

REVISED

11:16 am, Jun 08, 2018

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

Town Manager's Office
TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

JUNE 12, 2018

9:30 AM

Town Council Meeting

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

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. MODIFICATIONS TO THE AGENDA

IV. APPROVAL OF AGENDA

V. PRESENTATIONS

A. Scholarship provided by the Palm Beach Civic Association and the Citizens'

Association of Palm Beach.

John Cregan, Palm Beach Civic Association and Harry Wolin, Citizens' Association of Palm Beach

- B.** Scholarships Provided by the Palm Beach Country Club.

David Mack, Palm Beach Country Club

VI. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS

- A.** Presentations by Code Enforcement Board Applicants.

Kirk Blouin, Town Manager

- B.** Appointment to the Code Enforcement Board.

Kirk Blouin, Town Manager

Page 11

VII. COMMENTS OF MAYOR GAIL L. CONIGLIO

VIII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

IX. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

X. APPROVAL OF CONSENT AGENDA (SEE NOTE 5)

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES

Kathleen Dominguez, Town Clerk

Page 20

a. May 8, 2018, Town Council Meeting Minutes

b. May 9, 2018, Development Review Town Council Meeting Minutes

2. Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 23, 2018.

Paul Castro, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 65-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Police Sniper Rifles with Accessories in the Amount of \$14,522.82; with a Budget Not To Exceed \$17,000.00; From Mile High Shooting; Authorizing the Town Manager to Execute All Documents Necessary to Effectuate Purchase; And Providing an Effective Date.

Ann-Marie Taylor, Acting Chief of Police

Page 50

2. RESOLUTION NO. 69-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Issuance of a Purchase Order to Johnson Controls, Inc. for the Replacement of 21 Camera Units and to Upgrade the Wireless Network System In The Amount Of \$299,868; and Creating a Project Budget not to Exceed \$310,000; Authorizing the Town Manager to Execute All Documents Necessary to Effectuate the Project; and Providing an Effective Date.

Page 75

Ann-Marie Taylor, Acting Chief of Police

3. RESOLUTION NO. 70-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the First Amendment to the Palm Beach County Radio Communications Interlocal Agreement and Authorizing the Mayor to Execute the Same on Behalf of the Town of Palm Beach.
Ann-Marie Taylor, Acting Chief of Police Page 101
4. RESOLUTION NO. 71-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Awarding Bid No. 2018-27 to South Florida Tractor Service, Inc. for Renovation of Golf Course Tees, Approving Issuance of a Purchase Order in the Amount of \$47,250 and Establishing a Budget of \$50,000.
Beth Zickar, Director of Recreation Page 109
5. RESOLUTION NO. 72-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager To Apply For and Execute the Grant Application to the U.S. Fish and Wildlife Service for the Boating Infrastructure Grant Program for the Construction Phase of the Town Dock on Behalf of the Town.
Beth Zickar, Director of Recreation Page 117
6. RESOLUTION NO. 73-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Awarding RFP No. 2018-17 For the Provision of WiFi Services And Related Infrastructure And Equipment For The Town Docks to Beacon WiFi Technologies, LLC, Approving a Purchase Order for Installation in the Amount of \$37,735 and Establishing a Project Budget of \$41,500 and Internet Service Subject to Future Budget Approval and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Beth Zickar, Director of Recreation Page 129
7. RESOLUTION NO. 74-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving the Selection Committee Recommendation of Award for RFP 2018-29 Catering Service Post Emergency to Professional Concessions Inc., and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town, and Approve a Budget of \$30,000 for Fiscal Year 2018 And a Five Year Proposed Budget of \$150,000 Subject to Annual Town Council Review and Authorization.
Danielle Olson, Director of Human Resources Page 143
8. RESOLUTION NO. 78-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into a Contract Renewal with Rostan Solutions, for Debris Monitoring Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
H. Paul Brazil, P.E., Director of Public Works Page 149
9. a. RESOLUTION NO. 79-2018 A Resolution of the Town Council of Page 154

the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into a Contract Renewal with Phillips & Jordan, Inc., For Disaster Debris Removal and Disposal Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

b. RESOLUTION NO. 80-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-03 and Approving a Disaster Debris Removal and Disposal Services Contract to DRC Emergency Services, LLC and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

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

10. RESOLUTION NO. 81-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement with the Palm Beach County Board of County Commissioners to Provide Information Technology Services to Certify the Non Ad Valorem Assessments; Providing an Effective Date.

Page 164

Jane Le Clainche, Director of Finance

C. OTHER

1. Approve a Change Order to the Construction Manager at Risk Contract to Whiting-Turner, Inc. Contracting Company for the A-41 Pump Station Electrical Improvements.

Page 177

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

2. Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poinciana Way.

Page 186

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

3. Waiver to Town Code for Extended Construction Hours and Lane Closure for AT&T to Construct a Fiber Line and Make Connection in Royal Palm Way at Cocoanut Row.

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

4. Request to Consider Ordinance No. 11-2018 Prior to 5:00 p.m. at a Public Hearing.

Page 198

Paul Castro, Acting Director of Planning, Zoning & Building

5. Approval of the Selection Committee's Recommendation of the Ranking of Firms for RFP No. 2018-35 for Insurance Broker and Actuarial Services, with the Gehring Group Being the Highest Ranked Proposer and Authorizing Permission to Negotiate an Agreement on Behalf of the Town.

Page 200

Danielle Olson, Director of Human Resources

XI. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules and Standards Committee Meeting held on May 2, 2018.

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XII. PUBLIC HEARINGS

- A. RESOLUTION NO. 75-2018** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 218 La Puerta Way, in the Town of Palm Beach, Florida. Page 210

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

XIII. REGULAR AGENDA

A. Old Business

1. Town-wide Undergrounding Project: Page 218
 - a. Review of Project and Dashboard, Summary of Project Status.
Steve Stern, Project Manager
2. Coastal Update: Page 249
 - a. Shoreline Condition Update
 - b. Discussion of Groin Rehabilitation Liability
 - c. Shore Protection Board Recommendation To Proceed With Permit from U.S. Army Corps of Engineers (USACE).
H. Paul Brazil, P.E., Director of Public Works
3. Recreation Center Project: Page 256

TIME CERTAIN: 11:00 A.M.

 - a. RESOLUTION NO. 63-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Replacing the Friends of Recreation Letter of Agreement, Approved in Resolution No. 113-2016, with a Capital Grant Agreement for the Purpose of Constructing and Operating a Recreation Center for the Town at Seaview Park with Funding Support in the Amount up to \$5,000,000 with the Friends of Recreation, Inc., as Part of a Public/Private Partnership and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Beth Zickar, Director of Recreation
 - b. RESOLUTION NO. 76-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 112-2016 with the Approval of the Modifications to Exhibit B of the Morton and Barbara Mandel Family Foundation Capital Grant Agreement, as Part of a Public/Private Partnership, for the Purpose of Constructing a New Recreation Center for the Town at Seaview Park and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Beth Zickar, Director of Recreation

c. Seaview Park and Recreation Center Improvements - Project Update.

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

B. New Business

1. Draft Request for Proposal (RFP) for consultant services to complete a Total Compensation Study. Page 286

Danielle Olson, Director of Human Resources

2. Waiver of Town Code Section 42-199, For Extended Working Hours at the Beach Club, 755 North County Road. Page 291

Paul Castro, Acting Director of Planning, Zoning & Building

C. Matters Pulled From Consent Agenda: If needed

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 07-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Code Of Ordinances By Amending Section 18-167 To Allow For A Non-Resident Expert To Be Appointed To The Architectural Commission (ARCOM); Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date. Page 299

Paul Castro, Acting Director of Planning, Zoning & Building

2. ORDINANCE NO. 08-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82, Personnel, Article III, Resolution of Employee Grievances, of the Town Code of Ordinances at Section 82.207, Review By Administrative and Personnel Committee; Further Amending Section 82.208, Role of Committee; Amending Section 82.209, Procedures; Amending Section 82.210, Findings of Committee; Amending Section 82.211, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 305

Danielle Olson, Director of Human Resources

3. ORDINANCE NO. 09-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, at Section 2-136, Appointive Administrative Officers, so as to Delete the Term Public Safety Director and Substitute for that Term the Terms Chief of Police and Chief of Fire Rescue; Amending Division 5, Director of Public Works at Section 2-247, General Duties, Supervision by Manager, to Delete the Reference to the Public Works Director being under the Page 310

Direct Supervision of the Town Manager; Further Providing that all References in the Town Code to Public Safety Director Shall Now be Referred to as Chief of Police and Chief of Fire Rescue; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

4. ORDINANCE NO. 10-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2017, Providing an Effective Date.

This Item has been Deferred to the July 10, 2018 Town Council Meeting.

Jane LeClainche, Director of Finance

B. First Reading

1. ORDINANCE NO. 12-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, Article VII, Special Events on Public Property, Division 1, Generally, By Amending Sections 106-257(1) And 106-257(2) Relating to Regulations Relating to Special Event; Amending Section 106-281 Relating to Required; Amending Sections 106-282(B), 106-282(C)(10), and 106-282(C)(14) Relating to Application; Amending Sections 106-283(6) and 106-283(10) Relating To Standards for Issuance; Amending Section 106-284 Relating to Notice of Approval or Denial; Amending Section 106-285 Relating to Appeal Procedure; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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Jay Boodheshwar, Deputy Town Manager

XV. ANY OTHER MATTERS

XVI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

Town of Palm Beach Meeting Schedule

6/6/18

Town Council Meeting-Regular Business

June 12, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Town Council Meeting-Development Review Matters

June 13, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Planning and Zoning Commission

June 19, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Landmarks Preservation Commission Meeting

June 20, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Code Enforcement Board Meeting

June 21, 2018, 2:00 PM @ Council Chambers

[More Details](#)

Architectural Commission Meeting

June 27, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Underground Utility Task Force Meeting

July 3, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Independence Day-Town Hall Closed

July 4, 2018, 8:30 AM - 5:00 PM

Ordinances, Rules, and Standards Committee Meeting

July 5, 2018, 9:30 AM

[More Details](#)

Special Town Council Meeting-Budget Matters

July 9, 2018, 9:30 AM @ Council Chambers

Subject to change by the Mayor and Town Council.

[More Details](#)

Town Council Meeting-Regular Business

July 10, 2018, 9:30 AM

[More Details](#)

Town Council Meeting-Development Review Matters

July 11, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Public Works Committee Meeting

July 12, 2018, 9:30 AM

[More Details](#)

Planning and Zoning Commission

July 17, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Landmarks Preservation Commission Meeting

July 18, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Code Enforcement Board Meeting

July 19, 2018, 2:00 PM @ Council Chambers

[More Details](#)

Architectural Commission Meeting

July 25, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Shore Protection Board Meeting

July 26, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Ordinances, Rules, and Standards Committee Meeting

August 2, 2018, 9:30 AM @ Council Chambers

[More Details](#)

Underground Utility Task Force Meeting

August 7, 2018, 9:00 AM @ Council Chambers

[More Details](#)

Town Council Meeting-Regular Business and Development Review Matters

August 15, 2018, 9:30 AM @ Council Chambers

[More Details](#)

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Board and Commissions Presentations and Appointments

Agenda Title

Appointment to the Code Enforcement Board.

Presenter

Kirk Blouin, Town Manager

ATTACHMENTS:

- ❑ **Memorandum dated June 4, 2018, from Kirk Blouin, Town Manager**
- ❑ **Applications**
- ❑ **Ballot**

TOWN OF PALM BEACH

Information for Town Council Meeting on June 12, 2018

To: Mayor and Town Council
From: Kirk Blouin, Town Manager
Re: Code Enforcement Board Appointment
Date: June 4, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council appointment one alternate member to the Code Enforcement Board.

GENERAL INFORMATION

Due to an unanticipated vacancy, the Town has one open alternate member seat to fill.

There are two applicants for this position.

Bram Majtlis and **Herbert Roemmele** are new applicants seeking appointment to this open alternate seat.

Both applicants have submitted proof of Town of Palm Beach residency.

Attachments

KWB:cek

cc: Ann-Marie Taylor, Acting Police Chief
Ben Alma, Parking/Code Enforcement Manager
Joan Dunn, Parking/Code Enforcement Specialist



APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete this application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail addressed to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires the applicant to review certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: Bram Majtlis Residence Address: 2275 S. Ocean Blvd #207A
 Mailing Address: 2275S.Ocean Blvd #207A Home Telephone: 404-274-8113
 E-mail Address: bmajtlis723@me.com Work Telephone: 404-274-8113
 I am a resident of the Town of Palm Beach AM (please initial) KD

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application.

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)
I am looking to serve my town and since I am recently retired have the time available to do so

2. How many meetings of the Code Enforcement Board have you attended in the last year? NONE

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

1. Vice President Condo Board The Slade West Palm Beach - 5 years

2. President The Reef Condominium Board of Administration - Also Chair of ARB 3 years

3. Board member The Citizens Association of Palm Beach

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.
Usually a few weeks of vacation in October

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

no previous experience other then enforcing Town codes as the Chair of the Architectural Review

BOARD AT THE REEF CONDOMINIUM

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
☐ Palm Beach Civic Association
☐ Neighborhood Alliance of Palm Beach
☒ Citizens' Association of Palm Beach

- ☒ Preservation Foundation of Palm Beach
☐ North End Property Owners Association
☐ Other _____

7. Present occupation. Retired No. of years. 1

Employer. _____

8. Past occupation(s). Owned a Destination Management Company No. of years. 26

Employer(s). IMTC, Inc.

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- ☐ Architecture ☐ Building Construction
☐ Landscape Architecture/Design ☐ Municipal Planning
☐ Law ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

Native of The Netherlands, where I was raised and educated. Was in managerial positions
at companies like KLM Royal Dutch Airlines, Holland America Cruises, Various Hotel Companies

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

Because I have been dealing with town codes for the past 3 years and I understand the
importance of them. I am a down to earth independent thinker and am able to make decisions
that serve the greater good of the Town and not a few individuals.

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
Nick M Gold	husband	275 S Ocean Blvd #207	Dir. of PR	Palm Beach Resort & SPA F74

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? No

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.

board/commission/committee

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member?

☒ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____

DATE: May 29, 2018

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health. In addition, the Town Council may appoint two alternate members for the purpose of serving in the absence of any of the board members. Members (and alternate members) shall be appointed for terms of three years. A member of the code enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.



RECEIVED

2018 APR 27 PM 2:19 TOWN CLERK

TOWN OF PALM BEACH

APPLICATION FOR SERVICE ON

CODE ENFORCEMENT BOARD

Please complete this application by typing or printing legibly in ink. Applications should be submitted to the Town Clerk (360 South County Road, Palm Beach, FL 33480, via facsimile 561-838-5417, or via e-mail addressed to townclerk@townofpalmbeach.com) no later than 5 p.m., 11 calendar days prior to the Town Council meeting in which the appointment will be considered. Completion of this application requires the applicant to review certain Town documents as noted in this application. To review or obtain a copy of the documents please contact the Town Clerk's Office (561-838-5416). Please feel free to attach any additional background information to this application form. (Please be advised that members of the Code Enforcement Board must file an annual financial disclosure form per State law.)

Name: Herbert A. RoemmlerResidence Address: 300 S. Ocean Blvd - 2DMailing Address: SAMEHome Telephone: 561 612 7525E-mail Address: HerbertRoemmler@gmail.comCell Telephone: 732 796 3013I am a resident of the Town of Palm Beach HR (please initial)

Please attach proof of Town of Palm Beach residency. Failure to attach proof of residency shall be grounds to reject your application. Proof of residency shall be either a copy of your Florida Driver's License matching the address of your residence as shown on this application, a copy of a utility bill in your name at the residence address shown on this application, or by providing an original, fully executed and notarized Declaration of Domicile with this application. HR

1. Why are you interested in serving on the Code Enforcement Board? (Please explain and attach additional pages if necessary)

Have owned in Palm Beach for 20 yrs & see the fine effort of Town Gov't And would like to participate as a member of the Code Enforcement Board

2. How many meetings of the Code Enforcement Board have you attended in the last year? -0-

3. If you have served on any boards/commissions/committees in the Town of Palm Beach or elsewhere, please list them and include details such as length of service, attendance record, etc.

Chairman 8 years - University of NJ Medical & Dental School - 11,000 employees, 5000 students, 1 Billion Dollar Budget, Chairman University Hospital, Newark NJ Ambulance Squad Chairman Newark Essex County Highway Authority

4. Please indicate if there are any periods of time for which you will be unavailable for meetings.

Will be here all 12 months - minus 3-4 Trips of 7 to 10 days

5. Do you have any personal experience with the Code Enforcement Board in the Town of Palm Beach or other jurisdictions? (Please explain and attach additional pages if necessary)

Highway Authority in Essex County & 3 campuses of NJ Medical University

6. Are you a member of any of the following organizations? (Check all that apply)

- ☐ Palm Beach Chamber of Commerce
☒ Palm Beach Civic Association
☐ Neighborhood Alliance of Palm Beach
☐ Citizens' Association of Palm Beach

- ☐ Preservation Foundation of Palm Beach
☐ North End Property Owners Association

☒ Other Vice President Round Table of Palm Beach

7. Present occupation. Member of Beach Club & Club Colletto No. of years. 30
Retired Member Board - 300 SE Ocean Blvd. Building

Employer. _____

8. Past occupation(s). 55 years Wells Fargo No. of years. 55

Employer(s). Stock Broker at Wells Fargo & 5 yrs Merrill Lynch

9. Do you have a degree in, or have you taken courses in, any of the following fields of study: (Check as many as are applicable)

- ☐ Architecture ☐ Building Construction
☐ Landscape Architecture/Design ☐ Municipal Planning
☐ Law ☐ Law Enforcement/Code Enforcement

10. Please provide details regarding your educational background:

Graduated with honors - Lehigh University - Phi Beta Kappa,
President of Class & President of Fraternity. Taught
2 years Army Finance School at Ft. Br. Harrison and 1st Lt.

11. Why do you feel that you are qualified to serve on the Town's Code Enforcement Board? (Attach additional page if necessary)

Have had supervisory position in Hospital & School Construction
projects, dealt with city & state boards, Ran 540 bed
University Hospital & both a 45 member Police Force &
an Ambulance Service to nearly 550,000 people.

12. To enable Town Council to consider potential conflicts of interest, please provide the following information regarding family members who live and/or work in the Town of Palm Beach, including your spouse, parents, siblings or children.

Family Member Name	Relationship	Address	Occupation	Employer
<u>NONE</u>				

13. Have you ever been convicted of a crime or pled guilty or nolo contendere to a crime other than minor traffic violations? NO

14. If you are currently serving on a Town board, commission, or committee, please identify it in the space below and check the box that indicates you will resign from that position if you are appointed to the position you are seeking in this application.
☐ I will resign from the _____ if I am appointed to the position I am seeking in this application.
board/commission/committee

15. In the event you are applying to be a Regular Member of the Code Enforcement Board and you are not successful, will you accept appointment as an Alternate Member of the Board should the Town Council wish to appoint you as an Alternate Member?
☒ Yes ☐ No

The following information is needed to facilitate Town reporting requirements in Florida Statute 760.80. Please check one in each category.

RACE

- ☐ African American ☐ Native American
☐ Asian American ☒ Caucasian
☐ Hispanic American ☐ Not known

GENDER

- ☒ Male ☐ Female

PHYSICALLY DISABLED

- ☐ Yes ☒ No

I hereby certify that I have read the sections of the Town Code of Ordinances for the particular board/commission/committee that I have selected above and have noted the description of the board/commission/committee and its members' duties, and further I have read the regulations concerning absences and conflicts of interests. I certify the information given by me is true and complete to the best of my knowledge and belief. I understand that any falsification of material facts will be grounds for rejection of this application or dismissal after appointment.

SIGNATURE: _____

DATE: April 18, 2018

Please attach proof of Town of Palm Beach residency (as listed on page 1) with this application.

Please note that Board/Commission applications will expire on December 15 of each year.

CODE ENFORCEMENT BOARD

Hears cases involving violations of the Town Code and ordinances and imposes administrative fines and other noncriminal penalties where a pending or repeated violation exists. Members must be residents and are appointed by Town Council on the basis of experience or interest in the fields of zoning and building control. The Board includes, whenever possible, an architect, business person, engineer, general contractor, realtor, subcontractor, general member, or person with experience in the field of public health. In addition, the Town Council may appoint two alternate members for the purpose of serving in the absence of any of the board members. Members (and alternate members) shall be appointed for terms of three years. A member of the code enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term.

**BALLOT FOR APPOINTMENT OF MEMBERS
TO THE CODE ENFORCEMENT BOARD**
Town Council meeting on June 12, 2018

Position(s) to be filled: 1 Alternate Member

Please circle 1 name from the list of names appearing below:

Applicants for Alternate Member Appointment

Bram Majtlis

Herbert Roemmele

Signature of Town Council Member: _____
Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda Minutes

Agenda Title TOWN COUNCIL MEETING MINUTES *Kathleen Dominguez, Town Clerk*

- a. May 8, 2018, Town Council Meeting Minutes
- b. May 9, 2018, Development Review Town Council Meeting Minutes

Presenter

ATTACHMENTS:

- ▣ **Minutes of the Town Council Meeting Held on May 8, 2018**
- ▣ **Minutes of the Town Council Meeting Held on May 9, 2018**



TOWN OF PALM BEACH

Town Clerk's Office

MINUTES OF THE REGULAR TOWN COUNCIL MEETING HELD ON TUESDAY, MAY 8, 2018

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, May 8, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. PLEDGE OF ALLEGIANCE

Town Clerk Dominguez gave the invocation. Council President Moore led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The following changes were made to the Agenda:

- **Item XII. A.3. was deferred to the May 9, 2018 Town Council Meeting**
- **Item XII. B.3. was deferred to the June 12, 2018 Town Council Meeting**

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

IV. PRESENTATIONS

- A. Flagler Bridge Project Update.
Geoffrey Parker, New Millenium Engineering

Mr. Parker spoke regarding the recent Flagler Bridge malfunctions and cited issues with the bridge software conflicting with the bridge sensors.

1 In response to questions from Mayor Coniglio, Mr. Parker spoke regarding the
2 dependability and operability of the bridge design, the levels of involvement
3 and commitment from the Florida Department of Transportation (FDOT) in
4 addressing bridge malfunctions and the involvement and stipulations in the PCL
5 Civil Constructor's contract, which are to stay involved until there is a sixty day
6 period with no malfunctions.
7

8 Discussion ensued regarding the Southern Boulevard Bridge replacement
9 project as a design-bid-build vs. the Flagler Memorial Bridge replacement
10 project as a design-build.
11

12 **V. BOARD AND COMMISSIONS PRESENTATIONS AND APPOINTMENTS**
13

- 14 A. Presentations by Investment Advisory Committee Applicants.
15 *Kirk W. Blouin, Town Manager*
16

17 There were no presentations from the applicants.
18

- 19 B. Presentations by Planning and Zoning Commission Applicants.
20 *Kirk W. Blouin, Town Manager*
21

22 The following applicants presented their qualifications:
23

24 Marilyn Beutenmueller, 1555 North Lake Way
25 Karen Butler, 389 South Lake Drive
26 John Ceriale, 230 South Ocean Boulevard
27 Eric Christu, 1500 North Ocean Boulevard
28 Michael Vincent John Spaziani, 3300 South Ocean Boulevard
29 John Tatooles, 122 Ocean View Road
30

- 31 C. Appointments to the Investment Advisory Committee.
32 *Kirk W. Blouin, Town Manager*
33

34 **Motion was made by Council Member Crampton, and was seconded by Council**
35 **Member Lindsay, to ratify the appointments of Kathleen Anderson and Andrew Frasier**
36 **as regular members of the Investment Advisory Committee. On roll call, the motion**
37 **carried unanimously.**
38

- 39 D. Appointments to the Planning and Zoning Commission.
40 *Kirk W. Blouin, Town Manager*
41

42 **Motion was made by Council Member Araskog, and was seconded by Council President**
43 **Pro Tem Zeidman, to ratify the appointment of Michael John Vincent Spaziani as a**
44 **regular member and Marilyn Beutenmuller as an alternate member of the Planning**
45 **and Zoning Commission. On roll call, the motion carried unanimously.**
46
47
48
49

1 **VI. COMMENTS OF MAYOR GAIL L. CONIGLIO**

2
3 Mayor Coniglio congratulated Austin Terico from the Par 3 on his retirement, recognized
4 Municipal Clerk's week and thanked Town Clerk Kathleen Dominguez, and acknowledged
5 Mental Health Awareness Week. She announced that Palm Beach was the recent recipient of
6 the Florida League of Cities Home Rule Award and encouraged the community to sign the
7 online and printed home rule petition.
8

9 **VII. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

10
11 President Moore thanked the Police Department for their quick response to an issue at St.
12 Edward's Church over the weekend.
13

14 Council Member Araskog spoke in support of the Mayor's efforts in bringing forth home rule
15 issues.
16

17 Council President Pro Tem Zeidman thanked Kirk Blouin, Darrel Donatto, Anne-Marie
18 Taylor, and Sean Baker for the community presentation on Hurricane Preparedness. She
19 informed the residents on how to sign up for a Resident Permit in order receive express re-
20 entry to the Island post-storm and announced that another hurricane preparedness seminar
21 will be held at the South Fire-Rescue Station on May 24, 2018 at 12:00 p.m. in conjunction
22 with the Palm Beach Citizens Association.
23

24 Council Member Lindsay spoke regarding the quality and quantity of the board and
25 commission applicants and encouraged them to come back should they not be selected today.
26

27 Council Member Crampton spoke regarding the quality of the board and commission
28 applicants and commended Deputy Police Chief Anne Marie Taylor on the recent swearing
29 in ceremony of new police officers.
30

31 Mayor Coniglio encouraged the residents to sign-up for the Town's alert system in order to
32 receive real time information.
33

34 **VIII. COMMUNICATIONS FROM CITIZENS**

35
36 Diane Buhler, Friends of Palm Beach, provided an update of the volunteer trash pick-up
37 efforts on the Town's beaches and spoke in support of the Town providing financial
38 assistance to the Palm Beach Island Cats.
39

40 Arlene Desiderio, 301 53rd Street, spoke regarding the comments that were made by resident
41 at the last ARCOM meeting on April 25th about the Via Bice renovation project.
42

43 Ali Amirniroumand, 201 Pershing Way, spoke regarding efforts to improve and support the
44 Island and Worth Avenue to preserve the legacy of Via Mizner and keep the plaza flourishing.
45

46 Amanda Skier, Preservation Foundation, and Brian Vertesch, SMI, provided an update on the
47 Bradley Park Improvements and requested approval for the educational panels. Mr. Vertesch
48 stated that the panels were presented to the Landmarks Preservation Commission at their last
49 meeting but were not approved.
50

Discussion ensued regarding time constraints and expediting the approval process for the panels by placing the item on the following day's Development Review meeting agenda.

Paul Castro, Interim Director of Planning, Zoning and Building, spoke regarding the rules in the code that pertain to the approval process for landmarked buildings, requests for approval on public projects and public notice requirements.

It was the consensus of the Town Council to place this item for discussion on the Development Review agenda scheduled for the following day.

Jack McDonald, 44 Cocoanut Row, spoke in support of staff's recommendation for an Employee Compensation and Benefit study and funding the Palm Beach Island Cats.

David Ginn, Tagliatella Galleries, read a letter from the owner of the gallery about the redesign of Via Bice.

Allen Wyatt, 1145 North Lake Way, spoke regarding a comment from the Palm Beach Daily News about the proposed zoning modifications to expand parking in Phipps Plaza.

Greg Ianelli, Enterprise Fleet Management, spoke regarding the use of electric cars and charging stations and requested a formal presentation at a future meeting. President Moore directed Mr. Ianelli to the Town Manager regarding his request.

Mayor Coniglio addressed the comments made about the Architectural Commission (ARCOM) and spoke regarding the role and duties of ARCOM in protecting the Town's architectural traditions.

Anita Seltzer, 44 Cocoanut Row, spoke regarding the Planning and Zoning Commission's annual report and the efforts of the Planning and Zoning Commission on reviewing and correcting the zoning issues in the Code.

Alan Golboro, 2500 S. Ocean Blvd., commented on the Planning and Zoning Commission annual report.

IX. APPROVAL OF CONSENT AGENDA

The following items were pulled from the Consent Agenda and heard under Item XIII.C.:

- **Item No. IX.B.12 Resolution No. 64-2018**
- **Item No. IX.B.13 Resolution No. 66-2018**

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

A. MINUTES

1. TOWN COUNCIL MEETING MINUTES

Kathleen Dominguez, Town Clerk

a. March 5, 2018, Special Town Council Meeting Minutes

- b. March 20, 2018, Town Council Meeting Minutes
 - c. March 21, 2018, Development Review Town Council Meeting Minutes
Deferred from the April 10, 2018, Town Council Meeting
 - d. April 9, 2018, Special Town Council Meeting Minutes - Budget Workshop
 - e. April 10, 2018, Town Council Meeting Minutes
 - f. April 11, 2018, Town Council Meeting Development Review Minutes
2. Approval of major matters considered by the Architectural Commission at its meeting of April 25, 2018.
Paul Castro, Acting Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 43-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-19 for the Construction of the Royal Palm Way Irrigation Improvements and Approving a Contract to Treasure Coast Irrigation and Landscape LLC., in the Amount of \$183,685.77, and Establishing a Construction Phase Budget of \$204,000.
H. Paul Brazil, P.E., Director of Public Works
2. RESOLUTION NO. 53-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No.2018-36 for the Inlet Dock Repair and Rehabilitation Project and Approving a Construction Contract to Murray Logan Construction, Inc., in the Amount of \$166,000 and Establishing a Construction Phase Budget of \$183,000.
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 54-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2018-22 for the E-1, E-2 and G-1 Liftstation Improvements Project and Approving a Construction Contract to Akerblom Contracting, Inc., in an Amount of \$724,900 and Authorizing the Town Manager to Exercise the Option of Owner Direct Purchase for Materials and Sales Tax Savings in the Amount of \$301,842 and Establishing a Construction Phase Budget of \$1,130,000, Including Contingency for Both Construction and Owner Direct Purchasing.
H. Paul Brazil, P.E., Director of Public Works
4. RESOLUTION NO. 55-2018 A Resolution Of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., in an Amount of \$97,300 for the E-1, E-2 and G-1 Liftstation Improvements Project, and Establishing a Construction Phase

Engineering Services Budget of \$107,000.
H. Paul Brazil, P.E., Director of Public Works

5. RESOLUTION NO. 56-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Purchase Orders to Advanced Roofing, in the Amount of \$13,500 for Hurricane Repairs and \$13,500 for Maintenance Repairs, Certified Roofing Specialists, Inc, in the Amount of \$61,050 for Hurricane Repairs and \$68,855 for Maintenance Repairs and Hi-Tech Roofing and Sheet Metal, in the Amount of \$12,700 for Maintenance Repairs, Totaling \$169,605, for the Repair of Roofing Systems on Town Owned Facilities and Establishing an Overall Project Budget of \$195,045, Which Includes a Repair Contingency.

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

6. RESOLUTION NO. 57-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Hulett Environmental Services Inc., for Treatment of Lethal Yellowing Disease in Coconut Palms and Royal Palm Bug and Fertilization Treatment in Royal Palm Trees in the Annual Amount of \$61,518 and Establishing a Project Budget of \$67,673.

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

7. RESOLUTION NO. 58-2018 A Resolution Of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute an Easement and Use Agreement with the Property Owner of 150 Bradley Place and the Town of Palm Beach for Installation, Access, and Maintenance of the Foundations, Mast Arms, Pedestrian Poles, and Associated Signal Equipment.

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

8. RESOLUTION NO. 59-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Purchase Orders For Tree Trimming Services To Core Services LLC in the Amount of \$39,840 for Coconut Palm Trimming and \$63,720 for Hourly Tree Trimming Services and to Property Works in the Amount of \$6,105 for Australian Pine Trimming Totaling \$109,665 and Establishing a Project Budget of \$120,631 for FY18. The Five Year Project Budget Shall be \$897,030 Which Includes an Estimated Annual Cost of \$149,505 and a \$29,800 Contingency, Contingent of Funding in Future Fiscal Years.

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

9. RESOLUTION NO. 60-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving An Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services (EMS) Grant Equipment and Authorizing the Application for Funds From the Palm Beach County EMS Program in the Amount of \$25,000 And Establishing a Budget of \$25,000 in Fiscal Year 2018 To Be Used For The Purchase Of One (1) Stryker Power Load Cot Fastening System and Associated Accessories; and Authorizing the Town Manager to Execute

This Purchase on Behalf of the Town; Such Funds Shall Not Supplant Existing EMS Budget.

Darrel Donatto, Fire Rescue Chief

10. RESOLUTION NO. 61-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Four (4) Genesis Power Units, Four (4) Cutters and Refurbish Four (4) Spreaders and Eight (8) Rams From Rescue Systems Unlimited in the Amount of \$68,060 and Establishing a Total Budget of \$68,060.

Darrel Donatto, Fire Rescue Chief

11. RESOLUTION NO. 62-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm, Beach County, Florida, Authorizing the Purchase of One Ford F450 Type 1 Medium Duty Ambulance Spec #1 Purchase In Accordance With Florida Sheriff's Association Bid FSA16-VEF12.0 With NFPA Department Ambulance Required Equipment in the Amount of \$276,597 and Establishing a Total Budget of \$282,597.

Darrel Donatto, Fire Rescue Chief

12. RESOLUTION NO. 64-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the Selection Committee Recommendation for RFP 2018-16 IT Consulting Services to Three Proposers; Presido Networked Solutions LLC, Sentinel Technologies Inc. and Saalex Corporation, and Authorizing the Town Manager to Execute the Agreements on Behalf of the Town with the Top Three Ranked Firms; and Approve Annual Budget Of \$107,000 For Fiscal Year 2018 And A Five Year Proposed Requirement of \$535,000 With The Three Proposers, Subject to Annual Town Council Review And Authorization.

*Jay Boodheshwar, Deputy Town Manager – **Pulled from Consent***

13. RESOLUTION NO. 66-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida adopting the Master Plan of the Town of Palm Beach Docks and Accessory Structures; and providing an effective date.

*Beth Zickar, Director of Recreation - **Pulled from Consent***

14. RESOLUTION NO. 67-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase to Purchase Order No. 180488 to AppleOne Employment Services, in the Amount of \$16,000, Increasing the Amount from \$33,224 To \$49,224.

Danielle Olson, Director of Human Resources

C. OTHER

1. Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Two Proposed Projects, in an Amount Not to Exceed \$27,000.

Beth Zickar, Director of Recreation

2. Waiver to Town Code 42-198 and 199 for the D-14 Stormwater Pump Station Improvements.
H. Paul Brazil, P.E., Director of Public Works
3. Lake Trail Signs and Striping.
H. Paul Brazil, P.E., Director of Public Works
4. Permission to Close Country Club Road for the Annual Trimming of the Cut.
H. Paul Brazil, P.E., Director of Public Works
5. Angler Avenue Parcel Conveyance from Palm Beach County to the Town of Palm Beach.
H. Paul Brazil, P.E., Director of Public Works

X. BOARD/COMMISSION ANNUAL REPORT

- A. Code Enforcement Board Annual Report.
Matthew Natale, Chair

Chair Natale presented an overview of the report.

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

- B. Planning and Zoning Commission Annual Report.
Martin I. Klein, Chair

Planning and Zoning Member Michael Ainslie presented an overview of the report on behalf of Chair Klein.

(Clerk's note: Due to a time constraint, this item was heard after Item IX.)

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Araskog, to accept the Annual Report of the Planning and Zoning Commission. On roll call, the motion carried unanimously.

XI. COMMITTEE REPORTS

- A. Report of the Administrative and Personnel Committee Meeting Held on March 15 and March 19, 2018.
TIME CERTAIN: 11:00 A.M.
Lew Crampton, Chair

Motion was made by Council Member Lindsay, and was seconded by Council Member Crampton, to accept the Report. On roll call, the motion carried unanimously.

1 B. Report of the Public Works Committee Meeting Held on April 12, 2018.

2 *Bobbie Lindsay, Chair*

3
4 Chair Lindsay provided an overview of the report.

5
6 Discussion ensued regarding the removal of Ylang Ylang trees, the need to
7 look into traffic laws that regulate and protect residents from truck traffic on
8 narrow roads in the north-end and the timeline of the Town's Interlocal
9 Agreement for water services with the City of West Palm Beach.

10
11 Director Brazil spoke regarding the removal and replacement of the Ylang
12 Ylang trees that were part of the assessment area.

13
14 Allen Wyett, 1145 N. Lake Way, provided historical information on the
15 Town's water agreement with West Palm Beach and water treatment plant
16 and urged the Town Council to treat this matter as urgent.

17
18 Mayor Coniglo commented on the water services agreement and urged the
19 Town Council to vet the solutions and to exercise caution on broadcasting the
20 Town's position.

21
22 **Motion was made by Council President Pro Tem Zeidman, and was seconded by**
23 **Council Member Crampton, to accept the Report. On roll call, the motion carried**
24 **unanimously.**

25
26 **XII. PUBLIC HEARINGS**

- 27
28 A. RESOLUTION NO. 68-2018 A Resolution of the Town Council of the
29 Town Of Palm Beach, Palm Beach County, Florida, Designating Three New
30 Historic/Specimen Trees Located at 1255 South Ocean Boulevard and Four
31 Arts Plaza – Four Arts Garden, Providing an Effective Date.

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

33
34 Director Brazil provided an overview of the Resolution.

35
36 **Motion was made by Council Member Araskog, and was seconded by Council Member**
37 **Crampton, to approve Resolution No. 68-2018. On roll call, the motion carried**
38 **unanimously.**

39
40 **XIII. REGULAR AGENDA**

- 41
42 A. Old Business

- 43
44 1. Comprehensive Review of Town Operations (CROTO) Update

- 45
46 a. Employee Compensation and Benefits.

47 *Danielle Olson, Director of Human Resources*

48
49 Director Olson presented staff's recommendation to issue an RFP

1 for a Town wide employee benefit and compensation study.

2
3 Discussion ensued regarding cost, necessity for an independent
4 consultant, the need to stay competitive with the job market, the 2005
5 Cavanaugh MacDonald compensation study, and the follow up action
6 based on the findings of the study.
7

8 **It was the consensus of the Town Council to direct staff to create a Request for Proposal**
9 **(RFP) for a Townwide employee benefit and compensation study and bring it back to**
10 **the Town Council for review and approval.**
11

- 12 b. Expansion of the Paid Parking Program.
13 *Jay Boodheshwar, Deputy Town Manager*
14

15 Deputy Town Manager Boodheshwar provided an overview of the
16 metered parking and placard parking programs and the methodology
17 used for the projected revenue.
18

19 Discussion ensued regarding the benefits of metered parking, the
20 unattractiveness of kiosks, and pricing approach.
21

22 **It was the consensus of the Town Council to direct staff to research paid parking options**
23 **using Worth Avenue as a pilot program.**
24

- 25 c. Solicit Corporate Sponsorships for Recreation Programs.
26 *Beth Zickar, Director of Recreation*
27

28 Director Zickar provided an overview of the information regarding
29 the creation of corporate sponsorships for recreation programs.
30

31 **It was the consensus of the Town Council to deny staff's recommendation to solicit**
32 **sponsorships at the corporate and local level.**
33

- 34 d. PZB Department Fees.
35 *Paul Castro, Acting Director of Planning, Zoning & Building*
36

37 Director Castro provided an overview of the proposed fees.
38

39 **It was the consensus of the Town Council to direct staff to prepare a resolution with**
40 **the fee schedule modifications.**
41

- 42 e. Palm Beach Island Cats Funding.
43 *Jane Le Clainche, Director of Finance*
44

45 Director Le Clainche provided historical background on the Town's
46 commitment to fund to the Palm Beach Island Cats.
47

Town Manager Blouin reported that the Palm Beach Island Cats notified him that they had reached their fundraising goal.

It was the consensus of the Town Council to direct staff to continue with the annual \$100 donation.

2. Coastal Update:

a. Shoreline Condition Update

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

Coastal Program Manager Weber provided a presentation on the conditions of the shoreline.

3. Review and Approval of Extended Construction Hours for Testa Concrete Pours – ***Deferred to the May 9, 2018 Development Review Meeting***

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

4. Town-wide Undergrounding Project:

a. Review of Project and Dashboard, Summary of Project Status.
Steven Stern, Project Manager

Project Manager Stern provided an overview of the project dashboard report and project status updates.

In response to a question by Council Member Araskog, Director Le Clainche reported on the project related costs that are outside of the budget.

b. Appeal to Reduce Undergrounding Assessment for the below parcels within "the Residences at Sloan's Curve."

Attorney John O'Neill for:

i. Maurice J. Herman - 5 Sloan's Curve Dr. (PCN: 50-43-44-11-07- 000-0050)

ii. Camilo Rafal - 11 Sloan's Curve Dr. (PCN: 50-43-44-11-07-000- 0110)

iii. Carolyn Sakolsky - 16 Sloan's Curve Dr. (PCN: 50-43-44-11-07- 008-0010)

iv. Tracy Markin - 17 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008- 0080)

v. Dan Marantz - 19 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008- 0070)

Robert Postal - 20 Sloan's Curve Dr. (PCN: 50-43-44-11-07-008- 0060)

vi. William Matheson - 22 Sloan's Curve Dr. (PCN: 50-43-44-11-07- 008-0040)

vii. Barbara C. Sidell - 23 Sloan's Curve Dr. (PCN: 50-43-44-11-07- 008-0050)
TIME CERTAIN: 2:00 PM

Town Attorney Randolph provided an overview of the appeal process as it relates to Section 90-49 of the Town Code.

Town Clerk Dominguez swore in the witnesses providing testimony.

Attorney O'Neill presented his appeal on behalf of the residences at Sloan's Curve. He challenged the Town on the cost assessment methodology applied to the above referenced properties for the Townwide undergrounding project.

Steve Stern, Undergrounding Project Manager, presented the Town's position to the appeal.

Former Town Manager Tom Bradford, 44 Chestnut Trail, provided the reasons for not granting the appeal. He reported that no errors were made in the application of the methodology to the individual properties and that the challenge to the methodology was not met within the required period.

Discussion ensued regarding the Raftelis Report, fairness and consistency in the assessments, similar neighborhoods with the same assessment program, the external benefit unit (EBU) assigned with the inclusion of the switch boxes, the applicability of the appeal as it pertains to the methodology itself and whether there was an error in the cost apportionment to the special assessment.

Motion was made by Council Member Lindsay, and was seconded by Council President Pro Tem Zeidman, to deny the appeal and uphold the Town Manager's decision in applying the apportionment method of the special assessment. On roll call, the motion carried 4 to 1 with Council Member Crampton dissenting.

B. New Business

1. Signature Policy for Resolutions and Ordinances.
Kathleen Dominguez, Town Clerk

Town Clerk Dominguez provided an overview of the proposed changes to the signature policy for adoptive legislation.

Town Attorney Randolph informed the Council that other municipalities have policies that require all elected officials to sign Ordinances, but only require the presiding officer and clerk to sign Resolutions.

Motion was made by Council Member Crampton, and was seconded by Council Member Araskog, to proceed with preparing the documents for adoptive legislation in the following manner:

- Resolutions are to be signed by the Mayor and attested by the Town Clerk after the meeting adjourns or during a recess.
- Ordinances are to be signed by each elected official and attested by the Town Clerk after the meeting adjourns or during a recess.

On roll call, the motion carried unanimously.

2. Discussion regarding the Town Council Meeting Schedule for August and September.

Danielle H. Moore, President

Discussion ensued regarding combining the August Town Council meetings and rescheduling the second budget hearing.

Motion was made by Council Member Crampton, and was seconded by Council Member Lindsay, to schedule a joint Town Council Meeting for Regular and Development Review Matters on August 15, 2018. On roll call, the motion passed unanimously.

Motion was made by Council Member Lindsay and was seconded by Council Member Araskog, to reschedule the second budget hearing for Tuesday, September 18, 2018 at 5:01 p.m., pending no other conflicts. On roll call, the motion passed 4 to 1, with Council Member Crampton dissenting.

3. Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poiciana. – ***Deferred to a future meeting***
H. Paul Brazil, P.E., Director of Public Works

C. Matters Pulled From Consent Agenda:

1. RESOLUTION NO. 64-2018 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, approving the Selection Committee Recommendation for RFP 2018-16 IT Consulting Services to Three Proposers; Presido Networked Solutions LLC, Sentinel Technologies Inc. and Saalex Corporation, and Authorizing the Town Manager to Execute the Agreements on Behalf of the Town with the Top Three Ranked Firms; and Approve Annual Budget Of \$107,000 For Fiscal Year 2018 And A Five Year Proposed Option up to \$535,000 With The Three Proposers, Subject to Annual Town Council Review And Authorization.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council Member Araskog, and was seconded by Council President Pro Tem Zeidman, to approve Resolution No. 64-2018. On roll call, the motion passed unanimously.

2. RESOLUTION NO. 66-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida adopting the Master Plan of the Town of Palm Beach Docks and Accessory Structures; and providing an effective date.

Beth Zickar, Director of Recreation

Gordon Thomson, Senior Engineer from Baird and Associates presented the final master plan for approval and addressed questions and concerns from the Council Members.

Discussion ensued regarding how the plan allows for increased parking in addition to the increased number of boat slips, geometry, telescoping piles, rate assessments per slip size, and concerns with wave activity.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to approve Resolution No. 66-2018. On roll call, the motion passed unanimously.

XIV. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 06-2018 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 82-53, Membership; Termination of Membership; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Danielle Olson, Director of Human Resources

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to adopt Ordinance No. 06-2018, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 07-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town of Palm Beach's Code of Ordinances by Amending Section 18-167 To Allow for a Non-Resident Expert To Be Appointed to the Architectural Commission (ARCOM); Providing for Incorporation of Recitals; Providing for Severability; Providing for Repeal of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date.

Paul Castro, Acting Director of Planning, Zoning & Building

Anne Pepper, 333 Seaspray Avenue, spoke in support of having an architect that is licensed in the state of Florida with a business on the Island.

Acting Director Castro provided an overview of Section 18-166 of the Town Code relative to ARCOM qualifications requirements.

John Lindgren, Planning Administrator, spoke regarding the purpose of the

proposed change in order to give flexibility to the requirements and qualifications so that a non-resident who is an expert in the fields of architecture and landscape can be appointed to ARCOM.

Motion was made by Council Member Lindsay, and was seconded by Council Member Araskog, to adopt Ordinance No. 07-2018 with the inclusion of the following language “A Non-Resident Expert in the Area of Architectural or Landscape Design Registered in the State of Florida to be Appointed to the Architectural Commission (ARCOM).” On roll call, the motion carried unanimously.

2. ORDINANCE NO. 08-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82, Personnel, Article III, Resolution of Employee Grievances, of the Town Code of Ordinances at Section 82.207, Review By Administrative and Personnel Committee; Further Amending Section 82.208, Role of Committee; Amending Section 82.209, Procedures; Amending Section 82.210, Findings of Committee; Amending Section 82.211, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Danielle Olson, Director of Human Resources

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to adopt Ordinance No. 08-2018 with Ms. Araskog’s grammatical changes, on first reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 09-2018 - An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, at Section 2-136, Appointive Administrative Officers, so as to Delete the Term Public Safety Director and Substitute for that Term the Terms Chief of Police and Chief of Fire Rescue; Amending Division 5, Director of Public Works at Section 2-247, General Duties, Supervision by Manager, to Delete the Reference to the Public Works Director being under the Direct Supervision of the Town Manager; Further Providing that all References in the Town Code to Public Safety Director Shall Now be Referred to as Chief of Police and Chief of Fire Rescue; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Lindsay, to adopt Ordinance No. 09-2018, on first reading. On roll call, the motion carried unanimously.

4. ORDINANCE NO. 10-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County Florida, providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2017, Providing an Effective Date.

Motion was made by Council President Pro Tem Zeidman, and was seconded by Council Member Crampton, to adopt Ordinance No. 10-2018, on first reading. On roll call, the motion carried unanimously.

XV. ANY OTHER MATTERS

Discussion ensued regarding a conflicts with the second hearing Budget meeting scheduled for September 18, 2018.

It was the consensus of the Town Council to reschedule the Second Budget Hearing for Thursday, September 20, 2018 at 5:01 p.m.

Council Member Araskog requested to add a discussion on the ARCOM meeting minutes to the May 9, 2018, Development Review agenda.

Mayor Coniglio wished Town Attorney Randolph a Happy Birthday and sent her well wishes to Town Manager Blouin on the upcoming birth of his third child.

XVI. ADJOURNMENT

There being no further business matters to discuss, the Town Council meeting of May 8, 2018 was adjourned at 4:02 p.m.

Danielle H. Moore
Town Council President

ATTEST:

Kathleen Dominguez
Town Clerk

Date



TOWN OF PALM BEACH

Minutes of the Town Council Meeting Held on May 9, 2018

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on Wednesday, May 9, 2018, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Ruderman gave the invocation. Council President Moore led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio noted the passing of Town resident, Lory Volk. She then reported on the West Palm Beach Master Plan with regard to proposed changes for the Okeechobee Boulevard corridor. She expressed concern for the Town of Palm Beach and asked that those who are interested to attend the West Palm Beach Commission meeting on May 21, 2018.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Araskog shared sentiments about Lory Volk and her passion for the Town.

V. COMMUNICATIONS FROM CITIZENS

Bill Metzger, 277 Esplanade Way, provided a brief update of the Performing Arts Center volunteer task force and his desire to engage Web Management Services to perform a feasibility study of the center. The cost of the study is \$100,000. The volunteer task force will provide independent donations for approximately 25% of the cost. He suggested that Up Markets fund the remaining 75% of the \$100,000. He asked the Town to insist that this study be completed.

Discussion took place on what the collaborative efforts between the task force and Up Markets would be. Mr. Metzger described the timeframe and stages of the study, the information that the study would provide, and other studies that Web Management Services has performed.

VI. APPROVAL OF AGENDA

The following changes were

DEFERRALS: The following items were deferred to the June 13, 2018 Town Council meeting:

- Item No. VIII.A.1., ARCOM Appeal; 446 North Lake Way

- Item No. VIII.B.1.c., Z-17-00058 Special Exception with Site Plan Review

- Item No. VIII.B.1.d., Z-17-00066 Modified Site Plan Review

- Item No. VIII.B.1.f., Z-18-00084 Variances

- Item No. VIII.B.2.d., Z-18-00090 Variances was taken out of order and heard after Item VIII.A.1.

- Item No. VIII.B.2.g., Z-18-00094 Special Exception with Site Plan Review

The following item was deferred to the July 11, 2018 Town Council meeting:

- Item No. VIII.B.1.e., Z-17-00073 Site Plan Site Plan Review

WITHDRAWN

- Item No. VIII.B.1.b., Z-17-00047 Variances

ITEMS ADDED TO *ANY OTHER MATTERS*

A. Approval For Signage at Bradley Park

B. Review and Approval of Extended Construction Hours

C. CRTO Items Approved : Item 23 - To Increase General Ocean Rescue Employees DB Contributions, and Item 24 -To provide a DC only plan for new hire general employees in Ocean Rescue (refer to tax and finance)

D. ARCOM Minutes

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

VII. RESOLUTIONS

A. RESOLUTION NO. 49-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Revoking Ad Valorem Tax Exemptions For 330 Island Road Hereinafter Described And Stating That The Subject Property No Longer Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions"

Ex-parte communications were declared by Council Member Crampton and Council President Moore. Council Member Crampton recused himself.

1 Landmark Consultant, Emily Stillings of Murphy Stillings, LLC, provided the
2 details of tax abatement removal.

3
4 Acting Director Castro provided Staff comments.

5
6 Discussion took place on new property owners and their desire for interior
7 renovations.

8
9 Rene Silvin, 422 Australian Avenue, commented on the project.

10
11 **Motion was made by Council Member Lindsay, and seconded by Council Member**
12 **Araskog, to adopt Resolution No. 49-2018 requiring the reimbursement of previous**
13 **property taxes that were abated in the exemption. On roll call, the motion carried**
14 **unanimously with Council Member Crampton recusing himself.**

15
16 **VIII. DEVELOPMENT REVIEWS**

17
18 **A. Appeals**

- 19
20 1. ARCOM Appeal
21 446 North Lake Way
22 Case # 054-2017

23
24
25 *Item deferred to the June 13, 2018 Town council meeting.*

26
27 **B. Variances, Special Exceptions, and Site Plan Reviews**

28
29 **2. Old Business**

30
31 *(Clerk's Note: Item .B.2.d. was taken out of order and heard after item VIII.A.1.)*

- 32
33 a. SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart
34 Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**,
35 described as lengthy legal description on file; located in the R-A Zoning District.
36 The applicant is requesting a site plan review to allow the construction of a 7,444
37 square foot two-story, single family residence on a non-conforming platted lot
38 which is 15,344 square feet in area in lieu of the 20,000 square foot minimum
39 area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58
40 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch,
41 Esq.] [The Architectural Commission approved the project at the April 25, 2018
42 meeting. Carried 7-0]

43
44 No ex-parte communications were declared.

45
46 Attorney Lynch provided details of the project.

47
48 Acting Director Castro provided Staff comments.

1 Motion was made by Council Member Araskog, and seconded by President Pro Tem
2 Zeidman, that that Site Plan No. 1-2017 be approved, with the caveat that the owner will
3 provide a utility easement or equivalent easement agreement, satisfactory to the Town of
4 Palm Beach, prior to building permit issuance, based upon the finding that the approval
5 of the site plan will not adversely affect the public interest and that the Council certifies
6 that the specific zoning requirements governing the individual use have been met and
7 that satisfactory provision and arrangement has been made concerning Section 134-329,
8 items 1 through 11. On roll call, the motion carried unanimously.
9

10 b. Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential.
11 The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property
12 located at **224 S OCEAN BLVD**, legal description on file, is described below.
13 Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b
14 To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable.
15 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4"
16 in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building,
17 height of (applicable only in the R-B districts) To allow dormer windows in a non-
18 habitable third story space which is not permitted by Code. [Applicant's
19 Representative: Jose Gonzalez, Architect] [The Architectural Commission
20 denied this project at the January 24, 2017 meeting. Carried 7-0.]

21 *Item withdrawn.*
22

23 c. Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND
24 VARIANCE(S) Zoning District: R-C Medium Density Residential The
25 application of GILBERT MARK D &, Owner, relative to property located at **323**
26 **CHILEAN AVE**, legal description on file, is described below. 1) A variance
27 request to allow construction of a new 5,393.45 square foot, two story single
28 family residence on a parcel that is 9,375 square feet in area in lieu of the
29 10,000 square foot minimum required in the R-C Zoning District. The proposal
30 is to replicate the previously approved renovation of the landmarked residence.
31 The Town Council and Landmarks Preservation Commission approved the
32 project in January 2017. 2) A variance request to allow a 7.28 foot west side
33 yard setback in lieu of the 10 foot minimum required in the R-C Zoning District
34 for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq]
35 [Landmark Preservation Commission Recommendation: Implementation of the
36 proposed special exception, site plan review and variances will not cause
37 negative architectural impact to the subject landmarked property. Carried 4-3.
38 The Landmarks Commission deferred this project to the May 16, 2018 meeting
39 at the request of the attorney. Carried 7-0.]
40

41 *Item deferred to the June 13, 2018 Town council meeting.*
42

43 d. Z-17-00066 MODIFIED SITE PLAN REVIEW
44

45 Zoning District: C-TS Town-Serving Commercial The application of VIA 313
46 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2**
47 **WORTH AVE SUITE: SITE**, legal description on file, is described below. 1.
48 Request for special exception approval to allow a two (2) story trellis. 2.
49 Request site plan review to modify the Via Bice as follows: a. new mosaic
50 pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable
51 awning above; c. New landscaping and lighting; d. New stone entry with
52 awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New

37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following:

- 1) Whether the front façade was too modern and fit into the area,
- 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design. They all agreed that accessibility at the entrance was necessary. The Architectural Commission deferred the project for one month to the May 23, 2018 meeting. Carried 6-1.]

Item deferred to the June 13, 2018 Town council meeting.

e. Z-18-00073 SITE PLAN REVIEW Zoning District: R B Low Density Residential The application of PALAMAD LLC, Owner, relative to property located at **305 MADDOCK WAY**, legal description on file, is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission deferred this project to the June 20, 2018 meeting at the request of the attorney. Carried 7-0.]

Item deferred to the July 11, 2018 Town council meeting.

f. Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission deferred the project for one month to the May 23, 2018 meeting. Carried 7-0.]

Item deferred to the June 13, 2018 Town council meeting.

2. New Business

a. Z-18-00087 VARIANCE(S) The application of KRAMER TONI H., Applicant, relative to property located at **211 TANGIER AVE**, legal description on file, is described below. A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

1 [Architectural Review Commission Recommendation: Implementation of the
2 proposed variance will not cause negative architectural impact to the
3 subject property. Carried 7-0. The Architectural Commission approved the
4 project at the April 25, 2018 meeting. Carried 7-0.]

5
6 No ex-parte communications were declared.

7
8 Attorney Ziska provided details of the project.

9
10 Mr. Castro provided Staff comments.

11
12 Discussion took place on hardship and increase in cubic content ratio.

13
14 **Motion was made by Council Member Araskog, and seconded by Council Member**
15 **Lindsay, that Variance Z-18-00087 be denied, for reasons that the application does not**
16 **meet the criteria set forth in Section 134-201(a), items 1 through 7. On roll call, the**
17 **motion carried 4-1 with Council President Moore dissenting.**

- 18
19 b. Z-18-00088 VARIANCE(S) The application of SBP HOMES, LLC (JAMES
20 HOFFMAN), Applicant, relative to property located at **202 PHIPPS PLZ**,
21 legal description on file, is described below. Request for a variance to allow
22 a 1,108 square foot office for a general contractor ("SBP Homes LLC") on
23 the first floor of a building located in the C-TS zoning district where office
24 use is only allowed on the second floor if it doesn't meet the special
25 exception criteria that would allow an office on the first floor. [Applicant's
26 Representative: Maura Ziska Esq]

27
28 No ex-parte communications were declared.

29
30 Attorney Ziska provided details of the project.

31
32 Mr. Castro provided Staff comments.

33
34 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
35 **Lindsay, that Variance Z-18-00088 shall be granted, and find, in support thereof, that all**
36 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
37 **through 7 have been met with the caveat that this is for the current applicant only. On**
38 **roll call, the motion carried unanimously.**

- 39
40 c. Z-18-00089 SPECIAL EXCEPTION WITH SITE PLAN REVIEW The
41 application of PALM BEACH COUNTRY CLUB INC. (STEVEN BIELSKY,
42 MANAGER), Applicant, relative to property located at **760 N OCEAN**
43 **BLVD SUITE: GOLF COURSE**, legal description on file, is described
44 below. A request for Special Exception Approval with Site Plan Review to
45 allow construction of two (2) golf course bunker complexes using existing
46 drainage systems at Fairways 1 and 3 of the Palm Beach County Country
47 Club golf course. [Applicant's Representative: Maura Ziska Esq]

48
49 No ex-parte communications were declared.

50
51 Attorney Ziska provided details of the project.

1 Mr. Castro provided Staff comments.

2
3 **Motion was made by Council Member Araskog, and seconded by Council Member**
4 **Crampton, Special Exception No. Z-18-00089 shall be granted, based upon the finding**
5 **that such grant will not adversely affect the public interest and that the applicable criteria**
6 **set forth in Section 134-229 of the Town Code have been met. On roll call, the motion**
7 **carried unanimously.**

8 **Motion was made by Council Member Araskog, and seconded by Council Member**
9 **Crampton, that Site Plan No. Z-18-00089 be approved, based upon the finding that the**
10 **approval of the site plan will not adversely affect the public interest and that the Council**
11 **certifies that the specific zoning requirements governing the individual use have been**
12 **met and that satisfactory provision and arrangement has been made concerning Section**
13 **134-329, items 1 through 11. On roll call, the motion carried unanimously.**

14
15 (Clerk's note: This item was taken out of order and heard after VIII.A.1.)

- 16
17 d. Z-18-00090 VARIANCE(S) The application of MIRSKY REALTY
18 GROUP, LLC (NORMA MIRSKY, MANAGER), Applicant, relative to
19 property located at **220 SUNRISE AVE SUITE: 101**, legal description on
20 file, is described below. Section 134-1107(2): A request for a variance to
21 allow a real estate brokerage office to occupy a 972 square foot space
22 on the first floor, which is not permitted by Code as it does not meet the
23 special exception requirement that there are at least 50% existing office
24 uses on all floors of the building and 50% existing office uses on the first
25 floor within 300 feet of the proposed use within the same zoning district.
26 [Applicant's Representative: David E. Klein Esq]

27
28 Attorney Klein provided details of the project.

29
30 Mr. Castro provided Staff comments.

31
32 **Motion was made by Council Member Lindsay, and seconded by President Pro Tem**
33 **Zeidman, to that Variance Z-18-00090 shall be granted, and find, in support thereof, that**
34 **all of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
35 **through 7 have been met with the caveat that this is for the current applicant only. On**
36 **roll call, the motion carried unanimously.**

- 37
38 e. Z-18-00091 VARIANCE(S) The application of SEASPRAY COURT
39 HOLDINGS LLC (JOSEPH MEYER, MANAGER), Applicant, relative to
40 property located at **137 SEASPRAY AVE**, legal description on file, is
41 described below. Applicant is proposing to construct 240 square feet of
42 one and two story additions which the bulk of the square footage
43 includes a bay window on the north side of the kitchen and extending the
44 loggia between the main house and guest house. Also proposed is a
45 swimming pool. The following variances are being requested: 1) a cubic
46 content ratio ("CCR") of 6.9 in lieu 6.6 existing and the of the 4.2
47 maximum allowed in the R-B Zoning District for a lot that is 7,962 feet in
48 area. 2) a lot coverage of 35.3% in lieu of the 34.6% existing and the
49 30% maximum allowed in the R-B Zoning District for a two story
50 residence. 3) a west side yard setback of 14 inches in lieu of the 10 foot

1 minimum required for a swimming pool. 4) a rear yard setback of 4.1 feet
2 in lieu of the 10 foot minimum required for a swimming pool. [Applicant's
3 Representative: Maura Ziska Esq] [Landmark Preservation Commission
4 Recommendation: Implementation of the proposed variance will not
5 cause negative architectural impact to the subject property. Carried 7-0.]
6

7 Ex-parte communications were declared by Council President Moore
8 and Council Member Araskog.
9

10 Attorney Ziska provided details of the project.
11

12 Architect Sammons provided additional details.
13

14 Architect Sanchez provided additional details.
15

16 Mr. Castro provided Staff comments.
17

18 Discussion took place on improvements including lot, pool size and
19 location, wall replacement, staircase, loggia, and drainage requirements.
20

21 Sue Strickland, 145 Seaspray Avenue, who lives on the other side of the
22 aforementioned wall, shared that she is comfortable with this project.
23

24 Rene Silvin, 422 Australian Avenue, explained that this property was
25 unlivable. As the Landmarks Commissioner, he approves of the
26 proposed improvements. He clarified that the only reason this project is
27 coming back to Landmarks is for the façade.
28

29 **Motion was made by Council Member Araskog, that Variance Z-18-00091 shall be**
30 **granted, and find, in support thereof, that all of the criteria applicable to this application**
31 **as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that**
32 **the pool be made smaller. Without a second, the motion was not considered.**
33

34 **Motion was made by President Pro Tem Zeidman, and seconded by Council Member**
35 **Lindsay, that Variance Z-18-00091 shall be granted, and find, in support thereof, that all**
36 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
37 **through 7 have been met with the caveat that the owner will provide a utility easement,**
38 **or equivalent easement agreement, satisfactory to the Town of Palm Beach, prior to**
39 **building permit issuance. On roll call, the motion carried 4-1 with Council Member**
40 **Araskog dissenting.**
41

- 42 f. Z-18-00093 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND
43 VARIANCE(S) The application of PALM V ASSOCIATES LIMITED
44 PARTNERSHIP(BURT HANDELSMAN), Applicant, relative to property
45 located at **240 WORTH AVE SUITE: 200**, legal description on file, is
46 described below. Site Plan Review with Special Exception is being
47 requested to make modifications and improvements to the southeast
48 area of the courtyard (Unit 200) by reconstructing an exterior staircase
49 to access the second floor and roof which will require the following
50 variances: 1) Lot coverage of 79.1% in lieu of the 78.7% existing and

1 the 35% maximum allowed in the C-WA Zoning District; and 2) Rear
2 yard setback of 4.9 feet in lieu of the 10 foot minimum required in the
3 C-WA Zoning District. [Applicant's Representative: Maura Ziska Esq]
4 [Landmark Preservation Commission Recommendation:
5 Implementation of the proposed variances will not cause negative
6 architectural impact to the subject landmarked property with the
7 condition that extra extension to the roof is removed. Carried 7-0.]

8
9 No ex-parte communications were declared.

10
11 Attorney Ziska provided details of the project.

12
13 Architect Leja provided additional details.

14
15 Mr. Castro provided Staff comments.

16
17 Discussion took place on plan submission process.

18
19 Rene Silvin, 422 Australian Avenue, supports Staff comments.

20
21 **Motion was made by Council Member Araskog, and seconded by Council President**
22 **Moore, to defer Z-18-00093 Special Exception with Site Plan Review and Variances be**
23 **deferred in order to get a recommendation from the Landmarks Commission. On roll**
24 **call, the motion carried unanimously.**

25 g. Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND
26 VARIANCE(S) The application of 916 SOUTH OCEAN BOULEVARD
27 LLC (BRIAN STOCK, MANAGER), Applicant, relative to property
28 located at **916 S OCEAN BLVD**, legal description on file, is described
29 below. 1. 134-227 and 134-1474. Request for site plan approval and
30 special exception to permit construction of a new 500 square foot
31 beach cabana on the portion of the property lying east of S. Ocean
32 Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum
33 (point of measurement) for the construction of the proposed two story
34 house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu
35 of 17.4 feet NGVD allowed by Code. A building height plane variance
36 and building height variance is requested in order to permit this new
37 zero datum. [Applicant's Representative: Tim Hanlon Esq] [The
38 Architectural Commission deferred the project to the May 23, 2018
39 meeting. Carried 7-0.]

40
41 *Item deferred to the June 13, 2018 Town council meeting.*

42
43 h. Z-18-00095 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND
44 VARIANCE(S) The application of PARC REGENT CONDOMINIUM
45 (PAULA GOTTLIEB, MANAGER), Applicant, relative to property
46 located at **184 BRADLEY PL SUITE: SITE**, legal description on file, is
47 described below. The Parc Regent Condominium Association is
48 requesting site plan approval and variances for the following
49 improvements: 1) Request a variance to reconstruct the existing dock
50 with a length of 243 feet from land in lieu of the 150 foot maximum

1 allowed; 2) Request variances to enlarge a 36 square foot electrical
2 building to 112 square feet (additional 76 s.f.) to convert a 2 Phase to
3 3 Phase service which will result in: (i) a side yard setback of 24.37 in
4 lieu of the 30 foot minimum required; and ii) a rear yard setback of
5 17.24 in lieu of the 30 foot minimum required. [Applicant's
6 Representative: Maura Ziska Esq] [Architectural Review Commission
7 Recommendation: Implementation of the proposed variances will not
8 cause negative architectural impact to the subject property. Carried 7-
9 0. The Architectural Commission approved the project at the April 25,
10 2018 meeting. Carried 7-0.]

11
12 No ex-parte communications were declared.

13
14 Attorney Ziska provided details of the project.

15
16 Mr. Castro provided Staff comments.

17
18 **Motion was made by Council Member Lindsay, and seconded by Council Member**
19 **Araskog, Special Exception No. Z-18-00095 shall be granted, based upon the finding that**
20 **such grant will not adversely affect the public interest and that the applicable criteria set**
21 **forth in Section 134-229 of the Town Code have been met with the caveat that the owner**
22 **will provide a utility easement, or equivalent easement agreement, satisfactory to the**
23 **Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried**
24 **unanimously.**

25
26 **Motion was made by Council Member Lindsay, and seconded by Council Member**
27 **Lindsay, that Site Plan No. Z-18-00095 be approved, based upon the finding that the**
28 **approval of the site plan will not adversely affect the public interest and that the Council**
29 **certifies that the specific zoning requirements governing the individual use have been**
30 **met and that satisfactory provision and arrangement has been made concerning Section**
31 **134-329, items 1 through 11. On roll call, the motion carried unanimously.**

32
33 **Motion was made by Council Member Lindsay and seconded by Council Member**
34 **Crampton, that Variance Z-18-00095 shall be granted, and find, in support thereof, that all**
35 **of the criteria applicable to this application as set forth in Section 134-201(a), items 1**
36 **through 7 have been met. On roll call, the motion carried unanimously.**

37 **The Town Council recessed at 11:24 a.m. and reconvened at 11:34 a.m.**

38 3. Other

- 39
40 a. Proposed Zoning Text Amendment Application from Maura Ziska to
41 Consider a Zoning Text Change which would include the C-B Zoning
42 District to the List of Commercial Districts which are allowed to
43 Request Supplemental Off-site Shared Parking by Special Exception

44
45 Ex-parte communications were declared by Mayor Coniglio and
46 Council Member Crampton. All council members received letters and
47 E-mails associated with this project that were included in their
48 backup.

49
50 Mr. Castro explained the code process.

1 Attorney Ziska provided details of proposed zoning text amendment
2 and the concept of shared parking.

3
4 Mr. Castro provided Staff comments.

5
6 Discussion took place on evolution of zoning districts. Concerns
7 about, noise, lights, and traffic impacts upon neighboring residential
8 districts were expressed.

9
10 Discussion took place on timeframe and meeting schedules with
11 regard to a special exception application.

12
13 Sue Strickland, 145 Seaspray Avenue, is opposed this project.

14
15 Katie Pressly, 133 Seaspray Avenue, spoke on behalf of her
16 daughter, Barbara Tillman of 136 Seaview. They are opposed to this
17 project.

18
19 Laurie Walderal, 256 South Ocean, on behalf of Dr. Akbarian, They
20 are opposed this project.

21
22 Tom Barrone, 310 Seabreeze Avenue, is opposed to this project.

23
24 Bradley Geist, 234 Phipps Plaza, is opposed to this project.

25
26 Steve Greenwald, 128 Seaspray Avenue, is opposed to this project.

27
28 Attorney Randolph stated that those who wish to be contacted with
29 further information on this item should sign the sheet provided in
30 Council Chambers with their contact information. He also provided
31 clarification on deferral process versus hearing items in the summer.

32
33 **It was the consensus of the Town Council not to take any action on this item.**

34
35 IX. ANY OTHER MATTERS

36
37 A. Approval for Signage at Bradley Park

38
39 Architect Vertech, provided details of the project at the Regular Town Council
40 Meeting held on Tuesday, May 8, 2018.

41
42 Mr. Castro provided Staff comments.

43
44 Amanda Skier, Preservation Foundation of Palm Beach shared research on
45 historic signage. The Preservation Foundation requested approval of
46 educational panels.

47
48 **Motion was made by Council Member Crampton, and seconded by Council Member**
49 **Araskog, to approve the signage and that the implementation begin. On roll call, the**
50 **motion carried unanimously.**

51
52 B. Review and Approval of Extended Construction Hours for Testa Concrete Pours
53

1 Mr. Castro provided details of this project.

2
3 Attorney Ziska provided information on notice to neighbors.

4
5 Cody Crowell of the Frisbie Group, expressed the commitment to revitalize Royal
6 Poinciana Way. He provided additional details including concrete pour process
7 and plan, and requested an expedited process.

8
9 Mr. Castro explained intent of agreement and time line.

10
11 Discussion took place on notice period and timeframe of project.

12
13 Attorney Randolph suggested Town Council approval subject to Frisbie Group
14 giving 20-day notice. If there are no objections during the 20 day time period, the
15 project could continue moving forward.

16
17 Public Works Director Brazil, recommend authorization to issue right of way
18 permits for work presented.

19
20 Much discussion took place on notice requirements and expediting the concrete
21 pours.

22
23 **Motion made by Council Member Lindsay, and seconded by Council Member Araskog to**
24 **approve the proposed schedule subject to a condition that the required 20 day notice be**
25 **sent out incorporating the 9 days that has already been provided. In the event there is**
26 **no objection, the project will go forward. If there is an objection, the project will be heard**
27 **at the June Town Council meeting. In addition, Public Works is authorized to issue the**
28 **right of way permits. On roll call, the motion carried unanimously.**

29
30 C. Comprehensive Review of Town Operations (CROTO) Update
31 PERSONNEL AND BENEFITS Item #23 and Item #24

32
33 Council Member Lindsay referred to CROTO meeting of March 5, 2018
34 Personnel and Benefits Item #23 Increase on General Employee Defined
35 Contribution and Item #24 DC Plan for new hires.

36
37 Council Member Lindsay requested that these items should be sent to the Tax
38 and Finance Committee.

39
40 Deputy Town Manager Boodheshwar provided staff comments.

41
42 Draft that will be presented in June structured in sections: pay ranges/ benefits
43 study/market analysis/ and classification study. Per Town Council direction, a
44 third party will come in to do this study.

45
46 Finance Director Le Clainche, explained further. She reported that the
47 consensus of the Council was to bring all items back together in one package.

48
49 Discussion took place on the process.

50
51 D. ARCOM Minutes

52
53 Council Member Araskog shared her concern with the minutes.

1
2 Discussion minutes took place brief minutes versus verbatim minutes.

3
4 Mr. Castro provided Staff comments.

5
6 Anita Seltzer, 44 Cocoanut Row, commented on the minutes.

7
8
9 X. ADJOURNMENT

10
11 There being no further business, the Development Review Town Council meeting of
12 May 9, 2018 was adjourned at 12:25 p.m.

APPROVED:

Danielle H. Moore, Town Council President

ATTEST:

Kathleen Ruderman, Deputy Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Review Commission at its Meeting of May 23, 2018.

Presenter

Paul Castro, Acting Director of Planning, Zoning and Building

ATTACHMENTS:

- ▣ **Memorandum Dated May 29, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Minutes of the Architectural Review Commission Meeting of May 23, 2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Approval of the Architectural Commission Meeting Minutes of May 23, 2018

Date: May 29, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of May 23, 2018.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items that were considered at the regularly scheduled meeting of May 23, 2018.

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

PC:kmc



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, MAY 23, 2018

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

I. **CALL TO ORDER**

Mr. Vila called the meeting to order at 9:00 a.m.

II. **ROLL CALL**

Robert J. Vila, Chairman	PRESENT
Michael B. Small, Vice Chairman	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT (left at 5:10 p.m.)
John David Corey, Member	PRESENT
Nikita Zukov, Member	PRESENT
Betsy Shiverick, Alternate Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT

Staff Members present were:

John Lindgren, Planning Administrator

Paul Castro, Acting Director of Planning, Zoning and Building

Kelly Churney, Secretary to the Architectural Review Commission

III. **PLEDGE OF ALLEGIANCE**

Chairman Vila led the Pledge of Allegiance.

IV. **APPROVAL OF THE MINUTES FROM THE APRIL 25, 2018 MEETING**

Motion made by Mr. Small and seconded by Mr. Garrison to approve the minutes from the April 25, 2018 meeting. Motion carried unanimously.

V. **APPROVAL OF THE AGENDA**

Mr. Small requested to amend the agenda with the deferral of the following projects to the June 27, 2018 meeting: A-12-2018, 500 Island Dr.; B-012-2018, 313 ½ Worth Ave and the architectural portion of project B-008-2018, 232 Seabreeze Ave. He also requested to defer project B-003-2018, 2291 Ibis Isle Rd. E. to the October 24, 2018 meeting.

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

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

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

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

There were no comments heard at this time.

VIII. **PROJECT REVIEW**

A. **DEMOLITIONS AND TIME EXTENSIONS**

B-048-2018 Demolition

Address: 224 Angler Ave.

Applicant: Amanda and Alexander Coleman

Professional: Brian Vertesch, SMI Landscape Architecture

Project Description: Requesting demolition of existing single story residence and removal of selected landscaping.

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

Mr. Vertesch presented the proposed demolition for the existing residence and landscaping.

Mr. Small asked about the timeline for the installation of the chain link fence and vinyl during the demolition. Mr. Vertesch responded.

Motion made by Mr. Small and seconded by Mr. Ives to approve the plans as presented with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion carried unanimously.

B. **MAJOR PROJECTS – OLD BUSINESS**

B-054-2017 New Construction

Address: 446 N. Lake Way

Applicant: Stephen A. Levin

Professional: Benjamin Schreier/Affiniti Architects

Project Description: New contemporary two story home and one story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool.

Project History:

- June 2017 – Presented and deferred to August 2017 (major restudy requested)
- August 2017 – Deferred at the request of the Architect to September 2017
- September 2017 – Presented and deferred to November 2017 (restudy)

- November 2017 – Presented and deferred to January 2018 (major restudy requested) **change in architect**
- January 2018 – Presented and deferred to February 2018 (based upon Commissioners comments)
- February 2018 – Presented and deferred to March 2018 (restudy)
- March 2018 – Presented and deferred to April 2018 (based upon Commissioners comments)
- April 2018 – Presented and deferred to May 2018.

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

Mark Pulte, owner of the property, advocated for an approval from the Commission for the proposed design.

James Green, Attorney for the applicant, reviewed the history of the presentations to the Commission.

Daniel Ménard, LaBerge and Ménard, reviewed the architectural changes made to the current design of the home.

Mr. Zukov discussed his meeting with the architects and the changes he suggested.

Ms. Catlin stated that she experienced a virtual reality tour of the home and was in full support of the project. Mr. Small agreed.

Mr. Ives stated he still opposed the project.

Mr. Corey asked about the proposed roof. Mr. Ménard responded.

Mr. Vila commented on the length of time and presentations before the Commission and the ultimate evolution of the project.

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

[B-003-2018 Demolition/New Construction](#)

Address: 2291 Ibis Isle Rd. E.

Applicant: Lynne Eriksen

Professional: Roger Hansrote/ACI

Project Description: Demolition of an existing one story, CBS, 2547 s.f. ranch style single-family residence and swimming pool constructed in 1961.

Construction of a new 3576 s.f. AC area one story single family residence with a 523 s.f. garage, swimming pool and associated landscaping and hardscape.

A motion carried at the April meeting to defer the project for one-month to the May 23, 2018 meeting at the request of the architect.

Please note: This item was deferred to the October 24, 2018 meeting with the Item V. Approval of the Agenda.

B-008-2018 Demolition/New Construction

Address: 232 Seabreeze Ave.

Applicant: Jim & Robin Carey

Professional: Jeremy K. Walter, AIA/Jeremy K. Walter Architects, LLC

Project Description: Demolition of existing 2 story single family dwelling, 2 story garage, storage shed and pool. New construction of a 2 story single family contemporary home with concrete tile and standing seam zinc coated copper roof, new pool, site walls and landscaping.

At the January meeting, a motion carried to approve the demolition of the existing property as requested. A second motion carried to defer the project for two months to the March meeting for a complete redesign of the project. A motion carried at the March meeting to defer the project for one month to April 25, 2018 for restudy based on the comments from the Commission. A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting.

Applicant requesting approval of revision to demolition landscape plan and a deferral of the new home until the June 27, 2018 meeting.

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

Mr. Walter presented a modification to the landscape and hardscape plan, specifically for the demolition of the western site wall.

Ms. Grace asked for clarification for the proposed landscaping for the western wall. Mr. Walter responded. Ms. Grace asked about the proposed height of the neighbor's wall. Mr. Walter responded.

Motion made by Mr. Small and seconded by Mr. Ives to approve the modification as presented. Motion carried with all in favor.

B-012-2018 Modifications

Address: 313 ½ Worth Ave.

Applicant: Via Bice Worth Avenue LLC

Professional: Jeffrey W. Smith/Smith Architectural Group

Project Description: Renovation of Via Bice to include new paving, new trellis, retractable awning, landscaping and lighting. Removal of awnings. Renovations to Peruvian Ave façade to include new stone entry, new glass awning, landscaping and lighting, replace awnings. New Doors.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW INFORMATION: 1) Request for special exception approval to allow a two (2) story trellis 2) Request for site plan review to modify the Via Bice as follows: a) New mosaic pavers in the Via; b) New 2,240 square foot trellis with retractable awning above; c) New landscaping and lighting; d) New stone entry with awning on Peruvian Avenue; e) Removal of existing canvas awnings; f) New 37.5 square foot addition to existing bay window.

At the February meeting, a recommendation to the Town Council was given that the redesign was a positive step forward in the right direction. A motion carried at the March meeting to allow time for the project to be heard by the Town Council. A motion carried at the March meeting to defer the project at the request of the architect for one month to the April 25, 2018 meeting. A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting.

Please note: This item was deferred to the June 27, 2018 meeting with the Item V. Approval of the Agenda.

B-030-2018 New Construction

Address: 905 N. Ocean Blvd.

Applicant: Patrick and Lillian Carney

Professional: LeBerge & Ménard Inc.

Landscape Professional: Nievera Williams Design

Project Description: Construction of a new 17,727 sq. ft. two story main house with a basement and a 1,284 sq. ft. single story guesthouse in the Neo-Classical style of architecture. Final hardscape, landscape and drainage plan to be presented as well.

A motion carried at the March meeting to defer the project for one month to the April 25, 2018 meeting for restudy. A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting at the request of the attorney.

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

Patrick Carney, owner, reviewed the general modifications that have been made to the proposed home design since the last presentation to the Commission.

Mr. Ménard presented the architectural modifications for the proposed residence.

Greg Kino, attorney representing Joan and Murray Goodman, stated his clients believed that the proposed home was still too massive. He also discussed the proposed lot coverage in comparison to floor area ratio. Mr. Kino introduced Gene Pandula, Architect. Mr. Kino asked Mr. Pandula if he prepared the floor area ratio comparisons that were handed out to the Commissioners. Mr. Pandula provided confirmation.

Mr. Pandula provided a presentation of the floor area ratio comparisons to the proposed home as well as several surrounding homes. He discussed ways to reduce the mass of the proposed home.

Mr. Kino discussed the location of the proposed mechanical equipment. He suggested moving this equipment to the west side of the garage.

Keith Williams, Nievera Williams Design, presented the proposed landscape and hardscape plan for the project. He agreed to move the mechanical equipment to the west side of the garage.

Mr. Vila asked about the proposed landscaping for the north side of the home. Mr. Williams responded.

Mr. Small asked about a small ground fountain proposed. Mr. Williams provided some explanation for the fountain.

Mr. Corey asked about the roof plan for the wings of the home. Mr. Ménard responded. Mr. Corey asked about the proposed north garage and the volume above the garage. Mr. Ménard responded.

Mr. Ménard stated that the owner agreed to remove the dormers on the north garage wing that faces the neighbors' property.

Mr. Corey asked if the roof bulk in the main house could be reduced. Mr. Ménard agreed and stated he thought he could reduce the roof. Mr. Corey suggested a restudy of the fenestration on the east elevation.

Mr. Floersheimer asked about the elevation and grade for the proposed home. Mr. Ménard and Mr. Williams responded.

Ms. Catlin complimented the architect. She thought the house was too large for the lot. She thought the house mass needed to be reduced, particularly in the middle. Mr. Ménard responded. Ms. Catlin expressed a general concern about new homes that are designed from setback to setback.

Mr. Ives agreed with Mr. Corey and thought the roof pitch needed to be restudied. He also thought the design was becoming a bit bland in the attempt to meet neighbors' concerns. He suggested adding more identity to the architectural style.

Ms. Grace stated she preferred the first design style to the current proposed style. She stated she felt the new design was cold and expressed concern for fenestration on the east elevation.

Mr. Garrison was in favor of much of the current design and thought the home was sited appropriately.

Mr. Small discussed the dilemma of the zoning for the current lots versus the ARCOM ordinance. Mr. Small also spoke about the general crises of architecture becoming subservient to development. He stated he thought the house was too massive for the lot.

Mr. Floersheimer suggested building a skeleton of the proposed home to allow the neighbors to see how the home would present itself.

Mr. Vila agreed with Ms. Catlin and Mr. Small's comments. He provided general comments about building on subdivided lots. He added he thought the home was too massive.

Mr. Ménard responded to the criticism.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month to the June 27, 2018 meeting for restudy. Motion carried with all in favor.

Please note: A short break was taken at 10:31 a.m. The meeting resumed at 10:49 a.m.

B-034-2018 New Construction

*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO
VARIANCE(S)* - Done 4/25/18

Address: 901 N. Ocean Blvd.

Applicant: PBB Island Properties, LLC

Professional: Roger Janssen/Dailey Janssen Architects

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

A motion carried at the March meeting to defer the project for one month to the April 25, 2018 meeting for restudy based on the comments from the Commissioners. A motion carried at the April meeting that implementation of the proposed variance will not cause negative architectural impact to the subject property. A second motion carried to defer the project to the May 23, 2018 meeting for a restudy of the main house and guesthouse.

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

Keith Beatty, owner, discussed his intentions for the proposed home.

Mr. Janssen presented the proposed architectural modification for the new residence. He presented alternate drawings on the overhead projector. He

discussed some alternate building materials for the residence. He also presented some comparable homes with similar or greater floor area ratios in the area.

John Dotterrer, attorney representing Joan and Murray Goodman, presented objections to the proposed home based on its mass, height and dissimilarity to other homes in the surrounding area. He showed images and a 3D video of the proposed home.

Mr. Dotterrer introduced Eric Varvel who created the 3D visuals presented. Mr. Varvel discussed the visuals that he created.

Maura Ziska, attorney for the owner, objected to the visuals presented by Mr. Dotterrer and Mr. Varvel.

Mr. Beatty expressed concern about the 3D visuals and stated they were inaccurate.

Mr. John Randolph, Town Attorney, told the Commission it was up to them to decide what is relevant from the information received.

Mr. Dotterrer asked Gene Pandula, Architect, to comment on the floor area ratio for the proposed home. Mr. Pandula spoke to the floor area ratio and its compatibility for the area. Mr. Dotterrer asked Mr. Pandula if he thought the proposed home was dissimilar to others in the area. Mr. Pandula confirmed he did.

Tatiana Van Zandt, 215 Mediterranean Rd., showed photos of other curves in Palm Beach and expressed her concern for the proposed home.

Susan Gary, 229 Onondaga Ave., expressed her concern for the proposed home.

Kathleen Bleznak, 960 N. Ocean Blvd., spoke in opposition of the proposed home.

Robin Weeks, 210 Jamaica Lane, spoke in opposition of the proposed home.

Susan Watts, 44 Cocoanut Row, spoke in opposition of the proposed home.

Bill Metzger, 277 Esplanade Way, spoke in opposition of the proposed home.

Ms. Grace asked Mr. Varvel about his presentation, specifically relating to the proposed site wall in the front of the property. Mr. Varvel provided explanations for his presentation.

Mr. Castro asked the Commission if they would like to see the location on Google Earth. Mr. Vila agreed.

Ms. Catlin complimented the architect on his designs. She thought the house was too large for the lot. She stated she was in favor of the style but suggested eliminating the six-car garage, reducing the height and the width of the home.

Mr. Ives expressed concern about the entrance water feature, the pergolas, the mass, scale and thought the home needed restudy.

Ms. Grace was in favor of some of the changes that had been made. She suggested moving more toward the design of the inspirational photo.

Mr. Corey agreed with Ms. Catlin. He suggested moving the home back from the ocean. He questioned the six-car garage.

Mr. Vila asked Mr. Janssen the height of the existing site wall. Mr. Janssen responded.

Mr. Corey stated he was in favor of the style of the home and liked the cedar shake roof. He recommended narrowing the windows on the octagonal portions of the home.

Mr. Floersheimer agreed with Ms. Catlin's assessment. He expressed concern about the roofline that would be seen beyond the site wall as well as the setback from the bulkhead.

Mr. Small thought his comments, which he made for 905 N. Ocean Blvd, were relevant to this project. He thought the proposed home should be looked at without landscaping.

Mr. Vila stated he had a problem with the size and scale of the home in its proposed location.

Mr. Floersheimer expressed concern about making a left when driving out of the property. Mr. Janssen responded.

Mr. Zukov recommended removing 3 feet of the dune from the seawall, which would lower the home by 3 feet. Mr. Janssen responded.

Mr. Corey recommended that in the future, the Commission should not make a recommendation on the zoning requests before the house design are approved.

Mr. Garrison suggested that that the basement may be part of the problem. He provided a few design recommendations.

Mr. Castro expressed concern about a proposed window in a staircase leading to the basement.

Motion made by Mr. Small and seconded by Mr. Corey to defer the project for one month to the June 27, 2018 meeting for restudy based on the comments from the Commission. Motion carried unanimously.

Please note: A lunch break was taken at 12:20 p.m. The meeting resumed at 1:23 p.m.

B-037-2018 New Construction

Address: 230 Esplanade Way

Applicant: Brendan & Samantha Carroll

Professional: Pat Segraves/SKA Architect + Planner

Project Description: New construction of two-story Island style home to be approximately 4,500 square feet. Final landscape and hardscape to be provided.

A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting to restudy the first floor windows, height of the home, railings and the landscaping.

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

Daniel Clavijo, SKA Architect + Planner, presented the proposed architectural modifications for the new residence.

Ms. Grace expressed concern for the first floor windows on the south elevation. She also asked if it was possible to reduce the height of the second floor ceiling height. Mr. Clavijo responded.

Mr. Vila asked about the proposed roof pitch. Mr. Clavijo and Mr. Segraves responded.

Mr. Garrison asked about a proposed window in the staircase. Mr. Clavijo responded. Mr. Garrison asked about the proposed color of the rafter tails. Mr. Clavijo stated they would be painted white to match the house. Mr. Garrison suggested staining the wood to provide some character to the home.

Mr. Zukov suggested adding some character to the front door.

Mr. Corey liked the home. He thought the home was a little tall. He was not in favor of the changes to the windows and liked them better as double hung windows.

Ms. Shiverick asked to see the inspiration photo. Mr. Clavijo put the photo on the overhead projector. Ms. Shiverick suggested changing the front door to one similar to the door in the inspiration photo. Mr. Clavijo passed around a sample of the paint color for the windows.

Mr. Ives suggested a restudy, specifically with the fenestration.

Mr. Vila questioned the proposed windows, entrance design and the rear porch with the chimney.

Mr. Clavijo provided explanation on the window design.

Mr. Garrison he asked about the window design on the east elevation. Mr. Clavijo responded.

Don Skowron presented the proposed landscape and hardscape modifications for the residence.

Mr. Corey expressed concern for the proposed landscaping on the south elevation, especially for the neighbors. He suggested adding more landscaping on the south elevation.

Mr. Segraves stated he would change the windows to six over six as well as changing the roof pitch to a 6/12.

Anne Metzger, 277 Esplanade Way, suggested using tray ceilings on the second floor. She also suggested adding some character on the front door.

Motion made by Ms. Grace and seconded by Mr. Small to approve the project as amended with the caveats that the architect change the windows to 6 over 6 double hung windows, to change the roof pitch to a 6 over 12, consider tray ceilings for the second floor, to add panels to the front door, which would be administratively approved and to add the stain to the rafter tails. Motion carried 6-1 with Mr. Ives opposed.

[B-045-2018 New Construction](#)

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

Address: 916 S. Ocean Blvd.

Applicant: 916 South Ocean Boulevard, LLC

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Construction of a new two-story residence, pool cabana, beach cabana, pool and spa, landscape and hardscape.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE INFORMATION: 1. 134-227 and 134-1474. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 2. 134-843(a)(7) and 134-843(a)(10). Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum.

A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting.

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

M. Timothy Hanlon, attorney for the owner, explained a change in a zoning request and advocated for a positive recommendation to the Town Council.

Patrick Mayfield, Dailey Janssen Architects, presented the proposed architectural modifications for the new residence. Mr. Mayfield presented samples of some of the proposed building materials.

Mr. Vila asked about the stucco finished. Mr. Mayfield responded.

Ms. Catlin asked about the height of the house. Mr. Mayfield responded. She questioned the look of the stone on the east elevation. Mr. Mayfield responded.

Mr. Vila considered the design style of the home with the proposed materials.

Mr. Corey agreed with Mr. Vila. Mr. Corey questioned the design style compatibility and stated he could not support the home in its current design.

Mr. Garrison questioned the stone on the front east elevation, the stone around the windows on the south elevation and the band under the windows.

Mr. Mayfield stated the owner at 910 S. Ocean Blvd. was not moving forward with the construction of the previously approved home.

Ms. Grace stated she was not in favor of the proposed stone around the entrance.

Mr. Vila summarized the Commissioners comments and suggested adding some irregularity in the stucco finish. He also suggested reducing the stone on the south side windows as well as eliminating the stone on the bay window on the east elevation.

A short discussion ensued about the detailing on the home.

Mr. Garrison suggested removing the bay windows and the band on the house to help the east elevation.

Mr. Corey asked about the second floor over the garage. Mr. Mayfield responded. Messrs. Corey and Vila suggested reducing the roof pitch.

Motion made by Mr. Corey and seconded by Mr. Garrison to defer the project for one month to the June 27, 2018 meeting for restudy based on the comments from the Commissioners.

Matt Jackman, Nievera Williams Design, presented the proposed modifications to the landscape and hardscape plans for the home.

Mr. Vila asked about the material for the proposed gate. Mr. Jackman responded.

Mr. Corey asked about the proposed gate material. Mr. Jackman responded. Mr. Corey suggested moving the Sea Grapes away from the home. He also suggested adding additional landscaping on the northwest corner.

Motion carried with all in favor.

C. **MAJOR PROJECTS – NEW BUSINESS**
B-047-2018 Landscape/Hardscape

Address: 535 N. County Rd.

Applicant: 535 North County Road LLC

Professional: Steve West/Parker Yannette Design Group

Project Description: Proposed hardscape and landscape plans to accompany previously approved home. Plans include a new driveway, two swimming pools, two fountain features and associated hardscape and landscape.

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

Mr. West presented the proposed landscape and hardscape for the proposed new residence.

Mr. Small asked about the landscape border for the north property line. Mr. West responded.

Mr. Corey was in favor of the landscape plan and thought the plan was well done.

Mr. Vila asked Mr. West if he would consider a Cuban Laurel in place of the proposed Banyan tree. Mr. West stated he would speak with his client about the option. Mr. Vila provided a suggestion for the landscaping proposed for the front border.

Mr. Zukov asked if any landscape lighting was proposed. Mr. West stated his client did not request him to prepare lighting in his proposed plan.

Motion by Mr. Zukov and seconded by Mr. Corey to approve the plans as presented with the caveats that Mr. West speak to the owner regarding the possibility of replacing the proposed Banyan tree with a Cuban Laurel tree, to consider Ficus trees in place of Noronhia trees and to return to the Commission with a plan for the landscape lighting at the June meeting.
Motion carried unanimously.

[B-049-2018 New Construction](#)

***ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO
VARIANCE(S)***

Address: 1558 N. Ocean Way

Applicant: The 1558 North Ocean Way Realty Trust

Professional: Richard Seaberg/RS Architectural Partners, LLC

Project Description: Proposed guesthouse (detached structure) for existing house at 1558 N. Ocean Way.

VARIANCE INFORMATION: Construction of a 1,809 square foot, two-story, guest house on a lot having an area of 29,145 square feet, thereby requiring front and rear yard setbacks and building height plane provisions to comply with those provisions of the R-A Zoning District despite the fact that the subject property is located in the R-B Zoning District. In connection with the proposed construction, the following variances are being requested: a. Section 134-843(a)(5): A request for a variance for the existing house with a front yard setback (east side of the property) of 32 feet in lieu of the 35 foot minimum required in the R-A Zoning District. b. Section 134-157 6: A request for a variance for the proposed guesthouse with a rear yard street side setback (west side of the property) of 30 feet in lieu of the 35-foot minimum required in the R-A Zoning District. c. Section 134-843(a)(7): A request for a variance for the proposed guest house with a building height plane (west side of the property) of 30 feet in lieu of the 38 foot minimum required in the R-A Zoning District.

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

David Klein, attorney for the owner, answered a question regarding the unification of the lots.

Mr. Floersheimer asked about the size of the two lots. Mr. Klein responded.

Mr. Seaberg presented the proposed architectural plans while explaining the variance requests for the new guesthouse.

Ms. Catlin questioned the variance request for the guesthouse. Many of the other Commission members agreed.

Motion made by Mr. Garrison and seconded by Mr. Corey that implementation of the proposed variances for the rear yard setback and building height plane will cause negative architectural impact to the subject property; and implementation of the proposed variance for the existing home will not cause negative architectural impact to the subject property. Motion carried 6-1 with Mr. Ives opposed.

Mr. Seaberg presented the proposed architectural plans for the new guesthouse.

Mr. Garrison asked about the floor to ceiling heights. Mr. Seaberg responded.

Mr. Ives questioned the roof plan design and thought it seemed complicated. Mr. Seaberg responded.

Mr. Zukov was in favor of the guesthouse.

Mr. Small was not in favor of the design and thought that it needed more charm.

Mr. Catlin thought the design was out of proportion, lacked charm and a connection to the main house.

Ms. Shiverick thought the guesthouse was too big and suggested making more of a guest cottage.

Mr. Vila asked Mr. Seaberg if the guesthouse could be lowered. Mr. Seaberg stated he could lower it by one foot. Mr. Vila suggested looking reducing the roof pitch as well.

Mr. Corey requested to see cross-sections of the main house at the next presentation.

Motion made by Mr. Corey and seconded by Mr. Small to defer the project for one month to the June 27, 2018 meeting with a caveat to return to the Commission with cross sections of the homes as well as a landscape lighting plan. Motion carried unanimously.

Adam Mills presented the proposed landscape and hardscape plans for the residence.

Mr. Small stated he liked all the newly installed landscaping. He asked Mr. Mills if there would be any vehicular access to the guesthouse. Mr. Mills stated there would not be any vehicular access.

Ms. Grace requested a separate, legible plant list at the next presentation.

[B-051-2018 Demolition/New Construction](#)

****This project has to be approved in its entirety before it can be heard at by the Town Council to address the Site Plan Review application****

Address: 232 Bahama Ln.

Applicant: 232 Bahama Lane, LLC

Professional: Patrick Segraves/SKA Architect + Planner

Landscape Professional: Che Wei Kuo/Fernando Wong Outdoor Living Design

Project Description: Demolition of existing one story house. New construction of two-story Island style home to be approximately 4,300 square feet. Final landscaping and hardscaping to be provided.

SITE PLAN REVIEW INFORMATION: Site Plan Review to allow the construction of a 4,300 square foot, two-story, single family house on a non-conforming platted lot which is 90 feet in depth in lieu of the 100 foot depth required in the R-B Zoning District.

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

Mr. Segraves presented the proposed demolition of the existing home.

Motion made by Ms. Grace and seconded by Mr. Small to approve the proposed demolition as requested with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion carried 6-1 with Mr. Garrison opposed.

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

Mr. Zukov asked about the window panels proposed on the south elevation in the family room. Mr. Segraves responded. Mr. Zukov stated he felt they were too narrow and provided some suggestions for the windows.

Mr. Ives thought the house design was too similar to many others on the north end of the island. Mr. Segraves responded.

Ms. Grace suggested reducing the roof height and making the gable wider. Mr. Segraves responded.

Mr. Garrison asked about the bay window measurements and questioned the proposed louvers below the windows on the front entrance. Mr. Garrison also questioned the second floor balcony and window on the front entrance. Mr. Segraves responded.

Ms. Grace asked about the proposed materials for the second story balcony. Mr. Segraves responded.

Ms. Shiverick suggested removing the louvered panels under the windows to create a graceful bay window.

Ms. Catlin agreed with other comments from the Commission and suggested lowering the roof height.

Mr. Corey supported the design and recommended widening the gable and lowering the roof pitch. Mr. Small agreed and was in favor of the design.

Mr. Vila suggested reducing the pitch of the roof. Mr. Segraves agreed and presented a sample of the roof material. Mr. Vila stated that the second balcony and window needed to be corrected. He suggested lightening the balcony, reducing the front door and changing its style. He suggested restudying the bay windows and adding more of a slope on the copper roofs.

Motion made by Mr. Garrison and seconded by Mr. Corey to defer the project for one month to the June 27, 2018 meeting based upon the comments made by the Commission.

Mr. Kuo presented the proposed landscape and hardscape plans for the new residence.

Mr. Vila questioned the proposed Alexander Palms for the front of the home. Mr. Kuo responded.

Mr. Floersheimer questioned the plantings proposed for the border next to the golf course. Mr. Lindgren stated he believed that the country club would be adding new plantings that he just administratively approved. A short discussion ensued.

Mr. Corey thought the landscape plan was fine.

Ms. Grace was in favor of the proposed Madagascar Olive trees. She asked about the location for the mechanical equipment. Mr. Segraves responded.

Mr. Vila recommended adding some informality and irregularity in the landscaping.

Mr. Garrison asked for landscape cross sections as well as more details for the new residence at the next presentation.

Mr. Vila requested a presentation for the landscape lighting at the next presentation.

Motion carried unanimously.

[B-052-2018 Demolition/New Construction](#)

*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO
VARIANCE(S)*

Address: 1030 S. Ocean Blvd.

Applicant: Nedim Soylemez/Contract Purchaser

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

Landscape Professional: John Lang/Lang Design Group

Project Description: Demolition of an existing single family residence with pool.

Construction of a new 2-story single family residence with basement and pool.

Final hardscape and landscape.

VARIANCE INFORMATION: 1. Request for a variance to allow the construction of a new 13,049 square foot two story residence with a point of measurement of 17.17 feet North American Vertical Datum ("NAVD") in lieu of the 15.16 foot NAVD maximum allowed for the (i) overall building height and (ii) building height. 2. A request to have a building height plane setback 53.16 feet in lieu of the 69-foot minimum setback required for the gable end pediment architectural feature.

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

Maura Ziska, attorney for the contract purchaser, explained the zoning requests and advocated for a positive recommendation to the Town Council.

Mr. Smith presented the proposed demolition of the existing residence.

Mr. Lang presented the proposed demolition plan for the landscape and hardscape materials.

Mr. Floersheimer asked about the possibility of keeping the existing house and adding a second story. Mr. Smith responded.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the plans as presented with the caveats to remove all exotic and invasive plant species and to sod and irrigate the property within 30 days. Motion carried unanimously.

Taylor Smith, Smith and Moore Architects, presented some additional information to assist the Commissioners in understanding the variance requests.

Mr. Garrison stated that the proposed home was very similar to the projects that the Commission heard in the morning, specifically the home and lot sizes. He thought the variance request was a result of the size of the proposed home in relation to the lot size.

Mr. Corey stated he would support the first variance request but not the second request.

Ms. Catlin suggested looking at the home before making a recommendation on the variance requests. Mr. Small agreed.

Mr. T. Smith presented the architectural plans for the new residence.

Ms. Catlin stated that the front entrance looked like a side elevation. She asked the professionals to reduce the mass of the home as well as to restudy the garage element.

Mr. Small expressed concern for the north elevation and the garage. He also questioned the need for the variances requested. Mr. T. Smith responded to the questions.

Mr. Corey was in favor of the design but thought it could be designed without the variance requests. He suggested restudying the fenestration on the east elevation.

He suggested reworking the north façade entrance and questioned the need for the chimney on the north façade.

Ms. Catlin debated the need for the front load garage.

Ms. Grace agreed with Mr. Corey's request for a reduction in the fenestration on the east elevation.

Mr. Garrison suggested making the front door more prominent as well as a reduction in the ceiling heights.

Mr. Vila was in favor of the architecture and appreciated the materials proposed. He thought the fenestration on the east side was appropriate but suggested making the front door more prominent.

Mr. Ziska provided more explanation for the requested variances.

A second motion made by Mr. Ives and seconded by Mr. Zukov that implementation of the proposed variances will not cause negative architectural impact on the subject property. Motion carried 4-3 with Messrs. Small, Corey and Ms. Grace opposed.

Mr. Lang presented the proposed landscape and hardscape plan for the proposed new residence.

Mr. Zukov provided a suggestion for the front entrance. Mr. T. Smith responded.

Mr. Small asked about the proposed landscaping for the east side border along the street. Mr. Lang responded.

Mr. Garrison suggested the possibility of reducing the curb cuts to 12 feet versus the 14 feet proposed.

Mr. Vila made a few suggestions for landscaping for east and north facades.

A third motion made by Mr. Zukov and seconded by Mr. Ives to defer the project for one month to the June 27, 2018 meeting for a restudy based on feedback from the Commission. Motion carried unanimously.

[B-054-2018 Additions/Modifications](#)

Address: 1214 N. Ocean Blvd.

Applicant: Mr. & Mrs. John Sculley

Professional: MP Design & Architecture

Project Description: One story loggia addition to existing pool cabana.

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

Michael Perry, MP Design & Architecture, presented the architectural plans for the new loggia.

Mr. Vila expressed concern for the roof height of the proposed loggia. Mr. Perry responded. A short discussion ensued.

Motion made by Mr. Small and seconded by Mr. Garrison to approve the project with the caveat that the roof is reduced and the columns are increased in size. Motion carried unanimously.

[B-055-2018 Additions/Modifications](#)

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

Address: 1338 N. Lake Way

Applicant: Sailfish Club of Palm Beach

Professional: Keith Spina/GliddenSpina

Landscape Professional: Steve West/Parker Yannette Design Group

Project Description: Expand kitchen, create new walkway from existing parking lot to existing electrical room. New generator room. Pool deck renovation to include replacing pool deck floor, eliminate cabanas and replace with new locker rooms, new cabanas, youth rooms, seating area, covered walkway, awning, new sundeck. Replace wood shake roof with new to match existing.

SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE INFORMATION:

1. A request for special exception approval with site plan review to allow the following modifications to the Sailfish Club property: Expand kitchen 505 square feet to the east into existing service area (wall and parapet roof will be extended); create a 157 square foot walkway from existing parking lot to existing electrical room and new generator room for service access. Pool deck renovation to include: replace existing pool deck floor with new floor finishes, eliminate cabanas and replace with new locker rooms, new cabanas, youth recreation rooms and seating area, add covered walkway from north side of pool deck to south side of pool deck, awnings to the west side of the pool deck and north side of existing pool deck between existing terrace and dining area (see roof plan), add a 704 square foot sun deck on the southwest side of the pool deck; Install 150 KW generator in a 325 square foot building on east side of the building; Replace wood shake roof with new roof to match existing. 2. A variance is being requested to allow a decrease in landscaped open space to 19.2 % in lieu of the 20.1 % existing and 45%minimum required in the R-B Zoning District.

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

Maura Ziska, attorney for the applicant, explained the zoning requests and advocated for a positive recommendation to the Town Council.

Mr. Spina presented the proposed architectural modifications for the existing club.

Mr. Ives asked about the proposed variance requests. Mr. Spina responded.

Ms. Shiverick was in favor of the improvements. She questioned the reduction of umbrellas and cabanas. Mr. Spina stated that the members were happy with the changes. She asked about the proposed material for the deck. Mr. Spina responded.

Mr. Zukov asked about the proposed generator and the noise level. Mr. Spina responded.

Mr. Catlin was in favor of the changes.

Mr. Floersheimer asked about the removal of the existing awning. He also questioned the planters in the pool area. Mr. Spina responded.

Mr. Zukov inquired about the exterior fenestration changes. Mr. Spina responded.

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

Mr. West presented the proposed landscape and hardscape plans for the club.

Mr. Small questioned the landscape buffer on the east side along N. Lake Way and asked for more landscaping to be added. Mr. West responded.

Mr. Zukov asked about the landscaping next to the sundeck. Mr. West responded.

A second motion made by Mr. Garrison and seconded by Mr. Zukov to approve the project as presented. Motion carried unanimously.

D. MINOR PROJECTS – OLD BUSINESS

A-012-2018 Modifications

Address: 500 Island Dr.

Applicant: Boldan Nowak

Professional: Steven Knight/Alexis Knight Architects, Inc.

Project Description: Replacement of existing lights in the driveway entry pier (4 locations).

A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting.

Please note: This item was deferred to the June 27, 2018 meeting with the Item V. Approval of the Agenda.

A-015-2018 Additions/Modifications

Address: 528 N. Lake Way

Applicant: NLWFL LLC

Professional: Mario Nievera/Nievera Williams Design

Project Description: Proposed concept for north yard to include demo of existing pool, construction of new pool, open-air structure, relocation of generator and pool equipment with new enclosure, new site walls and remodeled landscape.

A motion carried at the April meeting to defer the project for one month to the May 23, 2018 meeting at the request of the architect.

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

Matt Jackman, Nievera Williams Design, presented the proposed modifications to the existing landscape and hardscape. He presented additional material on the overhead projector.

Mr. Floersheimer asked about the new location for the generator and pool equipment. Mr. Jackman responded.

Motion made by Mr. Garrison and seconded by Mr. Zukov to approve the project as presented. Motion carried with all in favor.

E. [MINOR PROJECTS – NEW BUSINESS](#)

[A-017-2018 Modifications/Landscape](#)

Address: 735 Island Dr.

Applicant: Ocean Island One LLC

Professional: Thomas Kirchhoff/Kirchhoff & Associates

Project Description: New site walls and associated perimeter landscaping.

Modify equipment locations.

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

Mr. Kirchhoff presented the architectural modifications for the new site walls.

Mr. Garrison asked if the neighbor would be protected during construction. Mr. Kirchhoff responded.

Motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented. Motion carried unanimously.

[A-021-2018 Modifications](#)

Address: 232 Colonial Ln.

Applicant: SKIK, LLC (Zvenka Kleinfeld, Manager)

Professional: Pat Segraves/SKA Architect + Planner

Project Description: Proposal of fenestration changes to previously approved project.

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

Daniel Clavijo, SKA Architect + Planner, presented the architectural modifications for the residence.

Mr. Corey asked about the removal of the muntins. Mr. Clavijo responded. Mr. Corey was not in favor of the removal of the muntins.

Mr. Vila agreed with Mr. Corey but was in favor of the front door fenestration changes.

Motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented with the caveat that the second story section remain as previously approved. Motion carried unanimously.

IX. **OTHER BUSINESS**

None.

X. **ADDITION COMMUNICATION FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

There were no comments heard at this time.

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

There were no comments heard at this time.

XII. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Small to adjourn the meeting at 5:42 p.m. Motion carried with all in favor.

The next meeting will be held on Wednesday, June 27, 2018 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Robert J. Vila, Chair
ARCHITECTURAL COMMISSION

kmc

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 65-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Purchase of Two (2) Police Sniper Rifles in the Amount of \$14,522.82 From Mile High Shooting; Authorizing the Town Manager to Execute Documents to Effectuate Purchase; Providing an Overall Budget of \$17,000; And Providing an Effective Date.

Presenter

Ann-Marie Taylor, Acting Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated May 5, 2018, from Ann-Marie Taylor, Acting Chief of Police**
- ▣ **Resolution No. 065-2018**
- ▣ **Exhibit A**
- ▣ **Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Ann-Marie Taylor, Acting Chief of Police

Re: Authorization to Purchase 2 Sniper Rifles with Accessories
Resolution No. 65-2018

Date: May 5, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 65-2018 authorizing the purchase of two (2) Accuracy International .308 cal Sniper Rifles with Nightforce Scope from Mile High Shooting in the amount of \$14,522.82 and establishing a total budget of \$17,000.

GENERAL INFORMATION

The Police Department's current SOU (Special Operations Unit) consist of 8 members of the department who come together to train and respond to calls for service requiring a specialized tactical response such as search warrants, hostage situations, active shooter and other situations when deemed necessary. Members of the SOU unit require not only require specialized training in order to be prepared to respond to a variety of situations; they required specialized equipment and weapons in order to defend themselves and bring extremely dangerous situations to successful conclusions.

The Department currently has two sniper rifles with night vision scopes that are 12 years old. While the current rifles are functional, they have acquired a large amount of fouling inside the barrels which is detrimental to the shooting accuracy and operation of the rifle. Rifle barrels are precise manufacture and after many years of use and thousands of training rounds, the current rifles are no longer precise. Upon replacement, it is recommended that the current rifles be decommissioned.

FUNDING/FISCAL IMPACT

The current rifles are included in the Town's Equipment Replacement Program with a total accumulated depreciation of \$21,612. The requested amount of \$14,522.82, not to exceed \$17,000, would come from the Town's Equipment Replacement Contingency Fund.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

The resolution was reviewed and approved by the Town Attorney for legal form and sufficiency.

AMT/lsg

cc: Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 065-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE PURCHASE OF TWO (2) SNIPER RIFLES WITH ACCESSORIES IN THE AMOUNT OF \$14,522.82; WITH A BUDGET NOT TO EXCEED \$17,000.00; FROM MILE HIGH SHOOTING; AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE PURCHASE; AND 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 Purchasing Division is hereby authorized to issue a Purchase Order to Mile High Shooting to purchase two (2) sniper rifles and accessories based attached Proposal dated April 3, 2018, attached hereto as Exhibit A, in the amount of \$14,522.82; with a budget not to exceed \$17,000.

Section 2. Mile High Shooting has been granted sole and exclusive rights to supply Accuracy International products per legal agreement with Accuracy International of North American, Inc. (Exhibit B).

Section 3. Town Manager is hereby authorized to execute all documents necessary to effectuate said purchase.

Section 4. Copies of proposal from Mile High Shooting and Sole Source documentation are attached hereto and are hereby incorporated within this Resolution and made a part hereof.

Section 5. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

3731 Monarch Street
 Erie, CO 80516
 (303) 255-9999
 orders@milehighshooting.com
 http://milehighshooting.com



PROPOSAL

ADDRESS

Gabrio Badolati
 Palm Beach Police Dept
 345 S. County Road
 Palm Beach, Florida 33480

SHIP TO

Gabrio Badolati
 Palm Beach Police Dept
 345 S. County Road
 Palm Beach, Florida 33480

PROPOSAL # 5423

DATE 04/03/2018

SALES REP

Dorothy

PRODUCT DESCRIPTION	QTY	RATE	AMOUNT
AI AT 308 Folding Stock, 20" barrel, Pale Brown, thread 5/8x24 w/ TBAC CB brake	2	3,995.00	7,990.00
AI:AI MAGS:0726 MAGAZINE AW 7.62/308 (10 SHOT)	2	69.32	138.64
AI:26981 LOW ACTION RAIL AT - 20 MOA	2	0.00	0.00
NIGHTFORCE:A108 RING SET - 1.265 INTERMEDIATE - 30MM - ULTRALITE	2	148.50	297.00
NIGHTFORCE:C429 NXS 3.5-15X50 ZERO STOP .250 MOA MOAR	2	1,584.00	3,168.00
THUNDER BEAST:Ultra 7 -CB Mount Ultra 7 - .30 Caliber up to .300 RUM-Titanium, comes with 1 brake	2	985.50	1,971.00
HARRIS:S-BRM MODEL BRM 6-9" (LEG NOTCH) SERIES S	2	104.99	209.98
T-Nuts:T-NUT METAL/STEEL (BPLZ-32) POD LOK FOR HARRIS BIPOD	2	14.00	28.00
TAB GEAR:PRS SLG ELITE COY - NO ATTACH PINNACLE RIFLE SLING ELITE BUCKLES WITH NO ATTACHMENT - COYOTE	2	148.50	297.00
TAB GEAR:FC ATTACHMENT FLUSH CUP ATTACHMENT	4	9.00	36.00
AI:0705 AW CLEANING/USER MAINTENANCE KIT (7.62/308)	2	103.60	207.20
Note the the price for 1 complete rifle based on this quote is \$7,261.41			

SUBTOTAL	14,342.82
SHIPPING	180.00
TOTAL	\$14,522.82

SOLE SOURCE PROCUREMENT

"Sole Source" purchasing requires that a good faith review of available sources has been made and there is only one source that can be identified for the required supply, service, and/or construction item and is the only one that will meet the needs of the Town.

- Directions:**
- | | |
|---|--|
| 1. Enter description of sole source procurement. | 4. Attach sole source letter from vendor. |
| 2. Enter name of sole source vendor and address. | 5. Attach proposal from vendor with pricing. |
| 3. Enter the determination and basis for sole source procurement. | |

1. Description of Item or Service proposed for sole source: Sniper Rifles and accessories

2. Vendor Name: Mile High Shooting

Address: 3731 Monarch Street, Erie, CO 80516

3. The basis for this sole source determination and the reason no other vendor/product is suitable: _____

Mile High Shooting is granted sole and exclusive rights to supply Accuracy International Products.

This is granted by legal agreement by Accuracy International of North America, Inc. located at 3410 Shannon Park Drive, Suite 100, Fredericksburg, VA 22408. See attached letter.

This sole source request has been provided, fully understanding the implications of Section 838.22 of the Florida Statutes:

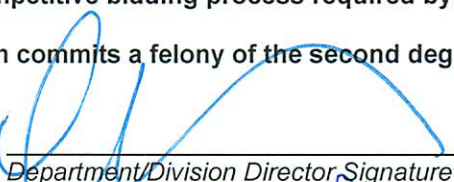
(2) "It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause unlawful harm to another, to circumvent a competitive bidding process required by law or rule by using a sole source contract for commodities or services."

(5) "Any person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."

Police Department/Patrol _____

Department/Division _____

Date 5/2/18


Department/Division Director Signature _____

Title Acting Chief of Police

RE: Sole Source Letter
January 11, 2018

ATTN: Purchasing Agent

Mile High Shooting Accessories located at 3731 Monarch Street; Erie CO, 80516 is granted sole and exclusive rights to supply Accuracy International products and product support training to local, state and federal law enforcement organizations in the 50 United States. This right is granted by legal agreement by Accuracy International of North America, Inc. located at 3410 Shannon Park Drive, Suite 100; Fredericksburg VA 22408.

In further support of our agreement, Mile High Shooting Accessories is the only authorized independent service center in the United States for Accuracy International products. Adam Rehor of Mile High Shooting Accessories has attended and successfully completed an intensive Accuracy International service and maintenance course for certification as an Accuracy International Armorer at our company headquarters in Portsmouth England. Accuracy International of North America, Inc. is providing full support to Mile High Shooting Accessories with OEM parts, service documentation, and engineering support to ensure high standards of customer service. Mile High Shooting Accessories has invested in extensive machine shop facilities, service and support equipment, trained machinist and skilled personnel to provide the highest level of support possible for Accuracy International products. As a result of the high standards of facilities, personnel, training, and on-hand parts inventory, we have entrusted and authorized Mile High Shooting Accessories to provide armorer's training courses in accordance with Accuracy International training standards, and to issue the Accuracy International certificate of completion for Armorer's training. Mile High Shooting Accessories is the first and only independent organization trained and authorized by Accuracy International to provide service and repair of Accuracy International products and Armorer's Certification courses.

Sincerely,



Scott Seigmund

Vice President

Accuracy International of North America, Inc.

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 69-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Issuance of Purchase Order to Johnson Controls, Inc. for the Replacement of 21 Camera Units and to Upgrade the Wireless Network System In The Amount Of \$296,989; and Creating a Project Budget not to Exceed \$305,000; Authorizing the Town Manager to Execute All Documents Necessary to Effectuate the Project; and Providing an Effective Date.

Presenter

Ann-Marie Taylor, Acting Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated May 22, 2018, from Ann-Marie Taylor, Acting Chief of Police**
- ▣ **Resolution No. 69-2018**
- ▣ **Exhibit A**
- ▣ **Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

From: Ann-Marie Taylor, Acting Chief of Police

Re: Authorize Purchase Order to Johnson Controls, Inc.
Resolution No. 69-2018

Date: May 22, 2018

STAFF RECOMMENDATION

Staff requests that the Mayor and Town Council authorize the issuance of a purchase order in the amount of \$299,868 to Johnson Controls, Inc to purchase 21 new replacement camera units and to install an upgraded wireless network system as indicted by attached proposals.

GENERAL INFORMATION

At the August 9, 2017 Town Council meeting, Resolution No. 113.-2017 was executed which established Johnson Controls, Inc. (JCI) as the continued sole provider to oversee the ongoing build-out, repairs, upgrades, and maintenance of the system of the Town's Camera and Security System.

The Townwide Camera and Security System was implemented in 2012, authorized by Resolution No. 57-2012 and managed by designated sole provider vendor Johnson Controls Inc. Since the initial installation, the project has undergone tremendous expansion and change as approved by the Mayor and Town Council via the execution of numerous Resolutions approving the issuance of Purchase Orders and Change Orders, following established Purchasing procedures.

In November of 2016, the Police Department elected to upgrade the License Plate Recognition (LPR) system via Resolution No. 168-2016, as technological advancements allowed multi-lane read/capture rates, high-resolution image quality, and other increased equipment functionality. Additionally, in August 2017, Town Council approved by Resolution No. 113-2017, the conversion to a Vigilant Solutions, Inc. LPR system to improve the bandwidth capabilities in a wireless environment in order to process multiple high definition videos at a local server.

As technology advances and continues to develop at an accelerated pace, so does the need to support the demand of the network's infrastructure and surveillance capabilities. Many of the components that comprise the security system are original installations, having been constantly exposed to the adverse elements (to include several Hurricanes) over the past six years and are reaching their end of life. While a variety of other factors can be attributed to connectivity issues, the Town has experienced degraded quality on video surveillance feeds in large part due to the vast distances between access points, obstructions from buildings/foliage, and overall increased bandwidth demand.

Updating the current equipment at the specified locations to the latest models/versions will offer the ability to double the systems performance and increase data throughout while providing a clear viewing pathway for cameras with more clarity and less latency.

FUNDING/FISCAL IMPACT

Funds for this project will be obtained from 3 different funding sources. \$250,000 will be appropriated from the Police Donations account using donations previously made by the Palm Beach Police Foundation and other donors for purposes of maintaining and/or expanding the Townwide Camera and Security Systems. Additionally, State and Federal Forfeiture funds in the amount of \$27,689.72 (plus any applicable interest) will be applied towards this project. The remaining balance of \$22,178.28 will be obtained from monies in the Equipment Replacement Contingency Fund that have been set aside for the specified locations in the proposal.

If project costs go over the proposed amount of \$299,868, all overages will be covered using accumulated funds in the Equipment Replacement Contingency program up to the approved project total of \$310,000, as designated by resolution.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and is approved as recommended with the understanding that all requisitions and purchase orders will be processed in accordance with Purchasing guidelines and that Johnson Controls, Inc. continues to be designated as the sole source provider for the Townwide Camera and Security System's continued build-out, system repairs and replacement, and system maintenance.

TOWN ATTORNEY REVIEW

The resolution was reviewed and approved by the Town Attorney for legal form and sufficiency.

AMT/lsg

cc: Jane Le Clainche, Director of Finance
Dean Mealy, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 69-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO JOHNSON CONTROLS, INC. FOR THE REPLACEMENT OF 21 CAMERA UNITS AND TO UPGRADE THE WIRELESS NETWORK SYSTEM IN THE AMOUNT OF \$299,868; AND CREATING A PROJECT BUDGET NOT TO EXCEED \$310,000; AUTHORIZING THE TOWN MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PROJECT; AND 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 Purchasing Department is hereby authorized to issue a purchase order to Johnson Controls, Inc. in the amount of \$299,868 to purchase 21 camera units and to upgrade the wireless network system per attached proposals (Exhibits A and B).

Section 2. The Town Manager is hereby authorized to execute all documents necessary to effectuate said purchase order.

Section 3. This Resolution shall establish a budget not to exceed \$310,000 for said project.

Section 4. Exhibit A and B are attached and hereby incorporated within this Resolution and made a part hereof.

Section 5. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

Exhibit A

*Johnson Controls International
Building Technology Integration
15901 SW 29th St., Suite 801
Miramar, FL 33027
C: 786.831-4570
E: Mike.E.Miller@jci.com*

Proposal

May 30, 2018

Captain Curtis Krauel
Town of Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480

PROJECT: ToPB Video Surveillance Expansion FY18

Quote Number: FY180067

Dear Captain Curtis Krauel,

Johnson Controls is an industry leader and continues to provide full service solutions for customers. Our project managers, technicians, and engineering staff are unsurpassed in the Building Technology Integration Industry, assuring you a professional level of design, coordination and execution. Johnson Controls factory trained service and support are moments away should you need assistance. Our proposal is to furnish and install video surveillance upgrades in order to increase security for the citizens of the Town of Palm Beach.

Pease feel free to contact me with any questions, comments, and/or concerns. Have a great day.

Sincerely,



Mike Miller, CISSP, PMP
South Florida Account Executive
Building Technology Integration

Prepared for:	Town of Palm Beach PD Attn: Captain Krauel	Date:	May 30, 2018
		Proposal by:	Mike Miller
Project:	ToPB Video Surveillance Expansion FY18	Engineer:	JCI
Location:	Town of Palm Beach, FL	Quote Validity:	60 Days

Scope of Work

JCI to furnish and install video surveillance and telecommunications upgrades to 6 locations within the Town of Palm Beach in order to improve security. The locations consist of:

1. Coconut & Royal Palm
2. East Worth Ave
3. Flagler Bridge Sidewalk
4. Flagler Bridge Underside
5. Pump Station
6. Hibiscus & Peruvian Ave

Location Details:

- **Cocoanut & Royal Palm Video Surveillance Kit:** The intent is to cover South Coconut, West Royal Palm, and North Coconut with Pan Tilt Zoom (PTZ) cameras and to cover East Royal Palm with fixed cameras.
 - X3 CON-CCTV- PTZ- W Axis, (\$3,667 * 3) \$11,001
 - X1 CON-CCTV-FIXODR- Axis, \$1,893
 - X1 CON-UPU-BSWT-8CCTV, \$7,523
 - X1 CON-TX-NLOS-25, \$995
 - X24 Hours of Telecom/Security Labor, (\$120 * 24) \$2,880
 - X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$1,150
 - X1 Electrical Contractor, Install 2" conduit from town panel 120' west of intersection to location of existing light pole. Install breaker and wire for 20 amp circuit at median panel location. Will hang bank switch box, no constant power at the location. Pull Ethernet cable from existing light pole to bank switch box location. Install and hook up power to power box at power source. \$5,091

Sub-Total Cocoanut & Royal Price.....\$30,533

- **East Worth Ave LPR & Video Surveillance:** The intent is to cover East Worth Ave with 2 LPR Cameras, 2 Fixed Cameras, and 1 Subscriber Module (SM) shooting towards Linda Garry's Access Point (AP).
 - X2 CON-CCTV-ALPR- Vigilant, (\$12,228 * 2) \$24,456
 - X2 CON-CCTV-FIXODR- Axis, (\$1,893 * 2) \$3,786
 - X1 CON-UPU-8CCTV-L, \$4,114
 - X1 CON-TX-NLOS-25, \$995
 - X24 Hours of Telecom/Security Labor, (\$120 * 24) \$2,880

- X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$1,150
- X1 Electrical Contractor. Bore 2" conduit from median roughly 175 feet to back side of dumpster area. Will need to block off road possible assistance from PD. Get power from existing outlet on back side of dumpster area. Set low voltage box on wall behind dumpster area. (Supplied by others) Pull 6- cat 5 from Low voltage box to new install light pole. Install and hook up power to power box at power source. Install concrete base. Town of Palm beach to supply anchor bolts from light pole kits. Remove excess dirt from excavation. Price is only good providing we can install base in proposed location, not aware of underground utilities. Concrete base is 30 inches round and 5 feet deep. Install pole supplied by Town of Palm Beach. Will need a drain to use a mud hug if the water table is high to remove the excess water in ground. \$24,992
- X1 Town of Palm Beach pole. \$3,500

Sub-Total East Worth Ave Price.....\$65,873

- **Flagler Bridge Sidewalk Video Surveillance:** The intent is to cover Flagler Bridge pedestrian activity along the bridge sidewalks with 1 PTZ and 1 fixed Camera pointing East (on each side, doubling the qty to 2 PTZ and 2 Fixed), 1 Fixed Camera pointing West (on each side, doubling the qty to 2 Fixed).
 - X2 CON-CCTV- PTZ- W Axis (\$3,667 *2) \$7,334
 - X4 CON-CCTV-FIXODR- Axis, (\$1,893 * 4) \$7,572
 - X8 Hours of Telecom/Security Labor, (\$120 * 8) \$960
 - X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$786
 - X1 Electrical Contractor, Pull through conduit (Ethernet Cables) to poles with devices, \$3,724

Sub-Total Flagler Bridge Sidewalk Ave Price.....\$20,376

- **Flagler Bridge Underside Video Surveillance:** The intent is to cover the underside of Flagler Bridge in order to prevent vagrants occupying the area.
 - X4 CON-CCTV-FIXODR- Axis, (\$1,893 * 4) \$7,572
 - CON-UPU-4CCTV-S, \$2,286
 - X1 CON-TX-NLOS-25, \$995
 - X24 Hours of Telecom/Security Labor, (\$120 * 24) \$2,880
 - X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$293
 - X1 Electrical Contractor, once the Town of Palm provides a 20 amp circuit 120 volt is to be in place before we start our work, technicians will set junction box under bridge and extend power to NE corner under bridge. Technician will run conduit for a total of 4 camera and 1 antenna and pull cat 5 wire. Will run conduit and strap pipe on concrete base of bridge. There will be nothing to be strapped up high to the cross members of the bridge. Technician will set box on NNE and NW corner, SSE and SW corner, and box for Antenna on North side. Technician will pull through conduit (Ethernet Cables) to pole with devices. \$9,724

Sub-Total Flagler Bridge Underside Price.....\$23,750

- **Pump Station Access Point:** The intent is to provide an Access Point which will enable communications and provide double the bandwidth (120 Mbps to 250 Mbps) for projects within the Flagler bridge vicinity.
 - X2 CON-RX-NLOS, (\$5,025 * 2) \$10,050
 - X1 CON-SC5-NLOS, \$2,143
 - X32 Hours of Telecom/Security Labor, (\$120 * 32) \$3,840
 - X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$1,329

Sub-Total Pump Station Price.....\$17,362

- **Hibiscus & Peruvian Ave Video Surveillance:** The intent is to cover the area at Hibiscus and Peruvian with cameras at existing light pole or installation of new decorative sign pole.
 - X1 CON-CCTV- PTZ- W Axis, \$3,667
 - X2 CON-CCTV-FIXODR- Axis, (\$1,893 * 2) \$3,786
 - X1 CON-UPU-8CCTV-S, \$3,771
 - X1 CON-TX-NLOS-25, \$995
 - CON-ACC-LENS10, \$90
 - X24 Hours of Telecom/Security Labor, (\$120 * 24) \$2,880
 - X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$293
 - X1 Electrical Contractor, Install new 100 amp meter main and run 1 ½ conduit for power to FPL pole to the north of the paper stand. Install new rack on back side of paper stand. Will need permission on where we can set the meter main and LV box. Install Low voltage box and run total of 5- cat 5 wires from low voltage box to new pole. Install concrete base. Town of Palm beach to supply anchor bolts from light pole kits. Remove excess dirt from excavation. Price is only good providing we can install base in proposed location, not aware of underground utilities. Concrete base is 30 inches round and 5 feet deep. Install pole supplied by Town of Palm Beach. Will need a drain to use a mud hug if the water table is high to remove the excess water in ground. \$15,844
 - X1 Town of Palm Beach pole. \$3,500

Sub-Total Hibiscus & Peruvian Ave Price.....\$34,826

Project Management Price.....\$2,347

Total Net Price.....\$195,067

Additional Notes/Items

- One year parts & labor warranty is included in this proposal for all JCI installed equipment.
- Customer to provide access to all areas required to complete this project.
- Work to be completed during normal business hours M-F 8am –5pm not including holidays.
- Any labor or materials not specifically included in the "Scope of Work" section above.
- Unless otherwise stated, any and all overtime labor is excluded from this proposal.
- Permit fees, engineering fees, or any fee associated with obtaining an electrical permit is excluded from this proposal.
- If a permit is required, CAD or DWG drawings will be required for Permit submission.

This proposal listed above is hereby accepted and Johnson Controls is authorized to proceed with the work; subject, however, to credit approval by Johnson Controls, Inc., Milwaukee, Wisconsin

Town of Palm Beach

Signature

Name:

Johnson Controls, Inc.



Signature

Mike Miller
Account Executive

TERMS AND CONDITIONS

By accepting this proposal, Purchaser agrees to be bound by the following terms and conditions:

- 1. SCOPE OF WORK.** This proposal is based upon the use of straight time labor only. Plastering, patching and painting are excluded. "In-line" duct and piping devices, including, but not limited to, valves, dampers, humidifiers, wells, taps, flow meters, orifices, etc., if required hereunder to be furnished by Johnson, shall be distributed and installed by others under Johnson's supervision but at no additional cost to Johnson. Purchaser agrees to provide Johnson with required field utilities (electricity, toilets, drinking water, project hoist, elevator service, etc.) without charge. Johnson agrees to keep the job site clean of debris arising out of its own operations. Purchaser shall not back charge Johnson for any costs or expenses without Johnson's written consent. Unless specifically noted in the statement of the scope of work or services undertaken by JCI under this agreement, JCI's obligations under this agreement expressly exclude any work or service of any nature associated or connected with the identification, abatement, clean up, control, removal, or disposal of environment Hazards or dangerous substances, to include but not be limited to asbestos or PCB's discovered in or on the premises. Any language or provision of the agreement elsewhere contained which may authorize or empower the Purchaser to change, modify, or alter the scope of work or services to be performed by JCI shall not operate to compel JCI to perform any work relating to Hazards without JCI's express written consent.
- 2. INVOICING & PAYMENTS.** Johnson may invoice Purchaser monthly for all materials delivered to the job site or to an offsite storage facility and for all work performed on-site and off-site. Ten percent (10%) of the contract price is for engineering, drafting and other mobilization costs incurred prior to installation. This 10% shall be included in Johnson's initial invoice. Purchaser agrees to pay Johnson the amount invoiced upon receipt of the invoice. Waivers of lien will be furnished upon request, as the work progresses, to the extent payments are received. If Johnson's invoice is not paid within 30 days of its issuance, it is delinquent.
- 3. MATERIALS.** If the materials or equipment included in this proposal become temporarily or permanently unavailable for reasons beyond the control and without the fault of Johnson, then in the case of permanent unavailability, the time for performance of the work shall be extended to the extent thereof, and in the case of permanent unavailability, Johnson shall (a) be excused from furnishing said materials or equipment, and (b) be reimbursed for the difference between the cost of the materials or equipment permanently unavailable and the cost of a reasonably available substitute therefor.
- 4. WARRANTY.** Johnson warrants that the equipment manufactured by it shall be free from defects in material and workmanship arising from normal usage for a period of ninety (90) days from delivery of said equipment, or if installed by Johnson, for a period of ninety (90) days from installation. Johnson warrants that for equipment furnished and/or installed but not manufactured by Johnson, Johnson will extend the same warranty terms and conditions which Johnson receives from the manufacturer of said equipment. For equipment installed by Johnson, if

Purchaser provides written notice to Johnson of any such defect within thirty (30) days after the appearance or discovery of such defect, Johnson shall, at its option, repair or replace the defective equipment and return said equipment to Purchaser. All transportation charges incurred in connection with the warranty for equipment not installed by Johnson shall be borne by Purchaser. These warranties do not extend to any equipment which has been repaired by others, abused altered or misused, or which has not been properly and reasonably maintained. THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THOSE OF MERCHANTABILITY AND FITNESS FOR A SPECIFIC PURPOSE.

5. **LIABILITY.** Johnson shall not be liable for any special, indirect or consequential damages arising in any manner from the equipment or material furnished or the work performed pursuant to this agreement.

6. **TAXES.** The price of this proposal does not include duties, sales, use, excise, or other similar taxes, unless required by federal, state or local law. Purchaser shall pay, in addition to the stated price, all taxes not legally required to be paid by Johnson or, alternatively, shall provide Johnson with acceptable tax exemption certificates. Johnson shall provide Purchaser with any tax payment certificate upon request and after completion and acceptance of the work.

7. **DELAYS.** Johnson shall not be liable for any delay in the performance of the work resulting from or attributed to acts or circumstances beyond Johnson's control, including, but not limited to, acts of God, fire, riots, labor disputes, conditions of the premises, acts or omissions of the Purchaser, Owner, or other Contractors or delays caused by suppliers or subcontractors of John, etc.

8. **COMPLIANCE WITH LAWS.** Johnson shall comply with all applicable federal state and local laws and regulations and shall obtain all temporary licenses and permits required for the prosecution of the work. Licenses and permits of a permanent nature shall be procured and paid for by the Purchaser.

9. **DISPUTES.** All disputes involving more than \$15,000 shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The prevailing party shall recover all legal costs and attorney's fees incurred as a result. Nothing here shall limit any rights under construction lien laws.

10. **ATTORNEYS' FEES.** Purchaser agrees that he will pay and reimburse Johnson for any and all reasonable attorneys' fees which are incurred by Johnson in the collection of amounts due and payable hereunder.

11. **INSURANCE.** Insurance coverage in excess of Johnson's standard limits will be furnished when requested and required. No credit will be given or premium paid by Johnson for insurance afforded by others.

12. **INDEMNITY.** The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the Indemnifying Party.

13. **OCCUPATIONAL SAFETY AND HEALTH.** The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act relating in any way to the project or project site.

14. **ENTIRE AGREEMENT.** This proposal, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings.

15. **CHANGES.** No change or modification of any of the terms and conditions stated herein shall be binding upon Johnson unless accepted by Johnson in writing.

RIDER TO ToPB Video Surveillance Expansion FY18 Terms & Conditions

For Inclusion in Professional Services Agreement ("Agreement") Between the Town of Palm Beach and Johnson Controls

*Items in **green text** below are corrections to the original Terms & Conditions above.

10. ATTORNEYS' FEES. Purchaser agrees that **it** will pay and reimburse Johnson for any and all reasonable attorneys' fees which are incurred by Johnson in the collection of amounts due and payable hereunder.

12. INDEMNITY. **Subject to the provisions and limitations of Florida Statute section 768.28.** The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the Indemnifying Party.

THIS RIDER IS THE LAST ARTICLE TO THE AGREEMENT AND IS EXECUTED ON THE DATES STATED BELOW. IN THE EVENT OF ANY CONFLICT BETWEEN THE PROVISIONS OF THIS RIDER AND ANY OTHER PROVISIONS OF THE AGREEMENT, THIS RIDER CONTROLS. THIS PARAGRAPH S IS STATED IN ALL CAPITAL LETTERS AND IS INITIALED AS CONFIRMATION OF THE PARTIES' UNDERSTANDING OF THE PRECEDENCE THIS RIDER TAKES OVER ANY OTHER PROVISIONS OF THE AGREEMENT.

Town of Palm Beach Initials
Date Initialed: _____

____M.M.____
Johnson Controls Initials
Date Initialed: __30 May 2018__

Town of Palm Beach

Johnson Controls, Inc.

Signature


Signature

Name:

Mike Miller
Account Executive

Date Signed: _____

Date Signed: 30 May 2018

***Johnson Controls International
Building Technology Integration
15901 SW 29th St., Suite 801
Miramar, FL 33027
C: 786.831-4570
E: Mike.E.Miller@jci.com***

Proposal

May 30, 2018

Captain Curtis Krauel
Town of Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480

PROJECT: ToPB Wireless Upgrades FY18

Quote Number: FY180052

Dear Captain Curtis Krauel,

Johnson Controls is an industry leader and continues to provide full service solutions for customers. Our project managers, technicians, and engineering staff are unsurpassed in the Building Technology Integration Industry, assuring you a professional level of design, coordination and execution. Johnson Controls factory trained service and support are moments away should you need assistance. Our proposal is to furnish and install wireless radio upgrades to the Town of Palm Beach in order to increase data throughput and reliability for the video surveillance.

The PMP-450i can help the Town of Palm Beach's video surveillance posture in three ways; improved performance, produce an 18% increase in data throughput, and reduce the interference by half.

The Town has experienced degraded quality on video surveillance feeds due to the long distances with obstructions and foliage. With the 3-5 dB power increase in transmit power and Cambium's new Dynamic Filtering, the links will double in power and increase data throughput when compared to the end of life PMP-450 radios.

In 2018, we are experiencing latency as we put more data on the network. With x3 more the processing power, the 450i Access Points can handle more Subscriber Modules; this benefits the Town by pushing more data across their wireless links to capture better quality video. Increasing the capacity of each Subscriber Module by 20 Mbps will add up; especially when each Access Points hold multiple Subscriber Modules, which increases the aggregate throughput.

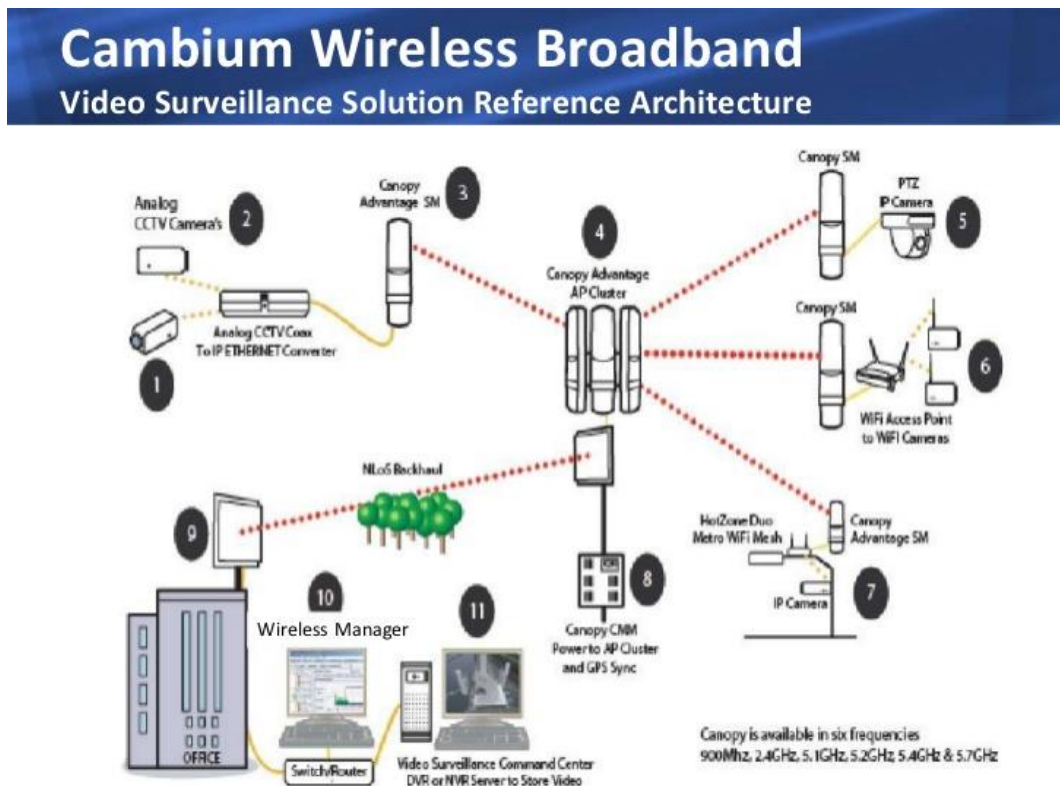
With the addition of new cameras, comes more data being pushed through the Town's network. The 450i offers more spectrum to be utilized which equates to more channels to use for the Town's Video Surveillance; now 4900 MHz to 5925 MHz whereas previously the older model was limited to 5470 MHz to 5875 MHz. This will ensure there are more clear pathways for the Town's security cameras to be captured with more clarity and less latency.

Pease feel free to contact me with any questions, comments, and/or concerns. Have a great day.

Sincerely,



Mike Miller, CISSP, PMP
South Florida Account Executive
Building Technology Integration



Prepared for:	Town of Palm Beach PD Attn: Captain Krauel	Date:	May 30, 2018
		Proposal by:	Mike Miller
Project:	ToPB Wireless Upgrades FY18	Engineer:	JCI
Location:	Town of Palm Beach, FL	Quote Validity:	60 Days

Scope of Work

JCI to furnish and install wireless radio upgrades to 5 locations within the Town of Palm Beach in order to improve and replace legacy depreciated wireless radio equipment at the locations of:

- **Town Hall**
 - X2 CON-RX-NLOS (5.8 GHz IP Receiver 40 MBs Non Line of Sight, Access Point) , (\$5,025*2) \$10,050
 - X5 CON-TX-NLOS-25 (New 5.8 GHz IP Transmitter 20 MBs Non Line of Sight), (\$1,188*5) \$5,940
 1. 100/200 Worth (Subscriber Module)
 2. Peruvian Parking (Subscriber Module)
 3. Linda Gary (Subscriber Module)
 4. County Road & Royal Park (Subscriber Module)
 5. Australian Parking (Subscriber Module)
 - CON-ACC-450i-ADPTR, (\$67*2) \$134
 - CON-PS-CMM-4810, (\$749*1) \$749
 - CON-450i-TLTBRKT, (\$85*5) \$425
 1. 100/200 Worth (SM Bracket)
 2. Peruvian Parking (SM Bracket)
 3. Linda Gary (Subscriber Module)
 4. County Road & Royal Park (SM Bracket)
 5. Australian Parking (SM Bracket)

Sub-Total Town Hall Price\$17,298

- **Breakers Hotel**
 - X2 CON-RX-NLOS (5.8 GHz IP Receiver 40 MBs Non Line of Sight, Access Point) , (\$5,025*2) \$10,050
 - X9 CON-TX-NLOS-25 (New 5.8 GHz IP Transmitter 20 MBs Non Line of Sight), (\$1,188*9) \$10,692
 1. Flagler Bridge West Bound (Subscriber Module)
 2. 200 Royal Poinciana (Subscriber Module)
 3. Bradley & Main (Subscriber Module)
 4. Main & County (Subscriber Module)
 5. Midtown Beach (Subscriber Module)
 6. Flag Pole (Subscriber Module)
 7. Royal Palm Westbound (Subscriber Module)
 8. Barclays Wealth (Subscriber Module)
 9. Bike Path (Subscriber Module)

- CON-ACC-450i-ADPTR, (\$67*2) \$134
- CON-PS-CMM-4805, (\$400*2) \$800
- CON-SW-LNP-0500-24, (\$583*2) \$1,116
- CON-450i-TLTBRKT, (\$85*9) \$765
 1. Flagler Bridge West Bound (SM Bracket)
 2. 200 Royal Poinciana (SM Bracket)
 3. Bradley & Main (SM Bracket)
 4. Main & County (SM Bracket)
 5. Midtown Beach (SM Bracket)
 6. Flag Pole (SM Bracket)
 7. Royal Palm Westbound (SM Bracket)
 8. Barclays Wealth (SM Bracket)
 9. Bike Path (SM Bracket)

Sub-Total Breakers Hotel Price\$23,557

- **Linda Gary**
 - X2 CON-RX-NLOS (5.8 GHz IP Receiver 40 MBs Non Line of Sight, Access Point) , (\$5,025*2) \$10,050
 - X1 CON-TX-NLOS-25 (New 5.8 GHz IP Transmitter 20 MBs Non Line of Sight), (\$1,188*1) \$1,188
 1. Worth & Hibiscus (Subscriber Module)
 - CON-ACC-450i-ADPTR, (\$67*2) \$134
 - CON-PS-CMM-4805, (\$400*1) \$400
 - CON-SW-LNP-0800-24, (\$916*1) \$916
 - CON-450i-TLTBRKT, (\$85*1) \$85
 1. Worth & Hibiscus (SM Bracket)

Sub-Total Linda Gary Price\$12,773

- **Barclays**
 - X1 CON-RX-NLOS (5.8 GHz IP Receiver 40 MBs Non Line of Sight, Access Point) , (\$5,025*1) \$5,025
 - X3 CON-TX-NLOS-25 (New 5.8 GHz IP Transmitter 20 MBs Non Line of Sight), (\$1,188*3) \$3,564
 1. Flagler Bridge Eastbound (Subscriber Module)
 2. Royal Palm Parking (Subscriber Module)
 3. Royal Park Base Bridge (Subscriber Module)
 - CON-ACC-450i-ADPTR, (\$67*1) \$67
 - CON-450i-TLTBRKT, (\$85*3) \$255
 1. Flagler Bridge Eastbound (SM Bracket)
 2. Royal Palm Parking (SM Bracket)
 3. Royal Park Base Bridge (SM Bracket)

Sub-Total Barclays Price\$8,911

- Harbor House

- X2 CON-RX-NLOS (5.8 GHz IP Receiver 40 MBs Non Line of Sight, Access Point) , (\$5,025*2) \$10,050
- X9 CON-TX-NLOS-25 (New 5.8 GHz IP Transmitter 20 MBs Non Line of Sight), (\$1,188*9) \$10,692
 - 1. Southern Blvd ALPR (Subscriber Module)
 - 2. Phipps Park South (Subscriber Module)
 - 3. Phipps Park North (Subscriber Module)
 - 4. Royal Palm Eastbound (Subscriber Module)
 - 5. Southern Parking East (Subscriber Module)
 - 6. Lake Worth Eastbound (Subscriber Module)
 - 7. Lake Worth Westbound (Subscriber Module)
 - 8. 3495 S Ocean (Subscriber Module)
 - 9. South Ocean/Lake Ave (Subscriber Module)
- CON-ACC-450i-ADPTR, (\$67*2) \$134
- CON-SW-LNP-0800-24, (\$916*1) \$916
- CON-450i-TLTBRKT, (\$85*9) \$765
 - 1. Southern Blvd ALPR (SM Bracket)
 - 2. Phipps Park South (SM Bracket)
 - 3. Phipps Park North (SM Bracket)
 - 4. Royal Palm Eastbound (SM Bracket)
 - 5. Southern Parking East (SM Bracket)
 - 6. Lake Worth Eastbound (SM Bracket)
 - 7. Lake Worth Westbound (SM Bracket)
 - 8. 3495 S Ocean (SM Bracket)
 - 9. South Ocean/Lake Ave (SM Bracket)

Sub-Total Harbor Price\$22,557

- X128 Hours of Telecom/Security Labor, (\$120 * 128) \$15,360
- X1 Misc. Hardware, Fasteners, Cables, High Lift, etc., \$4,345

Sub-Total Labor Price\$19,705

Total Net Price.....\$104,801

Additional Notes/Items

- One year parts & labor warranty is included in this proposal for all JCI installed equipment.
- Customer to provide access to all areas required to complete this project.
- Work to be completed during normal business hours M-F 8am –5pm not including holidays.
- Any labor or materials not specifically included in the “Scope of Work” section above.
- Unless otherwise stated, any and all overtime labor is excluded from this proposal.
- Permit fees, engineering fees, or any fee associated with obtaining an electrical permit is excluded from this proposal.
- If a permit is required, CAD or DWG drawings will be required for Permit submission.

This proposal listed above is hereby accepted and Johnson Controls is authorized to proceed with the work; subject, however, to credit approval by Johnson Controls, Inc., Milwaukee, Wisconsin

Town of Palm Beach

Signature

Name:

Johnson Controls, Inc.



Signature

Mike Miller
Account Executive

TERMS AND CONDITIONS

By accepting this proposal, Purchaser agrees to be bound by the following terms and conditions:

- 1. SCOPE OF WORK.** This proposal is based upon the use of straight time labor only. Plastering, patching and painting are excluded. "In-line" duct and piping devices, including, but not limited to, valves, dampers, humidifiers, wells, taps, flow meters, orifices, etc., if required hereunder to be furnished by Johnson, shall be distributed and installed by others under Johnson's supervision but at no additional cost to Johnson. Purchaser agrees to provide Johnson with required field utilities (electricity, toilets, drinking water, project hoist, elevator service, etc.) without charge. Johnson agrees to keep the job site clean of debris arising out of its own operations. Purchaser shall not back charge Johnson for any costs or expenses without Johnson's written consent. Unless specifically noted in the statement of the scope of work or services undertaken by JCI under this agreement, JCI's obligations under this agreement expressly exclude any work or service of any nature associated or connected with the identification, abatement, clean up, control, removal, or disposal of environment Hazards or dangerous substances, to include but not be limited to asbestos or PCB's discovered in or on the premises. Any language or provision of the agreement elsewhere contained which may authorize or empower the Purchaser to change, modify, or alter the scope of work or services to be performed by JCI shall not operate to compel JCI to perform any work relating to Hazards without JCI's express written consent.
- 2. INVOICING & PAYMENTS.** Johnson may invoice Purchaser monthly for all materials delivered to the job site or to an off site storage facility and for all work performed on-site and off-site. Ten percent (10%) of the contract price is for engineering, drafting and other mobilization costs incurred prior to installation. This 10% shall be included in Johnson's initial invoice. Purchaser agrees to pay Johnson the amount invoiced upon receipt of the invoice. Waivers of lien will be furnished upon request, as the work progresses, to the extent payments are received. If Johnson's invoice is not paid within 30 days of its issuance, it is delinquent.
- 3. MATERIALS.** If the materials or equipment included in this proposal become temporarily or permanently unavailable for reasons beyond the control and without the fault of Johnson, then in the case of permanent unavailability, the time for performance of the work shall be extended to the extent thereof, and in the case of permanent unavailability, Johnson shall (a) be excused from furnishing said materials or equipment, and (b) be reimbursed for the difference between the cost of the materials or equipment permanently unavailable and the cost of a reasonably available substitute therefor.
- 4. WARRANTY.** Johnson warrants that the equipment manufactured by it shall be free from defects in material and workmanship arising from normal usage for a period of ninety (90) days from delivery of said equipment, or if installed by Johnson, for a period of ninety (90) days from installation. Johnson warrants that for equipment furnished and/or installed but not manufactured by Johnson, Johnson will extend the same warranty terms and conditions which Johnson receives from the manufacturer of said equipment. For equipment installed by Johnson, if Purchaser provides written notice to Johnson of any such defect within thirty (30) days after the appearance or discovery of such defect, Johnson shall, at its option, repair or replace the defective equipment and return said equipment to Purchaser. All transportation charges incurred in connection with the warranty for equipment not installed by Johnson shall be borne by Purchaser. These warranties do not extend to any equipment which has been repaired by others, abused altered or misused, or which has not been properly and reasonably maintained. THESE

WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THOSE OF MERCHANTABILITY AND FITNESS FOR A SPECIFIC PURPOSE.

5. **LIABILITY.** Johnson shall not be liable for any special, indirect or consequential damages arising in any manner from the equipment or material furnished or the work performed pursuant to this agreement.

6. **TAXES.** The price of this proposal does not include duties, sales, use, excise, or other similar taxes, unless required by federal, state or local law. Purchaser shall pay, in addition to the stated price, all taxes not legally required to be paid by Johnson or, alternatively, shall provide Johnson with acceptable tax exemption certificates. Johnson shall provide Purchaser with any tax payment certificate upon request and after completion and acceptance of the work.

7. **DELAYS.** Johnson shall not be liable for any delay in the performance of the work resulting from or attributed to acts or circumstances beyond Johnson's control, including, but not limited to, acts of God, fire, riots, labor disputes, conditions of the premises, acts or omissions of the Purchaser, Owner, or other Contractors or delays caused by suppliers or subcontractors of John, etc.

8. **COMPLIANCE WITH LAWS.** Johnson shall comply with all applicable federal state and local laws and regulations and shall obtain all temporary licenses and permits required for the prosecution of the work. Licenses and permits of a permanent nature shall be procured and paid for by the Purchaser.

9. **DISPUTES.** All disputes involving more than \$15,000 shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The prevailing party shall recover all legal costs and attorney's fees incurred as a result. Nothing here shall limit any rights under construction lien laws.

10. **ATTORNEYS' FEES.** Purchaser agrees that he will pay and reimburse Johnson for any and all reasonable attorneys' fees which are incurred by Johnson in the collection of amounts due and payable hereunder.

11. **INSURANCE.** Insurance coverage in excess of Johnson's standard limits will be furnished when requested and required. No credit will be given or premium paid by Johnson for insurance afforded by others.

12. **INDEMNITY.** The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the Indemnifying Party.

13. **OCCUPATIONAL SAFETY AND HEALTH.** The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act relating in any way to the project or project site.

14. **ENTIRE AGREEMENT.** This proposal, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings.

15. **CHANGES.** No change or modification of any of the terms and conditions stated herein shall be binding upon Johnson unless accepted by Johnson in writing.

RIDER TO ToPB Wireless Upgrades FY18 Terms & Conditions

For Inclusion in Professional Services Agreement ("Agreement") Between the Town of Palm Beach and Johnson Controls

*Items in **green bold text** below are corrections to the original Terms & Conditions above.

10. ATTORNEYS' FEES. Purchaser agrees that **it** will pay and reimburse Johnson for any and all reasonable attorneys' fees which are incurred by Johnson in the collection of amounts due and payable hereunder.

12. INDEMNITY. **Subject to the provisions and limitations of Florida Statute section 768.28.** The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the Indemnifying Party.

THIS RIDER IS THE LAST ARTICLE TO THE AGREEMENT AND IS EXECUTED ON THE DATES STATED BELOW. IN THE EVENT OF ANY CONFLICT BETWEEN THE PROVISIONS OF THIS RIDER AND ANY OTHER PROVISIONS OF THE AGREEMENT, THIS RIDER CONTROLS. THIS PARAGRAPH S IS STATED IN ALL CAPITAL LETTERS AND IS INITIALED AS CONFIRMATION OF THE PARTIES' UNDERSTANDING OF THE PRECEDENCE THIS RIDER TAKES OVER ANY OTHER PROVISIONS OF THE AGREEMENT.

Town of Palm Beach Initials
Date Initialed: _____

____M.M.____
Johnson Controls Initials
Date Initialed: __30 May 2018__

Town of Palm Beach

Signature

Name:

Date Signed: _____

Johnson Controls, Inc.



Signature

Mike Miller
Account Executive

Date Signed: 30 May 2018

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 70-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the First Amendment to the Palm Beach County Radio Communications Interlocal Agreement and Authorizing the Mayor to Execute the Same on Behalf of the Town of Palm Beach.

Presenter

Ann-Marie Taylor, Acting Chief of Police

ATTACHMENTS:

- ▣ **Memorandum dated May 22, 2018, from Ann-Marie Taylor, Acting Chief of Police**
- ▣ **Resolution No. 70-2018**
- ▣ **Attachment A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Ann-Marie Taylor, Acting Chief of Police

From: Kirk W. Blouin, Director of Public Safety

Re: First Amendment to Palm Beach County Radio Communications
Interlocal Agreement
Resolution No. 70-2018

Date: May 22, 2018

STAFF RECOMMENDATION

Staff recommends Mayor and Town Council approve Resolution No. 70-2018, authorizing the execution of the First Amendment to the Palm Beach County Radio Communications Interlocal Agreement dated August 13, 2013.

GENERAL INFORMATION

As part of the Municipal Public Safety Communications Consortium (MPSCC) the Town participated in the interoperable radio system for many years. An interlocal agreement for radio communications was executed by the Town on August 13, 2013 with (3) three (5) year renewal options (Attached).

The agreement attached to Resolution No. 70-2018 is the first renewal option for 5 years and amends Interlocal Agreement (R2013-1013) dated August 13, 2013, as noted.

The specific provisions that have been modified are a change to the title of "System Administrator" to "Radio System Manager"; modifications/changes/deletions to Section 3.04 and Section 12 as indicated; the addition of Sections 19 through 23; and Attachment I has been updated and replaced.

In all other aspects, this agreement is identical to the previous agreement. This new agreement will be effective for five (5) years with (2) more five (5) year renewal options.

TOWN ATTORNEY REVIEW

The resolution and agreement have been reviewed and approved by the Town Attorney for legal form and sufficiency.

AMT/lsg
Attachments

RESOLUTION NO. 70-2018

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PALM BEACH, PALM BEACH COUNTY,
FLORIDA, APPROVING THE FIRST AMENDMENT TO
THE PALM BEACH COUNTY RADIO
COMMUNICATIONS INTERLOCAL AGREEMENT AND
AUTHORIZING THE MAYOR TO EXECUTE THE SAME
ON BEHALF OF THE TOWN.**

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

The First Amendment to the Palm Beach County Interoperable Radio Communications Interlocal Agreement, attached hereto and incorporated by reference as a part of this Resolution is hereby approved and the Mayor is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

**FIRST AMENDMENT
TO INTERLOCAL AGREEMENT**

THIS FIRST AMENDMENT to Agreement (R2013-1013) dated August 13, 2013, ("Agreement"), is made as of _____, by and between Palm Beach County, a political subdivision of the State of Florida, ("County") and Town of Palm Beach, a municipal corporation of the State of Florida ("Town").

In consideration of the mutual promises contained herein, the County and City agree as follows:

1. The term of the Agreement is renewed beginning on August 12, 2018, and continuing through August 12, 2023, pursuant to the exercise of the first renewal option for five (5) years.
2. All references in the Agreement to the System Administrator shall be deleted and replaced with Radio System Manager
3. Section 3.04 of the Agreement is deleted in its entirety and replaced with the following:

3.04 The County shall maintain the coverage within the Town's geographic boundaries as described in the County's contract with Motorola R2015-1673, dated 11/17/15, throughout the term of this Agreement except for times of scheduled preventive maintenance, where it will be required to disable portions of the network for a pre-determined length of time or during times of system failures. The Town shall be notified of scheduled preventive maintenance, pursuant to the policies and procedures referenced on Attachment I hereto.

4. Section 12 of the Agreement is deleted in its entirety and replaced with the following:

SECTION 12: NOTICES

Any notice given pursuant to the terms of this Agreement shall be in writing and be delivered by Certified Mail, Return Receipt Requested. The effective date of such notice shall be the date of receipt, as evidenced by the Return Receipt. All notices shall be addressed to the following:

As to the County:

County Administrator
301 North Olive Avenue
West Palm Beach, FL 33401

Director, Facilities Development & Operations
2633 Vista Parkway
West Palm Beach, FL 33411-5603

With a copy to:

Radio System Administrator
Palm Beach County Electronic Services & Security Division
2601 Vista Parkway
West Palm Beach, FL 33411-5610

County Attorney's Office
301 North Olive Avenue
West Palm Beach, FL 33401

As to the City:

Town Manager
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Town Communications Manager
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

5. The Agreement is hereby modified to add the following:

SECTION 19: NON-DISCRIMINATION

The Town warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information.

SECTION 20: ASSIGNMENT

The Town may not assign, mortgage, pledge, or encumber this Agreement in whole or in part, without prior written consent of County, which may be granted or withheld at the County's absolute discretion. This provision shall be construed to include a prohibition against an assignment, mortgage, pledge, encumbrance or sublease, by operation of law, legal process, receivership, bankruptcy, or otherwise, whether voluntary or involuntary.

SECTION 21: ANNUAL BUDGETARY FUNDING/CANCELLATION

This Agreement and all obligations of County hereunder requiring the expenditure of funds are subject to and contingent upon annual budgetary funding and appropriations by the Palm Beach County Board of County Commissioners.

SECTION 22: SEVERABILITY

If any term of the Agreement or the application thereof to any person or circumstance shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement, or the application of such term to persons or circumstances other than those as to which it was held invalid or unenforceable, shall not be affected thereby, and each term of the Agreement shall be valid and enforceable to the fullest extent permitted by law.

SECTION 23: WAIVER OF JURY TRIAL

The parties hereto waive trial by jury in connection with proceedings or counter claims, brought by either of the parties against each other, in connection with this Agreement.

6. Attachment I to the Agreement is hereby deleted in its entirety and is hereby replaced by Attachment I attached hereto and made a part hereof.

7. Except as modified by this First Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the City and County.

(This space intentionally left blank)

IN WITNESS WHEREOF, the parties have caused this First Amendment to be executed as of the day and year first above written.

ATTEST:

**SHARON R. BOCK
CLERK & COMPTROLLER**

**PALM BEACH COUNTY, a political subdivision of
the State of Florida**

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: _____
Assistant County Attorney

By: _____
Audrey Wolf, Director
Facilities Development & Operations

ATTEST:

**TOWN OF PALM BEACH, a municipal
corporation of the State of Florida**

By: _____
Kathleen Dominguez, Town Clerk

By: _____
Gail L. Coniglio, Mayor

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Town Attorney

Attachment I

PALM BEACH COUNTY
PUBLIC SAFETY RADIO SYSTEM
POLICIES AND PROCEDURES

Policy / Procedure Title

1. Countywide Use of 800 MHz System (O.P. # I-01)
2. Countywide Use of 800 MHz System Talk Groups (O.P. # I-04)
3. Monitoring and Evaluation of Public Safety Radio System Talk Groups (O.P. # I-05)
4. Emergency Medical Communications (O.P. # I-06)
5. Reporting of Problems and Modifications of the Public Safety Radio System (O.P. # I-07)
6. Countywide Use of Public Safety Radio System During Times of Catastrophic Failure which result in non-trunking "conventional" operation (O.P. # I-10)
7. System Maintenance and Administration Plan

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 71-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Awarding Bid No. 2018-27 to South Florida Tractor Service, Inc. for Renovation of Golf Course Tees, Approving Issuance of a Purchase Order in the Amount of \$47,250 and Establishing a Budget of \$50,000.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- ▣ **Memorandum Dated May 22, 2018 from Beth Zickar, Director of Recreation**
- ▣ **Resolution No. 71-2018 Golf Tee Renovation**
- ▣ **Bid 2018-27 Renovation of Golf Tees Bid Tabulation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Authorization to Renovate Golf Tees at the Par 3 Golf Course
Resolution No. 71-2018

Date: May 22, 2018

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 71-2018 authorizing the renovation of golf course tees at the Par 3 Golf Course and approving the issuance of a purchase order for \$47,250 and establishing a project budget of \$50,000. This item is included in the Recreation Department's CIP plan.

GENERAL INFORMATION

The golf course renovation was completed in 2009. Since this project was completed over 275,000 rounds of golf have played on the course. The increasing popularity of the Par 3 Golf Course has resulted in rounds of play expected to reach 37,000 in fiscal year 2018.

The tee boxes have become unlevel, over time, due to soil conditions, heavy usage and the maintenance practice of sanding divots. The result of these influences is uneven and the rounding of the playing surfaces.

The renovation of the tees will be conducted over a multi- year period, completing approximately ½ acre of tees each year. This is the second year of this project. This plan is being implemented to ensure minimal impact to the golf patrons.

FUNDING/FISCAL IMPACT

Funding for this project is contained within the Recreation Enterprise Fund's operating budget, with funding being authorized from the Golf Course Maintenance and Improvement Fund

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

cc: Jane La Clainche, Director of Finance
John C. Randolph, Town Attorney
Tony Chateauvert, Golf Manager
Tim Campbell, Golf Course Superintendent
Dean Mealy, Purchasing Manager

RESOLUTION NO. 71 - 2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 2018-27 TO SOUTH FLORIDA TRACTOR SERVICE, INC., FOR RENOVATION OF GOLF COURSE TEES, APPROVING ISSUANCE OF A PURCHASE ORDER IN THE AMOUNT OF \$47,250 AND ESTABLISHING A BUDGET OF \$50,000 AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

WHEREAS, The tees at the Par 3 Golf Course have become unlevel due to maintenance practices of sanding divots, which causes the rounding of the surfaces; and

WHEREAS, The Town Council of Palm Beach approved the expenditure of funds from the Golf Course Maintenance & Improvement Fund to correct this course concern; and

WHEREAS, South Florida Tractor Service., was found to be the lowest responsive bidder and meets all Town requirements; and

WHEREAS, the Town of Palm Beach wishes to award Bid No. 2018-27, for the renovation of golf tees at the Par 3 Golf Course to South Florida Tractor Service, Inc.

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

Section 1: The Town Council of the Town of Palm Beach hereby awards Bid No. 2018-27 and approves a purchase order to South Florida Tractor Service, Inc., in the amount of \$47,250 for the renovation of approximately .5 acres of golf tees at the Par 3 Golf Course and establishing a project budget of \$50,000.

Section 2: The Town Manager is hereby authorized to execute the purchase order on behalf of the Town.

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.

-

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominquez, Town Clerk



TOWN OF PALM BEACH
Bid No. 2018-27
RENOVATION OF GOLF TEES, TERM
CONTRACT

TABULATION

Vendor:		Address:		Telephone:		Email:		Contact:		SOUTH FLORIDA TRACTOR SERVICE, INC.		XGD SYSTEMS LLC dba TDI GOLF			
										3390 BLANCHETTE TRAIL		415 NW FLAGLER AVENUE, UNIT 302			
										LAKE WORTH, FL 33467		STUART, FL 34994			
										561-719-9896		772-286-3419			
										southfloridatractor@yahoo.com		admin@xgd.systems			
										William Cevaai		Michael Kalman			
Line	Description	Qty	Unit	Price per Sq Ft	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
	Renovate Golf Course Tees	27,000	Sq Ft	\$ 1.75	\$47,250.00	\$2.11	\$56,970.00								
	Total				Low responsive responsible bid										

Vendors that did not respond: South Florida Golf Renovations;
Quality Grassing; MacCurrach Golf Construction.

Bid opened March 13, 2018 at 2:00PM

Opened by: Eugene M. Bitteker

Witnessed by: Duke Basha



Vendor:

Address:

Telephone:

Fax:

Contact:

Line	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit
1	6	EA		\$ -		\$ -		\$ -		\$ -	
2	6	EA		\$ -		\$ -		\$ -		\$ -	
3	6	EA		\$ -		\$ -		\$ -		\$ -	
4	6	EA		\$ -		\$ -		\$ -		\$ -	
5	6	EA		\$ -		\$ -		\$ -		\$ -	
6	6	EA		\$ -		\$ -		\$ -		\$ -	
7	6	EA		\$ -		\$ -		\$ -		\$ -	
8	6	EA		\$ -		\$ -		\$ -		\$ -	
9	6	EA		\$ -		\$ -		\$ -		\$ -	
10	6	EA		\$ -		\$ -		\$ -		\$ -	
11	6	EA		\$ -		\$ -		\$ -		\$ -	
12	6	EA		\$ -		\$ -		\$ -		\$ -	
13	6	EA		\$ -		\$ -		\$ -		\$ -	
14	6	EA		\$ -		\$ -		\$ -		\$ -	
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17	6	EA		\$ -		\$ -		\$ -		\$ -	
18	6	EA		\$ -		\$ -		\$ -		\$ -	
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21	6	EA		\$ -		\$ -		\$ -		\$ -	
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31	6	EA		\$ -		\$ -		\$ -		\$ -	
32	6	EA		\$ -		\$ -		\$ -		\$ -	
33	6	EA		\$ -		\$ -		\$ -		\$ -	
TOTAL			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Bid Opened on Aug Opened by:

Witnessed by:



Vendor: _____
Address: _____
Telephone: _____
Fax: _____
Contact: _____

Line	Qty	Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
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4	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
5	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
6	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
7	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
8	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
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10	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
11	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
12	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
13	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
14	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
15	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
16	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
17	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
18	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
19	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
20	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
21	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
22	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
23	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
24	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
25	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
26	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
27	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
28	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
29	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
30	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
31	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
32	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
33	6	EA	\$ -		\$ -		\$ -		\$ -		\$ -
TOTAL			-	\$ -	-	\$ -	-	\$ -	-	\$ -	-

Bid Opened on Aug



Vendor:

Address:

Telephone:

Fax:

Contact:

Line	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	6	EA		\$ -		\$ -		\$ -
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5	6	EA		\$ -		\$ -		\$ -
6	6	EA		\$ -		\$ -		\$ -
7	6	EA		\$ -		\$ -		\$ -
8	6	EA		\$ -		\$ -		\$ -
9	6	EA		\$ -		\$ -		\$ -
10	6	EA		\$ -		\$ -		\$ -
11	6	EA		\$ -		\$ -		\$ -
12	6	EA		\$ -		\$ -		\$ -
13	6	EA		\$ -		\$ -		\$ -
14	6	EA		\$ -		\$ -		\$ -
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19	6	EA		\$ -		\$ -		\$ -
20	6	EA		\$ -		\$ -		\$ -
21	6	EA		\$ -		\$ -		\$ -
22	6	EA		\$ -		\$ -		\$ -
23	6	EA		\$ -		\$ -		\$ -
24	6	EA		\$ -		\$ -		\$ -
25	6	EA		\$ -		\$ -		\$ -
26	6	EA		\$ -		\$ -		\$ -
27	6	EA		\$ -		\$ -		\$ -
28	6	EA		\$ -		\$ -		\$ -
29	6	EA		\$ -		\$ -		\$ -
30	6	EA		\$ -		\$ -		\$ -
31	6	EA		\$ -		\$ -		\$ -
32	6	EA		\$ -		\$ -		\$ -
33	6	EA		\$ -		\$ -		\$ -
TOTAL			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Bid Opened on Aug

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 72-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager To Apply For and Execute the Grant Application to the U.S. Fish and Wildlife Service for the Boating Infrastructure Grant Program for the Construction Phase of the Town Dock on Behalf of the Town.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- ▣ **Memorandum Dated May 18, 2018 from Beth Zickar, Director of Recreation**
- ▣ **Resolution No. 72-2018 BIGP Grant**
- ▣ **Sample BIGP Application**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Authorization to Execute a Grant Application to the U.S. Fish and Wildlife Service
for the Boating Infrastructure Grant Program
Resolution No. 72-2018

Date: May 18, 2018

STAFF RECOMMENDATION

Staff recommends the approval of Resolution No. 72-2018, authorizing the Town Manager to apply for and administer a grant application to the U.S. Fish and Wildlife Service for the Boating Infrastructure Grant Program.

GENERAL INFORMATION

The U.S. Fish and Wildlife Service (USFWS) through the Boating Infrastructure Grant Program (BIGP) provides grant funds to the states to construct, renovate and maintain tie-up facilities with features for transient boaters in vessels 26 feet or more in length. Grant funds are competitively dispersed to states. In Florida, the agency which is designated to manage this program is the Florida Fish and Wildlife Conservation Commission.

The BIGP Tier 2 grant program encourages applicants to provide more than minimum required match of 25 percent of total project costs. In-kind services, materials and other contributions may be used to satisfy this requirement. The maximum Federal award under the BIG Tier 2 is 75% of the total allowable project cost, up to \$1.5 million. An application for \$1,500,000 is being submitted, with a \$1,501,000 match from the Town for the construction phase of the Town of Palm Beach Town Docks.

The Master Plan for the Town Docks was adopted by the Town Council on May 8, 2018. This plan included three dock configuration concept alternatives. Town Council voted to support alternative 3. This configuration is being utilized as the basis for the further development of the design. Requests for Proposals (RFPS) are currently being solicited for marine and coastal environmental consultant services and professional engineering services.

It is a requirement of this grant that all projects being submitted for consideration provide an adopted resolution which approves the submission of an application by the governing board of

the sponsoring agency.

FUNDING/FISCAL IMPACT

Sufficient funds are contained within the Dock Replacement Fund to cover this portion of the project.

TOWN ATTORNEY REVIEW

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

Attachments

c: John C. Randolph, Town Attorney
 Jay Boodheshwar, Deputy Town Manager
 H. Paul Brazil, Director of Public Works
 Jane Le Clainche, Director of Finance
 Mike Horn, Dockmaster

RESOLUTION NO. 72-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO APPLY FOR AND EXECUTE THE GRANT APPLICATION TO THE U.S. FISH AND WILDLIFE SERVICE FOR THE BOATING INFRASTRUCTURE GRANT PROGRAM FOR THE CONSTRUCTION PHASE OF THE TOWN DOCKS ON BEHALF OF THE TOWN.

WHEREAS, The United States Fish and Wildlife Service will be making available funding for a Boating Infrastructure Grant Program that could be utilized for the construction phase of the Town Docks; and

WHEREAS, The Town of Palm Beach is willing to enter into a 20-year agreement for the maintenance and operation of the project; and

WHEREAS, The Town of Palm Beach has contracted with JH Sprague Consulting, LLC. to prepare the BIGP grant application and represent the Town of Palm Beach at required meetings and submit required documentation to the agency under an existing contract with the Town.

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

Section 1. The above referenced recitals are hereby confirmed and made part of this resolution by reference.

Section 2. The Boating Infrastructure Grant Program Application, attached as an exhibit, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

Section 3. The Town Manager is hereby designated as the Project Manager and has the authority to apply for and administer the requested grant on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of Town Council of the Town of Palm Beach this 12th day of June 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



Boating Infrastructure Grant Program Grant Application

Fill in all sections that apply – leave all other sections blank

I – APPLICANT INFORMATION

Applicant:

Federal Employer Id. No.:

Project Manager Name:

Project Manager Title:

Mailing Address:

City:

Zip Code:

Shipping Address:

City:

Zip Code:

Telephone:

Fax:

Email:

PARTNERSHIPS

List partners involved in the project (Do not include the Fish and Wildlife Conservation Commission or USFWS):

1.

2.

3.

4.

5.

PROJECT SUMMARY

Type of Application: ☐ New (never before considered) ☐ Reconsideration ☐ Phased Continuation – Phase No.: _____

Grant Amount Requested: \$ _____

Total Project Cost: \$ _____

Provide a brief summary of the project:

PROJECT LOCATION				
Latitude (Degrees and decimal minutes, N ##° ##.###') N: _____ ° _____ '		Longitude (Degrees and decimal minutes, W -##° ##.###') W: - _____ ° _____ '		
Township: _____		Range: _____		Section: _____
Facility Name: _____				
County: _____		Water body: _____		
Facility Street Address or Location: _____				
Legislative Districts Numbers: U.S. House: _____ U.S. Senate: _____ State Senate: _____ State House: _____				

GENERAL FACILITY INFORMATION	
Upland Ownership: ☐ Public – Fee Simple ☐ Public – Lease Years Remaining on Lease _____	
Name of Owner: _____	
Open to General Public? ☐ Yes ☐ No	Tie-up/Overnight Moorage Fee: \$ _____
Name of nearest adjacent transient boating facilities, public and private:	
Name:	Distance:
1.	
2.	
3.	
4.	
5.	
Name of recreational, historical, cultural, and natural attractions near facility	
Name:	Distance:
1.	
2.	
3.	
4.	
5.	

FACILITY COMPONENTS AND USE – EXISTING CONDITIONS	
Type of Dock: _____	
Condition: ☐ Good ☐ Average ☐ Poor	
Length of Tie-up Dock or Moorage: _____ Ft. No. of Slips: _____	
Type: ☐ Slip ☐ Broadside	
Condition: ☐ Good ☐ Average ☐ Poor	
Facility Attributes: Pumpout or Dump Station: ☐ Yes ☐ No Restroom: ☐ Yes ☐ No	

PROJECT DESCRIPTION

Primary Need for Project:

☐ Safety

☐ Age-end of Useful Life

☐ High User Demand

☐ Lack of In-house Capability

☐ Recommended by FWC Staff

Need Statement:

What is the objective of the project:

Approach: describe the methods and techniques the project will use to address the need:

PROJECT DESCRIPTION

Results and Benefits: describe the expected results and benefits of the project:

Describe the economic impact the project will have on the community:

Will the project significantly or adversely affect the environment?

☐ Yes

☐ No

If Yes, please explain key issues and describe any mitigation actions proposed:

PROJECT ENGINEERING AND CONSTRUCTION

Who is or will be completing project design/engineering?

- ☐ Applicant's Staff
☐ Consulting Engineers
☐ Other: _____
☐ N/A (Materials/Equipment Purchase)

Level of completion at time of application:

- ☐ None
☐ Conceptual (Master Plan)
☐ Preliminary
☐ Final (Ready to Bid)
☐ Bid Out

Has a preliminary or final engineer's cost estimate been developed for this project at time of application?

- ☐ Yes ☐ No If yes, please attach a copy of detailed engineer's cost estimate to application.

PROJECT ENGINEERING AND CONSTRUCTION*See Procedure Guide for definitions. Check all that apply*

COMPONENT	REPLACEMENT	EXPANSION	NEW	ENGINEERING/ PLANNING
Recreational Channel Marking	☐	☐	☐	☐
Pumpout	☐	☐	☐	☐
Dump Station	☐	☐	☐	☐
Portable pumpout	☐	☐	☐	☐
Transient tie-up	☐	☐	☐	☐
Overnight moorage	☐	☐	☐	☐
Restroom	☐	☐	☐	☐
Access road	☐	☐	☐	☐
Paved parking	☐	☐	☐	☐
Non-paved parking	☐	☐	☐	☐
Curbs, signs, marking and lighting	☐	☐	☐	☐
Sewage hookup	☐	☐	☐	☐
Lift pump	☐	☐	☐	☐
Debris deflection boom	☐	☐	☐	☐
Piles	☐	☐	☐	☐
Dredging	☐	☐	☐	☐
Pumpout dock	☐	☐	☐	☐
Other:	☐	☐	☐	☐

PROPERTY VALUE

Size – Acreage:

Assessed Value: \$

Appraisal Completed: ☐ Yes ☐ No

Current Zoning:

PROJECT COST			
Budget Information – Construction Projects			
Cost Classification	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative & legal expenses	\$	\$	\$
2. Land, structures, rights-of-way appraisals, etc.	\$	\$	\$
3. Relocation expenses & payments	\$	\$	\$
4. Architectural & engineering fees	\$	\$	\$
5. Other architectural & engineering fees	\$	\$	\$
6. Project inspection fees	\$	\$	\$
7. Site work	\$	\$	\$
8. Demolition & removal	\$	\$	\$
9. Construction	\$	\$	\$
10. Equipment	\$	\$	\$
11. Miscellaneous	\$	\$	\$
12. SUBTOTAL (Sum of 1-11)	\$	\$	\$
13. Contingencies	\$	\$	\$
14. SUBTOTAL	\$	\$	\$
15. Project (program) income	\$	\$	\$
16. TOTAL PROJECT COSTS (Subtract 15 from 14)	\$	\$	\$
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter resulting Federal share Enter eligible costs from line 16c Multiply X ____ %	\$	\$	\$

PROJECT COST			
SOFT (NON CASH) FUNDS			
Cost Item	Applicant	Other**	TOTAL
Administration	\$	\$	\$
In-Kind Engineering	\$	\$	\$
In-Kind Labor	\$	\$	\$
In-Kind Materials	\$	\$	\$
In-Kind Equipment	\$	\$	\$
In-Kind Inspection	\$	\$	\$
Other:	\$	\$	\$
TOTAL SOFT FUNDS:	\$	\$	\$

HARD (CASH) FUNDS				
Cost Item	Applicant	Other**	BIG P Grant	TOTAL
Property Acquisition	\$	\$	\$	\$
Consultant Master Plan	\$	\$	\$	\$
Consultant Engineering	\$	\$	\$	\$
Consultant Inspection	\$	\$	\$	\$
Construction	\$	\$	\$	\$
Other:	\$	\$	\$	\$
TOTAL HARD FUNDS:	\$	\$	\$	\$

GRAND TOTAL	\$	\$	\$	\$
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**Source of Other Funds:			
☐ Federal	☐ State/Local	☐ Loan	
Agency Name:			
Grant Name (if applicable):			
Approval Status:	☐ Approved	☐ Pending	☐ Intend to Apply, Date: ____

**Source of Other Funds:			
☐ Federal	☐ State/Local	☐ Loan	
Agency Name:			
Grant Name (if applicable):			
Approval Status:	☐ Approved	☐ Pending	☐ Intend to Apply, Date: ____

**Source of Other Funds:			
☐ Federal	☐ State/Local	☐ Loan	
Agency Name:			
Grant Name (if applicable):			
Approval Status:	☐ Approved	☐ Pending	☐ Intend to Apply, Date: ____

PROJECT PERMITTING			
<i>Construction Projects Only</i>			
Has an application been submitted to:	No	Yes (submit copy)	Approved (submit proof)
Florida Department of Environmental Protection?	☐	☐	☐
U.S. Army Corps of Engineers?	☐	☐	☐
Local and Others (If needed)?	☐	☐	☐

REQUIRED APPLICATION ATTACHMENTS AND DOCUMENTATION

Please check all boxes that are applicable.

☐	An adopted resolution, by the Governing Body authorizing that a designated representative has the authority to apply for and administer the grant on behalf of the applicant, and stating that the Governing Body is willing to enter into a 20-year agreement for the maintenance and operation of the project.
☐	Boundary map of the project area. The map must provide a description and sketch of the project area boundaries, displaying known easements, and be legally sufficient to identify the project area.
☐	Site control documentation (e.g. deed, lease, title search, etc.) for the project site.
☐	Existing condition photographs sufficient to depict the physical characteristics of project site.
☐	Aerial photographs marked with approximate boundaries of project site.
☐	*An 8.5" X 11" photocopy (project site vicinity only) of a current NOAA North American Datum 83 nautical chart (provide the NOAA chart name and number) indicating the precise location of project site.
☐	Photocopies of necessary project permits or applications
☐	Engineering Cost Estimate (if completed)
☐	Preliminary Design/Engineering Plans (if completed)
☐	Application transmittal cover letter (Identify priority rank if multiple applications submitted)
☐	One (1) original application (original signature required)
☐	Three (3) copies of application (unbound, secured with binder clip in upper left-hand corner)
☐	Projective narrative according to Federal Aid Grant Proposal Guidelines
☐	CD – Copy of all the above scanned and saved to a CD.

APPLICANT ACKNOWLEDGEMENT AND SIGNATURE

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority, including the necessary property interests, to undertake the proposed activities.

I also certify that the Applicant's Governing Body is aware of and has authorized the person identified as the official representative of the Applicant to act in connection with this application and subsequent project as well as to provide additional information as may be required. By signature below, the Applicant agrees to comply with all applicable federal, state, and local laws in conjunction with this proposal and resulting project so approved.

Print/Type Name

Title

Applicant Signature

Date

WARNING: "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083." § 837.06, Florida Statutes.

Note: Instruction and further information regarding this application and the Boating Infrastructure Grant Program may be found in the Boating Infrastructure Grant Program Guidelines or contact the Program Administrator, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600, telephone: 850-488-5600.

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 73-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Awarding RFP No. 2018-17 For the Provision of WiFi Services And Related Infrastructure And Equipment For The Town Docks to Beacon WiFi Technologies, LLC, Approving a Purchase Order for Installation in the Amount of \$37,735 and Establishing a Project Budget of \$41,500 and Internet Service Subject to Future Budget Approval and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Presenter

Beth Zickar, Director of Recreation

ATTACHMENTS:

- ▣ **Memorandum Dated May 29, 2018 from Beth Zickar, Director of Recreation**
- ▣ **Resolution 73-2018 Provision for WiFi Internet Services For Town Docks**
- ▣ **Agreement between Town of Palm Beach and Beacon WiFi Technologies, LLC**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Beth Zickar, Director of Recreation

Re: Authorization to Execute an Agreement and Approval of Purchase Order with Beacon WiFi Technologies for the Installation of and Provision of Internet Services
Resolution No. 73-2018

Date: May 29, 2018

STAFF RECOMMENDATION

Staff recommends the Town Council approve the award of RFP No. 2018-17 WiFi Services at the Town Docks to Beacon WiFi Technologies, LLC and approve a purchase order for installation in the amount of \$37,735 and establishing a project budget of \$41,500 and internet service, subject to future budget approval.

GENERAL INFORMATION

The fiscal year 2018 budget contains funding for the upgrade of the Wifi system at the Town Docks. The specifications for this project included information regarding the potential for a redesign of the docks. Vendors were instructed that the equipment and installation being proposed must be adaptable to the final construction plans, when developed. Staff prepared the RFP and advertised the same on January 28, 2018 and February 4, 2018. The submittal deadline was March 2, 2018. A Selection Committee was created consisting of Patricia Strayer, P.E., Town Engineer, Mike Horn, Dock Master, Charles Kapachinski, IT Manager and Amy Wood, Assistant Director of Finance. Advisors and Facilitators, which were non-voting members, of this committee included Duke Basha, Assistant Purchasing Manager, Beth Zickar, Director of Recreation and John Cmar, Purchasing Coordinator. The Selection Committee met on March 23, 2018, to review the submittals and conduct rankings. The Selection Committee ranked the firm Beacon WiFi Technologies LLC as the highest based on their submittal, in response to the RFP.

Negotiations with Beacon WiFi Technologies LLC, were conducted on May 10, 2018. Present at this meeting was Dean Mealy, Purchasing Manager, Duke Basha, Assistant Purchasing Manager, Mike Horn, Dockmaster and Beth Zickar, Recreation Director. These discussions resulted in a savings of \$2,250 on the installation and \$50 a month on the service fee for the term of the agreement.

FUNDING/FISCAL IMPACT

Funding for this project is contained within the 2018 fiscal year budget. Monthly fees, moving forward, will be contained within the budget for Other Contracted Services. Dock patrons absorb the cost of this service through the Utility Fee each vessel is assessed with their dockage charges.

The reuse of anywhere from 25% to 50% of the equipment installed from this project for the docks renovation project is a possibility, depending upon the timeline for construction for the new docks.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department.

cc: Jay Boodheshwar, Deputy Town Manager
Jane La Clainche, Finance Director
Dean Mealy, Purchasing Manager
Mike Horn, Dockmaster

RESOLUTION NO. 73 - 2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFP NO. 2018-17 FOR THE PROVISION OF WIFI SERVICES AND RELATED INFRASTRUCTURE AND EQUIPMENT FOR THE TOWN DOCKS TO BEACON WIFI TECHNOLOGIES, LLC, APPROVING A PURCHASE ORDER FOR INSTALLATION IN THE AMOUNT OF \$37,735 AND ESTABLISHING A PROJECT BUDGET OF \$41,500 AND INTERNET SERVICE SUBJECT TO FUTURE BUDGET APPROVAL AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

WHEREAS, The existing wifi solution at the Town Docks is insufficient to meet the needs of the patrons which utilize the services at this; and

WHEREAS, The Town Council of Palm Beach approved the expenditure of funds within the approved budget for fiscal year 2018 to correct this deficiency; and

WHEREAS, Beacon WiFi Technologies, LLC., was ranked the most favorably by the Selection Committee and received all positive references; and

WHEREAS, the Town of Palm Beach wishes to award RFP No. 2018-17 wifi services for the Town Docks to Beacon WiFi Technologies, LLC.

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

Section 1: The Town Council of the Town of Palm Beach hereby awards RFP No. 2018-17 and approves a purchase order to Beacon WiFi Technologies, LLC, in the amount of \$37,735 for the installation of a wifi solution at the Town Docks, establishing a project budget of \$41,500 and providing for internet service, subject to future budget approval.

Section 2: The Town Manager is hereby authorized to execute the purchase order on behalf of the Town.

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.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominquez, Town Clerk

A G R E E M E N T

Between

TOWN OF PALM BEACH

and

BEACON WiFi Technologies, LLC

for

This is an Agreement between the TOWN OF PALM BEACH, a municipal corporation of the State of Florida (hereinafter the "TOWN"), through its TOWN Council;

AND

BEACON WiFi Technologies, LLC successors and assigns, (hereinafter "CONTRACTOR"). This agreement is dated _____, 20____.

W I T N E S S E T H, in consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, TOWN and CONTRACTOR, agree as follows:

ARTICLE I

SCOPE OF SERVICES

CONTRACTOR agrees to provide all materials and services necessary to provide a secure wireless internet access network as required in Town of Palm Beach, Bid/RFP No. 2018 -17 attached hereto as Exhibit "A" and by this reference made a part hereof.

ARTICLE II

TERM

The term of this Agreement shall be for one (1) year beginning July 1, 2018 and ending June 30, 2019. At the end of the one (1) year period, this Agreement may be extended for up to four (4) additional twelve (12) month periods upon mutual consent.

ARTICLE III

COMPENSATION AND METHOD OF PAYMENT

The sole compensation to be paid to the CONTRACTOR by the TOWN for the wifi set up services shall be \$37,735. CONTRACTOR shall secure a 1 GBPS Internet Service from a local provider and provide same day repair service and online and telephone support, rendered hereunder shall be approximately \$849 per month. Payments shall be made by the TOWN on a monthly basis upon receipt of a proper invoice from CONTRACTOR based on each month of completed services. One twelfth of the amount due shall be paid within 30 days of receipt of a proper invoice. Payment for project services shall be based on actual amounts incurred monthly and shall be paid on the same schedule as routine services.

ARTICLE IV

CONTRACTOR RESPONSIBILITIES

CONTRACTOR shall provide all materials and perform the services required to install and provide a secure wireless internet network for Bid/RFP No. 2018-17. The extent of the services to be rendered and frequency of performance are as stated in these specifications. CONTRACTOR shall provide competent labor as required to perform these services. CONTRACTOR shall respond to correct any deficiencies in performance of the services as identified by the TOWN Contract Coordinator. Deficiencies shall be corrected within forty eight (48) hours unless the TOWN Contract Coordinator allows additional time based on the complexity of the corrective action. All terms and conditions of RFP No. 2018-17 shall be apply during the full term of this contract.

ARTICLE V

MODIFICATION OF CONTRACT TERMS

The terms of this contract may be modified by mutual consent to increase or decrease the scope of work, adjust prices in subsequent contract periods, or for such other purposes as shall become necessary during the conduct of the contract period. Such amendments shall be accomplished in writing as an addendum to the Contract.

ARTICLE VI

MISCELLANEOUS

6.1 TERMINATION

This Agreement may be terminated by either party for cause, or by TOWN for

convenience, upon thirty (30) days written notice from the terminating party to other party. In the event of such termination, CONTRACTOR shall be paid its compensation for services performed to termination date. In the event that CONTRACTOR abandons this Agreement or causes it to be terminated by TOWN, CONTRACTOR shall indemnify TOWN against any loss pertaining to this termination.

For purposes of this Agreement, termination by TOWN for cause includes, but is not limited to, the following:

1. CONTRACTOR'S failure to keep, perform and observe each and every provision of this Agreement and such failure continues for a period of more than seven (7) days after delivery to CONTRACTOR of a written notice of such breach or default; or
2. CONTRACTOR'S abandonment of the work for a period of seven (7) days or more during the course of a year. Such days need not be consecutive.
3. Any material misrepresentation, written or oral, made by the CONTRACTOR to the TOWN;
4. Failure by the CONTRACTOR to timely perform and/or observe any or all of the covenants, rules, regulations, guidelines or terms and conditions of this Agreement; and/or
5. Insolvency, bankruptcy, and/or suggestion of bankruptcy on the part of the CONTRACTOR or the assignment of assets for the benefit of creditors by the CONTRACTOR.

CONTRACTOR recognizes and agrees that in the event of the termination or expiration of this Agreement, it will be necessary to assist the TOWN and/or a selected successor to CONTRACTOR with an orderly transition of work. CONTRACTOR shall be paid in accordance with Article III for all services rendered through the date of termination. All TOWN tools, materials, and supplies provided to CONTRACTOR during the course of the work shall be returned in good condition (except for normal wear and tear) upon termination.

6.2 EQUAL OPPORTUNITY EMPLOYMENT

CONTRACTOR agrees that it will not discriminate against any employee or applicant for employment for work under this Agreement because of race, color, religion, sex, age, national origin, disability and will take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, color, religion, sex, age, national origin or disability. This provision shall include, but not be limited to, the following: employment upgrading, demotion or transfer; recruitment advertising, layoff or

termination; rates of pay or other forms of compensation; and selection for training, including apprenticeships.

6.3 ASSIGNMENT

This Agreement, or any interest herein, shall not be assigned, transferred or otherwise encumbered by CONTRACTOR, under any circumstances, without the prior written consent of TOWN.

6.4 INDEMNIFICATION OF TOWN

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

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

6.5 **INSURANCE**

The CONTRACTOR shall provide at its own cost and expense during the life of the contract, the following insurance coverages to the Town of Palm Beach (30) thirty business days prior to the commencement of any work. All service providers including any independent contractors and subcontractors utilized must comply with these requirements. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The insurance shall be evidenced by certificates and/or policies including premiums as determined by the Town of Palm Beach. It shall be an affirmative obligation upon the Service Provider to advise the Town's Risk Manager at fax no. 561-838-5497, e-mail risk@townofpalmbeach.com, 360 S. County Road, Palm Beach, FL 33480 within 24 hours or the next business day of cancellation, non-renewal or modification of any stipulated insurance and failure to do so shall be construed to be a breach of this Agreement/contract. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular service or change in service provided by the Service Provider.

If the CONTRACTOR maintains higher limits than the minimums shown below, the Town requires and shall be entitled to coverage for the higher limits maintained by the service provider.

Comprehensive General Liability Insurance coverage with limits of liability not less than \$1,000,000 Each Occurrence/\$2,000,000 Aggregate. The Certificate of Insurance shall indicate an Occurrence Basis. The Town of Palm Beach shall be endorsed as an additional insured under the General Liability coverage. The Service Provider's General Liability coverage shall be primary and non-contributory.

Professional Liability (Errors & Omissions) - must maintain professional liability or equivalent errors & omissions liability with limit of not less than \$1,000,000 per occurrence. For policies written on a claims made basis, service provider shall maintain a retroactive date prior to or equal to the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an occurrence form or there is a change in retroactive date, service provider must purchase an extended reporting period rider during the life of this contract of not less than 3 years. Coverage is to apply on a primary basis.

Business Auto Liability coverage for any auto (all owned, hired, and non-owned autos) with limits not less than \$1,000,000 each occurrence combined single limit each accident. In the event service provider does not own any autos, the Town will accept proof of Hired and Non-Owned Auto Liability. For personally owned vehicles, the Town requires limits not less than \$300,000 each occurrence combined single limit.

For policies written on a Claims-made basis, service provider shall maintain a

retroactive date prior to or equal to the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an occurrence form or there is a change in retroactive date, or any other event triggering the right to purchase a Supplemental Extended Reporting Period (SERP) during the life of this contract, the service provider shall agree to purchase a SERP with a minimum reporting period of not less than three (3) years. Coverage is to apply on a primary basis.

Workers' Compensation coverage with statutory limits pursuant to Florida State Statute 440 or an exemption letter from the State. Should the scope of work performed by contractor qualify its employee for benefits under federal workers compensation statute (example, U.S. Longshore & Harbor Workers Act or Merchant Marine act), proof of appropriate federal act coverage must be provided. A waiver of subrogation must be provided.

Employers Liability coverage with limits not less than \$100,000 for each accident, \$100,000 disease (each employee) and \$500,000 disease (policy limit).

In the event that claims in excess of the insured amounts provided herein are filed by reason of any operations under the contract, the amount excess of such claims or any portion thereof may be withheld from any payment due or to become due the Service Provider until such time the Service Provider shall furnish such additional security covering such claims as may be determined by the Town of Palm Beach.

Umbrella or Excess Liability is required up to the minimum limit of liability if the limits of liability shown on the Certificate of Insurance under General Liability do not meet the minimum limit of liability as required.

All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy.

6.6 PERFORMANCE OF WORK BY CONTRACTOR/SUBCONTRACTORS

6.6.1 It is expressly agreed that CONTRACTOR is and shall be in the performance of all work, services and activities under this Agreement, an independent contractor and not an employee, agent, or servant of the TOWN. All persons engaged in any work, service or activity performed pursuant to this Agreement shall at all times and in all places be subject to CONTRACTOR'S sole direction, supervision and control. CONTRACTOR shall exercise control over the means and manner in which it and its

employees perform and work, and in all manner in which it and its employees perform the work, and in all CONTRACTOR'S relationship and the relationship of its employees to the TOWN, shall be that of an independent contractor and not as employees or agents of the TOWN.

6.6.2 In the event CONTRACTOR, during the term of this Agreement, requires the services of any subcontractors or other professional associates, in connection with services covered under this Agreement, CONTRACTOR must secure the prior written approval of TOWN'S Purchasing Agent. Any subcontractor authorized to perform under this Agreement shall be required to possess the same insurance coverage as enumerated in Paragraph 6.5 herein.

6.7 LAWS AND REGULATIONS

It is further understood by the parties that CONTRACTOR will, in carrying out the duties and responsibilities under this Agreement, abide by all federal, state and local laws.

6.8 CONTRACT COORDINATOR

The TOWN'S Contractor Coordinator during the performance of services pursuant to this Agreement shall be Beth Zickar, Recreation Director.

6.9 NO CONTINGENT FEE

CONTRACTOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for CONTRACTOR, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for CONTRACTOR, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award or making of this Agreement.

6.10 GOVERNING LAW AND VENUE

This agreement shall be governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement will be held in Palm Beach County, and the Agreement will be interpreted according to the laws of Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other of further exercise thereof.

6.11 ATTORNEY'S FEES

In any action brought by either party for the enforcement of the obligations of the other party, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.

6.12 AUTHORITY TO ENGAGE IN BUSINESS

CONTRACTOR hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct its business, and that it will at all times conduct its business activities in a reputable manner. Proof of such licenses and approvals shall be submitted to the TOWN'S representative upon request.

6.13 ALL PRIOR AGREEMENTS SUPERSEDED

This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein; and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements whether oral or written. It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document.

6.14 NOTICES

Whenever either party desires to give notice unto the other, such notice must be in writing, sent by certified United States mail, return receipt requested, addressed to the party for whom it is intended at the place last specified; and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice:

FOR TOWN OF PALM BEACH:

PURCHASING MANAGER
TOWN OF PALM BEACH
951 Old Okeechobee Road, Suit "D"
West Palm Beach, FL 33401

FOR CONTRACTOR:

BEACON WiFi Technologies, LLC.
ATTN: Russ Schmidt
5 River Road, # 249
Wilton, CT 06897

IN WITNESS WHEREOF, the parties hereto have set their hands and official seals this ____ th day of _____, 2018.

(Seal)

TOWN OF PALM BEACH
A Municipal Corporation of the
State of Florida.

ATTEST:

Town Clerk

Kirk Blouin, Town Manager

ENDORSED AS TO FORM
AND SUFFICIENCY:

John Randolph
Town Attorney

CONTRACTOR

WITNESSES:

By: _____

Print Name and Title

(Corporate Seal)

SWORN TO and SUBSCRIBED before me this ____ day of _____, 20____.

Signature: _____
Notary Public - State of Florida

(Notary Seal)

Printed Name

Commission No. _____
Commission Expires: _____

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 74-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Approving the Selection Committee Recommendation for RFP 2018-29 Catering Service Post Emergency to Award a Contract to Professional Concessions Inc., and Authorizing the Town Manager to Execute the Agreement on Behalf of the Town, and Approve an Annual Budget of \$33,500 for Fiscal Year 2018 And a Five Year Proposed Agreement thereafter.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018, from Danielle Olson, Director of Human Resources**
- ▣ **Final Ranking**
- ▣ **Resolution No. 74-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Danielle Olson, Director of Human Resources

RE: Approval of Selection Committee recommendation of award for RFP 2018-29 Catering Service Post Emergency to Professional Concessions Inc. and approve a budget of \$30,000 for these services, and a five year budget of \$150,000, subject to annual Town Council review and authorization.

DATE: June 1, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 74-2018 approving the Selection Committee recommendation of award for RFP 2018-29 Catering Service Post Emergency to Professional Concessions Inc., and approve a budget of \$30,000 for these services, and a five year proposed budget of \$150,000, subject to annual Town Council review and authorization.

GENERAL INFORMATION

As part of emergency recovery efforts by Town staff, the Emergency Planning Team provides meals to those working extended workdays via contracted food service versus dedicating staff resources to procure and prepare meals as provided in the past. Providing meal service during post-storm recovery efforts allows for ample break time, in a convenient manner, with quick return of staff to Town recovery efforts. This process is a recognized best practice in the recovery efforts to any natural disaster of emergency condition.

FUNDING/FISCAL IMPACT

Based on historical use of these services a budget of \$30,000 per fiscal year has been established allocated to the Emergency Planning fund. This expense depends on State of Emergency activation by the Town and duration of post-storm meal service. It should be noted that the Town can reasonably expect to receive partial reimbursement of this expense from FEMA if an emergency is declared.

PURCHASING REVIEW

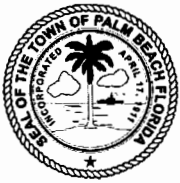
This item has been reviewed by the Purchasing Division and approved as recommended.

TOWN ATTORNEY REVIEW

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

Attachments

cc: John C. Randolph, Town Attorney
Darrel Donatto, Fire Rescue Chief
Dean Mealy, Purchasing Manager

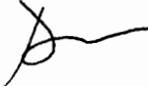


TOWN OF PALM BEACH

MEMORANDUM

DATE: May 22, 2018

TO: Danielle Olson, Human Resources Director

FROM: Dean Mealy, Purchasing Manager 

SUBJECT: Final Ranking – RFP No. 2018-29 – Catering Service Post Emergency

The Town received proposals from four (4) respondents. On May 22, 2018, the Selection Committee met to consider the submittals. All members of the committee listed below were present except for Eugene Bitteker (Non-Voting):

Selection Committee Members -

Danielle Olson – Human Resources Director
Kendall Reyes – Police Department/Fire Rescue
Gwen Peirce – Town Managers Office
Beth Zickar – Recreation Director
Sean Baker – Fire Rescue

Advisors and Facilitators (Non-Voting) -

Duke Basha – Assistant Purchasing Agent (Non-Voting)
Eugene M. Bitteker – Buyer (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the four (4) companies, the Selection Committee arrived at a final ranking as follows:

1. Professional Concessions, Inc.
2. South Florida Carefree Catering
3. Arthur's Catering, Inc.
4. Vizcarra Hospitality, LLC

It is the recommendation of the Selection Committee to award a contract to Professional Concessions, Inc., for RFP No. 2018-29 – Catering Service Post Emergency.

Cc: File: RFP No. 2018-29
John Randolph, Town Attorney
Selection Committee Members

RESOLUTION NO. 74-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE SELECTION COMMITTEE RECOMMENDATION OF AWARD FOR RFP 2018-29 CATERING SERVICE POST EMERGENCY TO PROFESSIONAL CONCESSIONS INC., AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN AND APPROVE A BUDGET OF \$30,000 FOR FISCAL YEAR 2018 AND A FIVE YEAR PROPOSED BUDGET OF \$150,000 SUBJECT TO ANNUAL TOWN COUNCIL REVIEW AND AUTHORIZATION.

WHEREAS, the Town issued RFP 2018-29 for Catering Service Post Emergency; and

WHEREAS, the Town received four proposals to provide Catering Service Post Emergency which were ranked by the Selection Committee; and

WHEREAS, the proposal from Professional Concessions Inc. is recommended by the selection committee as best meeting the requirements of the Town.

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

Section 1. The Town Council hereby approves the Selection Committee recommendation of award for RFP 2018--29 for Catering Service Post Emergency to Professional Concessions Inc. as outlined in the proposal to provide food service to employees providing post-storm emergency work.

Section 2. The Town Manager is hereby authorized to execute the agreement to purchase on behalf of the Town of Palm Beach.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate this agreement.

Section 4. The agreement with Professional Concessions Inc. shall not encumber funds exceeding Town Council budget approval for the Emergency Planning account 001.40.417.526.30.49.07, and a five year proposed requirement of \$150,000 subject to annual Town Council review and authorization.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 78-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into a Contract Renewal with Rostan Solutions, for Debris Monitoring Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 30, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 78-2018**
- ▣ **Rostan Solutions - 2nd Renewal Letter**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Contract Renewal for Debris Monitoring Services RFP No. 2016-05
Resolution No. 78-2018

DATE: May 30, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 78-2018 to re-ratify the contract award for RFP No. 2016-05, and approve a debris monitoring services contract renewal to Rostan Solutions.

GENERAL INFORMATION

The current debris monitoring services contract is expiring on July 5, 2018 with Rostan Solutions. A renewal letter was sent and received back by the Purchasing Department, signed by the representative acknowledging the desire to renew the contract per the terms and conditions to include a CPI increase.

Entering into a contract with this contractor does not obligate the Town to authorize any work with the contractor, since the contract is based on “standby” requirements to be used in the event of a natural disaster or emergency declaration as needed.

FUNDING/FISCAL IMPACT

Fiscal impact is unknown and is dependent on the magnitude of the disaster or emergency circumstances. Funding for any tasks issued under these contracts would be the subject of a future Town Council approval. If no tasks are issued, then no monies would be expended.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Chester Purves, Services Division Manager

RESOLUTION NO. 78-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT RENEWAL WITH ROSTAN SOLUTIONS, FOR DEBRIS MONITORING SERVICES, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, the Town Council of the Town of Palm Beach wishes to be prepared and in a state of readiness should it become necessary due to environmental circumstances to engage in large scale debris management specific to debris monitoring services; and

WHEREAS, in order to accomplish this state of readiness, the Town Council acknowledges that having a contract with a qualified contractor will enhance the Town's ability to respond to such circumstances.

WHEREAS, a contract was awarded on July 5, 2016, to Rostan Solutions to provide debris monitoring services to the Town of Palm Beach, a copy of which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, that contract allows for four (4) twelve (12) month extensions; and

WHEREAS, vendor has agreed to a one (1) year extension of the terms and conditions of said contract, which is on file with the Purchasing Division of the Town of Palm Beach; and

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

Section 1. The foregoing contract is hereby renewed for a one (1) year period commencing July 6, 2018 and ending July 5, 2019.

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

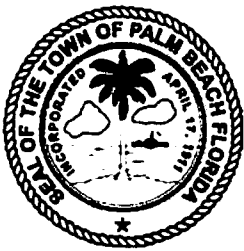
Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



TOWN OF PALM BEACH

PURCHASING DIVISION

April 18, 2018

Rostan Solutions, LLC
Attn: Sam Rosania
3433 Lithia Pinecrest Rd., Suite 287
Valrico, FL 33596
srosania@rostan.com

Subject: RFP No. 2016-05 – Disaster Debris Monitoring Services
Year 3 of Contract – 2nd Renewal
RFP 2016-05A

Dear Mr. Rosania:

As specified in the referenced bid document, we have an option to renew the existing contract for another one year period if it is mutually agreeable to all parties.

Our current contract expires on **July 5, 2018**. Please advise by signature below, if a one-year extension of our current contract at same terms, conditions, specifications and pricing stated in your submittal to RFP 2016-05 would be acceptable.

Please, complete and return this form to the Purchasing Division by no later than **2:00 PM on April 20, 2018**. Your response may be emailed to dbasha@townofpalmbeach.com or faxed to 561-835-4688.

Sincerely,

Duke Basha

Duke Basha
Assistant Purchasing Manager

☒

I hereby agree to a one year extension of the subject bid.

☐

I do not approve a one year extension of the subject bid for the following reasons:



SIGNATURE

April 18, 2018

DATE

Sam Rosania
NAME (PRINT)



TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

a. RESOLUTION NO. 79-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Enter into a Contract Renewal with Phillips & Jordan, Inc., For Disaster Debris Removal and Disposal Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

b. RESOLUTION NO. 80-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-03 and Approving a Disaster Debris Removal and Disposal Services Contract to DRC Emergency Services, LLC and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated June 1, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 79-2018**
- ▣ **Resolution No. 80-2018**
- ▣ **Final Ranking Memo**
- ▣ **Renewal Letter**
- ▣ **Selection Committee Ratings**
- ▣ **Email**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Contract Renewal for Disaster Debris Removal and Disposal Services, RFP No. 2016-03

Resolution No. 79-2018

Approve a Contract for Disaster Debris Removal and Disposal Services, RFP No. 2016-03
Resolution No. 80-2018

DATE: June 1, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 79-2018 and to re-ratify the contract award for RFP No. 2016-03, and approve a disaster debris removal and disposal services contract renewal to Phillips & Jordan, Inc. and approve Resolution No. 80-2018 to ratify award RFP No. 2016-03, and approve a disaster debris removal and disposal contract to DRC Emergency Services, LLC.

GENERAL INFORMATION

The current disaster debris removal and disposal services contracts are expiring on June 23, 2018. Phillips & Jordan, Inc. renewal letters were sent and received back by the Purchasing Department, and signed by the representatives acknowledging the desire to renew the contract per the terms and conditions to include a CPI increase. Since only one of the originally selected vendors agreed to renew, Purchasing extended the selection to the next two ranked vendors and has received an acceptance letter from DRC Emergency Services, LLC agreeing to the original terms and conditions. It is recommended that DRC be added as a secondary contractor for these services.

Entering into a contract with these contractors does not obligate the Town to authorize any work with the contractor, since the contract is based on “standby” requirements to be used in the event of a natural disaster or emergency declaration as needed.

FUNDING/FISCAL IMPACT

Fiscal impact is unknown and is dependent on the magnitude of the disaster or emergency circumstances. Funding for any tasks issued under these contracts would be the subject of a future Town Council approval. If no tasks are issued, then no monies would be expended.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

This Resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. Staff will work with the Town Attorney to draft a contract with the new contractor being added (DRC).

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Chester Purves, Services Division Manager
Dean Mealy, Purchasing Manager

RESOLUTION NO. 79-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT RENEWAL WITH PHILLIPS & JORDAN, INC., FOR DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, the Town Council of the Town of Palm Beach wishes to be prepared and, in a state of readiness, should it become necessary due to environmental circumstances to engage in large scale debris management specific to disaster debris removal and disposal services; and

WHEREAS, in order to accomplish this state of readiness, the Town Council acknowledges that having a contract with a qualified contractor will enhance the Town's ability to respond to such circumstances.

WHEREAS, a contract was awarded on June 23, 2016 to Phillips & Jordan, Inc., to provide disaster debris removal and disposal services to the Town of Palm Beach, a copy of which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, vendor has agreed to a one (1) year extension of the terms and conditions of said contract, which is on file with the Purchasing Division of the Town of Palm Beach; and

WHEREAS, that contract allows for four (4) twelve (12) month extensions.

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

Section 1. The foregoing contracts are hereby renewed for a one (1) year period commencing June 24th 2018 and ending June 23rd 2019.

Section 2. The Town Manager is hereby authorized to execute these second contract renewals on behalf of the Town of Palm Beach for these 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 assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

RESOLUTION NO. 80-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFP NO. 2016-03 AND APPROVING A DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES CONTRACT TO DRC EMERGENCY SERVICES, LLC AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFP No. 2016-03 and approves a disaster debris removal and disposal services contract to DRC Emergency Services, LLC.

Section 2. The Town Manager is hereby authorized to execute this contract on behalf of the Town of Palm Beach for these 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 services, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of June 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk



TOWN OF PALM BEACH

MEMORANDUM

DATE: March 23, 2016

TO: H. Paul Brazil, Public Works Director

FROM: Adis Pedraza, Purchasing Manager *AP*

SUBJECT: Final Ranking - RFP No. 2016-03 – Disaster Debris Removal and Disposal Services

The Selection Committee met on March 22, 2016. All members of the committee listed below were present:

Karen Temme – Risk Manager
Cheryl Somers – Assistant Finance Director
Bill Francis – Town Engineer
Eric Brown – Assistant Public Works Director
Chet Purves – Services Manager (Non-Voting)
Paul Brazil – Public Works Director (Non-Voting)
Adis Pedraza – Purchasing Manager (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

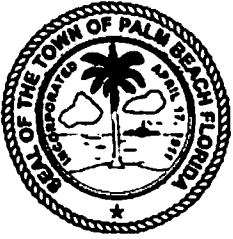
The Town received eight (8) proposals. Two (2) were considered Non-Responsive and not rated. After thorough consideration of the remaining six (6) proposals submitted, the Selection Committee arrived at the following ranking:

1. AshBritt, Inc.
2. Bergeron Emergency Services, Inc.
3. Phillips & Jordan, Incorporated
4. Ceres Environmental Services, Inc.
5. DRC Emergency Services, LLC
6. Custom Tree Care, Inc.

It is the recommendation of the Selection Committee to award contracts to the top three (3) ranked firms for the Disaster Debris Removal and Disposal Services:

AshBritt, Inc.
Bergeron Emergency Services, Inc.
Phillips & Jordan, Incorporated

Cc: File: RFQ No. 2016-03
John Randolph, Town Attorney
Selection Committee Members



TOWN OF PALM BEACH

PURCHASING DIVISION

April 18, 2018

Phillips & Jordan, Incorporated
Attn: Julie Glenn
10201 Parkside Drive, Suite 300
Knoxville, TN 37922
iglenn@pandj.com

Subject: RFP No. 2016-03 – DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES
Year 3 of Contract – 2nd Renewal
RFP 2016-03A

Dear Ms. Glenn:

As specified in the referenced bid document, we have an option to renew the existing contract for another one year period if it is mutually agreeable to all parties.

Our current contract expires on **June 23, 2018**. Please advise by signature below, if a one-year extension of our current contract at same terms, conditions, specifications and pricing stated in your submittal to RFP 2016-03 would be acceptable.

Please, complete and return this form to the Purchasing Division by no later than **2:00 PM on April 20, 2018**. Your response may be emailed to dbasha@townofpalmbeach.com or faxed to 561-835-4688.

Sincerely,

Duke Basha

Duke Basha
Assistant Purchasing Manager



I hereby agree to a one year extension of the subject bid.

I do not approve a one year extension of the subject bid for the following reasons:

Dudley Orr

SIGNATURE

4/23/18

DATE

Dudley Orr

NAME (PRINT)

951 Okeechobee Road • Suite D • West Palm Beach, Florida 33401
Telephone: (561) 838-5406 • Facsimile (561) 835-4688

Website: www.townofpalmbeach.com



SELECTION COMMITTEE RATINGS

Committee Member		Karen Temme	Cheryl Somers	Bill Francis	Eric Brown	Total
Company		Rating	Rating	Rating	Rating	Average Rating
1	AshBritt, Inc.	4.73	4.55	4.40	3.85	4.38
2	Bergeron Emergency Services, Inc.	4.15	4.28	3.03	3.88	3.83
3	Ceres Environmental Services, Inc.	3.43	3.83	2.73	3.30	3.32
4	CrowderGulf Joint Venture, Inc.*	0.00	0.00	0.00	0.00	0.00
5	Custom Tree Care, Inc.	2.75	3.03	2.60	3.30	2.92
6	DRC Emergency Services, LLC	2.90	3.83	2.15	2.93	2.95
7	Phillips & Jordan, Incorporated	4.20	3.88	3.40	3.15	3.66
8	TAG Grinding Services, Inc.*	0.00	0.00	0.00	0.00	0.00

* Non-Responsive/Not Rated

From: [Duke Basha](#)
To: [Chester Purves](#)
Cc: [Dean Mealy](#); [Eric Brown](#)
Subject: FW: Disaster Debris Removal and Disposal Services - Town of Palm Beach
Date: Monday, June 04, 2018 9:10:26 AM

Morning Chet,

FYI - Emergency DRC Services is ready to enter into contract with Town honoring prices from 2016, see below.

I will follow up today with Ceres Environmental for their final decision and will let you know. Resolution need to be updated accordingly.

Thanks,
Duke

From: Duke Basha
Sent: Friday, June 01, 2018 10:03 AM
To: 'Kristy Fuentes' <kfuentes@drcusa.com>
Cc: Dean Mealy <dmealy@townofpalmbeach.com>; Lisa Garcia <lgarcia@drcusa.com>
Subject: RE: Disaster Debris Removal and Disposal Services - Town of Palm Beach

Thank you Kristy!

We will request from our TC to approve the contract on the June 12 meeting. We will be able to inform you by June 15.

Respectfully,

Duke

Duke Basha
Assistant Purchasing Manager

Town of Palm Beach
Purchasing Division
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-7001
www.townofpalmbeach.com

From: Kristy Fuentes [<mailto:kfuentes@drcusa.com>]
Sent: Friday, June 01, 2018 9:37 AM
To: Duke Basha <dbasha@TownOfPalmBeach.com>

Cc: Dean Mealy <dmealy@TownOfPalmBeach.com>; Lisa garcia <lgarcia@drcusa.com>

Subject: Re: Disaster Debris Removal and Disposal Services - Town of Palm Beach

Good morning,

DRC would like to enter into a contract with the Town of Palm Beach.

We look forward to receiving the award letter and working with you in the future.

Kristy

Kristy Fuentes

Vice President

Sent from my iPhone

On May 30, 2018, at 3:14 PM, Duke Basha <dbasha@TownOfPalmBeach.com> wrote:

Dear Bryan Fike and Kristy Fuentes,

Back in March 2016 you have submitted a proposal for Disaster Debris Removal and Disposal Services in response to Town's RFP No. 2016-03.

Purchasing Manager Dean Mealy and myself, both started just a year ago and we are reviewing all Town contracts. That being said, we are asking if you would be willing to serve the Town of Palm Beach on need basis as per your proposal. If yes, I will send you an award letter and when needed a PO.

<image001.png>

Thank you

Duke Basha
Assistant Purchasing Manager

Town of Palm Beach
Purchasing Division
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-7001
www.townofpalmbeach.com

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 81-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement with the Palm Beach County Board of County Commissioners to Provide Information Technology Services to Certify the Non Ad Valorem Assessments; Providing an Effective Date.

Presenter

Jane Le Clainche, Director of Finance

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018, from Jane Le Clainche, Finance Director**
- ▣ **Resolution No. 81-2018**
- ▣ **Interlocal Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Jane Le Clainche, Finance Director

Re: Interlocal Agreement with Palm Beach County for Information Technology Services for the Non Ad Valorem Assessments.
Resolution No: 81-2018

Date: June 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 81-2018 entering into an Interlocal Agreement with Palm Beach County to Provide Information Technology Services to Certify the Non ad Valorem Assessments.

GENERAL INFORMATION

The Town has contracted with Special District Services to coordinate all administrative tasks related to the preparation, approval and submittal of the non ad valorem assessment rolls to Palm Beach County for the 2018 tax notices for all assessment districts except the Town-wide Underground Utility assessment, which will be administered in-house for at least one more year. As part of the agreement, Special District Services requires the attached interlocal agreement to be adopted in order to be able to provide the data to the Palm Beach County Property Appraiser and Tax Collector. The cost of the Palm Beach County services will be deducted from the fees charged by Special District Services.

FUNDING/FISCAL IMPACT

There will be no fiscal impact to the Town with this Interlocal Agreement with Palm Beach County. The contract with Special District Services totals \$12,000 per year and the fees charged by the County will be deducted from their contract.

PURCHASING REVIEW

This item does not require Purchasing Review.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed Resolution No. 81-2018 and approves such as to legal form

and sufficiency.

cc: John Randolph, Town Attorney

RESOLUTION NO. 81-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE INFORMATION TECHNOLOGY SERVICES TO CERTIFY THE NON AD VALOREM ASSESSMENTS; 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 Town of Palm Beach and the Palm Beach County Board of County Commissioners see a mutual benefit entering into an Interlocal Agreement which will allow for the provision of Information Technology services by the County for the Town in order to certify the non-ad valorem assessment roll to the Property Appraiser for the Notice of Proposed Property Taxes and to the Tax Collector for the actual property tax notices.

Section 2: The Town Council of the Town of Palm Beach hereby consents to the authorization of the Interlocal Agreement with the Palm Beach County Board of Commissioners.

Section 3: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the completion of the Interlocal Agreement between the Town of Palm Beach and the Palm Beach County Board of County Commissioners.

Section 4: This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

**Interlocal Agreement for Assignment of Property Data and Development of
Annual Assessments for Palm Beach County Non-Ad Valorem Districts**

THIS Agreement made and entered into this _____ day of _____, 20__, by and between _____ ("Local Government") and Palm Beach County Board of County Commissioners ("County"), a political subdivision of the State of Florida.

WITNESSETH THAT:

WHEREAS, the parties desire to enter into this Agreement covering the provision of Information Technology services by the County for the Local Government in order to certify its non-ad valorem assessment roll to the Property Appraiser for the Notice of Proposed Property Taxes and to the Tax Collector for the Actual Property Tax Notices;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein the County and the Local Government agree as follows:

1. The above representations are true and correct.
2. The Local Government agrees that County, through its Information Systems Services Department ("ISS") will take compatible electronic medium from the Property Appraiser on June 1st of each year pursuant to the provisions of Section 197.3632 (3) (b), Florida Statutes.
3. The term of this Agreement, unless terminated as provided herein, is for a period of one (1) year. This Agreement shall automatically renew annually unless either party gives written notice as provided in 9 below. The effective date of the Agreement is the date of approval by County and filing with the Clerk of the Circuit Court for Palm Beach County.
4. In addition Local Government agrees that County will take said compatible electronic medium from the Property Appraiser, prior to September 15 of each year's

***Agreement with Palm Beach County and the Local Government
Re: Palm Beach County Information Systems Services***

certification date, which will include the same information as the June 1st electronic medium plus the changes made thereto since June 1st.

5. Local Government further agrees to provide County, with all the information and assistance reasonably necessary to complete the data processing required to certify Local Government's non-ad valorem assessment roll to the Tax Collector and provide the non-ad valorem assessments to the Property Appraiser for the Notice of Proposed Property Taxes on compatible electronic medium.
6. Local Government agrees to provide final approval to County no later than July 28th for the Notice of Proposed Property Taxes and September 12th for the Actual Property Tax Notices. Should the above date fall upon a holiday, Saturday or Sunday, Local Government will agree to provide final approval by the last business day prior to the holiday, Saturday or Sunday. If the approval is not received by 5:00 p.m. on the appropriate date, Local Government agrees it will take the necessary actions, at its sole expense, to notify its non-ad valorem parcel owners of the Notice of Proposed Property Taxes and/or Actual Property Tax Notices for that year.
7. The Local Government further agrees to reimburse County for all costs incurred in producing the non-ad valorem assessment roll for Local Government described in the attached Exhibit 1. Payment shall be made to County within 45 days, following receipt of its invoices.
8. The parties recognize that County will be processing several non-ad valorem assessment rolls for various local governments at the same time and Local Government agrees to provide timely information and assistance as may be required by County during the certification process; including, if necessary, personnel on location in County offices to verify the calculations being made by the computer.
9. This Agreement shall be automatically extended hereafter, from year-to-year, unless and until terminated by either of the parties. This Agreement may be terminated at any time by Local Government upon 60 day written notice to County or by County upon written 60 day written notice to Local Government; however, notice given by

***Agreement with Palm Beach County and the Local Government
Re: Palm Beach County Information Systems Services***

either party after January 1st and prior to October 1st, shall be effective only following completion of the certification of that year's non-ad valorem tax roll.

10. This Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.
11. No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of County and/or Local Government.
12. **Notice** Any notice, request, instruction, demand, consent, or other communication required or permitted to be given under this Agreement shall be in writing and shall be delivered by certified mail, postage prepaid, and certified return receipt requested to the following addresses or such other addresses as the parties may provide to each other in writing:
If sent to the County:

Steve Bordelon, Information Systems Services Director
301 N. Olive Avenue, 8th floor
West Palm Beach, FL 33401
(Telephone: 561-355-2394)

With copy to:

County Attorney's Office
Palm Beach County Board of County Commissioners
301 N. Olive Avenue, Suite 601

***Agreement with Palm Beach County and the Local Government
Re: Palm Beach County Information Systems Services***

West Palm Beach, FL 33401
(Telephone: 561-355-2225)

If sent to the Local Government shall be sent to:

13. County and Local Government agree each will do any and everything reasonably necessary to accurately produce Local Government's non-ad valorem assessment roll. Local Government recognizes that problems may arise in spite of efforts by County, and County shall not be held liable as a result of its processing of Local Government's non-ad valorem assessment roll.
14. Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of Local Government, its officers, agents, employees, and lobbyists in compliance with contract requirements and detect corruption and fraud in connection with the performance of this agreement.
15. Failure to cooperate with the Inspector General or interfering with or impeding any investigation in connection with the performance of this agreement shall be in violation of Palm Beach County Code, Section

***Agreement with Palm Beach County and the Local Government
Re: Palm Beach County Information Systems Services***

2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

16. The County's performance and obligation to pay under this Agreement for subsequent fiscal years are contingent upon annual appropriations for its purpose by the Board of County Commissioners.

***Agreement with Palm Beach County and the Local Government
Re: Palm Beach County Information Systems Services***

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Agreement on behalf of County and Local Government has hereunto set its hand the day and year above written.

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS:

By: _____
Steve Bordelon, PBC ISS

Local Government:

Name

Signature

Typed Name

Title

WITNESS:

Signature

Typed Name

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By _____
County Attorney

**APPROVED AS TO
TERMS AND
CONDITIONS**

By _____
Steve Bordelon, Director, Information Systems Services

EXHIBIT 1

PALM BEACH COUNTY INFORMATION SYSTEMS SERVICES Non-Ad Valorem Assessment Support Services

The purpose of this Exhibit is to identify the roles and responsibilities of the Palm Beach County ("County") and _____ ("Local Government") in carrying out the terms of the Agreement regarding Non-Ad Valorem (NAV) Assessment Support Services. This Exhibit delineates the services to be provided by County through the Information Systems Services Department ("ISS"), and describes the associated costs and payment requirements.

Section A: Annual Planning and Exhibit Review

There will be an annual review of this Exhibit to ensure all parties are satisfied with services rendered to date and to determine whether any amendments are required.

Section B: Description of Services

Baseline services from the County for Non-Ad Valorem Assessment Support Services will include:

1. Loading of the Local Government's data (Property Control Numbers) provided by the Property Appraiser's office for the generation of the Notice of Proposed Property Taxes in August.
2. Provide one (1) set of reports and/or data files based on the data received from the Property Appraiser's Office in May utilizing the existing calculation rates on file from the prior year's Actual Property Taxes.
3. Provide additional set of reports and/or data files using the new and or approved calculation rates provided by the Local Government for the Notice of Proposed Property Taxes.
4. Loading of the Local Government's data (Property Control Numbers) provided by the Property Appraiser's Office for the generation of the Tax Collector's Actual Property Taxes in October.
5. Provide one (1) set of reports and/or data files based on the data received from the Property Appraiser office in August utilizing the existing calculation rates used on the Notice of Proposed Property Taxes.

6. Provide additional set of reports and/or data files using the new and/or approved calculation rates provided by the Local Government for the Tax Collector's Actual Property Taxes.
7. Each additional set of reports not listed above will be provided at the rate of \$125.00 per hour.

Section C: Fees for Non-Ad Valorem Assessment Services

Tiers	Assessment Ranges	Fee
1	≤\$50,000	\$150
2	>\$50,000 to ≤\$150,000	\$210
3	>\$150,000 to ≤\$300,000	\$420
4	>\$300,000 to ≤\$550,000	\$770
5	>\$550,000 to ≤\$800,000	\$1,120
6	>\$800,000 to ≤\$1,100,000	\$1,540
7	> \$1,100,000 to ≤\$1,450,000	\$2,030
8	> \$1,450,000 to ≤\$1,850,000	\$2,630
9	> \$1,850,000 to ≤\$2,300,000	\$3,220
10	> \$2,300,000	\$3,850

Section D: Billing and Payment

The County shall submit annual invoices to the Local Government which shall include a reference to this Agreement and identify the amount due and payable to the County. Payment will be made in accordance with the Local Government Prompt Payment Act, as amended, which also establishes a process and remedies for non-compliance.

Section E: Annual Review of Fees

The County reserves the right to review the fees included in this Exhibit on an annual basis and make appropriate rate adjustments. Should an adjustment be warranted, sixty (60) days notice will be provided. Any such rate adjustments shall be reduced to writing via an Amendment to be executed by all parties.

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Consent - Other

Agenda Title

Approve a Change Order to the Construction Manager at Risk Contract to Whiting-Turner, Inc. Contracting Company for the A-41 Pump Station Electrical Improvements.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 21, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Whiting-Turner**
- ▣ **Bid Tab Sheet**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve a Change Order to the Construction Manager at Risk Contract to Whiting-Turner, Inc., Contracting Company for the A-41 Pump Station Electrical Improvements

DATE: May 21, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve a change order to Purchase Order No.171307 and Construction Manager at Risk Contract (CMAR) with Whiting-Turner Contracting Company (WT) to include the A-41 Pump Station Electrical Improvements Project.

GENERAL INFORMATION

At the September 19, 2017, Town Council meeting, Council approved a purchase order for the design of the electrical improvements at the A-41 Wastewater Pump Station. The electrical configuration currently serving the A-41 Wastewater Pump Station is a three (3) phase 240V closed delta service. The existing service configuration is not compatible or supported by Florida Power & Light (FPL). The new feeder electrical service will only provide a three (3) phase wye service in either a 120/208V or 277/480V configuration. Due to the existing electrical loads at A-41, the electrical service needs to be upgraded to a three (3) phase 277/480V wye service. The voltage conversion requires the demolition of the existing 240V service, replacement of the automatic transfer switch, a new 480V power distribution panel, a new step down transformer, modifications to the existing outdoor standby generator, modifications to the pump starters, modifications to the control panel, and modifications to the pump motor terminations.

The condition assessment that was performed by Mock Roos and Associates, Inc. in 2016 on all the Town's sanitary sewer stations identified required improvements to A-41. The stations in the assessment were graded from one (1) "in like new condition" to five (5) "in need of immediate replacement". The A-41 Pump station received a conditional assessment value of four (4) for limited elements within the station, meaning improvements were needed in the next 2-5 years. Repairs needed to the station include: blower and duct work replacement, piping for bypass pump-out, level control panel replacement, ATS and MTS replacements, trench drain replacement, minor grading at the entry door and replacement of the roof membrane. The electrical and assessment improvements have been combined which result in a cost savings for construction.

In lieu of the traditional approach to securing sealed bids for the electrical improvements for the A-41 wastewater pump station, WT was asked to competitively bid the project with the hope that the Town would realize mobilization and other savings since WT is already doing work under a CMAR contract for Phase 1 South of the Underground Utilities Project. Bids came back at a cost of \$558,572.40, plus a contingency of \$30,427.60 for a total cost of \$589,000.

FUNDING/FISCAL IMPACT

This is a no cost change order utilizing a portion of the funds returned due to the reduced cost of the decorative streetlights.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Le Clainche, Director of Finance
Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Jeffrey Sanon, P.E., Project Engineer
Michael Roach, P.E., Project Engineer
Steven Stern, Underground Utilities Manager
Dean Mealy, Purchasing Manager



Change Notification to Owner

The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road, Suite 101, Fort Lauderdale, FL 33309
Tel: (954) 776-0800 Fax: (954) 776-0797

Project: Town-Wide Overhead Utility Undergrnding Ph.1 -
Palm Beach
Palm Beach, FL 33401

W-T Job Number: 016885.100
Date: 05/24/2018
CN Number: 000018
Project Area:

To: Michael Roach
Town Of Palm Beach
951 Old Okeechobee Road
Suite A
West Palm Beach, FL 33401

From: Matt Moo Young
The Whiting-Turner Contracting Company
1901 W. Cypress Creek Road
Suite 101
Fort Lauderdale, FL 33309

DESCRIPTION: A-41 Watewater Pump Station Electrical and Mechanical Improvements

REASON: Owner Request

SOURCE:

SCOPE OF WORK: Town of Palm Beach requested for W-T to perform improvements to an existing pump station as additional work outside the original scope of work. Scope of work would consist of electrical, mechanical, and roof improvements.

CONTRACTORS AFFECTED:

RELATED OBJECTS:

AUTHORIZATION

WT REQUESTS AUTHORIZATION TO PROCEED WITH THE CHANGES DESCRIBED ABOVE.
COST/SCHEDULE IMPACT WILL BE AS FOLLOWS:

Cost: \$ 558,572.40

Funding:

SCHEDULE:

- ☐ NO IMPACT
☒ POSSIBLE IMPACT - WT REVIEWING
☐ IMPACT TO SCHEDULE AS FOLLOWS _____

OWNER DIRECTION:

DISTRIBUTION: ☐ ORIGINAL FILE
☐ OWNER/OWNER REP.
☐ ARCHITECT
☐ LENDER

- ☐ PRICE ONLY - DO NOT PROCEED UNTIL PROPOSAL IS APPROVED
☐ PROCEED AND CONFIRM COST
☐ PROCEED FOR NTE COST INDICATED ABOVE
☐ PROCEED T&M
☒ PROCEED FOR LUMP SUM COST ABOVE
☐ PROCEED (NO IMPACT)
☐ PROCEED AND PRICE
☐ CANCEL
☐ REJECTED

Other: _____

OWNER'S REPRESENTATIVE

DATE

M. Moo Young

5/25/18

COST BREAKDOWN**DATE:** 05/24/2018**JOB NO:** 016885.100**PROJECT AREA:****CN NO:** 000018

Vendor	Description	Budget Code	Billing Amount
	Subcontractor Cost of Work for the A-41 Pump Station	016885.100.09999990.X	\$ 547,620.00
	W-T Bond & Insurance	016885.100.93100000.F	\$ 10,952.40
Total Cost of this work:			\$ 558,572.40

APPROVAL:

WHITING-TURNER REQUESTS APPROVAL OF THE FOLLOWING ACTUAL/FINAL COST FOR THIS WORK:

PROPOSAL AMOUNT: **\$ 558,572.40**

OWNER CHANGE REF: _____

DATE: _____

SUBMITTED BY: _____

WHITING-TURNER REPRESENTATIVE

DATE

APPROVED BY: _____

OWNER'S REPRESENTATIVE

DATE

 TOWN OF PALM BEACH Town-Wide Overhead Utility Undergrounding Phase 1 - South CN# 018 - A-41 Pump Station Improvements 						
Description	Qty	Units	Unit Rate	Total	Time Extension Requested (calendar days)	Remarks
MOT	1	LS	\$1,500.00	\$1,500.00		Temporary flagging and lane closures during deliveries, roofing, and pump removal processes.
Mechanical	1	LS	\$250,500.00	\$250,500.00		
Electrical	1	LS	\$276,420.00	\$276,420.00		
Roofing	1	LS	\$19,200.00	\$19,200.00		
Painting	1	EXCL	\$0.00	\$0.00		The Town indicated that all painting scopes will be handled in-house (by Town Staff)
Drive Apron (Asphalt)	1	EXCL	\$0.00	\$0.00		The entire drive apron scope excluded from Whiting-Turner's proposal per the Town & Engineer's directive
Surveying	1	EXCL	\$0.00	\$0.00		All surveying associated with the drive apron scope is excluded, since the drive apron has been deleted from Whiting-Turner's scope of work.
Allowance for Unforeseen Circumstances				\$0.00		Whiting-Turner initially had a Allowance Line Item of \$30,000 for Unforeseen Circumstances. The Town indicated that this allowance is to be deleted as it will be carried on the Owner Side as an Allowance for Unforeseen Circumstances.
Subtotal				\$547,620.00		
W-T Bond & Insurance				\$10,952.40		
W-T Markup				\$0.00		
GRAND TOTAL				\$558,572.40		

BID TABULATION SHEET

PROJECT NAME: Town Undergrounding South PAGE 1 OF 1

PROJECT LOCATION: West Palm Beach, FL PREPARED BY: LB

REVIEWED BY: MMV

CATEGORY NAME: MECHANICAL

COMPANY	Murray Logan	TLC Diversified	AM Construction	Energy Efficient Elec.	Bessent Enterprise	Akerblom Construction
CONTACT	Kurt Kanos	Dallas Lamberson	Abel Menedez	Rene Viaw	Mike Bessent	Jeanne Akerblom
PHONE	(561) 686-3948	(727) 417-7235	(561) 262-7833	(561) 655-7211	(561) 662-8450	(954) 792-3599

DESCRIPTION						
A-41 PUMP STATION						
SCOPE REVIEW: MECHANICAL						
Schedule of Values:						
Mobilization/Demobilization	\$15,000.00					
Bond and Insurance	\$2,500.00					
Mechanical Demolition	\$12,000.00					
Temporary By-Pass Pumping	\$51,200.00					
Continuous Temp. Supply/Exhaust Fans and Wetwell	\$8,000.00					
Mechanical Improvements	\$115,100.00					
Trench Drain/MH Connections	\$5,000.00					
Door Replacement	\$1,200.00					
Site Restoration/Repairs	\$2,000.00					
Startup/Commissioning	\$3,000.00					
Schedule of Values Subtotal	\$215,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bid Review Adjustment:						
Remove/Transport/Replace Pumps						
Rewiring of Pumps						
Provide temp power for own scope						
Credit for RTU Scope/Coordination (in electrical scope)						
Bid Review Adjustment Subtotal	\$35,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Adjusted Bid	250,500.00	0.00	0.00	0.00	0.00	0.00
ALTERNATES						
REQUESTED						

Town Undergrounding

PROJECT NAME: Town Undergrounding South

PAGE 1 OF 1

PROJECT LOCATION: West Palm Beach, FL

PREPARED BY:LB

REVIEWED BY:MMY

CATEGORY NAME: ELECTRICAL

DESCRIPTION						
COMPANY CONTACT PHONE	Current Connections Rich Mirabilio (561) 863-0010	CR Dunn Malcolm Rogers (561) 585-2155	Energy Efficient Elec. Rene Viau (561) 655-7211	Powerline of SF Tom Laessig (561) 575-4270	Paragon Tom Granims (772) 569-9961	Electron Al Laessig (561) 744-1388
A-41 PUMP STATION						
SCOPE REVIEW: ELECTRICAL						
Schedule of Values:						
Mobilization/Demobilization	\$2,000.00	\$5,000.00	NO BID	NO BID		
Bond and Insurance	\$3,900.00	\$5,420.00	Expressed interest in bidding during initial solicitation.	Expressed interest in bidding during initial solicitation.	DECLINED TO BID PROJECT.	DECLINED TO BID PROJECT.
A-41 Electrical Demolition	\$10,300.00	\$5,300.00			NO REASON.	TOO BUSY.
A-41 Temporary Power/Lighting	Excluded	\$12,000.00				
A-41 Electrical Improvements	\$100,800.00	\$112,500.00				
A-41 New Transformer and Electrical Services	\$3,300.00	\$4,700.00	Did not turn in bid on bid day.	Did not turn in bid on bid day.		
A-41 Instrument & Controls	\$146,700.00	\$125,000.00				
A-41 Site Restoration/Penetration Repairs	Excluded	\$6,500.00				
Schedule of Values Subtotal	\$267,000.00	\$276,420.00	\$0.00	\$0.00	\$0.00	\$0.00
Bid Review Adjustment:						
A-41 Temporary Power/Lighting	Plug \$12,000.00	Included Above				
A-41 Site Restoration	Plug \$6,500.00	Included Above				
Bid Review Adjustment Subtotal	\$18,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Adjusted Bid	285,500.00	276,420.00	0.00	0.00	0.00	0.00
ALTERNATES REQUESTED						

Town Undergrounding South		BID TABULATION SHEET									
Phase 1 South		PAGE 1 OF 1									
Job#: 016885-100		PROJECT NAME: Town Undergrounding South									
		PROJECT LOCATION: West Palm Beach, FL									
		PREPARED BY: LB									
		REVIEWED BY: MMY									
CATEGORY NAME: ROOFING											
COMPANY	HI-Tech Roofing	Roofing Technology	Atlas Roofing	Mark Terlep Roofing	WeatherTech Roofing	Embleck Roofing					
CONTACT	Jared Felton	John Julien	Pete Kessel	Mark Terlep							
PHONE	(561) 586-3110	(954) 900-4072	(954) 422-5544	(561) 841-2228	(954) 282-1852	(561) 748-0434					
DESCRIPTION											
A-41 PUMP STATION											
SCOPE REVIEW: ROOFING											
Schedule of Values:											
Mobilization/Demobilization	\$1,500.00	Included									DECLINED TO BID PROJECT NO REASON.
Bond and Insurance	\$600.00	Included									
Roofing	\$25,455.00	\$19,200.00									
Schedule of Values Subtotal		\$27,555.00	\$19,200.00	\$0.00	\$0.00	\$0.00	\$0.00				
Bid Review Adjustment:											
Bid Review Adjustment Subtotal		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
Total Adjusted Bid		27,555.00	19,200.00	0.00	0.00	0.00	0.00				
ALTERNATES REQUESTED											

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Consent - Other

Agenda Title

Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poinciana Way.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 17, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Photo - Attachment 1**
- ▣ **Photo - Attachment 2**
- ▣ **Photo - Attachment 3**
- ▣ **Photo - Attachment 4**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Approve Request by Florida Power & Light to Intermittently Close an East Bound Lane of Royal Poinciana Way

DATE: May 17, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Florida Power and Light's (FPL) request to intermittently close an east bound lane of Royal Poinciana Way. If Council approves this request, Public Works will issue a right-of-way permit with appropriate limitations and will coordinate this work with other work in the area.

GENERAL INFORMATION

The proposed construction work consists of the installation of 2-8 inch conduits that will replace those that were broken during the new Flagler Bridge construction. This damaged conduit has critically compromised the existing service to the Town of Palm Beach by eliminating the option of running a second electrical line that may affect a great deal of customers and businesses if a major power outage or equipment failure was to occur. Although, FPL is prepared to back-feed the area in case of an emergency, this temporary fix can also be affected by excessive electric load, bad weather conditions, and other factors out of our control. It is critical this conduit gets replaced as soon as possible to avoid long extended outages and any further damage to FPL's electrical infrastructure.

- The construction work is scheduled to start the week of July 9, 2018 (weather permitting), and the duration of the job on the island is anticipated to take approximately four (4) weeks.
- Lane closures will be needed during the week of July 16th to unload all the material safely and will take between 2-3 days.
- The FPL contractor has the capability of hoisting conduit above the main plaza entrance. Therefore, the Royal Poinciana Plaza entrance from Royal Poinciana Way will be maintained most of the time. Although, in order to fuse the pipes together, FPL will need to close the entrance for a maximum of three (3) days during the week of July 16th. Plaza representatives have been notified and understand the need for this work.
- The sidewalk located on the south side of the Flagler Bridge will be closed for approximately four (4) weeks. Pedestrian and bicycle traffic will be detoured.

Staff recommends this work to be scheduled after July 4th due to other construction in the area. Staff suggests the approval for the lane closure be granted for a window of two (2) weeks from July 9th to July 20th, this allows for weather delays and other unforeseen delays. Staff will coordinate with FPL to ensure coordination with the Royal Poiciana Plaza.

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, Planning & Zoning, Civil Engineer

FPL WR 7400860
FDOT PERMIT# 2017-H-496-295
WORK HOURS: 9AM-3PM
PER FDOT INDEX 613 & 660
POSTED SPEED LIMIT 35 MPH

Legend

 Arrowboard (Single)

 Cone

 Existing Traffic Light

 LCD - Longitudinal Channelizer Device

 Traffic Flow



To be Placed
at Olive Ave
NE Corner

Flagler Memorial Bridge



Sheet#
1 of 2

Date: 05/02/2018 **Author:** Eliseo Lara **Project:** FPL WR 7400860 / FDOT Permit no: 2017-H-496-295
Comments:
Contractor: INFRATECH CORPORATION
Traffic Control Shall be Installed and Maintained in Accordance with the Project Plans. The Current Edition of the Florida DOT Design Standards, The Standard Specification for Road & Bridge Construction and the Manual on Uniform Traffic Control Devices, Design Standards 600 Series 2018 & Palm Beach County Traffic Regulations, Latest Edition, As Minimum Criteria.
Contractor is Fully Responsible of Proper Maintenance.



The American Traffic Safety Services Association
This is to certify that
Eliseo Lara
Traffic Control Supervisor
AVSSA
TRAFFIC CONTROL SUPERVISOR



Legend	
	Cone
	Existing Traffic Light
	LCD - Longitudinal Channelizer Device
	Traffic Flow
	Work Area

FPL WR 7400860
FDOT PERMIT# 2017-H-496-295
WORK HOURS: 9AM-3PM
PER FDOT INDEX 613 & 660
POSTED SPEED LIMIT 35 MPH

[illegible]

Sunset Ave

Legend

- Barrel
- Existing Traffic Light
- LCD - Longitudinal Channelizer Device
- Traffic Flow
- Work Area

Existing Lake trail

Royal Poinciana Way

Cocoanut ROW



**SIDEWALK CLOSED
AHEAD
↑
CROSS HERE**

Driveway entrance closed use Coconut Row



**SIDEWALK
CLOSED**

**PEDESTRIANS
AND BICYCLES
PROHIBITED**

Underpass Pathway

**SIDEWALK
CLOSED**

**PEDESTRIANS
AND BICYCLES
PROHIBITED**

191

The American Traffic Safety Services Association

**It is so costly that
EITSSO is the answer.**

As a Traffic Control Supervisor, you know that the cost of a traffic control accident is staggering. The cost of a traffic control accident is not only the cost of the accident itself, but also the cost of the investigation, the cost of the legal fees, the cost of the damages, and the cost of the reputational damage to your company. EITSSO is the answer to this problem. EITSSO is a Traffic Control Supervisor's Association that provides a comprehensive training program for Traffic Control Supervisors. The program covers all aspects of traffic control, from the basics of traffic control to the advanced techniques of traffic control. The program is designed to be a comprehensive training program for Traffic Control Supervisors. The program is designed to be a comprehensive training program for Traffic Control Supervisors. The program is designed to be a comprehensive training program for Traffic Control Supervisors.

Traffic Control Supervisor

Name

Address

City

State

Zip

ATSSA

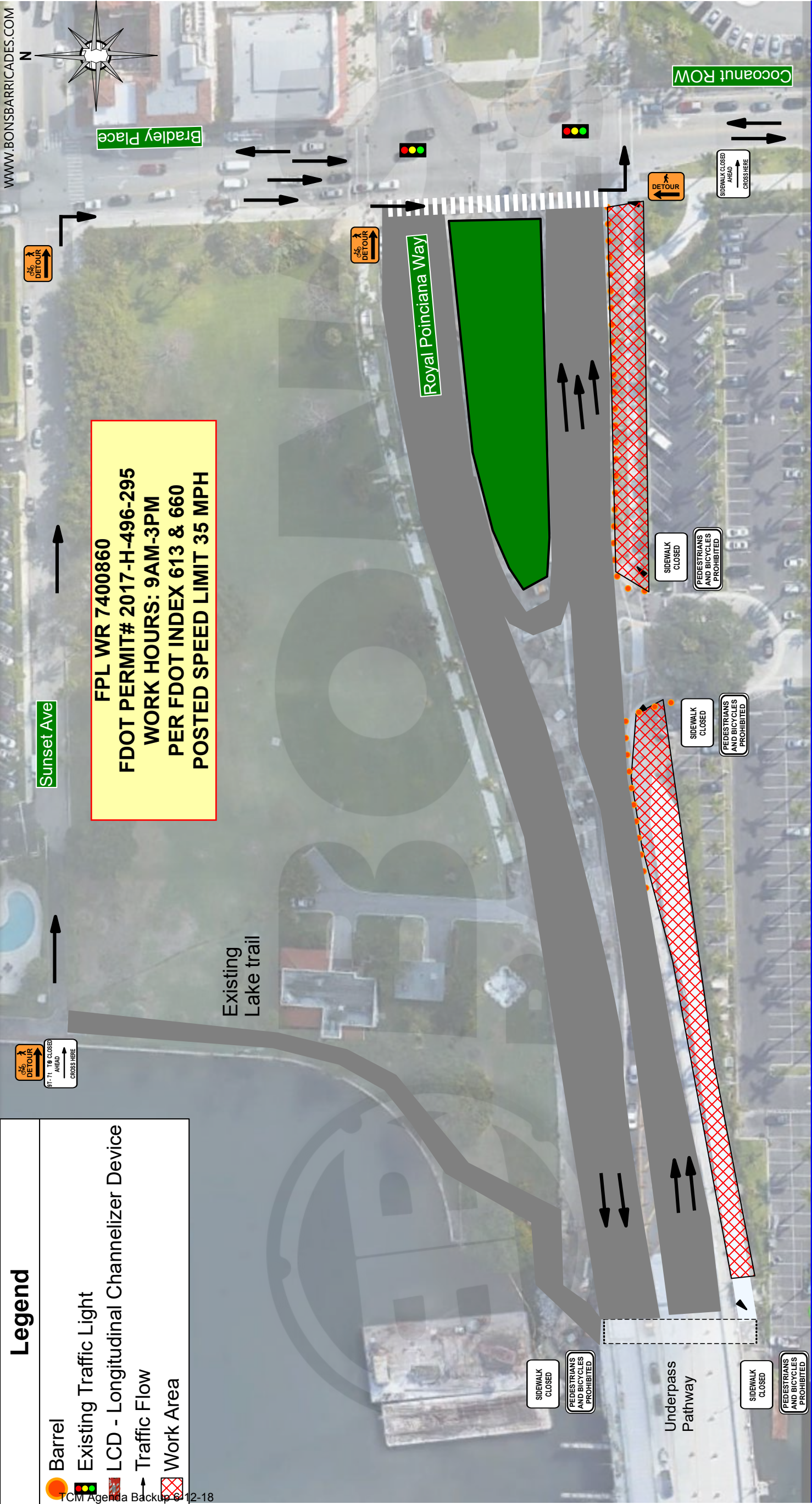
SAFETY • TRAFFIC CONTROL • TRAINING

10000 W. 10th Avenue, Suite 100, Denver, CO 80202

1-800-368-3683



Comments:
Contractor: INFRA TECH CORPORATION
Traffic Control Shall be Installed and Maintained in Accordance with the Project Plans. The Current Edition of the Florida DOT Design Standards. The Standard Specification for Road & Bridge Construction and the Manual on Uniform Traffic Control Devices, Design Standards 600 Series 2018 and Palm Beach County Traffic Regulations, Latest Edition, As Minimum Criteria.
Contractor is Fully Responsible of Proper Maintenance.



Comments:
Contractor: INFRATECH CORPORATION
Traffic Control Shall be Installed and Maintained in Accordance with the Project Plans. The Current Edition of the Florida DOT Design Standards, The Standard Specification for Road & Bridge Construction and the Manual on Uniform Traffic Control Devices, Design Standards 600 Series 2018 & Palm Beach County Traffic Regulations, Latest Edition, As Minimum Criteria.
Contractor is Fully Responsible of Proper Maintenance.

Date: 05/02/2018 **Author:** Eliseo Lara **Project:** FPL WR 7400860 / FDOT Permit no: 2017-H-496-295

The American Traffic Safety Services Association
This is to certify that
Eliseo Lara
Traffic Control Supervisor
AVSSA
TRAFFIC SAFETY SERVICE
TRAFFIC SAFETY SERVICE

INFRATECH
CORPORATION
Partnering For Improved Infrastructure

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Consent - Other

Agenda Title

Waiver to Town Code for Extended Construction Hours and Lane Closure for AT&T to Construct a Fiber Line and Make Connection in Royal Palm Way at Coconut Row.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 24, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **AT&T Letter**
- ▣ **Map**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Waiver to Town Code for Extended Construction Hours and Lane Closure for AT&T to Construct a Fiber Line and Make Connection in Royal Palm Way at Cocoanut Row

DATE: May 24, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the waiver of the Town Code of Ordinances 42-196 through 199 and 42-226 through 229, restrictions for construction hours, work during season, and lane closure, for AT&T and their contractor to construct a fiber line and connection at Royal Palm Way and Cocoanut Row.

GENERAL INFORMATION

AT&T and their contractors plan to install multiple 4-inch conduits along Cocoanut Row north to approximately midway through the Royal Palm Way intersection. AT&T has requested to perform their work at night to minimize any daytime traffic impacts. They would also be placing steel plates in the intersection temporarily to restore daytime traffic in all directions until the work is complete.

During the night-time hours (9:00 p.m.-5:30 a.m.), AT&T would detour eastbound traffic from the Royal Park Bridge south on South Lake Drive then east on Brazilian Avenue. Westbound traffic on Royal Palm Way will not be impacted. Traffic on Cocoanut Row will be able to proceed northbound and southbound through the intersection.

Staff recommends a waiver to Section 42-196 through Section 42-199 of the Town Code of Ordinances to allow for extended work hours and night-time work hours as necessary, and approved by Public Works. AT&T, with the assistance of their contractors and Public Works staff, will notify businesses and residents in the immediate area prior to any night time activities, and issue a press release for the week.

Staff also recommends a waiver to the Noise Ordinance for those same night-time activities from Section 42-226 through Section 42-229 of the Town Code of Ordinances.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

Attachment

cc: Patricia Strayer, P.E., Town Engineer
Jason Debrincat, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Steven Stern, Underground Utilities Manager



Farhan Qazi
Manager OSP Engineering

AT&T Florida
120 N K St,
Lake Worth,
FL-33460

T 561-540-9275
Farhan.Qazi@att.com
att.com

May 29, 2018

Town of Palm Beach

Attention: Patricia Strayer

Subject: A list of Pending Permit for AT&T Right of way/ Undergrounding work

The following is a summary of items which are waiting for Town's approval:

1. The 1st portion of U-18-00754, AT&T project 8E843308N, Pending FDOT and Town Council approval for the intersection work on Royal Palm Way and Cocoanut Row to place 5 Conduits 4In, with steel plate under roadway, also support future undergrounding work, can be approved when Town council approves.
2. The 2nd portion of U-18-00754, AT&T project 8E843308N, also support future undergrounding work that is South of the Intersection of Cocoanut Row and Royal Palm Way can be approved next so we can schedule work with our contractor HYPOWER, going south along Cocoanut Row, to place 5 Conduits 4In.
3. The Pending permit number U-18-00759 for AT&T 7E843510 project in front of the school, , Can be approved after school closure to open-cut the Travel way south of Sea Spray along Cocoanut Row to place 3 Conduits 4In.
4. For Bradley Pl, permit no U-18-00914, for AT&T Project 8E843336N, a new set of plan has already been submitted on 5-1-18 adding Handholes(Vaults) at each intersection connecting the 5-4In conduits run(going N-S) that will also support future undergrounding work. We would like this permit to remain active for 3-6 Month to allow our contractors (To be assigned) to locate and schedule the work, bypassing any roadblocks etc, before the end of 2018.

I can be reached at the 561-540-9275 if there is any question about the above mentioned projects.

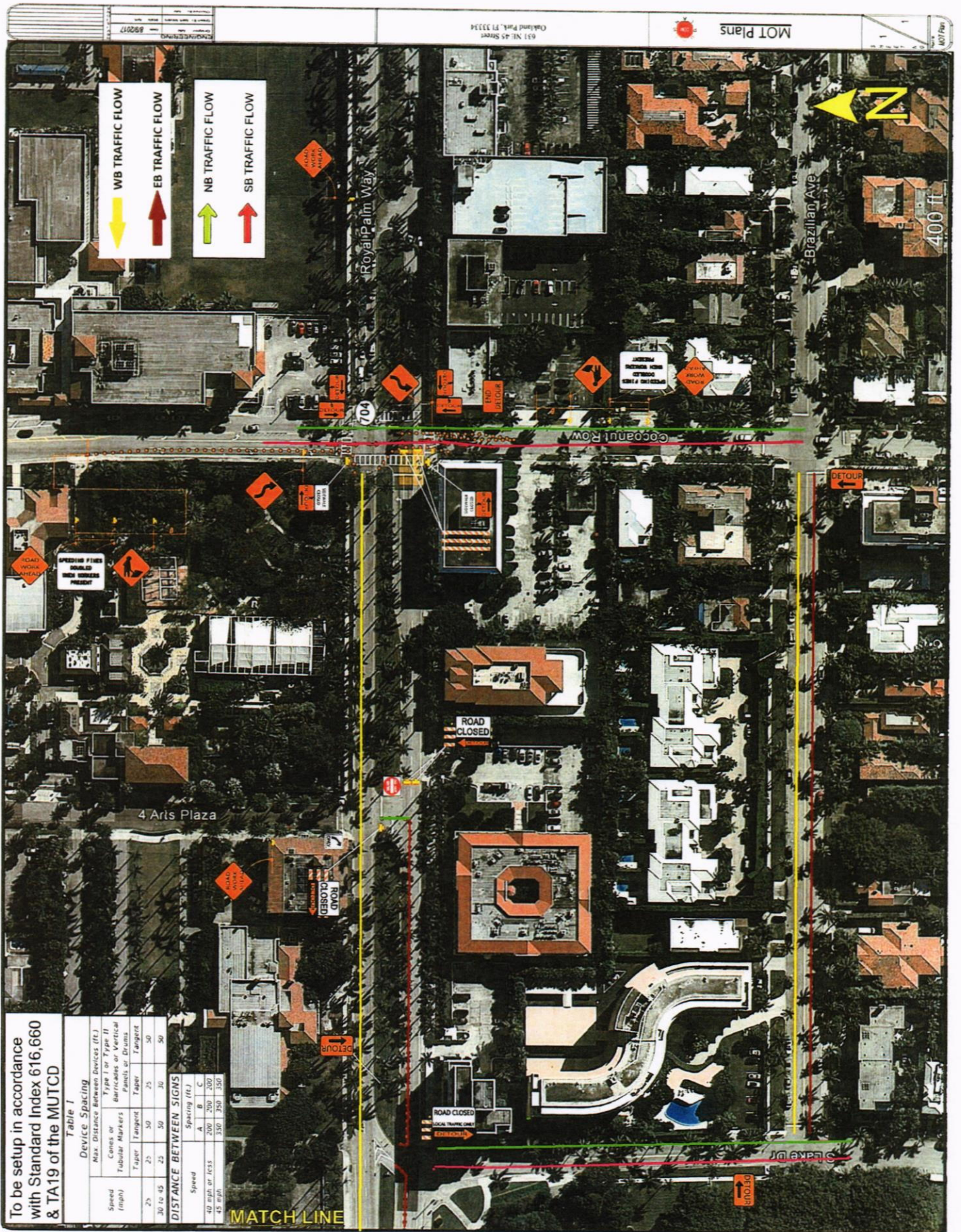
Thank you,

Farhan Qazi, E.I,
Manager OSP Planning & Engineering Design
AT&T Network Operations, Construction and Engineering

AT&T
120 N K St, 3Rd Flr, Lake Worth, FL-33460
m 561-540-9275 | FQ2669@att.com

MOBILIZING YOUR WORLD

AT&T



TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Consent - Other

Agenda Title

Request to Consider Ordinance No. 11-2018 Prior to 5:00 p.m. at a Public Hearing.

Presenter

Paul Castro, Acting Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018 From Paul Castro, Acting Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Paul Castro, Acting Planning, Zoning & Building Director

Re: Request to Consider Ordinance No. 11-2018 Prior to 5:00 p.m. at a Public Hearing

Date: June 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the public hearings on Ordinance No. 11-2018 at the Town Council meetings at which the proposed Ordinance is to be heard prior to 5:00 p.m. The proposed Ordinance will be heard on first reading at the June 13, 2018 meeting, and it is anticipated that the second reading will be on July 11, 2018. If the Town Council adopts the Consent Agenda, the Staff recommendation will be effectuated.

GENERAL INFORMATION

Florida Statutes require the Town Council hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have a hearing at another time. Staff is requesting that the Town Council elect to conduct the public hearings on Ordinance No. 11-2018 during the course of normal Council business. The first reading of the proposed Ordinance will be on June 13, 2018. Second reading is anticipated to be on July 11, 2018. All public hearings may occur before 5:00 p.m.

cc: John C. Randolph, Town Attorney
Jay Boodheshwar, Deputy Town Manager
zf

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Consent - Other

Agenda Title

Approval of the Selection Committee's Recommendation of the Ranking of Firms for RFP No. 2018-35 for Insurance Broker and Actuarial Services, with the Gehring Group Being the Highest Ranked Proposer and Authorizing Permission to Negotiate an Agreement on Behalf of the Town.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum dated June 1, 2018, from Danielle Olson, Director of Human Resources**
- ▣ **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Danielle Olson, Director of Human Resources

Re: RFP No. 2018-35 Insurance Broker and Actuarial Services

Date: June 1, 2018

STAFF RECOMMENDATION

Town staff request approval of the Selection Committee's recommendation of the ranking of firms for RFP No. 2018-35 for insurance broker and actuarial services, with The Gehring Group being the highest ranked proposer and authorizing permission to negotiate an agreement on behalf of the town.

GENERAL INFORMATION

The Town received four (4) proposals; and on May 15, 2018, the selection committee met to consider the proposals. The committee agreed to shortlist two (2) firms – Gallagher Benefits, Inc., and Gehring Group, Inc. On May 31, 2018, the selection committee met to hear the presentations and conducted interviews with the shortlisted companies. After thorough consideration, the selection committee arrived at a final ranking (Exhibit A) as follows:

1. Gehring Group, Inc.
2. Gallagher Benefits Services, Inc.

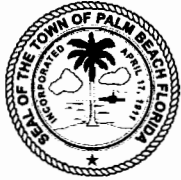
FUNDING/FISCAL IMPACT

Sufficient funds have been budgeted in the FY18 Self Insurance Health fund and OPEB Trust to provide for the expenses proposed herein.

Attachments

DO:kw

cc: Jane Struder, Director of Finance
Dean Mealy, Purchasing Manager



TOWN OF PALM BEACH

MEMORANDUM

DATE: June 1, 2018

TO: Danielle Olson, Human Resources Director

FROM: Dean Mealy, Purchasing Manager 

SUBJECT: Final Ranking – RFP No. 2018-35 – Insurance Broker and Actuarial Services

The Town received proposals from four (4) respondents. On May 15, 2018, the Selection Committee met to consider the submittals. All members of the committee listed below were present:

Selection Committee Members -

Kennie Wells – Human Resources Assistant Director
Jane Le Clainche, CPA – Finance Director
Andrea Mackey – Group Insurance Division Manager/Palm Beach County

Advisors and Facilitators (Non-Voting) -

Nikki Carpenito - HR Generalist/Town of Jupiter (Non-Voting)
Danielle Olson - Human Resources Director (Non-Voting)
Duke Basha – Assistant Purchasing Agent (Non-Voting)
John Cmar – Purchasing Coordinator (Non-Voting)

The Committee agreed by consensus to shortlist two (2) firms – Gallagher Benefit Services, Inc., and Gehring Group, Inc. On May 31, 2018, the Selection Committee heard presentations and interviews by the shortlisted companies. All members of the Committee were present with the exception of Nikki Carpenito (Town of Jupiter, Non-Voting). After thorough consideration of the two (2) companies, the Selection Committee arrived at a final ranking as follows:

1. Gehring Group, Inc.
2. Gallagher Benefit Services, Inc.

It is the recommendation of the Selection Committee to award a contract to Gehring Group, Inc. for Insurance Broker and Actuarial Services.

Cc: File: RFP No. 2018-35
John Randolph, Town Attorney
Selection Committee Members

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda Committee Reports

Agenda Title

Report of the Ordinances, Rules and Standards Committee Meeting held on May 2, 2018.

Presenter

Julie Araskog, Chair

ATTACHMENTS:

- **Report of the Ordinances, Rules and Standards Committee meeting of May 2, 2018**

**REPORT OF THE ORS COMMITTEE MEETING
HELD ON WEDNESDAY, MAY 2, 2018**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules and Standards Committee (ORS) meeting was called to order on Wednesday, May 2, 2018, at 2:00 p.m. in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. PLEDGE OF ALLEGIANCE

Committee Chair Araskog led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Motion was made by Committee Member Crampton, and was seconded by Chair Araskog, to approve the Agenda. On roll call, the motion passed unanimously.

IV. COMMUNICATIONS FROM CITIZENS – *None*

V. REGULAR AGENDA

A. Old Business

1. Amendment of Town Code, Relative to Special Events on Public Property
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the history and proposed changes to the Town Code relative to Special Events. He stated that the intent was to serve as a proactive measure to control overuse of public spaces and potential damage with some form of fee structure and other language included that will give staff the discretion to determine the frequency of events and avoid any adverse effects.

Town Attorney Randolph spoke regarding the legal principles of restricting non-resident use for special events on public property. He explained that the Town could not legally limit the use of certain parks to residents only. He further explained that the Town could impose a different fee structure for residents and non-residents and went over the form of fee structure used by different municipalities for residents and non-residents for parking situations.

1 Discussion ensued regarding the inclusion of preferential treatment to residents
2 relative to the submission of special event applications, monetizing public spaces
3 by charging fees, earliest recommended application deadlines, and type of
4 restrictions allowed regarding land use for special events.

5
6 Committee Member Crampton inquired as to whether residents could be given
7 preferential treatment for submission deadlines that are further in advance than
8 those offered to non-residents.

9
10 **Chair Araskog requested that the Town research ways to address competing**
11 **applications for special events from residents vs. non-residents and include**
12 **the policies of other municipalities.**

13
14 Deputy Town Manager Boodheshwar provided an overview of the following
15 proposed changes to Chapter 106 of the Town Code:

16
17 Sec. 106-257 – Regulations relating to special event.

18
19 The following regulations shall apply to all special events within the town:

- 20
21 (1) There shall be held at the location requested no more than one special
22 event on any given day, without priority for any particular date, to be
23 granted to the first person to submit a completed application designating
24 that day. The Town reserves the right to limit use of public spaces at
25 anytime to prevent overuse and/or adverse impacts to adjacent
26 neighborhoods.

27
28 **Chair Araskog inquired whether this section would allow the Town enough**
29 **discretion to limit use of certain spaces and if the language was enough to grant the**
30 **Town the right of denial. She also asked if the Town had a right to legally deny**
31 **applications if there were competing interests or too many.**

32
33 **In response to Chair Araskog, Attorney Randolph recommended that the Town**
34 **provide limited guidelines and build in some discretion so that the parks can remain**
35 **open for public use without having too many events.**

36
37 **Chair Araskog inquired about limiting the number of people that can attend an**
38 **event. Deputy Town Manager replied that staff can limit according to public safety**
39 **and other concerns on a case-by-case basis.**

40
41 **Committee Member Crampton inquired about the permit application process.**
42 **Deputy Town Manager explained that Public Works and other departments**
43 **investigate each application to determine if maintenance or prevention of overuse is**
44 **necessary.**

- 45
46 (2) The maximum total duration of each special event and the assembly

thereof shall be ~~three~~ five (5) hours.

Deputy Town Manager Boodheshwar explained the current requirement of three hours was not sufficient in order to set-up, hold an event and cleanup afterwards, therefore, he recommended increasing the allotted time to five hours.

Sec. 106-281. – Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee.

Deputy Town Manager pointed out that the Town Council may sponsor an event, approve it and not require all of the special exceptions here to apply. He brought up the Centennial as an example and stated that he wanted to be certain the Town Council was aware of its right to do so in the future under the code requirements.

Sec. 106-282. – Application.

(b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than ~~30~~45 days nor more than ~~90~~180 days before the date on which it is proposed to conduct the special event.

Deputy Town Manager explained that this section could be an area where the language regarding the time-periods for filing could differ in order to benefit the residents.

Discussion ensued regarding the best time-period to file an application that would benefit the residents and provide the Town with sufficient time to review and process any complicated and large-scale event applications, especially if there is a conflict or an appeal.

Assistant Public Works Director Eric Brown spoke regarding the review process and the preferred time-period for addressing conflicts. Mr. Brown explained that a longer period is helpful so staff can review upcoming projects that could potentially inhibit the event. He also stated that he believed six months to a year is best, depending on the situation.

Chair Araskog expressed her preference for the submission period of applications to seven to nine months before the event date in case there is an appeal.

Deputy Town Manager Boodheshwar stated he would confer with the Town Attorney regarding Chair Araskog's preference.

(c) *Contents.* The application for a special event permit shall set for the

1 following information:

2
3 (10) The name of the applicant's insurance company for the event. The
4 town shall be named as an insured on a policy of liability insurance
5 in an amount not less than \$1,000,000.00. The Town of Palm Beach
6 reserves the right to require additional coverages and limits based upon the
7 particular special event proposed by the applicant.

8 If the special event applicant maintains higher limits than the
9 minimums shown below, the Town requires
10 and shall be entitled to coverage for the higher
11 limits maintained by the applicant.
12

13 **Deputy Town Manager Boodheshwar explained that although the default**
14 **requirement for liability is no less than one million, staff wanted to have the ability to**
15 **increase it, depending on the situation. He stated that staff would work with the Risk**
16 **Manager and Town insurance companies to increase the insurance requirements as**
17 **a condition of granting the permit.**

18
19 **Committee Member Crampton requested the inclusion of language that requires an**
20 **applicant to list the Town list as an additional insured to this section.**

21
22 (14) The following fees, in accordance with the fee schedule adopted by
23 the town council by resolution as may be amended from time to
24 time.

25
26 a. An administrative processing fee and, in the event of a late filing
27 a late filing fee, in accordance with the fee schedule adopted by the
28 town council by resolution as may be amended from time to time.

29
30 b. A refundable damage deposit

31
32 c. A usage fee prepaid for the hours requested to hold the proposed
33 special event
34

35 **Deputy Town Manager Boodheshwar explained the above language as a new section**
36 **in the code that allows the Town to charge fees as adopted by resolution. He informed**
37 **the Committee that at this time, there is no Administrative Fee, damage deposit, or**
38 **usage fee requirement.**

39
40 **It was the consensus of the Committee, to direct staff to revise the language so that the Town**
41 **is provided with the flexibility to charge a processing fee, damage deposit and usage fee.**

42
43 Sec. 106-283. – Standards for issuance.

44
45 The town manager's office shall issue a special event permit when from a
46 consideration of the application and from such other information as may otherwise be

1 obtained, ~~he~~ finds that:

- 2
3 (6) The special event is not being held for the purpose of advertising
4 any product, goods or event, and is not designed to be held for
5 private profit ~~or fundraising~~.

6
7 **Deputy Town Manager Boodheshwar stated advertisers are prohibited from using**
8 **signs or other forms of advertising, per Town code. He explained that the purpose is**
9 **not to allow our public spaces to be used for private gain and fundraising but**
10 **recommended that the Committee consider making an exception for non-profit**
11 **fundraising events that are Town serving such as the Turkey Trot.**

12
13 **Discussion ensued regarding the reason fundraising language was included in the**
14 **code which was to discourage fundraising events.**

15
16 **Chair Araskog requested that staff research the different types of fundraising events that**
17 **could take place in these areas and recommended the Committee consider allowing**
18 **exceptions for non-profits.**

19
20 **Council Member Crampton spoke regarding to the need to address sponsored events**
21 **that might be applicable for events the Par 3 golf course.**

22
23 **Attorney Randolph recommended the best distinction is to allow for 501 (C) (3)'s.**

24
25 **It was the consensus of the Committee, to leave the language as is but to provide a sentence**
26 **in the code allowing the issuance of permits for 501 (c) (3)'s, which are otherwise limited by**
27 **the Town's charitable solicitation requirements.**

- 28
29 (10) An original certificate of insurance ~~must be~~ was supplied to the
30 town naming the town as an insured on a policy of liability
31 insurance in an amount not less than \$1,000,000.00 or an amount
32 higher based upon the particular special event proposed.

33
34 Sec. 106-284. – Notice of approval or denial.

35
36 The town manager shall act upon an application for a special event permit with ~~15~~
37 20 days after the filing thereof and must notify the applicant of the approval or denial of
38 the application within that same period. If the town manager denies an application, a
39 written notice stating the reasons for denial shall be sent to the applicant by certified mail
40 and made available by the town for inspection within the ~~15~~20-day period specified
41 above.

42
43 **Deputy Town Manager spoke regarding staff needing more time to process**
44 **applications.**

45
46 Sec. 106-285. – Appeal procedure.

Any person aggrieved shall have the right to appeal in writing the denial of a special event permit to the town council. The appeal shall be taken with five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal the next regular monthly meeting of the town council subsequent to the notice of appeal.

By consensus of the Committee, staff was directed to draft an Ordinance with the proposed changes for first reading at the June 12, 2018 Town Council Meeting and to draft a Resolution with the fee structure for review at the June 7, 2018 ORS Committee meeting.

B. New Business

1. Review of Remaining Scheduled Meetings for 2018
Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided the tentative dates for the remaining meetings in 2018.

By consensus of the Committee, there will be no ORS meetings scheduled for the months of July and August.

VI. ANY OTHER MATTERS - None

VII. ADJOURNMENT

There being no further business to discuss, the Ordinances, Rules and Standards Committee Meeting was adjourned at 2:55 p.m.

APPROVED:

Julie Araskog
Chair

ATTEST:

Kathleen Dominguez
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 75-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating and Abandoning an Existing Public Utility Easement Within the Property Commonly Known as 218 La Puerta Way, in the Town of Palm Beach, Florida.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated May 16, 2018, from H. Paul Brazil, P.E., Director of Public Works**
- ▣ **Resolution No. 75-2018**
- ▣ **Exhibits**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Authorization to Vacate and Abandon an Existing Public Utility Easement
Located at 218 La Puerta Way, Palm Beach, Florida 33480
Resolution No. 75-2018

DATE: May 16, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 75-2018 authorizing the abandonment of an existing public utility easement located at 218 La Puerta Way. If Town Council approves the abandonment of the utility easement, said approval should be with the condition that the owner shall pay all fees related to implementing the vacating and abandonment, including but not limited to recording fees.

GENERAL INFORMATION

In accordance with Town Code of Ordinances, Chapter 106, Article IV, the owner of the property has made application to abandon the public utility easement on 218 La Puerta Way. The easements to be abandoned are shown as Exhibit A, Sketch and Legal Description of the proposed Resolution. An application fee of \$1,000 was received with the application for abandonment to cover direct costs and processing by the Town.

The applicant recently terminated the Unity of Title, dividing the property into two parcels 218 La Puerta Way and 217 El Pueblo Way, so that two (2) single family residences can be built. The previously abandoned public utility easements have been re-dedicated in place of the public utility easement to be abandoned. The re-dedicated easements are shown as Exhibit B, Sketch and Legal Description of the proposed Resolution. All existing utilities within portions of the easements proposed to be abandoned have provided consent. The abandonment of the existing utility easement is being made to unencumber the newly formed single property.

All utilities have been contacted and have agreed to the abandonment as described.

Information packages were sent to the 50 neighboring property owners within 300 feet of the easements to be abandoned via certified mail on May 18, 2018. To date, no responses have been received from the neighboring property owners. The abandonment request was also advertised prior to this Town Council meeting as required by Town Code.

This is an abandonment of an existing utility easement and no property is being gained by the owner. Therefore, a privilege fee is not applicable.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer
Craig Hauschild, P.E., Civil Engineer

RESOLUTION NO. 75-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH,
PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING AN
EXISTING PUBLIC UTILITY EASEMENT WITHIN THE PROPERTY COMMONLY
KNOWN AS 218 LA PUERTA WAY, IN THE TOWN OF PALM BEACH, FLORIDA.

* * * * *

WHEREAS, the owner of the land hereinafter described has recently terminated the United of Title of 218 La Puerta Way so that two separate (2) single family residences can be built; and

WHEREAS, it is necessary to abandon a portion of the public utility easements on said property to unencumber the newly formed separate properties of 218 La Puerta Way and 217 El Pueblo Way; and

WHEREAS, all utility providers of said easement have agreed to the abandonment of the existing public utility easement; and

WHEREAS, new public utility easement has been provided in place of the public utility easement to be abandoned; and

WHEREAS, the Town Council of the Town of Palm Beach does hereby find and determine that the utility easements located on 218 La Puerta Way as described below are no longer necessary and do not serve any public purpose nor is it necessary for public use; and

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

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

Section 2. That the easements described and illustrated on Exhibit A, Sheets 1 through 2, sketch and legal description for 218 La Puerta Way are hereby vacated and abandoned.

Section 3. That the easement described and illustrated on Exhibit B, Sheets 1 through 2, sketch and legal description for 218 La Puerta Way and 217 El Pueblo Way is hereby re-dedicated.

Section 4. The Town Clerk is hereby authorized to advertise and record the resolution pursuant to law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

Lot 23 of EL ENCANTO, a subdivision of the Town of Palm Beach, Florida, according to the Plat thereof as recorded in Plat Book 11, Page(s) 53, of the Public Records of Palm Beach County, Florida.

EXHIBIT "A"

NORTH

LA PUERTA WAY

32

31

30

5' UTILITY EASEMENT
(PLAT BOOK 11, PAGE 53)

5' UTILITY EASEMENT
(PLAT BOOK 11, PAGE 53)

EL ENCANTO
(PLAT BOOK 11, PAGE 53)

22

23

24

2,376 S.F.

10' U.E.

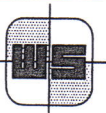
EL PUEBLO WAY

0' 40' 80' 120'



SCALE: 1"=40'

EXHIBIT "A"



WALLACE

SURVEYING
CORP. LICENSED BUSINESS # 4569

5553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 * (561) 640-4551

DATE: 2/2/18

DWG. No.: 05-1197-8

OFFICE: M.B.

SHEET: 2 OF 2

C'K'D.: C.W.

REF.: 05-1197-8.DWG

OR BK 29747 PG 0611
 RECORDED 03/30/2018 11:16:08
 AMT 1.00
 Doc Stamp 0.70
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 0611 - 4124 (2pgs)

Work Request No. _____

UTILITY EASEMENT (INDIVIDUAL)

Parcel I.D. 50-43-43-02-01-000-0310 and

Parcel I.D. 50-43-43-02-01-000-0230
 (Maintained by County Appraiser)

This Instrument Prepared By
 Maura Ziska, Esq.
 Kochman & Ziska PLC
 222 Lakeview Ave. Suite 1500
 West Palm Beach, FL 33401

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company ("FPL"), Bellsouth Telecommunications, LLC, Comcast Corporation, and the Town of Palm Beach, together with the affiliates, licensees, agents, successors, and assigns of the above named entities, a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility, communications, and cable distribution facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them, within an easement described as follows:

Reserved for Circuit Court

The South 2.5 feet of Lot 31 and the North 2.5 feet of Lot 23 of EL ENCANTO, a subdivision in the Town of Palm Beach, Florida, according to the plat thereof recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida in Plat Book 11, Page 53. (See attached Exhibit "A")

Together with the right to permit any other person, firm, or corporation on behalf of the above named entities, and their affiliates, licensees, agents, successors, and assigns, to attach or place wires to or within any facilities hereunder and lay cable and conduit within the easement area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under, and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on March 26th, 2018.

Signed, sealed, and delivered in the presence of:

218LPW LLC, a Delaware limited liability company

Jamie Hudak
 (Witness' Signature)

By: [Signature]
 (Grantor's signature)

Print Name: Jamie Hudak
 (Witness)

Print Name: MARK MASHBURN

Print Address: _____

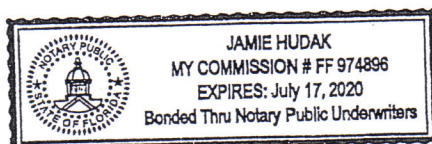
Kristina Kenille
 (Witness' Signature)

Print Name: Kristina Kenille
 (Witness)

STATE OF FLORIDA AND COUNTY OF PALM BEACH. The foregoing instrument was acknowledged before me this 26th day of March, 2018, by Mark Mashburn on behalf of the company, who is personally known to me or ☒ who has (have) produced _____ as identification, and who did (did not) take an oath.
 My Commission Expires: _____

Jamie Hudak
 Notary Public, Signature

Print Name: _____



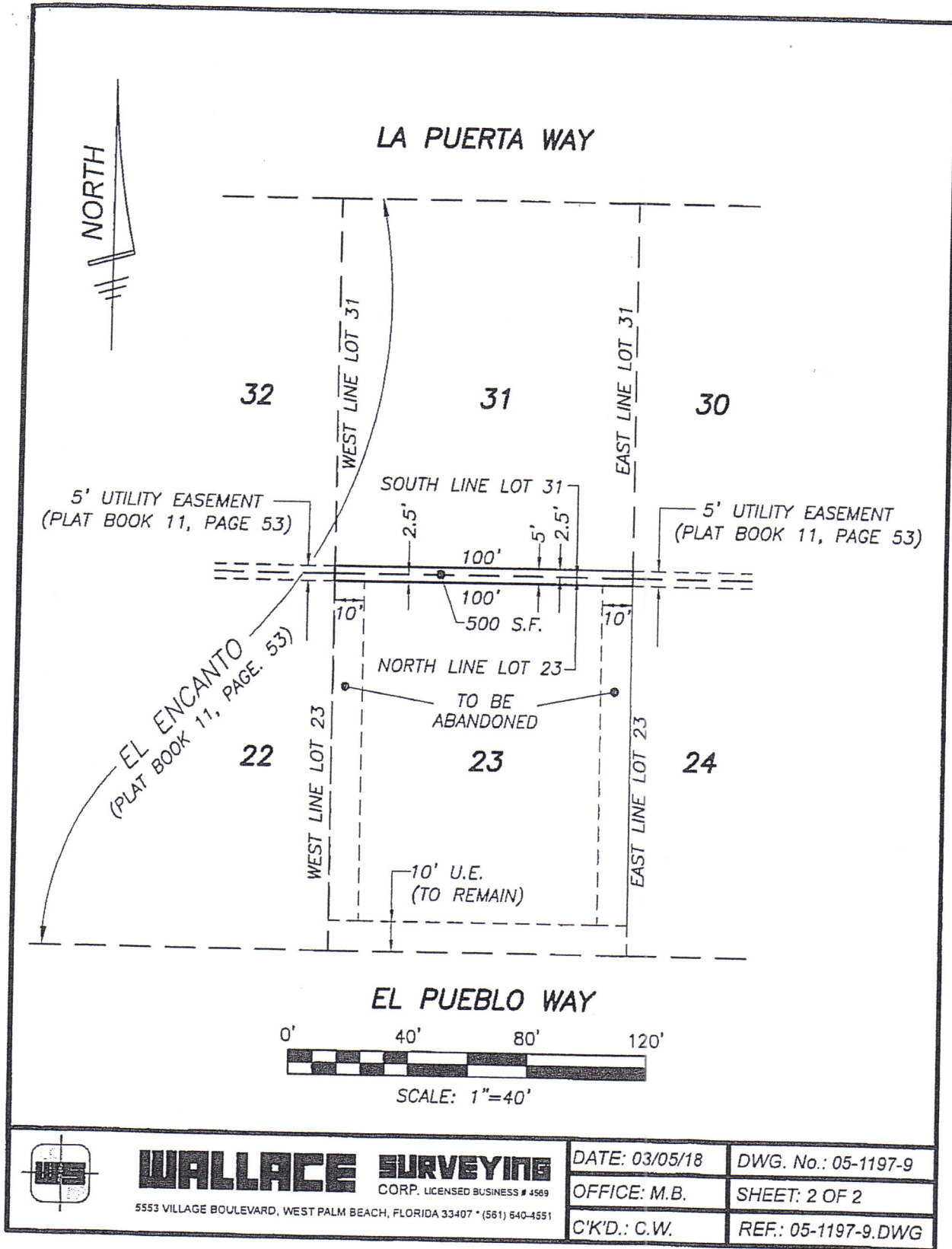


EXHIBIT "B"



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office with redactions, if any as required by law.

THIS 30 DAY OF March 2018

SHARON R. BOCK
CLERK & COMPTROLLER

By V. Welsh
DEPUTY CLERK

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town-wide Undergrounding Project:

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

Presenter

Steve Stern, Project Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 5, 2018, from Steven Stern, Project Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor & Town Council

VIA: Kirk Blouin, Town Manager

FROM: Steven Stern, Project Manager

CC: H. Paul Brazil, P.E., Director of Public Works; Jane LeClainche, Director of Finance; Patricia Strayer, P.E., Town Engineer; Kevin Schanen, P.E., Kimley-Horn;

RE: **Key Project Updates**

DATE: June 5, 2018

1. Communications

Outreach:

- o Friday June 1st: Cup of Joe with Bo – P1 South
- o Monday June 4th: Coffee with the Crew – P1 North

2. Progress Report & Dashboard Enhancements:

A. Construction progress:

Phase 1 North Construction:

- The majority of the horizontal directional drilling is complete along N. Ocean Blvd north of Indian Road and on the entire East Inlet Drive loop.
- Tie ins to property sites, transformers and setting of transformer pads continued throughout the phase 1 north area.
- By the end of April, the project reached a milestone by having all of the main line horizontal directional drilling completed along with the various private franchise utility conduits installed.
- The final work on Onondaga & Laurie Lane will begin the first week of May to install new curbs and asphalt paving.

Phase 1 South Construction:

- **Ibis Isle:** The service conduit installation to the individual properties for ATT and Comcast is in progress and will be completed by mid June.
- **Main line conduit installation:** All the new FPL underground conduit has been installed.
- **Decorative Street Lights:** All the new FPL conduits and hand hole boxes for the street lights have been installed.
- **Electrical Cabling / Wires:** New electrical cables 97% complete South of Lake Avenue. Cable installation in progress North to Sloan's Curve.
- **Electrical Equipment Boxes:** Installation in progress North of Lake Avenue.

B. Dashboard Enhancements:

The Underground Utilities Financial Report has been enhanced based on UUTF and TC requests:

- Added pages describing summary data for Phase 3, 4 and 5.
- Included additional Easement Expense Acquisition details beginning with Phase 2.
- Added Kimley Horn Opinion of Project Costs for each phase of the project.
- Updated related costs outside of the undergrounding budget inclusive of legal expense.

3. Additional FPL Credits

On Jan 9th, the Florida Public Service Commission provided contingent approval for the FPL's tariff amendments allowing additional CIAC credits for conversion of existing non-hardened overhead feeder facilities to underground feeder facilities. These rates became effective upon the Florida PSC's formal order which cleared the way for FPL to finalize tariff changes with the effective date being February 13, 2018.

On May 25, 2018, FPL reported the non-hardening feeder credit for the Town-wide project is estimated to be \$3.3 million and reflected in this month's project budget update.

The actual costs/credits will be generated on the future Binding Cost Estimates (per the tariff) and provided to the Town as the project progresses.

4. Communications Service Provider Status Update

The Town Manager and Staff will discuss progress to negotiate an improved Special Construction Agreement with the communication service providers.



Underground Utility Task Force Monthly Progress Report June 2018

Table of Contents

Dashboard – Phase 1 Construction and Phase 2 & 3 Design

1. Kimley-Horn Progress Report Phase 2
2. Kimley Horn Progress Report Phase 3
3. Master Plan Gantt Chart
4. Phase 2 Design Gantt Chart
5. Phase 3 Design Gantt Chart
6. Phase 1 North Construction Schedule
7. Burkhardt Executive Project Summaries
8. Phase 1 South Construction Schedule
9. Whiting Turner Executive Summary
10. Project Financial Report
11. Interest Rate Forecast, May 25, 2018

The following reports will be provided when applicable in future reporting:

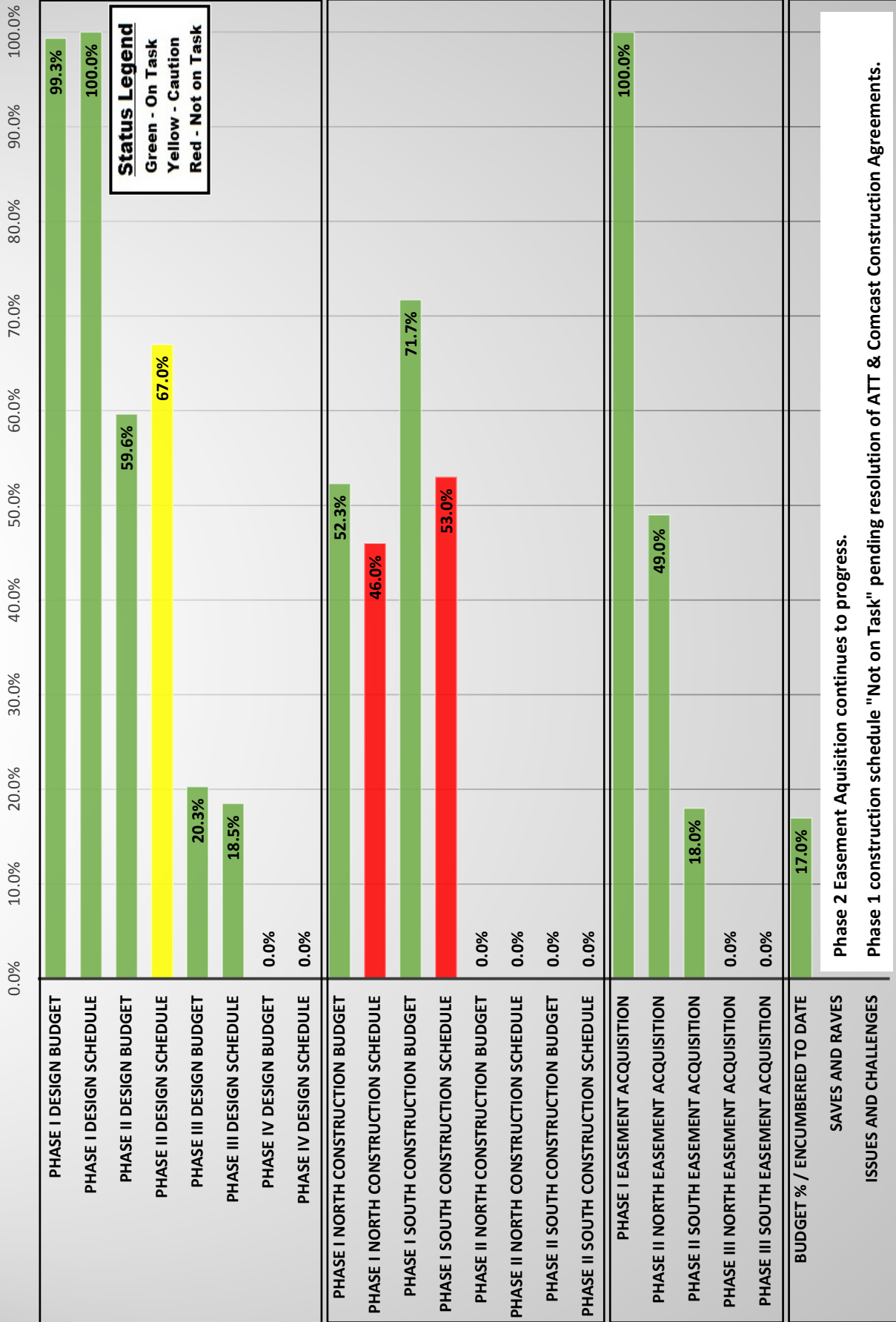
- tbd

Dashboard Notes:

- Overall Budget represents the percentage encumbered to date versus the total project budget of \$102 million.

Prepared by the Finance Department & TMO
May 31, 2018

Town of Palm Beach - Underground Utility Project Dashboard - May '18





Town-Wide Undergrounding - Phase 2 Design

KHA Project #044063202

May 2018 Progress Report

Period: April 26 to May 25, 2018

I. Scope Update

A. General

- Schedule: Project schedule progress is shown below.
 - Phase 2 North Design is 74% complete
 - Phase 2 South Design is 60% complete
- Budget: Project is on budget as of May 15, 2018
 - Phase 2 North Design is at 60% of total task budget
 - Phase 2 South Design at 51% of total task budget
- Easement Status
 - Phase 2 North: 49% of easements approved
 - Phase 2 South: 18% of easements approved

B. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design
- Continued field review of proposed equipment locations to determine existing field constraints and modify construction plans based on easement acquisition process
- Coordination with FPL and Development/Submittal of Streetlight Exhibits
- Received Equipment Location Plans from AT&T and Comcast in Phase 2 North and Phase 2 South.
- Progress on development of Comcast, AT&T and FPL Conduit Plans for Phase 2 North and South
- Development of Landscape Plans for Phase 2 North and South
- Progress on Phase 2 Technical Specifications.
- Continued resident meetings for easement acquisition in Phase 2 North and Phase 2 South.
- Attendance at Progress Meeting with Town and Utilities to coordinate the design process.
- Attendance at multiple field meetings with residents to discuss easement requests.
- Continued Preparation of Easement Exhibits for Phase 2 North and South equipment. Modify exhibits based on results of field meetings.
- Prepare and submit legal sketches and descriptions for approved easements.

II. Upcoming Activities (May 26, 2018 – June 25, 2018)

A. Detailed Design Phase

- Subconsultant/utility owner coordination related to Phase 2 Design and Bidding.
- Continue resident meetings to discuss easements in Phase 2 North and Phase 2 South.

- Submittal of bid plans for Phase 2 North and South to the CMARs for June Bidding.
- Bid Phase Activities.
- Progress Meeting Attendance



Town-Wide Undergrounding - Phase 3 Undergrounding

KHA Project #044063215

May 2018 Progress Report

Period: April 26, 2018 to May 25, 2018

I. Scope Update

A. General

- **Schedule:** Project schedule progress is shown below.
 - Phase 3 North Design is 20% complete
 - Phase 3 South Design is 17% complete
- **Budget:** Project is on budget as of May 15, 2017
 - Phase 3 North Design is at 17% of total task budget
 - Phase 3 South Design at 14% of total task budget
- **Easement Status**
 - Phase 3: N/A, will provide status when this work begins

B. Detailed Design Phase

- o Subconsultant/utility owner coordination related to Phase 3 Undergrounding.
- o Performed follow up field review to collect missing meter information.
- o Coordination with surveyor to complete the Phase 3 surveys.
- o Coordination with utility owners to receive utility record information.
- o Coordination with geotechnical subconsultant for completion of final report.
- o Progress on Development of the Phase 3 South Street Light Exhibit
- o Development and submittal of the utility base map for the Phase 3 north area.
- o Progress Meeting Attendance

II. Upcoming Activities (May 26, 2018 – June 25, 2018)

A. Detailed Design Phase

- o Continued Subconsultant/utility owner coordination
- o Continued coordination with utility owners to receive utility record information.
- o Finalize field surveying in the south area.
- o Finalize and submit the Phase 3 South utility base file to the Town and FPL.
- o Finalize and submit the Phase 3 Street Light Exhibits for submittal to FPL
- o Progress Meeting

III. Saves and Raves

- A. Saves:** Reduction of soft dig needs and anticipated reduction of meetings in the long term will save nearly \$50K in design costs.
- B. Raves:** The Town's new Google Earth utility atlas tool. This is proving to be a very helpful tool for design and will help the contractors

more quickly identify the private sewer lateral locations in the field so they can be better avoided during boring.

ID	Task Name	Duration	Start	Finish																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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Project: TOPB UG Master Plann
Date: Wed 2/21/18

Task

Milestone

Summary

Manual Task

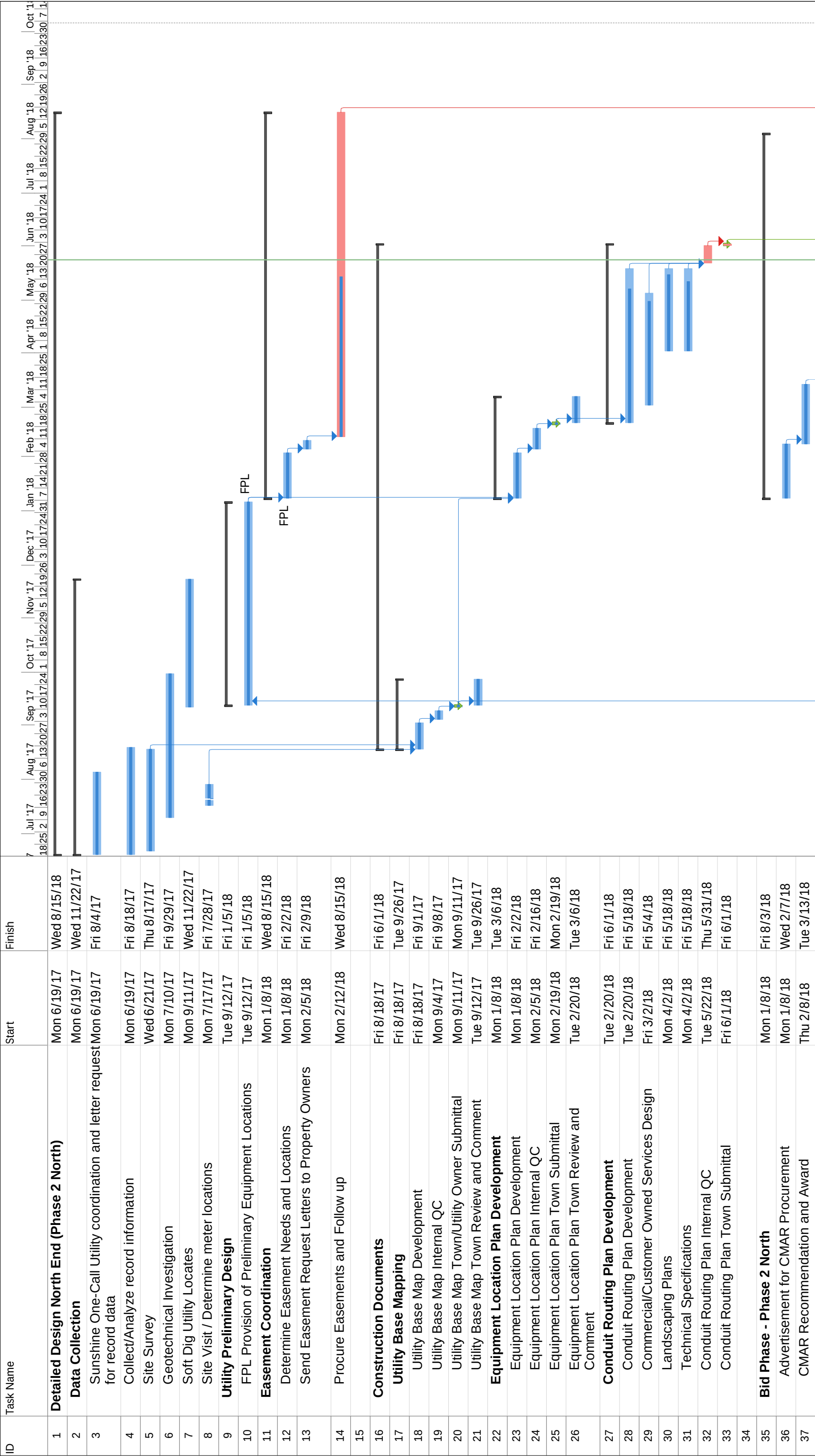
Manual Summary

Finish-only

Deadline

Progress

Manual Progress



Project: TOPB UG Ph 2 Designr
Date: Thu 5/24/18

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

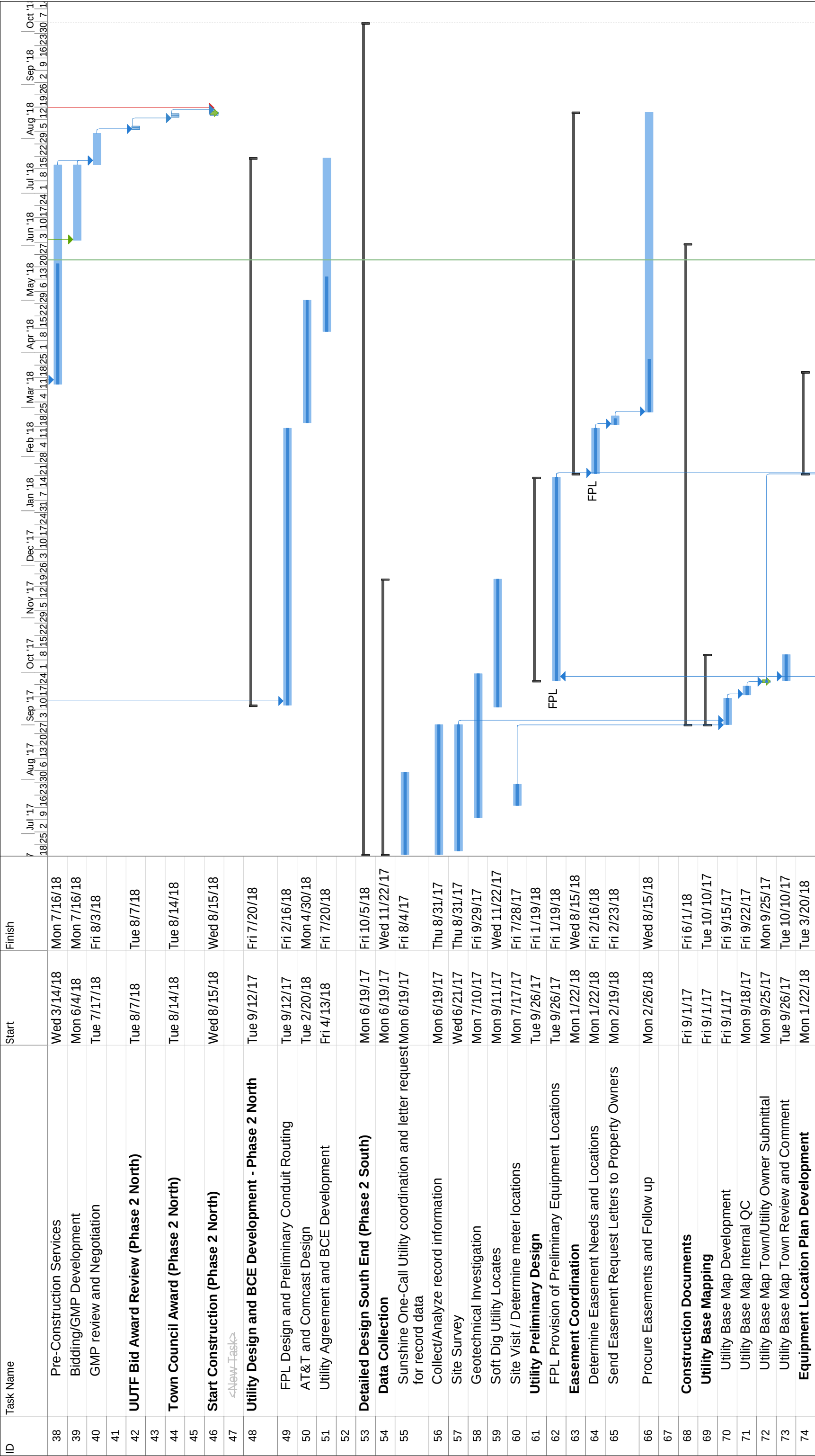
Critical

Manual Progress

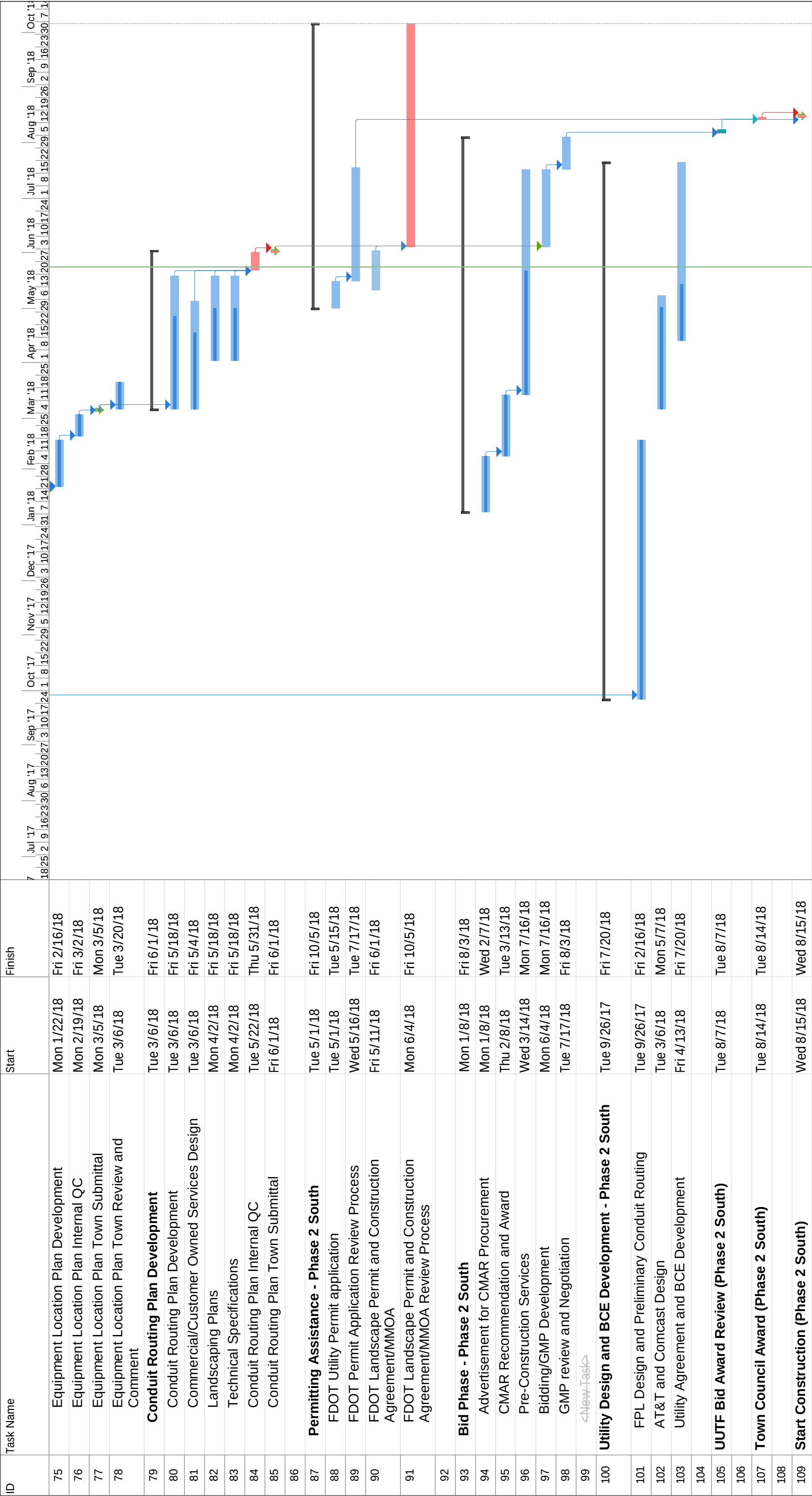
Progress

Critical Split

Progress



Page 2



Project: TOPB UG Ph 2 Designr
Date: Thu 5/24/18

Task

Milestone

Summary

Project Summary

Manual Task

Manual Summary

Deadline

Critical

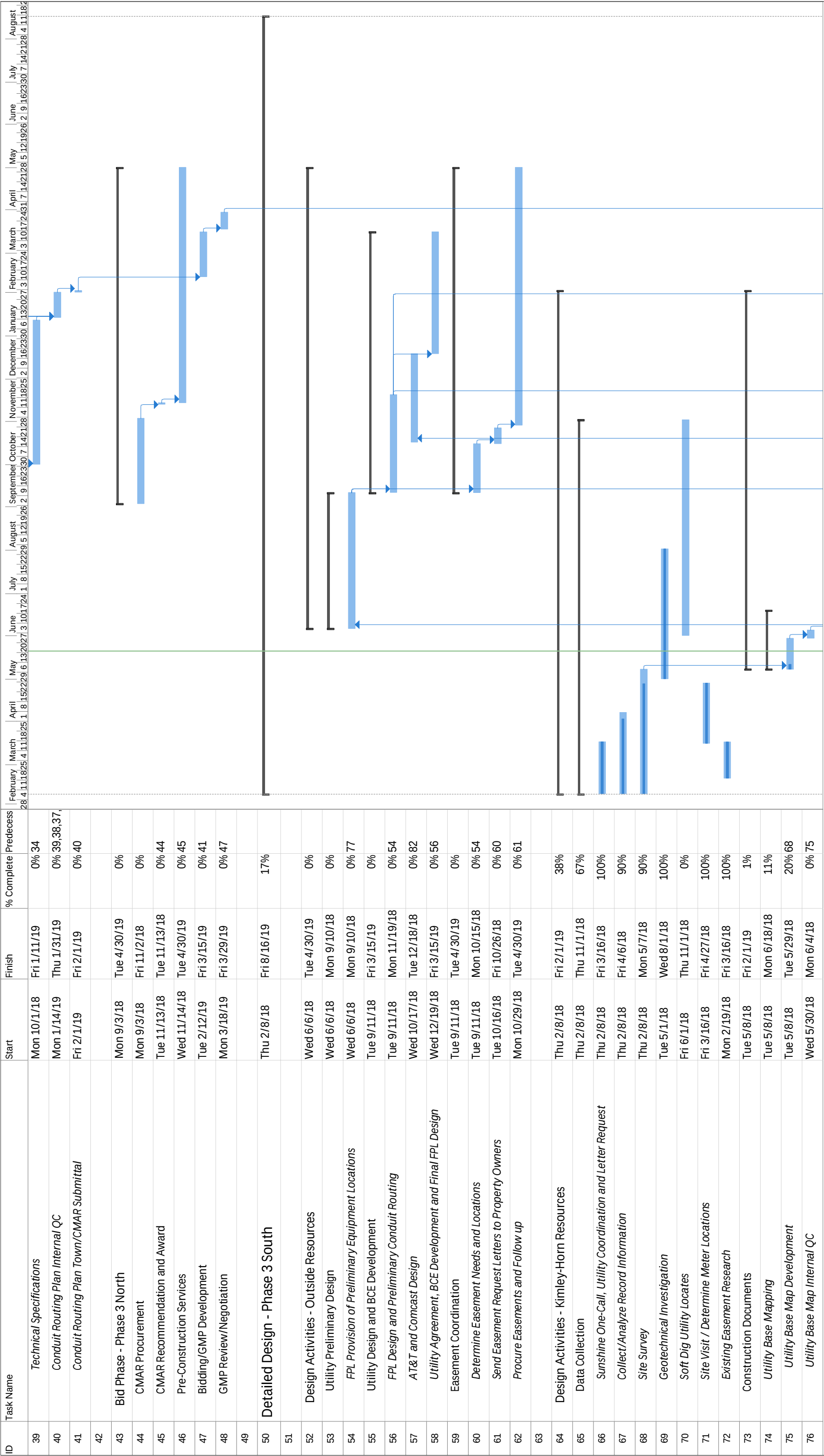
Critical Split

Progress

Manual Progress

Progress

Page 3



Project: Phase 3 Detailed Design
Date: Mon 5/21/18

Task

Summary

Project Summary

Inactive Task

Task

Split

Milestone

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Progress

Manual Progress

Vincent G. Burkhardt
President



Executive Summary

Vincent G. Burkhardt
President



Executive Summary
For
April 2018

Project Description

Townwide Overhead Utility Undergrounding
Phase 1 North
P.O. # 171308

Project Status:

In April the majority of the horizontal directional drilling occurred along N. Ocean Blvd. north of Indian Road and on the entire East Inlet Drive loop. We had two drilling crews working in that area to complete during this period.

The third crew that mainly works with tie ins to property sites, transformers, and setting of transformer pads continued throughout the phase 1 north site.

By the end of April the project reached a milestone by having all of the main line horizontal directional drilling completed along with the various private franchise utility conduits installed. Now there are just smaller tie in areas that need to be completed.

The project continues to remain within budget and is on schedule.

Vincent G. Burkhardt
President



Executive Summary
For
April 2018

Project Description

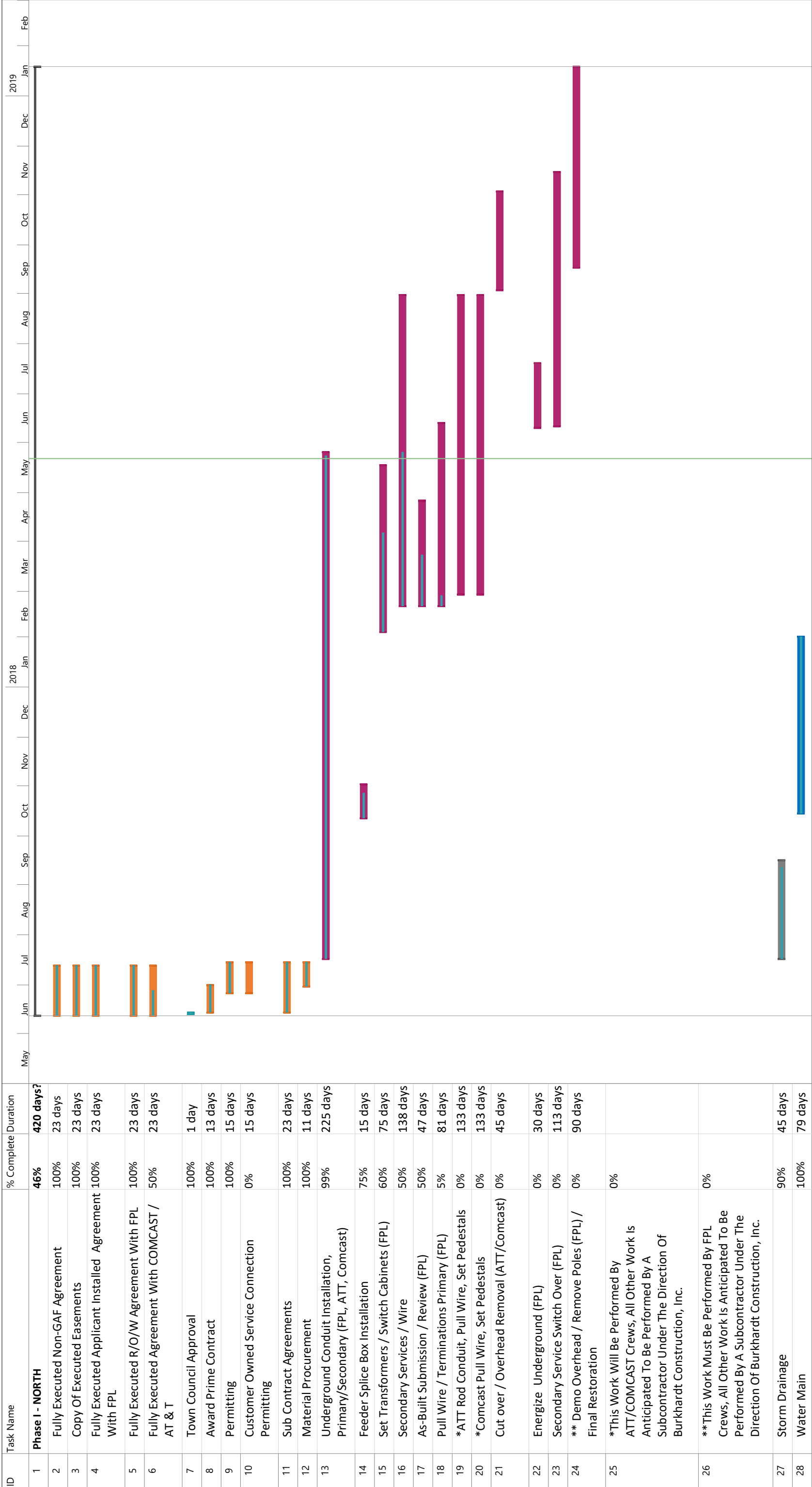
Townwide Utility Undergrounding
Onondaga Avenue & Laurie Lane Improvements
Phase 1 North
P.O. # 171308

Project Status:

Sine all of the work with the new water main was completed last month there is no work to report on. As previously mentioned in March's report the final work on Onondaga & Laurie Lane will begin the first week of May to install new curbs and asphalt paving.

The project continues to stay within budget.

TOWN-WIDE OVERHEAD UTILITY UNDERGROUNDING
PHASE 1 NORTH
SCHEDULE
RFQ No. 2017-14



SAFETY

Monthly safety inspections are conducted by WT Regional Safety Director. Daily safety inspections conducted by onsite staff.

- ◆ 0 lost time incidents to date
- ◆ 1 recordable incident to date

CONSTRUCTION

- ◆ S. Ocean Blvd (Electrical Undergrounding Crew) - Current location just south of Sloan's Curve. Undergrounding Crews are 100% completed with feeder & primary conduit installation on S. Ocean Blvd. Approx. 95% of concrete vaults and pads for transformers and switches have been installed. Pulling of feeder and primary cable started. Approximately 65% of cable pulled to date.
- ◆ Ibis Isle Undergrounding Crew has completed FPL primary, Comcast, and AT&T conduit and cable installation along Ibis Isle Road East and West. Transformer pads and splice boxes along Ibis Isle Road East and West completed. Conduit installation along Ibis Way per the FDEP permit for the subaqueous bridge crossing completed. Installation of AT&T and Comcast service conduit to each home from the ROW on Ibis Isle has started.
- ◆ Street Lighting crew approximately 95% complete with installation.

DOCUMENTATION:

RFIs:

- A. 20 RFIs issued to date
- B. 1 Outstanding RFI

SUBMITTALS:

- A. 43+ Individual Submittals Processed
- B. 1 Submittal Package Currently Under Review
- C. 0 Submittal Packages Pending Submission to A/E

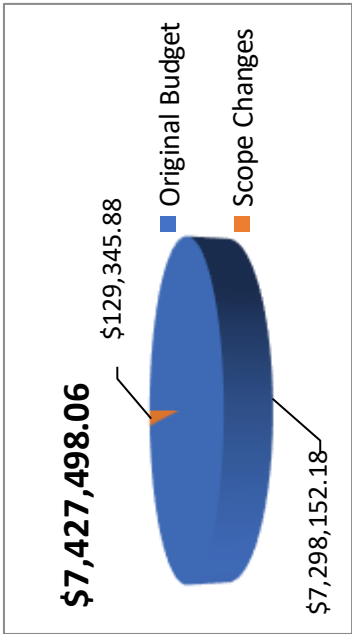
DRAWINGS: Added Scopes of Work

- A. Post GMP Phipps Ocean Park Restroom Building received January 18th from TOPB.
- B. Post GMP Phipps Ocean Park (North) Lighting—Undergrounding of electrical.
- C. Post GMP A-41 Wastewater Pump Station received January 12th from TOPB
- D. Post GMP Ibis Bridge Watermain Crossing received December 12, 2017 from KHA.
- E. Phase 2 Undergrounding North received February 14, 2018 from KHA.

RELEVANT POTENTIAL CHANGES:

- A. Additional AT&T and Comcast Service Conduits at Ibis Isle per the Town's request
- B. Drawing Revision at Palm Beach Resort from the Town/Engineer.

FINANCIALS—BUDGET VS. COSTS



Current GMP Amount	—	\$7,427,498.06
Approved Owner Initiated Scope Changes	—	\$129,345.88
Gross Billings to Date (\$)	—	\$4,052,636.08
Gross Billings to Date (%)	—	54%
Schedule % Completed	—	53%



SCHEDULE SUMMARY

S. Ocean Undergrounding -Sta 11+10 to Sta 243+66

1500	ATT Conduit Installation	10	1	29AUG17 A	30APR18
1505	Comcast Conduit Installation	10	1	29AUG17 A	30APR18
1512	FPL Feeder Splice Box Installation	20	2	23OCT17 A	01MAY18
1543	FPL Feeder & Primary Conduits Installation	75	2	04SEP17 A	01MAY18
1545	Service Sweep Condu /Set Equip Pads/Splice Boxes	75	2	27SEP17 A	01MAY18
1547	WT's Sub provides As-Buils for FPL/TPB/K-H	5	2	29DEC17 A	03MAY18
1507	ATT Vault (Installed by W-T's Sub)	15	5	01MAR18 A	07MAY18
1550	FPL Transformer Pad Installation	20	4	01NOV17 A	07MAY18
1509	WT's Sub provide As-Buils for ATT/Comcast	5	3	01NOV17 A	10MAY18
1553	FPL Pull Feeder Wire	40	1	27JAN18 A	14MAY18

Ibis Isle

3045	Set Equip/PME/Terminations	30	0	06NOV17 A	28FEB18 A
3047	Transformer Installation	30	0	13NOV17 A	28FEB18 A
3049	Pull Primary & Service Wire	30	0	27NOV17 A	28FEB18 A
IMP 3011	Additional ATT & Comcast Conduit CO Approval	10	0	10NOV17 A	20MAR18 A
3020	WT's Sub provides as-buils for ATT & Comcast	5	0	06NOV17 A	23MAR18 A
3055	WT's Sub provides as-buils for FPL/TPB/KH	5	0	03JAN18 A	23MAR18 A
3010	Backfill and Temp Restora	30	0	11SEP17 A	28MAR18 A
3035	ATT/Comcast Reviews as-buils/inspect/procure	20	10	02APR18 A	11MAY18
IMP 3012	Additional ATT & Comcast Conduit Installation	10	10	30APR18	11MAY18
IMP 3013	Hold - No Install by Comcast per TOPB	30	20	25APR18 A	22MAY18
3100	ATT/Comcast remove overhead facilities	20	20	28MAY18	22JUN18

SCHEDULE NOTES / IMPACTS:

- Street Lighting scope is 95% complete.
- Additional AT&T/Comcast Service Conduit at Ibis Isle in progress. AT&T and Comcast direct installation currently on hold per the Town.
- Scope of work associated with Ibis Isle Bridge Watermain Crossing approved by the Town and pending installation.

Underground Utility Project Budget
Project Financial Summary
May 31, 2018

Expenditures	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 1	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 8,592,840	68.0%
Phase 2	\$ 9,170,000	\$ 9,710,000	\$ 1,108,354	\$ 543,315	49.0%
Phase 3	\$ 10,910,000	\$ 11,360,000	\$ 1,192,094	\$ 540,032	45.3%
Phase 4	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ -	0.0%
Phase 5	\$ 14,090,000	\$ 14,850,000	\$ 81,087	\$ -	0.0%
Phase 6	\$ 16,820,000	\$ 17,690,000	\$ -	\$ -	
Phase 7	\$ 11,730,000	\$ 12,220,000	\$ -	\$ -	
Phase 8	\$ 12,300,000	\$ 12,890,000	\$ -	\$ -	
Other	\$ 570,000	\$ 980,414	\$ 980,414	\$ 1,141,791	116.5%
Total Project Costs To Date*	\$ 98,580,000	\$ 103,510,414	\$ 17,310,031	\$ 10,817,977	62.5%
* Updated OPC includes estimated AT&T credit					
Total Other Costs Outside Underground Budget			\$ 793,197	\$ 1,024,971	129.2%
Total Underground Project Costs			\$ 18,103,229	\$ 11,842,948	65.4%
Opinion of Cost - Master Plan			98,600,000		
AT&T and Comcast Additional Project Costs			6,700,000		
AT&T Credit - TBD			?		
FPL Credit - TBD			(3,300,000)		
Total Project Budget			\$ 102,000,000		
% Budgeted/Encumbered To Date Project Costs			16.97%		
% Spent to Date - Project Costs			10.61%		

Project Revenues Received

Revenues	Budget	Actual	% of Budget
Revenues			
Prepaid Assessments Reserved		\$ 11,381,967	0.0%
Assessment Revenue Reserved	\$ 5,080,000	\$ 4,147,830	81.7%
Commercial Paper	\$ 22,155,000	\$ 12,511,000	56.5%
Town Owned Property Prepaid Assessments	\$ 2,797,291	\$ 2,797,291	100.0%
Interest	\$ 12,000	\$ 93,534	779.5%
1 Cent Sales Tax	\$ 2,500,000	\$ 659,167	26.4%
Other			
Donations - Civic Association	\$ 49,250	\$ 49,250	100.0%
Transfer from (307) Fund CIP	\$ 760,200	\$ 760,200	100.0%
Total Project Revenues	\$ 33,353,741	\$ 32,400,239	97.1%

Underground Utility Project Budget
Phase 1 Project Costs
May 31, 2018

	Original OPC	Updated 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%
Legal Sketch and Description - Easements			34,000	25,315	74.5%
Subtotal Design Phase	\$ 1,330,000	\$ 1,400,000	\$ 1,310,829	\$ 1,302,128	99.3%
Construction Costs					
Phase 1 North Construction					
Preconstruction			\$ 19,720	19,720	100.0%
Burkhardt Construction			\$ 3,598,144	2,123,252	59.0%
Street Light Conversion			\$ 26,273	26,273	100.0%
Change Order for AT&T and Comcast Conduit			\$ 371,201	-	0.0%
Utility Design Costs			\$ 15,595	15,595	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 476,776	187,499	39.3%
Construction Engineering (KH)			\$ 230,532	105,090	45.6%
	\$ 4,210,000	\$ 4,390,000	\$ 4,738,241	\$ 2,477,429	52.3%
Phase 1 South Construction					
Preconstruction			\$ 22,200	22,200	100.0%
Whiting Turner Construction			\$ 4,450,977	3,113,217	69.9%
Change Order for AT&T and Comcast Conduit			\$ 125,147	-	0.0%
Other Approved Change Orders - Additional soil borings at Ibis Isle			\$ 2,200	2,200	100.0%
Utility Design Costs			\$ 33,013	33,013	100.0%
Utility Construction Costs (FPL, Comcast, AT&T)			\$ 1,374,193	1,184,090	86.2%
Construction Engineering (KH)			\$ 283,880	156,979	55.3%
	\$ 6,800,000	\$ 6,830,000	\$ 6,291,610	\$ 4,511,698	71.7%
Legal Costs/Easement Acquisition - Jones Foster	\$ 280,000	\$ 280,000	\$ 301,359	\$ 301,584	100.1%
Total Phase 1 Costs	\$ 12,620,000	\$ 12,900,000	\$ 12,642,040	\$ 8,592,840	68.0%

Underground Utility Project Budget
Phase 2 Project Costs
May 31, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 2 Design					
Kimley Horn					
Task 1.1 Phase 2 North Design	335,000	360,000	\$ 281,304	\$ 225,043	80.0%
Task 1.2 Phase 2 South Design	400,000	420,000	\$ 335,353	\$ 217,979	65.0%
Task 1.3 Permitting Assistance North and South			\$ 12,674	\$ -	0.0%
Task 1.4 Bid Phase Assistance North and South			\$ 40,565	\$ -	0.0%
Task 1.6 Meetings North and South			\$ 136,617	\$ 37,982	27.8%
Total Phase 2 Design	\$ 735,000	\$ 780,000	\$ 806,513	\$ 481,005	59.6%
Construction Costs					
Phase 2 North Construction					
Preconstruction			\$ 35,000	-	
Burkhardt Construction					
Approved Change Orders			\$ -		
FPL Design Cost			\$ 11,759		
ATT Design Cost			\$ 5,000		
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 2 North Construction	3,800,000	4,000,000	\$ 51,759	\$ -	0.0%
Phase 2 South Construction	-				
Preconstruction			\$ 35,000	-	
Whiting Turner Construction					
Approved Change Orders			\$ -		
FPL Design Cost			\$ 13,330		
ATT Design Cost			\$ 5,000		
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)	-				
Total Phase 2 South Construction	4,435,000	4,730,000	\$ 53,330	\$ -	0.0%
Easement Acquisition	200,000	200,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1.5 Easement Assistance North			\$ 64,936	\$ 41,492	63.9%
Task 1.5 Easement Assistance South			\$ 77,466	\$ 15,469	20.0%
<i>Surveys</i>					
Task 1.7 Legal Sketch North			\$ 14,020	\$ 5,349	38.2%
Task 1.7 Legal Sketch South			\$ 16,725	\$ -	0.0%
Jones Foster - Legal			\$ -		
American Acquisition Group			\$ -		
Temp Services			\$ 20,000		
Recording Costs			\$ 3,605		
Total Easement Acquisition Costs	200,000	200,000	\$ 196,752	\$ 62,310	31.7%
Total Phase 2 Costs	\$9,170,000	\$9,710,000	\$ 1,108,354	\$ 543,315	49.0%

Underground Utility Project Budget
Phase 3 Project Costs
May 31, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 3 Design					
Kimley Horn					
Task 1.1 Phase 3 North Design	\$ 325,000	\$ 350,000	\$ 288,851	\$ 84,057	29.1%
Task 1.2 Phase 3 South Design	\$ 535,000	\$ 580,000	\$ 503,260	\$ 97,265	19.3%
Task 1.3 Permitting Assistance			\$ 13,739		0.0%
Task 1.4 Bid Phase Assistance			\$ 36,834		0.0%
Task 1.5 Meetings			\$ 101,652		0.0%
Deductive Change Order (Scope Change)			\$ (49,840)		0.0%
Total Phase 3 Design	\$ 860,000	\$ 930,000	\$ 894,496	\$ 181,321	20.3%
Construction Costs					
Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,850		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Daniella Construction - Nightingale/LaPuerta - Townwide portion				\$ 243,470	
FPL Nightingale/LaPuerta - Townwide Portion				\$ 74,900	
Comcast Nightingale/LaPuerta - Townwide Portion				\$ 8,885	
AT&T Nightingale/LaPuerta Townwide Portion				\$ 30,555	
Total Phase 3 North Construction	\$ 3,700,000	\$ 3,850,000	\$ 12,850	\$ 357,810	0.0%
Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 11,359		
ATT Design Cost					
Comcast Design Cost					
Construction Engineering (KH)					
Total Phase 3 South Construction	\$ 6,090,000	\$ 6,320,000	\$ 11,359	\$ -	0.0%
Easement Acquisition	\$ 260,000	\$ 260,000			
<i>Kimley Horn Easement Assistance</i>					
Task 1 Easement Assistance North and South			\$ 235,953	\$ 901	0.4%
<i>Surveys</i>					
Task Legal Sketch South			\$ 37,436		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs					
Total Easement Acquisition Costs	\$ 260,000	\$ 260,000	\$ 273,389	\$ 901	0.3%
Total Phase 3 Costs	\$ 10,910,000	\$ 11,360,000	\$ 1,192,094	\$ 540,032	45.3%

Underground Utility Project Budget
Phase 4 Project Costs
May 31, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 4 Design					
Kimley Horn					
Task 1.1 Phase 4 North Design	\$ 402,000	\$ 435,000	\$ 312,317		0.0%
Task 1.2 Phase 4 South Design	\$ 413,000	\$ 435,000	\$ 451,284		0.0%
Task 1.3 Permitting Assistance			\$ 14,468		0.0%
Task 1.4 Bid Phase Assistance			\$ 37,899		0.0%
Task 1.6 Meetings			\$ 77,911		0.0%
Total Phase 4 Design	\$ 815,000	\$ 870,000	\$ 893,879	\$ -	0.0%
Construction Costs					
Phase 4 North Construction	4,605,000	4,820,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 12,757		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 North Construction	\$ 4,605,000	\$ 4,820,000	\$ 12,757	\$ -	0.0%
Phase 4 South Construction	4,710,000	4,980,000			
Preconstruction					
Construction					
Approved Change Orders					
FPL Design Cost			\$ 13,160		
ATT Design Cost					
Comcast Design Cost					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 4 South Construction	\$ 4,710,000	\$ 4,980,000	\$ 13,160	\$ -	0.0%
Easement Acquisition	\$ 240,000	\$ 240,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance (KH)			\$ 280,270		
Easement Assistance (KH) -- Switches			\$ 62,780		
<i>Surveys</i>					
Legal Sketch			\$ 38,230		
Legal Sketch - Switches			\$ 4,967		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs					
Total Easement Acquisition Costs	\$ 240,000	\$ 240,000	\$ 386,247	\$ -	0.0%
Total Phase 4 Costs	\$ 10,370,000	\$ 10,910,000	\$ 1,306,043	\$ -	0.0%

Underground Utility Project Budget
Phase 5 Project Costs
May 31, 2018

	Original OPC	Updated OPC	Budget	Actual	% Expended
Phase 5					
Kimley Horn					
Task 1.1 Phase 5 North Design	\$ 520,000	\$ 560,000			0.0%
Task 1.2 Phase 5 South Design	\$ 600,000	\$ 640,000			0.0%
Task 1.3 Permitting Assistance North					0.0%
Task 1.3 Permitting Assistance South					0.0%
Task 1.4 Bid Phase Assistance North					0.0%
Task 1.4 Bid Phase Assistance South					0.0%
Task 1.6 Meetings North					0.0%
Task 1.6 Meetings South					0.0%
Total Phase 5 Design	\$ 1,120,000	\$ 1,200,000	\$ -	\$ -	0.0%
Construction Costs					
Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 North Construction	\$ 5,890,000	\$ 6,200,000	\$ -	\$ -	0.0%
Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000			
Preconstruction					
Construction					
Utility Costs (FPL, Comcast, AT&T)					
Construction Engineering (KH)					
Total Phase 5 South Construction	\$ 6,750,000	\$ 7,120,000	\$ -	\$ -	0.0%
Easement Acquisition	\$ 330,000	\$ 330,000			
<i>Kimley Horn Easement Assistance</i>					
Easement Assistance			\$ 75,696		
Surveys					
Legal Sketch			\$ 5,391		
Jones Foster - Legal					
American Acquisition Group					
Temp Services					
Recording Costs					
Total Easement Acquisition Costs	\$ 330,000	\$ 330,000	\$ 81,087	\$ -	0.0%
Total Phase 5 Costs	\$14,090,000	\$14,850,000	\$ 81,087	\$ -	0.0%

Underground Utility Project Budget
Other Project Costs
May 31, 2018

Master Plan	Budget	Actual	% Expended
Task 1.1 - Data Collection & GIS Base Mapping	\$ 88,021	\$ 88,021	100.0%
Tash 1.1a Data Collection for Future Communications	\$ 23,511	\$ 23,511	100.0%
Task 1.2 - Conceptual Design and Master Plan	\$ 161,756	\$ 161,756	100.0%
Task 1.3 - Project Sequencing and Phasing	\$ 31,244	\$ 31,244	100.0%
Task 1.4 - Assessment of Traffic Impacts	\$ 77,660	\$ 77,660	100.0%
Task 1.5 - Project Delivery Methods	\$ 17,448	\$ 17,448	100.0%
Task 1.6 - Master Plan Document	\$ 45,053	\$ 42,800	95.0%
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	\$ 595,630	99.6%
Comcast Preplanning - Master Plan		\$ 12,015	
Community Outreach	\$ 282,519	\$ 197,551	69.9%
Peer Review Study - Patterson & Dewar (\$50,000 Offsetting Revenue)	\$ 100,000	\$ 100,000	100.0%
Commercial Paper Issuance Cost		\$ 200,675	
Commercial Paper Fees		\$ 1,609	
Commercial Paper Interest		\$ 34,311	
Total Other Project Costs	\$ 980,414	\$ 1,141,791	116.5%

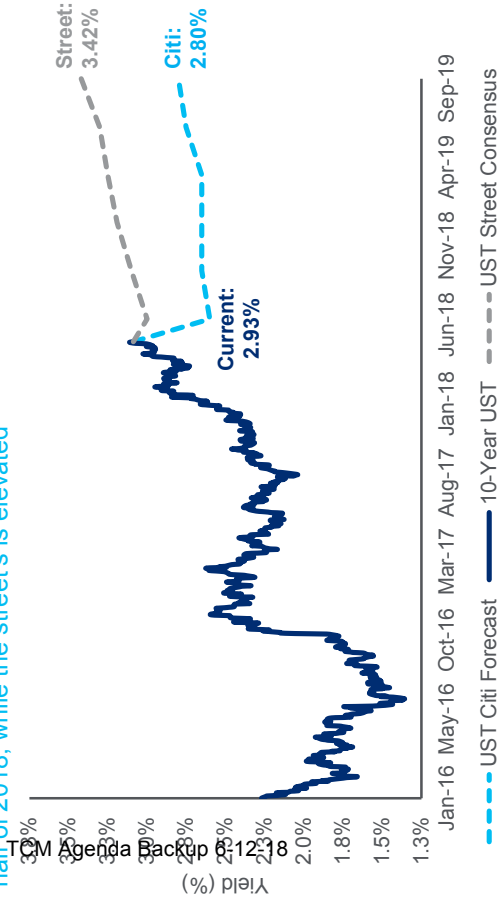
Related Costs Outside of the Underground Project Budget

	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	\$ 215,735	61.4%
Project Construction Engineering	\$ 11,607	\$ 6,616	57.0%
Utility Cost (FPL, Comcast, AT&T)	\$ 134,333	\$ 127,531	94.9%
Project Meeting Attendance	\$ 2,362	\$ 2,362	100.0%
Total Lake Worth Section	\$ 524,614	\$ 376,674	71.8%
Ibis Way PGD Improvements	\$ 14,583	\$ 14,583	100.0%
General Fund Costs			
Goldmacher v TPB Legal and Other Costs		\$ 183,701	
Kosberg v TPB Legal and Other Costs		\$ 161,445	
PBT Real Estate v TPB		\$ 56,825	
Gardner, Bist Bowden, Bush (Shel Wright)		\$ 7,148	
Project Manager -Pay and benefits	\$ 130,000	\$ 117,650	90.5%
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	\$ 793,197	\$ 1,024,971	129.2%

U.S. Rate Forecasts

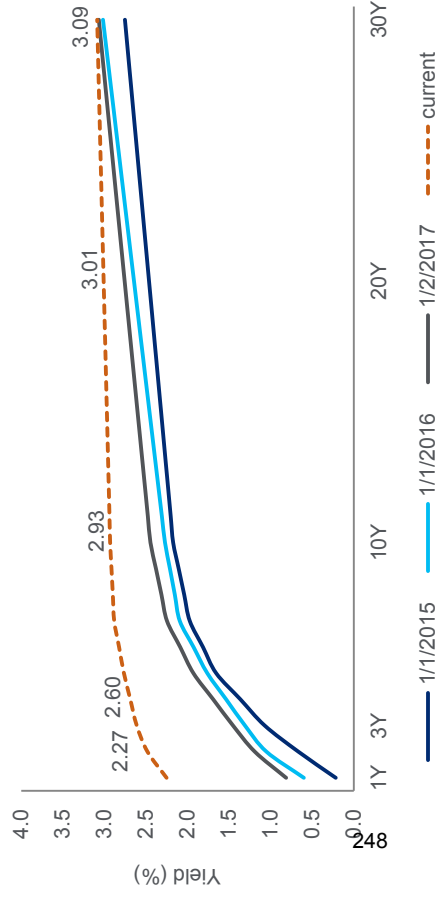
10-Year Treasury Yield Forecast

Citi forecasts a muted interest rate environment as we progress through the first half of 2018, while the street's is elevated



US Treasury Yield Curve

Treasuries strengthened over the past week as Fed meeting minutes revealed no rush to accelerate the pace of rate hikes as the economy improves

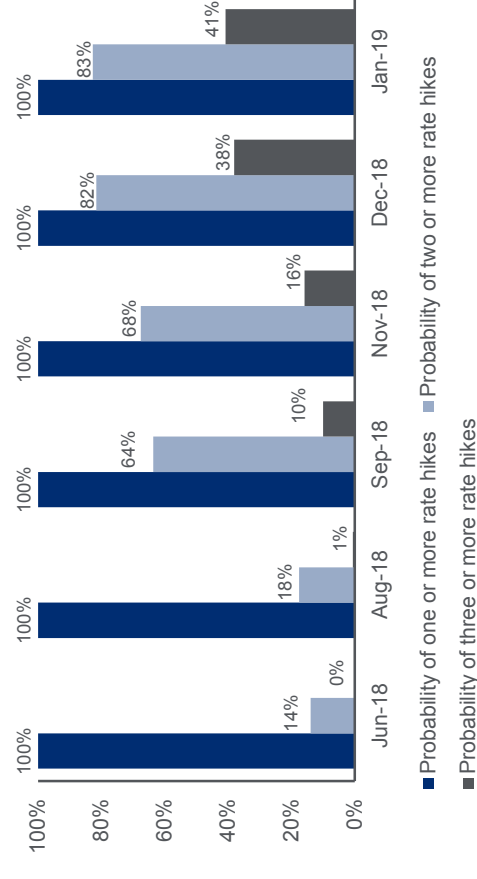


Rate Forecasts

5-Year Treasury	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	2.76%	2.40%	2.60%	2.60%	2.60%	2.65%	2.70%
10-Year Treasury	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	2.93%	2.60%	2.65%	2.6%	2.65%	2.75%	2.80%
Economists' Consensus		3.00%	3.10%	3.19%	3.25%	3.30%	3.42%
30-Year Treasury	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast		2.95%	2.90%	2.90%	2.95%	3.10%	3.15%
Economists' Consensus	3.09%	3.20%	3.31%	3.40%	3.49%	3.56%	3.68%
Fed Funds	Current	2Q18	3Q18	4Q18	1Q19	2Q19	3Q19
Citi's Forecast	1.75%	2.00%	2.25%	2.25%	2.50%	2.75%	3.00%
Economists' Consensus		2.00%	2.25%	2.50%	2.50%	2.75%	2.88%

Expectations of Next Fed Increase in Rates

The market currently anticipates 2 – 3 more rate hikes in 2018 and is currently pricing in a 100% probability of a hike at the Fed's June 13th meeting



Source: Current rates and expectation of Fed hike as of May 25, 2018; Citi forecasts as of May 23, 2018; Bloomberg forecasts as of May 25, 2018.

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Coastal Update:

- a. Shoreline Condition Update
- b. Discussion of Groin Rehabilitation Liability
- c. Shore Protection Board Recommendation To Proceed With Permit from U.S. Army Corps of Engineers (USACE).

Presenter

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

ATTACHMENTS:

- ▣ **b. Memorandum dated May 30, 2018, from John C. Randolph, Town Attorney**
- ▣ **c. Memorandum dated May 25, 2018, from H. Paul Brazil, P.E., Director of Public Works**

Memo

TO: Mayor and Town Council
VIA: Kirk Blouin, Town Manager
CC: Paul Brazil; Rob Weber; Jay Boodheshwar
FROM: John C. Randolph, Town Attorney
RE: Groins
DATE: May 30, 2018

This memorandum is in response to questions that have been raised relating to the liability of the Town, if any, for assuming the responsibility and control of improvements to groins located on private properties in the Town and extending to the sovereign lands of the state below mean high water.

The first, and most recent question raised, is whether or not the Town assumes any liability as a result of applying for and obtaining a permit for the improvement and reconstruction of these groins. It is my opinion that applying for and obtaining a permit, in and of itself, does not place any liability on the Town. Once a permit is obtained the Town may or may not move forward with the improvement and reconstruction of the groins. Further, there is a distinction in the law between discretionary governmental functions and operational activities.

Discretionary Governmental Functions vs. Operational Functions

A municipality remains immune from tort liability for decisions involving discretionary governmental functions. However, such immunity does not exist within the category of operational functions. For example, a municipality is immune from liability for a discretionary decision as to whether or not to install a traffic signal light, but once the signal light is in place, it is the responsibility of the municipality to maintain the light properly, without negligence, and in the event it is found that the town is negligent in the maintenance of the traffic signal, the town would have liability.

This same rule of law applies to the ultimate decision of the Town relating to the installation and improvement of the groins. The decision of the Town to undertake the responsibility to improve the groins is a discretionary decision for which the Town enjoys immunity, particularly since it will have received a permit from the state to make such improvements. However, once that decision is made, by assuming control and making improvements to the groins, the Town would be obligated to act responsibly and reasonably and in accordance with acceptable standards of care

and common sense in the design, construction and maintenance of the improved groins. Therefore, the Town would be liable for any injuries resulting from the Town's negligence in designing, constructing or maintaining the improved groins.

Once a government decides to act, whether out of obligation or free choice, it must act responsibly and reasonably under the existing circumstances and in accordance with acceptable standards of care and common sense. See, Commercial Carrier Corp. vs. Dade County, 371 So.2d 1010, (Fla. 1979), holding that maintenance of a traffic signal light which is in place, maintenance of a traffic sign at an intersection and maintenance of the painted letters "STOP" on pavement of highway do not fall within the category of governmental activity which involves broad policy or planning decisions, but fall within the category of operational level activity and hence did not involve "discretionary governmental functions" which remain immune from tort liability. Thus, once a government decides to act, the government is liable for its negligence in the performance of that act. In the case of Matthews vs. City of St. Petersburg, Fla. 400 So.2d 841 (Fla.2d DCA 1981), a plaintiff brought a wrongful death action against the city stemming from the death of a child due to the city's alterations to a creek in the city park. The plaintiff alleged that the city's concrete encasement on the sides of a creek, coupled with its failure to then erect a barrier around the banks, was dangerous and caused or contributed to the child's death. The court determined that an issue of fact existed as to whether a concrete creek encasement was designed and constructed appropriately. The court further found that the city was immune from its discretionary decision of whether to alter or amend the natural state of the creek but remanded the case for a factual determination as to whether the city was negligent in designing and constructing the concrete encasement. Accordingly, once the Town assumes control of the groins and makes improvements to the groins, the Town must design, construct and maintain the improved groins in accordance with acceptable standards of care and common sense. If the Town is negligent in its efforts to improve the groins, the Town would be liable for any injuries to individuals resulting from the Town's negligence.

In addition to the above, please note that case law has held that a "property owner generally cannot be held liable for dangerous conditions which exist in natural or artificial bodies of water unless they are so constructed as to constitute a trap or unless there is some unusual nature not generally existent in similar bodies of water." See, Tremblay vs. South Florida Water Management District, 560 So.2d 1219, (Fla. 3d DCA 1990), holding that the presence of cement blocks in shallow water near the shore of a canal was not an unusual circumstance of the type which could form the basis of liability by water management district which maintained the canal.

Damages to Real Property Caused by Improvements to Groins

In addition to the question of negligence, the question might be raised as to whether or not the Town is liable for damages to real property caused by improvements to the groins. In the absence of any unjustified entry on land of which the fee is held by a private owner, the construction and maintenance of a public improvement (such as a groin) under legislative authority in such a manner as to inflict an injury to an adjacent land that would be actionable without such authority does not constitute a taking of such land unless the owner is substantially ousted and deprived of all beneficial use of the land affected. See, Paty vs. Town of Palm Beach, 29 So.2d 363 (Fla. 1947). (Copy attached). In Paty, the Florida Supreme Court held that damage to land along the ocean because of the washing away of the land by water after construction under statutory authority of a groin by the Town of Palm Beach that changed the current was damage without injury and landowners could not recover against the Town. See also, Certain Interested Underwriters vs. City

of St. Petersburg, 864 So.2d 1145, which applied the Paty rational to takings claims and held that when government actors cause damage to property as a result of their lawful action performed without negligence, no compensable taking has occurred under the Florida constitution. Accordingly, the Town would not be responsible for any damages to real property caused by the Town's improvements to the groins, so long as the Town was not negligent in its improvement of the groins.

Other Issues

The above deals with the issues of liability which may accrue to the Town as a result of undertaking the responsibility of improving groins which are, presumably, now considered as the responsibility of the private property owners from whose property the groins extend. I say presumably because I have not researched whether or not all of these groins are indeed private or the sole responsibility of the private property owners. It is important to note that if the Town undertakes this project, although it will not need the permission of private property owners to improve the groins which are located on sovereign lands of the state (the Town having received a permit from the state to make such improvements on the sovereign land), to the extent the Town needs to gain access to the private property above the mean high-water line, it will need to receive a construction easement and approval from the private property owner to remove, alter or reconstruct that portion of the groin which is on the private property.

It is appropriate also in this regard for me to call to the attention of the Mayor and Town Council Florida Statute 161.061, which provides that a property owner abutting sovereign lands on which there is located a groin determined by the state to serve no public purpose, which is dangerous to or in any way dangers human life, health or welfare, or which proves to be undesirable or becomes unnecessary as determined by the department, shall be responsible for adjusting, altering or removing that portion of the groin below the mean high-water line after written notice from the state. "Adjustments, alterations, or removals required by this section shall be accomplished at no cost to the state. The decision of the department as to whether to adjust, alter, or remove such coastal construction or structure shall be final, and the department shall set a reasonable time within which the adjustment, alteration, or removal shall be accomplished. In the event that the upland property does not adjust, alter, or remove any coastal construction, or other structure, including groins, jetties, moles, breakwaters, seawalls, revetments, or other structures if of a solid or highly impermeable design upon sovereignty lands of Florida, below the mean high-water line, when requested or directed by the department in accordance with subsection (1) of this section, the department may alter, adjust, or remove such coastal construction or structures at its own expense, and the costs thereof shall become a lien upon the property of said abutting upland property owner.

I do not know the extent to which this section has been considered by the state or the Town in regard to those groins which the Town is considering improving at its expense.

I hope this information is helpful in your consideration of this matter. I will be happy to attempt to answer any legal questions you may have in regard to same. I would leave to Rob Weber and Paul Brazil the answers to any questions you may have in regard to the permitting process or the investigations made by their department in regard to the issues of the existing groins.

JCR/jcl

Attachment

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KeyCite Yellow Flag - Negative Treatment
Declined to Follow by Grundy v. Brack Family Trust, Wash.App. Div.
2, August 11, 2009

158 Fla. 575
Supreme Court of Florida, Division B.

PATY et al.
v.
TOWN OF PALM BEACH.

Feb. 4, 1947.
|
Rehearing Denied March 26, 1947.

Synopsis

Action by B. F. Paty and others against the Town of Palm Beach, a municipal corporation, to recover for damage to plaintiffs' land from waters of ocean as result of construction of a groin by defendant. From a judgment for defendant, the plaintiffs appeal.

Affirmed.

West Headnotes (1)

[1] Eminent Domain

☞ Wetlands and coastal protection

Water Law

☞ Boat basins, revetments, and groins

Water Law

☞ Injuries from improvements

- 148 Eminent Domain
- 148I Nature, Extent, and Delegation of Power
- 148k2 What Constitutes a Taking; Police and Other Powers Distinguished
- 148k2.27 Environmental Protection
- 148k2.27(2) Wetlands and coastal protection
(Formerly 148k2(10))
- 405 Water Law
- 405VI Riparian and Littoral Rights
- 405VI(A) In General
- 405k1246 Right to Wharf Out, Build Docks, and Support Shore
- 405k1250 Structures
- 405k1250(4) Boat basins, revetments, and groins
(Formerly 270k41(1) Navigable Waters)

405 Water Law
405XV Navigable Waters
405XV(B) Rights of Public
405XV(B)2 Improvement of Channels and Streams

405k2543 Injuries from improvements
(Formerly 270k41(1) Navigable Waters)

Damage to land along ocean because of washing away of land by water after construction under statutory authority of a groin by city of Palm Beach that changed current was damage without injury, and landowners could not recover from city. Acts 1941, c. 21469, § 4.

4 Cases that cite this headnote

*576 **363 Appeal from Circuit Court, Palm Beach County; Jos. S. White, judge.

Attorneys and Law Firms

C. D. Blackwell, of West Palm Beach, for appellants.

Alley, Drew, Burns & Middleton, R. C. Alley, E. Harris Drew, C. Robert Burns and Elwyn L. Middleton, all of West Palm Beach, for appellee.

Opinion

BARNES, Justice.

The trial court sustained a demurrer to the appellant's declaration and, appellant not electing to further amend, the Court entered a final judgment against the appellant-plaintiff and he appeals and assigns as error the sustaining of defendant's demurrer.

The substance of the question presented as flowing from appellant's assignments of error is: Is a trespass or wrong made to appear when a municipal corporation builds a groin from the shore of the Atlantic Ocean out into the waters of the ocean, and the groin changes the natural action and the currents of the ocean so as to cause them to whip around to the south of the groin and to beat against and to excessively wash away plaintiff's land? The question states the substance of plaintiff's declaration. The rights of private owners as well as the rights of the public depend somewhat on the character of the water on which the land borders and the nature of the proprietary interest in the

land both below and above the surface of the water. The waters of the sea are usually considered a common enemy. See note in 6 L.R.A.,N.S., 162.

For other relative cases not deemed applicable here see *Katenkamp et al. v. Union Realty Co.*, 11 Cal.App.2d 63, 53 P.2d 387, and, Cal.App., 93 P.2d 1035; *Revell v. People*, 177 Ill. 468, 52 N.E. 1052, 43 L.R.A. 790, 69 Am.St.Rep. 257.

The City of Palm Beach by Section 4 of Chapter 21469, Sp.Acts 1941, has been authorized to protect its Ocean Boulevard and the lands lying westerly thereof against danger of destruction because of action of the sea by the construction of seawalls, bulkheads and groins.

*577 'Any injury or damage which is occasioned by the doing of a lawful act or the exercise of a legal right, or by doing a thing, authorized by law, in the authorized way, is *damnum absque injuria*. Damage resulting from such an act, to be actionable, must be coupled with some negligence or misconduct, or the act must have been done at a time, or in a manner, or under circumstances, which render the actor chargeable with want of proper regard for the rights of others. In doing a lawful thing in a lawful way no legal right is invaded, although the act may result in damage to another.

* * * Nor can an action be maintained for damages resulting to individuals from acts done by persons in the execution of a public trust and for the public benefit, acting with due skill and caution and within the scope of their authority.

* * * Nevertheless, the mode of exercising a legal right, where there is a choice of means, may of itself give a cause of action, and an act which, in many cases, is in itself lawful, becomes unlawful when by it damage has accrued to the property of another, especially if it is such an act as is calculated, in the ordinary course of events, to damage another if done intentionally **364 and without just cause or excuse.' 1 Am.Jur.Sec. 33, pages 425, 426.

It appears that the appellee is sued for doing of an authorized act and the exercise of a lawful right and that the damages were without wrong.

Affirmed.

THOMAS, C. J., and BUFORD and ADAMS, JJ., concur.

All Citations

158 Fla. 575, 29 So.2d 363

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

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

RE: Shore Protection Board Recommendation to Proceed with Permit from U.S. Army Corps of Engineers for Groin Rehabilitation

DATE: May 25, 2018

STAFF RECOMMENDATION

Town staff requests that the Town Council consider the Shore Protection Board's (SPB) recommendation to proceed with federal permitting with the U.S. Army Corps of Engineers (USACE) and accept the permit for the Groin Rehabilitation project, and provide any other direction deemed necessary.

GENERAL INFORMATION

At the April 10, 2018 meeting, Town Council directed Town staff to hold on federal permitting until legal feedback was obtained regarding liability. Staff directed Coastal Consultant, APTIM, to standby and not take any permitting actions until further notice. On May 10, the USACE informed staff that their consultation with the National Marine Fisheries Service was complete and that they could begin drafting the permit. Staff requested that the USACE hold on permit development until direction was received by Town Council. The USACE informed staff that a time frame of approximately 30 days may be needed to draft the permit should the Town move forward. Staff informed the SPB of the progress on federal permitting during the May 24, 2018 meeting. The SPB unanimously recommended that Town Council direct staff to resume federal permitting and accept the permit for the Groin Rehabilitation Project.

Also, the SPB unanimously recommended an FY2019 Coastal Management Program Budget on May 24, 2018. This budget included a recommended modification from the current 10-year Town Council-adopted plan with respect to Groin Rehabilitation. Rather than a \$500,000 annual appropriation, the SPB recommended an increase to \$5,000,000 for FY 2019. This annual increase of \$4,500,000 is also recommended by the SPB for the remaining years of the 10-year plan (FY2020, FY2021, FY2022, and FY2023). The Coastal Management Program budget will be discussed in detail during the budget meetings this summer.

cc: Shore Protection Board
Patricia Strayer, P.E., Town Engineer
Robert Weber, Coastal Program Manager

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Recreation Center Project:

TIME CERTAIN: 11:00 A.M.

a. RESOLUTION NO. 63-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Replacing the Friends of Recreation Letter of Agreement, Approved in Resolution No. 113-2016, with a Capital Grant Agreement for the Purpose of Constructing and Operating a Recreation Center for the Town at Seaview Park with Funding Support in the Amount up to \$5,000,000 with the Friends of Recreation, Inc., as Part of a Public/Private Partnership and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Beth Zickar, Director of Recreation

b. RESOLUTION NO. 76-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 112-2016 with the Approval of the Modifications to Exhibit B of the Morton and Barbara Mandel Family Foundation Capital Grant Agreement, as Part of a Public/Private Partnership, for the Purpose of Constructing a New Recreation Center for the Town at Seaview Park and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

Beth Zickar, Director of Recreation

c. Seaview Park and Recreation Center Improvements - Project Update.

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

Time Certain

11:00 A.M.

Presenter

ATTACHMENTS:

- ▢ **a. Memorandum dated May 31, 2018, from Beth Zickar, Director of Recreation**
- ▢ **a. Resolution No. 63-2018**
- ▢ **a. Friends of Recreation Foundation Letter**
- ▢ **a. Letter of Agreement**
- ▢ **b. Memorandum dated May 16, 2018, from Beth Zickar, Director of Recreation**
- ▢ **b. Resolution No. 76-2018**
- ▢ **c. Memorandum dated June 5, 2018 from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Beth Zickar, Director of Recreation

RE: Friends of Recreation Capital Grant Agreement
Resolution No. 63-2018

DATE: May 31, 2018

STAFF RECOMMENDATION

Town staff recommends Town Council review and consider Resolution No. 63-2018 replacing the Friends of Recreation Letter of Agreement, which was initially approved in Resolution No. 113-2016 at the July 12, 2016 Town Council meeting, with the Capital Grant Agreement.

GENERAL INFORMATION

Resolution No. 113-2016 granted approval for the Friends of Recreation, Inc. Letter of Agreement, at the July 12, 2016 Town Council meeting. This agreement committed to providing funding support for the proposed new Recreation Center as part of the public/private partnership that had been developed which includes the Town of Palm Beach and the Morton and Barbara Mandel Family Foundation.

Friends of Recreation, Inc. (FOR) has been successful in the fundraising campaign, exceeding their goal for quality pledges, while continuing to seek and secure community support for this project.

The FOR is requesting a revision to the original agreement with terms for the funding support for the Recreation Center to be provided in a payment schedule which shall entail installment terms similar to those detailed in the Capital Grant Agreement with the Morton and Barbara Mandel Family Foundation.

FUNDING/FISCAL IMPACT

The attachments provide details to the installment plan being proposed by the FOR. There is no change in the financial commitment.

TOWN ATTORNEY REVIEW

This is a standard Resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jane Le Clainche, Director of Finance
Rod Gardiner, Assistant Director of Recreation

RESOLUTION NO. 63-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REPLACING THE FRIENDS OF RECREATION LETTER OF AGREEMENT, APPROVED IN RESOLUTION NO. 113-2016, WITH A CAPITAL GRANT AGREEMENT FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A RECREATION CENTER FOR THE TOWN AT SEAVIEW PARK WITH FUNDING SUPPORT IN THE AMOUNT UP TO \$5,000,000 WITH THE FRIENDS OF RECREATION, INC., AS PART OF A PUBLIC/PRIVATE PARTNERSHIP AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, The Town of Palm Beach Town Council passed and adopted Resolution No. 113-2016 approving a Letter of Agreement with the Friends of Recreation, Inc. which agreed to undertake a fundraising campaign, as part of a public/private partnership, for the purpose of constructing and operating a new Recreation Center at Seaview Park; and

WHEREAS, the cash contributions and quality pledges received by the Friends of Recreation, Inc., up to five million dollars (\$5,000,000), shall serve as a match to the challenge grant from the Morton and Barbara Mandel Family Foundation; and

WHEREAS, the Friends of Recreation, Inc. wish to replace the Letter of Agreement with a Capital Grant Agreement and incorporate an installment payment schedule for funding support for the new Recreation Center: and

WHEREAS, Town of Palm Beach wishes to agree to enter into the revised agreement with the Friends of Recreation, Inc.

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

The Capital Grant Agreement for the Town of Palm Beach capital campaign for the new Recreation Center at Seaview Park between the Town of Palm Beach and Friends of Recreation, Inc., attached hereto as Exhibit A and incorporated by reference as a part of this Resolution, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominguez, Town Clerk

FRIENDS OF RECREATION, INC.

Friends of Recreation, Inc. ("FOR") has agreed to make a grant (the "Grant") to the Town of Palm Beach, Florida, a municipality (the "Town") and together with FOR, (the "Parties") in an amount up to five million dollars (\$5,000,000).

This Capital Grant Agreement (the "Agreement"), prepared in two (2) originals, shall become effective on the date of its signature by FOR and the Town, acting through each of their duly authorized representatives identified on the Acknowledgment page to this Agreement (the "Effective Date").

Upon the Effective Date, the following terms and conditions shall apply:

1. The Grant.

- A. The Grant is intended to match a challenge grant from the Morton and Barbara Mandel Family Foundation (the "Foundation") for the purpose of constructing a new recreation center for the Town (the "Recreation Center").
- B. The purpose of the Grant is to provide one-third (1/3) of the total project budget, in an amount up to five million dollars (\$5,000,000), needed by the Town for the design and construction of the Recreation Center, as well as the furnishings, fixtures, and related equipment.

2. Miscellaneous Conditions and Expectations.

- A. It is the expectation of FOR that the Town will commit one-third (1/3) of the total project budget, using its own funds. These funds may include state and federal funding or any other grants paid directly to the Town from a party other than FOR or the Foundation to cover at least one-third (1/3) of the costs to construct the Recreation Center.
- B. It is hoped that construction of the Recreation Center will begin in the summer of 2018 and will be completed by the end of 2019. This schedule assumes progression of design, necessary approvals, and bidding without any major obstacles. The Town must advise FOR immediately of any material deviation from this expected time frame.

FRIENDS OF RECREATION, INC.

3. The Recreation Center.

- A. The Recreation Center shall be located at Seaview Park in Palm Beach, Florida. A new physical facility (the "Building") will be constructed to replace the current recreational building (the "Current Recreation Center"), which is located at 340 Seaview Ave, Palm Beach, FL 33480. The Current Recreation Center will be demolished in order to make space to construct the Building.
- B. It is anticipated that the Recreation Center will include: (a) the Building; (b) the Playground; and (c) the rebuilt multipurpose field.

4. Payment of the Grant. FOR shall pay the Grant to the Town pursuant to the following payment schedule:

- A. First Installment: Contingent upon completion by the Town of the preparation and publication of requests for bids from contractors, the receipt and review of such bids, selection of contractors for the Recreation Center, FOR shall make the first installment payment of the Grant to the Town. The amount of the first installment payment of the Grant shall equal forty percent (40%) of the total Grant (less prior payments made totaling seventy-eight thousand six hundred and forty-two dollars (\$78,642)).
- B. Second Installment: Upon completion of forty percent (40%) of the construction of the Recreation Center, FOR shall make the second installment of the Grant to the Town. The amount of the second installment of the Grant shall equal twenty percent (20%) of the total Grant.
- C. Third Installment: Upon completion of eighty percent (80%) of the construction of the Recreation Center, FOR shall make the third installment of the Grant to the Town. The amount of the third installment of the Grant shall equal twenty percent (20%) of the total Grant.
- D. Final Installment: Upon completion of the construction of the Recreation Center, as certified by the architect, including installation of the furniture, fixtures and equipment, followed by the Town's receipt of the Certificate of Occupancy for the Building, the completion of the installation of the signage of the Building and the receipt of the final invoice for any Construction Administration Fees, FOR shall pay the final installment of the Grant to the Town. The amount of the final installment of the Grant shall equal twenty percent (20%) of the total Grant.

FRIENDS OF RECREATION, INC.

5. **Reports.** The Town shall provide FOR with copies of each of the reports listed below. The Town shall provide originals to the Foundation and each of the reports must be acknowledged and signed by the Town's Deputy Town Manager, Director of Recreation and Director of Public Works.
- A. **First Installment Status Report.** Within a reasonable time following the completion of the activities listed in Section 4.A, above, the Town shall provide FOR a status report that shall include (i) a summary of any material changes made to the approved Construction Plan, (ii) a description of the construction and budgetary activities incurred as of the date of the completion of such activities, and (iii) the Grant Payment Computation Schedule used to determine the amount of the first installment.
- B. **Second Installment Status Report.** Within a reasonable time following the completion of forty percent (40%) of the construction of the Recreation Center, the Town must provide FOR a status report that shall include (i) a summary of any material changes made to the approved Construction Plan since the date of the last Status Report, (ii) a description of the construction and budgetary activities incurred as of the date of the completion of forty percent (40%) of the construction of the Recreation Center, and (iii) the Grant Payment Computation Schedule used to determine the amount of the second installment.
- C. **Third Installment Status Report.** Within a reasonable time following the completion of eighty percent (80%) of the construction of the Recreation Center, the Town must provide FOR a status report that shall include (i) a summary of any material changes made to the approved Construction Plan since the date of the last Status Report, (ii) a description of the construction and budgetary activities incurred as of the date of the completion of eighty percent (80%) of the construction of the Recreation Center, and (iii) the Grant Payment Computation Schedule used to determine the amount of the third installment.

FRIENDS OF RECREATION, INC.

D. Final Status Report. Within a reasonable time following the completion of activities listed in Section 4.D, above, the Town must provide FOR, and FOR must approve of, a status report, which shall include (i) a summary of any material changes made to the approved Construction Plan since the date of the last Status Report, (ii) a description of the construction and budgetary activities incurred as of the date of the report, (iii) the Grant Payment Computation Schedule used to determine the amount of the final installment and (iv) a certification by the Architect stating that the construction of the Recreation Center is complete. If the Town determines that an excess of the Grant exists, the Town should indicate in this Status Report that an excess exists and that it would like to initiate discussions with respect to establishing an endowment.

E. Annual Report. After completion of the Recreation Center, the Town shall provide to FOR, on an annual basis for a period of five (5) fiscal years, a general report summarizing the previous year's activities carried on by the Town at the Recreation Center.

6. Naming Rights and Donor Recognition

- A. In honor of making the Grant, the Town hereby gives FOR the naming rights to various aspects of the Recreation Center, provided that it is understood that the name of the Building will be "The Morton and Barbara Mandel Recreation Center". The Town, in consultation with FOR, shall determine an appropriate area within the building to place a tasteful recognition of Current Recreation Center donors and the Current Recreation Center's history. A tasteful recognition will also be made of the donors to the Recreation Center (which would include those that have donated to specific areas of the Recreation Center and all other donors).
- B. FOR agrees that certain physical spaces within the Building, certain areas (including benches and trees) on the grounds surrounding the Building may be named for other donors; provided, however, that any signage recognizing such other donors shall not detract from the signage recognizing the name of the Building as "The Morton and Barbara Mandel Recreation Center." A list of naming opportunities previously approved by the Town Council that FOR consents to being named for other donors shall be

FRIENDS OF RECREATION, INC.

attached hereto as Exhibit A. FOR shall provide the Town a revised Exhibit A at the completion of the Campaign, or as needed from time-to-time to update the list of naming opportunities that have been designated by FOR.

7. Indemnification and Insurance.

- A. The Town agrees, subject to the limitations and provisions of Florida Statute 768.28, to defend, indemnify and hold harmless FOR and its officers, employees and agents, from and against any and all claims, liabilities, losses and expenses (including reasonable attorneys' fees), directly or indirectly, wholly or partially arising from or in connection with any act or omission of the Town or its respective officers, employees or agents, in obtaining or accepting the Grant, in expending or applying the proceeds of the Grant, or in carrying out the construction of the Recreation Center, except to the extent that such claims, liabilities, losses or expenses arise from or in connection with the negligence of FOR or its officers, employees or agents. The Town agrees to implement and maintain throughout the duration of the construction of the Recreation Center insurance in types and amounts that are reasonable and appropriate for the activities being funded by the Grant.
- B. The Town agrees to implement and maintain throughout the duration of the construction of the Recreation Center insurance in types and amounts that are reasonable and appropriate for the activities being funded by the Grant.

8. Compliance with Laws. The Town shall at all times comply with applicable laws, executive orders, rules and regulations, and shall obtain all necessary approvals, permits and licenses.

9. Termination. This Agreement may be terminated by either of the Parties for cause including, but not limited to: (a) the breach of any material term or condition of this Agreement by the other party that remains uncured after reasonable notice; or (b) the Town's inability to carry out the purposes of the Grant.

10. Amendments. This Agreement may not be amended except by an instrument in writing signed by FOR and the Town. No provision of this Agreement and no right or obligation under this Agreement may be waived except by an

FRIENDS OF RECREATION, INC.

instrument in writing signed by the party waiving the provision, right or obligation in question.

11. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.
12. Assignment: Successors and Assigns. No party shall assign its rights or obligations under this Agreement in whole or in part, without the prior written approval of the other party, which approval shall not be unreasonably withheld, conditioned or delayed. The terms and conditions contained herein shall apply to, be binding upon, and inure to the benefit of the Parties and their respective permitted successors and assigns.
13. Governing Law and Jurisdiction. This Agreement shall be construed under and governed by the laws of the State of Florida without regard to its conflict of laws rules. The courts of Palm Beach County, Florida shall have exclusive jurisdiction to adjudicate any dispute arising under or in connection with this Agreement.
14. Entire Agreement. This Agreement, together with all referenced exhibits (including those attached after the Effective Date), contains the entire agreement between and among FOR and the Town in relation to this subject matter and supersedes any prior or contemporaneous understandings, communications, representations, agreements, or term sheets relating to this subject matter.

****SIGNATURES ON FOLLOWING PAGE****

ACKNOWLEDGMENT
Town of Palm Beach

ACKNOWLEDGEMENT
Friends of Recreation Foundation

FRIENDS OF RECREATION, INC.

By: _____
Kirk Blouin

Title: Town Manager

Date: _____

By: _____
Matthew K. Smith

Title: President and Chairman

Date: _____

**APPROVED FOR LEGAL FORM AND
SUFFICIENCY:**

By: _____
John C. Randolph

Title: Town Attorney

Date: _____

Exhibit A of Friends of
Recreation Capital Grant
Agreement

**The Morton and Barbara Mandel Recreation Center
Donor Opportunities**

Gymnasium	\$750,000	Gifted	Matthew & Tracy Smith and Stanley & Arna Smith
Fitness Center	\$750,000		
Playground	\$750,000	Gifted	Kenneth C. Griffin
Multipurpose Field	\$750,000	Gifted	In memory of Oakley Debbs
Lobby	\$500,000	Gifted	The Mary Alice Fortin Foundation
Royal Palm Way Archway	\$500,000		
Outdoor Basketball Court	\$350,000		
Multipurpose Room	\$250,000		
Clock Tower	\$250,000		
After School Room	\$250,000		
Seaview Garden	\$150,000		
Clock	\$150,000		
Great Lawn	\$150,000	Gifted	Michael and Margi Picotte
Gymnasium Porch	\$100,000		
Playground Porch	\$100,000		
Tennis Viewing Pavilion	\$100,000	Gifted	The Fanjul Family - Florida Crystals Corp.
Spectator Porch 1	\$100,000		
Spectator Porch 2	\$100,000		
Game Room	\$100,000	Gifted	John Scarpa
North Colonnade	\$100,000		
South Colonnade	\$100,000		
Snack Bar	\$100,000	Gifted	J. Ira and Nicki Harris
Classroom	\$100,000	Gifted	John Rovinsky
Gymnasium Seating	\$100,000	Gifted	Gochman Family
Tennis Pro Shop	\$100,000	Gifted	Will Matthews in memory of son
Tennis Hitting Wall	\$75,000		
Gymnasium Garden	\$75,000		
South Entry Stairs	\$75,000		
Seaview Entry Stairs	\$50,000		
Craft Center	\$50,000		
Administration	\$50,000		
Flagpole 1	\$50,000	Gifted	Bob Wright
Flagpole 2	\$50,000	Gifted	Mayor Gail Coniglio & Town Council
Lightning Prediction System	\$50,000		
Multipurpose Field Scoreboard	\$50,000	Gifted	Steve and Austin Smith
South Plaza	\$50,000	Gifted	Tim and Alicia Mullen
Gymnasium Scoreboard 1	\$25,000	Gifted	Pressly, Pressly, Randolph & Pressly, P.A.
Gymnasium Scoreboard 2	\$25,000	Gifted	
Afterschool Storage	\$25,000		

5/22/2018

Playground Garden	\$25,000	Gifted	Cook Family
Fitness Storage	\$25,000		
Gym Storage	\$25,000		
Mens Lounge	\$25,000		
Womens Lounge	\$25,000		
Family Lounge 1	\$25,000	Gifted	Jim and Gaye Engel
Family Lounge 2	\$25,000		
Multipurpose Storage	\$10,000		
Water Fountains (each)	\$10,000	Gifted	In Memory of John Blair McCracken
	\$10,000	Gifted	In Loving Memory of Paul C. Emmett
Memorial Trees (each)	\$5,000	Gifted	In Memory of John Blair McCracken
	\$5,000	Gifted	Mary Robosson - In Memory of Andrew Robosson
Playground Benches (each)	\$5,000	Gifted	In Memory of Miles and Bud Zisson - Zisson Family Fund
	\$5,000	Gifted	Brian and Andrea Kosoy
Tennis Viewing Benches (each)	\$5,000		
Team Benches (each)	\$2,500	Gifted	Mr. and Mrs. Stanley M. Rumbough, Jr.
Planters (each)	\$2,500		

5/22/2018

Friends of Recreation Foundation

May 31, 2018

Matthew K. Smith
Chairman

Michael Ainslie &
Darlene Jordan
Vice Chairmen

Board of Directors

Suzanne Ainslie
Carolyn E. Buckley
Whitney Bylin
Monnie Donnelly
David Gochman
Michael Kluger
Jebb McCracken
Alicia Mullen
Margi Picotte
John Preston
Bob Simses
Steve Smith
Lesly Smith
Chris Storkerson
Fritz van der Grift
Bob Wright

Town Council of Palm Beach
Town Hall
360 South County Road
Palm Beach, Florida 33480

Re: Mandel Recreation Center

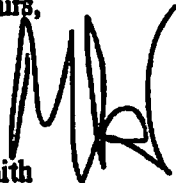
Dear Council Members,

Friends of Recreation has successfully completed its fund raising for the New Mandel Recreation Center. Attached to this letter is a listing of all the donors to the center as well as the donor naming list identifying the naming opportunity selected by each donor. You will be informed if any changes or additions to this list occur.

Also attached is a revised grant agreement that mirrors the payment schedule you agreed to with the Mandel Foundation and approximates the projected cash flow for the project. In addition, Friends of Recreation will escrow the cash we have received (approximately \$2.5 million) so that it can only be paid to the Town of Palm Beach for the Recreation Center. Further, our bank, Northern Trust, will provide the town with a commitment letter saying it will lend the balance of the funds required from Friends of Recreation against the signed pledge cards we have from donors.

With this agreement in place, we look forward to moving ahead with the construction of the new Recreation Center and a fall 2019 completion. We are excited by the success of this public private partnership and are grateful to Mr. and Mrs. Mandel and our many generous town residents who have stepped forward to support this most worthy town facility.

Sincerely yours,



Matthew Smith

Chair



Michael Ainslie

Vice Chair

Post Office Box 977 | Palm Beach, FL 33480 | PalmBeachFOR@gmail.com

Fortin Foundation (honoring John McCracken)
\$15,000

Lou Hager	\$10,000
Rich Lazarra	\$10,000
Tom Kenan	\$10,000
Melissa Ceriale	\$10,000
Zisson	\$10,000
Robosson	\$10,000
David Frisbee family	\$10,000
Levitt Family	\$10,000
Bob Nederlander	\$10,000
Geraldine Emmett	\$10,000
Nick Somers	\$10,000
Brian Fitzgerald	\$10,000
Royal Poinciana Plaza (Up Markets)	\$10,000

Eliot Hershberg	\$6,000
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Lew Crampton	\$5,000
Van der Grift family	\$5,000
Pucillo	\$5,000
Cowie	\$5,000
Kosoy	\$5,000
Jebb McCracken	\$5,000
Mary Watkins and Rufus Johnston	\$5,000
Natalie Dejoux	\$5,000
Grant Mashek	\$5,000
Andriano	\$5,000

Poppel	\$2,500
Chris Sinclair	\$2,500
Rumbough	\$2,500
David Sarda	\$2,500
Diane Fiorentino	\$2,500
Gall Coniglio	\$2,500
Maggie Zeldman	\$2,500
Dani Moore	\$2,500

Douglas Lake	\$1,500
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Jackie and Rollins Andrew	\$1,010
Debbs	\$1,000
Inger Anderson	\$1,000
Storkerson, Chris	\$1,000
Frank Shanley	\$1,000

Rec Center Donors, as of 5/18/2018

Matt Smith and Family	\$750,000
Ken Griffin	\$750,000
Fortin Foundation	\$500,000
Picotte Family	\$150,000
Jordan Family	\$150,000
Florida Crystals/Fanjul family	\$100,000
Gochman Family	\$100,000
Ainslie Family	\$100,000
Scarpa Family	\$100,000
Matthews Family	\$100,000
Bottorff Family	\$100,000
Vecellio Family	\$100,000
Anonymous	\$100,000
Ira Harris Family	\$100,000
Michele and Howard Kessler	\$100,000
Todd Glaser	\$100,000
Tim and Alicia Mullen	\$75,000
Steve Smith Family	\$50,000
Rinker Family	\$50,000
Bob Wright	\$50,000
Mark Dalton	\$50,000
Paul Tudor Jones	\$50,000
Tony Williams	\$50,000
Mandel Foundation	\$48,000
Keith Beaty	\$30,000
John Preston	\$25,000
Anson Beard	\$25,000
Pressly Law Firm	\$25,000
Northern Trust	\$25,000
Pitt Foundation (Simmes)	\$25,000
Earl Mack	\$25,000
Lambert Family	\$25,000
Jim McCann	\$25,000
Christian Angle	\$25,000
Bill Fineran	\$25,000
Engle Family	\$25,000
Mark Cook	\$25,000
Kluger Family	\$25,000
Ken Tropin	\$25,000

Kemble Interiors	\$1,000
Stuart Haft	\$1,000
Charles Gordon	\$1,000
Gregory Georgus	\$1,000
Bobble Lindsay	\$1,000
Whitney Bylin	\$1,000
Nick Coniglio Family	\$1,000
Anonymous	\$1,000
Dick Kleid	\$1,000

Total of above gifts	\$4,439,510
Less operating costs	\$173,000
Available for grant to PB	\$4,266,510

The three grants we are setting aside for operating costs are:

Mandel Foundation	\$48,000 (given for fund raising expenses)
Steve Smith	\$25,000 (given to fund the business plan)
Ainslie	\$100,000 (allocated to operating costs by donor)
Total	\$173,000 (Approximately \$150,000 has been spent to date. The balance is for future fund raising and interest payments)

15-03-2016
CP
Doc 064-2016

Friends of Recreation, Inc.
Letter of Agreement

**FUNDING SUPPORT FOR PROPOSED
COMMUNITY CENTER AND SEAVIEW PARK IMPROVEMENTS**

When signed by both parties, this shall constitute a Letter of Agreement between the Town of Palm Beach and the Friends of Recreation, Inc. (FOR). The Friends of Recreation, Inc. is a new 501c3, not for profit foundation recently formed to assist in the funding of a new Community Center in Seaview Park in the Town of Palm Beach.

The conceptual plan for the center was endorsed by the Palm Beach Town Council at the June 14, 2016 meeting. The proposed funding plan for the Community Center is based upon a public/private partnership model. It is the understanding of FOR that the Morton and Barbara Mandel Family Foundation is prepared to offer the Town of Palm Beach a challenge grant of up to \$5 million as part of a capital campaign that will be undertaken with the Town. FOR is committed to raising an additional \$5 million for the purpose of constructing and operating a new Community Center. It is the understanding of FOR that upon successful completion of the fund raising campaign, thus bringing the private share of funding to \$10 million, the Town of Palm Beach Town Council shall consider allocating up to \$5 million to the projected cost of the Community Center project, bringing the total budget to \$15 million.

In order to raise the \$5 million match of the Morton and Barbara Mandel Challenge Grant, FOR shall use its best efforts to approach town residents, corporations and foundations with a list of donor recognition opportunities, agreed with both the town and the Morton and Barbara Mandel Family Foundation. A professional fund raiser has been retained to lead the FOR fundraising efforts. Several events at private homes will be held in the fall of 2016 to assemble donor prospects and present the project and donor opportunities to them. One on one meetings with donor prospects will be scheduled. An attractive brochure shall be developed to explain the project, its design, its time line and the donor naming opportunities. This brochure shall be approved before printing by both the Town and the Morton and Barbara Mandel Family Foundation.

While it cannot be guaranteed, the FOR is confident that no later than June, 2017, its efforts will produce the necessary \$5 million in additional private funding for the project to move ahead. The FOR understands that the Town of Palm Beach must have guaranteed funding in place before placing the Community Center under a construction contract. The FOR will identify a bank that will provide a loan against any quality pledges that have not been fully paid at the time construction will begin. This should enable the Town to have the full funding in place to start construction, hopefully in the early summer of 2017.

Finally, FOR is prepared to enter into a subsequent agreement with the Town of Palm Beach to begin building an endowment with the express purpose of funding to support and enhance the recreational programs of the Town of Palm Beach. Funding for said endowment could come from any funds raised as part of the \$15 million for the Community Center but not needed, should the project be built for less than the \$15 million budget estimate. FOR is also prepared to hold future fundraising events and activities to support the Town of Palm Beach recreations programs. In short, FOR intends to be an ongoing support organization for the Town and its recreation offerings.

Friends of Recreation, Inc.
Letter of Agreement

Please indicate your agreement by signing and dating this document.

Acknowledgment
Town of Palm Beach

By: Thomas G. Bradford
Thomas G. Bradford, Town Manager

Date: 7/15/16

Acknowledgment
Friends of Recreation, Inc.

By: Matthew Smith
Matthew Smith, Chair

Date: 8/2/16

TOWN OF PALMBEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

FROM: Beth Zickar, Director of Recreation

RE: Review and Approval of Modification of Exhibit B to the Morton and Barbara Mandel Family Foundation Capital Grant Agreement
Resolution No. 76-2018

DATE: May 16, 2018

STAFF RECOMMENDATION

Town staff recommends Town Council review and consider Resolution No. 76-2018 amending Exhibit B of the Morton and Barbara Mandel Family Foundation Capital Grant Agreement, which was initially approved in Resolution 112-2016, with modifications, at the July 12, 2016 Town Council meeting.

GENERAL INFORMATION

The Morton and Barbara Mandel Family Foundation Capital Grant Agreement, with modifications, was approved at the July 12, 2016 Town Council meeting. This agreement contained references to two (2) exhibits which were inadvertently not included in the back-up documentation provided. These items included the following:

<u>Exhibit A</u>	Grant Payment Computation Schedule
<u>Exhibit B</u>	Community Center Donor Opportunities

The exhibits were submitted for Council consideration at the August 16, 2016 Town Council meeting. Council's approval was received at that time.

The Friends of Recreation committed to providing funding support for the proposed new Recreation Center as part of the public/private partnership that had been developed which also includes the Town of Palm Beach and the Morton and Barbara Mandel Family Foundation. The development of naming opportunities for the Recreation Center was a tool designed to assist in the efforts to solicit financial support for the project.

Modifications to Exhibit B were approved by the Town Council at the April 13, 2017 meeting. The Recreation Center design has undergone several transformations since the initial approval and, subsequent modifications of the naming opportunities available through the fundraising campaign. The modifications of Exhibit B reflect the most current donor opportunities being offered through the Friends of Recreation fundraising campaign.

FUNDING/FISCAL IMPACT

These attachments provide detail to sections of the Capital Grant Agreement, causing no changes to the terms.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Jane Le Clainche, Director of Finance
Rod Gardiner, Assistant Director of Recreation

RESOLUTION NO. 76-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 112-2016 WITH THE APPROVAL OF THE MODIFICATIONS TO EXHIBIT B OF THE MORTON AND BARBARA MANDEL FAMILY FOUNDATION CAPITAL GRANT AGREEMENT, AS PART OF A PUBLIC/PRIVATE PARTNERSHIP, FOR THE PURPOSE OF CONSTRUCTING A NEW RECREATION CENTER FOR THE TOWN AT SEAVIEW PARK AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, The Town of Palm Beach Town Council passed and adopted Resolution No. 112-2016 approving a Capital Grant Agreement with the Morton and Barbara Mandel Family Foundation which agreed to make a challenge grant for the capital campaign that will be undertaken by the Town in conjunction with the Friends of Recreation, Inc.; and

WHEREAS, the grant will match cash contributions and quality pledges received by the Friends of Recreation, Inc. up to five million dollars (\$5,000,000); and

WHEREAS, the modifications to Exhibit B represent the current donor opportunities being offered through the Friends of Recreation fundraising campaign

WHEREAS, the Town of Palm Beach wishes to enter into a Capital Grant Agreement with the Morton and Barbara Mandel Family Foundation.

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

The modifications to the Morton and Barbara Mandel Recreation Center Donor Opportunities, Exhibit B for the Town of Palm Beach capital campaign for the new Recreation Center at Seaview Park between the Town of Palm Beach and Morton and Barbara Mandel Family Foundation, attached hereto and incorporated by reference as a part of this Resolution, is hereby approved and the Town Manager is authorized to execute the same on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of June, 2018.

Gail L. Coniglio, Mayor

ATTEST:

Kathleen Dominquez, Town Clerk

The Morton and Barbara Mandel Recreation Center

Donor Opportunities

\$1,000,000 Level

Gymnasium

\$750,000 Level

Multipurpose Field

Playground

Fitness Center

Gymnasium

\$500,000 Level

Lobby

Multipurpose Room

Clock Tower

After School Room

Outdoor Basketball Court

Royal Palm Way Archway

\$350,000 Level

Outdoor Basketball Courts

\$250,000 Level

Multi-Purpose Room

Clock Tower

After School Room

Playground Porch

Tennis Viewing Pavilion

Seaview Garden

Clock

Great Lawn

Gymnasium Porch

\$150,000 Level

Seaview Garden

Clock

Great Lawn

Spectator Porch 1

Spectator Porch 2

\$100,000 Level

Classroom

Gymnasium Seating

Game Room
North Colonnade
South Colonnade
Snack Bar
Tennis Pro Shop
Gymnasium Porch
Playground Porch
Tennis Viewing Pavilion
Spectator Porch 1
Spectator Porch 2
~~Tennis Hitting Wall~~

\$75,000 Level

Gymnasium Garden
~~Seaview Entry Stairs~~
South Entry Stairs
Tennis Hitting Wall
~~Craft Center~~

\$50,000 Level

Flagpoles (2)
Lightning Prediction System
Administration
Multipurpose Field Scoreboard
South Plaza
Craft Center
Seaview Entry Stairs

\$25,000 Level

Fitness Storage
Gym Storage
Gymnasium Scoreboard
Afterschool Storage
Men's Lounge
Women's Lounge
Family Lounge 1
Family Lounge 2
Playground Garden

\$10,000 Level

Water Fountains (each)
Multipurpose Storage

\$5,000 Level

Tennis Viewing Benches (each)
Memorial Trees (each)

Playground Benches (each)

\$2,500 Level

Team Benches (each)

Planters (each)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk W. Blouin, Town Manager

VIA: Jay Boodheshwar, Deputy Town Manager

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

RE: Seaview Park and Recreation Center Improvements – Project Update

DATE: June 5, 2018

STAFF RECOMMENDATION

Town staff is providing the following update on the development of a Construction Manager At-Risk (CMAR) Guaranteed Maximum Price (GMP) contract for the construction of the new Recreation Center and other improvements at Seaview Park.

GENERAL INFORMATION

At the February 2, 2017, Town Council meeting Resolution No. 22-2017 was approved, authorizing a contract with Hedrick Brothers Construction Inc. (HB) to complete initial pre-construction phase services for the Recreation Center project. A subsequent resolution (No. 69-2017) was approved at the May 9, 2017, meeting authorizing the completion of the remaining pre-construction services, including the development of a GMP for the project. After a lengthy delay to allow for the resolution of a legal claim challenging the Town's approval of the project HB formally solicited bids for the work defined in the project plans and specifications between April 1, 2018, and May 4, 2018, to begin developing the draft GMP.

HB submitted the draft GMP to the Town on May 21, 2018, which was higher than the project estimates from January 2017. Since the submittal, Town staff has been working with the architect, Stephen L. Boruff AIA Architects + Planners, Inc., to review the draft GMP, and have held three (3) rounds of negotiations with Hedrick Brothers to determine how the GMP could be reduced to a more acceptable number prior to Council consideration. The most recent negotiation session was held on June 4, 2018, and included a review of:

- The role of subcontractor, price proposals and timeline for Hedrick to submit a final GMP that met Town expectations of value.
- Cost escalation of materials and labor from the original conceptual budget estimate.
- Potential cost saving modifications to the project scope.

The completion of a final GMP will take a few more weeks to responsibly complete so staff recommends continuing the negotiation process with Hedrick Brothers with the goal of presenting a recommendation at the July 10, 2018, Council meeting, which will be to either approve the final GMP or reject it and consider other alternatives for moving forward.

If Town Council ultimately wishes to pursue other possible approaches for completing the project (other than the award of a CMAR contract to HB), the range of possibilities might include the following:

- Authorize negotiations with the next ranked CMAR firm from RFQ 2016-45, which would be The Weitz Company.
- Initiate a “two-step” procurement process to pre-qualify bidders for a construction contract and then issue bid documents to only those approved “pre-qualified” bidders. A separate construction management agreement would be recommended to ensure proper project management.
- Cancel the project and cease all procurement actions.

This item is still under the Palm Beach County “Cone of Silence” regulation so it would be improper to discuss additional details of the draft GMP submitted by Hedrick Brothers until such time it is ready for Council consideration.

FUNDING/FISCAL IMPACT

The final total cost of the project will not be known until the GMP negotiations have been completed. The previously approved funding support from the Mandel Foundation and the Friends of Recreation remain intact, with commitments for 2/3 of the total project costs (up to \$5,000,000 from each partner) to be paid through private resident donations.

PURCHASING REVIEW

The Purchasing Division has reviewed and confirmed that this project update complies with the Palm Beach County pre-contract award Cone of Silence guidelines.

cc: Beth Zickar, Director of Recreation
Jane Le Clainche, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
Dean Mealy, Purchasing Manager

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Draft Request for Proposal (RFP) for consultant services to complete a Total Compensation Study.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018, from Danielle Olson, Director of Human Resources**
- ▣ **Draft Scope of Services**
- ▣ **Draft Evaluation Criteria**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

TO: Mayor and Town Council

VIA: Kirk Blouin, Town Manager

FROM: Danielle Olson, Director of Human Resources

RE: Draft Scope of Services and Evaluation Criteria for a Request for Proposal to Secure Consultant Services to Complete a Comprehensive Compensation and Benefits Study

DATE: June 1, 2018

STAFF RECOMMENDATION

Town staff recommends that Town Council approve the draft scope of services and evaluation criteria used to develop a Request for Proposal (RFP) for consultant services to complete a comprehensive Compensation and Benefits Study.

GENERAL INFORMATION

During the May 8, 2018, meeting of the Town Council staff was directed to draft the parameters of a RFP for consultant services to complete a comprehensive Compensation and Benefits Study. Town Council is being provided with an outline of the proposed scope of services and consultant evaluation criteria for review and feedback. Following approval of the information contained herein, staff will proceed to publish the RFP and establish a process to secure a consultant to perform said services.

FUNDING/FISCAL IMPACT

Depending on the cost of the proposals received for services requested, partial budget funds (approximately \$35,000) are available within the existing FY18 Human Resources department budget to cover the cost of this analysis; however, additional funding from the General Fund Contingency full most likely be required to sufficiently fund this expenditure. Once proposals are received and a consultant is selected, staff will return to Town Council to seek approval of a contract award and associated funding prior to finalizing any agreement for services.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Jane La Clainche, Finance Director
Dean Mealy, Purchasing Manager



DRAFT RFP SCOPE OF SERVICES COMPENSATION AND BENEFITS STUDY

1. Background

The TOWN OF PALM BEACH is a vibrant service minded municipality in Palm Beach County, functioning with an appointed Town Manager form of government serving a five member Town Council and Mayor. The TOWN OF PALM BEACH currently has 7 primary departments with approximately 330 full-time employees in approximately 133 classifications (positions) within 120 unique pay grades. There is one bargaining unit with the International Association of Fire Fighters. Job descriptions exist for all classifications. The last major comprehensive and classification study was performed in 2005. Since that time, adjustments have been made to employee benefits, pay ranges, and several positions have been reclassified based on an established internal procedure.

In an effort to attract and retain high quality employees, the TOWN OF PALM BEACH is soliciting quotes from qualified firms to provide services to perform a comprehensive compensation and benefits study as outlined in the scope of services provided below. The primary focus of the project is to review the effectiveness of the TOWN's current compensation and benefit plans and recommend changes that support the TOWN's goal of being competitive in the Palm Beach County marketplace. The comprehensive study will apply to non-bargaining and bargaining positions.

Positions within the TOWN OF PALM BEACH'S structure include, but are not limited to:

- Executive and Managerial;
- Professional (engineers, zoning, finance and accounting);
- Technical and Trade (computer analysts, inspectors, utility system operators, electricians);
- Skilled Craft (heavy equipment operators, mechanics);
- Laborers (trash, sanitation and parks technicians);
- Public Safety Civilian (crime scene specialists, 911 operators);
- Police Officers (all ranks);
- Firefighters (all ranks including bargaining unit positions) and;
- Administrative and Clerical Support.

The TOWN OF PALM BEACH will provide access to salary and benefits data, as well as job descriptions. The CONSULTANT should have experience primarily in public sector classification, compensation, and benefits and will work in cooperation with a management team as designated and coordinated by the TOWN OF PALM BEACH'S Human Resources Director.

2. Scope of Services

The CONSULTANT should consider the Scope of Work as a guide for submission. Professional consulting services should include, but are not limited to:

1. Conduct a comprehensive market-based survey and analysis of the TOWN OF PALM BEACH'S current compensation structure to test the competitiveness of the salaries offered by the TOWN OF PALM BEACH, as compared to public and private (as applicable) employers in local and regional markets and benchmarked to the geographic labor market with which we compete;
2. Evaluate the TOWN's current employee benefits:
 - a. Conduct a comparison and analysis of the current level of the TOWN's benefits based on a market study.
 - b. Prepare a summary of each benefit, along with a ranking for all agencies surveyed, based upon the overall level of benefits.
 - c. Consolidate the benefits survey results in a clear, objective summary and make recommendations detailing:
 - i. Agencies surveyed;
 - ii. Benefits surveyed;
 - iii. Benefits that match our benefits;
 - iv. Ranking of each benefit for all agencies surveyed; and
 - v. Changes, with estimated costs if available, based on market trends.
 - d. Benefits to be studied include:
 - i. Health Benefits: Group Insurance (medical, Rx, dental, vision including premiums, cost sharing, and coverage levels for each), Ancillary insurance (life, LTD, AD&D, etc.) FSA, HSAs, executive benefits, etc.;
 - ii. Retirement Benefits: pension plans, deferred compensation (401a, 401k) plans, executive benefits, employee contributions, vesting, etc.;
 - iii. Employee Leave Benefits: vacation, sick, PTO, holidays, purchase or conversion plans, payouts upon separation/retirement, bereavement, etc.;
 - iv. Other: cell phone stipend, educational assistance, degree recognition, specialty assignment stipends, certification incentives, mentoring/career counseling, work related travel reimbursement and per diem, etc.;
 - v. Wellness Benefits: programs, seasonal vaccinations, health risk assessment, disease management programs, reward/bonuses, health fairs, etc.;
3. Prepare implementation strategy and cost analysis; the implementation plan should include options for immediate implementation and a plan with phases that minimizes the impact to the fiscal budget;
4. Provide methods and timetable for completing the study;
5. Produce a report that clearly specifies the study's methodology, assumptions, results and recommendations, this format shall be easily understandable for management and the public served;
6. Make formal presentations to Executive Staff and TOWN OF PALM BEACH'S Town Council as needed.



TOWN OF PALM BEACH

RFP No. 2018-

EVALUATION CRITERIA

Criteria	Weight
Technical Approach to the Project / Scope of Work • Understanding of Town needs • Thoroughness, quality control measures, follow up guarantees • Approach to the Project and Methodology • Technical Soundness of the proposal • Applicability of the services offered • Conveyance of a willingness to work with Town staff to maximize resources • Overall completeness, clarity and quality of proposal	30%
Experience • Qualifications of the firm's staff that will be engaged with Town	20%
Fee • Pricing Structure • Fee Schedule work sheet • Any other Costs	20%
References • Favorable studies of three (3), preferably in the public sector of like sized municipal size or greater	15%
Timeline • Ability to meet the Town's time to complete • Project Schedule	10%
Proximity to Town • Ability to work on site as needed, when needed for various tasks necessary	5%

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Regular Agenda - New Business

Agenda Title

Waiver of Town Code Section 42-199, For Extended Working Hours at the Beach Club, 755 North County Road.

Presenter

Paul Castro, Acting Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated May 30, 2018 From Paul Castro, Acting Director of Planning, Zoning & Building**
- ▣ **Letter Dated May 7, 2018 From John Southard**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at the Beach Club
Located at 755 North County Road

Date: May 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the hours for construction work for the Beach Club. If approved, staff recommends that it is conditional upon no extended hours as identified in the memorandum.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete work for the Phase IV Kitchen/Locker Room Interior Renovation beyond the allowed working hours that have recently been adjusted by the Town Council. Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Beginning May 1 and continuing until the first Monday before Thanksgiving, construction work is allowed Monday through Friday from 8:00 AM until 6:00 PM. Saturday work is allowed during this time period but cannot commence until 9:00 AM and must cease at 5:00 PM. All Saturday work during this time period must be quiet work and is subject to the noise restrictions in Section 42-198 of the Town Code.

During the months of December through April of each year, construction is allowed Monday through Friday from 8:00 AM until 5:00 PM with no work allowed on Saturdays, Sundays or legal holidays as restricted in Section 42-199 of the Town Code.

The applicant is requesting an extension of these working hours to allow all regular construction activities during May through December 2018 beginning 8:00 AM till 8:00 PM Monday-Saturday. The request is to allow extended construction hours and Saturday work from now until the end of December 2018. Staff recommends that if approved, that the extension be conditional that no extended hours allowed between November 23 and December 1, and December 21 and

December 29.

Attached is the written request from the applicant that describes the nature of the work and the time extension that is being requested. The applicant has notified surrounding property owners of the date of this meeting as required.

Staff recommends the Town Council consider construction hours as requested from May 1st through November 30, 2018 with Saturday work extended December 1st, 2018 through the end of January 2019.

Attachments

PC/ks

cc: Bill Bucklew, Building Official
Karl Swierzko, Acting Building Official
H. Paul Brazil, Public Works Director
Ben Alma, Code Enforcement Unit

WEITZ

1720 Centrepark Drive East
West Palm Beach, Florida 33401
P: 561.686.5511
F: 561.686.7774

RECEIVED

MAY 30 2018

TOWN OF PALM BEACH
PZB DEPARTMENT

Mr. Bill Bucklew, TOPB Building Official
P.O. Box 2029
360 S. County Rd.
Palm Beach, FL 33480

May 7, 2018

RE : The Beach Club – Extended Work Hours
Phase IV – Kitchen/Locker Room Interior Renovation

Dear Mr. Bucklew,

The Club is preparing to start the long-awaited structural repairs to our second floor Kitchen elevated slab, as well as other interior renovations to the Locker rooms and Back of House areas.

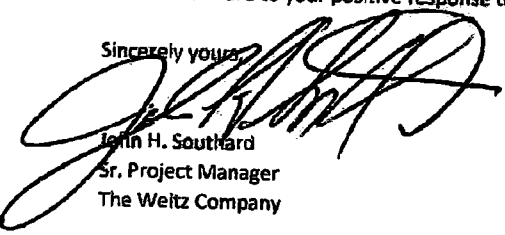
Due to the extensive amount of work involved with the demolition and rebuild of our Kitchen and an endeavor to complete this work prior to the 18/19 winter season, we are requesting extended work hours for the construction crew.

Fortunately, we are in the unique position of having our worksite entirely screened from public view with all of the work taking place in the interior of the building. The footprint of construction is entirely on the North side of the property and is bordered by only one adjacent property owner, the Palm Beach Country Club. See attached Aerial for clarification.

The narrative on the following page summarizes the additional proposed hours.

We look forward to your positive response to this request. Please let us know if any additional information is required.

Sincerely yours,


John H. Southard
Sr. Project Manager
The Weitz Company

/// **BUILD A BETTER WAY.™**

WEITZ.COM

WEITZ

RECEIVED

MAY 30 2018

TOWN OF PALM BEACH
PZB DEPARTMENT

**The Beach Club
The Beach Club Phase IV
Kitchen/Locker Room Renovations**

RECAP OF STANDARD HOURS

Off-season (May 1 through November 30), Standard Construction is 8:00 AM to 6:00 PM, Monday through Friday, and quiet work on Saturday from 9:00 AM to 5:00 PM, with no work on Sundays and Legal Holidays.

Season (December 1 through April 30), Standard Construction is 9:00 AM to 5:00 PM, Monday through Friday. No work on Saturdays from 9:00 AM to 5:00 PM

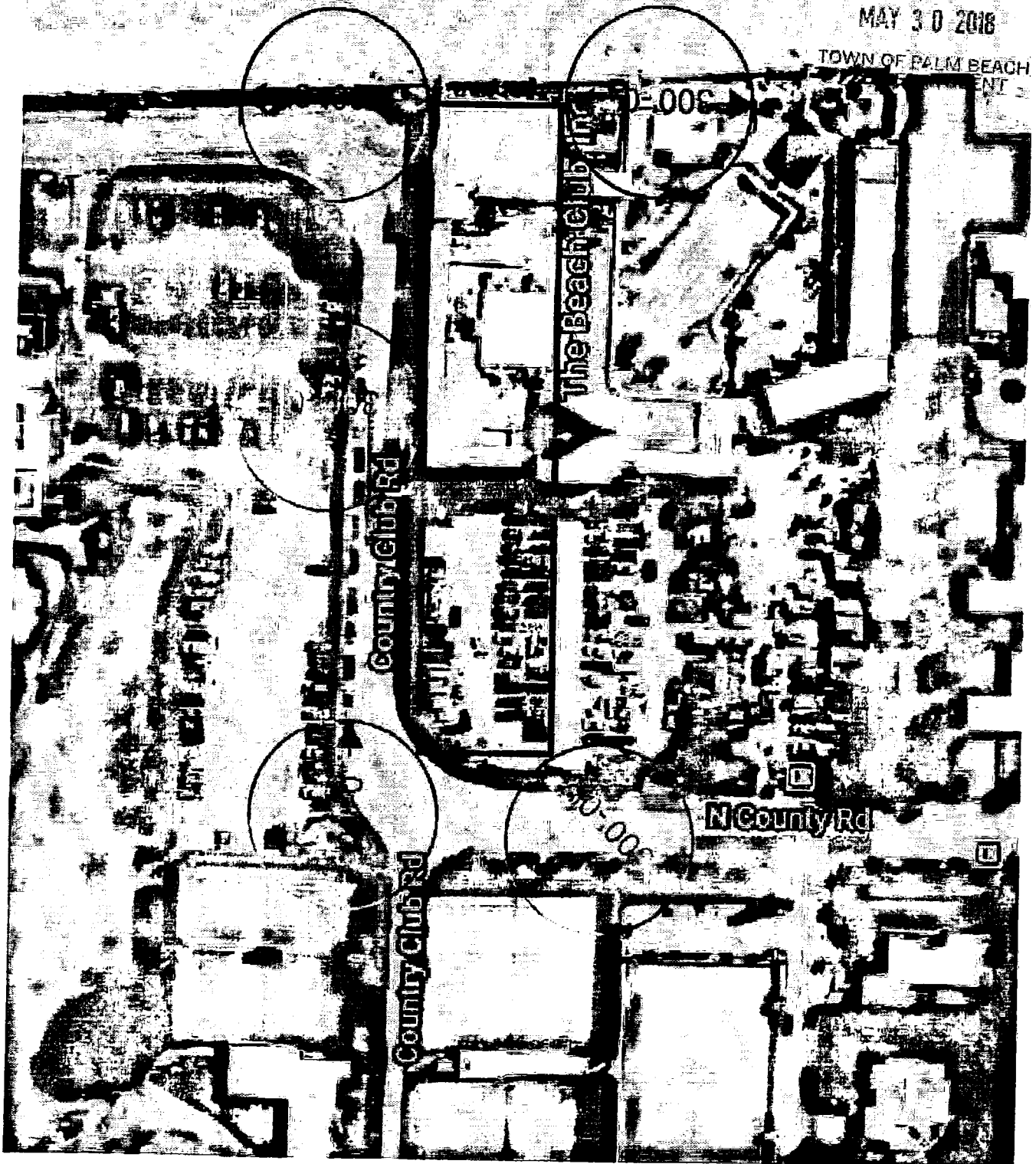
REQUEST FOR EXTENDED HOURS Monday - Saturday

May 2018 through December 2018 – Early start at 8:00 AM till 8:00 PM for all work days (M-S) associated with Soft demolition, demolition, interior buildout, and finishes to completion

RECEIVED

MAY 30 2018

TOWN OF PALM BEACH
PLANT



WEITZ

RECEIVED

30 2018

TOWN OF PALM BEACH
PZB DEPARTMENT

**Delivery of Notice to Adjacent Property Owners
Regarding Extended Construction Hours for The Beach Club**

Adjacent Property	Palm Beach Country Club
Property Address	760 N Ocean Blvd, Palm Beach, FL 33480
Date Delivered:	<u>5/29/18</u>
Delivered by:	<u>Chris Bourseas CB</u>
Date Received:	<u>5/29/18</u>
Received by:	<u>Christine Misiano</u>

// BUILD A BETTER WAY™

WEITZ

May 29th, 2018

RECEIVED

MAY 30 2018

TOWN OF PALM BEACH
PZB DEPARTMENT

To whom it may concern,

A waiver of the Town Ordinance 42-199, Hours of Construction, is being requested by The Beach Club, 755 North County Road, to allow for the interior renovation work from 8:00 A.M. to 8:00 P.M., Monday through Saturday.

This item is being presented to the Palm Beach Town Council at the regularly scheduled meeting on June 12th, 2018 at 9:30 A.M, and any concerns regarding this issue should be expressed at this time.

Respectfully,

CHRIS BOURGEOIS
Project Engineer
THE WEITZ COMPANY
C 561.345.0877 E chris.bourgeois@weitz.com

BUILD A BETTER WAY.™

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 07-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Of Palm Beach's Code Of Ordinances By Amending Section 18-167 To Allow For A Non-Resident Expert To Be Appointed To The Architectural Commission (ARCOM); Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Presenter

Paul Castro, Acting Director of Planning, Zoning & Building

ATTACHMENTS:

- ▣ **Memorandum Dated May 31, 2018 from Paul Castro, Acting Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 07-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director of Planning, Zoning and Building

Re: ARCOM Code Language Change to Allow for a Non-Resident Expert
Ordinance No. 07-2018

Date: May 31, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council hear and consider the proposed code change to Chapter 18 that will allow for a non-resident expert on the Architectural Commission (ARCOM).

GENERAL INFORMATION

Attached is an ordinance that proposes to change the ARCOM code language found in Chapter 18, and will allow for a non-resident expert to sit on ARCOM. The rationale behind this is that it is becoming increasingly more difficult to find licensed architects and landscape architects that are Town residents. While the landscape architect position can be filled by a certified master gardener or someone else that has similar experience, the two required architect positions must be filled by Florida licensed architects who reside in the Town (though one may be licensed in a State other than Florida). Staff envisions there may be a time in the near future where there may not be two licensed architects (licensed in Florida or another State) available that are also Town residents. This code change will give the Town Council the flexibility to appoint a non-resident to fulfill a required architect position if no Town resident is available. The code change will also allow Town Council to appoint a non-resident to fulfill the required landscape architect/master gardener position, although this is not as concerning to Town staff given the master gardener certification course currently available through the State.

It should be noted that the language added allowing for a non-resident expert on ARCOM is almost identical to the language found in Chapter 54, which allows Town Council to appoint a non-resident expert on to the Landmarks Preservation Commission.

At the May 8, 2018 Town Council meeting, staff was directed to add language in the code revision specifying that a non-resident must have special expertise “as a State of Florida licensed architect or landscape architect” in order to be appointed to ARCOM; this language has been added in Sec. 18-167.

TOWN ATTORNEY REVIEW

Ordinance No. 07-2018 has been approved by the Town Attorney for legal form and sufficiency.

Attachment

PC:jl

cc: Robert J. Vila, Chairman, Architectural Commission
Members, Architectural Commission (ARCOM)
John Lindgren, Planning Administrator

ORDINANCE NO. 07-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH'S CODE OF ORDINANCES BY AMENDING SECTION 18-167 TO ALLOW FOR A NON-RESIDENT EXPERT TO BE APPOINTED TO THE ARCHITECTURAL COMMISSION (ARCOM); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend Section 18-167 in its Code of Ordinances to allow for a non-resident expert to be appointed to the Architectural Commission (ARCOM) when that person is found by the Town Council to have special expertise that will benefit the Commission and the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Amend Article III, ARCHITECTURAL REVIEW, DIVISION 2, ARCHITECTURAL COMMISSION, Section 18-167, Qualifications of members, to read as follows (new language underlined, removed language ~~stricken~~, and Section 18-166 included to add context):

Sec. 18-166. - Membership; appointment.

(a) The architectural commission shall consist of seven members. At least two members, but not more than three members, of such commission shall be registered architects in the state. In the event there are, in the discretion of the town council, no bona fide applicants who are registered architects in the State of Florida, the town may solicit and appoint architects registered outside the State of Florida to fill one of the architect seats. In addition to the two registered architects, one member of such commission shall be a landscape architect, if available. However, in the event a landscape architect is not available, then one member of such commission shall be a master gardener or someone with equivalent expertise in landscape.

(b) The members of such commission shall be appointed by the town council, and the commission shall designate a chair and a vice-chair.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 18-167. - Qualifications of members.

(a) All members of the architectural commission shall be specially qualified by reason of training or experience in art, architecture, community planning, land development, real estate, landscape architecture, or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effects of a proposed building upon the desirability, property values and development of surrounding areas.

(b) Each member of the commission is required to be a registered voter in the town; however, one member may be a non-resident of the town in the event it is determined by the town council that said individual has a special expertise as a State of Florida licensed architect or landscape architect that will benefit the commission and the town.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Section 2. Incorporation of Recitals

The above recital is incorporated as fully set forth herein.

Section 3. 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 4. 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 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. 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 8th day of May 2018, and for second and final reading on this 12th day of June 2018

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 08-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 82, Personnel, Article III, Resolution of Employee Grievances, of the Town Code of Ordinances at Section 82.207, Review By Administrative and Personnel Committee; Further Amending Section 82.208, Role of Committee; Amending Section 82.209, Procedures; Amending Section 82.210, Findings of Committee; Amending Section 82.211, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Danielle Olson, Director of Human Resources

ATTACHMENTS:

- ▣ **Ordinance No. 08-2018**

ORDINANCE NO. 08-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 82, PERSONNEL, ARTICLE III, RESOLUTION OF EMPLOYEE GRIEVANCES, OF THE TOWN CODE OF ORDINANCES AT SECTION 82.207, REVIEW BY ADMINISTRATIVE AND PERSONNEL COMMITTEE; FURTHER AMENDING SECTION 82.208, ROLE OF COMMITTEE; AMENDING SECTION 82.209, PROCEDURES; AMENDING SECTION 82.210, FINDINGS OF COMMITTEE; AMENDING SECTION 82.211, APPEALS; 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. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-207 of Article III, Review by administrative and personnel committee, as follows:

"Sec. 82-207. - Review by ~~special magistrate and town council~~~~administrative and personnel committee~~.

The town's ~~administrative and personnel committee~~ shall consider employee grievances properly filed pursuant to policies and procedures provided in the town's personnel manual. ~~The administrative and personnel committee~~ A special magistrate retained and paid by the Town shall hear conduct a de novo quasi-judicial hearing for appeals or grievances relating to suspensions, demotions or discharges which have been filed with the town's director of human resources in accordance with said policies and procedures and shall act as a neutral hearing officer in accord with the procedures set forth herein. The special magistrate must be a member of the Florida Bar in good standing."

Section 2. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-208 of Article III, Role of committee:

"Sec. 82-208. - Role of ~~committee~~special magistrate.

The role of the ~~administrative and personnel committee~~special magistrate in regard to hearing employee grievances is to (1) determine whether ~~the facts elicited at the hearing support~~ the determination made by the employee's department head and/or town manager was supported by substantial competent evidence, whether the disciplinary action is in compliance with the town's personnel manual, and/or whether

the discipline imposed was warranted considering all relevant facts; and (2) to recommend to the town council to either sustain the decision of the department head and/or town manager, or overturn such decision. The special magistrate may also, or recommend less severe discipline if requested to do so by the grievant and if it is determined, on the basis of all relevantthe facts, that the discipline imposed is unreasonable and an abuse of discretion. In no event shall the administrative and personnel committee recommend nor shall the council impose discipline more severe than the discipline imposed by the department head and/or town manager. The town has the initial burden of proof in presenting substantial competent evidence to support the disciplinary action. The special magistrate shall not substitute his/her judgment for that of the department head and/or town manager so long as the decision was supported by substantial competent evidence, was not unreasonable, and there was no abuse of discretion on the part of the departmental head and/or town manager. In no event shall the special magistrate recommend nor shall the council impose discipline more severe than the discipline imposed by the department head and/or town manager."

Section 3. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-209 of Article III, Procedures, as follows:

"Sec. 82-209. - Procedures.

(a) ~~—Rights of administrative and personnel committee~~Conduct at hearings. The town human resource director shall set the date for the hearing of any grievance on appeal. The town's human resource director shall establish reasonable time frames for submission of exhibit and witness lists and written position statements prior to the hearing date. Hearings before the administrative and personnel committee~~special magistrate~~will involve hearing testimony of witnesses and considering documentary evidence submitted at the hearing. The administrative and personnel committee~~special magistrate~~shall establish reasonable parameters relating to the length of time allowed for the presentation of a case and instruct the parties involved in regard to the order of the hearing, requirements of the parties relating to their submittalsthereto, and any other rules, regulations and procedures relating to the hearing. The conduct of the hearing shall comport with due process generally afforded in quasi judicial hearings and strict rules of evidence shall not apply.

(b) Witness~~attendancesubpoenas~~. The ~~administrative and personnel committee~~town will require~~shall have the authority, by subpoena, to compel the attendance of town employees who may be required to be witnesses in the proceedingwitnesses and exhibits for purposes of examination and investigation before the committee. The grievant shall be responsible for coordinating attendances of other witnesses. Testimony by telephone is not allowed.~~

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(c) Order of presentation. The town will proceed first with the presentation of evidence. The grievant shall then present his/her evidence. The town will then have an opportunity to present rebuttal evidence."

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Section 4. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-210 of Article III, Findings of committee, as follows:

"Sec. 82-210. - Findings of ~~committee~~the special magistrate and final determination by the town council.

Subsequent to the presentation of arguments, testimony and documentary evidence of the parties, the ~~administrative and personnel committee shall, in open session, discuss the case, and~~special magistrate shall make findings of fact and recommendations. These findings of fact and recommendations shall be incorporated in a written order. The ~~administrative and personnel committee~~special magistrate shall thereafter submit to the town council at the next regularly scheduled monthly meeting ~~its~~the findings and recommendations pertaining to the grievance. The grievant, the town manager and/or department director may submit any objections or argument in writing, no later than seven (7) days prior to the meeting. No further oral argument will be allowed unless requested by the town council. If the next regularly scheduled meeting is less than ten (10) days from the receipt of the findings and recommendations, the matter will be set before the town council at the following regularly scheduled meeting. Thereafter, the town council shall make a determination and its decision shall be final. The town council shall not conduct an additional evidentiary hearing, its responsibility being only to consider the factual findings, the recommendations and report of the ~~administrative and personnel committee~~special magistrate and to make a final determination regarding the applicable grievance at an open public meeting. The town council's review is to assure that adequate due process was provided, that the special magistrate's findings and recommendations are supported by substantial competent evidence, and that the disciplinary action taken is in compliance with applicable provisions of the town's personnel manual.

Section 5. Chapter 82 of the Town Code of Ordinances titled Personnel is hereby amended at Section 82-211 of Article III, Appeals, as follows:

"Sec. 82-211. ~~-- Appeals~~from town council decision.

In the event an aggrieved party wishes to appeal the decision of the town council, such review shall be by petition for writ of certiorari to the 15th Judicial Circuit Court, which must be filed within 30 days of the date of the town council's decision, where the petition shall be reviewed."

Section 6. 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 7. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 8. 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 8th day of May, 2018, and for second and final reading on this 12th day of June, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S. W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 09-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Code of Ordinances at Chapter 2, Administration, Article III, Officers and Employees, Division 1, Generally, at Section 2-136, Appointive Administrative Officers, so as to Delete the Term Public Safety Director and Substitute for that Term the Terms Chief of Police and Chief of Fire Rescue; Amending Division 5, Director of Public Works at Section 2-247, General Duties, Supervision by Manager, to Delete the Reference to the Public Works Director being under the Direct Supervision of the Town Manager; Further Providing that all References in the Town Code to Public Safety Director Shall Now be Referred to as Chief of Police and Chief of Fire Rescue; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Ordinance No. 09-2018**

ORDINANCE NO. 09-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION, ARTICLE III, OFFICERS AND EMPLOYEES, DIVISION 1, GENERALLY, AT SECTION 2-136, APPOINTIVE ADMINISTRATIVE OFFICERS, SO AS TO DELETE THE TERM PUBLIC SAFETY DIRECTOR AND SUBSTITUTE FOR THAT TERM THE TERMS CHIEF OF POLICE AND CHIEF OF FIRE RESCUE; AMENDING DIVISION 5, DIRECTOR OF PUBLIC WORKS AT SECTION 2-247, GENERAL DUTIES, SUPERVISION BY MANAGER, TO DELETE THE REFERENCE TO THE PUBLIC WORKS DIRECTOR BEING UNDER THE DIRECT SUPERVISION OF THE TOWN MANAGER; FURTHER PROVIDING THAT ALL REFERENCES IN THE TOWN CODE TO PUBLIC SAFETY DIRECTOR SHALL NOW BE REFERRED TO AS CHIEF OF POLICE AND CHIEF OF FIRE RESCUE; 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 2, Article III. Officers and Employees, Division 1. Generally, Sec. 2-136. Appointive administrative officers, to read as follows:

"Sec. 2-136. Appointive administrative officers.

Pursuant to section 4.04(a) of the Charter, the following shall constitute the appointive administrative officials of the town:

Administration:

Finance Director
Director of Planning, Zoning and Building
Human Resources Director
Recreation Director
Deputy Town Manager
Assistant Town Manager

Public safety:

~~Public Safety Director~~
~~Chief of Police~~
~~Chief of Fire Rescue~~

Public works:

Director of Public Works

Unless otherwise specifically provided, all other personnel of the town constitute "employees" within the meaning of § 4.04(b) of the Charter."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration, Division 5. Director of Public Works, Section 2-247, General duties; supervision by manager, to read as follows:

"Sec. 2-247. General duties; supervision by manager.

In addition to the duties prescribed elsewhere in this Code, the director of public works shall have general supervision over the streets, sewer, sidewalks and thoroughfares of the town, and of the construction and repair thereof. ~~The director of public works shall be under the direct supervision of the town manager.~~"

Section 3. Wherever the Town Code refers to Public Safety Director, that reference shall now read Chief of police and Chief of Fire Rescue.

Section 4. 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 5. 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 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. 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 _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S. W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 12, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 12-2018 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places, Article VII, Special Events on Public Property, Division 1, Generally, By Amending Sections 106-257(1) And 106-257(2) Relating to Regulations Relating to Special Event; Amending Section 106-281 Relating to Required; Amending Sections 106-282(B), 106-282(C)(10), and 106-282(C)(14) Relating to Application; Amending Sections 106-283(6) and 106-283(10) Relating To Standards for Issuance; Amending Section 106-284 Relating to Notice of Approval or Denial; Amending Section 106-285 Relating to Appeal Procedure; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

ATTACHMENTS:

- ▣ **Memorandum Dated June 1, 2018, from Jay Boodheshwar, Deputy Town Manager**
- ▣ **Ordinance No. 12-2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 12, 2018

To: Ordinances, Rules & Standards Committee

Via: Kirk Blouin, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Town Code, Relative to Special Events Permits
Ordinance No. 12-2018

Date: June 1, 2018

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance No. 12-2018, amending Article VII, Section 106 of the Town Code that regulates the issuance of special event permits on public property, as recommended by the Ordinances, Standards and Rules Committee.

GENERAL INFORMATION

At the December 7, 2017, and February 8, 2018, ORS meetings, staff reviewed information regarding special event permits on public property including the permitting process, popular locations, types of events held each year, as well as concerns regarding damage to property.

Discussion took place at both meetings regarding the need for refundable damage deposits and the potential implementation of usage fees to help control the number of events that could potentially affect certain public properties in an adverse manner and the monetization of other assets. Discussion regarding limiting the use of public spaces to residents and town-based organizations took place at the February 8, 2018, meeting but it was determined by the Town Attorney that it would be problematic to implement such policies.

At the May 2 ORS meeting, several suggested changes were reviewed with committee members, resulting in the recommended changes on the attached Ordinance. The Committee will review public spaces where a usage fee could be implemented and a companion resolution will accompany this ordinance for its second reading, implementing any new fees recommended by ORS.

TOWN ATTORNEY REVIEW

Ordinance No. 12-2018 was prepared by and approved by the Town Attorney for legal form and sufficiency.

Attachment

Cc: John C. Randolph, Town Attorney
Kathleen Dominguez, Town Clerk

ORDINANCE NO. 12-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE VII, SPECIAL EVENTS ON PUBLIC PROPERTY, DIVISION 1, GENERALLY, BY AMENDING SECTIONS 106-257(1) AND 106-257(2) RELATING TO REGULATIONS RELATING TO SPECIAL EVENT; AMENDING SECTION 106-281 RELATING TO REQUIRED; AMENDING SECTIONS 106-282(B), 106-282(C)(10), AND 106-282(C)(14) RELATING TO APPLICATION; AMENDING SECTIONS 106-283(6) AND 106-283(10) RELATING TO STANDARDS FOR ISSUANCE; AMENDING SECTION 106-284 RELATING TO NOTICE OF APPROVAL OR DENIAL; AMENDING SECTION 106-285 RELATING TO APPEAL PROCEDURE; 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 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Section 106-257(1) and Section 106-257(2) to read as follows:

“Sec. 106-257. - Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

- (1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The Town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.
- (2) The maximum total duration of each special event and the assembly thereof shall be ~~three-five~~ (5) hours.

- (3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.
- (4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.
- (5) The use of decorated vehicles and trailers in connection with the event is prohibited.
- (6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.
- (7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.
- (8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.
- (9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.”

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Section 106-281 to read as follows:

“Sec. 106-281. - Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his/her designee. No permit shall be required for special events officially sponsored by the town government and approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events

on Public Property, Division 1, Generally, by amending Sections 106-282(B), 106-282(C)(10), and 106-282(C)(14) to read as follows:

“Sec. 106-282. - Application.

- (a) *Required.* A person seeking issuance of a special event permit shall file an application with the town clerk's office on forms provided by the town.
- (b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than ~~30-45~~ days ~~nor and not~~ more than ~~90-days~~ 9 months for residents and 7 months for non-residents before the date on which it is proposed to conduct the special event.
- (c) *Contents.* The application for a special event permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such a special event.
 - (2) The purpose of the special event.
 - (3) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
 - (4) The date on which the special event is to be conducted.
 - (5) The exact hours the special event is to be conducted.
 - (6) The name or type of event.
 - (7) The exact location of the event.
 - (8) The approximate number of participants and spectators.
 - (9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.
 - (10) The name of the applicant's insurance company for the event. The town shall be named as ~~an additional~~ insured on a policy of liability insurance in an amount not less than \$1,000,000.00. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the Town requires and shall be entitled to coverage for the higher limits maintained by the applicant.
 - (11) The signature of the applicant.

- (12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).
- (13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.
- (d) Fees. ~~(14)~~ — The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:
 - a. An administrative processing fee and, in the event of a late filing a late filing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time.
 - b. A refundable damage deposit, if applicable
 - c. A usage fee prepaid for the hours requested to hold the proposed special event, if applicable”

Section 4. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Sections 106-283, 106-283(6) and 106-283(10) to read as follows:

“Sec. 106-283. - Standards for issuance.

The town manager's ~~office~~ shall issue a special event permit, when from ~~a~~ consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- (1) No other applicant has obtained a permit for the date requested.
- (2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.
- (3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.

- (5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and ~~is not designed to~~ shall not be held for private profit or fund raising, unless the applicant is a 501 (c) 3 non-profit in which a charitable solicitation permit would also be required.
- (7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.
- (8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.
- (9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (10) An original certificate of insurance ~~must be~~ was supplied to the town naming the town as ~~an additional~~ insured on a policy of liability insurance in an amount not less than \$1,000,000.00 or an amount higher based upon the particular special event proposed.

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special Events on Public Property, Division 1, Generally, by amending Section 106-284 to read as follows:

"Sec. 106-284. - Notice of approval or denial.

The town manager shall act upon an application for a special event permit within ~~15~~ 20 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the ~~15~~20-day period specified above."

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Article VII, Special

Events on Public Property, Division 1, Generally, by amending Section 106-285 to read as follows:

“Sec. 106-285. - Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be submitted in writing ~~taken~~ within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.”

Section 7. 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 8. 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 9. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 10. 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 _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S. W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member