	100.0%
Task 1.5 Meetings			\$ 77,411	\$ 76,626	99.0%
Total Phase 3 Design	\$ 860,000	\$ 895,000	\$ 894,505	\$ 893,710	99.9%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000			
Preconstruction			\$ 24,580	\$ 24,580	100.0%
Construction - Burkhardt			\$ 4,100,697	\$ 4,100,697	100.0%
Owner supplied materials			\$ 2,797	\$ 3,456	123.6%
FPL Design Cost			\$ 12,850	\$ 2,700	21.0%
ATT Design Cost			\$ 5,000	\$ 5,000	100.0%
Comcast Design Cost			\$ 3,128	\$ 3,128	100.0%
FPL Construction			\$ 87,101	\$ 87,101	100.0%
Street Light Conversion			\$ 4,249	\$ 7,012	165.0%
Utility Costs (Comcast & ATT)			\$ 409,387	\$ 428,207	104.6%
Construction Engineering (KH)			\$ 236,976	\$ 224,829	94.9%
Daniella Construction - Nightingale/LaPuerta - Townwide portion			\$ 457,851	\$ 457,851	100.0%
FPL Nightingale/LaPuerta - Townwide Portion			\$ 85,796	\$ 85,796	100.0%
Comcast Nightingale/LaPuerta - Townwide Portion			\$ 8,885	\$ 8,885	100.0%
AT&T Nightingale/LaPuerta Townwide Portion			\$ 30,555	\$ 30,555	100.0%
Billing for Arnold Fisher relocate transformer Deanna Davis and Cohan			\$ (17,647)	\$ (17,647)	100.0%
Total Phase 3 North Construction	\$ 3,700,000	\$ 5,300,000	\$ 5,452,205	\$ 5,452,150	100.0%
Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000			
Preconstruction			\$ 33,400	\$ 33,400	100.0%
Construction		\$ 8,029,385	\$ 9,937,101	\$ 6,696,099	67.4%
Owner supplied Pipe			\$ 153,809	\$ 138,366	90.0%
FPL Construction			\$ 562,000	\$ 562,905	100.2%
FPL Design Cost			\$ 11,359	\$ 17,159	151.1%
FPL - 101 El Brillo			\$ 10,875	\$ 10,875	100.0%
ATT Design and Construction Cost			\$ 537,254	\$ 631,371	117.5%
Comcast Design and Construction Cost			\$ 195,128	\$ 335,723	172.1%
Construction Engineering (KH)			\$ 322,540	\$ 306,758	95.1%
Total Phase 3 South Construction	\$ 6,090,000	\$ 8,875,000	\$ 11,763,466	\$ 8,732,656	74.2%
Easement Acquisition/Abandonment	\$ 260,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 273,390	\$ 271,913	99.5%
Easement Amendment			\$ 49,285	\$ 49,198	99.8%
<i>Surveys</i>					
Recording Costs			\$ 6,000	\$ 5,137	85.6%
Easement Abandonment			\$ 8,150	\$ 6,542	80.3%
Total Easement Acquisition Costs	\$ 260,000	\$ 330,000	\$ 336,825	\$ 332,791	98.8%
Total Phase 3 Costs	\$ 10,910,000	\$ 15,400,000	\$ 18,447,002	\$ 15,411,306	83.5%

Underground Utility Project Budget
Phase 4 Project Costs
May 31, 2024

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000		\$ 312,317	312,317	100.0%
Task 1.2 Phase 4 South Design	\$ 413,000		\$ 451,284	451,284	100.0%
Task 1.3 Permitting Assistance			\$ 14,468	14,468	100.0%
Task 1.4 Bid Phase Assistance			\$ 37,899	37,899	100.0%
Task 1.6 Meetings			\$ 77,911	77,383	99.3%
Total Phase 4 Design	\$ 815,000	\$ 894,000	\$ 893,879	893,351	99.9%
Construction Costs					
Phase 4 North Construction	4,605,000	6,275,000			
Preconstruction			\$ 22,270	22,270	100.0%
Construction Costs			\$ 5,016,315	4,923,217	98.1%
Owner Supplied Pipe and Vaults			\$ 156,238	156,238	100.0%
FPL BCE			\$ 91,543	91,543	100.0%
FPL Design Cost			\$ 12,757	12,850	100.7%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design and Construction Cost			\$ 173,151	3,128	1.8%
Utility Costs (FPL, Comcast, AT&T)			\$ 353,715	353,715	100.0%
Street Light Conversion FPL			\$ 4,222	4,222	100.0%
Construction Engineering (KH)			\$ 324,309	324,023	99.9%
Total Phase 4 North Construction	\$ 4,605,000	\$ 6,275,000	\$ 6,159,520	5,896,206	95.7%
Phase 4 South Construction	4,710,000	7,640,000			
Preconstruction			\$ 34,800	34,800	100.0%
Construction			\$ 8,909,957	7,284,901	81.8%
Construction with Lake Drive Park			\$ 320,311	363,499	113.5%
Owner Supplied Pipes			\$ 2,170	2,170	100.0%
Reimbursement from Preservation Foundation			\$ (102,500)	(102,500)	100.0%
Street Light Conversion (FPL)			\$ 7,098	7,098	100.0%
FPL Design Cost			\$ 13,160	1,350	10.3%
ATT Design Cost			\$ 5,000	5,000	100.0%
Comcast Design Cost			\$ 3,128	3,128	100.0%
Kimley Horn - Design services Hibiscus Ave			\$ 12,047	11,940	99.1%
Utility Costs (FPL, Comcast, AT&T)			\$ 2,013,298	2,075,861	103.1%
Construction Engineering (KH)			\$ 333,659	234,266	70.2%
Total Phase 4 South Construction	\$ 4,710,000	\$ 7,640,000	\$ 11,552,128	9,921,512	85.9%
Easement Acquisition/Abandonment	\$ 240,000	\$ 411,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270	280,254	100.0%
Easement Assistance (KH) -- Switches			\$ 67,747	67,481	99.6%
Easement Assistance (KH)			\$ 59,369	60,956	102.7%
<i>Surveys</i>					
Legal Sketch			\$ 38,230	38,092	99.6%
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
Recording Costs			\$ 7,000	6,371	91.0%
Easement Abandonment			\$ 18,735	18,735	100.0%
Total Easement Acquisition Costs	\$ 240,000	\$ 411,000	\$ 476,318	471,889	99.1%
Total Phase 4 Costs	\$ 10,370,000	\$ 15,220,000	\$ 19,081,845	17,182,957	90.0%

Underground Utility Project Budget
Phase 5 Project Costs
May 31, 2024

	Original OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000		\$ 454,210	\$ 454,210	100.0%
Task 1.2 Phase 5 South Design	\$ 600,000		\$ 606,951	\$ 606,951	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,100	\$ 17,100	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 37,899	\$ 37,899	100.0%
Task 1.6 Meetings North/South			\$ 77,911	\$ 77,905	100.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,195,000	\$ 1,194,071	\$ 1,194,065	100.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,456,367	5,697,130	88.2%
Construction Manager - Burkhardt			\$ 940,702	966,636	102.8%
Utility Costs (FPL, Comcast, AT&T)			\$ 333,639	333,639	100.0%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 16,223	30,330	187.0%
Reimburse Caren and Gary Marder work performed			\$ 6,100	6,100	100.0%
Construction Engineering (KH)			\$ 334,147	318,471	95.3%
Total Phase 5 North Construction	\$ 5,890,000	\$ 8,055,000	\$ 8,151,279	\$ 7,416,406	91.0%
Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000			
Preconstruction			\$ 59,100	59,100	100.0%
Construction			\$ 6,629,361	4,156,205	62.7%
Infrastructure from Phase 4 south bid - Not part of Grant			\$ 163,350	57,460	35.2%
Construction Manager - Burkhardt			\$ 979,098	783,278	80.0%
Four Arts Reimbursement			\$ (8,493)	(8,493)	
Utility Costs (FPL, Comcast, AT&T)			\$ 641,597	676,082	105.4%
AT&T Design			\$ 5,000	5,000	100.0%
FPL Design Costs			\$ 21,043	21,043	100.0%
Construction Engineering (KH)			\$ 334,159	274,482	82.1%
Total Phase 5 South Construction	\$ 6,750,000	\$ 10,545,000	\$ 8,824,214	\$ 6,024,157	68.3%
Easement Acquisition/Abandonment	\$ 330,000	\$ 365,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 218,600	\$ 218,602	100.0%
Easement Assistance			\$ 81,086	\$ 78,699	97.1%
<i>Surveys</i>					
Legal Sketch			\$ 41,080	\$ 35,672	86.8%
Legal Ads			\$ 1,000	\$ 585	58.5%
Recording Costs			\$ 6,000	\$ 5,891	98.2%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 330,000	\$ 365,000	\$ 347,766	\$ 339,448	97.6%
FEMA Grant		\$ (8,465,355)			
Total Phase 5 Costs	\$ 14,090,000	\$ 11,694,645	\$ 18,517,330	\$ 14,974,076	80.9%

Underground Utility Project Budget
Phase 6 Project Costs
May 31, 2024

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 6 Design					
Kimley Horn					
Task 1.1 Phase 6 North Design	\$ 420,000		\$ 475,019	\$ 475,019	100.0%
Task 1.2 Phase 6 South Design	\$ 940,000		\$ 826,551	\$ 826,551	100.0%
Task 1.3 Permitting Assistance North/South			\$ 17,694	\$ 17,694	100.0%
Task 1.4 Bid Phase Assistance North/South			\$ 35,938	\$ 35,938	100.0%
Task 1.6 Meetings North			\$ 84,791	\$ 84,765	100.0%
Total Phase 6 Design	\$ 1,360,000	\$ 1,440,000	\$ 1,439,993	\$ 1,439,967	100.0%
Utility and Construction Costs					
Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 7,867,296	3,823,985	48.6%
Approved Change Orders					
FPL Design Cost			\$ 15,868	29,198	184.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 295,632	554,193	187.5%
Construction Engineering (KH)			\$ 344,177	254,392	73.9%
Total Phase 6 North Construction	\$ 4,790,000	\$ 6,615,000	\$ 8,547,243	\$ 4,686,038	54.8%
Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000			
Preconstruction			\$ 24,270	24,270	100.0%
Construction			\$ 8,400,000	2,015,360	24.0%
Approved Change Orders					
FPL Design Cost			\$ 29,924	29,924	100.0%
ATT Design Cost			\$ 10,000	10,000	100.0%
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 754,815	754,815	100.0%
Construction Engineering (KH)			\$ 344,007	153,785	44.7%
Total Phase 6 South Construction	\$ 10,270,000	\$ 12,298,000	\$ 9,563,016	\$ 2,988,154	31.2%
Easement Acquisition/Abandonment	\$ 400,000	\$ 447,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 351,594	\$ 371,979	105.8%
<i>Surveys</i>					
Legal Sketch			\$ 58,415	\$ 38,011	65.1%
Legal Ads			\$ 1,000	\$ 113	11.3%
Recording Costs			\$ 5,000	\$ 3,989	79.8%
Easement Abandonment				\$ -	
Total Easement Acquisition Costs	\$ 400,000	\$ 447,000	\$ 416,009	\$ 414,091	99.5%
Total Phase 6 Costs	\$ 16,820,000	\$ 20,800,000	\$ 19,966,261	\$ 9,528,250	47.7%

Underground Utility Project Budget
Phase 7 Project Costs
May 31, 2024

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 7 Design					
Kimley Horn					
Task 1.1 Phase 7 North Design	\$ 450,000		\$ 492,488	\$ 492,488	100.0%
Task 1.2 Phase 7 South Design	\$ 480,000		\$ 630,830	\$ 630,830	100.0%
Task 1.3 Bid Phase Assistance North and South			\$ 35,938	\$ 32,344	90.0%
Task 1.4 Meetings North and South			\$ 77,616	\$ 77,535	99.9%
Total Phase 7 Design	\$ 930,000	\$ 1,237,000	\$ 1,236,872	\$ 1,233,197	99.7%
Utility and Construction Costs					
Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000			
Preconstruction			\$ 47,500	11,515	24.2%
Construction			\$ 10,472,977	1,646,868	15.7%
Chicane Demonstrations			\$ 47,500	19,558	41.2%
FPL Design Cost			\$ 15,806	27,165	171.9%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)			\$ 245,460	245,460	100.0%
Construction Engineering (KH)			\$ 354,458	86,115	24.3%
Total Phase 7 North Construction	\$ 5,140,000	\$ 7,005,000	\$ 11,183,701	\$ 2,036,681	18.2%
Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000			
Preconstruction			\$ 47,500	23,485	49.4%
Construction			\$ 11,442,770		
Chicane Demonstrations			\$ 47,500	19,558	41.2%
FPL Design Cost			\$ 19,953	19,953	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)			\$ 376,765		
Total Phase 7 South Construction	\$ 5,380,000	\$ 7,320,000	\$ 11,934,488	\$ 62,996	0.5%
Easement Acquisition/Abandonment	\$ 280,000	\$ 348,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 346,459	\$ 346,356	100.0%
Easement Assistance			\$ 69,964	\$ 69,919	99.9%
<i>Surveys</i>					
Legal Sketch					
Legal Ads			\$ 1,000	\$ 113	11.3%
American Acquisition Group					
Temp Services					
Legal Advertising					
Recording Costs			\$ 5,000	\$ 4,555	91.1%
Total Easement Acquisition Costs	\$ 280,000	\$ 348,000	\$ 422,423	\$ 420,942	99.6%
Total Phase 7 Costs	\$ 11,730,000	\$ 15,910,000	\$ 24,777,484	\$ 3,753,816	15.2%

Underground Utility Project Budget
Phase 8 Project Costs
May 31, 2024

	OPC	Dec 2019 OPC	Budget	Actual	% Expended
Phase 8 Design					
Kimley Horn					
Task 1.1 Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,029,017	\$ 967,276	94.0%
Task 1.2 Permitting Assistance			\$ 17,694		0.0%
Task 1.3 Bid Phase Assistance			\$ 14,430		0.0%
Task 1.4 Meetings			\$ 89,778	\$ 84,935	94.6%
Task 1.5 Easement Assistance			\$ 129,997	\$ 129,993	100.0%
Total Phase 8 Design	\$ 1,010,000	\$ 1,151,000	\$ 1,280,916	\$ 1,182,204	92.3%
Utility and Construction Costs					
Phase 8 Construction	\$ 10,990,000	\$ 13,107,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160	13,160	100.0%
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 8 North Construction	\$ 10,990,000	\$ 13,107,000	\$ 13,160	\$ 13,160	100.0%
Easement Acquisition/Abandonment	\$ 300,000	\$ 242,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 227,724	\$ 226,073	99.3%
Additional Easement Assistance PO240618			\$ 78,372	\$ 19,584	25.0%
Surveys					
Legal Sketch					
Legal Ads				\$ 56	
American Acquisition Group					
Kimley Horn Grant Assistance BRIC Grant			\$ 49,774	\$ 41,587	83.6%
Temp Services					
Recording Costs			\$ 5,000	\$ 1,679	33.6%
Total Easement Acquisition Costs	\$ 300,000	\$ 242,000	\$ 360,870	\$ 288,980	80.1%
Total Phase 8 Costs	\$ 12,300,000	\$ 14,500,000	\$ 1,654,946	\$ 1,484,343	89.7%

Underground Utility Project Budget
Other Project Costs
May 31, 2024

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Task 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 45,053	100.0%
Task 1.7 - Meetings Master Planning Phase	\$ 113,135	\$ 113,123	100.0%
Task 1.8 - Master Plan Second Half	\$ 40,067	\$ 40,067	100.0%
Subtotal Master Planning	\$ 597,895	\$ 597,883	100.0%
Comcast Preplanning - Master Plan	\$ 12,015	\$ 12,015	100.0%
Assessment Costs, Legal, Fees and Discounts	\$ 950,000	\$ 948,097	99.8%
Project Manager - Pay and benefits	\$ 840,000	\$ 786,590	93.6%
Temp Services - Easement Acquisition	\$ 150,000	\$ 106,050	70.7%
Other Miscellaneous Expenses		\$ 31,395	
General Easement Assistance	\$ 24,976	\$ 24,838	99.4%
Community Outreach	\$ 282,519	\$ 227,674	80.6%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Total Other Project Costs	\$ 2,957,405	\$ 2,834,542	95.8%

Debt Service and Related Debt Issuance Costs

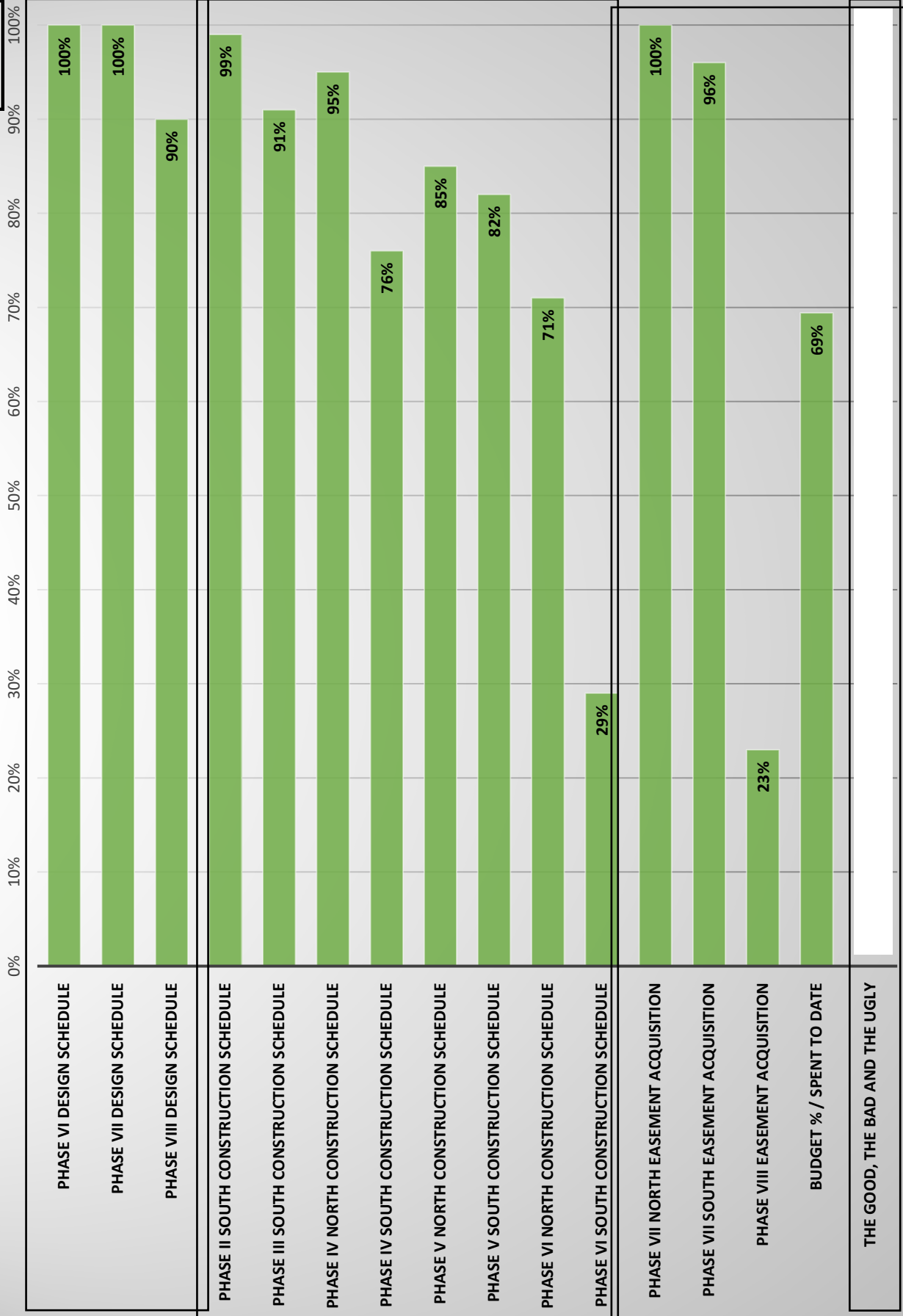
	Budget	Actual	% Expended
Commercial Paper Issuance Cost	\$ 260,116	\$ 260,116	100.0%
Commercial Paper Interest	\$ 243,096	\$ 243,096	100.0%
Arbitrage Rebate Calculation	\$ 2,500	\$ 4,300	172.0%
Debt Service Fees	\$ 2,000	\$ 500	25.0%
GO Bond Closing Costs 2018	\$ 488,271	\$ 487,471	99.8%
GO Bond Closing Costs 2021	\$ 202,169	\$ 202,380	100.1%
GO Bond Debt Service	\$ 18,222,547	\$ 18,222,547	100.0%
Total Debt Service and Related Debt Issuance Costs	\$ 19,420,699	\$ 19,420,409	100.0%

Related Costs Outside of the Underground Project Budget

	Budget	Actual	% Expended
Costs paid from (307) Fund CIP			
Underground City of Lake Worth Section			
Project Design	\$ 25,231	\$ 24,430	96.8%
Project Construction	\$ 351,081	\$ 351,081	100.0%
Project Construction Engineering	\$ 11,607	\$ 12,849	110.7%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 3,334	\$ 2,914	87.4%
Total Lake Worth Section	\$ 525,586	\$ 518,805	98.7%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
Crosswalk Spare Conduits	\$ 26,148	\$ 24,841	95.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 615,602	
PBT Real Estate v TPB		\$ 197,178	
Gardner, Bist Bowden, Bush (Shel Wright)		\$ 24,799	
Telecommunications Consultant	\$ 89,000	\$ 83,210	93.5%
Peter Brandt (Contract Negotiations)	\$ 35,000	\$ 23,735	67.8%
Total Related Costs Outside of the Budget	\$ 690,317	\$ 1,686,453	244.3%

Town of Palm Beach - Underground Utility Project Dashboard - May 2024

Status Legend
 Green - On Task
 Yellow - At Risk
 Red - Not on Task
 Complete - Not Shown



TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 061-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, awarding the GMP for Phase 7 South to Burkhardt Construction in the amount of \$11,442,769.58 and establishing a project budget in the amount of \$13,159,184.

Presenter

Dean Mealy, II, Procurement and Contract Manager

ATTACHMENTS:

- ▢ **Memorandum dated May 31, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▢ **Resolution No. 061-2024**
- ▢ **GMP Proposal**
- ▢ **Kimley-Horn Review of Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution awarding the GMP for Phase 7 South to Burkhardt Construction in the amount of \$11,442,769.58 and establishing a project budget in the amount of \$13,159,184

DATE: May 31, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 061-2024, awarding the GMP for Phase 7 South to Burkhardt Construction in the amount of \$11,442,769.58 and establishing a project budget in the amount of \$13,159,184.

SUMMARY EXPLANATION/BACKGROUND

The Town of Palm Beach selected Burkhardt Construction (BCI) as the Construction Manager at Risk for the Phase 7 South Undergrounding Conversion. On May 17, 2024, BCI submitted a Guaranteed Maximum Price (GMP) for the project to the Town and Kimley-Horn for review. The GMP received included costs for the Phase 8 South Undergrounding project. Kimley-Horn reviewed the GMP to identify any abnormalities with the various bid items, CMAR costs, and Exceptions and Clarifications submitted by BCI. Procurement and Contract Management, Public Works Engineering, Kimley-Horn and Associates and BCI met on May 28, 2024, to review the GMP submittal. BCI submitted a revised GMP on May 28, 2024.

BCI had reached out to both C.R. Dunn and Wilco Electrical, LLC for bids. Only C.R. Dunn responded to the bid invitation.

Below is the cost overview for the total construction cost since the master plan estimate was revised in 2019.

Phase Area	Construction Cost Proposal	Master Plan OPC	Difference	% Difference
3S	\$8,029,384.83	\$7,710,000.00	\$319,384.83	+4.1%
4N	\$4,843,009.99	\$5,360,000.00	(\$516,990.01)	-9.6%
4S	\$8,803,506.00	\$6,400,000.00	\$2,403,506.00	+37.6%

5N	\$7,147,435.31	\$6,960,000.00	\$187,435.31	+2.7%
5S	\$7,962,327.89	\$8,940,000.00	(\$977,672.11)	-10.9%
6N	\$7,867,296.00	\$5,620,000.00	\$2,247,296.00	+40.0%
6S	\$8,149,565.00	\$10,040,000.00	(\$1,890,435.00)	-18.8%
7N	\$10,472,977.00	\$5,980,000.00	\$4,492,977.00	+75.1%
7S	\$11,442,769.58	\$6,300,000.00	\$5,142,769.58	+81.6%
Totals	\$74,718,271.60	\$63,310,000.00	\$11,408,271.60	+18.0%

As shown in the table above, while there is volatility in the individual phases, the overall construction cost for these eight phases is within 18% of the updated, pre-pandemic Master Plan opinion of cost. Additionally, it should be noted that there is anticipated to be a cost savings of over \$540,000 across Phase 4 North, Phase 5 North, and Phase 5 South through the elimination of chicanes. These anticipated savings are reflected in the table.

The cost proposal for Phase 7 South was predominantly based on unit prices that were originally developed for Phase 7 North, without any adjustment. Phase 7 North was also significantly above the Master Plan opinion of cost for that phase due to it being predominantly based on unit prices that were impacted by historically significant changes in market conditions.

FUNDING/FISCAL IMPACT

With this latest contract, the cost for the undergrounding project will be in the 140-150 million dollar range. We will know more when the Phase 8 bid comes in later this year. As the council has reiterated to residents, any cost overruns will not increase their underground assessment. This continues to be a challenge as capital project costs continue to increase in the South Florida market. The Town started to transfer funds from the Marina fund to try to cover the increase in costs to the undergrounding project. In 2017, the Marina transferred 2.4 million dollars to the undergrounding project. This amount has increased to 5.5 million dollars in the fiscal year 2024. The proposed Marina transfer for fiscal year 2025 will be 6 million dollars.

One item that has been discussed since the undergrounding project was started is the need to pave the roads after each phase is completed. This cost was not part of the original undergrounding project. We will need to pay this over the next five years from the Capital Improvement Fund. This is causing increased pressure in that fund to pay for all of the other needed capital projects. This will be discussed more with Council at the Budget Workshop on July 11th.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 061-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
AWARDING THE GMP FOR PHASE 7 SOUTH TO
BURKHARDT CONSTRUCTION IN THE AMOUNT OF
\$11,442,769.58 AND ESTABLISHING A PROJECT BUDGET IN
THE AMOUNT OF \$13,159,184**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 061-2024, awarding the GMP for Phase 7 South to Burkhardt Construction in the amount of \$11,442,769.58 and establishing a project budget in the amount of \$13,159,184.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of *July*, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

**Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 7 - South
Guaranteed Maximum Price**

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
Fax: (561) 835-4691

Engineer: **Kimley-Horn & Associates, Inc.**
Attn: Kevin Schanen, P.E.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
Ph: (561) 845-0665
Fax: (561) 863-8175

Project: **Townwide Overhead Utility Undergrounding - Phase 7 - South**

Plans: Based on bid set of plans & specifications BCI received date 3.22.2024

Complete Plan Log attached

Location: Town of Palm Beach

Proposal Date: 5/17/2024, Rev. 5/28/2024

Direct Construction Costs:	\$ 8,592,560.00
General Conditions	\$ 694,829.58
Construction Phase Management Fee	\$ 1,370,130.00
Profit	\$ 785,250.00
Total Guaranteed Maximum Price	\$ 11,442,769.58

Town of Palm Beach

Townwide Overhead Utility Undergrounding - Phase 7 - South

Direct Construction Costs

EXHIBIT "A"

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
FPL - ATT - COMCAST OVERHEAD UTILITY UNDERGROUNDING GENERAL REQUIREMENTS (ALLOWANCE) SITE CLEANING, DEBRIS REMOVAL, TREE PROTECTION, SPECIALTY SIGNAGE ALLOWANCE FOR SANITARY SEWER SERVICE LATERAL REPAIR OR REPLACEMENT ALLOWANCE FOR SURVEY RE-STAKING DANGER RIBBON OFF DUTY POLICE OFFICERS TEMPORARY STREET LIGHTING UNDERGROUNDING OF FPL - COMCAST - ATT UNDERGROUNDING OF UTILITIES NPDES WEEKLY REPORTING PROPOSED LANDSCAPING AT TRANSFORMERS FPL BINDING COST ESTIMATE AND INSTALLATION FEES COMCAST INSTALLATION FEES ATT INSTALLATION FEES										
				\$8,592,560.00						
	1 ALL		\$20,000.00	\$ 20,000.00			ALLOWANCE		20000	20000
	1 ALL		\$30,000.00	\$ 30,000.00			ALLOWANCE		30000	30000
	1 ALL		\$6,500.00	\$ 6,500.00			ALLOWANCE		6500	6500
	25 ROL NIC NIC									
	1 LS		\$8,462,271.82	\$ 8,462,271.82			CR DUNN	8462271.82		8462271.82
	1 LS		\$13,200.00	\$ 13,200.00			BCI	13200.00		13200.00
	1 ALL		\$60,588.18	\$ 60,588.18			ALLOWANCE	60588.18		60588.18
BY OTHERS										
BY OTHERS										
BY OTHERS										
					Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
Townwide Overhead Utility Undergrounding - Phase 7 - North Direct Construction Cost Total					0	0	0	8536060	56500	8592560
Townwide Overhead Utility Undergrounding - Phase 7 - North Direct Construction Cost Total					\$8,592,560.00					



Town Of Palm Beach Phase 7 South Overhead To Undergrounding

5/17/2024, Rev. 5/28/2024

PHASE 7 South BID ANALYSIS

Based On Phase 7 South Overhead To Undergrounding Plans From Kimley Horn Dated BCI Received 03/22/2024, "Bid Set"

Town Of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL. 33401

Kimley Horn & Associates
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411

Plans: Phase 7 South Overhead To Undergrounding
BCI Received 03/22/2024

Location: The general area will consist of Bradley Place / Northlake Way from Everglades Ave to just north of Sanford Ave. North County Road from just North of Sanford Ave. south to Everglades Ave. North Ocean from just north of Atlantic Ave. north to Wells Road including all east / west roads between the north / south roads mentioned.
Palm Beach, FL. 33480

Description		Quantity	U/M	WILCO ELECTRICAL, LLC.		C.R.Dunn	
				UNIT PRICE	\$0.00	UNIT PRICE	\$1,963,771.20
MISCELLANEOUS ITEMS				BY OTHERS		BY OTHERS	
NPDES WEEKLY REPORTING				0 EA			
NPDES SET UP & MAINTENANCE				1 LS			
PERFORMANCE & PAYMENT BONDS				1 LS			
MAINTENANCE OF TRAFFIC INCL FLAGMEN				1 LS			
REMOVE & DISPOSE OF EXISTING TREES (SHEETS C3.00 & C3.22)				2 EA			
REMOVE & DISPOSE OF EXISTING PALM TREES (SHEETS C3.04, 3.05, & 3.18)				4 EA			
REMOVE & DISPOSE OF EXISTING ROYAL PALM (SHEET C3.26)				1 EA			
REMOVE & DISPOSE OF EXISTING STUMP (SHEETS C3.11 & 3.24)				2 EA			
TRIM EXISTING HEDGE AS NECESSARY (SHEETS 3.04, 3.15, & 3.28)				40 LF			
REMOVE & DISPOSE OF EXISTING HEDGE AS NECESSARY (SHEETS C3.09, 3.14, 3.16, 3.19, 3.20, 3.23, 3.24, 3.26, & 3.28)				89 LF			
SAWCUT / REMOVE & DISPOSE OF EXISTING SCREEN WALL / STUCCO / PAINT TO MATCH EXISTING				24 LF			
SAWCUT / REMOVE / DISPOSE OF EXISTING CONCRETE (SHEET C3.05)				60 SF			
REMOVE & DISPOSE OF EXISTING PAVERS (SHEET C3.22)				28 SF			
SAWCUT / REMOVE & DISPOSE OF EXISTING CURB / EXCAVATE / SUBGRADE / COMPACT CURB PAD / INSTALL "D-CURB"				147 LF			
SAWCUT / REMOVE & DISPOSE OF EXISTING VALLEY GUTTER / EXCAVATE / SUBGRADE / COMPACT CURB PAD / INSTALL "F" CURB (SHEET C3.06)				64 LF			
SIDEWALK NARROWING PER DETAIL ON SHEET C8.02. TO INCLUDE EXISTING CONCRETE REMOVAL / DISPOSAL / SUBGRADE / COMPACTION / AND CONCRETE REPLACEMENT				2 EA			
COORDINATE WITH FPU / FPU TO DEFLECT EXISTING GAS MAIN. (SHEETS C3.05, 3.09, & 3.14)				3 EA			
REMOVE & RELOCATE EXISTING MAILBOX				5 EA			
RELOCATE EXISTING LANDSCAPE LIGHT				1 EA			
REMOVE / RELOCATE EXISTING IRRIGATION VALVE				1 EA			
RELOCATE EXISTING SIGN				2 EA			
RELOCATE EXISTING MIRROR				1 EA			

Description		Quantity	U/M	WILCO ELECTRICAL, LLC.		C.R.Dunn					
REMOVE & DISPOSE OF EXISTING CHAINLINK FENCE FURNISH & INSTALL NEW CHAIN LINK FENCE TO MATCH EXISTING PROVIDE TEMPORARY FENCING DURING CONSTRUCTION TEMPORARY 4' HIGH GREEN CHAINLINK FENCE FOR DOG REMOVE EXISTING GATE AND DISPOSE OF REMOVE EXISTING ROCK AND DISPOSE OF REMOVE EXISTING STREET LIGHT & RETURN TO THE TOWN FURNISH & INSTALL FIXED BOLLARDS FURNISH & INSTALL REMOVABLE BOLLARDS REMOVE EXISTING VEGETATION / HEDGE / TREES AS NECESSARY TO FACILITATE EQUIPMENT INSTALLATION THAT HAS NOT BEEN NOTED IN OTHER BID ITEMS LOAD/HAUL/DISPOSE OF SURPLUS FILL PERMANENT ROADWAY TRENCH / BORE PIT / HANDHOLE RESTORATION INCLUDING LINE STRIPING REMOVE / CLEAR / GRUB / DISPOSE OF EXISTING VEGETATION / TREES TO FACILITATE INSTALLATION OF PRIVATE UTILITY CONDUITS & EQUIPMENT	72 LF		\$	-	\$10.00	\$	720.00	\$	\$0.00	\$	-
	65 LF		\$	-	\$75.00	\$	4,875.00	\$	\$0.00	\$	-
	65 LF		\$	-	\$39.00	\$	2,535.00	\$	\$0.00	\$	-
	11 LF		\$	-	\$75.00	\$	825.00	\$	\$0.00	\$	-
	1 EA		\$	-	\$200.00	\$	200.00	\$	\$0.00	\$	-
	1 EA		\$	-	\$200.00	\$	200.00	\$	\$0.00	\$	-
	1 EA		\$	-	\$2,000.00	\$	2,000.00	\$	\$0.00	\$	-
	3 EA		\$	-	\$900.00	\$	2,700.00	\$	\$0.00	\$	-
	6 EA		\$	-	\$900.00	\$	5,400.00	\$	\$0.00	\$	-
	1 LS		\$	-	\$15,000.00	\$	15,000.00	\$	\$0.00	\$	-
	1 LS		\$	-	\$72,000.00	\$	72,000.00	\$	\$0.00	\$	-
	1 LS		\$	-	\$782,000.00	\$	782,000.00	\$	\$0.00	\$	-
	1 LS		\$	-	\$130,000.00	\$	130,000.00	\$	\$0.00	\$	-

Description		Quantity	U/M	WILCO ELECTRICAL, LLC.		C.R.Dunn					
INSTALL FPL FURNISHED A/C-PHASE PRIMARY SPICE BOXES INCL. ALL NECESSARY CONNECTIONS AND TIE-INS. LID TO BE PAINTED GREEN AFTER CONSTRUCTION IS COMPLETE. INSTALL FPL FURNISHED A/B/C-PHASE PRIMARY SPICE BOXES INCL. ALL NECESSARY CONNECTIONS AND TIE-INS. LID TO BE PAINTED GREEN AFTER CONSTRUCTION IS COMPLETE. INSTALL FPL FURNISHED A/B/C-PRIMARY SPICE BOXES; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS INSTALL FPL FURNISHED FEEDER SPICE BOXES INCL. ALL NECESSARY CONNECTIONS AND TIE-INS INSTALL FPL FURNISHED SINGLE - WINDOW FEEDER SPICE BOX INCLUDING ALL NECESSARY CONNECTIONS AND TIE-INS. DEFLECT EXISTING STREETLIGHT CONDUITS AS NECESSARY. INSTALL FPL FURNISHED VISTA SWITCH; CONCRETE PADS, AND CHAMBERS; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS INSTALL FPL FURNISHED STANDARD SWITCH, CONCRETE PADS, AND CHAMBERS; INCL. ALL NECESSARY CONNECTIONS AND TIE-INS INSTALL FPL FURNISHED PME-4 THREE PHASE MOUNTED SWITCH GEAR, CONCRETE PADS, AND CHAMBERS, INCL. ALL NECESSARY CONNECTIONS INSTALL FPL FURNISHED OPEN DELTA TRANSFORMERS / PADS; INCLUDING GROUND RODS AND ALL CONNECTIONS INSTALL FPL FURNISHED SINGLE PHASE TRANSFORMERS / PADS; INCLUDING GROUND RODS AND ALL CONNECTIONS INSTALL FPL FURNISHED 24" HANDHOLES; INCL. ALL NECESSARY CONNECTIONS, TIE-INS AND INTERCEPT EXISTING SERVICE INSTALL FEEDER RISER ON MAKE READY POLE / COORDINATE EXACT LOCATION OF POLE WITH FPL / FPL TO INSTALL MAKE READY POLE. CAP 0FNC BELOW GRADE FOR FUTURE CONNECTION (SHEET C3.05) STUB UP FPL 2SVC CONDUIT FOR FUTURE CONNECTION BY PROPERTY OWNER OF 251 DUNBAR (SHEET C3.09) PULL PROPOSED "B" PHASE WIRE IN EXISTING SPARE 1PN1C (SHEET C3.08) LOOP 1PN1C INTO EXISTING TRANSFORMER LOOP 2PN2C INTO EXISTING TRANSFORMER LOOP 6PN6C INTO EXISTING TRANSFORMER PULL PROPOSED WIRE IN EXISTING 4PN4C CONDUIT TO LOOP EXISTING TRANSFORMER INSTALLED BY 127 DUNBAR DEVELOPER LOOP PROPOSED "B-PHASE" IN EXISTING SPARE 1PN1C INTO EXISTING TRANSFORMER CONNECT 1PN1C TO EXISTING SPARE CONDUIT & BYPASS TRANSFORMER CONNECT 4PN4C TO SPARE PRIMARY CONDUIT STUB UPS AT 127 DUNBAR RD. INTERCEPT EXISTING PRIMARIES FROM POLE RISER INTO PROPOSED A/B/C PHASE PRIMARY SPICE BOX INTERCEPT EXISTING SPARE SVC CONDUIT INTO TRANSFORMER INTERCEPT EXISTING A-PHASE CONDUIT INTO PROPOSED A- PHASE PRIMARY SPICE BOX INTERCEPT EXISTING C-PHASE CONDUIT INTO PROPOSED C- PHASE PRIMARY SPICE BOX INTERCEPT EXISTING CONDUITS INTO HANDHOLE. CONDUITS TO BE REUSED FOR STREETLIGHTING INSTALL FEEDER CONDUIT INTO EXTG FEEDER SPICE BOX, INTERCEPT EXISTING FEEDER INSTALL 2PN2C INTO EXISTING PRIMARY SPICEBOX, INTERCEPT EXISTING A/C-PHASE PRIMARY	1 EA		\$	-	\$4,281.61	\$	4,281.61	\$0.00	-	\$	-
	1 EA		\$	-	\$4,734.00	\$	4,734.00	\$0.00	-	\$	-
	7 EA		\$	-	\$4,734.00	\$	33,138.00	\$0.00	-	\$	-
	3 EA		\$	-	\$7,921.78	\$	23,765.34	\$0.00	-	\$	-
	2 EA		\$	-	\$7,921.78	\$	15,843.56	\$0.00	-	\$	-
	1 EA		\$	-	\$4,815.00	\$	4,815.00	\$0.00	-	\$	-
	5 EA		\$	-	\$7,590.56	\$	37,952.80	\$0.00	-	\$	-
	1 EA		\$	-	\$7,270.65	\$	7,270.65	\$0.00	-	\$	-
	11 EA		\$	-	\$6,226.91	\$	68,496.01	\$0.00	-	\$	-
	45 EA		\$	-	\$3,438.21	\$	154,719.45	\$0.00	-	\$	-
	6 EA		\$	-	\$2,686.22	\$	16,117.32	\$0.00	-	\$	-
	3 EA		\$	-	\$3,500.00	\$	10,500.00	\$0.00	-	\$	-
	1 EA		\$	-	\$528.00	\$	528.00	\$0.00	-	\$	-
	1 EA		\$	-	\$250.00	\$	250.00	\$0.00	-	\$	-
	122 LF		\$	-	\$4.76	\$	580.72	\$0.00	-	\$	-
	6 EA		\$	-	\$403.93	\$	2,423.58	\$0.00	-	\$	-
	3 EA		\$	-	\$450.00	\$	1,350.00	\$0.00	-	\$	-
	1 EA		\$	-	\$646.28	\$	646.28	\$0.00	-	\$	-
	14 LF		\$	-	\$4.76	\$	66.64	\$0.00	-	\$	-
	1 EA		\$	-	\$650.00	\$	650.00	\$0.00	-	\$	-
	1 EA		\$	-	\$1,200.00	\$	1,200.00	\$0.00	-	\$	-
	1 EA		\$	-	\$2,500.00	\$	2,500.00	\$0.00	-	\$	-
	4 EA		\$	-	\$3,200.00	\$	12,800.00	\$0.00	-	\$	-
	4 EA		\$	-	\$650.00	\$	2,600.00	\$0.00	-	\$	-
	2 EA		\$	-	\$650.00	\$	1,300.00	\$0.00	-	\$	-
	1 EA		\$	-	\$650.00	\$	650.00	\$0.00	-	\$	-
	1 EA		\$	-	\$650.00	\$	650.00	\$0.00	-	\$	-
	2 EA		\$	-	\$4,500.00	\$	9,000.00	\$0.00	-	\$	-
	1 EA		\$	-	\$650.00	\$	650.00	\$0.00	-	\$	-

[illegible]

Description		Quantity		U/M	WILCO ELECTRICAL, LLC.		C.R.Dunn			
COMCAST	LOCATE EXISTING 1-5-ATTT-M CONDUIT BELOW GRADE & CONNECT IT TO PROPOSED 1-5-ATT-M FURNISH AND INSTALL AT&T PEDESTALS ATT ENGINEERING & INSTALLATION FEES	1	EA		\$	-	\$	650.00	\$	-
		0	EA		BY OTHERS	BY OTHERS	BY OTHERS	BY OTHERS	BY OTHERS	
		0	EA		BY OTHERS	BY OTHERS	BY OTHERS	BY OTHERS	BY OTHERS	
							</			

**Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 7 - South**

GENERAL CONDITIONS

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President
1400 Alabama Ave.
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town Of Palm Beach**
Public Works & Engineering Dept
951 Old Okeechobee Road
West Palm Beach, FL 33401
Tel: (561) 838-5440
Fax: (561) 835-4691

Engineer: **Kimley-Horn & Associates, Inc.**
Attn: Kevin Schanen, P.E.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
Ph: (561) 845-0665
Fax: (561) 863-8175

Project: **Townwide Overhead Utility Undergrounding - Phase 7 - South**

Plans: Based on bid set of plans & specifications BCI received date 3.22.2024

Complete Plan Log attached

Location: Town of Palm Beach

Proposal Date: 5/17/2024, Rev. 5/28/2024

Item Description						Amount
BASED ON A 24 MONTH DURATION WITH A 12 MONTH OVERLAP WITH PHASE 7 NORTH						
MOBILIZATION (move-in, move-out)						\$0.00
TRANSPORT	\$65.00 /	Hr	x	0		\$0.00
EQUIPMENT	\$35.00 /	Hr.	x	0		\$0.00
PROJECT FIELD OFFICE						\$131,475.00
OFFICE	\$6,000.00 /	mo.	x	12		\$72,000.00
YARD	\$0.00 /	mo.	x	0		\$0.00
EMPLOYEE PARKING FEES	\$500.00 /	mo.	x	0		\$0.00
WORK PLATFORM FOR YARD	\$200.00 /	mo.	x	0		\$0.00
TEMPORARY FENCING FOR YARD	\$500.00 /	mo.	x	0		\$0.00
CONSTRUCTION YARD LIGHTING	\$0.00 /	mo.	x	0		\$0.00
OFFICE FURNISHINGS	\$500.00 /	mo.	x	12		\$6,000.00
COMPUTERS	\$300.00 /	mo.	x	12		\$3,600.00
PROCORE SOFTWARE	\$700.00 /	mo.	x	12		\$8,400.00
SUBMITTAL SOFTWARE	\$2,000.00 /	ls	x	0		\$0.00
COPY MACHINE	\$350.00 /	mo.	x	12		\$4,200.00
FAX MACHINE	\$100.00 /	mo.	x	0		\$0.00
INTERNET SERVICE	\$150.00 /	mo.	x	12		\$1,800.00
CELLULAR TELEPHONE	\$200.00 /	mo.	x	12		\$2,400.00
TELEPHONE	\$150.00 /	mo.	x	12		\$1,800.00
FEDERAL EXPRESS MAILINGS	\$100.00 /	mo.	x	0		\$0.00
POSTAGE	\$50.00 /	mo.	x	0		\$0.00



PHOTOGRAPHS					
AERIAL PHOTOS	\$110.00 /	mo.	x	0	\$0.00
JOB PHOTOS	\$50.00 /	wk	x	0	\$0.00
PRE-CONSTRUCTION VIDEO	\$17,655.00 /	ls	x	1	\$17,655.00
PLAN REPRODUCTION COST/PRINTING	\$200.00 /	set	x	12	\$2,400.00
OFFICE SUPPLIES	\$50.00 /	mo.	x	12	\$600.00
FIRST AID SUPPLIES	\$50.00 /	mo.	x	12	\$600.00
WATER SERVICE	\$35.00 /	mo.	x	12	\$420.00
SANITARY SERVICE	\$50.00 /	mo.	x	12	\$600.00
ELECTRIC SERVICE	\$200.00 /	mo.	x	12	\$2,400.00
GARBAGE SERVICE	\$25.00 /	mo.	x	12	\$300.00
CONSTRUCTION WATER	\$250.00 /	mo.	x	12	\$3,000.00
JOHN DEERE GATOR (1)	\$500.00 /	mo.	x	0	\$0.00
ICE	\$275.00 /	mo.	x	12	\$3,300.00

BONDS

GENERAL BOND	\$11,442,769.00	x	1.25%	\$143,034.61
SUBCONTRACTORS BONDS	INCLUDED IN DIRECT COSTS			\$143,034.61

PARTNERING INITIATIVES

NOTICES, LETTERS, INFORMATION MEETINGS	\$2,500.00
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INSURANCE

GENERAL INSURANCE	\$11,299,735.00	x	1.90%	\$214,694.97	
Commercial General Liability					
Comprehensive Automobile Liability					
Owner Indemnification					
Professional (Errors/Omissions) Liability					
Excess/Umbrella Liability					
ADD'L INSUREDS	\$100.00 /	ea.	x	0	\$0.00
ADDED INSURANCES					NOT INCLUDED
Railroad protective Liability Ins.					NOT INCLUDED
Builders Risk Insurance					NOT INCLUDED
Installation Floater					NOT INCLUDED
Flood Insurance					NOT INCLUDED
SUBCONTRACTORS' INSURANCE					INCLUDED IN THEIR DIRECT COSTS

SANITARY SERVICES

JOB TOILET (2ea.)	\$500.00 /	mo.	x	12	\$6,000.00
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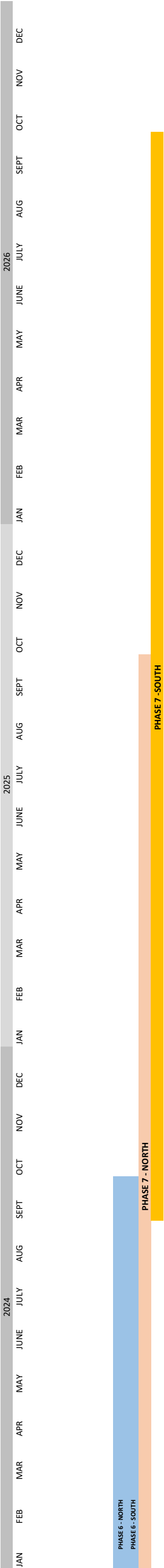
TESTING COSTS

DENSITIES					\$44,125.00
PRESSURE					
PROCTORS					
BACTERIOLOGICAL					
CONCRETE CYLINDERS					
ENGINEERING & REPORTING					
TV'ING OF INSTALLED LINES	NOT INCLUDED				

FEES

TOPB BUILDING DEPT. PERMIT FEES/REVISION FEES	\$0.00
PERMIT SUBMISSION AND EXPEDITING	NONE ANTICIPATED
FDOT GENERAL USE PERMITS	BY OTHERS
DEWATERING PERMITS	NIC
RAILROAD PERMITS	NO FEE PERMIT
PALM BEACH COUNTY PERMITS	NIC
CITY OF WEST PALM BEACH PERMITS	NIC

<u>SURVEYING</u>		\$153,000.00
LAYOUT & ASBUILTS	Avirom and Associates, Inc.	\$153,000.00
ALLOWANCE FOR RESTAKING & DRAFTING		SEE DIRECT COSTS
<u>SMALL HAND TOOLS/EQUIPMENT RENTAL</u>		\$0.00
ALLOWANCE (GENERAL)		\$0.00
HANDLING, STORAGE, UN-LOADING OF OWNER DIRECT PURCHASE MATERIALS		N/A
GENERAL CONDITIONS TOTAL		<u>\$694,829.58</u>



Town of Palm Beach
Townwide Overhead Utility Undergrounding
Phase 7 - South

Exceptions & Clarifications - 05/17/2024, Rev. 5/28/2024

GENERAL

- 1 Scope of work and quantities are based on Bid Set Plans & Specifications BCI received on 03/22/2024 for the Townwide Overhead Utility Undergrounding - Phase 7 - South. Complete plan log is included with this submittal.
- 2 GMP pricing is based on a project start date of September 02, 2024. Project duration shall be two (2) years or 24 months from notice to proceed.
- 3 G.M.P. does not include a construction contingency for the overhead utility undergrounding. Burkhardt Construction, Inc. recommends that the Town carry a construction contingency. Any savings from unused allowances listed in the direct construction costs will revert back to the Town.
- 4 G.M.P. does not include any capital improvement fees, connection fees or impact fees.
- 5 It is understood that the Direct Construction Cost (Exhibit "A") is unit prices for the work shown in the plans and as modified by these exceptions and clarifications.
- 6 Project master schedule and schedule updates shall be a bar chart schedule acceptable to the Owner prepared by CMAR in house personnel.
- 7 Project Manual as described in the contract shall mean the closeout project manual which shall be updated periodically and presented to the Owner upon completion of the project. The information contained in this manual shall be as requested by the Owner.
- 8 G.M.P. cost estimate does not include additional insurance premiums for naming individual property owners as additional insureds.
- 9 G.M.P. includes all sales tax on materials. If the Town elects to direct Owner purchase the ATT & COMCAST materials, the estimated tax savings will be issued in a deductive change order.
- 10 Utility easements shall be obtained prior to work being performed in that area. If a construction easement has not been obtained it may impact the installation schedule, additional costs may be incurred. Reimbursement of costs may be requested and deemed appropriate, if and only if it is mutually agreed upon by the Town of Palm Beach and Burkhardt Construction. If these costs are deemed appropriate they will be paid from the contingency.



- 11 Burkhardt Construction, Inc. (BCI) is not liable for failure to perform such work or any damages that occur if such failure is as a result of Acts of God (including fire, flood, earthquake, storm, hurricane or other natural disaster). If BCI asserts Force Majeure as the reason for failure to perform such work or such damages occur as a result of any Act of God, then BCI must prove that they took reasonable steps to minimize delay or damages caused by unforeseeable events, that BCI substantially fulfilled all obligations, and that the owner was timely notified of the likelihood or actual occurrence of the event described as an Act of God (Force Majeure). Any construction related damages that took place as a result, shall be repaired or removed and replaced at the same contract unit prices and shall be paid out of the contingency.
- 12 If the proposed design locations of transformers, vaults and handholes change after conduit installation, then additional costs may be incurred for the relocation. Reimbursement of costs may be requested and deemed appropriate, if and only if it is mutually agreed upon by the Town of Palm Beach and Burkhardt Construction. If these costs are deemed appropriate they will be paid from the contingency.
- 13 In the event that the terms and provisions of all attached Exhibits conflict with or are omitted from the terms and provisions of this Contract, the terms and provisions of the attached Exhibits shall govern with respect to the performance of the work.
- 14 TOPB Building Permits; All owner obtained permits shall be in hand prior to start of construction.
- 15 The following are part of the G.M.P. in order to facilitate the aggressive work schedule.
 - a. From September 02, 2024 through November 22, 2024 regularly scheduled crew work hours shall be 8:00 AM to 6:00 PM Monday through Friday. From November 23, 2024 through April 20, 2025 regularly scheduled crew work hours shall be from 9:00 AM to 5:00 PM Monday through Friday. From April 21, 2025 through November 21, 2025 regularly scheduled crew work hours shall be 8:00 AM to 6:00 PM Monday through Friday. From November 22, 2025 through April 10, 2025 regularly scheduled crew work hours shall be from 9:00 AM to 5:00 PM Monday through Friday. From April 11, 2026 through August 31, 2026 regularly scheduled crew work hours shall be from 8:00 AM through 6:00 PM Monday through Friday.
 - b. Night, weekend or holiday work beyond the regularly scheduled work hours stated in item a., which may be necessary due to emergency, delay or makeup time, shall be requested on a case by case basis and reviewed/approved by the Public Works Staff. If the Public Works Staff approves the request, the following Town code section shall not apply to the work performed in this GMP. Sec. 42-198(a) Prohibited. During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30, no person shall operate or cause to be operated the following machinery or equipment within the town (1)Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.(2)Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.(3)Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.(4)Dry sandblasting machines and jackhammers.(5)Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.
 - c. The project will require free and unlimited jobsite access for workmen and deliveries during all authorized work hours.
 - d. The schedule makes no provision for delays caused by named storms.
 - e. The construction contract shall be authorized by the Town Council in the June 2024 Town Council meeting.

- 16 G.M.P. does not include costs for removal / remediation of asbestos cement pipe or any other hazardous materials.
- 17 G.M.P. does not include removal or replacement of any unsuitable subsoils. Demucking is specifically excluded.
- 18 G.M.P. is based upon the use of the Town's property as a construction staging yard located at 6th Street and Dixie Highway, West Palm Beach. The Town & Subcontractor shall agree upon a rental rate for use of said property. Fence rental and storage containers are not included in this GMP.
- 19 Prices are based on re-using excavated material for backfill. No unsuitable subsoil excavation, removal or replacement. Unsuitable soil, if encountered shall be removed, disposed of, replaced as directed by the Owner and billed to the Owner at the actual direct cost.
- 20 G.M.P. is based on the assumption that portions of roadways will be closed to vehicular traffic during some phases of construction. Closures shall be coordinated with the Town and in accordance with the Town's Maintenance of Traffic permit conditions.
- 21 G.M.P. cost estimate does not include any new street signage, posts or line striping other than what has been disturbed due to construction.
- 22 G.M.P. does not include any cost to mill and pave. All areas will be restored with a permanent patch.
- 23 Owner and Construction Manager (the "Parties") acknowledge and agree the GMP and Contract Time as defined in the Agreement do not include any cost impacts or schedule impacts (collectively "Impacts") associated with COVID-19, any other virus, disease, epidemic, or pandemic ("Epidemic"). The Parties agree if Construction Manager's work is delayed, suspended, disrupted, made more expensive, or otherwise adversely impacted, directly or indirectly, by an Epidemic, including, but not limited to the following impacts: (1) material or equipment supply chain disruptions; (2) illness and related costs; (3) unavailability of labor or increased labor costs, including, but not limited to any labor shortage or increased labor costs resulting from loss of labor productivity, strike, lockout or denial of labor by any union or collective bargaining unit, labor force reduction required by the CDC or OSHA guidelines, regulations, or governmental order; (4) government orders, shelter-in-place orders, closures, changes in the law, or other directives or restrictions that impact the work or the Project site; or (5) fulfillment of Construction Manager's contractual obligations regarding safety specific to COVID-19, any Epidemic, or both, then Construction Manager's shall be entitled to an equitable adjustment of the GMP and/or Contract Time for all such impacts. The Parties further agree, Construction Manager's will attempt to exercise due diligence with respect to the selection and management of material suppliers and supply chains in an effort to minimize the risk of disruption; however, Construction Manager does not warrant the performance of material suppliers, supply chains and supply chain management. Likewise, Construction Manager cannot foresee and is not carrying any necessary costs or contingencies for such Impacts and did not include any such Impacts in its GMP proposal for this Project.
- 24 Due to the present volatile nature of the construction market, construction material costs could change substantially during construction. The G.M.P. does not include any assumed material price increases. If any proposed increases are approved by the owner, these increases will be paid from the Town's contingency.
- 25 G.M.P. includes an allowance for any repairs / replacement of sanitary service laterals from the private residences to the Town's main that are not located.



- 26 G.M.P. does not include any repairs / replacement to private side gas, propane, or electric service lines to generators that are not located.
- 27 Upon (a) achievement of substantial completion; or (b) achievement of substantial completion of all items for which Burkhardt Construction, Inc. is directly responsible such that the only outstanding items preventing finalization and closeout of the permit are either: (1) items which Owner has separately contracted for, such as installation, connection or repair of cable, telephone, electric, utility, or other similar facilities or services; or (2) items under Burkhardt Construction Inc.'s permit but wholly out of Burkhardt Construction Inc.'s control, such as installation, connection or repair of cable, telephone, electric, utility, or other similar facilities or services; the Owners shall release Burkhardt Construction, Inc., its respective officers, directors, agents and employees (collectively, "BCI") from all liability and indemnify, save, defend, and hold harmless BCI from and against any and all liabilities, damages, claims, losses, and expenses, including reasonable attorney's fees, expenses, and costs (including attorneys' fees, costs and expenses through appeal and attorneys' fees, costs and expenses incurred in establishing the right to and the amount of indemnification) for injury or damages resulting from, arising out of, caused by, or related to the presence of persons or property (other than persons or property under the direct control of BCI) within the boundaries of the location at which BCI performed the Work . This provision shall control over any other provision in the Agreement.

WATER / SEWER / STORM DRAINAGE

- 1 G.M.P. does not include any cost for disposal/treatment of contaminated ground water if encountered during dewatering operations. It is assumed that clean groundwater generated by dewatering operations will be discharged into the existing storm drainage system.
- 2 Cleaning of the existing storm drainage system within the project limits is not included except to the extent caused by contractor negligence that is under the direct supervision of the construction manager.
- 3 G.M.P. does not include any water main work. There is none shown in the G.M.P. "Bid Set" of drawings.
- 4 G.M.P. cost estimate does not include City of West Palm Beach meter installation and hook-up fees.
- 5 G.M.P. cost estimate does not include any sanitary sewer work.

FRANCHISE UTILITIES

- 1 G.M.P. cost estimate does not include any design, engineering or installation fees which may be charged to the Owner by franchise utility companies. (electric, telephone, cable tv, gas)
- 2 The Construction Manager at Risk shall not assume liability or warranty any work performed by FPL, COMCAST, ATT, FPU and/or their subcontractors.
- 3 The schedule represents the work controlled by the Construction Manager. Should the project exceed the scheduled duration due to the involvement of entities beyond our control (including but not limited to FPL, ATT and Comcast), a "No Fee" time extension for that work shall be issued. "No Fee" specifically refers to the construction phase management fee and profit. Should a "Fee" be requested and deemed appropriate, if and only if it is mutually agreed upon by the Town of Palm Beach and Burkhardt Construction prior to the granted time extension, it shall be paid from contingency.
- 4 The energizing of the new system is dependent on receiving switching orders from FPL. Services cannot be converted until the transformers are "hot".

- 5 G.M.P. does not include FPL, Comcast or ATT's binding cost estimates. These invoices shall be paid directly by the Owner. Once the FPL binding cost estimate is executed, the contractor shall release FPL materials within 14 working days. Once the materials are received by the subcontractor the Owner shall then issue the Notice to Proceed.
- 6 G.M.P. cost estimate does not include any ATT or Comcast wire.
- 7 G.M.P. cost estimate does not include any meter can or service disconnect removal and replacements
- 8 G.M.P. cost estimate does not include any rear easement restoration for FPL pole and wire removal.
- 9 G.M.P. cost estimate does not include any demolition and removal of any unknown structures during the installation of the proposed conduit. If encountered the additional work shall be approved by the Owner and paid for from the Town's contingency.
- 10 G.M.P. cost estimate includes one chicane. If additional chicanes are required the additional work shall be approved by the Owner and paid for from the Town's contingency.

ELECTRICAL

- 1 G.M.P. cost estimate does not include street lighting.

LANDSCAPING

- 1 G.M.P. cost estimate does not include any landscape or irrigation maintenance.
- 2 G.M.P. cost estimate does not include any tree trimming except as noted on plans.

ALTERNATES

- 1 None



Burkhardt Construction, Inc.

07/09/24 TCM Backup

Printed on Fri May 17, 2024 at 02:53 pm EDT
Job #: 2404 PRECON - TOPB Phase 7 South
951 Okeechobee Rd., Suite A
West Palm Beach, Florida 33401
5612277016

Bid Set - Current Drawings

Drawing No.		Drawing Title				Revision			Drawing Date		Received Date		Set		
Civil															
C1.00		COVER SHEET				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C1.01		GENERAL NOTES				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C1.02		GENERAL NOTES				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C1.03		GENERAL NOTES				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C1.04		GENERAL NOTES				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C2.00		KEY SHEET				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.00		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.01		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.02		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.03		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.04		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.05		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.06		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.07		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.08		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.09		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.10		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.11		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.12		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.13		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.14		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.15		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.16		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
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C3.18		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.19		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.20		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
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C3.25		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		
C3.26		FPL CONDUIT PLAN				0			03/22/2024		03/22/2024		BID SET (03/22/24)		



Burkhardt Construction, Inc.

07/09/24 TCM B

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Job #: 2404 PRECON - TOPB Phase 7 South
951 Okeechobee Rd., Suite A
West Palm Beach, Florida 33401
5612277016

Drawing No.	Drawing Title	Revision	Drawing Date	Received Date	Set
C3.27	FPL CONDUIT PLAN	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C3.28	FPL CONDUIT PLAN	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C3.29	FPL CONDUIT PLAN	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.00	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.01	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.02	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.03	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.04	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.05	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
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C4.15	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
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C4.18	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.19	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
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C4.28	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C4.29	ATT AND COMCAST CONDUIT	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C5.00	FPL CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C5.01	FPL CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C5.02	FPL CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C5.03	STANDARD CLEARSPACE DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C5.04	STANDARD EASEMENT DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)



Burkhardt Construction, Inc.

07/09/24 TCM B

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Job #: 2404 PRECON - TOPB Phase 7 South
951 Okeechobee Rd., Suite A
West Palm Beach, Florida 33401
5612277016

Drawing No.	Drawing Title	Revision	Drawing Date	Received Date	Set
C6.00	ATT CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C7.00	COMCAST CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C8.00	ROADWAY DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C8.01	CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C8.02	CONSTRUCTION DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C9.00	ELECTRICAL SERVICE SIZING	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C10.04	NIGHTMASTER CONTROLLER PLAN	0	03/22/2024	03/22/2024	BID SET (03/22/24)
C10.28	NIGHTMASTER CONTROLLER PLAN	0	03/22/2024	03/22/2024	BID SET (03/22/24)
Landscape					
L1.00	LANDSCAPE SCHEDULE	0	03/22/2024	03/22/2024	BID SET (03/22/24)
L1.01	LANDSCAPE DETAILS	0	03/22/2024	03/22/2024	BID SET (03/22/24)
L1.02	LANDSCAPE NOTES	0	03/22/2024	03/22/2024	BID SET (03/22/24)
SURVEY					
1 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
2 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
3 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
4 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
5 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
6 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
7 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
8 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
9 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
10 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
11 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
12 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
13 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
14 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
15 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
16 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
17 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
18 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
19 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
20 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
21 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
22 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
23 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
24 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)
25 OF 25	TOPOGRAPHIC SURVEY	0	03/22/2024	03/22/2024	BID SET (03/22/24)

May 30, 2024

Patricia Strayer, P.E.
Town of Palm Beach – Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

**RE: *Town-Wide Undergrounding of Utilities Program – Phase 7 South GMP Review
Kimley-Horn Job No. 044063270***

Dear Patricia,

The Town of Palm Beach selected Burkhardt Construction as the Construction-Manager-at-Risk (CMAR) for Phase 7 South of the Town-Wide Undergrounding of Utilities Program. On May 17, 2024, Burkhardt Construction submitted a Guaranteed Maximum Price (GMP) for the project to the Town and Kimley-Horn for review.

The GMP received for Phase 7 South is \$11,442,769.58. The current Engineer's Opinion of Probable Cost for Phase 7 South is \$11,000,000. The Master Plan Opinion of Probable Cost that was updated in November 2019 included a cost opinion of \$6,300,000 for the construction elements that were anticipated to be included in the GMP for Phase 7 South.

Phase 7 South is 4% above the Engineer's opinion of cost and 82% above the Master Plan opinion of cost. The GMP for Phase 7 South was predominantly based on unit prices that were originally developed for Phase 7 North, without any adjustment. Phase 7 North was also significantly above the Master Plan opinion of cost for that phase due to it being predominantly based on unit prices that were impacted by historically significant changes in market conditions.

Kimley-Horn reviewed the Guaranteed Maximum Price for Phase 7 South to identify any abnormalities in the construction management costs, bid items, and exceptions/clarifications. The results of our review follow.

The construction management costs are generally in line with what was anticipated. General Conditions and the Construction Phase Management Fee are roughly equivalent to Phase 7 North. Profit is the same as Phase 7 North. Cost efficiencies still exist, as there is still overlap with current on-going phases.

The bid item for chicane concrete appears to have a typographical error. An extended price of \$65,000 for this item is far higher than expected and not consistent with past chicane pricing for similar installations. It is likely that the unit price of \$2,500 should be the extended price. This should be confirmed and updated by the CMAR which would lower the cost for this item by \$62,500.

We recommend that the following comments on the Exceptions & Clarifications be reviewed by Burkhardt Construction so that appropriate revisions can be made:

- General, Item 14: Revise the text to clarify that owner-obtained permits shall be in hand prior to the start of construction
- General, Item 24: Revise the text to clarify that any proposed increases shall be approved by the Town
- Franchise Utilities, Item 5: Revise the text to clarify that the subcontractor shall request materials from FPL within 14 days of execution of the FPL binding cost estimate and that ATT and Comcast materials will be furnished by the subcontractor
- Franchise Utilities, Item 9: Revise the text to clarify that additional work shall be approved by the Town
- Franchise Utilities, Item 10: Revise the text to clarify that additional work shall be approved by the Town

Other Exceptions and Clarifications contained within the GMP are consistent with previous versions of the same submitted with GMP's for earlier phases of the program. Should you have any questions or comments, please do not hesitate to contact me at (561) 840-0843.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.



Brett Johnson, P.E.
Project Manager

K:\WPB_Civil\044063270 - Phase 7 Design\Phase 7 South\GMP\20240530 GMP Review P7S.docx

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 063-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, approving a purchase order to Kimley-Horn and Associates, Inc. for Construction Phase Services for Phase 7 South Undergrounding in the amount of \$376,765 and establishing a project budget in the amount of \$433,279.

Presenter

Dean Mealy, II, Procurement and Contract Manager

ATTACHMENTS:

- ▣ **Memorandum dated May 31, 2024 from Dean Mealy, Procurement and Contract Manager**
- ▣ **Resolution No. 063-2024**
- ▣ **Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Robert Miracle, CPA Deputy Town Manager, Finance and Administration

FROM: Dean Mealy, II NIGP-CPP, CPPO Town Procurement and Contract Manager

RE: Resolution approving a purchase order to Kimley-Horn and Associates, Inc. for Construction Phase Services for Phase 7 South Undergrounding in the amount of \$376,765 and establishing a project budget in the amount of \$433,279.

DATE: May 31, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council approve Resolution No. 063-2024, approving a purchase order to Kimley-Horn and Associates, Inc. for Construction Phase Services for Phase 7 South Undergrounding in the amount of \$376,765 and establishing a project budget in the amount of \$433,279.

SUMMARY EXPLANATION/BACKGROUND

Kimley-Horn and Associates, Inc. was engaged to provide Construction Phase Services for the Town-wide Undergrounding of Utilities Program.

The design phase of Phase 7 South is complete and the Town's construction manager has prepared the Guaranteed Maximum Price. The Town has requested that Kimley-Horn perform construction phase engineering services to support the Town during the construction of the undergrounding.

It is understood that work is anticipated to begin in June 2024. This sub-phase is located between Atlantic Avenue and Sanford Avenue.

It is understood that FPL, AT&T, and Comcast all have facilities on utility poles to varying degrees. These poles are generally located in rear-lot easements or in the public right-of-way. New underground infrastructure will be installed within the road rights-of-way and in new front-lot easements. Once the new facilities have been installed, activated, and the services cut over, the rear-lot poles and wires will be removed.

I have attached the Scope of Services for review.

FUNDING/FISCAL IMPACT

With this latest contract, the cost for the undergrounding project will be in the 140-150 million dollar range. We will know more when the Phase 8 bid comes in later this year. As the council has reiterated to residents, any cost overruns will not increase their underground assessment. This continues to be a challenge as capital project costs continue to increase in the South Florida market. The Town started to transfer funds from the Marina fund to try to cover the increase in costs to the undergrounding project. In 2017, the Marina transferred 2.4 million dollars to the undergrounding project. This amount has increased to 5.5 million dollars in the fiscal year 2024. The proposed Marina transfer for fiscal year 2025 will be 6 million dollars.

One item that has been discussed since the undergrounding project was started is the need to pave the roads after each phase is completed. This cost was not part of the original undergrounding project. We will need to pay this over the next five years from the Capital Improvement Fund. This is causing increased pressure in that fund to pay for all of the other needed capital projects. This will be discussed more with Council at the Budget Workshop on July 11th.

TOWN ATTORNEY REVIEW

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

RESOLUTION NO. 063-2024

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PALM BEACH, PALM BEACH COUNTY, FLORIDA,
APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND
ASSOCIATES, INC. FOR CONSTRUCTION PHASE SERVICES
FOR PHASE 7 SOUTH UNDERGROUNDING IN THE AMOUNT
OF \$376,765 AND ESTABLISHING A PROJECT BUDGET IN
THE OF \$433,279**

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 063-2024, approving a purchase order to Kimley-Horn and Associates, Inc. for Construction Phase Services for Phase 7 South Undergrounding in the amount of \$376,765 and establishing a project budget in the amount of \$433,279.

Section 2. The Town Manager is hereby authorized to execute the Contract and Purchase Order on behalf of the Town of Palm Beach for these improvements.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July, 2024

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

May 23, 2024

Patricia Strayer, P.E.
Town of Palm Beach – Public Works Department
951 Old Okeechobee Road
West Palm Beach, FL 33401

RE: *Town-Wide Undergrounding of Utilities Program: Phase 7 South Construction Phase Services*

Dear Patricia,

Kimley-Horn and Associates, Inc. (Kimley-Horn) is pleased to submit this proposal to the Town of Palm Beach ("Town") for providing engineering services related to the Phase 7 South construction phase for the Town-wide Undergrounding of Utilities Program. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

The design phase of Phase 7 South is complete and the Town's construction manager has prepared the Guaranteed Maximum Price. The Town has requested that Kimley-Horn perform construction phase engineering services to support the Town during the construction of the undergrounding.

It is understood that work is anticipated to begin in June 2024. This sub-phase is located between Atlantic Avenue and Sanford Avenue.

It is understood that FPL, AT&T, and Comcast all have facilities on utility poles to varying degrees. These poles are generally located in rear-lot easements or in the public right-of-way. New underground infrastructure will be installed within the road rights-of-way and in new front-lot easements. Once the new facilities have been installed, activated, and the services cut over, the rear-lot poles and wires will be removed.

Based on this understanding, our detailed scope of services is provided below.

Scope of Services

Kimley-Horn will perform the following services during construction. A more detailed description of each of the itemized services below follows later in this proposal.

- Pre-Construction Meeting attendance
- Bi-weekly progress meeting attendance for the 24-month construction duration (up to 52 meetings)
- Utility coordination meeting attendance (FPL, ATT, Comcast) during the construction duration (up to 8 meetings)
- Visits to the site including field reports and photographs (approximately 2-3 times per week during conduit/equipment installation and 1-2 times per week during demolition, up to 234 visits)

- Recommendations with Respect to Defective Work
- Clarifications and interpretations
- Change order review
- Shop drawing review / review of proposed substitutions
- Review of testing lab reports
- Payment application review (up to 24 applications)
- Substantial completion walk-through and punch list development
- Final acceptance walk-through
- Record drawing review

The following is a more detailed description of the services that will be performed.

Pre-Construction Conference. Kimley-Horn will attend a Pre-Construction Conference prior to commencement of Work at the Site.

Visits to Site and Observation of Construction. Kimley-Horn will make the limited number of visits as described above in order to observe the progress of the Work. Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation. Based on information obtained during such visits, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

Kimley-Horn shall not, during such visits or as a result of such observations, supervise, direct, or have control over Contractor's work, nor shall Kimley-Horn have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with applicable laws and regulations. Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to the Town as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Town, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. Kimley-Horn's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Kimley-Horn shall be entitled to rely on the results of such tests and the facts being certified.

Disagreements between Town and Contractor. Kimley-Horn will, if requested by the Town, render written decision on all claims of the Town and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Kimley-Horn shall be fair and not show partiality to the Town or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends Contractor be paid. Such recommendations will be based on Kimley-Horn's knowledge, information and belief, and will state whether in Kimley-Horn's opinion Contractor's work has progressed to the point indicated, subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests. Kimley-Horn's recommendations will not be a representation that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work, or involved detailed inspections.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Town and Contractor, conduct a site visit to determine if the Work is substantially complete. We will also review conduit and equipment placement record drawings submitted by the contractor for FPL, AT&T, and Comcast facilities prior to submission of such record drawings to those respective utility owners. Comments will be provided to the contractor prior to submission to the utility owners. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of the Town, Kimley-Horn considers the Work substantially complete, Kimley-Horn will notify the Town and Contractor.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit with the Town to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn shall also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. If the work is found to be in general accordance with the Contract Documents, Kimley-Horn will also prepare and submit applicable permit certifications for those permits that were issued for the project.

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town or extensions to the project schedule noted below, will be considered additional services and will be performed based on proposals approved prior to performance of the additional services.

Information and Services Provided by the Town

The following information and services shall be provided to Kimley-Horn by the Town:

- Access to the project site

Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually-agreed-upon schedule. It is anticipated that services will begin in June 2024. Construction is expected to be complete in May 2026. Fees for engineering services are based on these durations. Services performed beyond these durations will be considered additional services.

Fee and Billing

Kimley-Horn will perform the scope of services, excluding meetings, for the total lump sum fee listed below. All permitting, application, and similar project fees will be paid directly by the Client. Lump sum fee will be invoiced monthly based upon the overall percentage of services performed.

Construction Phase Services	\$337,935
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Kimley-Horn will attend meetings on a labor fee plus expense basis with the estimated labor and expense fee shown below. Kimley-Horn will not exceed the total maximum labor and expense fee shown without authorization from the Client.

Meeting Attendance [Construction Phase]	\$ 38,830
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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 Master Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program RFQ No. 2016-07, 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! Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'KS', is positioned above the typed name and title.

By: Kevin Schanen, P.E.
Senior Vice President / Principal

Attachment

07/09/24

ESTIMATE FOR ENGINEERING SERVICES

Town-Wide Undergrounding of Utilities Program: Phase 7 South Construction Phase Services										
CLIENT:		Town of Palm Beach								
ESTIMATOR:		BAJ								
		DATE: 5/23/2024								
DESCRIPTION:		DIRECT LABOR (HOURS)								
See Scope of Services		Principal Engineer	Chief Engineer	Project Manager	Sr. Prof. Eng / Sr. LA	Engineering Intern	Specialist / Field Tech.	Admin / Tech.	SUB (WP)	EXP
Construction Phase Services (Lump Sum)										
Pre-Construction Meeting		2.0		4.0		4.0	4.0	2.0		
Site Visits and Construction Observation (up to 234)		24.0		72.0		96.0	702.0			
Clarifications and Interpretations		48.0		120.0		144.0	96.0			
Change Orders				24.0		48.0	48.0			
Shop Drawings and Samples				10.0		20.0	10.0	8.0		
Inspections and Testing				12.0		24.0	24.0	12.0		
Applications for Payment (up to 24)				32.0		48.0	48.0			
Substantial Completion		4.0		16.0		16.0	16.0	4.0		
Final Notice of Acceptability of the Work		2.0		8.0		8.0	8.0	2.0		
Record Drawings				16.0		32.0	32.0			\$250.00
Utility Owner Walk-Throughs / Coordination (FPL/ATT/Comcast)		12.0		24.0		24.0	24.0	8.0		
Customer-Owned Service Building Permit Assistance				8.0		16.0	16.0		\$10,000.00	
Meetings [Construction Phase] (Hourly)										
Construction Meetings (up to 52)				52.0		52.0	52.0		\$1,500.00	
Utility Coordination Meetings (up to 8)				16.0		16.0	16.0			
TOTAL HOURS		92.0	0.0	414.0	0.0	548.0	1096.0	36.0	\$11,500.00	\$250.00
LABOR (\$/HOUR)		\$307.29	\$293.71	\$289.42	\$194.89	\$130.57	\$128.98	\$111.39	1.0	1.0
TOTALS		\$28,270.68	\$0.00	\$119,819.88	\$0.00	\$71,552.36	\$141,362.08	\$4,010.04	\$11,500.00	\$250.00

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Regular Agenda - Old Business

Agenda Title

RESOLUTION NO. 067-2024 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Requesting Formal Approval to Reject Previously Awarded Resolution No. 146-2022, Approving RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvement to Burkhardt Construction Inc.

TIME CERTAIN: 11:30 AM

Time Certain

11:30 AM

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 3, 2024 from, H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 067-2024**
- ▣ **Letter from Preservation Foundation of Palm Beach**
- ▣ **Letter Dated July 1, 2024, from Harvey Oyer**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Requesting Approval to Reject Previously Awarded Resolution No. 146-2022, Approving RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.
Resolution No. 067-2024

DATE: June 3, 2024

STAFF RECOMMENDATION

Town staff recommends Town Council approve Resolution No. 067-2024 requesting formal approval to reject previously awarded Resolution No. 146-2022, approving RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.

GENERAL INFORMATION

Staff presented the recommendation to award a Construction Manager at Risk (CMAR) contract to Burkhardt Construction, Inc. (BCI) for the Phipps Ocean Park Improvements for a Guaranteed Maximum Price (GMP) amount not-to-exceed \$30,018,930.15 and establishing a Construction Phase Budget of \$33,027,930.15. This authorizes the Town Manager to execute a contract with Burkhardt Construction, Inc. contingent on the approval of the Phipps Ocean Park Capital Gifts and Operating Agreement at the March 12, 2024 Town Council Meeting. Since this meeting, the Capital Grant and Operating Agreement has not been executed, and bids received as part of the GMP have expired.

On May 28, 2024, the Town received a letter from Betsy Shiverick, Chair of the Executive Committee of the Preservation Foundation of Palm Beach, addressed to Kirk Blouin. In summary, the letter stated that the Preservation Foundation is unable to endorse the GMP. Within the letter, there were six (6) bullets identifying concerns or objections to the GMP. Town staff addresses each of these points below:

1. *A six-page memorandum was provided to the Town of Palm Beach by Kimley Horn, as the project manager on behalf of the Foundation, during the GMP negotiations on February 27, 2024. The memo requested information about lump sum costs, the GMP bidding process, and the project scope. At the February 27th meeting, the memorandum was discussed in detail with BCI. The items were addressed to the satisfaction of the Town staff. BCI indicated that in order to provide detailed responses to all comments they would need a couple of weeks. Staff recommended that the GMP be delayed until the April Town Council meeting. Preservation Foundation insisted the GMP be brought to the March Town Council meeting since it was Maggie Zeidman's last meeting. Staff did not object. BCI made modifications that could be made in two (2) days and resubmitted the GMP on February 29th. Town Council approved the GMP at the March 12, 2024 meeting contingent upon approval of the Phipps Ocean Park*

Capital Grant and Operating Agreement. At that point staff stopped working on the GMP.

2. *On April 16, 2024, a meeting was held with the Town of Palm Beach, Kimley Horn, Burkhardt, and the Foundation's Design Team to discuss the significant number of outstanding items listed in the memo. It is important to note that at the time of this meeting Kimley Horn was not under contract with the Town of Palm Beach but were part of the Foundation's Design Team. Representatives from Raymond Jungles and Fairfax and Sammons were also present. There was a two (2) hour meeting discussing how the implementation of a GMP would proceed. Raymond Jungles expressed some concerns but indicated that those concerns were primarily addressed once they understood they would participate in the tree selection process. There were no remaining concerns on the civil part of the GMP. The remaining concerns were with the values for bid items for the vertical construction (the buildings). BCI requested that the questions and comments regarding the buildings be collected and organized in a word document so that the responses could be provided within the document. On April 19th Town staff provided the requested vendor and subcontractor quotes used in the Phipps Ocean Park GMP. On May 1st, staff received the GMP questions and comments from the Preservation Foundation that we requested on April 16th. On May 10th, staff received responses to the questions and comments from BCI. These were provided to Zubatkin, the firm retained by the Preservation Foundation to serve as their representative, the same day.*
3. *Much of the requested information was not made available to the Foundation until later meetings held on May 15, 2024, and May 22, 2024 when the Foundation's owner representative Zubatkin met with the Town of Palm Beach and Burkhardt. The requested information was made available to the Foundation on May 10th as stated above in item no. 2. Town staff held meetings with Zubatkin on May 15th, 17th, and 22nd. The meeting on May 15th included Kimley Horn as the prime consultant for the construction services in support of the Phipps Ocean Park Improvements. The construction services contract was awarded to the team of Kimley Horn, Raymond Jungles, and Fairfax and Sammons on May 9, 2023. The requisition for construction services was approved by the Town Council at the May 14, 2024, meeting. The May 15th meeting was the first meeting that Kimley Horn attended where they were working directly for the Town. The objective of the meeting on May 15th was to answer any questions Zubatkin had after receiving the responses from BCI on May 10th and determine next steps for addressing additional concerns with the GMP. As a result of the meeting, it was determined that a meeting between the construction engineering services team and BCI was warranted. BCI suggested that the General Contactor (GC) for the vertical construction (the buildings) attend a meeting where the GC could address the outstanding questions. That meeting was set for May 22nd. There was an interim meeting without BCI where the Town met with the Kimley Horn team and requested that Fairfax and Sammons be prepared for the May 22nd meeting by having an opinion of probable cost (OPC) for the items they had expressed concerns about being unreasonably high. Town staff's standard operating procedure for design and bidding process includes that the Design Team provides an OPC. This provides a basis for comparison with bids received. Because the Design Team did not work for the Town, an OPC was never developed. At the May 22nd meeting, Kimley Horn, Raymond Jungles, and Fairfax and Sammons were all present. Also in attendance were BCI and Butler the GC for vertical construction. The following is a summary of this meeting provided by Town staff:*

- a. The civil estimates including site work, electrical, low voltage etc. seem to be in line with consultant's expectations for cost. No further discussion was necessary.
- b. The Landscape Architect expressed a desire to continue to value engineer some elements including the fountain. All parties agree that additional cost savings are possible and will be explored as we move forward.
- c. The vertical construction bid including subcontractors to the subcontractor (Butler Construction) and vendor costs were discussed. Bidding meets Town procurement policy and State Law that dictates public procurement.
 - i. The vertical subcontractor provided information on all of the elements that the Architect outlined in the spreadsheet that we reviewed at the meeting. This included the number of bids solicited, bids received, and responsive (complete) bids received by vendor and/or material supplier.
 - ii. The Architect and subconsultants expressed what they would have anticipated for bids and described some inquiries to vendors as to what the current market may be based on a verbal description of the work but not plan review. No actual bids were solicited by the Architect's team.
 - iii. The difference between the actual bids received and the architect's anticipated costs were noted.

It appears that the Architect's anticipated costs are approximately \$2,112,983 less than the bids received. The GMP represents market value. It is important to note that the vertical construction makes up one third (1/3) of the GMP value.

4. *Limited subcontractor participation in the bidding process, notably with only one (1) or two (2) bidders for many packages, including the crucial vertical construction to a General Contractor.* On July 3, 2023 the Town received the 90% construction plans. Bid packages were issued on July 19, 2023. It is important to note that the four (4) buildings amounted to possibly thirty percent (30%) of the project at the time of creating bid packages. BCI chose to package the buildings in one (1) package and require a Certified General Contractor (GC) to provide bids. BCI requested seven (7) qualified GC contractors with specific experience working in the Town to bid on this project. Hedrick Brothers was one of the seven (7), and Hedrick Brothers chose not to submit a bid. Bids were due on August 18, 2023. At this time, the Preservation Foundation was pushing to complete a GMP to get Town Council's approval in an effort to secure a donation from the Town towards the park improvements. Another meeting was held on September 7, 2023. The discussion at this meeting focused on the completeness of the design plans and the challenges BCI was experiencing in trying to get accurate pricing from subcontractors. At that same meeting, the team, including the Preservation Foundation, Kimley Horn, Fairfax and Sammons, and Raymond Jungles, were told there was only one (1) bidder for vertical construction. The Team confirmed with the manager of Procurement and Contract Management that BCI could continue to seek bids from the responsive bidders to date and did not have to initiate a new process. The Preservation Foundation specifically was asked if this was OK with them and they concurred with this approach. Therefore, at the September 7, 2023 meeting all team members knew that there was only one (1) responsive qualified bidder for the vertical construction. It is important to note that prior to putting the final package out for a final bid, there had been six (6) meetings which were all focused on value engineering to reduce the project costs and finalizing design details to ensure the bidders had clear plans for bidding.

5. *A recent assessment on May 22, 2024, revealed more than \$2 million in unforeseen additional costs, exceeding initial estimates. As stated previously, May 22nd was the meeting between the Design Team (now the Construction Services Team), BCI and the GC, Zubatkin and Town staff. Prior to the meeting, the Design Team had never provided “initial estimates.” The estimates provided by Fairfax and Sammons before this meeting were statements of their estimates of costs, they felt were high. During this meeting, Fairfax and Sammons provided verbal estimates that they admitted were only developed over a 2-day period. In comparing Fairfax and Sammons estimates and the actual competitive bids, it was determined that there was a difference of approximately \$2,112,983 between the Architect’s estimate and the bids. Staff would not characterize the difference as unforeseen additional cost nor would staff state that this exceeds initial estimates. Staff is unaware of any OPC available for this project as an initial estimate.*
6. *The exclusion of Addendum two (2) drawings for February 2024 in the proposed GMP may potentially result in unknown supplementary costs. There was a team meeting on January 22nd to once again review the plans. During this meeting additional edits to the drawings were discussed. At that time, it was noted that these changes may not be captured in the GMP. Some of the changes were captured. However, the changes discussed were predominantly related to quantity reductions that would ultimately reduce the cost of the project through deductive change orders as the work progressed. Changes that were understood to require an increase in cost were of a nature that could be handled within the project contingency.*

Finally, the letter from the Preservation Foundation requests that these issues be addressed to devise a GMP that is “fair, competitive, and reasonable.” Town staff is confident that the GMP that was approved by the Town Council and endorsed by the Preservation Foundation at the March 12, 2024 meeting meets Town procurement policy and state law.

As a result of rejecting the GMP, Town staff will request a new scope of work from BCI to perform preconstruction services so that the project can be placed for bidding. Along with this scope, the engineering construction services team, which was awarded in May, will be requested to provide a scope for providing bid services support. Kimley Horn and Associates (KHA) is the prime consultant on this team and includes Fairfax and Samons and Raymond Jungle as subconsultants. This scope will include providing an opinion of probable cost, revise and finalize plans, review of bids, an analysis of final bids and comparison of bids to the opinion of probable cost for evaluation of the final recommended GMP.

FUNDING/FISCAL IMPACT:

The Palm Beach Preservation Foundation will be responsible for providing the funding for the preconstruction services provided from both BCI and KHA.

Attachment

cc: Carolyn Stone, Deputy Town Manager
Bob Miracle, Deputy Town Manager
Dean Mealy, Procurement and Contracts Manager
Paul Colby, Facilities Maintenance Division Manager
Michael Roach, P.E., Project Engineer

RESOLUTION NO. 067-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REQUESTING FORMAL APPROVAL TO REJECT PREVIOUSLY AWARDED RESOLUTION NO. 146-2022, APPROVING RFQ NO. 2023-01, REQUEST FOR QUALIFICATIONS, CMAR FOR PHIPPS OCEAN PARK IMPROVEMENT TO BURKHARDT CONSTRUCTION INC.

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

Section 1. The Town Council of the Town of Palm Beach hereby approves Resolution No. 067-2024, requesting formal approval to reject previously awarded Resolution No.146-2022, approving RFQ No. 2023-01, Request for Qualifications, CMAR for Phipps Ocean Park Improvements to Burkhardt Construction Inc.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of July, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member



Executive Committee

[illegible]

President & CEO

[illegible]

Board of Trustees

[illegible]Enomoto Trustee¹

1. The first step is to identify the key components of the system. This includes understanding the hardware, software, and data involved.

May 28, 2024

Mr. Kirk Blouin
Town of Palm Beach
360 South County Road
Post Office Box 2029
Palm Beach, FL 33480

Dear Kirk,

The Preservation Foundation of Palm Beach Executive Committee convened last week to discuss the Capital Grant and Operating Agreement, and the proposed Burkhardt Guaranteed Maximum Price (GMP). As of now, the Foundation, in its fiduciary capacity, regrets to inform you that it is unable to execute the Capital Grant and Operating Agreement with the Town of Palm Beach.

The Foundation views the last-minute alterations presented to us just before the Town Council meeting on May 14, 2024 as inadequate in their current state. The amended agreement lacks the necessary clarity to mitigate the Foundation's liability and risk exposure. More specifically, the revised language introduced to the agreement does not match the explanation given at the meeting to justify the changes. We welcome the opportunity to engage in discussions on how best to proceed with modifications to the Capital Grant agreement in an efficient and collaborative manner in the coming weeks.

Currently, the Foundation is unable to agree to fund the proposed Guaranteed Maximum Price (GMP) as our team has found that it is not fair, competitive, or reasonable. Requests for information necessary to fulfill the Foundation's fiduciary responsibilities have been made since the GMP was first issued at the end of February:

1. A six-page memorandum was provided to the Town of Palm Beach by Kimley Horn, as the project manager on behalf of the Foundation, during the GMP negotiations on February 27, 2024. The memo requested information about lump sum costs, the GMP bidding process, and the project scope.

2. On April 16, 2024, a meeting was held with the Town of Palm Beach, Kimley Horn, Burkhardt, and the Foundation's design team to discuss the significant number of outstanding items listed in the memo.
3. Much of the requested information was not made available to the Foundation until later meetings held on May 15, 2024 and May 22, 2024 when the Foundation's owner representative Zubatkin met with the Town of Palm Beach and Burkhardt.

During these previous exchanges with the Town, the Foundation and its advisors have expressed reservations regarding the following concerns:

1. Limited subcontractor participation in the bidding process, notably with only one or two bidders for many packages, including the crucial vertical construction to a General Contractor.
2. A recent assessment on May 22, 2024, revealed more than \$2 million in unforeseen additional costs, exceeding initial estimates.
3. The exclusion of Addendum 2 drawings from February 2024 in the proposed GMP may potentially result in unknown supplementary costs.

In light of the above considerations, and as stewards of donor funds, the Preservation Foundation finds itself unable to endorse the current GMP proposal. The Foundation respectfully asks that the Town of Palm Beach, in coordination with the current Construction Manager, formulate a proposed corrective action plan by June 10, 2024 to address these issues and devise a GMP that is fair, competitive, and reasonable. Our Owners Representative, Zubatkin, is available to elaborate specific requirements as needed.

We are eager to collaborate with you closely to navigate these concerns and bring this project to successful realization as expediently as possible.

Sincerely,



Betsy Shiverick

Chair of the Executive Committee



HARVEY E. OYER, III
PARTNER
Shutts & Bowen LLP
1100 CityPlace Tower
525 Okeechobee Boulevard
West Palm Beach, Florida 33401
DIRECT (561) 650-8517
FAX (561) 822-5522
EMAIL hoyer@shutts.com

July 1, 2024

VIA E-MAIL

Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
Attn: Kirk Blouin, Town Manager

Re: GMP for Phipps Ocean Park Improvements

Dear Kirk:

Thank you for your support of the meeting that took place last Tuesday. As stated in the Preservation Foundation's letter dated May 28, 2024, a copy of which is attached hereto, the Preservation Foundation rejected the Burkhardt Construction GMP proposal for the reasons stated therein. Because the Preservation Foundation's approval of the GMP was a condition precedent to the Town's approval of the GMP, the GMP was never approved.

In our continuing efforts to achieve the mutually desired improvements to Phipps Ocean Park, at our meeting on Tuesday the Preservation Foundation representatives, Burkhardt Construction, and the Town jointly agreed to extend Burkhardt's preconstruction services in order to develop a new GMP. Through this extended preconstruction period, we have agreed that Burkhardt will collaborate with Zubatkin Owner Representation, the Preservation Foundation's Owner's Representative, to develop new bid packages utilizing the updated construction documents and re-bid the project. Furthermore, we mutually agreed that we will jointly develop a procurement strategy to receive more bids, and more precise bids with full backup. We all agree that re-bidding the GMP benefits all parties.

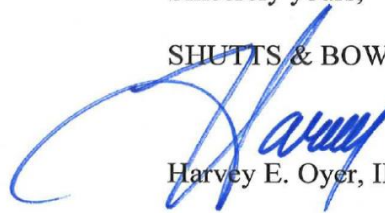
As such, we ask that the Town proceed with directing its selected CMAR, Burkhardt Construction, to commence this additional preconstruction phase utilizing the most updated and detailed construction drawings available. The Preservation Foundation and its owner's representative, Zubatkin, will work directly with Burkhardt Construction to ensure that the bidding process meets the standards expected by the donors to the project.

Thank you to you and your colleagues for your continued efforts to make this a successful project for the Town, its residents, and the donors.

Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

SHUTTS & BOWEN LLP

A handwritten signature in blue ink, appearing to read "Harvey", is written over the printed name.

Harvey E. Oyer, III, Esq.

HEO/ias

cc: Bobbie Lindsay, Town Council President
Dean Mealy, Chief Procurement Officer



Executive Committee

Mrs. Paul Shiverick, *Chairman*
Mr. Daniel E. Ponton, *Vice-Chairman*
Mr. Thomas C. Quick, *Secretary*
Mr. Erik T. Waldin, *Treasurer*
Mr. Jeffrey A. Marcus
Mrs. Pauline B. Pitt, *Chairman Emeritus*
Mr. Charles M. Royce
Mrs. Lynne M. Wheat

President & CEO

Amanda H. Skier

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Mr. and Mrs. Thompson Dean
Mrs. John J. Dowdle
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Ambassador and Mrs. Edward E. Elson
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Ms. Kristen Kelly Fisher
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Mr. and Mrs. J. Christopher Flowers
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Mr. James Held
Dr. Peter N. Heydon
Mrs. Katherine B. Horgen
The Honorable and Mrs. Robert W. Johnson IV
Mr. and Mrs. Gerald R. Jordan, Jr.
Mr. Kenn Karakul
Mr. and Mrs. Howard J. Kessler
Mrs. Laura Landro
Mr. Leonard A. Lauder
The Honorable and Mrs. Howard H. Leach
Mrs. Joseph W. Luter III
Mrs. David J. Mahoney
Mrs. Jeffrey A. Marcus
Mrs. Talbott B. Maxey
Mrs. Leigh A. McMakin
Mrs. Audrey McNiff
Mr. and Mrs. Joseph Meyer
Mr. and Mrs. Donald K. Miller
The Honorable Danielle Hickox Moore
Mr. and Mrs. Dudley L. Moore, Jr.
Mr. David G. Ober
Mrs. William G. Pannill
Mr. and Mrs. Gary Patsley
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Mrs. Wilbur L. Ross, Jr.
Mrs. Charles M. Royce
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Mr. Thomas S. Smith, Jr.
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Mrs. Leo A. Vecellio, Jr.

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Mrs. Nathan Appleman
Mrs. F. Eugene Dixon, Jr.
Mrs. Robert M. Grace
Mrs. Frances G. Scaife

May 28, 2024

Mr. Kirk Blouin
Town of Palm Beach
360 South County Road
Post Office Box 2029
Palm Beach, FL 33480

Dear Kirk,

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1. A six-page memorandum was provided to the Town of Palm Beach by Kimley Horn, as the project manager on behalf of the Foundation, during the GMP negotiations on February 27, 2024. The memo requested information about lump sum costs, the GMP bidding process, and the project scope.

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We are eager to collaborate with you closely to navigate these concerns and bring this project to successful realization as expediently as possible.

Sincerely,



Betsy Shiverick

Chair of the Executive Committee

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Regular Agenda - New Business

Agenda Title

Beach Access and Donation for Restoration with Lake Worth Beach

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 21, 2024, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Beach Access and Donation for Restoration with Lake Worth Beach

DATE: June 21, 2024

STAFF RECOMMENDATION

Town staff recommends that Town Council provide conceptual approval of a onetime donation towards the park complex to the City of Lake Worth Beach in exchange for access for the beach and dune renourishment project.

GENERAL INFORMATION

The Town will be constructing a beach and dune renourishment project in Reaches 7 and 8 beginning this winter. This will include dredging sand from borrow areas offshore and placing it on the beach and dune.

Reach 7 access and work will be focused on Phipps Ocean Park, while access to Reach 8 renourishment is proposed through the south end of the Lake Worth Beach Casino & Complex property at 10 South Ocean Blvd. The City has expressed verbal acceptance of the requested use of their property for access to Reach 8 for placing sand in exchange for restoration of the impacted area and a onetime donation towards the park complex in the amount of \$80,000.

If the above proposal is conceptually approved by Town Council, Town staff and the Town attorney will work with the City staff and their attorney to draft an Interlocal Agreement and return with it via resolution for approval. Staff's goal is to establish a long-term working relationship for use of this access for future beach renourishment projects.

FUNDING/FISCAL IMPACT

Funding for this donation will be from the Town's Coastal Fund.

cc: Patricia Strayer, P.E., Town Engineer
Joanne M. O'Connor, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at **3360 S. Ocean Boulevard**, for permit number B-22-97335

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▢ **Memorandum Dated June 20, 2024 from Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

July 09, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Supervisor in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 3360 S Ocean Blvd, Permit B-22-97335.

Date: June 20, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the original request from Alessandra Bianchini, Vice President with Carousel Development & Restoration, regarding a second permit time extension in which to complete the concrete repairs at 3360 S. Ocean Blvd. The original extension was granted on December 13, 2023, for six and a half months to expire on June 30, 2024. The new request is to extend the permit by one year and five days – until July 4, 2025. The original request was deferred to the July Town Council meeting by request of the condominium so they could add their request for the contractor to be granted permission to work on Saturdays from 8:00am to 4:00pm, excluding holidays.

GENERAL INFORMATION

The building is managed by the 3360 Condominium Association of Palm Beach. The building permit was issued November 29, 2022, with a total of sixteen months for completion. Expiration date is June 29, 2024. The contractor explains in their letter dated May 20, 2024, the need for extension is due to additional concrete repairs unforeseen and weather delays. The revised construction schedule shows the project completion to be end July to mid-August 2025. In addition, please see the letter from Becker & Poliakoff as well as the 3360 Condominium Association regarding the request for Saturday working hours.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Carousel Development with Construction Schedule, Nuisance Mitigation Measures, and Neighbor Notice
Permit Summary for the Property
Letter from Becker & Poliakoff and 3360 Condominium Association



TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of all applicable fees (1% of remaining, unfinished construction plus technology fee).

Deadlines: See Permit Time Extension Schedule for submittal deadlines (page 3). For Town Council Meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): 6/12/2024
- Deadline for submittal of request/backup must be received by: 5/20/2024
(Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: 5/17/2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-97335 Exp. Date: 6/29/2024

Job Address: 3360 S Ocean Blvd.

Length of time extension being requested: (in days) 370

Proposed completion date if requested time extension is granted: July 4, 2025
(Must attach completion schedule)

Contact: James Parra Phone: 561-441-5031

Email: jparra@cdci.net; frontdesk@cdci.net

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com



Ext-Perm - 24-00011

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Job Address: 3360 S Ocean Blvd

Permit#: B-22-97335 Job Value \$ 1,919,896.00
Permit#: B-23-00807 Job Value \$ 1,087,524.00
Permit#: _____ Job Value \$ _____
Permit#: _____ Job Value \$ _____
TOTAL valuation of project \$ 3,007,420

Value of work remaining to complete the project, even if included in valuation above. Include labor, materials and the value of any owner supplied items, etc. \$ 800,000.00

Time Extension fee due based upon 1% of this amount: \$ 8,000.00
Technology Fee (2% of permit fee above) \$ 160.00

Total Time Extension Fee Due:
(attach a copy of the receipt for payment)

\$ 8160.00

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

Maria Orcherova 6.14.2024
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

Mehmet Banti 5/11/2024
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

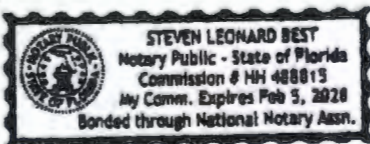
this 14th day of May
2024 By Maria Orcherova

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

STEVEN BEST
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



NOTARY TO CONTRACTOR

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me

this 1st day of May
2024 By Mehmet Banti

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

Meredith R. Griffin
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:



1450 SW 10th Street, Suite 8
Delray Beach, FL 33444
O: 561-272-3700 | F: 561-265-2193
cdri.net | info@cdri.net

"Certified General Contractors, Serving Florida Since 1979."



Date: May 20, 2024

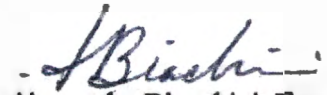
To: Town of Palm Beach Building Department
360 S. County Road
Palm Beach, FL 33480

Re: Permit #B-22-97335

To Whom It May Concern:

As required by the Town of Palm Beach, Carousel Development & Restoration, Inc. (Carousel) is required to submit a letter explaining why this request for an extension is being made. This request is being made due to additional concrete repairs unforeseen and weather delays. The scope of work remains the same, but there are additional quantities.

Sincerely,


Alessandra Bianchini, Esq.
VP/General Counsel

1450 SW 10th Street, Suite 8
Delray Beach, FL 33444
O: 561-272-3700 | F: 561-265-2193
cdri.net | info@cdri.net

"Certified General Contractors, Serving Florida Since 1979."



Date: May 20, 2024

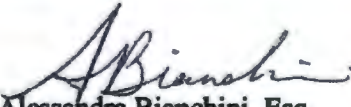
To: Town of Palm Beach Building Department
360 S. County Road
Palm Beach, FL 33480

Re: Permit #B-22-97335

To Whom It May Concern:

As required by the Town of Palm Beach, Carousel Development & Restoration, Inc. (Carousel) is required to submit nuisance mitigation measures when applying for a permit extension. Carousel will continue to use current nuisance mitigation measures that we have been using throughout the project. There is no new scope of work that would necessitate different measures. Current measures include netting the surrounding work area to limit dust, limiting parking to wholly onsite, and no noisy work before or after the Town's operating hours.

Sincerely,


Alessandra Bianchini, Esq.
VP/General Counsel

1450 SW 10th Street, Suite 8
Delray Beach, FL 33444
O: 561-272-3700 | F: 561-265-2193
cdri.net | info@cdri.net

"Certified General Contractors, Serving Florida Since 1979."



Date: May 16, 2024

To: Resident of the Meridian of Palm Beach Condominium

Re: Time extension for permit number B-22-97335

Dear Meridian Condominium Resident,

I write this to inform you of our intent to request a time extension for the above referenced permit addressed 3360 S Ocean Boulevard, Palm Beach, FL 33480 (3360 Condominium). This request is being made due to additional concrete repairs unforeseen and weather delays. There will be a Town Council Development Review Meeting on June 12, 2024, to discuss the extension request. We are giving you this notice as it is required by the building department.

Thank you,

A handwritten signature in black ink, appearing to read "A. Bianchini", with a long horizontal flourish extending to the right.

Alessandra Bianchini, Esq.
Vice-President

1450 SW 10th Street, Suite 8
Delray Beach, FL 33444
O: 561-272-3700 | F: 561-265-2193
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Thank you,

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Alessandra Bianchini, Esq.
Vice-President

ID	Task Name	Duration	Start	Finish	Predecessors	2024	H1	H2	2025	H1	H2
1	3360 BUILDING										H2
2	PHASE II, BOTH BUILDINGS CONCRETE RESTORATION										
3	North Building, Stack A (Short Blac), B (Short Balc), D (Long balc), and E (Long balc)										
4	Mobilization	1 day	Mon 2/26/24	Mon 2/26/24							
5	Precondition Survey	1 day	Tue 2/27/24	Tue 2/27/24	4						
6	Surface Preparation	10 days	Wed 2/28/24	Tue 3/12/24	5						
7	Shutter Removal	2 days	Wed 3/13/24	Thu 3/14/24	6						
8	Temporary Wall Installation	10 days	Fri 3/15/24	Thu 3/28/24	7						
9	Sliding Glass Door Removal	10 days	Fri 3/29/24	Thu 4/11/24	8						
10	Concrete Demolition and Replacement	35 days	Fri 4/12/24	Thu 5/30/24	9						
11	Column Repairs	10 days	Fri 5/31/24	Thu 6/13/24	10						
12	Sliding Glass Door Reinstall	10 days	Fri 6/14/24	Thu 6/27/24	11						
13	Temporary Wall Removal	5 days	Fri 6/28/24	Thu 7/4/24	12						
14	Slab Crack Repairs	10 days	Fri 7/5/24	Thu 7/18/24	13						
15	Stucco Repairs	10 days	Fri 7/19/24	Thu 8/1/24	14						
16	Waterproofing Application	10 days	Fri 8/2/24	Thu 8/15/24	15						
17	Painting	10 days	Fri 8/16/24	Thu 8/29/24	16						
18	Railing Installation	10 days	Fri 8/30/24	Thu 9/12/24	17						
19											
20	South Building, Stacks D LONG BALCONY										
21	Mobilization	1 day	Mon 1/8/24	Mon 1/8/24							
22	Precondition Survey	1 day	Tue 1/9/24	Tue 1/9/24	21						
23	Surface Preparation	10 days	Wed 1/10/24	Tue 1/23/24	22						
24	Shutter Removal	10 days	Wed 1/24/24	Tue 2/6/24	23						
25	Temporary Wall Installation	15 days	Wed 2/7/24	Tue 2/27/24	24						
26	Sliding Glass Door Removal	10 days	Wed 2/28/24	Tue 3/12/24	25						
27	Concrete Demolition and Replacement	30 days	Wed 3/13/24	Tue 4/23/24	26						
28	Column Repairs	10 days	Wed 4/24/24	Tue 5/7/24	27						
29	Sliding Glass Door Reinstall	10 days	Wed 5/8/24	Tue 5/21/24	28						
30	Temporary Wall Removal	15 days	Wed 5/22/24	Tue 6/11/24	29						
31	Slab Crack Repairs	10 days	Wed 6/12/24	Tue 6/25/24	30						
32	Stucco Repairs	15 days	Wed 6/26/24	Tue 7/16/24	31						
33	Waterproofing Application	15 days	Wed 7/17/24	Tue 8/6/24	32						
34	Painting	10 days	Wed 8/7/24	Tue 8/20/24	33						

ID	Task Name	Duration	Start	Finish	Predecessors	2024	2025	H1	H2
35	Railing Installation	10 days	Wed 8/21/24	Tue 9/3/24	34				
36									
37	South Building, Stacks D (Short Balc), C (Shorth Balc)								
38	Mobilization	1 day	Mon 1/15/24	Mon 1/15/24					
39	Precondition Survey	1 day	Tue 1/16/24	Tue 1/16/24	38				
40	Surface Preparation	15 days	Wed 1/17/24	Tue 2/6/24	39				
41	Shutter Removal	10 days	Wed 2/7/24	Tue 2/20/24	40				
42	Temporary Wall Installation	15 days	Wed 2/21/24	Tue 3/12/24	41				
43	Sliding Glass Door Removal	10 days	Wed 3/13/24	Tue 3/26/24	42				
44	Concrete Demolition and Replacement	48 days	Wed 3/27/24	Fri 5/31/24	43				
45	Column repairs	10 days	Mon 6/3/24	Fri 6/14/24	44				
46	Sliding Glass Door Reinstall	10 days	Mon 6/17/24	Fri 6/28/24	45				
47	Temporary Wall Removal	10 days	Mon 7/1/24	Fri 7/12/24	46				
48	Slab Crack Repairs	10 days	Mon 7/15/24	Fri 7/26/24	47				
49	Stucco Repairs	15 days	Mon 7/29/24	Fri 8/16/24	48				
50	Waterproofing Application	10 days	Mon 8/19/24	Fri 8/30/24	49				
51	Painting	10 days	Mon 9/2/24	Fri 9/13/24	50				
52	Railing Installation	10 days	Mon 9/16/24	Fri 9/27/24	51				
53									
54	South Building, Stacks H (Short Balc), G (Shorth Balc)								
55	Mobilization	1 day	Mon 2/12/24	Mon 2/12/24					
56	Precondition Survey	1 day	Tue 2/13/24	Tue 2/13/24	55				
57	Surface Preparation	10 days	Wed 2/14/24	Tue 2/27/24	56				
58	Shutter Removal	10 days	Wed 2/28/24	Tue 3/12/24	57				
59	Temporary Wall Installation	15 days	Wed 3/13/24	Tue 4/2/24	58				
60	Sliding Glass Door Removal	10 days	Wed 4/3/24	Tue 4/16/24	59				
61	Concrete Demolition and Replacement	45 days	Wed 4/17/24	Tue 6/18/24	60				
62	Column Repairs	10 days	Wed 6/19/24	Tue 7/2/24	61				
63	Sliding Glass Door Reinstall	10 days	Wed 7/3/24	Tue 7/16/24	62				
64	Temporary Wall Removal	10 days	Wed 7/17/24	Tue 7/30/24	63				
65	Slab Crack Repairs	10 days	Wed 7/31/24	Tue 8/13/24	64				
66	Stucco Repairs	15 days	Wed 8/14/24	Tue 9/3/24	65				
67	Waterproofing Application	15 days	Wed 9/4/24	Tue 9/24/24	66				
68	Painting	10 days	Wed 9/25/24	Tue 10/8/24	67				
69	Railing Installation	10 days	Wed 10/9/24	Tue 10/22/24	68				

IN	Task Name	Duration	Start	Finish	Predecessors	2024	H1	H2	2025	H1	H2
70											
71	PHASE III, BOTH BUILDINGS CONCRETE RESTORATION										
72	North Building, Stack A (Long Balc), E (Short Balc), F (Short Balc), and H (Long Balc)	1 day	Fri 9/13/24	Fri 9/13/24	18						
73	South Building, Stacks A (Long Balc), B (Long Balc), C (Long Balc) and H (Long Balc)	1 day	Mon 9/16/24	Mon 9/16/24	174						
74	Mobilization	1 day	Tue 9/17/24	Mon 9/30/24	75						
75	Precondition Survey	10 days	Tue 10/1/24	Mon 10/7/24	76						
76	Surface Preparation	5 days	Tue 10/8/24	Mon 10/21/24	77						
77	Shutter Removal	10 days	Tue 10/22/24	Mon 11/4/24	78						
78	Temporary Wall Installation	10 days	Tue 11/5/24	Mon 12/2/24	79						
79	Sliding Glass Door Removal	20 days	Tue 12/3/24	Mon 12/23/24	80						
80	Concrete Demolition and Replacement	15 days	Tue 12/24/24	Mon 1/6/25	81						
81	Sliding Glass Door Reinstall	10 days	Tue 1/7/25	Tue 1/14/25	82						
82	Temporary Wall Removal	6 days	Wed 1/15/25	Tue 1/28/25	83						
83	Slab Crack Repairs	10 days	Wed 1/29/25	Tue 2/11/25	84						
84	Stucco Repairs	10 days	Wed 2/12/25	Tue 2/25/25	85						
85	Waterproofing Application	10 days	Wed 2/26/25	Tue 3/11/25	86						
86	Painting										
87	Railing Installation										
88											
89	PHASE IV, BOTH BUILDINGS CONCRETE RESTORATION										
90	North Building, Stack F (Short Balc), G (Both Balc), and H (Short Balc)										
91	South Building, Stacks A (Short Balc) and B (Short Balc)										
92	Mobilization	1 day	Wed 3/12/25	Wed 3/12/25	87						
93	Precondition Survey	1 day	Thu 3/13/25	Thu 3/13/25	92						
94	Surface Preparation	10 days	Fri 3/14/25	Thu 3/27/25	93						
95	Shutter Removal	5 days	Fri 3/28/25	Thu 4/3/25	94						
96	Temporary Wall Installation	15 days	Fri 4/4/25	Thu 4/24/25	95						
97	Sliding Glass Door Removal	10 days	Fri 4/25/25	Thu 5/8/25	96						
98	Concrete Demolition and Replacement	20 days	Fri 5/9/25	Thu 6/5/25	97						
99	Sliding Glass Door Reinstall	10 days	Fri 6/6/25	Thu 6/19/25	98						
100	Temporary Wall Removal	10 days	Fri 6/20/25	Thu 7/3/25	99						
101	Waterproofing Application	10 days	Fri 7/4/25	Thu 7/17/25	100						
102	Painting	10 days	Fri 7/18/25	Thu 7/31/25	101						

Id	Task Name	Duration	Start	Finish	Predecessors	2024	H1	H2	2025	H1	H2
103	Railing Installation	10 days	Fri 8/1/25	Thu 8/14/25	102						

Permit Browse
Town of Palm Beach

Permit #	Category	Activity	Address	Parcel #	Contractor	Issue Date	Final Date	Status
B-19-42593	P-WATER HEATER REPLACEMENT ONLY	EXACT WATER HEATER CHANGEOUT. SAME LOCATION. REMOVE EXISTING. INSTALL NEW 50 GALLON ELECTRIC WATER HEATER.	3360 S OCEAN BLVD	5H I	CLIMATE CONTROL SERVICES INC	12/12/2019	12/12/2019	Issued
B-20-42781	E-ELECTRICAL	REMOVED A 125 AMP FEDERAL PACIFIC PANEL AND INSTALL A 125 AMP S D ONE.	3360 S OCEAN BLVD	2A II	NEPA ELECTRIC INC	1/7/2020	1/7/2020	Issued
B-20-43479	P-WATER HEATER REPLACEMENT ONLY	HWI CHANGEOUT - 50 GAL	3360 S OCEAN BLVD	4E II	EAST COAST MECHANICAL INC	3/6/2020	3/6/2020	Issued
B-20-43755	E-ELECTRICAL	REPLACE EXISTING FPE PANEL WITH NEW SQUARE D QO PANEL	3360 S OCEAN BLVD	5F II	SWANK ELECTRIC INC	4/10/2020	4/10/2020	Issued
B-20-45605	B-WINDOWS/DOORS/SHUTTERS/GARAGE DOORS	REPLACE (1) DOOR AND (2) SIDELITES WITH IMPACTS	3360 S OCEAN BLVD	2F I	SEASCAPE WINDOWS AND DOORS INC	8/28/2020	9/11/2020	Issued
B-20-48831	P-WATER HEATER REPLACEMENT ONLY	SUPPLY AND INSTALL 50 GALLON WATER HEATER	3360 S OCEAN BLVD	2B I	INTEGRITY PLUMBING AND DRAIN I	11/30/2020	11/30/2020	Issued
B-20-47061	S-HARDSCAPE/DRIVEWAY/LANDSCAPE	REMOVE PAVEMENT DRIVEWAY AND ENTRY AND INSTALL NEW PAVERS	3360 S OCEAN BLVD	SITE	DECK & DRIVE PAVERS INC	12/22/2020	3/29/2021	Issued
B-21-47767	B-COMMERCIAL ALTERATION	REBUILD OF FALSE FRAMED COLUMNS	3360 S OCEAN BLVD	BLDG 1 (NORTH)	OCT A COMMON LAW TRUST	9/15/2021	9/15/2021	Issued
B-21-90563	B-RESIDENTIAL ALTERATION	ENTIRE APARTMENT RENOVATION - KITCHEN, BATHROOMS, FLOORING ETC.	3360 S OCEAN BLVD	4C II	SMART CHOICE CONSTRUCTION INC	8/4/2021	12/6/2021	Issued
B-22-92647	M-MECHANICAL	A/C CHANGEOUT	3360 S OCEAN BLVD	2C I	AURORA AIR INC	1/1/2022	1/4/2022	Issued
B-22-95137	B-RESIDENTIAL ALTERATION	REPLACE FLOORING	3360 S OCEAN BLVD	1E II	GENE L VALDINI CONSTRUCTION CONSULTANTS INC	6/16/2022	6/24/2022	Issued
B-22-96232	M-MECHANICAL	A/C CHANGE OUT	3360 S OCEAN BLVD	2D I	WHALEN AIR INC	8/28/2022	8/30/2022	Issued
B-22-97335	B-COMMERCIAL ALTERATION	CONCRETE REPAIR AND WATERPROOFING	3360 S OCEAN BLVD		CAROUSEL DEVELOPMENT & RESTORATION	11/22/2022	11/29/2022	Issued
B-22-97624	M-MECHANICAL	A/C CHANGEOUT. REMOVE EXISTING SYSTEM. INSTALL NEW TRANE 3.5 TON CONDENSER 4TR4042 & AIR HANDLER TEM440C42. 10 RW HEAT 14.3 SEER2	3360 S OCEAN BLVD	3D I	CLIMATE CONTROL SERVICES INC	12/21/2022	12/29/2022	Issued
B-22-97643	M-MECHANICAL	A/C CHANGEOUT. REMOVE EXISTING SYSTEM. INSTALL NEW TRANE 3.5 TON CONDENSER 4TR4036 & AIR HANDLER TEM440C37. 10 RW HEAT 14.3 SEER2	3360 S OCEAN BLVD	4C II	CLIMATE CONTROL SERVICES INC	12/28/2022	12/29/2022	Issued
B-23-00303	B-RESIDENTIAL ALTERATION	***** RENOVATION PER PLANS *****	3360 S OCEAN BLVD	5F II	PALM BEACH COUNTY CONTRACTOR CORP	7/20/2023	7/26/2023	Issued
B-23-01374	M-MECHANICAL	LIKE FOR LIKE AC CHANGEOUT. NO DUCT WORK INCLUDED.	3360 S OCEAN BLVD	5H II	FASSO AIR CONDITIONING	10/10/2023	10/11/2023	Issued
B-23-97719	M-MECHANICAL	**EMERGENCY - NO COOL ** A/C CHANGE OUT	3360 S OCEAN BLVD	5H II	WHALEN AIR INC	1/9/2023	1/10/2023	Issued
B-23-97816	M-MECHANICAL	AC CHANGEOUT. REMOVE EXISTING SYSTEM. INSTALL NEW TRANE 3 TON CONDENSER 4TR4036 & AIR HANDLER TEM440C37 WITH 10K W HEAT 14.3 SEER 2	3360 S OCEAN BLVD	5G II	CLIMATE CONTROL SERVICES INC	1/20/2023	1/24/2023	Issued
B-23-98674	P-PLUMBING	(SEE PERMIT CONDITIONS) AC ROOM REPLACE UNDERGROUND CAST IRON (5" & 10" SIZING)	3360 S OCEAN BLVD	BLDG 2 (SOUTH)	INTEGRITY PLUMBING AND DRAIN I	4/19/2023	4/20/2023	Issued
B-23-99638	B-RESIDENTIAL ALTERATION	INTERIOR RENOVATION	3360 S OCEAN BLVD	4F II	S3 BUILDERS LLC	6/8/2023	8/22/2023	Issued
B-24-02131	E-ELECTRICAL	REPLACE 100A PANEL AS PER PLAN	3360 S OCEAN BLVD	5C II	LIGHTNING ELECTRIC INC	1/5/2024	1/10/2024	Issued
B-24-02394	B-RESIDENTIAL ALTERATION	CONDO RENOVATION	3360 S OCEAN BLVD	5G II	PALM BEACH COUNTY CONTRACTOR CORP	2/2/2024	2/12/2024	Issued
B-16-01623	F-FIRE RESCUE STANDARD	NEW PERMIT TO REPLACE ORIGINAL EXPIRED PERMIT (B-12-28089) AS BUILT PLANS	3360 S OCEAN BLVD	5F I / 5G I	FARMER & IRWIN CORP	10/11/2016	10/17/2016	Issued
B-17-02436	F-FIRE RESCUE STANDARD	SUB-FIRE ALARM- REMOVE AND REINSTALL (1) EXISTING SMOKE DETECTOR. REMOVE AND REINSTALL (2) EXISTING SPEAKERS.	3360 S OCEAN BLVD	2F I	ADVANCED ALARM SERVICE INC	10/26/2017	11/16/2017	Issued
B-13-19743	R-REVISION	REVISION- MECHANICAL AS BUILT OWNER LISTED AS PICOU ON PERMIT APP	3360 S OCEAN BLVD	5F I	AIR HANDLERS OF THE PALM BEACH	11/28/2012		pending

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OWNERS

PROPERTY DETAIL

LOCATION

3360 S OCEAN BLVD 1 A I

MUNICIPALITY

PALM BEACH

PARCEL NO.

50-43-44-35-19-001-0011

SUBDIVISION

THIRTY-THREE SIXTY CONDO

BOOK/PAGE

19584/1060

SALE DATE

NOV-2005

MAILING ADDRESS

3360 S OCEAN BLVD UNIT 1-A I
PALM BEACH FL 33480 5668

USE TYPE

0400 - CONDOMINIUM

TOTAL SQUARE FEET

1740

SALES INFORMATION



Lisa A. Reves
Senior Attorney
Phone: 561.820.2878 Fax: 561.832.8987
lreves@beckerlawyers.com

Becker & Poliakoff
625 N. Flagler Drive
7th Floor
West Palm Beach, FL 33401

Becker

RECEIVED

JUN 05 2024

TOWN OF PALM BEACH
PZB DEPARTMENT

June 5, 2024

Re: Public Notice

Dear Resident,

I write to inform you of our intent to request a time extension for permit number B-22-97335 addressed to 3360 South Ocean Boulevard, Palm Beach, Florida 33480 ("3360"). This request is necessitated due to unforeseen concrete repairs and weather delays. Additionally, 3360 is requesting permission to expand construction hours to include Saturdays, excluding holidays, from 8:00 a.m. until 4:00 p.m. This request will be heard at the Town Council Development Review Meeting on July 9, 2024, scheduled to begin 9:30 a.m. at Council Chambers 360 South County Road, Palm Beach, Florida 33480.

Thank you.



Lisa A. Reves
For The Firm



RECEIVED

JUN 04 2024

TOWN OF PALM BEACH
PZB DEPARTMENT

Mr. Wayne Bergman
Head of Planning Zoning Building Department
360 South County Road
Palm Beach, Florida 33480

RE: 3360 S. Ocean Blvd. - Request for Saturday Work and Amended Hours (8am-4pm)

Dear Mr. Bergman,

I am writing to you on behalf of the residents of our property located at 3360 S Ocean Blvd, Palm Beach. We are currently in the middle of a major concrete restoration project, specifically phase two out of a planned four phases. Given the critical nature of this work and the looming threat of hurricane seasons, we find ourselves in urgent need of expediting the project, which we started on March 1st, 2023.

Our contractor, Carousel, along with our structural engineer, Swaysland Engineering, have been diligently working to meet the project timelines. However, we have encountered critical damages to the structure of our buildings, including severely corroded rebars in the building columns and balconies. Combined with the forecasted active hurricane season and daily thunderstorms, this poses a significant risk to completing the work in a timely manner. Additionally, the building structure has been too long exposed to weather and elements, particularly from ocean/intercoastal exposure.

To prioritize the safety of our residents and the building's structural integrity, we kindly request permission to amend our construction work hours. We ask if Carousel can work all Saturdays, excluding holidays, from 8 am to 4 pm for the remainder of the project.

Allowing regular construction work on Saturdays will substantially benefit our schedule, potentially enabling us to enclose the building envelope at least three months sooner than

currently anticipated. These additional months are critical to avoid entering another hurricane season in 2025 with unfinished concrete work, particularly an open building envelope in phase four, which could have more serious implications for the integrity of our property.

We understand that Saturday work and altered construction hours from 8 am to 4 pm may cause some inconvenience. Our contractor, Carousel, is committed to continuing implementing noise and dust mitigation strategies to minimize disruptions to the community.

We greatly appreciate your consideration of this request. Your support in granting amended work hours will significantly contribute to the safety and well-being of our residents. Expediting this project completion will minimize the structure's vulnerability.

Thank you very much for your attention to this matter and for your continued dedication to the citizens of our town.

Sincerely,

Maria Orecharova

President of the 3360 S Ocean Blvd Condominium

Tel.: 516-816-0812

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at **1025 N. Lake Way**, for permit B-22-96565

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated June 20, 2024 from Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

July 09, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Manager in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 1025 N. Lake Way, Permit B-22-96565

Date: June 25, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Michael Eison, President of Eison Construction Company regarding a time extension in which to complete the construction of a new two-story single-family residence at 1025 N. Lake Way. The request is to extend the permit by five months – until December 1, 2024.

GENERAL INFORMATION

The current owners are David and Jennifer Fischer, who purchased the property in June of 2021. The building permit was issued on November 8, 2022, with a duration of 20 months – expiration date July 8, 2024. The contractor explains in his letter dated May 29, 2024, that the project has been delayed due to labor shortages, supply chain issues and design challenges. The revised construction schedule shows completion by December 1, 2024.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Eison Construction Company, with Construction Schedule
Nuisance Mitigation Measure letter
Permit Summary for the Property
Property Appraiser Details for the Property
Copy of Neighbor Notice



TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

ext permit 24-00012
RECEIVED

JUN 05 2024

Town of Palm Beach
PZB Dept

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification sent to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction).

Deadlines: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): July 10, 2024
- Deadline for submittal of request/backup must be received by: June 26, 2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: June 15, 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-96565 Exp. Date: 7/8/2024

Job Address: 1025 N Lake Way

Length of time extension being requested: (in days) 153

Proposed completion date if requested time extension is granted: December 1, 2024
(Must attach completion schedule)



VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Permit# : B-22-96565 Job Value \$ 2,080,000

Permit# : B-22-94784 Job Value \$ 132,000

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 668,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 6,680
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] 6/4/24
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] 5-29-2024
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF Michigan
COUNTY OF Oakland

Sworn to (or affirmed) and subscribed before me

this 4th day of June

20 24 By David Fischer

Who are personally known 13 OR produced
identification (Type of identification) _____
OR Online Notarization _____

Rodina Elias
Printed Name of Notary

[Signature]
Signature of Notary

SEAL: RODINA ELIAS
My Commission Expires
May 1, 2029
County of Macomb
Acting in the County of Oakland

NOTARY TO CONTRACTOR

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to (or affirmed) and subscribed before me

this 29th day of MAY

20 24 By MICHAEL EISON

Who are personally known X OR produced
identification (Type of identification) _____
OR Online Notarization _____

Randa Miller
Printed Name of Notary

[Signature]
Signature of Notary

SEAL: Notary Public State of Florida
Randa F Miller
My Commission HH 002225
Expires 05/29/2024

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone: (561)838-5431 • Facsimile (561)835-4621
E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com



EISON CONSTRUCTION
— COMPANY, INC. —

May 29, 2024

Town of Palm Beach
Planning, Zoning, & Building Dept.
Attn. Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 1025 North Lake Way
Permit No. B-22-96565

Dear Mr. Bergman,

Please use this letter to accompany a permit time extension request for the project referenced above. Due to labor shortages, supply chain issues, and some design coordination challenges, we need more time to complete this project. Along with this letter, a schedule is enclosed to show what is left and when the work is expected to be complete.

Thank you for your assistance in this matter.

Sincerely,

Michael M. Eison
President



EISON CONSTRUCTION
— COMPANY, INC. —

May 29, 2024

Town of Palm Beach
Planning, Zoning, & Building Dept.
Attn. Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 1025 North Lake Way
Permit No. B-22-96565

Dear Mr. Bergman,

As it pertains to the permit extension request for 1025 N Lake Way, please see below nuisance mitigation measures we will continue to follow on this project:

1. Ensure permitted hours of construction are obeyed at all times.
2. Maintain buffering to adjacent neighbors and streets for noise and dust.
3. Have an on-site parking attendant to ensure safe entry and exit from the site.
4. Obtain Right Of Way and parking permits for parking and deliveries and abide by any permit conditions.

For any other questions or concerns, please contact me at 561-723-5907 or m.eison@eisonconstruction.com.

Sincerely,

Michael M. Eison
President

Permit Browse

Town of Palm Beach

Master Permit #/Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-96565	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	9/21/2022		cancelled
B-17-69113	U-DRIVEWAY	DRIVEWAY REPAIRS	1025 N LAKE WAY		A SUPERIOR PAVERS INC	12/11/2017		cancelled
B-22-94784	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	10/10/2022		cancelled
A-22-02405	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL REVISIONS TO DEMOLITION PLAN & CONSTRUCTION STAGING. SCREENING TO ACCOMMODATE EXISTING CONDITIONS & SITE LOGISTICS (PREVIOUS ARCOM STAFF APPROVAL)	1025 N LAKE WAY		NIEVERA WILLIAMS DESIGN INC	6/13/2022	6/14/2022	final
B-22-96565	A-ARCOM STAFF APPROVAL	ARCOM STAFF APPROVAL CHANGES TO EXTERIOR WINDOW S AND DOORS AT EAST ELEVATION AND LOGGIA.	1025 N LAKE WAY		SMITH ARCHITECTURAL GROUP INC	4/24/2023	4/26/2023	final
B-22-96565	A-ARCOM STAFF APPROVAL	ARCOM- DESIGN CHANGE TO DECORATIVE CHIMNEY CAP.	1025 N LAKE WAY		SMITH ARCHITECTURAL GROUP INC	2/16/2024	2/21/2024	final
B-22-96565	A-ARCOM STAFF APPROVAL	ARCOM- THE REVISIONS MADE TO 1025 N LAKE PER LAST APPROVED ARCOM ARC-22-192 SUBMITTAL ARE AS FOLLOWS: REVISION TO HARDSCAPE MATERIALITY AND LAYOUT FOOTPRINT LIMITS THROUGHOUT SITE. UPDATE TO OPEN SPACE CALC'S REFLECTED ACCORDINGLY. SITE WALL FOOTPRINTS ADJUSTED TO WORK WITH EXISTING SITE CONDITIONS AND HARDSCAPE DESIGN ELEMENTS. CERTAIN AREA OF SITE WALLS ARE REDUCED DRAINAGE CURBS. ALSO NOW REFLECTED ON LANDSCAPE DRAWINGS. ADDITION OF 6" TALL CHAIN LINK FENCE ALONG EAST PORTION OF PROPERTY AS WELL AS SOUTHWEST CORNER TO PROVIDE ADDED SECURITY AND ENCLOSURE OF BACKYARD. FURTHER DEVELOPMENT TO POOL AND WATER FEATURE DESIGN. REMOVED (1) PROPOSED TRANSFORMER UTILITY EASEMENT TO ONLY SHOW FINAL LOCATION OF NE CORNER OF PROPERTY. UPDATE TO LANDSCAPE LAYOUT AND MATERIAL SPECIFICATIONS ADJUSTED ACCORDINGLY TO WORK WITH HARDSCAPE LIMITS AND FOOTPRINTS. GATE REMOVED AT FRONT ENTRY STAIRS AND RELOCATED FURTHER SOUTH BY BANYAN TREE AREA.	1025 N LAKE WAY		NIEVERA WILLIAMS DESIGN INC	3/16/2024	4/2/2024	final
B-09-05353	S-HARDSCAPE/DRIVEWAY/LANDSCAPE	CLEAN D/WAY & RE-TOPI WITH KOOL DECK. EXACT SAME COLOR AND PATTERN	1025 N LAKE WAY		ALL-OUT CONCRETE ENTERPRISE INC	7/31/2009	8/4/2009	final
B-10-12525	S-POOL/WATER FEATURE	RESURFACE POOL	1025 N LAKE WAY		FLORIDA POOL COMPANY OF PALM BEACH	8/25/2010	8/26/2010	final
B-12-22371	P-REPLACEMENT	REPLACE WATER HEATER, HARD WIRED IN EXISTING LOCATION	1025 N LAKE WAY		J A ADAMS INC	1/17/2012	1/17/2012	final
B-12-28863	M-REPLACEMENT	*EMERGENCY CHANGEOUT* A/C CHANGE OUT W/ #6 AHU WIRE - TRANE 3.5 TON 10KW 16 SEER AH 4TEEB007 CU 4TT B4042	1025 N LAKE WAY		EAST COAST MECHANICAL INC	11/8/2012	11/14/2012	final
B-12-28863	E-OTHER	SUB ELECTRIC - NEW #6 AHU WIRE TO REPLACE EXISTING #6 ROMEX	1025 N LAKE WAY		EAST COAST MECHANICAL INC	11/8/2012	11/19/2012	final
B-13-30235	FEE CHARGE	FEE CHARGE TO PROCESS PAYMENT OF HALF OF DOUBLE FEE DUE ON OLD R/WAY PERMIT TO BE ISSUED AFTER FACT: 08/27/2010 TO 09/05/2010 - DEWATER TO DRAIN POOL W/1	1025 N LAKE WAY		FLORIDA POOL COMPANY OF PALM BEACH	2/8/2013	2/8/2013	final
B-09-05353	S-HARDSCAPE/DRIVEWAY/LANDSCAPE	HARDSCAPE/DRIVEWAY - CLOSE OUT OPEN DRIVEWAY SEAL PERMIT - ALL WORK COMPLETE PERMIT FOR FINAL INSPECTION ONLY	1025 N LAKE WAY		ADELFO CONSTRUCTION	6/12/2013	6/13/2013	final
B-13-33022	B-ROOF REPAIR/RE-ROOF	REROOF	1025 N LAKE WAY		ROOFING UNLIMITED & SHEET METAL INC	6/19/2013	11/25/2013	final
B-13-34176	G-GAS	SUB GAS - INSTALLATION OF GAS LINES TO (2) STUB OUTS FOR FUTURE APPLIANCES.	1025 N LAKE WAY		DIG IT UNLIMITED LLC	7/30/2013	8/2/2013	final
B-15-49893	B-RESIDENTIAL ALTERATION	REMEDIAL AND REMOVE WATER DAMAGED WALL BOARD AND REPLACE WITH NEW	1025 N LAKE WAY		RESTORATION ALLIANCE INC	7/7/2015	7/13/2015	final
B-17-69113	S-HARDSCAPE/DRIVEWAY/LANDSCAPE	REPLACE "BROKEN" CONCRETE DRIVE ON N LAKE WAY	1025 N LAKE WAY		A SUPERIOR PAVERS INC	12/11/2017	4/19/2018	final
Count: 62								

Permit Browse Town of Palm Beach

Master Permit / Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-17-69113	B-AGREEMENTS PUBLIC WORKS	STORMWATER MANAGEMENT AGMT	1025 N LAKE WAY		A SUPERIOR PAVERS INC	7/21/2021		final
B-21-90313	R-REVISION	REVISION SITE PLAN - FINAL CIVILS	1025 N LAKE WAY		A SUPERIOR PAVERS INC	7/21/2021	8/20/2021	final
B-22-93967	P-PLUMBING	CAP OFF WATER	1025 N LAKE WAY		KCL HOLDINGS INC	4/4/2022	4/5/2022	final
B-22-94702	D-DEMOLITION	(SEE PERMIT CONDITION) REMOVE EXISTING HOME, SWIMMING POOL, DRIVEWAY AND PATIOS.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	5/19/2022	6/27/2022	final
B-22-94784	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	(SEE PERMIT CONDITION) FOUNDATIONS FOR NEW SINGLE FAMILY RESIDENCE	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	5/25/2022	8/12/2022	final
B-22-96565	B-AGREEMENTS PUBLIC WORKS	EASEMENT INSTALLATION AND REMOVAL AGREEMENT	1025 N LAKE WAY		KOCHMAN AND ZISKA	8/22/2022		final
B-22-96126	FEE CHARGE	REFUND PW DENIED 3RD PARKING PASSES. NO SPACE FOR 3RD PARKING PASSES. NO CHANGE IN VALUE	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	10/19/2022	10/19/2022	final
B-23-01219	R-REVISION	REVISION BUILDING: STRUCTURAL CHANGES PER ATTACHED PLANS & SK DRAWINGS. NO CHANGE IN VALUE	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	9/28/2023	9/28/2023	final
B-23-98298	R-REVISION	REVISION BUILDING: REVISED PLANS TO MATCH UPDATED APPROVAL. NO CHANGE IN VALUE.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	3/10/2023	10/11/2023	final
B-24-02302	R-REVISION	REVISION BUILDING: TRUSS LAYOUT & ENGINEERING REVIEWED BY EOR.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	1/25/2024	1/26/2024	final
B-17-69113	U-DRIVEWAY	NO WORK IN ROW, APPLICATION SUBMITTED IN CASE OF DEMOLITION	1025 N LAKE WAY		A SUPERIOR PAVERS INC	4/5/2018	4/9/2018	final
B-17-69113	U-DRIVEWAY	REPLACE PAVEMENT DRIVE	1025 N LAKE WAY		A SUPERIOR PAVERS INC	7/17/2018	7/19/2018	final
B-19-03698	U-USE OF/WORK IN ROW	BUCKET TRUCK & CHIP TRUCK ACCESSIBILITY IN RIGHT OF WAY	1025 N LAKE WAY		ARBOR EXPERTS INC	8/6/2019	8/12/2019	final
U-22-09130	U-USE OF/WORK IN ROW	ROW USE OF - FOR TREE TRUCKS SET UP IN RIGHT OF WAY ALONG GARDEN RD	1025 N LAKE WAY		ARBOR EXPERTS INC	1/5/2022	1/21/2022	final
U-22-10288	U-USE OF/WORK IN ROW	USE OF ROW TO REMOVE TREES FROM INSIDE PROPERTY WITH CRANE FROM GARDEN RD	1025 N LAKE WAY		ARMSTRONG LANDSCAPE DESIGN GROUP INC	6/20/2022	6/27/2022	final
U-22-10360	U-USE OF/WORK IN ROW	WORK IN ROW / USE OF CLEARING PROPERTY LINE & LOADING VEGETATION INTO DUMP TRUCKS	1025 N LAKE WAY		S MACDONALD CONTRACTING LLC	6/28/2022	7/15/2022	final
U-22-10361	U-USE OF/WORK IN ROW	USE OF ROW FOR EQUIPMENT SET UP TREE PRUNING WITH BUCKET TRUCK AND CHIP TRUCK	1025 N LAKE WAY		ARBOR EXPERTS INC	6/28/2022	7/11/2022	final
U-22-10462	U-USE OF/WORK IN ROW	UNLOAD EXCAVATOR FOR DEMOLITION OF SUBJECT PROPERTY.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	7/8/2022	7/15/2022	final
U-22-11527	U-USE OF/WORK IN ROW	CONCRETE TRUCK TO PUMP 70 CY OF CONCRETE FOR NEW FOUNDATION. IT WILL TAKE ABOUT 6 HOURS & NO DRIVEWAYS OR ENTRANCES TO NEIGHBORING PROPERTIES WILL BE BLOCKED.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	10/10/2022	10/20/2022	final
U-22-11528	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	10/10/2022	10/18/2022	final
U-22-11529	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	10/10/2022	10/18/2022	final
U-22-11995	U-USE OF/WORK IN ROW	USE OF- CONCRETE TRUCK TO PUMP 30 YARDS OF CONCRETE. IT WILL TAKE ABOUT 2 HOURS. NO DRIVEWAYS OR ENTRANCES TO NEIGHBORING PROPERTIES WILL BE BLOCKED.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	11/30/2022	1/4/2023	final
U-23-12275	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	1/17/2023	1/23/2023	final
U-23-12276	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	1/17/2023	1/23/2023	final
U-23-12322	U-USE OF/WORK IN ROW	CONCRETE TRUCK TO PUMP 70 YDS OF CONCRETE. IT WILL TAKE ABOUT 4 HOURS, & NO DRIVEWAY OR ENTRANCES TO NEIGHBORING PROPERTIES WILL BE BLOCKED	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	1/27/2023	2/6/2023	final
U-23-12376	U-USE OF/WORK IN ROW	CONCRETE TRUCK TO PUMP 10 YDS OF CONCRETE. IT WILL TAKE 1-2 HOURS & NO DRIVEWAYS OR ENTRANCES TO NEIGHBORING PROPERTIES WILL BE BLOCKED. 9AM-11AM	1025 N LAKE WAY		EISON CONSTRUCTION COMPANY INC	2/9/2023	2/17/2023	final

Count: 62

Official Page

Master Permit #	Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-96565	U-23-12451	U-USE OF/WORK IN ROW	USE OF- CONCRETE TRUCK TO PUMP 35405 OF CONCRETE. IT WILL TAKE 3 HOURS AND NO DRIVEWAYS OR ENTRANCES TO NEIGHBORING PROPERTIES WILL BE BLOCKED.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	2/27/2023	3/1/2023	final
B-22-96565	U-23-12556	U-USE OF/WORK IN ROW	USE OF- LONG BED TRUCK PARKED IN OUR CONSTRUCTION PARKING SPACES ON GARDEN RD TO LOAD SCAFFOLDING. 9:00AM - 11:00AM	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	3/17/2023	3/24/2023	final
B-22-94784	U-23-12764	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	4/20/2023	4/25/2023	final
B-22-94784	U-23-12765	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	4/20/2023	4/25/2023	final
B-22-96565	U-23-13671	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	8/8/2023	8/15/2023	final
B-22-96565	U-23-13672	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	8/8/2023	8/15/2023	final
B-22-96565	U-23-14848	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	11/17/2023	11/22/2023	final
B-22-96565	U-23-14849	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.	1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	11/17/2023	11/22/2023	final
X-03-03617	X-LEGACY PERMIT	REMOVE & REPLACE GARGE DOORS (SAME AS EXISTING)		1025 N LAKE WAY		ATLANTIC GARAGE DOORS INC	7/7/2003	7/7/2003	final
X-03-03924	X-LEGACY PERMIT	INSTALL HURRICANE SHUTTERS ON 1 OPENING		1025 N LAKE WAY		ALL BROWARD HURRICANE PAN EL CO	7/21/2003	7/21/2003	final
X-07-28591	X-LEGACY PERMIT	TENT:INSTALL 4/13/07;USE 4/15/07;REMOVE 4/16/07 (1125 X25 WHITE-NO DECORATIONS,FOOD,ELECTRIC,VALET		1025 N LAKE WAY		CLASSIC PANACHE INC	4/13/2007	4/13/2007	final
B-22-95058	E-ELECTRICAL	TEMPORARY POWER POLE AS PER PLAN.		1025 N LAKE WAY		LIGHTNING ELECTRIC INC	6/13/2022	6/16/2022	issued
B-22-95249	F-FLOOD PLAIN DEVELOPMENT	(SEE PERMIT CONDITIONS) FLOOD PLAIN		1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	6/24/2022	8/12/2022	issued
B-22-96565	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	(SEE PERMIT CONDITIONS) CONSTRUCTION OF NEW TWO STORY SINGLE-FAMILY RESIDENCE		1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	9/21/2022	11/8/2022	issued
U-22-09645	U-SEWER/DRAINAGE - CAP-OFF /CONNECTION	DEMO CAP OFF SEWER.		1025 N LAKE WAY		KCL HOLDINGS INC	4/4/2022	5/10/2022	issued
B-22-96565	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.		1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	2/27/2024	3/1/2024	issued
B-22-96565	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING Parking Attendant: Nate Eastman 607-434-9640.		1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	2/27/2024	3/1/2024	issued
B-22-96565	R-REVISION	REVISION- ELECTRICAL- UPDATED ELECTRICAL PLANS PER ATTACHED DRAWINGS. NO CHANGE IN VALUE.		1025 N LAKE WAY		EISON CONSTRUCTION COMPAN	3/7/2024		pending
Count: 62									

Property Detail

Location Address : 1025 N LAKE WAY
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-03-20-000-0170
Subdivision : EDEN PROPERTIES IN
Official Records Book/Page : 32583 / 1364
Sale Date : JUN-2021
Legal Description : EDEN PROPERTIES LT 17

Owner Information

Owner(s)	Mailing Address
FISCHER DAVID T & FISCHER JENNIFER M	1030 N LAKE WAY PALM BEACH FL 33480 3252

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
JUN-2021	\$6,843,022	32583 / 01364	WARRANTY DEED	FISCHER DAVID T &
JUN-2000	\$1,100,000	11865 / 01841	WARRANTY DEED	TURNER WALLACE R &
MAR-1997	\$565,000	09792 / 01254	WARRANTY DEED	
NOV-1989	\$650,000	06261 / 01231	WARRANTY DEED	
JAN-1969	\$75,000	01715 / 00000	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units :
***Total Square Feet :** 0
Acres : 0.3196
Property Use Code : 0000—VACANT
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	\$1,524	\$311,711	\$453,746	\$457,046	\$528,722
Land Value	\$5,628,420	\$4,574,880	\$2,743,632	\$2,549,448	\$2,317,680
Total Market Value	\$5,629,944	\$4,886,591	\$3,197,378	\$3,006,494	\$2,846,402

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$5,034,044	\$4,886,591	\$1,589,910	\$1,567,959	\$1,532,707
Exemption Amount	\$0	\$0	\$50,000	\$50,000	\$50,000
Taxable Value	\$5,034,044	\$4,886,591	\$1,539,910	\$1,517,959	\$1,482,707

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$79,422	\$75,718	\$25,157	\$25,212	\$25,055
NON AD VALOREM	\$907	\$1,091	\$1,182	\$1,164	\$1,165



EISON CONSTRUCTION
— COMPANY, INC. —

May 29, 2024

Town of Palm Beach
Planning, Zoning, & Building Dept.
Attn. Mr. Wayne Bergman
360 South County Road
Palm Beach, FL 33480

Re: 1025 North Lake Way
Permit No. B-22-96565

Dear Mr. Bergman,

Please be advised that permit time extension notices have been sent to all neighbors within 300 feet via first class mail more than 25 days prior to the July 9, 2024 Town Council Development Review meeting date. Copies of the notices and the USPS Certificates of Mailing are enclosed with this letter.

Sincerely,

Michael M. Eison
President

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at **172 S Ocean Boulevard**, for permit number B-23-97764

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated June 20, 2024 from Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

July 09, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Manager in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 172 S. Ocean Blvd, Permit B-23-97764

Date: June 25, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Jake Furlott with Davis General Contracting regarding a time extension in which to complete the renovations at 172 S. Ocean Blvd. The request is to extend the permit by three months – until September 30, 2024.

GENERAL INFORMATION

The current owner is Bayhigh LLC, who purchased the property in March of 2021. The building permit was issued on March 2nd, 2023, with a duration of 16 months – expiration date July 2, 2024. The contractor explains in his letter dated June 20, 2024, that the project has been delayed due to the overall scope of work increasing after initial issuance. Five additional projects were added resulting in the request for an additional three months. The revised construction schedule shows completion by September 30, 2024.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Davis General Contracting, with Construction Schedule
Nuisance Mitigation Measure letter
Permit Summary for the Property
Property Appraiser Details for the Property
Copy of Neighbor Notice



TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmody@townofpalmbeach.com and wbergman@townofpalmbeach.com

1. Provide a detailed letter explaining the reasons why a time extension is being requested.
2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
5. Include a copy of the above notification sent to neighbors.
6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction).

RECEIVED

JUN 20 2024

Town of Palm Beach
PZB Dept

Deadlines: For meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): July 10, 2024
- Deadline for submittal of request/backup must be received by: June 26, 2024
(Deadline is the Wednesday, two weeks prior to the Town Council Development Review Meeting)
- Deadline for Notice to neighbors: June 15, 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-23-97764 Exp. Date: July 2, 2024

Job Address: 172 S. Ocean Blvd., Palm Beach, Florida 33480

Length of time extension being requested: (in days) 90

Proposed completion date if requested time extension is granted: September 30, 2024
(Must attach completion schedule)



VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Original Permit#: B-23-97764 Job Value \$ 850,000 Revision, Permit# B24-02594, \$6000

Revision Permit#: B-23-99757 Job Value \$ 300,000 Revision, Permit# B24-02595, \$70,000

Revision Permit#: B-23-00471 Job Value \$ 65,000

Revision Permit#: B-23-01354 Job Value \$ 65,000

Valuation of work remaining to complete the project: \$ 55,000
 (Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ 550
 (attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] 6/18/24
 OWNER SIGNATURE DATE

NOTARY TO OWNER

STATE OF
 COUNTY OF

Sworn to (or affirmed) and subscribed before me

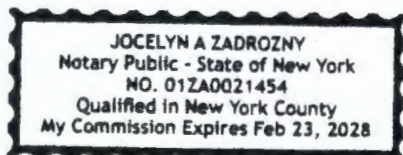
this 18th day of June
 20 24, By [Signature]

Who are personally known X OR produced identification (Type of identification) _____
 OR Online Notarization _____

Jocelyn A Zadrozny
 Printed Name of Notary

[Signature]
 Signature of Notary

SEAL:



CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

[Signature] 6/20/24
 CONTRACTOR SIGNATURE DATE

NOTARY TO CONTRACTOR

STATE OF
 COUNTY OF

Sworn to (or affirmed) and subscribed before me

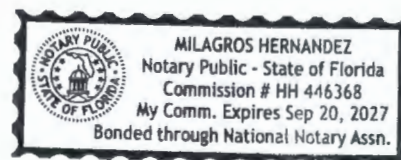
this 20th day of June
 20 24, By [Signature]

Who are personally known X OR produced identification (Type of identification) _____
 OR Online Notarization _____

Milagros Hernandez
 Printed Name of Notary

[Signature]
 Signature of Notary

SEAL:



Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
 Telephone: (561)838-5431 • Facsimile (561)835-4621
 E-Mail: pzb@townofpalmbeach.com • Website: www.townofpalmbeach.com



**Davis
General
Contracting
Corporation**

20 June 2024

Madame Mayor & Town Council Members
Town of Palm Beach
360 South County Rd
Palm Beach, FL 33480

Re: Bayhigh LLC Residence
172 S. Ocean Blvd
Palm Beach, Florida 33480

Dear Madams & Sirs,

I would like to respectfully request a time extension to 30 September 2024 for the construction of Bayhigh LLC Residence at 172 S. Ocean Blvd.

Our project's scope of work increased significantly after the original permit B-23-97764 was issued. We added 5(ea.) new projects under the original permit in the form of revisions. We are requesting a 3-month extension to the original 16-month timeline based on the added work.

We are continuing to work diligently every available and allowable hour to complete the project. In addition, we are focused on maintaining a safe worksite with as minimal traffic impact to the neighborhood as possible.

Thank you for considering this request and please contact me at any time for additional information.

Sincerely,

Jake Furlott
561-352-9523

176 S. Ocean Blvd. Construction Completion Schedule

PROJECT: La Solana
 ADDRESS: 172 S. Ocean Blvd. Palm Beach
 CLIENT: Bayhigh LLC
 DATE: 6/20/24



2024

ITEM	Work Task	Completion Date	June	July	Aug	Sep	May	Jun
1	Completion Timeline June 19, 2024 - September 30, 2024		3	4	1	2	3	4
2	Stone Countertop at Great Room Bar	June 9, 2023						
3	Final Electrical/LV Trim-out							
4	Installation of Decorative Light Fixtures							
5	Final Electrical/LV Inspections							
6	MEP and HVAC Trim-out							
7	Final MEP and Hvar Inspection							
8	Install Front Entry Door							
9	Interior painting and wallcoverings							
10	Final Cabinet Hardware Installation							
11	Landscape and Irrigation							
12	Final Public Works & Landmarks Inspections							

Davis General Contracting Corporation



**Davis
General
Contracting
Corporation**

6.20.24

Wayne Bergman, MCP, LEED-AP
Director/Building Official
Planning, Zoning, and Building
360 South County Rd
Palm Beach, FL 33480

Re: 172 S. Ocean Blvd (B-23-97764)
Permit Extension – Nuisance Mitigation Measures

As it pertains to the permit extension request for 172 S. Ocean Blvd, please see below nuisance mitigation measures we will continue to employ on the project:

1. Ensure hours of construction are obeyed at all times.
2. Properly maintain buffering to adjacent neighbors and streets for noise & dust mitigation.
3. Full-time on-site parking attendant/manager to ensure efficient & safe ingress/egress from the project site to the street.
4. Applications for Right-of-Way permits if and when the project requires street offloading.
5. Maintain open lines of communication with neighbors at all times.

We have maintained a cooperative relationship with each of the neighbors. If any nuisance complaints arise, we will resolve them immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jake Furlott', with a stylized flourish at the end.

Jake Furlott

0

Master Permit / Permit number	Permit type name	Permit description	Permit address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-23-97764	B-RESIDENTIAL ALTERATION	(SEE PERMIT CONDITIONS) REPLACE DOORS AND WINDOWS AT THE GALLERY. REMOVE AND REPLACE WOOD FLOORS AND STRUCTURE AT THE LIBRARY. INSTALL NEW DECORATIVE EXCAVATE- IN ROW NEW 6" SIDEWALK AND APRON	172 S OCEAN BLVD		DAVIS GENERAL CONTRACTING CORP	1/13/2023	3/2/2023	issued
U-22-11837	U-EXCAVATION IN ROW	INSTALL 1.25" PE GAS SERVICE BY DIRECTIONAL BORE AND CONNECT TO EXISTING 2" PE GAS MAIN	172 S OCEAN BLVD		WM D ADEMY JR INC	11/7/2022	11/14/2022	issued
U-24-15321	U-EXCAVATION IN ROW	PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	172 S OCEAN BLVD		GAS SYSTEMS TECHNOLOGY INC	1/25/2024	2/1/2024	issued
B-23-97764	R-PERMIT UPDATE-CHG OF PLANS & VALUE/CORRECTION	PERMIT UPDATE CHANGE IN PLANS AND VALUE INSTALLATION OF NEW HIGH VOLTAGE & LOW VOLTAGE CAMERA SURVEILLANCE SYSTEM.	172 S OCEAN BLVD		DAVIS GENERAL CONTRACTING CORP	2/23/2024		pending
B-15-47449	L-LPC STAFF APPROVAL	***STATUS IS FINAL*** LPC STAFF APPROVAL DATED 8/7/2016 FOR APPROVAL OF REBUILDING A SMALL SECTION OF WALL ON THE HOUSE THAT IS NOT STRUCTURALLY SOUND	172 S OCEAN BLVD		SEASPRAY GROUP OF SOUTH FLORIDA INC	8/31/2018		pending
Count: 86								

Property Detail

Location Address : 172 S OCEAN BLVD
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-22-05-000-0050
Subdivision : PRIMAVERA ESTS (OCEAN SEC)
Official Records Book/Page : 32308 / 1466
Sale Date : MAR-2021
Legal Description : PRIMA VERA ESTS /OCEAN SEC/ LT 5 & N 64.21 FT OF LT 6

Owner Information

Owner(s)	Mailing Address
BAYHIGH LLC	M TIMOTHY HANLON C/O 340 ROYAL POINCIANA WAY STE 321 PALM BEACH FL 33480 4054

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2021	\$45,600,000	32308 / 01466	WARRANTY DEED	BAYHIGH LLC
MAR-2021	\$1	32308 / 01464	WARRANTY DEED	BAYHIGH LLC
AUG-2000	\$4,752,000	12022 / 00582	QUIT CLAIM	ROSS E BURKE JR &
AUG-1997	\$100	09977 / 00683	QUIT CLAIM	ROSS E BURKE JR
JUN-1989	\$2,250,000	06094 / 01133	WARRANTY DEED	
OCT-1986	\$1,500,000	05060 / 00979	WARRANTY DEED	
JAN-1978	\$700,000	02923 / 01818		

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 19320
Acres : 0.9204
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	\$5,126,744	\$4,884,558	\$2,646,293	\$1,931,273	\$1,956,029
Land Value	\$30,191,400	\$25,790,490	\$22,320,000	\$15,660,000	\$18,000,000
Total Market Value	\$35,318,144	\$30,675,048	\$24,966,293	\$17,591,273	\$19,956,029

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$33,742,553	\$30,675,048	\$9,651,801	\$9,518,541	\$9,304,537
Exemption Amount	\$0	\$0	\$50,000	\$50,000	\$50,000
Taxable Value	\$33,742,553	\$30,675,048	\$9,601,801	\$9,468,541	\$9,254,537

Taxes

Tax Year	2023	2022	2021	2020	2019
AD VALOREM	\$516,737	\$475,313	\$155,962	\$156,348	\$155,446
07/09/24 TCM Backup					242



**Davis
General
Contracting
Corporation**

6.20.24

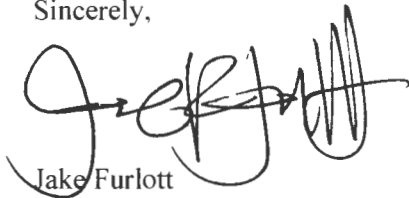
Wayne Bergman, MCP, LEED-AP
Director/Building Official
Planning, Zoning, and Building
360 South County Rd
Palm Beach, FL 33480

Re: 172 S. Ocean Blvd (B-23-97764)
Permit Extension – Statement of Notification to Neighbors

Per the requirements of the Town of Palm Beach permit extension request process, this statement confirms that each neighbor within 300-feet of 172 S. Ocean Blvd. has been notified of our request for a permit time extension.

See the attached sample letter sent to each neighbor. See the attached “Certificate of Mailing” provided by the USPS and map of the neighbors who were notified.

Sincerely,



Jake Furlott

June 11, 2024

SAMPLE
ADDRESS OF RESIDENT
Palm Beach, FL 33480

Re: 172 S. Ocean Blvd – Permit Extension

Dear

I hope this letter finds you well.

The Town of Palm Beach wanted me to officially confirm with you we are going before Town Council on July 10, 2024 to request an extension of construction time to September 30, 2024 for the project we are building for your neighbor, Bayhigh LLC at 172 S. Ocean Blvd.

Actually, we anticipate being complete with the major construction tasks by August 30, 2024 excepting possibly some minor unforeseen items I cannot currently envision.

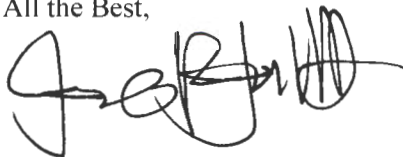
We are requesting the added time to ensure we have a bit of a cushion in the event of some unforeseen event that might slightly hold us up and put us in violation of the town allowed construction period.

It is my primary focus that this project proceeds safely, efficiently, and with as little impact as possible on the residents, especially those of you adjacent to our project site. We shall continue to provide full-time management of vehicle ingress/egress as well as strictly obeying the construction work hours. Please feel free to contact me directly at any time if you have any questions or suggestions on how to improve our footprint related to the job.

Jake Furlott- 561.352-9523

Thank you for your understanding and patience as we work towards the completion of this project.

All the Best,

A handwritten signature in black ink, appearing to read 'Jake Furlott', with a stylized, cursive script.

Jake Furlott

172 S. Ocean Blvd. - Neighbors 300'



07/09/24 TCM Backup

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Time Extensions

Agenda Title

Waiver of Town Code Section 18-237, For Building Permit Extension at **441 Seaview Avenue**, for permit number B-22-97563

Presenter

Wayne Bergman, Director of Planning, Zoning and Building

ATTACHMENTS:

- **Memorandum Dated June 20, 2024 from Wayne Bergman, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

July 09, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager / Wayne Bergman, Director of Planning, Zoning & Building

From: Michelle Sentmanat, Business Services Manager in PZB

Re: Waiver of Town Code Section 18-237, For Building Permit Extension at 441 Seaview Ave,
Permit B-22-97563

Date: June 25, 2024

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the request from Matthew Holmes, project manager for Tim Givens Building & Remodeling regarding a time extension in which to complete the renovations at 441 Seaview Ave. The request is to extend the permit by six months – until December 31, 2024.

GENERAL INFORMATION

The current owner is 441 Seaview LLC, which purchased the property in March of 2022. The building permit was issued on February 22, 2023 with a duration of 16 months – expiration date 06/21/2024. The contractor explains in his letter dated June 26, 2024, that upon start of project they discovered the foundation was failing and required them to completely replace the foundation and slab. The delay and added work account for further delays. The revised construction schedule shows completion by December 31, 2024.

The applicant appears to have complied with all new requirements for neighbor notice.

Attachments: Letter from Tim Givens, with Construction Schedule
Letter for nuisance mitigation measures
Permit Summary for the Property
Property Appraiser Details for the Property
Neighbor notice
Email from Four Arts

EXT PERMIT -24-00063



TOWN OF PALM BEACH

Planning, Zoning and Building

BUILDING PERMIT TIME EXTENSION REQUEST

RECEIVED

JUN 17 2024
TOWN OF PALM BEACH
PZB DEPARTMENT

A request for a building permit time extension must be submitted to the Town no later than 30 days PRIOR to permit expiration. Please send the following items to Director Bergman and Deb Moody at dmoody@townofpalmbeach.com and wbergman@townofpalmbeach.com

- ✓ 1. Provide a detailed letter explaining the reasons why a time extension is being requested.
- ✓ 2. Provide a construction schedule to show completion timeline (CPM, Gantt Chart).
3. Provide nuisance mitigation measures.
- ✓ 4. Provide a statement that first class mailed notice to neighbors within 300 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered.
- ✓ 5. Include a copy of the above notification to neighbors. Be sure to include the meeting date in the letter to neighbors.
- ✓ 6. Provide a USPS Certificate of Mailing as proof of the mailed notice.
- ✓ 7. Payment – provide a copy of the receipt showing payment of applicable fees (1% of remaining, unfinished construction).

Deadlines: See Permit Time Extension Schedule for submittal deadlines (page 3). For Town Council Meeting dates please visit our website at www.townofpalmbeach.com

- Town Council Development Review Date (Wednesday): 7/10/24
- Deadline for submittal of request/backup must be received by: mailed June 17th 2024
(Deadline is approximately two weeks prior to the Town Council Development Review Meeting).
- Deadline for Notice to Neighbors: mailed June 10th 2024
(must be provided 25 days in advance of TC/DRC Meeting)

Permit #: B-22-97563 Exp. Date: ~~12/31/24~~ / 6/10/24

Job Address: 441 Seaview

Length of time extension being requested: (in days) _____

Proposed completion date if requested time extension is granted: 12/31/24
(Must attach completion schedule)

Contact: Tim Givens Phone: (561) 533-5828

Email: Timgivensbuilding@outlook.com

VALUATION OF PERMITS TO DATE:

(Original permit value and any permit updates containing valuation to date)

Job Address: 441 Seaview

Permit# : B-22-97563 Job Value \$ 730,000

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Permit# : _____ Job Value \$ _____

Valuation of work remaining to complete the project: \$ 270,000
(Include labor, materials and the value of any owner supplied items, etc.)

Permit fee due based upon 1% of this amount: \$ \$2754.00
(attach a copy of the receipt for payment)

OWNERS CERTIFICATION: I certify the information listed above to be true and correct.

Nancy C. Crow 6/10/24
OWNER SIGNATURE DATE

CONTRACTOR CERTIFICATION: I certify the information listed above to be true and correct.

Tim Givers 6/10/24
CONTRACTOR SIGNATURE DATE

NOTARY TO OWNER

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me

this 10th day of June

20 24, By Nancy Crow

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

Matthew Holmes
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:

NOTARY TO CONTRACTOR

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me

this 10th day of June

20 24, By Tim Givers

Who are personally known ☒ OR produced
identification (Type of identification) _____
OR Online Notarization _____

Matthew Holmes
Printed Name of Notary

[Signature]
Signature of Notary

SEAL:

Tim Givens
Building & Remodeling

June 26, 2024

Town of Palm Beach

360 S. County Rd.

Palm Beach, FL 33480

Re: 441 Seaview, Palm Beach EXTPERMIT-24-00013

To Whom It May Concern:

We are requesting a 6-month extension on Permit B-22-97563 due to the extent of the remodel. At our pre-construction meeting we had reviewed that this would be a 2-year long project. Upon starting this project, we discovered that the foundation was failing, and the engineer required us to completely replace the foundation and slab. In order to keep the structure,

we had to shore the walls and roof up and pour the foundation in over 10 different concrete pours. We then reattached the walls to the new foundation. We replaced all interior framing due to extensive termite and water damage. The windows and doors were changed from metal units to wood units.

On March 22, 2024, Nievera Williams applied for a Staff Approval for a site wall – this is still pending with the Town and once approved, we will have additional site work to complete along with all interior finishes.

Sincerely,



Tim Givens

Tim Givens Building & Remodeling, Inc.

Tim Givens
Building & Remodeling

June 26, 2024

Town of Palm Beach

360 S. County Rd.

Palm Beach, FL 33480

Re: 441 Seaview, Palm Beach EXTPERMIT-24-00013

To Whom It May Concern:

We are requesting a 6-month extension on Permit B-22-97563 due to the extent of the remodel. We have taken the necessary construction mitigation precautions throughout this project and will continue to do so for the duration of construction. We have fencing on all property lines with a 2-story fence on the west side, full-time parking enforcement for traffic, safety, and parking management, a silt fence for all soil run offs, and a transportation shuttle to minimize parking demand.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tim Givens', is written over a light blue rectangular background.

Tim Givens

Tim Givens Building & Remodeling, Inc.

	June	July	August	September	October	November	December
Main House							
Site work							
Roof							
Interior framing							
Prep openings for windows and doors							
Exterior windows & doors							
Insulation							
Mechanical							
Electrical							
Plumbing							
Low Voltage							
Drywall							
Trim							
Wood floors							
Stone floors							
countertops							
Interior painting							
Cabinetry							
Decorative finishes and wallpaper							
Finish hardware							
Appliances							
Decorative light fixtures							
Punch out							

Master Permit Number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-15-79836	A-ARCOM STAFF APPROVAL	ARCOM- INSTALL 167" OF 7 BOARD ON BOARD WOOD FENCE-NO GATES	441 SEAVIEW AVE		FRITZ MASSIE FENCE INC	7/9/2019		Final
B-08-01635	P-REPLACEMENT	REPLACE: GAS WATER HEATER	441 SEAVIEW AVE		J A ADAMS INC	12/22/2008	12/26/2008	Final
B-09-02055	R-REVISION	REVISION TO GAS REPIPE FOR TANKLESS HEATER	441 SEAVIEW AVE		J A ADAMS INC	1/27/2009	1/28/2009	Final
B-09-02168	E-OTHER	ADDING A 110V RECEPTACLE FOR A GAS TANKLESS WATER HEATER	441 SEAVIEW AVE		PANEL ELECTRIC INC	2/4/2009	2/4/2009	Final
B-09-02570	P-PLUMBING	RELOCATE EXISTING WATER HEATER	441 SEAVIEW AVE		J A ADAMS INC	3/3/2009	3/5/2009	Final
B-10-08459	B-ROOF REPAIR/RE-ROOF	TEAR OFF EXISTING ASPHALT SHINGLE ROOF. INSTALL MOD. UNDERLYMENT TO DECK, INSTALL SHINGLES. HOT MOP TANK O 2 PLY MOD ROOF SYSTEM. PER PLAN REVIEW: MATCH EXI	441 SEAVIEW AVE		FASTAG RD	2/2/2010	2/10/2010	Final
B-15-47000	M-REPLACEMENT	EXACT CHANGE OUT OF EXISTING A/C UNIT RHEEM 14AJM 25 RH124175	441 SEAVIEW AVE		JOHN C CASSIDY AIR CONDITIONING INC	3/19/2015	3/23/2015	Final
B-15-50720	P-PLUMBING	STRUCTURALLY LINE UP TO 30" OF 4" HORIZ BRANCH LINE	441 SEAVIEW AVE	COTTAGE	PIPELINING TECHNOLOGIES INC	8/5/2015	8/10/2015	Final
B-16-58886	B-RESIDENTIAL ALTERATION	OPEN WALL BETWEEN BEDROOM AND LIVING ROOM. NEW SLIDING GLASS DOOR, NEW A/C UNITS, REPLACE SHOWER, MOVE ELEC PANEL AND ADD ELECTRIC AS PER PLAN	441 SEAVIEW AVE	COTTAGE	JEFFREY GOMERSALL BUILD CON TR	8/3/2016	8/15/2016	Final
B-16-59229	E-ELECTRICAL	SUB ELECTRIC - ELECTRIC PER PLANS.	441 SEAVIEW AVE		PANEL ELECTRIC INC	8/17/2016	8/22/2016	Final
B-16-59886	P-PLUMBING	SUB PLUMBING: NEW SHOWER DRAIN & PAN.	441 SEAVIEW AVE	COTTAGE	SMN PLUMBING CONTRACTOR LLC	8/19/2016	8/23/2016	Final
B-16-60107	R-REVISION	REVISION- MECHANICAL-AC SUPPLY CHANGED TO TWO VENT TS, ELECTRICAL- OUTLETS NOT ON ORIGINAL PLAN	441 SEAVIEW AVE	COTTAGE	JEFFREY GOMERSALL BUILD CON TR	9/23/2016	9/28/2016	Final
B-16-60319	M-MECHANICAL	SUB- MECHANICAL- AC CHANGEOUT, ADD DROP, RELOCATE D441 ROP	441 SEAVIEW AVE	COTTAGE	KYZAR AIR CONDITIONING INC	10/4/2016	10/11/2016	Final
B-16-59229	PERMIT UPDATE/CHG IN PLANS AND CORRECTION	PERMIT UPDATE PLANS ONLY- PERMIT UPDATE TO B16-59229 TP REFLECT SERVICE CHANGE UPDATE.	441 SEAVIEW AVE		PANEL ELECTRIC INC	11/17/2016	11/30/2016	Final
B-19-79836	S-FENCE/WALL/GATE	WOOD BOARD ON BOARD 7' - 167' BOTH SIDES.	441 SEAVIEW AVE		FRITZ MASSIE FENCE INC	6/12/2019	7/15/2019	Final
B-20-86412	B-RESIDENTIAL ALTERATION	REPAIR OR REPLACE BROKEN AND DEFLECTED CEILING AND ROOF JOISTS INSTALL EXISTING RECESSED LIGHTS AFTER REPAIRS	441 SEAVIEW AVE		JEFFREY GOMERSALL BUILD CON TR	10/26/2020	11/2/2020	Final
B-22-97563	R-REVISION	REVISION- ELECTRICAL- CONSTRUCTION OF TEMP POWER POLE	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	3/13/2023	3/14/2023	Final
B-22-95177	L-LPC STAFF APPROVAL	LANDMARKS- HISTORICALLY- 1. SKYLIGHT ADDED TO ROOF- EXTERIOR- & FIREPLACE TO REPLACE APPROVED FOUNTAIN. 2. WINDOW DELETED (EAST ELEVATION) 3. REAR WINDOW @BACK BLDG REDESIGNED TO LOOK LIKE DOOR 4. WINDOW @ KITCHEN REDESIGNED (WEST ELEVATION) 5. WINDOW AT LIVING ROOM REDESIGNED (WEST ELEVATION) 6. WINDOW AT STUDY ADDED (WEST ELEVATION) TO COPY WITH LANDMARKS REQUEST.	441 SEAVIEW AVE		FAIRFAX SAMMONS & PARTNERS	11/16/2022	12/8/2022	Final
B-22-97563	L-LPC STAFF APPROVAL	LPC STAFF APPROVAL WINDOW CHANGE AT WEST ELEVATIO	441 SEAVIEW AVE		FAIRFAX SAMMONS & PARTNERS	2/28/2023	3/3/2023	Final
B-22-97563	L-LPC STAFF APPROVAL	LPC STAFF APPROVAL MATERIAL CHANGE TO WOOD TO METAL FOR WINDOWS AND DOORS. MATERIAL CHANGE, TO CLAY TILE FROM COPPER FOR ROOF.	441 SEAVIEW AVE		FAIRFAX SAMMONS & PARTNERS	9/11/2023	10/3/2023	Final
B-22-97563	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING MATTHEW HOLMES 561-427-8230	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	2/7/2023	2/17/2023	Final
B-22-97563	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING MATTHEW HOLMES 561-427-8230	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	2/7/2023	2/17/2023	Final
B-22-97563	U-CONSTRUCTION PARKING	CONSTRUCTION PARKING MATTHEW HOLMES 561-427-8230	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	2/7/2023	2/17/2023	Final
B-22-97563	U-USE OF/WORK IN ROW	4/25/23: ROW TO POUR CONCRETE FOUNDATION FROM 11 AM-1PM	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	4/11/2023	4/17/2023	Final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	5/17/2023	5/22/2023	Final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	5/17/2023	5/22/2023	Final
Count: 55								

Permit Browse Town of Palm Beach

Master Permit / Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	5/17/2023	5/22/2023	final
B-22-97563	U-USE OF/WORK IN ROW	ROW 6/15/23: POUE CEMENT FROM THE STREET FOR NEW FOUNDATION	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	6/7/2023	6/14/2023	final
B-22-97563	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- CONCRETE POUR F OR FOUNDATION PUMP WILL BE IN DRIVEWAY AND CONCR ETE TRUCK WILL BE ON STREET IN ONE OF OUR PARKING SP	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	6/28/2023	7/5/2023	final
B-22-97563	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- CONCRETE POUR F OR FOUNDATION PUMP WILL BE IN DRIVEWAY AND CONCR ETE TRUCK WILL BE ON STREET IN ONE OF OUR PARKING SP	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	7/13/2023	7/19/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	8/15/2023	8/21/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	8/15/2023	8/21/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	8/15/2023	8/21/2023	final
B-22-97563	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF- ROW PERMIT FOR CONCRETE POUR FOR FOUNDATION. CONCRETE PUMP WILL BE LOCATED IN DRIVEWAY & CONCRETE TRUCK WILL BE L	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	8/21/2023	8/24/2023	final
B-22-97563	U-USE OF/WORK IN ROW	ROW PERMIT FOR CONCRETE POUR FOR FOUNDATION-CON CRETE PUMP WILL BE LOCATED IN DRIVEWAY & CONCRETE TRUCK WILL BE LOCATED IN STREET	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	8/25/2023	8/31/2023	final
B-22-97563	U-USE OF/WORK IN ROW	CONCRETE POUR TRUCK WILL BE ON STREET PUMP WILL BE ON DRIVEWAY	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	9/26/2023	9/29/2023	final
B-22-97563	U-USE OF/WORK IN ROW	*****PRIVATE PROVIDER***** USE OF ROW FOR CONCRET E POUR	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	10/12/2023	10/18/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	11/13/2023	11/17/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	11/13/2023	11/17/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	11/13/2023	11/17/2023	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	2/14/2024	2/21/2024	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	2/14/2024	2/21/2024	final
B-22-97563	U-CONSTRUCTION PARKING	*****PRIVATE PROVIDER***** CONSTRUCTION PARKING DOUG 561-767-0690	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	2/14/2024	2/21/2024	final
B-22-97563	U-USE OF/WORK IN ROW	CONCRETE POUR FOR FOUNDATION POUR WILL ONLY BE 2 HOUR FOR 1 DAY. PUMP WILL BE IN DRIVEWAY CONCRETE TRUCK WILL NOT FIT IN DRIVEWAY AND WILL USE OUR PARKI	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	3/20/2024	3/25/2024	final
B-22-97563	U-USE OF/WORK IN ROW	***** PRIVATE PROVIDER ***** USE OF CONCRETE POUR F OR SLAB POUR WILL ONLY BE 2 HOURS FOR 1 DAY. PUMP W ILL BE IN DRIVEWAY CONCRETE TRUCK WILL NOT FIT IN DRI	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	3/27/2024	4/3/2024	final
X-05-13585	X-LEGACY PERMIT	REPLACE EXISTING GAS WATER HEATER	441 SEAVIEW AVE		GENERAL HOME SOLUTIONS INC	1/3/2005	1/3/2005	final
X-05-18489	X-LEGACY PERMIT	REPLASTER EXISTING POOL	441 SEAVIEW AVE		NATIVE SON POOL SERVICE INC	8/31/2005	8/31/2005	final
X-07-30396	X-LEGACY PERMIT	INSTALLATION OF HELICAL PILINGS ON EAST, WEST, AND PAR TIAL SOUTH END OF HOUSE FOOTERS. MOISTURE **	441 SEAVIEW AVE		JEFFREY GOMERSALL BUILD CON TR	7/18/2007	7/18/2007	final
X-08-34675	X-LEGACY PERMIT	NATURAL GAS FUEL LINE TO FIREPLACE	441 SEAVIEW AVE		J A ADAMS INC	4/23/2008	4/23/2008	final
B-22-97563	D-INTERIOR DEMOLITION	INTERIOR DEMO	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	6/20/2022	6/28/2022	issued
B-22-97563	F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELI NG I	6/20/2022	6/28/2022	issued

Count: 55

Master Permit / Permit number	Permit type name	Permit description	Permit Address	Permit Suite	Customer Last Name	Application date	Issue date	Approval state
B-22-97563	B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	*****PRIVATE PROVIDER***** INTERIOR AND EXTERIOR IMPROVEMENTS PER PLANS ADDITION TO MAIN HOUSE - C CONNECTING COTTAGE TO MAIN HOUSE	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELING I	12/19/2022	2/22/2023	issued
U-23-13114	U-DEWATERING	DEWATERING- FOR EXFILTRATION INSTALL	441 SEAVIEW AVE		BILL RUCH UTILITY CONTRACTOR I	6/5/2023	6/7/2023	issued
B-22-97563	R-REVISION	REVISION PLUMBING/GAS: TEMP BATH DETAIL/ RISER	441 SEAVIEW AVE		TIM GIVENS BLDG & REMODELING I	3/22/2023		pending
L-24-00941	L-LPC STAFF APPROVAL	HSB- ADJUSTMENTS TO HARDSCAPE LAYOUT AND CORRESPONDING PLANTING ADJUSTMENTS PROPOSED SITE WALL AND DRAINAGE CURB ALONG WEST SIDE OF PROPERTY	441 SEAVIEW AVE		NIEVERA WILLIAMS DESIGN INC	3/22/2024		pending
Count: 55								

Property Detail

Location Address : 441 SEAVIEW AVE
Municipality : PALM BEACH
Parcel Control Number : 50-43-43-22-08-000-6100
Subdivision : POINCIANA PARK 3RD ADD IN
Official Records Book/Page : 33421 / 640
Sale Date : MAR-2022
Legal Description : POINCIANA PARK 3RD ADD LTS 610 & 612

Owner Information

Owner(s)	Mailing Address
441 SEAVIEW LLC	222 LAKEVIEW AVE STE 1500 WEST PALM BEACH FL 33401 6174

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-2022	\$6,800,000	33421 / 00640	WARRANTY DEED	441 SEAVIEW LLC
MAY-2006	\$2,800,000	20530 / 00783	WARRANTY DEED	THOMPSON SANDRA
MAR-2005	\$1,400,000	18266 / 01033	WARRANTY DEED	BRYAN KATHERINE
MAR-2002	\$1	13465 / 00254	WARRANTY DEED	LEBEAU NORMAN
DEC-1999	\$100	11584 / 00322	WARRANTY DEED	LEBEAU LIMITED PARTNERSHIP 1999
MAY-1996	\$550,000	09263 / 01572	WARRANTY DEED	
MAR-1992	\$412,000	07177 / 00207	WARRANTY DEED	
MAR-1986	\$285,000	04825 / 00596	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 2
***Total Square Feet :** 2828
Acres : 0.1122
Property Use Code : 0100—SINGLE FAMILY
Zoning : R-B—LOW DENSITY RESIDENTIAL (50-PALM BEACH)

Appraisals

Tax Year	2023	2022	2021	2020	2019
Improvement Value	\$1,416,635	\$1,355,996	\$455,267	\$468,446	\$414,695
Land Value	\$2,171,493	\$1,880,085	\$1,280,227	\$1,175,907	\$1,534,250
Total Market Value	\$3,588,128	\$3,236,081	\$1,735,494	\$1,644,353	\$1,948,945

Assessed and Taxable Values

Tax Year	2023	2022	2021	2020	2019
Assessed Value	\$3,588,128	\$1,370,996	\$1,331,064	\$1,312,686	\$1,283,173
Exemption Amount	\$0	\$50,500	\$50,500	\$50,500	\$50,000
Taxable Value	\$3,588,128	\$1,320,496	\$1,280,564	\$1,262,186	\$1,233,173

Taxes

Tax Year	2023	2022	2021	2020	2019
07/09/24 TCM Backup					

TIM GIVENS
BUILDING & REMODELING

June 10, 2024

To: Neighbors of 441 Seaview Avenue

Re: 441 Seaview Avenue, Palm Beach
Residence Permit #B-22-97563

We are the general contractor overseeing the construction of the residence at 441 Seaview Avenue. By way of this correspondence, we would like to notify you of the requests that we will be submitting to the Town of Palm Beach to extend the timeline for the remodel and site work to December 31, 2024. These permit extension requests will be presented to Town Council on July 10, 2024.

Our anticipated substantial completion date for this project is November 2024. We are allowing a few additional weeks for the final inspections and processing of the necessary paperwork required to close out the building permits.

We will continue our best efforts to protect your property throughout the course of this project. We have installed a tall construction fence along the sides of the property to help screen the construction activity. A silt fence has also been installed around the property perimeter to mitigate any water run-off and soil erosion from the adjoining properties. In addition to a full-time superintendent, we also have a full-time traffic attendant on site to manage vehicles, parking, deliveries, etc. Our goal is to make this a smooth experience for everyone and to keep you informed and accommodated during the construction process.

Should you have any questions or requests, please feel free to reach out to us and we will try our best to oblige you.

Project Manager – Matthew Holmes: (561) 427-8230 / mcholmes21@outlook.com
Office - TGBR: (561) 533-5828 / timgivensbuilding@outlook.com

Thank You,



Tim Givens Building & Remodeling

timgivensbuilding@outlook.com

From: Philip Rylands <prylands@fourarts.org>
Sent: Wednesday, June 12, 2024 2:28 PM
To: timgivensbuilding@outlook.com
Cc: Ronald Minnicks; Drew Blazure; Cynthia Martsolf
Subject: 441 Seaview Avenue

Dear Mr Givens,

As the direct and contiguous neighbor of 441 Seaview Avenue (the property on which we live spans the Seaspray and Seaview Avenues) I write to confirm that we have no concerns about the extension in time of construction at 441 Seaview Avenue. Your company and various subcontractors have been exemplary—quiet, respectful, non-invasive, and any other compliment I can extend to you.

Kind regards,
Philip Rylands

Dr. Philip Rylands
President & CEO
434 Seaspray Avenue and

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

Ordinances - Second Reading

Agenda Title

Proposed Ordinance to Amend the Town Code at Chapter 82 Relative to Personnel and Employee Benefits

ORDINANCE NO. 024-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 82 Of The Town Code Of Ordinances Relating To Personnel, At Article II, Employee Benefits, Division 2, Retirement System; Amending Subdivision I, In General, By Amending Section 82-99, Deferred Retirement Option Program For Firefighters; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Gillian Barth, Director of People and Culture

ATTACHMENTS:

- ▣ **Memorandum dated July 2, 2024, from Gillian Barth, Director of People & Culture**
- ▣ **Actuarial Impact Letter - Ordinance 024-2024**
- ▣ **Ordinance No. 024-2024**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 9, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Gillian Barth, Director of People & Culture

Re: Revised Town of Palm Beach DROP Ordinance 024-2024, Second Reading

Date: July 2, 2024

STAFF RECOMMENDATION

That the Town Council approve the attached Ordinance No. 024-2024 eliminating the requirement that union Firefighters complete their DROP participation within 10 years after first becoming eligible.

GENERAL INFORMATION

This Ordinance was amended following the First Reading on June 11, 2024 to accommodate concerns by Councilwoman Araskog that the change in wording of Ordinance 024-2024 (Section 1 (c) (1) – final sentence) may be open to interpretation that participation in the drop could exceed eight years.

The amended wording now specifies and confirms that participation will not exceed the total DROP allowable period of 96 months.

TOWN ATTORNEY REVIEW

These changes have been reviewed by the Town Attorneys (Primary and Pension)

Attachments GB

June 14, 2024

Mr. Robert Miracle
Deputy Town Manager
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

Re: Town of Palm Beach Retirement System – “No Actuarial Impact” Letter for Proposed Ordinance

Dear Bob:

We have reviewed the proposed Ordinance #024-2024 which will amend Chapter 82, Section 82-99(c) of the Town’s Code of Ordinances with regard to the Town of Palm Beach Retirement System (Plan).

This Ordinance will add the following sentence to Section 82-99(c), *Participation in the DROP*: “Effective July 9, 2024, bargaining unit firefighters may continue to participate in the DROP beyond 120 months following the date on which the member first reaches normal retirement age or date.”

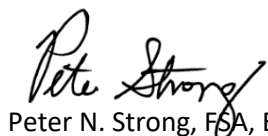
This change will remove the limitation on DROP participation for bargaining unit firefighters who enter the DROP more than 2 years after initially becoming eligible for normal retirement, allowing them to participate in the DROP for up to the full 8-year maximum DROP participation period regardless of how much time has elapsed since they first became eligible for normal retirement.

Since the assumed rates of retirement were not revised in connection with the Ordinance that changed the maximum DROP participation period from 5 years to 8 years, we are also not recommending a change in the assumed rates of retirement in connection with this Ordinance. As such, it is our opinion that this proposed change will not have an immediate actuarial impact on the cost of the Plan and thus a formal Actuarial Impact Statement is not required. However, we recommend that you send a copy of this letter and the Ordinance to the Bureau of Local Retirement Systems.

Peter N. Strong is a member of the American Academy of Actuaries and meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. The undersigned actuary is independent of the plan sponsor.

If there are any questions, please let us know.

Respectfully submitted,

A handwritten signature in black ink that reads "Peter Strong". The signature is stylized with a large, looped "P" and a cursive "Strong".

Peter N. Strong, FSA, EA, MAAA
Senior Consultant and Actuary

The above communication shall not be construed to provide tax advice, legal advice or investment advice.

ORDINANCE NO. 024-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82 OF THE TOWN CODE OF ORDINANCES RELATING TO PERSONNEL, AT ARTICLE II, EMPLOYEE BENEFITS, DIVISION 2, RETIREMENT SYSTEM; AMENDING SUBDIVISION I, IN GENERAL, BY AMENDING SECTION 82-99, DEFERRED RETIREMENT OPTION PROGRAM FOR FIREFIGHTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 82, Personnel; Article II, Employee Benefits; Division 2, Retirement System; III. – Firefighters; by amending Section 82-99 to read as follows:

Sec. 82-99. Deferred retirement option program for firefighters.

* * *

(c) Participation in the DROP.

(1) The date on which participation in the DROP must terminate is within 120 months of the commencement of the election period provided in subsection (b)(1) of this section. For those members who enter to DROP prior to June 1, 2024, the maximum DROP period is 60 months unless extended as provided in subsection (c)(4). For members who enter the DROP on or after June 1, 2024, the maximum DROP period is 96 months. No DROP participant may participate in the DROP for more than 96 months ~~or and~~ for any time after 120 months following the date on which the member first reaches normal retirement age or date, unless the member first reached normal retirement age or date prior to the effective date of the ordinance from which this section derives. Notwithstanding the preceding sentence, effective October 1, 2016 for non-bargaining unit members who are participating in the DROP on that date or who enter the DROP after that date, the maximum DROP participation period shall be 60 months unless extended under subsection (c)(4) below, or 96 months on or after June 1, 2024, but such members may continue to participate in the DROP beyond 120 months following the date on which the member first reaches normal retirement age or date, but not longer than their maximum DROP period. Notwithstanding the foregoing, the provisions of this paragraph providing a maximum DROP period of 96 months shall not apply to bargaining unit firefighters until such time as the 96-month maximum DROP

period is implemented through the collective bargaining process. Effective June 1, 2024, bargaining unit firefighters may continue to participate in the DROP beyond 120 months following the date on which the member first reaches normal retirement age or date, but not longer than their maximum DROP period.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 11th day of June, 2024, and for second and final reading on this 9th day of July, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: July 9, 2024

Section of Agenda

First Reading

Agenda Title

Proposed Ordinance to Amend the Town Code at Chapter 77 Relative to the Public Employees Relations Commission ("mini-PERC")

ORDINANCE NO. 026-2024 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Ordinance No. 6-80, Appendix A – Public Employee Relations To The Town Code Pursuant To The Provisions Of Section 447.603 Florida Statutes, Chapter 77-343, By Amending Section 1.006 To Provide For The Completion And Retention Of Membership Authorization Forms, The Revocation Of Membership In Employee Organizations And Providing For Certain Exemptions Thereto; By Amending Section 1.007 To Expand The Definition Of Public Safety Employees; By Amending Section 1.008 To Modify The Required Financial Statements From Audited Statements To Those Prepared By A Licensed Independent Certified Public Accountant; And By Amending Section 1.021 To Provide New Prohibitions On Unions Or Their Representatives Offering Compensation Or Things Of Value To Public Officers, As Defined By Florida Ethics Law; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

Joanne O'Connor, Town Attorney

ATTACHMENTS:

- ▣ **Memorandum Dated July 1, 2024, from Joanne O'Connor, Town Attorney**
- ▣ **Ordinance No. 026-2024**

Memorandum

To: Mayor Moore, Town Council Members, and Town Manager Blouin
From: Joanne M. O'Connor, Town Attorney
Date: July 1, 2024
Re: SB 1746 and Amendments to Town's Mini-PERC Ordinance
Ordinance No. 026-2024

GENERAL INFORMATION

This ordinance amends the Town's Public Employee Relations Commission ("mini-PERC") ordinance found at Appendix A to the Town's Code of Ordinances to bring it into compliance with recent changes to the corollary state statute, Chapter 447, Part II, Florida Statutes, as required by state law. The state law changes include those found in Senate Bill 1746, which was recently signed into law by the Governor.

Public employees have the right to join through a union for collective bargaining, and the right to refrain from doing so. The Public Employees Relations Commission of the State of Florida (PERC) was created by the Florida legislature to regulate the rights of employees and employers regarding collective bargaining and related matters. Florida law permitted local governmental entities to establish their own local mini-PERCs, if the local agency was governed by the same set of rules and procedures as the state PERC. The Town of Palm Beach decided to create its own mini-PERC to handle these matters within the Town.

Inasmuch as the Florida legislature from time to time amends the state law, the Town's mini-PERC ordinance needs to have corollary amendments which bring the Town's ordinance into conformity with the amended state law. This proposed ordinance seeks to bring the Town's mini-PERC ordinance into conformity with recent changes to the state PERC law.

The changes set forth in this proposed amendment to the Town's ordinance include: the process for deducting union dues from employee payroll, union financial disclosure requirements and new



prohibitions on unions or their representatives offering compensation or things of value to public officers, as defined by Florida Ethics Law.

The amendment ensures the Town's mini-PERC ordinance complies with state law but has no material operational effect on the Town's operations as most of the dispositive provisions expressly do not apply to unionized firefighters and the only bargaining unit certified by the Town is its certified fire department personnel.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact.

TOWN ATTORNEY REVIEW

This Ordinance was prepared by the Town's special counsel, Jeffrey Pheterson at Ward Damon, with revisions and comment by the Town Attorney.

Attachment

cc: Sean Baker, Fire-Rescue Chief & Director of Emergency Management
Jeffrey Pheterson, Esq.

#5631321 v1 13156-00008

ORDINANCE NO. 026-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 6-80, APPENDIX A – PUBLIC EMPLOYEE RELATIONS TO THE TOWN CODE PURSUANT TO THE PROVISIONS OF SECTION 447.603 FLORIDA STATUTES, CHAPTER 77-343, BY AMENDING SECTION 1.006 TO PROVIDE FOR THE COMPLETION AND RETENTION OF MEMBERSHIP AUTHORIZATION FORMS, THE REVOCATION OF MEMBERSHIP IN EMPLOYEE ORGANIZATIONS AND PROVIDING FOR CERTAIN EXEMPTIONS THERETO; BY AMENDING SECTION 1.007 TO EXPAND THE DEFINITION OF PUBLIC SAFETY EMPLOYEES; BY AMENDING SECTION 1.008 TO MODIFY THE REQUIRED FINANCIAL STATEMENTS FROM AUDITED STATEMENTS TO THOSE PREPARED BY A LICENSED INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT; AND BY AMENDING SECTION 1.021 TO PROVIDE NEW PROHIBITIONS ON UNIONS OR THEIR REPRESENTATIVES OFFERING COMPENSATION OR THINGS OF VALUE TO PUBLIC OFFICERS, AS DEFINED BY FLORIDA ETHICS LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 447.022 of the Public Employment Relations Act, a part of chapter 74-100, Laws of Florida [Laws of Fla., Ch. 74-100, § 447.002] authorizes municipalities to adopt a local ordinance, resolution or Charter amendment, in lieu of the requirements of the state Public Employment Relations Act; and

WHEREAS, the Florida Legislature has recently amended Chapter 447, Part II, Florida Statutes, including but not limited to by SB 1746 of the 2024 Session of the Florida Legislature; and

WHEREAS, the Town Council deems it desirable to amend Ordinance No. 6-80, Appendix A – Public Employee Relations to the Town Code of Ordinances to ensure consistency with the recent amendments to Chapter 447, Part II, Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH AS FOLLOWS:

Section 1 – Ordinance No. 6-80, Appendix A – Public Employee Relations to the Town Code of Ordinances is hereby amended as follows:

Section 1.006. Public employees' rights; organization and representation.

- (1) (a) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.
- (b) 1. ~~Beginning July 1, 2023, a~~ A public employee who desires to be a member of an employee organization must sign and date a membership authorization form, as prescribed by the commission, and submit the executed form to ~~with~~ the bargaining agent.
2. The membership authorization form must identify the name of the bargaining agent, the name of the employee, the class code and class title of the employee, the name of the public employer and employing agency, if applicable, the amount of the initiation fee and of the monthly dues which the member must pay, and the name and total amount of salary, allowances, and other direct or indirect disbursements, including reimbursements, paid to each of the five highest compensated officers and employees of the employee organization disclosed under s. 447.305(2)(d) ~~447.305(2)(e)~~ and this Section.
3. The membership authorization form must contain the following statement in 14-point type:
- The State of Florida is a right-to-work state. Membership or non-membership in a labor union is not required as a condition of employment, and union membership and payment of union dues and assessments are voluntary. Each person has the right to join and pay dues to a labor union or to refrain from joining and paying dues to a labor union. No employee may be discriminated against in any manner for joining and financially supporting a labor union or for refusing to join or financially support a labor union.
4. A public employee may revoke membership in the employee organization at any time of the year. Upon receipt of the employee's written revocation of membership, the employee organization must revoke a public employee's membership. The employee

organization may not limit an employee's right to revoke membership to certain dates. If a public employee must complete a form to revoke membership in the employee organization, the form may not require a reason for the public employee's decision to revoke his or her membership.

5. An employee organization must retain for inspection by the commission such membership authorization forms and any revocations.

6. This section does not apply to members of a bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, firefighters as defined in s. 633.102, 911 public safety telecommunicators as defined in s. 401.465(1)(a), or emergency medical technicians or paramedics as defined in s. 401.23. ~~**an employee organization that has been certified as a bargaining agent to represent law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, or firefighters as defined in s. 633.102.**~~

7. The commission may adopt rules to implement this section.

8. Upon a petition by a public employer after it has been notified by the Department of Labor that the public employer's protective arrangement covering mass transit employees does not meet the requirements of 49 U.S.C. s. 5333(b) and would jeopardize the employer's continued eligibility to receive Federal Transit Administration funding, the commission may waive, to the extent necessary for the public employer to comply with the requirements of 49 U.S.C. s. 5333(b), any of the following for an employee

organization that has been certified as a bargaining agent to represent mass transit employees:

- (a) The prohibition on dues and assessment deductions provided in s. 447.303(1) as it applies to a mass transit employee who has provided a copy of his or her membership authorization form to the employer as part of the authorization of dues deduction under a waiver.
 - (b) The requirement to petition the commission for recertification.
 - (c) The revocation of certification provided in s. 447.305(6) and (7).
- (2) Public employees shall have the right to be represented by any employee organization of their own choosing, to negotiate collectively, through a certified bargaining agent, with their public employer in the determination of the terms and conditions of their employment. Public employees shall have the right to be represented in the determination of grievances on all terms and conditions of their employment. Public employees shall have the right to refrain from exercising the right to be represented.
- (3) Public employees shall have the right to engage in concerted activities not prohibited by law, for the purpose of collective bargaining or other mutual aid or protection. Public employees shall also have the right to refrain from engaging in such activities.
- (4) Nothing in this ordinance shall be construed to prevent any public employee from presenting, at any time, his own grievances, in person or by legal counsel, to his public employer, and having such grievances adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and if the bargaining agent has been given reasonable opportunity to be present at any meeting called for the resolution of such grievance.

Section 1.007. - Dues; deduction and collection

(1) Except as authorized in subsection (2) or subject to a waiver granted pursuant to s. 447.207(12)(a), an employee organization that has been certified as a bargaining agent may not have its dues and uniform assessments deducted and collected by the employer from the salaries of those employees in the unit. A public employee may pay dues and uniform assessments directly to the employee organization that has been certified as the bargaining agent.

(2) (a) An employee organization that which has been certified as a bargaining agent to represent a bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, or firefighters as defined in s. 633.102 , 911 public safety telecommunicators as defined in s.401.465(1)(a), or emergency medical technicians or paramedics as defined in s. 401.23 has the right to have its dues and uniform assessments for that bargaining unit deducted and collected by the employer from the salaries of those employees who authorize the deduction and collection of said dues and uniform assessments. However, such authorization is revocable at the employee's request upon 30 days' written notice to the employer and employee organization. Said deductions shall commence upon the bargaining agent's written request to the employer.

(b) Reasonable costs to the employer of said deductions is a proper subject of collective bargaining.

(c) Such right to deduction, unless revoked under pursuant to s. 447.507, is in force for so long as the employee organization remains the certified bargaining agent for the employees in the unit.

(3) The public employer is expressly prohibited from any involvement in the collection of fines, penalties, or special assessments.

Section 1.008. Registration of employee organization.

(1) Every employee organization seeking to become a certified bargaining agent for public employees shall register with the commission pursuant to the procedures set forth in s. 120.60 prior to requesting recognition by a public employer for purposes of collective bargaining and prior to submitting a petition to the commission requesting certification as an exclusive bargaining agent. Further, if such employee organization is not registered, it may not participate in a representation hearing, participate in a representation election, or be certified as an exclusive bargaining agent. The application for registration required by this section shall be under oath and in such form as the commission may prescribe and shall include:

(a) The name and address of the organization and of any parent organization or organization with which it is affiliated.

(b) The names and addresses of the principal officers and all representatives of the organization.

(c) The amount of the initiation fee and the amount and collection frequency of the ~~monthly~~ dues and uniform assessments that a member ~~which members~~ must pay.

(d) The current annual ~~audited~~ financial statement of the organization, prepared by an independent certified public accountant licensed under chapter 473.

(e) The name of its business agent, if any; if different from the business agent, the name of its local agent for service of process; and the addresses where such person or persons can be reached.

(f) A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin.

(g) A copy of the current constitution and bylaws of the employee organization.

(h) A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.

(2) A registration granted to an employee organization pursuant to ~~the provisions of~~ this section ~~run~~~~shall run~~ for 1 year from the date of issuance. A registration ~~must~~~~shall~~ be renewed annually by filing an application for renewal under oath with the commission, which application ~~must~~~~shall~~ reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal, whichever is applicable. Each application for renewal of registration ~~must~~~~shall~~ include a current annual ~~audited~~ financial statement, prepared ~~certified~~ by an independent certified public accountant licensed under chapter 473 and report, signed by the employee organization's president and treasurer or corresponding principal officers, containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year and in such categories as the commission may prescribe:

(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Disbursements by category;

~~(d)(e)~~ Salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such employee organization and any other employee organization affiliated with it or with which it is affiliated or which is affiliated with the same national or international employee organization;

~~(e)(d)~~ Direct and indirect loans made to any officer, employee, or member which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment; and

~~(f)(e)~~ Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment.

(3) In addition to subsection (2), an employee organization that has been certified as the bargaining agent for public employees must include for each such certified bargaining unit the following information and documentation as of the 30th day immediately preceding the date upon which its current registration is scheduled to end~~of renewal of its application~~ for any renewal of registration on or after October 1, 2023:

(a) The number of employees in the bargaining unit who are eligible for representation by the employee organization.

(b) The number of employees in the bargaining unit who have submitted signed membership authorization forms without a subsequent revocation of such membership.

(c) The number of employees in the bargaining unit who paid dues to the employee organization.

(d) The number of employees in the bargaining unit who did not pay dues to the employee organization.

(e) Documentation provided by an independent certified public accountant retained by the employee organization which verifies the information provided in paragraphs (a)-(d) of this subsection.

(4) The employee organization must provide a copy of its application for renewal of registration relating to a public employer's employees to the public employer on the same day the application is submitted to the commission.

(5) An application for renewal of registration is incomplete and is not eligible for consideration by the commission if it does not include all of the information and documentation required in subsection (3). The commission shall notify the employee organization if the application is incomplete. An incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.

(6) Notwithstanding the provisions of this chapter relating to collective bargaining, an employee organization certified as a bargaining agent to represent a bargaining unit for which ~~that had~~ less than 60 percent of the unit employees have submitted membership authorization forms without subsequent revocation and have paid dues to the organization ~~eligible for representation in the bargaining unit pay dues~~ during its last registration period must petition the commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the bargaining unit within 30 days ~~1 month~~ after the date on which the employee organization applies for renewal of registration pursuant to subsection (2). The certification of an employee organization that does not comply with this section is revoked.

(7) The public employer or a bargaining unit employee may challenge an employee organization's application for renewal of registration if the public employer or bargaining unit

employee believes that the application is inaccurate. The commission or one of its designated agents shall review the application to determine its accuracy and compliance with this section. If the commission finds that the application is inaccurate or does not comply with this section, the commission shall revoke the registration and certification of the employee organization.

(8) The commission may conduct an investigation to confirm the validity of any information submitted pursuant to this section. The commission may revoke or deny an employee organization's registration or certification if it finds that the employee organization:

(a) Failed to cooperate with the investigation conducted pursuant to this subsection, including refusal to permit the commission to inspect membership authorization forms or revocations pursuant to s. 447.301(1)(b)5.; or

(b) Intentionally misrepresented the information it submitted pursuant to this section **subsection (3).**

A decision issued by the commission pursuant to this subsection is a final agency action that is reviewable pursuant to s. 447.504.

(9) An employee organization is exempt from the requirements of Ssubsections (3)-(8) only with respect to the circumstances of each bargaining unit the majority of whose employees eligible for representation are employed as~~do not apply to an employee organization that has been certified as the bargaining agent to represent~~ law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, or firefighters as defined in s. 633.102 , 911 public safety telecommunicators as defined in s. 401.465(1)(a), or emergency medical technicians or paramedics as defined in s. 367 401.23.

(10) A registration fee shall accompany each application filed with the Public Employees Relations Commission. The amount charged for an application for registration or renewal of registration shall not exceed \$15. All such money collected by the commission shall be deposited in the General Revenue Fund.

(11) Every employee organization shall keep accurate accounts of its income and expenses, which accounts shall be open for inspection at all reasonable times by any member of the organization or by the commission. In addition, each employee organization that has been certified as a bargaining agent must provide to its members an annual ~~audited~~ financial report prepared by an independent certified public accountant licensed under chapter 473 that includes a detailed breakdown of revenues and expenditures in such categories as the commission may prescribe, and an accounting of membership dues and assessments. The employee organization must notify its members annually of all costs of membership.

(12) For an application for renewal of registration as an employee organization filed pursuant to s. 447.305(2), Florida Statutes, between July 1, 2023, and the effective date of this act, an employee organization may submit a current annual financial statement containing the information required by s. 447.305(2), Florida Statutes, prepared by an independent certified accountant licensed under chapter 473, Florida Statutes, and signed by the employee organization's president and treasurer or corresponding principal officers in lieu of an annual audited financial statement certified by an independent certified public accountant licensed under chapter 473, Florida Statutes. For applications of renewal of registration of employee organizations filed pursuant to s. 447.305, Florida Statutes, between July 1, 2023, and the effective date of this act, the commission may not deny the renewal or revoke the registration of an employee organization based solely upon the employee organization's failure to submit a

current annual audited financial statement certified by an independent certified public accountant licensed under chapter 473, Florida Statutes.

Section 1.021. – Other unlawful acts:

- (1) Employee organizations, their members, agents, or representatives, or any persons acting on their behalf are hereby prohibited from:

....

- (d) Offering anything of value to a public officer as defined in s. 112.313(1), Florida Statutes, which the public officer is prohibited from accepting under s. 112.313(2).

- (e) Offering any compensation, payment, or thing of value to a public officer as defined in s. 112.313(1), Florida Statutes, which the public officer is prohibited from accepting under s. 112.313(4)

Section 2 – Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3 - Repeal Of Ordinances Or Parts Of Ordinances In Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4 - Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5 – Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of July, 2024 and for second and final reading on this 13th day of August, 2024.

Danielle H. Moore, Mayor

Bobbie D. Lindsay, Town Council President

Lewis S.W. Crampton, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member

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