



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

JUNE 9, 2015

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

- A. Recognition of W. Anthony Dowell, Code Enforcement Board from June 2009 to April 2015

IV. PRESENTATIONS

- A. Scholarship Provided by the Palm Beach Civic Association and the Citizens' Association of Palm Beach
Sam Dashiell, Palm Beach Civic Association and Lew Crampton, Citizens' Association of Palm Beach

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF AGENDA

IX. CONSENT AGENDA

A. MINUTES

1. MINUTES: MAY 12, 2015
Approval of the Minutes of the Regular Town Council Meeting Page 10
Susan A. Owens, MMC, Town Clerk
2. MINUTES: MAY 13, 2015
Approval of the Minutes of the Regular Town Council Meeting Page 28
Susan A. Owens, MMC, Town Clerk
3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of May 27, 2015 Page 44
John S. Page, Director of Planning Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 67-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-16 and Approving a Purchase Order to Hydra Service, Inc., of DeBary, Florida, in the Amount of \$37,865.00 for the Replacement of a Vertical Turbine Irrigation Pump at the Palm Beach Par 3 Golf Course, and Establishing a Purchase Budget of \$41,700. Page 72
Deferred from the May 12, 2015, Town Council Meeting
Rod Gardiner, Acting Director of Recreation
2. RESOLUTION NO. 68-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-37 and Approving a Construction Contract to Murray Logan Construction, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase 1, in the Amount of \$268,000 and Establishing a Construction Phase Budget of \$295,000. Page 82
H. Paul Brazil, P.E., Director of Public Works
3. RESOLUTION NO. 70-2015 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 for the D-12 Storm Water Pump Station Electrical Improvements Phase I to Kimley-Horn & Associates, Inc., in the Amount of \$26,535, and Establishing a Design and Bid Phase Engineering Services Budget of \$30,000 Page 89
H. Paul Brazil, P.E., Director of Public Works
4. RESOLUTION NO. 71-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-25 and Approving a Purchase Order to Bayside Coatings Incorporated, in an Amount of \$36,000 for Street Light Painting, and Establishing a Multi-Year Project Budget of \$89,835.10. Page 98
H. Paul Brazil, P.E., Director of Public Works
5. RESOLUTION NO. 72-2015 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 \$45,084 and Establishing a Project Page 104

Budget of \$47,350.

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

6. RESOLUTION NO. 73-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Enviroscares Plus Inc., for Landscape Fertilization and Pest Control, in the Annual Amount of \$34,200, and Establishing an Annual Project Budget of \$40,000. Page 108

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

7. RESOLUTION NO. 74-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-36 and Approving a Purchase Order to TLC Diversified, Inc., for the North Fire Station Emergency Generator Replacement, in the Amount of \$169,955, and Establishing a Construction Phase Budget of \$200,000. Page 111

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

8. RESOLUTION NO. 75-2015 A Resolution of the Town Council of the Town of Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for the North Fire Station Emergency Generator Replacement to Chen Moore and Associates, Inc., in the Amount of \$18,010, and Establishing a Construction Phase Engineering Services Budget of \$21,000. Page 121

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

9. RESOLUTION NO. 76-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 141235 for Consulting Services for the Inventory of the City of West Palm Beach Water Facilities in the Town of Palm Beach, in the Amount of \$12,000 for a Revised Total Budget of \$35,000. Page 127

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

10. RESOLUTION NO. 80-2015 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 for the Nightingale Trail/La Puerta Way Undergrounding to Kimley-Horn and Associates, Inc. in the Amount of \$73,136, and Establishing an Engineering Services Budget of \$188,000. Page 133

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

C. OTHER

1. Acceptance of a Donation of \$25,000 from the Palm Beach Police Foundation for the Expansion of the Existing Town-wide Security and Surveillance System. Page 145

Kirk W. Blouin, Director of Public Safety

2. Request to Authorize Ordinances, Rules and Standards Committee to Develop a Compact Car Ordinance. Page 147

Jay Boodheshwar, Deputy Town Manager

X. BOARD/COMMISSION ANNUAL REPORT

A. Retirement Board of Trustees

Page 149

Gerald Goldsmith, Retirement Board Chair ProTem

XI. COMMITTEE REPORTS

- A. Report of the Ordinances, Rules, & Standards Committee Meeting of May 6, 2015 Page 200
Penelope D. Townsend, Chair
- B. Report of the Finance and Taxation Committee Meeting of May 11, 2015 Page 205
Michael J. Pucillo, Chair

XII. REGULAR AGENDA

A. Old Business

1. Town Hall Square Historic District Project Page 209
 - a. Fundraising Update
Bill Bone, Esquire
 - b. Phase II Update
Jay Boodheshwar, Deputy Town Manager
 - c. RESOLUTION NO. 69-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Approving a Dedication to the Public of a Parcel of Land to be Used for Public Park Purposes Consistent with and to be Incorporated as Part of Memorial Park; Providing an Effective Date.
John C. Randolph, Town Attorney
2. Discussion of Millage Rate Target for FY 2016 Budget Priorities Page 217
Thomas G. Bradford, Town Manager
3. 2016 Election Update Page 220
Susan A. Owens, MMC, Town Clerk

B. New Business

1. Recommendations for Comprehensive Plan Updates Pursuant to F.S. 163.3191 Page 225
John Page, Director of Planning, Zoning and Building
2. Coastal Update Page 230
 - a. Shoreline Review and Report on Palm Beach County's Beach Renourishment Expenditures
 - b. Public Understanding of the Performance of Coastal Projects (by Woods Hole Group)
 - c. ORDINANCE NO. 17-2015 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, 2014, Providing an Effective Date.
Jane Struder, Director of Finance
 - d. RESOLUTION NO. 78-2015 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Contract For \$15,879,950 To Great Lakes Dredge & Dock Company For The Construction Of The Phipps Ocean Park/Reach 7 Beach Nourishment Project, And Establishing A Construction Phase Budget Of \$16,879,950 For Said Project, Contingent Upon The Adoption Of Budget Amendment Ordinance No. 17-2015; And Authorizing The Town Manager To Execute The Purchase Order And Take Action Necessary To Effectuate Completion Of The Project.
 - e. Authorization of Selection Committee for Construction Phase Engineering Services for Phipps Ocean Park Beach Nourishment
 - f. RESOLUTION NO. 79-2015 A Resolution Of The Town Council Of The

Town Of Palm Beach, Palm Beach County, Florida, Authorizing State Grant Of FDEP Contract No. 15PB2, Between The State Of Florida Department Of Environmental Protection And The Town Of Palm Beach Under The Bureau Of Beaches And Coastal Systems Florida Beach Management Funding Assistance Program For South End Palm Beach Restoration, Specifically Environmental Impact Statement For Reach 8, And Authorizing The Town Council President To Execute Same On Behalf Of The Town.

g. EIS Status Report

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

3. Waiver to Town Code for Extended Construction Hours for Water Main Investigation / Replacement by The City of West Palm Beach and Approval of the Partial Closure of the Intersection of Island Road / Island Drive Page 364

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

4. Waiver to Town Code for Extended Construction Hours for Gas Main Construction by Florida Public Utilities Company (FPU) Page 371

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

5. RESOLUTION NO. 77-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., for Continued Professional Engineering Services of the Lake Worth Lagoon Waterway Project, in an Amount Not-to-Exceed \$34,549, and establishing a Federal Permitting and Construction Plans and Specifications Task Budget of \$39,000. Page 374

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

6. Request to Close Bradley Place from Atlantic Avenue to Wells Road for Water Main Replacement Page 381

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

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 15-2015 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43 Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Page 386

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

2. ORDINANCE NO. 16-2015 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; at Article XIII, Moveable Fixtures in the Right-of-Way; at Section 106-291, Certificate of Compliance Required; at Section 106-292, Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; at Section 106-293, Prohibited Locations; at Section 106-294, Insurance and Indemnification; at Section 106-296, Enforcement; at Section 106-297, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. Page 395

Jay Boodheshwar, Deputy Town Manager

B. First Reading

1. ORDINANCE 18-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinance at Chapter 62, Marine Structures; Article II, Bulkheads, Seawalls and Groins on Atlantic Ocean, at Sections 62-36, 62-37 and 62-38; and Amending Article III, Bulkhead and Pierheads on Lake Worth, Section 62-72; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item (s) be moved to the Regular Agenda and individually considered.

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**

6/3/15

Tue 06/09/2015 09:30 AM	Town Council Meeting	Council Chambers
Wed 06/10/2015 09:30 AM	Town Council Meeting (Development Review Matters)	Council Chambers
Tue 06/16/2015 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 06/17/2015 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Thu 06/18/2015 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Mon 06/22/2015 10:00 AM	Underground Utilities Task Force Meeting	Council Chambers
Wed 06/24/2015 09:00 AM	ARCOM Meeting	Council Chambers
Fri 07/03/2015 04:00 AM	FOURTH OF JULY (observed)	TOWN HALL CLOSED
Tue 07/14/2015 09:30 AM	Town Council Meeting	Council Chambers
Wed 07/15/2015 09:30 AM	Town Council Meeting (Development Review Matters)	Council Chambers
Thu 07/16/2015 09:30 AM	Special Town Council Meeting re: Budget	Council Chambers
Thu 07/16/2015 02:00 PM	Code Enforcement Board Meeting	Council Chambers
Tue 07/21/2015 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers

Wed 07/22/2015 09:00 AM	ARCOM Meeting	Council Chambers
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Thu 07/23/2015 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
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Tue 08/11/2015 09:30 AM	Town Council Meeting	Council Chambers
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TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: MAY 12, 2015

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, MMC, Town Clerk

Supporting Documents

- [Minutes of the Regular Town Council Meeting of May 12, 2015](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, MAY 12, 2015**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, May 12, 2015, 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

Town Clerk Owens gave the invocation. Council President Pucillo led the Pledge of Allegiance.

III. RECOGNITIONS

A. Recognition of William O. Cooley, Landmarks Preservation Commission, From May 2014 through March 2015

Mayor Coniglio recognized Mr. Cooley for his service.

B. Recognition of Timothy O'Hara, Recreation Advisory Commission, From April 2008 through April 2015

Mayor Coniglio recognized Mr. O'Hara for his service.

IV. PRESENTATIONS

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

Representative Hager provided a summary of the Legislative Session, and stated that the Legislature will be reconvening to finish the budget. He also spoke regarding sober homes, the State budget, reducing taxes, beach renourishment, education spending and teacher pay, charter schools, job growth, and Florida being #2 in terms of business.

Mayor Coniglio thanked Representative Hager for his advocacy on behalf of the Town.

B. Flagler Memorial Bridge Update
Geoffrey Parker, New Millennium Engineering

Geoffrey Parker, New Millennium Engineering, provided an update on the Flagler Memorial Bridge Project, and stated that the completion date is scheduled for early 2017.

Discussion ensued regarding timing of the Flagler and Southern Bridge Projects, construction methodologies for the Southern Bridge, and being prepared for the same problems encountered during the Flagler Bridge project.

V. **COMMENTS OF MAYOR GAIL L. CONIGLIO** – None

VI. **COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER**

Council Member Townsend recognized the Town's designation as a Class 1 Fire Department by the Insurance Services Office.

VII. **COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE**

Madelyn Greenberg, 3360 S. Ocean Blvd., spoke regarding the Beach Nourishment Project, completion of the EIS, SOS's independent sand sampling, design of the borrow area, and the project engineer's contract and performance. She requested that, during the Reach 7 bid process delay, the Town consider mitigating Karyn Erikson's concerns regarding sand quality and near shore dredging.

Andrew Roddy, 231 Kenlyn Rd., spoke regarding the Town Hall Square Restoration Project and damage caused by construction machinery vibrations.

Jack Cohen, 3450 S. Ocean Blvd., spoke regarding dune restoration.

Ted Donahue, 44 Cocoanut Rd., spoke regarding a parking ticket he received and asked for more handicapped parking at the church on Sundays.

Discussion ensued regarding municipal courts, issuing tickets on Sunday mornings, safety, and Sunday morning parking arrangements.

VIII. **APPROVAL OF AGENDA**

The following changes were made to the agenda:

PULLED FROM CONSENT: Item No. IX.B.1., Resolution Nos. 51-2015, 52-2015, and 53-2015, were pulled from the Consent Agenda and placed at the end of New

Business.

PULLED FROM CONSENT: Item No. IX.B.5., Resolution No. 62-2015, was pulled from the Consent Agenda and placed under New Business after the above item.

PULLED FROM CONSENT: Item No. IX.B.8., Resolution No. 67-2015, was pulled from the Consent Agenda and placed under New Business after the above item.

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

IX. CONSENT AGENDA

Motion was made by Council Member Moore, and seconded by Council Member Wildrick, to approve the Consent Agenda, as amended above. On roll call, the motion carried unanimously.

A. MINUTES

1. MINUTES: APRIL 14, 2015

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

2. MINUTES: APRIL 14, 2015

Approval of the Minutes of the Special Town Council Meeting/Closed Door Session
Susan A. Owens

3. MINUTES: APRIL 15, 2015

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

4. MINUTES: APRIL 15, 2015

Approval of the Minutes of the Local Planning Agency Meeting
Susan A. Owens

6. Approval of Major Matters Considered by the Architectural Commission at its Meeting of April 22, 2015

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

B. RESOLUTIONS

1. RESOLUTION NO. 51-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$567.130.48, to Xylem Water Solutions, for the

Purchase of Pumps and Accessories as Quoted Under RFQ 70-2015, and Establishing an Overall Budget of \$595,000. – *Item moved to New Business*

RESOLUTION NO. 52-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$419,836.20, to Pantropic Power, for the Purchase of (4) Generators and Accessories as Quoted Under RFQ 86-2015 and RFQ 87-2015, and Establishing an Overall Budget of \$440,500. – *Item moved to New Business*

RESOLUTION NO. 53-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$155,600, to C.C. Controls Corporation, for the Purchase of (2) Pump Control Panels and Accessories as Quoted Under RFQ 71-2015 and RFQ 72-2015, and Establishing an Overall Budget of \$164,500.

H. Paul Brazil, P.E., Director of Public Works – Item moved to New Business

2. RESOLUTION NO. 59-2015 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 Grant Equipment and Authorizing the Application for Funds From the Palm Beach County Emergency Medical Services Program in the Amount of \$17,880.00 and Establishing a Budget of \$17,880.00 in Fiscal Year 2015 to be Used for the Purchase of Four (4) EMS Tablets for the Improvement and Expansion of EMS Services for the Town; and Authorizing the Town Manager to Execute This Purchase on Behalf of the Town. Such Funds Shall Not Supplant Existing EMS Budget.

Kirk W. Blouin, Director of Public Safety

3. RESOLUTION NO. 60-2015 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 for Pump Stations D-8 and D-14 Fuel Tank Replacements to Kimley-Horn and Associates, Inc., in the Amount of \$36,635, and Establishing a Construction Phase Engineering Services Budget of \$41,000.

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

4. RESOLUTION NO. 61-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-26 and Approving A Purchase Order to Murray Logan Construction, Inc., for the Pump Stations D-8 and D-14 Fuel Tank Replacements, in the Amount of \$218,000, and Establishing a Construction Phase Budget of

\$240,000.

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

5. RESOLUTION NO. 62-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Guaranteed Maximum Price (GMP) Contract to Burkhardt Construction, Inc., in the Amount of \$5,982,800.69 for the D-4 and D-10 Pump Station Improvements.

H. Paul Brazil, P.E., Director of Public Works – Item moved to New Business

6. RESOLUTION NO. 63-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Universal Electric of Florida, Inc., and C.R. Dunn, Inc., for Electrical Maintenance and Repair Services in a Cumulative Total Amount Not-To-Exceed \$174,000.

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

7. RESOLUTION NO. 64-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ No. 76-2015 to Auxis, LLC in the Amount of \$45,672.00 and Establishing a Project Budget of \$48,000.00 for the Completion of an Operations Assessment and Security Audit of the Office of Information Systems; and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.

Jay Boodheshwar, Deputy Town Manager

8. RESOLUTION NO. 67-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-16 and Approving a Purchase Order to Hydra Service, Inc., of DeBary, Florida, in the Amount of \$37,865.00 for the Replacement of a Vertical Turbine Irrigation Pump at the Palm Beach Par 3 Golf Course, and Establishing a Purchase Budget of \$41,700.

Rod Gardiner, Acting Director of Recreation – Item moved to New Business

C. OTHER

1. Acceptance of a Donation of \$50,000 from the Palm Beach Police Foundation for the Expansion of the Existing Town-wide Security and Surveillance System.

Kirk W. Blouin, Director of Public Safety

X. BOARD/COMMISSION ANNUAL REPORT

A. Code Enforcement Board

Harris S. Fried, Chair

Chair Fried provided an overview of the Annual Report.

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

B. Planning and Zoning Commission
Susan Markin, Chair

Chair Markin provided an overview of the Annual Report.

Council President Pucillo stated that he will be bringing forward some study items for the Commission at a future date.

By consensus of the Town Council, the Annual Report of the Planning and Zoning Commission was accepted.

XI. COMMITTEE REPORTS

(Clerk's Note: Final action was taken on the Committee Reports upon conclusion of both reports.)

A. Report of the Public Works Committee Meeting of April 1, 2015
Danielle H. Moore, Chair

Council Member Moore provided an overview of the Report.

Report was accepted; see below for action.

B. Report of the Ordinances, Rules, and Standards Committee Meeting of April 2, 2015
Penelope D. Townsend, Chair

Council Member Townsend provided an overview of the Report.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Kleid, to accept the Reports of the Public Works Committee meeting of April 1, 2015, and the Ordinances, Rules, & Standards Committee meeting of April 2, 2015. On roll call, the motion carried unanimously.

XII. REGULAR AGENDA

A. Old Business

1. Coastal Update

1 *H. Paul Brazil, P.E., Director of Public Works*
2

3 Larry Goldberg, 3360 S. Ocean Blvd., spoke regarding dune nourishment
4 projects over the years, sea turtle nesting, beach-related lobbying efforts,
5 the need to get the agreement with the Army Corps in writing, funding
6 opportunities for beach nourishment, and the need to lobby for
7 modifications to regulations regarding exposed hardbottom.
8

9 Rob Weber, Coastal Coordinator, spoke regarding the volume of sand
10 placed at the Reach 8 Dune Project and false sea turtle nesting efforts.
11

12 Discussion ensued regarding sea turtle nesting and where the sand for the
13 Reach 8 Project came from.
14

15 **Council Member Wildrick requested the number of turtle nests in the Town, by**
16 **reach, in 2014 and 2015.**
17

18 Coastal Coordinator Weber provided photographs and an update on
19 coastal conditions.
20

21 Discussion ensued regarding the Sand Transfer Plant, escarpments, the
22 sand replacement issued raised by Joanna Myers at last month's meeting,
23 planting sea oats and other vegetation for further protection, the second
24 discharge at Angler Avenue, trucking sand from Reach 1, the Army
25 Corps' template, covering hardbottom, groins, the project bid documents
26 and the scope of work, and sand sampling.
27

28 **Council Member Townsend requested that the Town Council be provided copies of**
29 **the Reach 8 Renourishment Project bid documents prior to the June 9, 2015, Town**
30 **Council meeting. She further encouraged Staff to utilize the Coalition to Save Our**
31 **Shores as a resource, and to work collaboratively with them.**
32

33 Discussion ensued regarding sea turtle takings and monitoring procedures
34 and requirements, sand sampling regulations and results, the project bids,
35 complaints regarding large rocks being left behind on the beach, nearshore
36 dredging impacts, modeling, borrow areas, the 10-Year Coastal
37 Management Plan, and Palm Beach County's reimbursement towards their
38 share of the Environmental Impact Statement (EIS) costs.
39

40 **By consensus of the Town Council, Staff was directed to provide an update at the**
41 **June 9, 2015, Town Council meeting regarding Palm Beach County's**
42 **reimbursement for their share of the EIS costs.**
43

44 Discussion ensued regarding who pays for sand placement on Singer
45 Island, Lake Worth, and County beaches, what the County spends on sand
46 placement, and cost sharing opportunities.

1 Council Member Wildrick requested a summary at the June 9, 2015, meeting
2 regarding county sand placement costs and cost sharing options.
3

4 Andrew Roddy, 231 Kenlyn Rd., spoke regarding sea turtles abandoning
5 their nests.
6

7 *(Clerk's Note: The Following Item was Heard Earlier in the Meeting as the Last Item*
8 *under Presentations.)*
9

- 10 2. Townhall Square Fundraising Update by Bill Bone
11 *Thomas G. Bradford, Town Manager*
12

13 Bill Bone spoke regarding the Centennial Commission, announced that
14 they are about halfway to their fundraising goal, stated that he can provide
15 another fundraising update at the June 9, 2015, Town Council meeting,
16 and requested that the Town Council direct Staff to work with the
17 Centennial Commission to schedule a Celebration Ceremony when the
18 Memorial Fountain restoration is finished.
19

20 Discussion ensued regarding the Townhall Square Restoration Project, the
21 compromises made, the philanthropy of the community, the proposed
22 Celebration Ceremony, and encompassing the whole community.
23

24 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
25 **Member Wildrick, to direct Staff to work with the Centennial Commission to**
26 **schedule a Celebration Ceremony when the Memorial Fountain restoration is**
27 **finished. On roll call, the motion carried unanimously.**
28

- 29 3. Funding for Continued Opposition to the Proposed Deepening and
30 Widening of the Lake Worth Inlet and for Sand Placement Related
31 Matters
32 *Thomas G. Bradford, Town Manager*
33

34 Town Manager Bradford provided an overview of the Town's lobbying
35 efforts.
36

37 Discussion ensued regarding Port of Palm Beach lobbying efforts, whether
38 lobbying services are needed, and whether there was a conflict of interest
39 in utilizing Greenberg Traurig.
40

41 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
42 **Member Moore, to approve funding for continued opposition to the proposed**
43 **deepening and widening of the Lake Worth Inlet and for sand placement related**
44 **matters. On roll call, the motion carried unanimously.**
45

46 **By consensus of the Town Council, Staff was further directed to report back on the**

1 exact nature of the Greenberg Traurig conflict of interest.

2
3 B. New Business

- 4
5 1. Consolidation of the August 2015 Town Council Meetings into One
6 Meeting on August 11, 2015

7 *Michael J. Pucillo, Town Council President*

8
9 Council President Pucillo discussed consolidation of the August 2015
10 Town Council meetings into one meeting on August 11, 2015.

11
12 Discussion ensued regarding which day to consolidate the meetings into.

13
14 **Motion was made by Council Member Wildrick, and seconded by Council President**
15 **Pro Tem Kleid, to approve the consolidation of the August 2015 Town Council**
16 **meetings into one meeting on August 11, 2015. On roll call, the motion carried**
17 **unanimously.**

- 18
19 2. Top Townwide Budget Priorities for FY16

20 *Thomas G. Bradford, Town Manager*

21
22 Town Manager Bradford provided an overview of the top Townwide
23 budget priorities for FY16. He explained that item number 2, a budget
24 without a millage increase or a dollar increase, should have been offered
25 as two separate choices on the score sheets. Given this, he asked if any of
26 the Town Council members wished to change their rankings.

27
28 Council President Pro Tem Kleid concurred with item number 2 being
29 separated into two choices, and requested a reballot.

30
31 Discussion ensued regarding the wording of the choices presented, the
32 need to budget as tightly as possible, upcoming budget challenges, the
33 Coastal Program assuming a 3% annual increase, the difference between
34 the roll back rate and no millage increase, going to zero-based budgeting,
35 having the Finance and Taxation Committee review the budget and
36 provide recommendations, undergrounding costs not coming from ad
37 valorem revenue, compromising with no increase in dollars from
38 homesteaded properties, the legality of that, allocating any dollar increase
39 to the Coastal Program and placing a moratorium on any expenses other
40 than Coastal, and the need for more information on how the proposed
41 scenarios would affect the budget.

42
43 **By consensus of the Town Council, budget priority numbers 1 & 3 were approved,**
44 **and Staff was directed to prepare a report for the June 9, 2015, meeting illustrating**
45 **the following three scenarios regarding budget priority number 2:**

- 46 • FY16 budget with no tax dollar increase

- **FY16 budget with no millage rate increase**
- **FY16 budget with no tax dollar increase on homesteaded properties**

3. Underground Utilities

- a. Request for Approval to Proceed with Nightingale Trail/La Puerta Way Neighborhood UG Project Using 20-Year Financing Plan
Allison Wren and Jack Flagg

Town Manager Bradford provided an overview of the request.

Discussion ensued regarding the residents' support of the project, potential general obligation bond issues, deferring the matter one month to see how the Town-wide utilities undergrounding review goes, the project being ready to go now and the costs being fixed, and the residents willing to take the risk.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, to approve proceeding with the Nightingale Trail/La Puerta Way Neighborhood UG Project using a 20-Year Financing Plan. On roll call, the motion carried unanimously.

- b. Appointments to the Underground Utilities Task Force
Thomas G. Bradford, Town Manager

Town Manager Bradford spoke regarding the applications that had been received and recommended that the Task Force be increased to seven members.

Discussion ensued regarding members sitting on more than one advisory board at a time and making an exception for Retirement Board Trustees as they only meet quarterly.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to amend Resolution No. 50-2015, as follows:

- **Task Force membership was increased to seven members**
- **An exception was made for Retirement Board Trustees as it relates to appointees not being a member of another advisory board or commission**

On roll call, the motion carried unanimously.

(Clerk's Note: Resolution No. 50-2015, which created the Underground Utilities Task Force, was originally approved on April 14, 2015. Said resolution was amended as stated above on May 12, 2015, and re executed on May 13, 2015. No meetings were held, and no members were appointed in the interim.)

Town Manager Bradford announced his recommendations for appointment to the Task Force.

Discussion ensued regarding the recommendations and inviting others to participate and contact the Task Force Members with any questions.

Motion was made by Council Member Wildrick, and seconded by Council Member Townsend, to appoint Dennis Bottorff, W. Anthony Dowell, Susan Gary, Donald Gulbrandsen, Thomas Parker, Wilbur Ross, and Jeffrey Smith to the Underground Utilities Task Force. On roll call, the motion carried unanimously.

Council Member Townsend requested that the Task Force Members' contact information be shared with the Community so that residents can contact them with any questions.

- c. Town-Wide Utility Undergrounding Sequencing and Phasing Report
Maziar Keshavarz

Maziar Keshavarz, Keshavarz & Associates, provided a brief overview of the Report.

Randy Wertepny, Keshavarz & Associates, provided additional information regarding the Report.

Discussion ensued regarding relations with Florida Power & Light, who the contractor should report to, construction management methodologies, the City of Lake Worth's utilities, working with the Florida Department of Transportation, West Palm Beach considering adding non-potable water pipes during the construction, the primary objective being minimization of the impacts to residents, notifying nearby utilities of construction in the event that their systems need maintenance as well, potential cost sharing opportunities and passing along the savings, joint trenching, acquiring easements, and the next step being sending this information to the Underground Utilities Task Force.

By consensus of the Town Council, Staff was directed to provide copies of the Town-Wide Utility Undergrounding Sequencing and Phasing Report to the Underground Utilities Task Force Members for their review and recommendations.

By consensus of the Town Council, the Underground Utilities Task Force was directed to meet as promptly as possible.

- d. Summary of Preliminary Undergrounding Financing Plan

Michael J. Pucillo, Town Council President

Council President Pucillo provided a summary of the Preliminary Undergrounding Financing Plan options, and stated that more information is needed.

Discussion ensued regarding costing methodology and which bond type is the most appropriate.

4. Public Safety Senior Management Retirement Issues

Michael J. Pucillo, Town Council President

Council President Pucillo spoke regarding the Deferred Retirement Option Program (DROP), employee turnover, and possible extension of the DROP period.

Director of Public Safety Blouin provided an overview of the Police Department employees' status and the reasons and benefits for extending the DROP period to seven years.

Discussion ensued regarding incentives for employees to stay for seven years, whether the period can be legally extended, whether to extend the DROP period for Fire-Rescue and general employees as well, not making any changes to those employees covered by collective bargaining agreements, the need for more information, succession planning, unintended consequences, morale, how long the DROP period should be extended, the need for the matter to be studied by an independent consultant, costs, why the extension is needed, not moving the problem into the future, Police Department staffing levels, crime and case clearance rates, how the change would affect junior level employees, the need to take a comprehensive look at the matter, and the number of employees in the DROP.

By consensus of the Town Council, Staff was directed to report back at the June 9, 2015, Town Council meeting with the following additional information regarding possible extension of the Deferred Retirement Option Program (DROP):

- **Cost estimates to include police officers and non-bargaining unit Fire Department personnel**
- **Cost estimates to include all Town employees**
- **Length of the extension**
- **Any non-financial impacts said extension may have, such as morale and promotional opportunities**
- **Hiring an independent consultant to study the matter further**

5. Approval of the Selection Committee Members for Audit Services

Jane Struder, Director of Finance

Council President Pucillo provided an overview of what was discussed at yesterday's Finance and Taxation Committee meeting regarding this item and Staff's recommendation.

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to approve the appointments of Council President Pucillo, Council President Pro Tem Kleid, and Council Member Wildrick to the Selection Committee for Audit Services. On roll call, the motion carried unanimously.

Council President Pucillo requested that the Audit Services Selection Committee meeting be held near the June Town Council meetings.

The Following Five Resolutions were Pulled from the Consent Agenda:

(Clerk's Note: The Discussion below Pertains to the Following Four Resolutions.)

Discussion ensued regarding why the projects came in over budget, the need for them, and the outfalls.

Director of Public Works Brazil provided an overview of why the projects were necessary, the work to be performed, why the costs were coming in over budget, and anticipated future cost increases.

6. RESOLUTION NO. 51-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$567,130.48, to Xylem Water Solutions, for the Purchase of Pumps and Accessories as Quoted Under RFQ 70-2015, and Establishing an Overall Budget of \$595,000.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Kleid, to approve Resolution No. 51-2015. On roll call, the motion carried unanimously.

(Clerk's Note: Resolution No. 62-2015 was Heard Here.)

RESOLUTION NO. 52-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$419,836.20, to Pantropic Power, for the Purchase of (4) Generators and Accessories as Quoted Under RFQ 86-2015 and RFQ 87-2015, and Establishing an Overall Budget of \$440,500.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, to approve Resolution No. 52-2015. On roll call, the motion carried unanimously.

1 RESOLUTION NO. 53-2015 A Resolution of the Town Council of the
2 Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase
3 Order in the Amount of \$155,600, to C.C. Controls Corporation, for the
4 Purchase of (2) Pump Control Panels and Accessories as Quoted Under
5 RFQ 71-2015 and RFQ 72-2015, and Establishing an Overall Budget of
6 \$164,500.

7 *H. Paul Brazil, P.E., Director of Public Works*
8

9 **Motion was made by Council Member Townsend, and seconded by Council**
10 **Member Moore, to approve Resolution No. 53-2015. On roll call, the motion carried**
11 **unanimously.**
12

- 13 7. RESOLUTION NO. 62-2015 A Resolution of the Town Council of the
14 Town of Palm Beach, Palm Beach County, Florida, Awarding a
15 Guaranteed Maximum Price (GMP) Contract to Burkhardt Construction,
16 Inc., in the Amount of \$5,982,800.69 for the D-4 and D-10 Pump Station
17 Improvements.

18 *H. Paul Brazil, P.E., Director of Public Works*
19

20 **Motion was made by Council Member Townsend, and seconded by Council**
21 **Member Moore, to approve Resolution No. 62-2015. On roll call, the motion carried**
22 **unanimously.**
23

- 24 8. RESOLUTION NO. 67-2015 A Resolution of the Town Council of the
25 Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No.
26 2015-16 and Approving a Purchase Order to Hydra Service, Inc., of
27 DeBary, Florida, in the Amount of \$37,865.00 for the Replacement of a
28 Vertical Turbine Irrigation Pump at the Palm Beach Par 3 Golf Course,
29 and Establishing a Purchase Budget of \$41,700.

30 *H. Paul Brazil, P.E., Director of Public Works*
31

32 Discussion ensued regarding where the pump is made and where the
33 stainless steel is coming from.
34

35 Town Manager Bradford spoke regarding consistency and life cycle issues
36 with Chinese and Indian stainless steel, and requested a deferral for Staff
37 to research the type of stainless steel needed for this project and to
38 determine if the bids need to be rejected and the project rebid.
39

40 **Motion was made by Council Member Townsend, and seconded by Council**
41 **Member Moore, to defer Resolution No. 67-2015 to the June 9, 2015, Town Council**
42 **meeting to allow Staff to research which type of steel is most appropriate for this**
43 **project. On roll call, the motion carried unanimously.**
44

45 **Mayor Coniglio requested that the Public Works Department be cognizant of the**
46 **road closures in the North End, due to the Country Club construction, when**

granting right-of-way approvals.

XIII. ORDINANCES

A. Second Reading

(Clerk's Note: Ordinance Nos. 8-2015 and 10-2015 are Companion Ordinances, and were Heard and Acted upon Simultaneously.)

1. ORDINANCE NO. 8-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs and Limousines, at Section 130-31, Definitions, to Include a New Definition of Point of Origin, Amend the Definition or Prearranged Charter and Include a New Definition of Vehicles for Hire; Providing a New Section 130-107 Titles Prearranged Charters; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. *Deferred from the March 10, 2015 Town Council Meeting.*

ORDINANCE NO. 10-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, so as to Include From Chapter 130, Vehicles for Hire, Section 130-107 as a Class III Violation; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. *Deferred from the March 10, 2015 Town Council Meeting.*

Thomas G. Bradford, Town Manager

Town Attorney Randolph stated that Ordinances Nos. 8-2015 and 10-2015 are not ready to move forward, and requested that they be tabled until the Town has a better handle on the Uber situation.

Discussion ensued regarding remanding the ordinances back to the Ordinances, Rules, and Standards Committee for further consideration.

Motion was made by Council Member Moore, and seconded by Council Member Wildrick, to table Ordinance Nos. 8-2015 and 10-2015. On roll call, the motion carried 4-0, with Council President Pucillo absent.

2. ORDINANCE NO. 14-2015 An Ordinance Rescinding Ordinance No. 2-2015 in its Entirety; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to adopt Ordinance No. 14-2015, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

1. ORDINANCE NO. 15-2015 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43 Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

Town Attorney Randolph provided an overview of the amendments.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Ordinance No. 15-2015, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 16-2015 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; at Article XIII, Moveable Fixtures in the Right-of-Way; at Section 106-291, Certificate of Compliance Required; at Section 106- 292, Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; at Section 106-293, Prohibited Locations; at Section 106-294, Insurance and Indemnification; at Section 106-296, Enforcement; at Section 106-297, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Jay Boodheshwar, Deputy Town Manager

Town Attorney Randolph provided an overview of the amendments.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Kleid, to approve Ordinance No. 16-2015, on first reading. On roll call, the motion carried unanimously.

XIV. ANY OTHER MATTERS – None

Council President Pucillo provided a tentative schedule for tomorrow's Town Council meeting.

1 **XV. ADJOURNMENT**

2
3 There being no further business, the May 12, 2015, regular Town Council meeting was
4 adjourned at 2:20 p.m.
5

6
7 APPROVED:
8
9

10
11
12
13 _____
14 Michael J. Pucillo
15 Town Council President

16 ATTEST:
17
18

19
20 _____
21 Susan A. Owens, MPA, MMC
22 Town Clerk

23 _____
24 Date

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: MAY 13, 2015

Approval of the Minutes of the Regular Town Council Meeting

Presenter

Susan A. Owens, MMC, Town Clerk

Supporting Documents

- [Minutes of the Regular Town Council Meeting of May 13, 2015](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, MAY 13, 2015**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, May 13, 2015, 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

Town Clerk Owens gave the invocation. Council President Pucillo led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER – None

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE – None

VI. APPROVAL OF AGENDA

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

VII. PUBLIC HEARINGS

Town Clerk Owens administered the oath to all those who would be providing testimony.

- A. RESOLUTION NO. 65-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 211 Royal Poinciana Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

There was no ex-parte communication declared by the Town Council.

Historical Preservation Consultant Stillings provided an overview of the Designation Report.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, that the Designation Report of the property known as 211 Royal Poinciana Way be accepted and made a part of the record. On roll call, the motion carried unanimously.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Kleid, that Resolution No. 65-2015 be adopted and designating the property known as 211 Royal Poinciana Way as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

B. RESOLUTION NO. 66-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as the Regents Park Historic District Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Historic District Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

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

There was no ex-parte communication declared by the Town Council.

Historical Preservation Consultant Murphy provided an overview of the Designation Report.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, that the Designation Report of the property known as Regents Park Historic District be accepted and made a part of the record. On roll call, the motion carried unanimously.

Alexander Ives, Preservation Foundation of Palm Beach President, spoke in support of the designation.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, that Resolution No. 66-2015 be adopted and designating the property known as Regents Park Historic District as a landmark of the Town of Palm Beach on the basis that it meets criteria as identified in the Designation Report

of Section 54-161 of the Town of Palm Beach Code and Landmarks Preservation Ordinance No. 2-84. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal From James McCartney Wearn & Richard and Kathleen Lubin 253 Jamaica Lane B-026-2015

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

The following ex-parte communication was declared: Mayor Coniglio, Council President Pucillo, and Council Members Moore, Townsend, and Wildrick spoke with Mr. Wearn and read his brief. Council President Pucillo, Council President Pro Tem Kleid, and Council Member Moore spoke with Attorney Hanlon, who advocated the position of his client. Council Member Wildrick spoke with Architect Patrick Segraves. Council Members Moore and Townsend received and read various e-mails.

James McCartney Wearn provided an overview of his appeal.

Attorney Timothy Hanlon, on behalf of 253 Jamaica Lane, LLC, provided the owner's objections and responses to the appeal.

Mr. Wearn provided a rebuttal to the objections of the owner.

Responding to Council President Pro Tem Kleid, Town Attorney Randolph stated that e-mails are part of ex-parte communication and ARCOM has the letters and opportunity to refer and consider them without necessarily being read into the record.

Discussion ensued regarding the ARCOM deliberations, reading ex-parte e-mails into the record, due process, the notices of joinder, looking at the street in its entirety, and building height.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to deny the ARCOM appeal from James McCartney Wearn & Richard and Kathleen Lubin, regarding 253 Jamaica Lane, and B-026-2015. On roll call, the motion carried 4-1, with Council Member Townsend dissenting.

2. ARCOM appeal from Cristina Noble (via attorney James Green) 475 North County Road - B-010-2015 Gate

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

Via Town Staff, Attorney James Green requested a deferral of this item as he could not stay until the item would be heard.

By consensus of the Town Council, the appeal from Cristina Noble related to 475 North County Road was deferred to the June 10, 2015, Town Council meeting.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED) The application of T3 Family Investment, LLC; relative to property commonly known as 221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The application has been modified and the applicant is requesting the following approvals:

1. Applicant is requesting site plan approval to construct a two (2) story 63,680 square foot mixed commercial and residential use condominium development with 42,962 square foot sub-basement with 86 underground parking spaces totaling 106,642 square feet, 18,080 square feet of commercial space on the first floor and six (6) residential units on the second floor. The following other zoning approvals are being requested:

2. Special Exception to allow residential tenancy above the first floor, as required by Section 134-1109(a)(3) for six (6) condominium units.

3. Special Exception to allow two (2) stories as required by Section 134-1113(8)(c).

4. Special Exception to allow Testa's Restaurant to occupy over 3,000 square feet of gross leasable area and 152 seats as required by Section 134-1109(a)(11).

5. Special Exception to allow outdoor seating for 60 of the 152 seats outdoors for Testa's Restaurant as required by Section 134-1109(a)(11) and 134-1111(a).

6. Variance to allow portions of the underground parking sub-basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 134-2179(a).

7. Variance to allow a total of 86 off-street parking spaces in lieu of the required 140 off street parking spaces as required by Section 134-2175.

8. Variance to allow a maximum building length of 250.9 feet in lieu of the maximum allowed 150 feet allowed per Section 134-1113(10)(b).

9. Variance to allow for a landscaped open space of 12.2% in lieu of the minimum 25% required by Section 134-1113(11)(b).

10. Variance to allow a two (2) story building to be 106,642 square feet in lieu of the maximum allowed 15,000 square feet as

required by Section 134-1113(12)(b).

11. Variance to allow lot coverage of 81.2% in lieu of 70.0%, as maximum permitted by Code Section 134-1113(9)(b). [Attorney: Francis X. J. Lynch]

[Architectural Commission Recommendation: Implementation of the proposed variances related to architecture will not cause negative architectural impacts to the subject property. Carried 7-0.] Deferred from the October 15, 2014, November 12, 2014, December 10, 2014, January 14, 2015, February 11, 2015, and March 11, 2015, Town Council Meetings.

TIME CERTAIN: 10:30 A.M.

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

Mayor Coniglio recused herself, left the dais, and provided a Memorandum of Voting Conflict Form 8b to Town Clerk Owens.

Director Page announced that the Royal Poinciana Way model will be available for public inspection in the Emergency Operations Center for the next hour.

The following ex-parte communications were declared: Council President Pucillo, Council President Pro Tem Kleid, and Council Members Moore, Townsend, and Wildrick received and read correspondence from various residents and spoke with Attorney Lynch, who advocated the position of his client. Council President Pucillo, Council President Pro Tem Kleid, and Council Member Moore spoke with David and Suzanne Frisbee and Architect Roger Janssen, who advocated their positions. Council President Pro Tem Kleid also spoke with Architect Janssen's staff, who advocated the position of their client. Council President Pucillo, Council President Pro Tem Kleid, and Council Member Townsend viewed the Royal Poinciana Way model. Council President Pro Tem Kleid and Council Members Townsend and Wildrick spoke to various individuals, who advocated their positions.

Town Clerk Owens administered the oath to those who had not already been sworn in and would be providing testimony.

Attorney Gary Oldehoff, Lewis, Stroud & Deutsch, representing the Neighborhood Alliance of Palm Beach, spoke regarding ex-parte communications and the Jennings Rule. He requested copies of any ex parte correspondence and that the Town Council reveal the substance of their ex-parte communications.

Town Attorney Randolph advised that he would provide Attorney Oldehoff with the requested correspondence and advised the Town Council to state the substance of any ex-parte communications if

1 they remembered them.

2
3 Discussion ensued regarding the Jennings Rule and the public
4 obtaining copies of any ex-parte communications.
5

6 Town Attorney Randolph asked the Council Members if they will
7 have open minds and base their decision on today's evidence only.
8

9 All Town Council members answered in the affirmative.
10

11 Council President Pro Tem Kleid stated that he met with Architect
12 Roger Janssen and his staff who went over the plans with him and
13 advocated the position of the applicant.
14

15 Council Member Wildrick stated that he spoke with people in
16 passing that he did not know and they have said "we hope you're
17 *for* or *against* the Testa project." He added that he could not keep
18 track of those but he would tell them to come to the meeting to
19 hear the formal testimony.
20

21 Council President Pucillo stated that he met with Architect Janssen
22 who went over the variances with him and advocated the position
23 of the applicant.
24

25 Council Member Moore stated that she spoke with Architect
26 Janssen who discussed the underground parking garage and related
27 variances and advocated the position of the applicant.
28

29 Attorney Lynch, on behalf of T3 Family Investment, LLC,
30 provided an overview of the applicant's request.
31

32 Architect Janssen, Dailey Janssen Architects, provided additional
33 information regarding the project.
34

35 Discussion ensued regarding the parking garage, valet versus self-
36 parking, other commercial buildings built with variances, current
37 condition of the property, whether the property can be built on
38 without variances, the Bernard case, other reasonable uses of the
39 property, CTS zoning requirements, the hardship, when control of
40 the property was acquired, litigation, working with those opposed
41 to the project to reach a compromise, location of the property,
42 available parking in the area, traffic, parking analysis, the
43 restaurant, the reduction in retail, office, and residential usage, and
44 green space.
45

46 David Frisbee, 439 Worth Ave., T3 Family Investment, LLC,
47 stated that the existing restaurant cannot be rebuilt to the current

1 Code.

2
3 Christopher Haggan, Kimley-Horn Engineers, spoke regarding the
4 traffic study.

5
6 Randy Wertepny, Keshavarz & Associates, spoke regarding
7 drainage and soil permeability.

8
9 Discussion continued on the elimination of curb cuts, landscaping,
10 and open space and lot coverage requirements.

11
12 *(Clerk's Note: At 12:22 p.m., the Town Council recessed for lunch; at 1:03 p.m. the*
13 *Town Council reconvened the meeting.)*

14
15 Zoning Administrator Castro provided Staff's comments and
16 requested that, if the project is approved, approval be subject to the
17 execution of a construction management agreement.

18
19 William Cooley, 171 El Pueblo Way, Palm Beach Preservation
20 Alliance, spoke in opposition to the project.

21
22 Council President Pucillo asked Mr. Cooley what it would take to
23 reach a compromise on this project.

24
25 Mr. Cooley responded that there is nothing wrong with nothing
26 being done on the property and that we need to see what can be
27 built without any variances.

28
29 Discussion ensued regarding everything in the application
30 complying with the Code except for the parking and cronyism.

31
32 The following additional people spoke in opposition to the project:

33
34 Connie Gasque, 167 Root Trl., Neighborhood Alliance of Palm
35 Beach (NAPB), on behalf of Susan Markin

36 Susan Watts, 455 Worth Ave., NAPB

37 Anne Pepper, 333 Seaspray Ave., NAPB

38 Joanne Warshaver, 223 Seminole Ave.

39 Maize Grace, 247 Seaspray Ave.

40 Attorney Gary Oldehoff, Lewis, Stroud & Deutsch, representing
41 the NAPB

42
43 The following person spoke in favor of the project:

44
45 Tanner Rose, 315 South Lake Dr.

Discussion continued regarding the Neighborhood Alliance of Palm Beach having no alternate plans, the need for a strategic planning process, and outdated codes.

Council Member Wildrick requested that a discussion on the Strategic Plan be placed on an upcoming agenda.

Discussion ensued regarding the traffic study, curb cuts, and ADA requirements, seeing something built on the property, the PUD-5 issues, the hardship, the number of variances being requested, developing the area, and the compromises made since the original proposal.

Zoning Administrator Castro spoke regarding the site plan.

Discussion continued regarding hardships and reasonable use of the property, the rationale for underground parking requirements, the landscaping variances, and sub-basement and open space requirements.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the special exceptions related to Site Plan Review #13-2015 regarding Testa's Restaurant (item numbers 4 & 5 in the title) shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the execution of a construction management agreement. On roll call, the motion carried unanimously.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the special exceptions related to Site Plan Review #13-2015 regarding building stories and tenancy (item numbers 2 & 3 in the title) shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the execution of a construction management agreement. On roll call, the motion carried unanimously.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the variance related to Site Plan Review #13-2015 regarding the number of parking spaces (item number 7 in the title) be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a construction management agreement. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the variances related to Site Plan Review #13-2015 regarding building

length and square footage (item numbers 8 & 10 in the title) be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a construction management agreement. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

Motion was made by Council President Pucillo, and seconded by Council Member Moore, that the variances related to Site Plan Review #13-2015 regarding landscaping and lot coverage (item numbers 6, 9, & 11 in the title) be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to the execution of a construction management agreement. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to defer the site plan approval related to the Site Plan Review #13-2015 (item number 1 in the title) to the June 10, 2015, Town Council meeting. On roll call, the motion carried unanimously.

2. New Business

- a. SITE PLAN REVIEW #2-2015 The application of RPP Palm Beach Property LP (Samantha David, Representative); relative to property commonly known as 340 Royal Poinciana Way, described as Lengthy Legal Description on file; located in the C-PC Zoning District. The Applicant is requesting Site Plan Approval to modify the existing architecture, landscape, and off street parking area for the Royal Poinciana Plaza. The modifications include the elimination of one of the existing entrances on Cocoanut Row and the creation of two new entrances on Cocoanut Row; modification of the existing entrance on Royal Poinciana Way; change in the traffic flow pattern and parking spaces within certain locations within the north and south parking lot areas; milling, surfacing and restriping of the parking lot; parking lot and landscape lighting improvements; landscape and hardscape improvements which include modification of sidewalks, benches and patio areas; architectural improvements which include new columns, parapets, doors, windows, awnings and fenestration. The application, which includes a complete description of the proposed project, and plans are available to be reviewed between 8:30 a.m. and 5:00 p.m. at the Planning, Zoning and Building Department. [Attorney: Maura Ziska, Esq.] [Landmarks Commission Recommendation: Implementation of the proposed site plan review modification will not cause negative architectural impacts to the subject landmark property. Carried 7-0]
John S. Page, Director of Planning, Zoning, Building

The following ex-parte communication was declared: Mayor Coniglio, Council President Pucillo, Council President Pro Tem Kleid, and Council Members Moore and Townsend spoke with Samantha David, who advocated the applicant's position.

Attorney Ziska, on behalf of RPP Palm Beach Property, LP, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments and clarified that the project has not been approved by the Landmarks Preservation Commission yet.

Samantha David, representing the property owner, spoke regarding the project and thanked Staff for their assistance with it.

Keith Williams, Nievera Williams Design, provided an overview of the traffic engineering changes and stated that they are working with John Corey to incorporate his suggestions regarding pedestrian and bicycle traffic.

Architect Daniel Kahan, Smith and Moore Architects, presented the architectural plans for the project and spoke regarding restoration plans for the iron work.

Zoning Administrator Castro provided additional Staff comments regarding the Lighting Plan.

Attorney Ziska stated that letters of support were received from both the Breakers Hotel and Palm Beach Towers.

Motion was made by Council Member Moore, and seconded by Council Member Wildrick, that Site Plan Review #2-2015 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #12-2015 The application of A. Richard Sloane & Carolyn J. Sloane; relative to property commonly known as 1564 S. Ocean Blvd., described as LAGOMAR PARK NO 2 SLY 89.25 FT OF LT 2 IN OR371 P21 & S 40 FT OF LT 2 A; located in the R-A Zoning District. The Applicant is requesting a special exception to allow two sliding gates (one at each entrance) on Lagomar Road (which is a cul-de-sac street) with a setback for the west gate of 7.5 feet and a setback for the east gate of 9.2 feet

1 in lieu of the 18 foot minimum required. [Attorney: Jack
2 McDonald, Esq.] *John S. Page, Director of Planning, Zoning,*
3 *Building*

4
5 There was no ex-parte communication declared by the Town
6 Council.

7
8 Attorney McDonald, on behalf of A. Richard Sloane & Carolyn J.
9 Sloane, provided an overview of the applicants' request.

10
11 Zoning Administrator Castro provided Staff's comments.
12

13 **Motion was made by Council Member Moore, and seconded by Council Member**
14 **Wildrick, that Special Exception #12-2015 shall be granted based upon the finding**
15 **that such grant will not adversely affect the public interest and that the applicable**
16 **criteria set forth in Section 134-229 of the Town Code have been met. On roll call,**
17 **the motion carried unanimously.**
18

- 19 c. VARIANCE #10-2015 The application of Reinhard and Claudia
20 Brandner; relative to property commonly known as 315 Eden
21 Road, described as the West 15.5 feet of Lot 41 and all of Lot 42,
22 EDEN PROPERTIES, according to the plat thereof, recorded in
23 Plat Book 18, Page 49, of the Public Records of Palm Beach
24 County, Florida; located in the R-B Zoning District. The Applicant
25 is requesting a variance to allow a 185 square foot master bedroom
26 addition to the front of the house that would result in an angle of
27 vision of 112 degrees in lieu of the 104 degree existing and
28 maximum allowed in the R-B Zoning District. [Attorney: Maura
29 Ziska, Esq.]
30 [Architectural Commission Recommendation: Implementation of
31 the variance will not cause negative architectural impacts to the
32 subject property. Carried 7-0]
33 *John S. Page, Director of Planning, Zoning, Building*
34

35 There was no ex-parte communication declared by the Town
36 Council.

37
38 Attorney Ziska, on behalf of Reinhard and Claudia Brandner,
39 provided an overview of the applicants' request.

40
41 Zoning Administrator Castro provided Staff's comments.
42

43 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
44 **Member Moore, that Variance #10-2015 be granted and find, in support thereof,**
45 **that all of the criteria applicable to this application as set forth in Section 134-**
46 **201(a), items 1 through 7 have been met. On roll call, the motion carried**
47 **unanimously.**

- d. VARIANCE #11-2015 The application of Paul and Elizabeth Shiverick; relative to property commonly known as 670 Island Road, described as Lot 68, and that part of Lot 66 described and bounded as follows: bounded on the south by the south of said lot 66; on the north by a line parallel to and 15 feet north of, measured at right angles to, the south boundary; on the west and east by the west and east boundaries respectively of said lot 66; said lot 68 and said lot 66 being shown and designated on the plat of Lone Cabbage Island Development (renamed as Everglades Island) on file and of record in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida, in Plat Book 18, Page 31; located in the R-B Zoning District. The Applicant is requesting a variance to allow the newly installed generator to be 8 feet above the adjacent neighbor's grade which does not meet the requirement that a generator needs to be screened by a three sided wing wall of the same height when the maximum wall height allowed is 7 feet. The generator exceeds the wall height by 1 foot; and, a variance to allow the existing 7 foot tall wall to remain at a height of 7 feet and not fully screen the newly installed generator by 1 foot as required by code. [Attorney: Maura Ziska, Esq.]

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

There was no ex-parte communication declared by the Town Council.

Zoning Administrator Castro stated that the application and notices incorrectly listed the property address as 670 Island Road, instead of 670 Island Drive, and recommended that the item be deferred and re-noticed.

Attorney Ziska responded that the notices were received by all properties within the 300' radius and stated that the only impacted neighbor has written a letter of support for the project.

Town Attorney Randolph opined that the correct people received the notices and that a deferral was not necessary. He stated that the property owners could always be re-noticed if the Council desires.

By consensus of the Town Council, further notice was determined unnecessary.

Attorney Ziska, on behalf of Paul and Elizabeth Shiverick, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, that Variance #11-2015 be granted and find, in support thereof, that

all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- e. VARIANCE #12-2015 The application of John Ceriale; relative to property commonly known as 230 S. Ocean Blvd., described as Lot 528, Poinciana Park, Second Addition, Plat Book 6, Page 86; located in the R-B Zoning District. The Applicant is requesting a variance to allow the existing non-conformity porch to extend 4.08 feet to a street side yard setback at 20.16 feet in lieu of the 24.24 existing porch setback and the 25.0 foot minimum required by code; and, to allow a lot coverage of 28.9% (135 sf additional) in lieu of the 28.2% existing non-conformity and the 25% maximum allowed by code. [Agent: Jose Gonzalez]
[Architectural Commission Recommendation: Implementation of the variance will not cause negative architectural impacts to the subject property. Carried 7-0]
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communication was declared: Mayor Coniglio spoke with the owner, who advocated his position.

On behalf of the agent, Director Page stated that Mr. Gonzalez was here this morning, but that due to a scheduling conflict he was unable to stay until this item could be heard. Per Mr. Gonzalez's request, Director Page also noted for the record that the Town Council had approved a previous variance at this site.

Zoning Administrator Castro spoke regarding the previous variance and provided Staff's comments.

Motion was made by Council President Pro Tem Kleid, and seconded by Council President Townsend, that Variance #12-2015 be deferred to the June 10, 2015, Town Council meeting. On roll call, the motion carried unanimously.

3. Other

- a. 3-Strike Parking Violation 7 Lagomar Road
John S. Page, Director of Planning, Zoning, and Building

Director Page provided an overview of the 3-Strike Parking Violation rule and the current situation at the property.

Town Clerk Owens administered the oath to those who had not already been sworn in and would be providing testimony.

1 Code Enforcement Officer Moriarty spoke regarding the
2 numerous complaints received, verbal warnings given, and
3 safety hazards the violations created.
4

5 Discussion ensued regarding the multiple violations and
6 warnings, compliance incentives, and addressing the past
7 violations.
8

9 Code Enforcement/Parking Manager Houston spoke
10 regarding the fines assessed so far.
11

12 Director Page spoke regarding the length of time left on the
13 project, Staff's recommendations, and other construction
14 parking options.
15

16 George Montero, General Contractor, Montero
17 Development, Inc., spoke regarding what led to the
18 violations and how they would alleviate the problem.
19

20 Further discussion ensued regarding requiring a timeframe
21 for completion and rescinding the right-of-way parking
22 permits.
23

24 Mr. Montero stated that he had just paid to renew the right-
25 of-way parking permits.
26

27 Council President Pucillo stated that the payment could be
28 refunded if the permits were rescinded.
29

30 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
31 **Member Moore, that all right-of-way construction parking permits be rescinded,**
32 **that the renewal fees paid on May 12, 2015, be refunded, and that the stop work**
33 **order be rescinded upon:**

- 34 • **Payment of the \$250 "3-strike" parking permit penalty**
- 35 • **Payment of any other outstanding fees, if any, owed to the Town**
- 36 • **Receipt of written statements from the owner and contractor acknowledging**
37 **acceptance of all permit conditions, and verifying their intent to conform to**
38 **all construction parking rules and regulations, including the following**
39 **conditions:**
 - 40 ○ **Owner shall pay for a flagman to be present at the site at all times when**
41 **construction work is occurring in order to prohibit any construction**
42 **parking on the street**
 - 43 ○ **Any future parking violations will be assessed a fine of \$500 per vehicle,**
44 **per violation**

- The Town reserves the right to revoke any and all construction permits in the future, in the event parking violations occur prior to the end of this project

On roll call, the motion carried 4-1, with Council Member Townsend dissenting.

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 13-2015 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning; Article VI, District Regulations, Section 134-1107(a) To Allow Public Parks As A Permitted Use In The C-TS Commercial Zoning District; Section 134-1109(a) To Allow Private Parks As A Special Exception Use In The C-TS Commercial Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

Motion was made by Council Member Wildrick, and seconded by Council Member Moore, to adopt Ordinance No. 13-2015, on second and final reading. On roll call, the motion carried unanimously.

X. ANY OTHER MATTERS – None

XI. ADJOURNMENT

There being no further business, the May 13, 2015, regular Town Council meeting was adjourned at 4:35 p.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission
at its Meeting of May 27, 2015

Presenter

John S. Page, Director of Planning Zoning and Building

Supporting Documents

- [Memorandum dated June 2, 2015 from John S. Page, Director of Planning, Zoning and Building](#)
- [Minutes of the Architectural Commission Meeting of May 27, 2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of May 27, 2015

Date: June 2, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of May 27, 2015.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of May 27, 2015.

GENERAL INFORMATION

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

Attachment

JSP:cmd



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

WEDNESDAY, MAY 27, 2015, 9:00 a.m.

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER: (09:00:33 a.m.)

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

II. ROLL CALL: (09:00:35 a.m.)

Robert J. Vila, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT (arrived at 9:12 a.m.)
Richard Sammons, Member	PRESENT
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Member	PRESENT
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT
Michael B. Small, Alternate Member	PRESENT
Maisie Grace, Alternate Member	PRESENT

Let the record show that Mr. Ives was a voting member until the Testa's project, when Mr. Karakul arrived.

Staff Members Present: Veronica Close, Assistant Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. John C. Randolph, Town Attorney, participated by phone during the Testa's project only, B-108-2014. John Page, Director of Planning, Zoning and Building, was absent.

III. PLEDGE OF ALLEGIANCE: (09:01:06 a.m.)

- IV. **APPROVAL OF THE MINUTES FROM THE APRIL 22, 2015 MEETING: (09:01:21 a.m.)**
MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.
- V. **APPROVAL OF THE AGENDA: (09:01:34 a.m.)**
MOTION BY MR. GARRISON FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.
- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:02:25 a.m.)**
Mrs. Delp administered the oath at this time and throughout the meeting as necessary.
- VII. **OTHER BUSINESS: (09:02:44 a.m.)** None
- VIII. **PROJECT REVIEW: (09:02:50 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (09:02:56 a.m.)**

B - 108 - 2014 New Mixed Use Condominium/Commercial

Address: 221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue

Applicant: T3 Family Investments, LLC

Architect: Roger Janssen, Dailey Janssen Architects

Original Project Description: Construction of a 120,525 square foot, two (2) story mixed use condominium structure with 100 underground parking spaces, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor totaling 36,179 square feet (34,618 square feet under air). Building Color-Off White; Roof-Terra Cotta Clay Barrel tile; Trim-Terra Cotta

At the September meeting, after review of the project, a motion carried for deferral to the October meeting. At the October meeting, after review of the project, a motion carried for deferral to the November meeting. At the November meeting, after review of the project, a motion carried for deferral of the architecture and a second motion carried for deferral of the landscaping. At the December meeting, a motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject property. A second motion carried "to send this to the Town Council approving the schematic plan of this project and that it is deferred for the final architecture to February so that in February the applicant can come back with all of the requirements shown from the variances that were granted or not granted and the details and materials presentation of each building, and then in February, that we take this up." At the February meeting, staff recommended deferral to the March meeting, due to the deferral at the Town Council level. At the March meeting, a motion carried for deferral to the May meeting as requested by the applicant, but ARCOM noted that was the final deferral.

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker Yannette Design Group

Prior to the presentation, Chairman Vila reminded all that ARCOM's charge is to review the architecture only.

Mr. Janssen stated that since ARCOM last reviewed this project, the plans were revised to eliminate any variances for work above ground. The only variances for the project, which were approved by the Town Council, were for sub-grade work. He noted that the buildings have been pulled back from both Royal Poinciana Way and Sunset Avenue, and the project now complies with landscaped open space requirements by increasing the landscaping. In fact, the landscaping along Royal Poinciana Way and Sunset Avenue has increased dramatically. The building configuration has changed because building connectors have been eliminated, thereby resulting in six (6) separate and distinct buildings. Mr. Janssen continued with a building by building review of each of the six buildings.

Building #1 (the southeast-most building): Machine made clay barrel tile caps with flat pans in terra cotta color; smooth texture sponge finish stucco; wall color-salmon; columns-Florida keystone; railings-black hammered and twisted wrought aluminum; trim-Florida keystone; windows-mahogany colored aluminum clad wood; sage green half-round awnings and shed style awnings with hanging valance and spears; shutters-dark green; rafter tails and eaves-stained pecky cypress; pergola rafters and beam-painted white cypress.

Commission Comments: Architecture great, but concern with colors presented vs. colors as built...materials and colors should be labeled on plans by the applicant; single casement window with two shutters is odd; do not like archivolt bending at the bottom across the end post...straight down is better; all of the arcades are the same shape...prefer variation; concern that the awning color in the rendering looks bright green; concern with matching the awning color to the paint color of the shutters; concern that the balconies all have the same railings, a heavy generic railing; the size of some of the balconies work better than others; issue with so many circular awnings...variation needed...do some straight awnings...more sophisticated; do not like the half-domed awnings; make the awnings a little less "sad"...perhaps stripes and/or brighter colors; pg. 21, east elevation, aluminum iron element too heavy and too busy; pg. 21, east elevation, entrance to residence should be significantly different than retail entrances; any way to salvage the building connectors?...losing continuity; the connectors really serve no function; no need for awnings at the arcade; commend the use of the loose awnings with spear supports, but pg. 21, spears are too long and the angle is wrong.

Building #2 (center building on Royal Poinciana): Dark red handmade clay barrel tile with single starter pans and caps; smooth texture sponge finish stucco; wall color-off white; windows-charcoal grey aluminum clad wood; stone-acid washed smooth cast stone for columns and trim work; clear finished light pecky cypress on cornice and headers; arcade ceiling-pickled lime washed pecky cypress; some half-timbering; outriggers in stained cypress; stenciled rail pattern for terrace on south side.

Commission Comments: The character has been changed since the previously proposed version and is less attractive, less sophisticated; lighter finishes are successful; the scale is off at the entrance to the store; agree that you should go back to the prior version; center portion of the north elevation is not well detailed...restudy the fenestration...no fake windows; pg. 23, south elevation, issue with columns and colonnade that get progressively thicker; pg. 24, north elevation, agree with comments regarding fenestration; west elevation, separate the windows at stair hall (2nd fl.); this building is like six buildings in one...don't see how you make transition from front elevation scale to side and rear scale; redundant bays; how does Romanesque arcade relate to other building across the way...study it; gratuitous details; incongruous; don't see how you get from one

scheme to the next...not successful when you get around to the other two sides; how does it become a unified building?

Building #3 (Testa's Restaurant building): Roof-Terra Cotta colored handmade clay barrel tile with double starter pans and caps; Stucco-Medium Texture Sponge Finish; Wall Color-light yellow; Fenestration-mahogany (brick red per plans) aluminum cladding; stone-smooth acid washed cast stone; small herringbone tile inlay at cornice; awnings-terra cotta color per plans; railings-black wrought aluminum per plans; columns and trim-warm grey acid washed cast stone to look like limestone.

Commission Comments: Same comment regarding removing half round awnings; signage will have to come back; this building is successful, but the yellow is too strong and doesn't work well with other building colors; look into removing awnings at tower feature...remove them totally; the chimney is quite tall; this is the least successful thus far...a lot of things are not right; the lancets are incorrect; overuse of same proportions of lancets at different scales; fine tuning needed; front facade is OK other than lancets; east side is problematic in middle section....re-work it; no framed awnings should be included; issue with front balcony projecting too much as seen from side view; at cornice, modillions appear to be stuck on; chimney looks strange; consider a round Venetian style chimney; concern regarding planters with flared sides; base should have more rustication; perhaps eliminate the planters by planting taller landscape; the planters are a major "fall down" in detail...study them and change them; there are wonderful terra cotta planters made in Italy that would fit in.

Building #4 (Building with access to underground garage and gates for service bay): Changed tower element to parapet; Roof-machine made clay barrel tile caps with Roman pans in terra cotta color; Stucco-medium texture sponge finish; wall color-salmon; shutters-steel blue; awnings-blue tone to match shutters; fenestration-mahogany (brick red per plans) aluminum clad wood; railings-black wrought aluminum per plans; rafter tails and eaves-stained light pecky cypress; columns and trim-warm grey acid washed cast stone to look like limestone

Commission Comments: Concern that with all of the delivery trucks and parking at the west end of Building 4, Sunset Avenue is being created as a service drive...have a real concern about how the area is impacted; simplify the parapet; the parapet is too complex for this building; perhaps simplify the two entrance gates; you need to get a colorist...the salmon with smoky blue is not successful; you have three balconies that match and one very ornate and heavy...they should match...overdone as it is; in via, you got carried away with pelican light fixtures; the awnings over the drives to parking garage are not necessary...suggest pergola and brackets instead; surround with the columns look stuck on; restudy posts and brackets; east elevation, create more separation so reads as distinct garden wall; generally concerned with eaves throughout the project; consider eliminating the bollards at garage accesses; consider doing a taller door at service bay.

Building #5 (Middle building on Sunset Ave.): Roof-Dark red handmade clay barrel tile with single starter pans & caps; columns and trim-Dominican Coral; stucco-smooth texture sponge finish; pecky cypress at arcade; fenestration-pewter aluminum clad wood; shutters-charcoal (dark blue painted cypress per plans); wall color-white, light sage green (for flanking wings) and off white; awnings-dark blue per plans.

Commission Comments: The five arches do not work now in the center section...looks squeezed; color samples look very washed out, but attractive as drawn...renderings and color samples do not match; north elevation-five arches don't work...perhaps pair two together and create center one...looks too busy as shown; problem with street facade...if you're trying to create different buildings, do different detailing...looks too planned...make it more organic; too symmetrical; windows too repetitive; re-study flanking porches; don't need roof tile stuck on top of garden wall...reconsider proportions...tile may be too heavy; concern with closed shutters.

Building #6 (easternmost building on Sunset Avenue): Roof-Terra cotta colored handmade clay barrel tile with double starter pans & caps; shutters-stained cypress planks; largest change occurs at arcade; stucco-smooth texture sponge finish; wall color-yellow; awnings-green; fenestration-sage green aluminum clad wood per plans; stone-cast stone with light soda finish; wood-smooth cypress, stained and sealed; decorative wall tiles for balcony rail wall at interior courtyard.

Commission Comments: Question use of single shutter and double shutters; column decorations are not necessary; address shutters similarly; asymmetry everywhere; west elevation, window trim appears to have mitered corners...does not look authentic; the color samples do not match the colored rendering; strongly urge the team to bring a color specialist onboard to help coordinate the colors and choose ones with more personality.

MOTION BY MRS. VANNECK TO DEFER THE PROJECT FOR THE DETAILS TO COME BACK.

MOTION SECONDED BY MR. GARRISON, BUT SUGGESTING DEFERRAL TO JULY, WITH A COLOR SPECIALIST AND THE DETAILS DISCUSSED TODAY.

MOTION AMENDED BY MRS. VANNECK TO COME BACK WITH THE DETAILS, AS DISCUSSED TODAY, IN JULY, AND TO APPROVE THE SITE PLAN AS PRESENTED.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess from 11:06 a.m. to 11:20 a.m.

Chuck Yannette continued with a brief description of the landscape changes, which include: Royal Poinciana Way-added landscape strip with low ground cover and small shrubs; accent plants in pots; added palm at east corner to soften it; Sunset Avenue-added landscape strip with low ground cover and small shrubs; added more shade trees; west buffer-added several trees to create more of a garden space, along with some understory planting; added a Coconut; east buffer- added several trees to create garden space; interior areas: added two large planting areas in center, scattered garden spaces and planting areas; added taller plantings in the center, with King Alexander Palms and triple Adonidia Palms; vias include planters, annuals, vines, etc.

Commission Comments: The last time you were here, we asked for the planters to be rendered, but that was not submitted; the planters all look generic; it is good that you added landscaping; question the landscape lighting; the landscape plan has to make it clear to the public how far back the public can go on the east and west sides; Sheets 10A and 10B do not reflect the 5-8 ft. plant strip and must be corrected; the architectural renderings should reflect the proposed landscaping; the size and scale of the planters is an issue; re-study the pavement all the way up to

the building; re-study the landscape pursuant to architectural changes; consider other plant material at more utilitarian areas; recommend beautiful clay pots; need landscape lighting expert.

MOTION BY MR. KARAKUL TO DEFER THE LANDSCAPE TO JULY.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 022 - 2015 New Residence

Address: 488 Island Drive

Applicant: Gertrud Turkclitz 482 Island Dr AG by Achim Turkclitz Attorney-in-Fact

Architect: Roger P. Janssen, Dailey Janssen Architects

Project Description: New two story residence, pool, hardscape and landscape. Roof-white cement tile; Building and Trim Color-White; Shutter Color-Blue

At the March meeting, the project was heard, and a motion carried for deferral to the April meeting. At the April meeting, a motion carried to defer the architecture to the next meeting and come back with Elevation B (the alternate design) as a part of the house, and re-study the west elevation, and add porches per Mr. Karakul's suggestion, and re-study the garage dormers. A second motion carried to defer the landscape to May.

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

ARCHITECTURAL PRESENTATION BY: Roger P. Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Dustin Mizell

Mr. Janssen presented the revised project which directly responds to ARCOM's comments at the last meeting. Changes include: Entry changed from hip to gable; simplified fenestration on west elevation; east elevation-added shed roof element; and re-studied and modified the dormers.

Commission Comments: A missed opportunity for a very prominent site; it is a prominent site, but you did what we requested and the house is improved.

MOTION BY MR. KARAKUL TO APPROVE THE ARCHITECTURE AND THE CHANGES AS PRESENTED.

MOTION SECONDED BY MR. GRUSS.

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

Dustin Mizell presented the revised landscape/hardscape with changes to include: More formal approach in the rear; increased east and west buffers; south elevation-increased Bougainvillea at garage; north elevation-more formalized; east elevation-added foundation plantings, increased size and number of trees; west elevation-increased vegetation all the way to the seawall, more formal, and added Coconuts to buffer from the neighbor.

Commission Comments: Nothing has been done to mitigate the view of the garage doors... create a courtyard, or design it so they cannot be seen; the southwest corner of the property is key; the formal planting to the west of the garage is not successful...there is an excellent opportunity for beautiful trees instead of a formal area for more palms.

**MOTION BY MRS. VANNECK TO DEFER THE LANDSCAPE TO JUNE.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED 6-1, WITH MR. GRUSS OPPOSED.**

B - 026 - 2015 New Residence

Address: 253 Jamaica Lane

Applicant: 253 Jamaica Lane, LLC

Architect: SKA Architect + Planner/Patrick W Segraves

Project Description: New two-story home to be approximately 4,500 square feet. Home will consist of four bedrooms, five bathrooms, 1 half bathroom, living room, dining room, family room, kitchen, library, loggia(s) and two-car garage. Final landscape and hardscape will also be included. Demolition of existing one-story home.

At the March meeting, a motion carried for approval of the demolition with the typical caveats. A second motion carried for the approval of the architecture with the following caveats: That the height be reduced by 2 feet, and that the driveway be reduced to a maximum of 13 feet (12 ft. preferred), and that the landscaping be deferred to next month. At the April meeting, a motion carried to defer the landscape to the May meeting considering the comments made.

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

LANDSCAPE PRESENTATION BY: Stephanie Portus, Krent Wieland Design
OTHERS WHO TESTIFIED: Jorge Sanchez

Ms. Portus presented revised plans in response to comments made at the last meeting. Changes include: Added several Coconuts to break up the roof line in the front and rear, curving Coconuts with undulating heights; at the entry, create multi-level palms and a Coconut grove with trees at varying heights with 16-20 ft. wood; larger palms along the rear and also on the sides; Magnolias at 16 ft. overall; McArthur Palms flanking the front door.

**MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. SAMMONS.**

Jorge Sanchez, representing the neighbors to the east, Mr. and Mrs. Martinez, expressed the concern of any exposure to the two story section of the house, as there are only two transplanted Coconuts there. Ms. Portus explained that the plans indicate more than those Coconuts for the east elevation.

**MOTION AMENDED BY MRS. VANNECK FOR APPROVAL AS PRESENTED, BUT
TO CONTINUE THE TRAVELERS PALMS TO THE SOUTH FOR THE ENTIRE
FACADE ON THE EAST ELEVATION.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED UNANIMOUSLY.**

B - 027 - 2015 New Residence

Address: 156 Seagate Road

Applicant: Mr. and Mrs. Mark Saur

Architect: Roger P. Janssen/Dailey Janssen Architects

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

At the March meeting, the project was heard, and a motion carried for deferral to the April meeting. At the April meeting, a motion carried to defer for re-study based on the comments that the proportions between the one story and the two story need to be re-studied and re-presented based on the comments of the Commission.

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

ARCHITECTURAL PRESENTATION BY: Roger P. Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Adam Mills, Morgan Wheelock

Mr. Janssen presented revised plans in response to comments made at the last meeting. Changes include: Pushed garage wing back 4.5 ft.; separated entrance; re-studied the beam heights; changed hip to gable at garage wing; split the garage into two individual doors; east side-simplified and reorganized fenestration and reduced some glass at second floor; and, continued shed roof over mud room door.

Mr. Mills continued with the landscape/hardscape changes, to include: 10 ft. tall Podocarpus hedge in front, serving to screen the garage doors; added two medium Japanese Fern trees on east and west; Coconuts sprinkle the front yard to help break the roof line; 14 ft. Podocarpus hedge on east side with Adonidia Palms that have 14 ft. clear trunk; Adonidia Palms inside hedge in rear; native Florida plantings in pool area; west side-Adonidia Palms and Podocarpus hedge; and, hardscape-Olympic stone with tabby.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B. **MAJOR PROJECTS-NEW BUSINESS: (11:51:52 a.m.)**

B - 032 - 2015 New Residence

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 320 Dunbar Road

Applicant: Peter May

Architect: Mark Ferguson, Ferguson & Shamamian Architects

Project Description: New construction of a two story Mediterranean style house totaling 4,897 square feet, including pool, spa, and associated hardscape and landscaping Building Color-Peach; Trim Color-Limestone; Roof-Terra Cotta Barrel Tile

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

ARCHITECTURAL PRESENTATION BY: Andres Blanco, Ferguson & Shamamian Architects

LANDSCAPE PRESENTATION BY: Mario Nievera, Nievera Williams Design

ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska explained the variance requested for point of measurement.

Andres Blanco presented the project in accordance with the submitted plans and as described above for this new Mediterranean residence designed for indoor/outdoor living. Design elements include: Mostly one-story, but second story on east side; peach colored stucco exterior; clay barrel tile roof; limestone trim; cypress wood trim with liming; painted wood windows and doors; and, bi-fold garage doors (wood with glass).

Commission Comments: Looks unbalanced...no rhythm or continuity; second floor looks like afterthought; problem with west elevation; like the scale; perhaps do a shed roof over doors above garage; perhaps bring the garage area roof down a bit; garage doors are very prominent; west elevation-roof lines out of balance; two story element looks imbalanced; nicest project...it is a balanced scheme...like the asymmetrical facade...plan is clean and rational...nice old fashioned garage doors; it's well thought out and rational...a real piece of architecture; I commend it; this firm will follow through on the details; the scale is right for the lot...a unique assemblage.

Mr. Nievera continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Saving existing landscaping for re-use; simple plan; plant two Ficus as archway to soften second story; front door framed by two mature Robellini Palms; foundation planting soft and tropical; hedge along Dunbar lowered for views of architecture; Date Palm at northwest corner; hedge along trail to allow views of house; south side-huge tropical planting of shade plants; screen generator with Podocarpus hedge; small pockets of planters in courtyard for Bougainvillea; Bougainvillea on two wings on lake side; and, existing site wall and Ficus hedge remain on west side.

Commission Comments: The landscape is enough...restrained...the landscape mitigates the second story.

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

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, BUT STUDY THE ONE SECTION AS TO WHETHER THAT COULD BE MADE A LITTLE MORE ROMANTIC.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

[B - 041 - 2015 New Residence](#)

Address: 257 Sandpiper Drive

Applicant: G.W. Purucker Homes J.V

Architect: Roger Janssen, Dailey Janssen Architects

Project Description: Construction of new one-story residence including new hardscape, landscape and pool. Building Color-Off White; Trim Color-White; Roof-White Cement Tile

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects
LANDSCAPE PRESENTATION BY: Tony Grimaldi, Tony Grimaldi Landscape Architecture

Mr. Janssen presented the project in accordance with the submitted plans and as described above. Mr. Janssen reminded that he had previously presented a two-story residence which was denied by ARCOM. Since then, the program has been revised to a one-story residence with a center axis front door with a symmetrical facade. Other design elements include: Motor court; garage (accessed from alley) and pool in rear; quoins at center section of front facade; arched transoms at two wings with arched shutters; arched transom at entry door; light grey flat cement tile roof; stucco body; Colonial shutters; double hung sash; and, massing in keeping with street.

Commission Comments: Roof over kitchen area is complicated; chimney on one side and fake on the other; run-on archivolt; in general, two different heights for two different scale elements; proportions of narrow windows are odd; rear elevation is weak and stilted; piers seem flimsy for what they are supposed to hold up; you have addressed the issues to create a one-story house; it has some nice elements about it and can work; perhaps study some Volk examples of this scale of architecture; it's close, but needs refinement; it respects the neighborhood; will be a fabulous addition to the neighborhood when refined; perfectly in scale; and, refine scale of windows.

Tony Grimaldi continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Retain existing 10 ft. Ficus hedge on the east and west perimeter; remove hedge in front to facilitate construction; create circular drive with two openings; tabby hardscape; Podocarpus hedge in front to break up motor court area; Japanese Blueberry, Begonias, and Boxwood in front; two palms frame the front door; Foxtails on each corner; west – Adonidia Palms to soften roofline, and Podocarpus at foundation; rear – pool, open lawn, Coconut Palms, privacy wall in rear, palms break up roof line; Bougainvillea on back of wall to soften that; and, east – Adonidia Palms to soften architecture.

Commission Comments: You've missed the boat...this does not have enough flavor, design, etc...totally missed opportunity to create something special...needs total re-design, and make it appealing from the street; reduce 14 ft. openings to 10 ft.; this is an opportunity to create an attractive street presence for the neighbors; the rigidity and the symmetry of planting is a mistake; some informality would be more successful, as well as more color and/or flowering trees; totally screen the pool area; this is a nice sized lot, so there is an opportunity for trees and some informality.

**MOTION BY MR. KARAKUL TO DEFER THE ARCHITECTURE AND THE
LANDSCAPING (TO JUNE) FOR FURTHER STUDY.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

[B - 042 -2015 Time extension](#)

Address: 198 Via Linda

Applicant: Mr. and Mrs. Jyrki Salminen

Architect: Roger Janssen, Dailey Janssen Architects

Project Description: Time extension request for construction of new two-story residence, landscape, hardscape and pool

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

Mr. Janssen stated that he believed the lot was currently being sodded and irrigated. He hoped that construction would start at some point this summer. Mr. Lindgren noted that this address is the subject of Code Enforcement action relative to failure to sod and irrigate the lot by the appropriate time.

**MOTION BY MR. GARRISON TO APPROVE A ONE YEAR EXTENSION.
MOTION SECONDED BY MR. SAMMONS.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

As the meeting was just about to recess for lunch, Jeffery W. Smith, architect, requested that his time extension be heard prior to the recess.

**MOTION BY MRS. VANNECK TO HEAR B-044-2015 OUT OF ORDER.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

[B - 044 - 2015 Time Extension](#)

Address: 30 Blossom Way

Applicant: Black Calabash Family Holdings LLC

Architect: Smith Architectural Group, Inc.

Project Description: A time extension for a period of one year of the approval of complete demolition of the existing residence, structure, pool, driveway, hardscape and landscape material removal as reflected on the survey.

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

ARCHITECT PRESENT: Jeffery W. Smith, Smith Architectural Group, Inc.

Mr. Smith stated that this was the first request for extension of this approval.

**MOTION BY MRS. VANNECK FOR APPROVAL OF A ONE YEAR EXTENSION.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

*Let the record show that the meeting was recessed at 12:58 p.m. and reconvened at 1:45 p.m.
Let the record show that Ms. Grace did not return to the meeting until 2:22 p.m.*

[B - 043 - 2015 Storefront Modifications](#)

Address: 209-B Worth Avenue

Applicant: Premier North America Inc. (Tenant: TRESOR-RARE)

Architect: Victor Elias Eisenstein

Project Description: The removal and replacement of the existing exterior aluminum/glass access door and display windows including a new exterior store signage, as well as the replacement of the existing interior floor finish, demolition of cabinetry and the update of the existing restroom to comply with ADA code.

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

ARCHITECTURAL PRESENTATION BY: Victor Elias Eisenstein

Mr. Eisenstein presented the project in accordance with the submitted plans and as described above for this storefront renovation. He explained that though the brand of TRESOR-RARE typically includes polished brass (aluminum) trim, an alternative for satin brushed gold aluminum was likewise offered as an option. The design also includes black granite bands at the base of the store. The existing flooring at the entrance door will remain, and no lighting changes are proposed at this time.

Commission Comments: Problem with shininess of polished brass (aluminum)

MOTION BY MR. GARRISON FOR APPROVAL AS PRESENTED WITH THE BRUSHED SATIN FINISH.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

[B - 045 - 2015 Gates](#)

Address: 1564 S. Ocean Boulevard

Applicant: A. Richard and Carolyn Sloane

Architect: SMI Landscape Architecture

Project Description: Proposing two (2) vehicular gates that enter the property from Lagomar Road

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

LANDSCAPE PRESENTATION BY: Jorge Sanchez, SMI Landscape Architecture

Jorge Sanchez presented the gate request for new gates between existing piers, pursuant to the submitted plans. The gates will be aluminum painted to look like wrought iron. One of the gates will split to open and the other slides in one direction.

Commission Comments: That's a lot of gates; the gates should have been presented when the piers were previously approved; about 39 feet of gates on a nice road like Lagomar seems highly unattractive; not attractive and the location is not ideal; why can't we make them move the piers and then do smaller gates?; in this case and on that street, there is no negative affect on the surrounding areas, and the design is acceptable; this design is very restrained and elegant, but there are a lot of gates.

Mr. Lindgren stated that a special exception was granted this month by the Town Council for these gates.

Mr. Sanchez offered a compromise to move the piers back and narrow the gates to 16 ft.

MOTION BY MR. GARRISON TO APPROVE THE REVISED PRESENTATION WITH THE GATES AT 16 FT. WIDE.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

[B - 046 - 2015 Demolition](#)

Address: 243 Ocean Terrace

Applicant: 243 Ocean Terrace LLC

Architect: Kirchhoff & Associates Architects

Project Description: Demolition of existing one-story residence, pool, landscape and hardscape

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

ARCHITECTURAL PRESENTATION BY: Betsy Rossin, Kirchhoff & Associates Architects

Ms. Rossin presented the demolition report for this 1953 Ranch style house. Perimeter landscaping will be retained.

MOTION BY MR. GARRISON FOR APPROVAL AS PRESENTED, WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING WITHIN 30 DAYS.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

[B - 047 - 2015 Demolition and New Residence](#)

Address: 204 Jamaica Lane

Applicant: Lc Palm Beach Holdings LLC

Architect: Affiniti Architects, Benjamin Schreier

Project Description: Demolition of an existing residence constructed in 1955; and, construction of new two story 5,070 sq. ft. residence with swimming pool and associated landscaping. Building Color-White; Trim Color-Dark Green; Shutter Color-Dark Green; Roof-White Concrete Roof Tiles

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

ARCHITECTURAL PRESENTATION BY: Benjamin Schreier, Affiniti Architects

Mr. Schreier provided the demolition report for this 1955 residence designed by William Ames Bennett.

MOTION BY MR. GRUSS FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS TO SOD AND IRRIGATE WITHIN 30 DAYS.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

Mr. Schreier continued with the presentation of the new residence pursuant to the submitted plans and as described above, with design elements to include: New two story residence in the Island or Bermuda style; covered loggia in the back; truncated edge to stucco; recesses at windows; two gabled ends connected by a wooden balcony; two buttressed porches on front elevation; front loading garage; and, shutters at second floor level. A perspective (not submitted digitally) was placed on the Elmo projector.

Commission Comments: A streetscape is required and should be in the mini-sets; the mini-sets only showed neighboring two story houses and ignored the two one-story houses directly adjacent to this house...very upsetting; the packages are to be complete when submitted; this is the ugliest house I've seen yet...no architectural merit...no appeal...would make a motion to

deny; the package is insufficient; you could cut a couple feet off this; this is a corner property...this house may work somewhere else, but not here on the corner; it is an important location...we didn't get the right information about the heights....this is a different elevation (shown today) than in the package...too many people submit the complete package; presentation package is seriously lacking; looking at your inspirational historic Bermuda architecture, I am at a loss to understand how you got from this to what you are presenting; this house could be lovely in a corner location, but it's all a question of scale and quirkiness; there are olive green shutters on one window, but the rest of the house has none; there are many things in your proposed residence that need to be reviewed; would defer for further study.

MOTION TO DENY THE PROJECT FOR INCOMPLETE APPLICATION AND A DESIGN THAT IS POOR AND DOES NOT FIT THE AREA.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

Let the record show that Ms. Grace returned to the meeting at this time.

B - 048 - 2015 Landscape/Hardscape

Address: 550 Island Drive

Applicant: Richard and Cornelia Thornburgh

Architect: Efflorescence, Inc.

Project Description: Landscape/Hardscape plans

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

LANDSCAPE PRESENTATION BY: Steve Kvarnberg, KVLA Design LLC for Efflorescence

Mr. Kvarnberg presented the project in accordance with the submitted plans. Design elements include: Entire property surrounded by tall hedges; driveway-tabby; front-tone on tone beige Olympic stone labyrinth; front porch stoop, pool deck and back patio and lawn steps to be white limestone; new pool to be clean and contemporary infinity edge pool; lawn steps down from pool to lawn; remove some of existing silver metal fence and replace middle portion with dark bronze fence; existing Ficus trees, and large Seagrape (to be sculpted) remain; re-use existing Montgomery Palms; sculpture to be placed in labyrinth garden; south side-palm overstory and some fruit trees and other plants with tropical texture; create service area for generator and a/c equipment; retain Ficus trees in southeast and north corners; and, move pool equipment.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

B - 050 - 2015 Addition and Renovation

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 137 E. Inlet Drive

Applicant: Mr. and Mrs. Roy Furman

Architect: Daniel Kahan, Smith and Moore Architects Inc.

Project Description: Renovation of the existing two-story residence to include: the creation of a one-car garage within the existing building envelope; complete door and window replacement; and a loggia addition on the ocean facade. Replace existing pool, landscape and hardscape.

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

ARCHITECTURAL PRESENTATION BY: Daniel Kahan, Smith and Moore Architects, Inc.
LANDSCAPE PRESENTATION BY: Matt Jackman, Nievera Williams Design
ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska discussed the requested variances for CCR and two setback variances.

Mr. Kahan continued with the presentation pursuant to the submitted plans and as described above. All changes proposed will be done within the existing footprint and under the existing roof. Since the house currently has no garage, the project will provide a one-car garage to the property. The chimney will be removed and the overall height of the building will be reduced. The renovation will change the style of the home to a modern or Moderne beach house, taking greater advantage of views. Other design changes include: Reconfigured lower court with two curb cuts shifted to north; east side-pool brought closer to house and shifted to south a bit; new loggia to create covered outdoor space; lawn with terraced steps; limestone banding in warm beige, teak cladding for front door, garage door and door/window frames; white glazed roof tile; fixed and sliding glass panels with teak frames; skin existing elevator shaft with limestone and insert translucent glazed windows with teak frames so the elevator creates a lantern effect for the courtyard; and, replace existing spiral stair with a more modern one.

Mr. Jackman continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Simple landscape plan to accentuate architectural style; retain north and south property line existing Seagrapes; relocate large Seagrape to screen the garage; hedge material along street; Green Island Ficus, Ficus Nidita, and flowering shrubs in front; driveway in light beige tabby; utilities on north and south side with site walls as required; new pool with spa to south; and, large expanse of east lawn.

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

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

Commission Comments: Great job taking an existing house and upscaling it and taking great advantage of views; nice way to take into existing century; well executed...quality materials; love the east elevation; at northwest corner, nothing there to soften house; shade tree on east side makes no sense; support for shade tree on east side; concern about screening the garage more than shown in R1.

MOTION BY MR. GARRISON TO APPROVE THE ARCHITECTURE AND LANDSCAPE.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[B - 051 - 2015 Gates](#)

Address: 101 Via Marina

Applicant: 540 South Ocean Boulevard LLP

Architect: Mario Nievera

Project Description: Proposed entry gates, service entry gate and utility gates

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

LANDSCAPE PRESENTATION BY: Matt Jackman, Nievera Williams Design

Mr. Jackman presented the project in accordance with the submitted plans for two entry gates and a service gate. The entry gates are sliding gates and are made of solid aluminum made to resemble bronze. Piers are proposed with a niche. Gates will be 14 ft. wide. Mr. Jackman, based on ex parte comments, presented a design alternative without the niches in the piers. The 14 ft. service gate, on the other hand, will be made of wood with a metal top and metal pickets.

Commission Comments: Question the need for 3 gates and 3 entrances; metalwork is nice...piers are ultra-simple, so there is a disconnect to the metalwork; suggest making the sima at the top become an end post; base looks heavy; correct the details; and, recommend no niches.

MOTION BY MR. SAMMONS TO APPROVE AS PRESENTED, WITH THE ALTERATION OF THE CAP TO AN ENDPOST AND SLIGHTLY WIDER PIERS AND NO NICHES.

MOTION SECONDED BY MRS. VANNECK AND MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

[B - 052 -2015 Addition and Renovation](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 155 Root Trail

Applicant: John D. Brady

Architect: Mark Maresca, Maresca & Associates, Architects, Inc. and Michael J. Johnson, Architect, P.A., Associate Architect

Project Description: Combining two simple Root Trail cottages with a small, understated hyphen. Replacing/adding windows, with an emphasis on maintaining character of existing facades, and continuing the rhythm of the street.

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

ARCHITECTURAL PRESENTATION BY: Marc Maresca, Maresca & Associates

LANDSCAPE PRESENTATION BY: Todd McLean

ATTORNEY PRESENT: Maura Ziska for the applicant

Ms. Ziska discussed the variances requested for lot coverage, landscaped open space, front setback, and rear and side yard setbacks.

Mr. Maresca presented the project in accordance with the submitted plans in order to join 155 and 153 Root Trail. Design elements include: The hyphen becomes the main front door; screened in porch becomes glassed in porch; add shutters; add fanciful details as presented, and, assorted fenestration changes/additions.

Todd McLean continued with the landscape/hardscape plan with design elements to include: Add picket fence to front; add brick path to front door; coquina paths; Confederate Jasmine along the wall with some underplantings; add back patio for outdoor space; and, add Podocarpus on the east side. Mr. McLean showed updated renderings on the Elmo projector.

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

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KARAKUL FOR APPROVAL OF THE ARCHITECTURE AS PROPOSED, AND TO ACCEPT THE LANDSCAPE AS PROPOSED IN THE SECOND ITERATION.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

B - 053 - 2015 Demolition and New Construction

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 444 Chilean Avenue

Applicant: Walde Trust, LLC

Architect: SKA Architect + Planner, Patrick W. Segraves

Project Description: Demolition of existing two-story home. Construction of new two-story Mediterranean Revival style home to be approximately 3,600 sq. ft. including a two-car garage with guest suite above. Final landscaping will also be included. Building Color-Off White; Trim-Cast stone; Roof-Terra Cotta Barrel Tile

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

ARCHITECTURAL PRESENTATION BY: Patrick W. Segraves, SKA Architect + Planner

LANDSCAPE PRESENTATION BY: Don Skowron

ATTORNEY PRESENT: Guy Rabideau for the applicant

OTHERS WHO TESTIFIED: Gordon McCoun, Diana Mack, Anne Webb, Blanche Napoleon,

Attorney Guy Rabideau discussed several variances requested for the project for this undersized lot: 2 side yard setback variances, rear yard setback, landscaped open space.

Mr. Segraves provided the demolition report for a two-story Belford Shoumate design built in 1940. It was originally a 3 unit building, which was modified to a single family dwelling in the late 80's. It is in fair condition. Mr. Segraves was asked whether renovation was considered. Mrs. Vanneck noted that the mini-sets are to include photographs of the existing property.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION, WITH THE CAVEAT THAT THE PROPERTY IS SODDED AND IRRIGATED WITHIN 30 DAYS.

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED 5-2, WITH MR. VILA AND MR. SAMMONS OPPOSED.

Mr. Segraves continued with the new house presentation, pursuant to the submitted plans, with design elements to include: Mediterranean Revival style; front courtyard; two car garage in rear with guest room above; pool between main house and garage/guesthouse; cast stone arches on

windows and front door; trellised area to rear of main house; small balcony with French doors on front facade of both buildings; side entry garage from rear; clay barrel tile roof; wood rafter tails; and, simple charming house to rival the building to be demolished.

Commission Comments: This is very reminiscent of a design we just saw...it's not original...it needs some differentiation; attractive, but notice the similarity; massing and plan OK, given the size of the lot; trellis has some redundancy; we don't have enough details here; there may be a more creative way of doing the front facade...it needs a little more work; why is the garage/guest house so tall?...treat it more as an accessory structure; asymmetric front is charming, but not in favor of yellow trim; we need eave and window surround details; wouldn't it be nice to have a pink house there?; why two doors to get out to the balcony?; needs more thought.

Mr. Skowron continued with the landscape/hardscape pursuant to the submitted plans. Design elements include: Trying to achieve the most possible on a 50 ft. wide lot; west elevation – proposed wall, plus 10 ft. and 8 ft. hedge and palms; project has screening issues, but in actuality, this design uses landscaping from another property to screen this property.

Gordon McCoun, 434 Chilean (Eliot House): Stated he has a west facing view; urged ARCOM against support of the variances because it creates a severe hardship for him; not against the project, but against the variances; stated that the existing house at 444 Chilean is basically one story (which faces his building) and not intrusive at all; discussed two large trees and the purpose they serve. Mr. McCoun showed several hand edited photos to show the effect of the height of the proposed building on his property at the Eliot House. Mr. McCoun stated that the value of his property will be negatively impacted, along with his views.

Mr. Skowron confirmed that the two large trees, referenced by Mr. McCoun, will remain intact and in place. Mr. Segraves noted that the proposed house is set back 27 feet from the front, which is 2 ft. in addition to the required 25 ft.

Diana Mack, resident of the Eliot House: Stated that many families at the Eliot House are directly affected by this project, as to loss of light and water views and a negative financial impact to property values. She supported the idea of flipping the design plan.

Chairman Vila advised that the right to a view is not the strongest argument. No person can claim a view over someone else's property.

Anne Webb, 389 S. Lake Drive: Concerned with height of proposal; concerned with location of a/c compressors; great impact to people who live in her condo.

**MOTION BY MR. KARAKUL TO DEFER FOR RE-STUDY.
(THERE WAS NO SECOND AT THIS TIME.)**

Mr. Lindgren commented that this property should provide its own landscape screening, and not rely on the landscaping located on neighboring properties.

The concept of flipping the design was discussed to provide greater setbacks to the neighbors.

Blanche Napoleon, resident of Eliot House: We may not have rights to a view, but when you sell a property, a view impacts a value; supports the concept of flipping the house.

Commission Comments: You can squeeze landscaping into the design...Travelers Palms, Fishtail Palms...re-study; you could make that a 10 ft. setback on the south property line and ask for a variance of 5 ft.; consider flipping the design.

**MOTION BY MR. KARAKUL TO DEFER (TO JUNE) FOR RE-STUDY OF THE ARCHITECTURE AND THE LANDSCAPING, AND THE NEED FOR VARIANCES.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

[B - 055 - 2015 Addition/Landscape & Hardscape](#)

Address: 135 Seagate Road

Applicant: Nicholas and Caroline Rafferty

Architect: Peter Papadopoulos, Smith and Moore Architects, Inc.

Project Description: Addition with style change to existing two-story home. Final landscape and hardscape.

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

ARCHITECTURAL PRESENTATION BY: Peter Papadopoulos, Smith and Moore Architects
LANDSCAPE PRESENTATION BY: Kaitlyn Mitchell, Nievera Williams Design

Mr. Papadopoulos presented the project pursuant to the submitted plans and as described above. Design elements include: Moved entry; small loggia and new rectangular pool to rear; generator/equipment area to east; add 104 sq. ft. to first floor and 700 sq. ft. to second floor; no variances required; change to Anglo Caribbean style; re-center garage doors on existing gable; add posts and scallops to front site walls; painted front door with central louvered panel and sidelites; cantilevered balcony supported by brackets; covered second floor porch with painted louver type railings; introduced standing seam roof; windows-clad, impact, double hung; Colonial and Bermuda style operable shutters; smooth stucco finish painted white, with Patriot Blue door on the railings, posts and shutters.

Ms. Mitchell continued with the landscape/hardscape plans pursuant to the submitted plans, with design elements to include: Maintain large canopy trees and property line hedges; removal of all existing hardscape including pool and fountains, except for existing site walls which will be retained; along Seagate Road – maintain large Seagrape tree and add several double Coconut Palms, pleached trees and Podocarpus hedge; east – existing Podocarpus hedge and add Coconut and Foxtail Palms; north – existing Podocarpus hedge and add Foxtails and Thrinax Palms; west-add Foxtails; two curb cuts off Seagate; paver drive to paver motor court; stone walkway to decorative entrance gate into courtyard and fountain; 10 ft. x 27 ft. pool with stone pool deck; decorative terraces in rear yard; cast stone or Dominican Coral for all flat work; and, other landscape material as presented.

Commission Comments: Driveway openings shown at 16 ft....should be reduced to 14 ft; moving in right direction; middle section and wings may be too much of a jump between ceiling heights...looking a little stilted...very vertical right now; middle section and wings don't have a lot in common; nice project that fits into the area; reduce it (6" at floor structure)...question the heaviness of the blue balconies and columns...adds to the distraction; took a difficult situation and have enhanced the beauty; a remarkable remodel.

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

B - 056 - 2015 Demolition and New Residence

Address: 250 Palmo Way

Applicant: Mrs. Margaret Duriez

Architect: MP Design & Architecture Inc.

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

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture Inc.

LANDSCAPE PRESENTATION BY: Kaitlyn Mitchell, Nievera Williams Design

OTHERS WHO TESTIFIED: Jane Woodman

Mr. Perry provided the demolition report for this 1939 one-story CBS residence which is in poor condition. All perimeter landscaping will remain.

**MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION WITH THE
TYPICAL CAVEATS FOR SODDING AND IRRIGATING WITHIN 30 DAYS.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

Mr. Perry stated that he was present at the November ARCOM meeting to request approval of a similar house at 1230 N. Ocean Way for the same property owner. The original house at 1230 N. Ocean Way has been demolished and the lot sodded and irrigated. The same owner has now purchased 250 Palmo Way and is requesting approval of a home similar to the one approved for 1230 N. Ocean Way. Design elements include: Driveway running down the east side; detached garage with guest house connected to main house by pergola; two story main house with simplified entry; pool in rear; three-car front facing garage which is placed far back on lot, wood cedar shingle roof; stained mahogany wood windows and doors with simple stucco surrounds.

Kaitlyn Mitchell continued with the landscape/hardscape with design elements to include: Remove existing paving and vegetation, except for a few existing large canopy trees; create lush and tropical landscape as presented; two curb cuts at 12 ft.; stone paver motor court with turf joints; 14 ft. x 54 ft. pool with sporadic trees around it; open lawn area; equipment enclosure; pavers for service drive; and, vehicular and pedestrian gates as presented.

Commission Comments: Question the detail around windows; no slope on window sill; house lacks detail for its size; it will look like stucco house with punched windows...re-study; scale figures would help; it's a large house with very little happening; we need to know exactly what the colors will be; could you have considered limestone?; it is a larger house than the one previously approved on the other street; and, the landscape is great.

**MOTION BY MRS. VANNECK TO DEFER (TO JUNE) AND COME IN WITH THE
INSPIRATION, AND THE ACCURATE COLORS AND DETAILS.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

Jane Woodman, 233 Mockingbird Trail: The second story on the garage is too much...it is near the neighbors, is too high and will block the sky.

[B - 057 - 2015 Time Extension](#)

Address: 211 Orange Grove Road

Applicant: Mr. and Mrs. Timothy (Chris) Mara

Architect: MP Design & Architecture

Project Description: Extension of one year to ARCOM approved loggia addition with partial second floor addition to existing two-story residence. All finishes to match existing.

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

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

Mr. Perry explained that the presentation documents include the changes recommended by Mr. Sammons at the time of the original approval. The owners now request a one year extension.

MOTION BY MR. GARRISON APPROVING A ONE YEAR EXTENSION.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[B - 060 - 2015 Time Extension](#)

Address: 234 Kenlyn Road

Applicant: Mr. & Mrs. Jebb McCracken

Architect: MP Design & Architecture

Project Description: One year extension to previously approved garage door relocation to north elevation with new driveway and landscape

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

Mr. Perry explained that the house renovation is completed, and the owners request a one year extension on the above described work.

MOTION BY MR. KARAKUL APPROVING A ONE YEAR EXTENSION.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

C. [MINOR PROJECTS - OLD BUSINESS: \(04:37:47 a.m.\)](#)

[A - 018 - 2015 Gates and Columns](#)

Address: 219 Chilean Avenue

Applicant: C. Dean Metropoulos

Contractor: Glenn Simmons

Project Description: Raise existing columns 16"; fabricate and install new drive gates, replacing previous drive gates

At the April meeting, the project was not heard, and a motion carried to defer the project to the May meeting at the request of the applicant.

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

PRESENTATION BY: Glenn Simmons, Contractor

Mr. Simmons presented the new gates pursuant to the plans on file, together with the raised columns.

Commission Comments: These gates are too ornate...should be subtle and subdued...strongly object to the design and scale; why is most of the gate weight in the middle?...counterintuitive, and doesn't exist on real gates; issues with design of gate and also the location and size of the piers; you did not provide a photo of the existing condition.

**MOTION BY MRS. VANNECK TO DEFER TO JUNE.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

D. **MINOR PROJECTS-NEW BUSINESS: (04:50:44 a.m.)**

A - 025 - 2015 Alterations/Landscape/Hardscape

Address: 742 Slope Trail

Applicant: Mr. and Mrs. Marcelo Dorea

Architect: MP Design & Architecture

Project Description: Alterations to facade of existing one-story house to include new windows, front door, railing and other associated changes as presented. New hardscape and landscape.

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

LANDSCAPE PRESENTATION BY: Grace Whelton, Nievera Williams Design

Mr. Perry presented the project in accordance with the submitted plans and as described above, with design elements to include: Simplify the front of the house removing the pediment and changing the entablature over the columns; change windows; change railing to "X" detail railing with glass behind.

Commission Comments: Why not make the entry door a single leaf?; question the railing...does it meet code?; this is just a change, not an improvement; it changes the whole character of the house...do not understand just "plopping" in large casement windows; need to see detail of windows.

Ms. Whelton continued with the landscape/hardscape with design elements to include: Narrow the driveway to 18 ft. width; project gains 1000 sq. ft. of landscaped area; simplified shape of pool; focal point at pool is fountain; 2 Ligustrum on each side of pool; Callophyllum columns in front against the building; emphasize entrance of driveway with Ficus trees; and other landscape material as presented.

Commission Comments: West side is fine, but east side is boring...improve it...too plain; it's clipped to death; would like to see come white colored vines, etc.; might be better without the mullions...clear glass would be better.

**MOTION BY MR. KARAKUL TO DEFER (TO JUNE) FOR RE-STUDY.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

[A - 028 - 2015 Re-Roof](#)

Address: 226 Via Las Brisas

Applicant: Lewis M. Schott

Architect: Jason P. Drobot

Project Description: A re-roof of the existing 1,026 sq. ft. cottage located at the northeast corner of the property. The owner wishes to use Spanish S clay tile in lieu of clay barrel tile in order to match the existing roof finish of the main residence. The main residence had Spanish S clay tile installed in 2006.

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

ARCHITECTURAL PRESENTATION BY: Jason Drobot, Brasseur & Drobot

Mr. Drobot presented the project in accordance with the submitted plans and as described above for this change of roof material for the cottage to match the S tile on the main house.

MOTION BY MR. GARRISON FOR APPROVAL AS PRESENTED.

Commission Comments: ARCOM stopped approving S tile years ago; but the main house has S tile; perhaps re-do the main house.

**MOTION SECONDED BY MR. KARAKUL, BUT NOTING THAT WHEN THE MAIN HOUSE ROOF NEEDS TO BE REPLACED, THE USE OF S TILE WILL NOT BE ALLOWED TO CONTINUE.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

[A - 029 - 2015 Fenestration](#)

Address: 304 Atlantic Avenue

Applicant: James Ireland

Architect: H. John Griffin II, P.E.

Project Description: Remove existing window (second floor, above front door) and install a new door in its place

As no one was present on behalf of the project....

**MOTION BY MR. GARRISON TO DEFER TO JUNE.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

[A - 030 - 2015 Landscape/Hardscape](#)

Address: 130 Chilean Avenue

Applicant: 130 Chilean, LLC (Keith Johnson)

Architect: Mario Nievera

Project Description: Final landscape and hardscape improvements. Front lot hardscape changes include the addition of low site walls, pedestrian gate, columns and realigned driveway; rear lot enhancements to the existing pool and adjacent terraces.

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

LANDSCAPE PRESENTATION BY: Matt Jackman, Nievera Williams Design

Mr. Jackman presented the project in accordance with the submitted plans, and as described above. Design elements include: New driveway layout with two 14 ft. openings; gravel driveway; coral walkways; low site walls with coral cap and stucco finish; new pedestrian gate; refinish pool and terraces; remove large existing Ficus hedge along Chilean to open up views to the house and plant Noronhia tree canopy; add assorted palms along the building; retain perimeter plantings.

Mr. Sammons recused himself relative to this project. Mr. Ives will vote on this project.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[A - 031 - 2015 Doors](#)

Address: 1574 S. Ocean Boulevard

Applicant: Martin Gruss

Architect: Michael Mark Marsh

Project Description: Provide glass with metal fretwork doors to air condition existing entry portico

Please note that this project represents a voting conflict for Mr. Gruss. Mr. Ives will vote on this project.

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

Mr. Marsh presented the project in accordance with the submitted plans and as described above for the new doors to be installed to create an air conditioned vestibule. The metal work will be done in cast aluminum.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

A - 033 - 2015 Modifications

Address: 215 Onondaga Avenue

Applicant: Maria Drelich

Architect: Deborah Nichols

Project Description: "After staff revision of the proposed plans the small portion of the addition where hot water heater was put into was removed so to comply with the zoning code" (per ARCOM application)

Mr. Lindgren clarified that the project is actually for a small, one-story garage addition on a corner lot on Onondaga.

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

ARCHITECTURAL PRESENTATION BY: Deborah Nichols

Ms. Nichols presented the project in accordance with the submitted plans and as described above for this small garage addition to mirror the wing on the other side of the house. The project also includes changing the front door and garage door; remove and replace existing site wall next to the garage with a hedge and chain-link fence; and new gates.

Commission Comments: Like the bolder front door; how about doing the gates in the same wood?; you may have gone down the wrong road in trying to match the other wing...it should be lower and the garage door smaller...a 10 ft. door would be better; matching the other wing throws it out of scale.

MOTION BY MR. SAMMONS FOR APPROVAL AS PRESENTED, WITH THE FOLLOWING CHANGES: DROPPING THE EAVE TO ALIGN WITH THE MIDDLE PART OF THE HOUSE AND USING A 10 FT. GARAGE DOOR INSTEAD OF A 12 FT. DOOR TO BE MORE IN KEEPING WITH THE SMALL SCALE OF THE HOUSE. MOTION SECONDED BY MR. GARRISON. MOTION CARRIED UNANIMOUSLY.

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE): (05:26:17 a.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (05:26:24 a.m.)

Mr. Vila reminded the members that they are to be more diplomatic in their comments.

Mr. Ives commented on his concern relative to the colors of the Schottenstein house on Island and El Bravo. He asked staff to research the colors which were approved. Mr. Vila felt strongly that ARCOM did not approve a red veined stone. The house color and others will be checked as well.

Mr. Vila commented that ARCOM must focus on making sure that all four facades get equal attention.

Mr. Karakul inquired as to the status of the generator, chiller, landscape project at 1045 S. Ocean Boulevard. Mr. Lindgren informed that the applicant intends to return to ARCOM for changes to the prior landscape approval.

Mr. Karakul suggested that ARCOM might review six successes and six failures reviewed within the past year.

Mr. Vila asked that submissions lacking in detail be rejected at the submission stage.

A. Discussion relative to agreeing upon a Chairman and Vice Chairman for the June meeting:
(04:17:14 a.m.)

It was noted that the following members will be absent for the June meeting: Mr. Vila, Mrs. Vanneck, Mr. Garrison and Mr. Gruss.

**MOTION BY MR. GARRISON THAT MR. KARAKUL WILL SERVE AS CHAIRMAN
AND MR. KNOWLES WILL SERVE AS VICE CHAIRMAN FOR THE JUNE
MEETING.**

MOTION SECONDED BY MR. GRUSS.

MOTION CARRIED UNANIMOUSLY.

Ms. Close reported that the Town Council denied the appeal relative to 253 Jamaica Lane. The Town Council deferred the appeal relative to the gates at 475 N. County Road.

XI. ADJOURNMENT: (05:35:24 a.m.)

MOTION BY MR. SAMMONS TO ADJOURN AT 5:35 P.M.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, June 24, 2015 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road, Palm Beach.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

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TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 67-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-16 and Approving a Purchase Order to Hydra Service, Inc., of DeBary, Florida, in the Amount of \$37,865.00 for the Replacement of a Vertical Turbine Irrigation Pump at the Palm Beach Par 3 Golf Course, and Establishing a Purchase Budget of \$41,700.

Deferred from the May 12, 2015, Town Council Meeting

Presenter

Rod Gardiner, Acting Director of Recreation

Supporting Documents

- [Memorandum Dated June 9, 2015 from Rod Gardiner, Acting Director of Recreation](#)
- [Resolution No. 67-2015](#)
- [Sulzer Technical Data and PMI Sheets](#)
- [Bid No. 2015-16 Tabulation - Vertical Stainless Steel Pump](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

From: Rod Gardiner, Acting Director of Recreation

Re: Stainless Steel Irrigation Pump for Par 3 Golf Course
Resolution No. 67-2015

Date: May 29, 2015

STAFF RECOMMENDATION

Staff recommends Town Council approve Resolution No. 67-2015, awarding Bid No. 2015-16 and approving a purchase order to Hydra Service, Inc., of DeBary, Florida, in the amount of \$37,865.00 for the replacement of a vertical turbine irrigation pump at the Palm Beach Par 3 Golf Course, and establishing a purchase budget of \$41,700.

GENERAL INFORMATION

Two pumps were installed the summer of 2009 during the renovation of the golf course, which was planted with Sea Shore Paspalum grass (and can handle brackish water). The use of brackish water allows the golf course to no longer have to use, and pay for, West Palm Beach city water for irrigation. Both of the installed pumps are steel and each needed to be rebuilt after about three years at a cost of approximately \$19,000, due to the corrosive environment in which they operate. In the brackish environment in which they operate, three to, maybe, five years may be the life expectancy of steel pumps.

For long-term purposes, and three years after the rebuilds, it is recommended to replace one of the pumps at this time with a stainless steel pump (with the intention of replacing the second pump in FY2017 pending any unforeseen issues). Staff consulted with several who are familiar with irrigation systems and pumps (electrical contractors and installers, pump manufacturers, golf course superintendents and the designer of the Par 3 irrigation system) and the consensus was to use a stainless steel pump, and that the life expectancy should be at minimum 10+ years.

SPECIAL COSIDERATION

Following up on concerns expressed at the May 12, 2015, Town Council meeting regarding the potential quality of the stainless steel in the manufacturing of the pump, staff attempted to obtain

from the vendor and manufacturer assurances of the quality of source material and references of its performance. Acquired from the manufacturer (Sulzer) were the Technical Data and Positive Material Identification sheets for the requested pump (see attached). These indicate the pumps meet the stainless steel standards for the American Society for Testing and Materials (ASTM), an international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials, products, systems, and services, and the American Iron and Steel Institute (AISI), an association of U.S. and North American steel industry manufacturers.

References for the same or similar pumps in comparable circumstances were also obtained. Both Collier County and the City of Naples indicate they are satisfied with the pumps they use and have experienced no issues to date. Collier County has used this type of pump from Sulzer for over 13 years and City of Naples has more recently switched from brass to the stainless steel pumps. Both agencies use the pumps for irrigation and in difficult environments. Collier County expects a 15 year useful life span.

Correspondingly, the Sulzer representative indicated these pumps are used in the Gulf of Mexico on oil rigs for pulling sea water to use as service water to rinse and flush while cleaning. Hydra Service, Inc. included in its bid document a Sulzer document indicating that all of its manufacturing locations are ISO (International Organization for Standardization) 9001-2000 certified (in which an organization needs to, among other standards, “demonstrate its ability to consistently provide product which meets customer and applicable regulatory requirements”).

FUNDING/FISCAL IMPACT

Funding for this purchase is fully accounted for in the FY2015 Golf Budget, to be paid from the Par 3 Golf Course Maintenance & Improvement Fund. Additionally, approximately \$5,000 was budgeted this fiscal year for installation based on an obtained estimate.

PURCHASING REVIEW

This item has been reviewed by the Purchasing Division and approval is recommended to the lowest responsive responsible bidder, Hydra Service, Inc.

TOWN ATTORNEY REVIEW

This is a standard resolution in a form previously approved by the Town Attorney for legal form and sufficiency.

RECREATION ADVISORY COMMISSION RECOMMENDATION

The Recreation Advisory Commission unanimously recommended the approval of the FY2015 budget as presented at its May 7, 2014, meeting which included this item.

cc: Jane Struder, Director of Finance
John C. Randolph, Town Attorney

Adis Pedraza, Purchasing Agent
Tony Chateauvert, Golf Course Manager
Tim Campbell, Golf Course Superintendent

RESOLUTION NO. 67-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 2015-16 AND APPROVING A PURCHASE ORDER TO HYDRA SERVICE, INC., OF DEBARY, FLORIDA, IN THE AMOUNT OF \$37,865.00 FOR THE REPLACEMENT OF A VERTICAL TURBINE IRRIGATION PUMP AT THE PALM BEACH PAR 3 GOLF COURSE, AND ESTABLISHING A PURCHASE BUDGET OF \$41,700.00

* * * * *

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. 2015-16, Vertical Turbine Stainless Steel Pump, and approves a purchase order to Hydra Service Inc., in the amount of \$37,865.00, with a purchase budget of \$41,700.00.

Section 2: The Town Manager is hereby authorized and directed to execute this contract on behalf of the Town of Palm Beach for this project.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of June, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

316 Stainless Steel Construction - Bowl Assembly

FIND NO	COMPONENT	STANDARD GENERIC MATERIAL	SPECIFICATION -15°C to 135°C (5°F to 275°F)	
			STANDARD ASTM NO.	OPTION
199	Bowl	316 SS	A743-CF8M	-
197	Discharge	316 SS	A743-CF8M	-
02	Impeller	316 SS	A743-CF8M	-
06	Impeller Shaft	17-4 SS	A564	A743-CF8M
199A	Cap Screw	316 SS	A276	-
39B	Bowl Bearings	Viton	AMS 7228	-
84	Impeller Collet	316 SS	A276	-
197A	Thrust Adjustment Bolt	316 SS	A276	-
203	Suction/Motor Bracket	316 SS	A743-CF8M	-
203A	Motor Bracket Bearings	Viton	AMS 7228	-
203B	Screen	316 SS	A276	-
203C	Motor Coupling	316 SS	A276	-
203E	Motor Stud	316 SS	A193	-

Check Valve 316 Stainless Steel Construction

FIND NO	COMPONENT	STANDARD GENERIC MATERIAL	STANDARD ASTM NO.	OPTIONS
N/A	Valve Body	316 SS	A743-CF8M	-
N/A	Valve Stem Assembly	316 SS	A276	-



TOWN OF PALM BEACH

Bid No. 2015-16

**Bid Name: Vertical Turbine
Stainless Steel Pump
TABULATION**

Vendor:		Atlantic Environmental Systems, Inc.		Custom Pump & Controls		HD Supply Waterworks, Td.		Hydra Services (S), Inc.	
Address:		2244 4th Ave. North Lake Worth, FL 33461		1840 River Oaks Road Jacksonville, FL 32207		1101 W. 17th Street Riviera Beach, FL 33404		250 Springview Commerce Drive DeBary, FL 32713	
Telephone:		561-547-8080		904-858-9605		561-848-4396		407-330-3456	
Fax:		561-547-3999		904-858-9607		561-845-7267		407-330-3404	
Contact:		Mr. C. Kerry Prugh		T. Scott Strong		Susan Helms		Paul Robinson	
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	Vertical Turbine Stainless Steel Pump. as specified	1	LS	\$ 46,850.00	\$ 46,850.00	\$ 38,325.00	\$ 38,325.00	\$ 50,400.00	\$ 50,400.00
2	Delivery, including all Freight and Handling Charges (less installation)	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 400.00	\$ 400.00
Total				\$	48,850.00	\$	38,825.00	\$	50,800.00
Estimated delivery time (weeks)				8-9		20		18	
Warranty Info				12 months after installation and startup		Sooner of 12 months from commissioning or 18 months from shipment.		12 months from installation (installation must be within 6 months of delivery)	
						Sooner of 12 months from commissioning or 18 months from shipment.		Sooner of 12 months from commissioning or 18 months from shipment.	

Bid Opened on March 24, 2015 at 2:00 PM

LOWEST

Opened by: John Cmar
Witnessed by: Angel Lopez



TOWN OF PALM BEACH

Bid No. 2015-16

**Bid Name: Vertical Turbine
Stainless Steel Pump
TABULATION**

Vendor:	JGB Enterprises, Inc.	Sullivan Electric & Pump, Inc.	TAW Miami Service Center, Inc.
Address:	115 Metropolitan Drive Liverpool, NY 13088	2115 7th Avenue North Lake Worth, FL 33461	9930 NW 89th Avenue Miami, FL 33178
Telephone:	315-451-2770	561-588-5886	813-621-5661 x1201
Fax:	315-234-6460	561-582-9344	813-425-0831
Contact:	Elizabeth Lindstrom	Gary T. Sullivan	Michael M. MacInnes

Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	Vertical Turbine Stainless Steel Pump. as specified	1	LS	\$ 59,500.00	\$ 59,500.00	\$ 38,671.60	\$ 38,671.60	\$ 77,840.00	\$ 77,840.00
2	Delivery, including all Freight and Handling Charges (less installation)	1	LS	\$ -	\$ -	\$ 200.00	\$ 200.00	\$ 6,800.00	\$ 6,800.00
Total				\$	59,500.00	\$	38,871.60	\$	84,640.00
Estimated delivery time (weeks)				3		12-14		14	
Warranty Info				12 months from initial operation, but not more than 18 months from shipment.		12 months from delivery or installation.		12 months from shipment	

Bid Opened on March 24, 2015 at 2:00 PM

Provided their own Terms & Conditions.	Did not supply material and parts list with bid.	Did not supply material and parts list with bid.
--	--	--

Opened by: John Cmar
Witnessed by: Angel Lopez

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 68-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-37 and Approving a Construction Contract to Murray Logan Construction, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase 1, in the Amount of \$268,000 and Establishing a Construction Phase Budget of \$295,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 14, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 68-2015](#)
- [Kimley-Horn Proposal](#)
- [Bid Tab Sheet](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Award Bid No. 2015-37 and Approve a Construction Contract for the D-12 Storm Water Pump Station Electrical Improvements Phase 1
Resolution No. 68-2015

DATE: May 14, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 68-2015 awarding Bid No. 2015-37 and approving a construction contract to Murray Logan Construction, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase 1 in the amount of \$268,000 and establishing a construction phase budget of \$295,000.

GENERAL INFORMATION

The D-12 Pump Station and all of its components are approximately 14 years old. Over the past two years, the pump station has had a variety of issues that have caused individual pumps within the station to operate irregularly or fail to operate. The pump failures consisted of moisture / seal compromises, high temperature failures, and failures in the windings and electrical components. The winding and electrical components were found to have been burned due to high current surges which are caused by voltage drops in the wiring. New pumps have been purchased and are stored in our warehouse, however, staff chose to evaluate the entire electrical system before installation to avoid damage to the new pumps. Staff performed preliminary testing on the main electrical conductors from the control building to the wet well and found the readings to be lower than expected. Public Works solicited a consultant, Kimley-Horn, to evaluate the pumps, controls, and wiring from the wetwell to the control building and provide a summary of their findings to Public Works staff.

At the time of Kimley-Horn's review, they found that two of the pump's moisture sensors were not operational and one pump's overtemp sensor was not functioning. They tested and megged the conductors from the control building to the pump disconnects and found them to be producing lower than expected readings. Kimley-Horn also noted that many of the electrical components in the controls showed deterioration due to the exposure to the coastal corrosive environment. Some deterioration is to be expected after 14 years.

One of Kimley-Horn recommendations was to replace the main conductors from the control building to the wetwell immediately in order to get the pumps back on line as soon as possible and

complete the control scope of work after. Town staff along with Kimley Horn prepared the bid documentation for this work which bids have been received. Since receiving the bids for this first phase, the Town has experienced two additional pump failures due to the wiring, leaving the station operating below its potential capacity and making it critical to move forward with phase I.

The Town received two (2) bids from the Town pre-qualified pump station contractors on May 8, 2015. The lowest responsive responsible bid was from Murray Logan Construction, Inc. in the amount of \$268,000. Staff recommends awarding the contract to Murray Logan Construction, Inc. and establishing a construction phase budget of \$295,000.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the Town's Public Works General Capital Improvements Fund (Pay-As-You-Go).

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Michael R. Roach, P.E., Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 68-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 2015-37 AND APPROVING A CONSTRUCTION CONTRACT TO MURRAY LOGAN CONSTRUCTION, INC., FOR THE D-12 STORM WATER PUMP STATION ELECTRICAL IMPROVEMENTS PHASE 1, IN THE AMOUNT OF \$268,000, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$295,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2015-37 and approves a construction contract to Murray Logan Construction, Inc., in the amount of \$268,000, for the D-12 Storm Water Pump Station Electrical Improvements Phase 1, and establishes a construction phase budget of \$295,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

Kimley»Horn

May 13, 2015

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

RE: D-12 Stormwater Pump Station Electrical Improvements – Phase 1
Bid No. 2015-37
KHA Job No. 044063171

Dear Mr. Roach,

In order to improve the reliability of the D-12 Stormwater Pump Station, the Town of Palm Beach (Town) is replacing the main stormwater pumps and completing some electrical improvements to the station.

The Town's project include the following items listed below:

- Replacement of the existing pump feeder conductors from the electrical building at the corner of Bradley Place and Seminole Ave. to the green pull box adjacent to the wetwell at the west end of Everglade Ave. This will include the removal of the existing conductors and installation of the new conductors which are to be pulled through existing conduits along the route.
- Complete the fabrication of the owner furnished Flygt control panel which houses the Flygt MAS 711 units. This will include the installation of the completed Flygt Control Panel including completion of all conduit and wire installation and cable/wire terminations for a complete and functional system.
- Install the owner furnished Flygt pumps in the existing pump tubes located in the D-12 wetwell. This will include the completion of all cable terminations and coordination of the pump start-up of the owner furnished pumps.

The Town distributed the bid documents to the on-call contractors and scheduled a pre-bid meeting which was held on April 24, 2015 to discuss the project with potential bidders. On May 8, 2015 bids were publicly opened and read. A bid tabulation was prepared by Town staff and provided to Kimley-Horn and Associates, Inc. that includes a summary of the Total Bid Amounts for the two (2) bids that were received. The bids ranged from \$268,000 to \$468,500.00. The Engineer's Opinion of Probable Construction Cost for the project as advertised was \$332,100.

Kimley-Horn and Associates, Inc. has been asked to review the bid proposal for the apparent low bidder for completeness and identify if they are the lowest responsive, responsible bidder. The bid package of Murray-Logan Construction, Inc. was provided by the Town and reviewed by Kimley-Horn. The results of our review follows:

- No math errors were found on the Schedule of Bid Items.
- Upon review of the bid package, it was found that Murray-Logan Construction, Inc. had submitted the documentation requested by the bid.

Kimley-Horn has worked with Murray-Logan Construction, Inc. on past projects and we have no objection to them being considered by the Town for this project.

Based on the results of our review, Murray-Logan Construction, Inc. submitted the lowest responsive, responsible bid for the project.

We would like to thank the Town of Palm Beach for their work during the design and bidding of this project, and we look forward to proceeding into the construction phase.

Should you have any questions or comments, please do not hesitate to contact this office at (561) 840-0256.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Jason Lee, P.E.

Cc: File

K:\WPB_Civil\044063171 D-12 Improvements\Bid Phase\Bid Review Phase 1.docx



TOWN OF PALM BEACH

Bid No. 2015-37

D-12 Storm Water Pump Station Electrical Improvements - Phase 1 TABULATION

Bids Due: May 8, 2015 at 2 p.m.

Vendor:		MURRAY LOGAN CONSTRUCTION, INC.	HINTERLAND GROUP, INC.
Address:		313 65th Trail North West Palm Beach, FL 33413	5401 N. Haverhill Road # 114 West Palm Beach, FL 33407
Telephone:		561-686-3948	561-640-3503
Fax:		561-686-7465	561-633-7067
Contact:		David Logan	Daniel Duke III

Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total
1	Mobilization/Demobilization	1	LS		\$ 4,000.00		\$ 5,000.00
2	Performance and Payment Bonds	1	LS		\$ 4,500.00		\$ 15,000.00
3	Insurance and Indemnification	1	LS		\$ 4,500.00		\$ 3,500.00
4	Remove Pump Feeder Conductors	1	LS		\$ 14,800.00		\$ 115,000.00
5	Install Pump Feeder Conductors (No Splices)	1	LS		\$ 198,000.00		\$ 292,000.00
6	Complete Fabrication of Owner Furnished Flygt Control Panel	1	LS		\$ 9,400.00		\$ 10,000.00
7	Install Flygt Control Panel	1	LS		\$ 12,000.00		\$ 22,000.00
8	Install Owner Furnished Flygt Pumps	1	LS		\$ 16,000.00		\$ 3,000.00
9	Site Restoration	1	LS		\$ 4,800.00		\$ 3,000.00
BASE BID TOTAL (Items 1 thru 9)				\$	268,000.00	\$	468,500.00
ALTERNATE							
AA1	Install Feeder Conductors with splices at Pull Box 3 (in lieu of Item 5)	1	LS		\$ 198,000.00		\$ 300,000.00
ALTERNATE TOTAL (AA1 for Item 5)				\$	268,000.00	\$	476,500.00

Bids Opened by: Adis Pedraza 5-8-15
Witnessed by: John Omar
Bids Tabulated by: Ilyse S. Valdivia

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 70-2015 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 for the D-12 Storm Water Pump Station Electrical Improvements Phase I to Kimley-Horn & Associates, Inc., in the Amount of \$26,535, and Establishing a Design and Bid Phase Engineering Services Budget of \$30,000

Presenter

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

Supporting Documents

- [Memorandum dated May 14, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 70-2015](#)
- [Kimley-Horn Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Construction Phase Engineering Services for the
D-12 Storm Water Pump Station Electrical Improvements Phase 1
Resolution No. 70-2015

DATE: May 14, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 70-2015, approving a purchase order for construction phase engineering services to Kimley-Horn & Associates, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase 1 in the amount of \$26,535 and establishing a construction phase engineering services budget of \$30,000.

GENERAL INFORMATION

The D-12 Pump Station over the past two years, has had a variety of issues that have caused individual pumps within the station to operate irregularly or fail to operate. The pump failures consisted of moisture / seal compromises, high temperature failures, and failures in the windings and electrical components. The winding and electrical components were found to have been burned due to high current surges, which are caused by voltage drops in the wiring. Kimley-Horn evaluated the pumps, controls, and wiring from the wetwell to the control building and provided a summary of their findings to the Public Works staff.

One of Kimley-Horn recommendations was to replace the main conductors from the control building to the wetwell immediately in order to get the pumps back on line as soon as possible and complete the control scope of work after. In a companion item, the award of and approval of a construction contract for the D-12 Storm Water Pump Station Electrical Improvements Phase 1 will also be presented to Town Council. Since receiving the bids for this first phase, the Town has experienced two additional pump failures due to the wiring, leaving the station operating below its potential capacity and making it critical to move forward with Phase I.

The construction phase engineering services will include value engineering drawing updates, shop drawing reviews, site visits, maintaining daily reports, progress photos, scheduling, conducting, and preparing meeting minutes, and assisting Town staff with onsite observations and inspections, etc.

Staff has negotiated a Construction Phase Engineering Services contract with Kimley-Horn & Associates, Inc., in the amount of \$26,535. Staff also recommends a contingency of \$3,465 for a total construction phase budget of \$30,000.

FUNDING/FISCAL IMPACT

Funding for the Design and Bid Phase Engineering Services of this project is contained within the Town's Public Works General Capital Improvements Fund (Pay-As-You-Go).

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: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Michael A. Roach, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Adis Pedreza, Purchasing Manager

RESOLUTION NO. 70-2015

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 FOR THE D-12 STORM WATER PUMP STATION ELECTRICAL IMPROVEMENTS PHASE 1 TO KIMLEY-HORN & ASSOCIATES, INC., IN THE AMOUNT OF \$26,535, AND ESTABLISHING A DESIGN AND BID PHASE ENGINEERING SERVICES BUDGET OF \$30,000.

* * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for the construction phase engineering services for D-12 Storm Water Pump Station Electrical Improvements Phase 1, to Kimley-Horn & Associates, Inc., in the amount of \$26,535, and establishes a construction phase engineering services budget of \$30,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

Kimley»»Horn

May 8, 2015

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

RE: Construction Phase Services Proposal – Phase 1 Electrical Improvements at D-12 Stormwater Pump Station

Dear Mike,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the Phase 1 Electrical Improvements at D-12 Storm Water Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

The Town of Palm Beach is currently in the bid phase of the Phase 1 Electrical Improvements at D-12 Stormwater Pump Station. Kimley-Horn has been requested by the Town to provide construction phase services for the project. The project is expected to begin in June 2015 and have a duration of approximately 2 months.

Scope of Services

Construction Phase Services

Kimley-Horn will provide construction phase services as specifically stated below:

Pre-Construction Services. We will perform the following services prior to commencement of Work at the Site.

- We will attend a Pre-Construction Conference prior to commencement of Work at the Site.
- We will provide the Contractor with up to four (4) signed and sealed copies of the plans for submittal of the building permit package. We will respond to one round of reasonable building permit comments received during the building permit review.

Progress Meetings. Kimley-Horn will attend up to 3 progress meetings during the two month project construction duration. Subconsultant team members will attend meetings as appropriate for the work being discussed that week.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected two (2) month construction duration in order to observe the progress of the Work (up to

12 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work. Kimley-Horn will also provide field assistance during start up and testing for each of the owner furnished stormwater pumps.

The purpose of our site visits will be to enable us to better carry out the duties and responsibilities specifically assigned in this Agreement to Kimley-Horn, and to provide the Town a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Kimley-Horn shall not, during such visits or as a result of such observations of Contractor's work in progress, supervise, direct, or have control over Contractor's work, nor shall we have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Town, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs. We anticipate that up to 10 submittals will be required for review.

Substitutes and "or-equal." Kimley-Horn will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the

Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- Review megger test reports for the conductors provided by Contractor

Kimley-Horn's review of such items will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Kimley-Horn shall be entitled to rely on the results of such tests and the facts being certified.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that three applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

By recommending any payment, Kimley-Horn shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Kimley-Horn in this Agreement. It will also not impose responsibility on Kimley-Horn to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to the Town free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between the Town and Contractor that might affect the amount that should be paid.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Town and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of the Town, Kimley-Horn considers the Work substantially complete; Kimley-Horn will notify the Town and Contractor.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. We will review and provide comments on the operation and maintenance manuals and project record drawings submitted by the contractor.

Limitation of Responsibilities. Kimley-Horn shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or furnishing the Work. Kimley-Horn shall not have the authority or responsibility to stop the work of any Contractor.

Additional Services

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

- Surveying and Mapping, Construction Layout
- Record Drawing data collection and development
- Field Engineering
- Off-site improvements.

Information Provided By the Town

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

- Access to the site.

Schedule

We will provide our services as expeditiously as practical to meet a mutually agreed upon schedule.

Fee and Billing

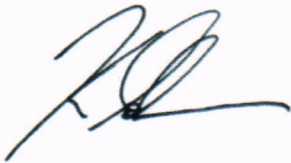
Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$26,535 be established for this work. A breakdown of this fee is attached to this proposal.

Closure

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

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: Kevin Schanen, P.E.
Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\D-12 Electrical Improvements\Phase 1 Construction Phase\D-12 Phase 1 Electrical Improvements - Construction Phase Services.docx

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 71-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-25 and Approving a Purchase Order to Bayside Coatings Incorporated, in an Amount of \$36,000 for Street Light Painting, and Establishing a Multi-Year Project Budget of \$89,835.10.

Presenter

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

Supporting Documents

- [Memorandum dated May 18, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 71-2015](#)
- [Bid Tab Sheets](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Award Bid No.2015-25 and Approve a Purchase Order for Street Light and Sign Post Painting
Resolution No. 71-2015

Date: May 18, 2015

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 71-2015, awarding Bid No. 2015-25 and approving a purchase order to Bayside Coatings Incorporated, for street light and sign post painting in an amount of \$36,000 and establish an overall budget of \$89,835.10.

GENERAL INFORMATION

The Town has over 950 decorative street lights and sign posts located throughout the Town. Most street lights and posts are constructed of either aluminum or fiberglass. Due to their various locations and different types of construction, they are required to be repainted at different intervals to maintain an acceptable appearance. All posts and lights are inspected on an annual basis by Town staff and those that require painting are placed on the annual maintenance street light painting program. Most lights and poles on the 100 blocks require bi-annual painting while others only require painting every four years. The repainting process requires removal and patching of blemishes, scratches and chipped paint. After this process, they are repainted with the manufacturer's recommended high durability paint.

On April 29, 2015, the Town conducted a bid to provide these painting services. Bayside Coatings Incorporated was identified as the lowest, responsible responsive bidder. The street light and pole painting contract is five years in length with annual renewals depending on contractor performance. The cost to paint every Town owned street light and pole is \$89,835.10 but the annual cost will vary depending on the number of street lights and posts to be painted. The cost to paint this year's group is \$36,000. Staff will return to Council annually to renew this contract based on funding.

FUNDING/FISCAL IMPACT

There are sufficient funds on the FY15 Public Works budget to perform this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

Cc: Eric B. Brown, P.E., Assistant Director of Public Works
Brett Madison, Facilities Division Manager
Adis Pedraza Purchasing Manager

RESOLUTION NO. 71-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2015-25 AND APPROVING A PURCHASE ORDER TO BAYSIDE COATINGS INCORPORATED, IN AN AMOUNT OF \$36,000 FOR STREET LIGHT PAINTING, AND ESTABLISHING A MULTI-YEAR PROJECT BUDGET OF \$89,835.10.

* * * * *

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. 2015-25 and approves a purchase order to Bayside Coatings Incorporated, in an amount of \$36,000 for street light painting, and establishes a multi-year project budget of \$89,835.10.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



TOWN OF PALM BEACH
BID No. 2015-25
ANNUAL STREET LIGHT
PAINTING PROGRAM
BASE BID TABULATION

Vendor:
Address:
Telephone:
Fax:
Contact:

Copper Stone Construction & Design Corp.	Harold Cummins Painting, Inc.	Grizzly General Contractor Corp.	One Call Property Services, Inc.
4839 Badger Rd. West Palm Beach, FL 33417	3562 Woods Walk Blvd. Lake Worth, FL 33467	8410 NW 93rd Street Medley, FL 33166	7804 SW Ellipse Way Stuart, FL 34997
561-697-8638 (none)	561-718-5774 561-494-0197	305-888-2196 305-888-2197	772-324-1146 772-409-8620
Al Lopez	Paul Cummins	Alain J. Belanger	Brent Martin

BASE BID (Paint as Specified by Town)

1	Type 1 – Light Standard with Arm and Hub; Cast Iron (16' pole)	105	Each	\$	290.00	\$	30,450.00	\$	94.15	\$	9,885.75	\$	-	\$	-	\$	500.00	\$	52,500.00	\$	283.00	\$	29,715.00
2	Type 2A – Light Standard without Arm (Globe Type); Small Fiberglass (12' pole)	120	Each	\$	270.00	\$	32,400.00	\$	64.96	\$	7,795.20	\$	-	\$	-	\$	380.00	\$	45,600.00	\$	213.00	\$	25,560.00
3	Type 2B – Light Standard without Arm (Globe Type); Medium Fiberglass (14' pole)	16	Each	\$	280.00	\$	4,480.00	\$	79.66	\$	1,274.56	\$	-	\$	-	\$	440.00	\$	7,040.00	\$	216.00	\$	3,456.00
4	Type 2C – Light Standard without Arm (Globe Type); Large Aluminum or Fiberglass (16' pole)	305	Each	\$	290.00	\$	88,450.00	\$	88.52	\$	26,998.60	\$	-	\$	-	\$	500.00	\$	152,500.00	\$	212.00	\$	64,660.00
5	Type 3A – Light Standard with Arm and Large Ornamental; Aluminum (25' pole)	43	Each	\$	350.00	\$	15,050.00	\$	159.25	\$	6,847.75	\$	-	\$	-	\$	800.00	\$	34,400.00	\$	288.00	\$	12,384.00
6	Type 3B – Light Standard with Arm and Ornamental (Witch's Hat); Aluminum (20' pole)	61	Each	\$	300.00	\$	18,300.00	\$	130.40	\$	7,954.40	\$	-	\$	-	\$	600.00	\$	36,600.00	\$	286.00	\$	17,446.00
7	Type 3C – Light Standard with Arm and Lantern; Aluminum (16' pole)	98	Each	\$	290.00	\$	28,420.00	\$	107.84	\$	10,568.32	\$	-	\$	-	\$	575.00	\$	56,350.00	\$	284.00	\$	27,832.00
8	Type 3D – Light Standard with Arm and Ornamental; Aluminum (20' pole)	51	Each	\$	300.00	\$	15,300.00	\$	129.80	\$	6,619.80	\$	-	\$	-	\$	675.00	\$	34,425.00	\$	286.00	\$	14,586.00
9	Type 5 – Sign Standard; Aluminum (12' pole)	66	Each	\$	270.00	\$	17,820.00	\$	69.24	\$	4,569.84	\$	-	\$	-	\$	380.00	\$	25,080.00	\$	213.00	\$	14,058.00
10	Type 6 – Light Standard with Arm and Ornamental; Aluminum (30' pole)	34	Each	\$	390.00	\$	13,260.00	\$	215.32	\$	7,320.88	\$	-	\$	-	\$	975.00	\$	33,150.00	\$	289.00	\$	9,826.00
Total			\$		263,930.00	\$		\$	89,835.10	\$		\$	-	\$		\$		477,645.00	\$				219,523.00

Bid Opened on April 29, 2015 at 2:00 PM

Did not submit Revised Proposal Page 18 Rev, but did submit all required information and acknowledged addendum (minor irregularity)	Did not submit Item pricing; did not submit on requested Town Form; did not acknowledge addendum; quote submitted shows \$45,000 (\$150.00 per pole for 300 poles)	Did not submit Revised Proposal Pages per Addendum No.1
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Opened by: John Cmar
 Witnessed by: Angel Lopez

LOWEST BASE BID **NON-RESPONSIVE**



TOWN OF PALM BEACH
BID No. 2015-25
ANNUAL STREET LIGHT
PAINTING PROGRAM
BASE BID TABULATION

Vendor:	Roof Painting by Hartzell	Shamrock Restoration Services Inc.
Address:	2301 NW 33rd Court, Suite 112	27091 Osage Street
Telephone:	Pompano Beach, FL 33069	Brooksville, FL 34601
Fax:	954-658-0515	813-505-7839
Contact:	954-957-9766	352-754-7282
	Mike Goodwin	Michael Reynolds

Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total
BASE BID (Paint as Specified by Town)							
1	Type 1 – Light Standard with Arm and Hub; Cast Iron (16' pole)	105	Each	\$ 108.00	\$ 11,340.00	\$ 128.00	\$ 13,440.00
2	Type 2A – Light Standard without Arm (Globe Type); Small Fiberglass (12' pole)	120	Each	\$ 81.00	\$ 9,720.00	\$ 99.00	\$ 11,880.00
3	Type 2B – Light Standard without Arm (Globe Type); Medium Fiberglass (14' pole)	16	Each	\$ 94.00	\$ 1,504.00	\$ 116.00	\$ 1,856.00
4	Type 2C – Light Standard without Arm (Globe Type); Large Aluminum or Fiberglass (16' pole)	305	Each	\$ 108.00	\$ 32,940.00	\$ 133.00	\$ 40,565.00
5	Type 3A – Light Standard with Arm and Large Ornamental; Aluminum (25' pole)	43	Each	\$ 168.00	\$ 7,224.00	\$ 233.00	\$ 10,019.00
6	Type 3B – Light Standard with Arm and Ornamental (Witch's Hat); Aluminum (20' pole)	61	Each	\$ 135.00	\$ 8,235.00	\$ 191.00	\$ 11,651.00
7	Type 3C – Light Standard with Arm and Lantern; Aluminum (16' pole)	98	Each	\$ 108.00	\$ 10,584.00	\$ 158.00	\$ 15,484.00
8	Type 3D – Light Standard with Arm and Ornamental; Aluminum (20' pole)	51	Each	\$ 135.00	\$ 6,885.00	\$ 191.00	\$ 9,741.00
9	Type 5 – Sign Standard; Aluminum (12' pole)	66	Each	\$ 81.00	\$ 5,346.00	\$ 99.00	\$ 6,534.00
10	Type 6 – Light Standard with Arm and Ornamental; Aluminum (30' pole)	34	Each	\$ 202.00	\$ 6,868.00	\$ 291.00	\$ 9,894.00
Total				\$	100,646.00	\$	131,064.00

Bid Opened on April 29, 2015 at 2:00 PM

Opened by: John Cmar
 Witnessed by: Angel Lopez

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 72-2015 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 \$45,084 and Establishing a Project Budget of \$47,350.

Presenter

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

Supporting Documents

- [Memorandum dated May 18, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 72-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Contract Extension for Lethal Yellowing Inoculations and Royal Palm Treatments
Resolution No. 72-2015

Date: May 18, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 72-2015 authorizing the contract extension to Hulett Environmental Services, Inc., for Lethal Yellowing Inoculations and Royal Palm Treatments in the annual amount of \$45,084 and establishing an annual project budget of \$47,350.

GENERAL INFORMATION

This operation consists of treating all coconut palms in the Town's right-of-ways, parks, and medians with an antibiotic three (3) times per year; to help prevent the palms from contracting lethal yellowing disease, which can be fatal if not treated.

This award also includes treating all royal palms in the right-of-ways, parks, and medians for royal palm bug twice a year and fertilization three (3) times per year. The treatment of the palms has been very effective and all operations will be monitored by Town staff and the Town's arborist.

The contract provides for the option of four (4) twelve month renewals with all original terms, conditions and pricing. This is the first extension for this contract.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works FY15 budget to complete this work. A contingency of 5% has been included for emergency treatments. Funding or reimbursement from other sources (Recreation, Worth Avenue Maintenance Assessment, etc.) will be sought for those respective trees being inoculated that are beyond the responsibility of the Public Works operating budget.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

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

RESOLUTION NO. 72-2015

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 \$45,084, AND ESTABLISHING A PROJECT BUDGET OF \$47,350.

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby approves a contract extension to Hulett Environmental Services, Inc., in the annual amount of \$45,084, for the treatment of lethal yellowing disease in coconut palms and royal palm bug and fertilization treatment in the Town's royal palm trees in the amount of \$45,084 and establishes a project budget of \$47,350. This contract extension is for a period of one (1) year.

Section 2: The Town Manager is hereby authorized and directed to execute this contract extension on behalf of the Town of Palm Beach and to issue a purchase order pro-rated for the remainder of FY15 and for work in FY16.

Section 3: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of this contract, 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 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 73-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Envirosapes Plus Inc., for Landscape Fertilization and Pest Control, in the Annual Amount of \$34,200, and Establishing an Annual Project Budget of \$40,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 18, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 73-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Contract Extension for Landscape Fertilization and Pest Control
Resolution No. 73-2015

Date: May 18, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 73-2015 authorizing a contract extension to Envirosapes Plus, Inc., for landscape fertilization and pest control in the annual amount of \$34,200 and establishing an annual project budget of \$40,000.

GENERAL INFORMATION

The landscape fertilization and pest control program consists of treatment of Town owned turf areas and trees in right-of-ways, medians, and parks. This includes the ficus canopy, kapoks and various other Town owned trees and green spaces. This program is overseen by the Parks Bureau in consultation with the Town Arborist.

The contract provides for the option of four (4) twelve month renewals with all original terms, conditions and pricing. This is the first extension for this contract.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the Public Works FY15 budget to perform this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

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

RESOLUTION NO. 73-2015

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

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby approves a contract extension to Enviroscapes Plus, Inc., in the annual amount of \$34,200, for landscape fertilization and pest control, and establishes an annual project budget of \$40,000. This contract extension is for a period of one (1) year.

Section 2: The Town Manager is hereby authorized and directed to execute this contract extension on behalf of the Town of Palm Beach and to issue a purchase order pro-rated for the remainder of FY15 and for work in FY16.

Section 3: The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the implementation of this contract, 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 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 74-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-36 and Approving a Purchase Order to TLC Diversified, Inc., for the North Fire Station Emergency Generator Replacement, in the Amount of \$169,955, and Establishing a Construction Phase Budget of \$200,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 19, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 74-2015](#)
- [Bid Tab Sheets](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

RE: Award Bid 2015-36 and Approve a Purchase Order for the North Fire Station Generator Replacement
Accelerated Capital Improvement Project – Phase 2
Resolution No. 74-2015

DATE: May 19, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 74-2015, awarding Bid No. 2015-36, and approve a purchase order to TLC Diversified, Inc., Inc., for the North Fire Station Generator Replacement, in the amount of \$169,955 and establishing a construction phase budget of \$200,000.

GENERAL INFORMATION

The North Fire Station is located at 300 North County Road, which is on the southwest corner of N. County Rd. and Wells Rd. The station's current emergency generator is reaching the end of its useful life and needs to be replaced. The new emergency generator will comply with local and state regulating agencies.

The Town received three bids from the Town's prequalified pump station contractors on May 22, 2015. A copy of the tabulation sheet is attached. The bids ranged from \$161,051 to \$264,684.

The lowest responsive responsible bid was from TLC Diversified, Inc., in the amount of \$161,051.00. Staff recommends awarding the contract to TLC Diversified, Inc. for the bid amount of \$161,051 plus \$8,904 for opting to use the bid Alternate (A1) which is a sound enclosure upgrade for a total cost of \$169,955, and establishing a construction phase budget of \$200,000.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
William Francis, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 74-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2015-36 AND APPROVING A PURCHASE ORDER TO TLC DIVERSIFIED, INC., FOR THE NORTH FIRE STATION EMERGENCY GENERATOR REPLACEMENT, IN THE AMOUNT OF \$169,955, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$200,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2015-36 and approves a purchase order to TLC Diversified, Inc., in the amount of \$169,955, for the North Fire Station Emergency Generator Replacement, and establishes a construction phase budget of \$200,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



TOWN OF PALM BEACH

**Bid No. 2015-36
NORTH FIRE STATION
GENERATOR REPLACEMENT
TABULATION**

		Vendor:		Hinterland Group, Inc.		Murray Logan Construction, Inc.		TLC Diversified, Inc.	
		Address:		5401 N. Haverhill Road, Unit 114		313 65th Trail N.		2719 17th Street East	
		Telephone:		West Palm Beach, FL 33407		West Palm Beach, FL 33413		Palmetto, FL 34221	
		Fax:		(561) 640-3503		(561) 686-3948		(561) 478-2025	
		Contact:		(561) 640-3504		(561) 686-7465		(561) 478-7159	
				Chase Rogers		David Logan		Thurston Lamberson	
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	Mobilization/Demobilization and Performance and Payment Bonds	1	LS		\$ 7,500.00		\$ 10,000.00		\$ 5,848.00
2	F/I New 50kW generator in Level 1 Outdoor Enclosure	1	LS		\$ 90,000.00		\$ 106,000.00		\$ 61,583.00
3	F/I New 600A, 3 Phase 4 Wire Panel w/ Breakers	1	LS		\$ 10,000.00		\$ 22,000.00		\$ 4,450.00
4	F/I Manual Transfer Switch and Generator Receptacle	1	LS		\$ 9,000.00		\$ 10,400.00		\$ 12,129.00
5	F/I 2 1/2" Conduit	100	LF	\$ 30.00	\$ 3,000.00	\$ 26.00	\$ 2,600.00	\$ 18.10	\$ 1,810.00
6	F/I 1" Conduit	200	LF	\$ 25.00	\$ 5,000.00	\$ 15.00	\$ 3,000.00	\$ 12.09	\$ 2,418.00
7	F/I Cat 6 cable	100	LF	\$ 75.00	\$ 7,500.00 *	\$ 4.20	\$ 420.00	\$ 1.18	\$ 118.00
8	F/I #10 Wire	500	LF	\$ 3.00	\$ 1,500.00	\$ 1.40	\$ 700.00	\$ 0.94	\$ 470.00
9	F/I #4 CU Wiring	100	LF	\$ 3.00	\$ 300.00	\$ 3.20	\$ 320.00	\$ 1.65	\$ 165.00
10	F/I #4/0 CU Wiring	400	LF	\$ 10.00	\$ 4,000.00	\$ 9.36	\$ 3,744.00	\$ 6.19	\$ 2,476.00
11	F/I 50 gal. Day Tank (outdoor rated)	1	LS		\$ 45,000.00		\$ 34,800.00		\$ 26,314.00



TOWN OF PALM BEACH

Bid No. 2015-36

NORTH FIRE STATION GENERATOR REPLACEMENT TABULATION

Vendor:		Hinterland Group, Inc.		Murray Logan Construction, Inc.		TLC Diversified, Inc.	
Address:		5401 N. Haverhill Road, Unit 114 West Palm Beach, FL 33407		313 65th Trail N. West Palm Beach, FL 33413		2719 17th Street East Palmetto, FL 34221	
Telephone:		(561) 640-3503		(561) 686-3948		(561) 478-2025	
Fax:		(561) 640-3504		(561) 686-7465		(561) 478-7159	
Contact:		Chase Rogers		David Logan		Thurston Lamberson	
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total
12	F/I Fuel Line Piping	200	LS	\$ 40.00	\$ 8,000.00	\$ 95.00	\$ 19,000.00
13	F/I Fuel Monitoring Port	1	LS		\$ 2,500.00		\$ 5,000.00
14	Connection to existing fuel system	1	LS		\$ 1,500.00		\$ 4,700.00
15	Trenching and Backfill	100	LF	\$ 100.00	\$ 10,000.00	\$ 90.00	\$ 9,000.00
16	Temporary Power Generator	1	LS		\$ 7,000.00		\$ 4,000.00
17	Demolition and Wall Restoration	1	LS		\$ 43,000.00		\$ 26,000.00
18	As-Built Survey and Drawings	1	LS		\$ 4,500.00		\$ 3,000.00
Total				\$	259,300.00	*	\$ 264,684.00

ALTERNATE

A1	F/I New 50kW generator w/ upgraded outdoor generator enclosure, 50 DBA max. sound level. (in lieu of Bid Item No. 2)	1	LS		\$ 11,000.00		\$ 116,000.00		\$ 70,487.00
Total With Item A1 in Lieu of Item 2				\$	180,300.00	*	\$ 274,684.00	\$	169,955.00

Bid Opened on May 22, 2015 at 2:00 PM

Opened by: Adis Pedraza

Witnessed by: Angel Lopez

Tabulation reviewed by: Ilyse S. Valdivia 5/28/15

*NOTE: Hinterland's bid submittal contained error in the extended totals. Unit price prevails. The Purchasing Division has corrected these errors for bid tabulation purposes only.



TOWN OF PALM BEACH
Bid No. 2015-36
NORTH FIRE STATION
GENERATOR REPLACEMENT
TABULATION

Vendor:											
Address:											
Telephone:											
Fax:											
Contact:											
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
Total											
ALTERNATE											
A1	F/I New 50kW generator w/ upgraded outdoor generator enclosure, 50 DBA max. sound level. (in lieu of Bid Item No. 2)	1	LS								

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Opened by:
Witnessed by:



Vendor:

Address:

Telephone:

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Contact:

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TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 75-2015 A Resolution of the Town Council of the Town of Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for the North Fire Station Emergency Generator Replacement to Chen Moore and Associates, Inc., in the Amount of \$18,010, and Establishing a Construction Phase Engineering Services Budget of \$21,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 19, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 75-2015](#)
- [Chen-Moore Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Purchase Order for Construction Phase Engineering Services for the
North Fire Station Emergency Generator Replacement
Accelerated Capital Improvement Program - Phase 2
Resolution No. 75-2015

DATE: May 19, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 75-2015 approving a purchase order for construction phase engineering services to Chen, Moore and Associates, Inc. (CMA), for the North Fire Station Emergency Generator Replacement in the amount of \$18,010 and establishing a construction phase engineering services budget of \$21,000.

GENERAL INFORMATION

The North Fire Station is located at 300 North County Road and has an on-site emergency generator that has reached the end of its useful life. The construction award for this project will also be considered at this month's Town Council Meeting.

The construction phase engineering services will include plan updates, shop drawing reviews, site visits, maintaining daily reports, progress photos, scheduling, conducting meetings, preparing meeting minutes, and assisting Town staff with onsite observations and inspections, etc.

Staff has negotiated a Construction Phase Engineering Services contract with CMA, in the amount of \$18,010. Staff also recommends a contingency of \$2,990 for a total construction phase budget of \$21,000.

FUNDING/FISCAL IMPACT

Funding for the construction phase of this project is fully contained within the Town's Accelerated Capital Improvement Program - Phase 2.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Jane Struder, Director of Finance
William Francis, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 75-2015

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 FOR THE NORTH FIRE STATION EMERGENCY GENERATOR REPLACEMENT TO CHEN MOORE AND ASSOCIATES, INC., IN THE AMOUNT OF \$18,010, AND ESTABLISHING A CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$21,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for construction phase engineering services for the North Fire Station Emergency Generator Replacement to Chen Moore and Associates, Inc., in the amount of \$18,010, and establishes a construction phase engineering services budget of \$21,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

May 21, 2015

SENT VIA E-MAIL (JSanon@TownofPalmBeach.com)

Jeff Sanon
Project Engineer,
Town of Palm Beach
951 Old Okeechobee Road,
West Palm Beach, FL 33401

**Re: North Fire Station Generator Replacement CEI
CMA Proposal No. P15.431 Task 3**

Dear Mr. Sanon

Chen Moore and Associates, with the support of Smith Engineering, is pleased to submit this scope of services to assist with the Construction Engineering Inspections (CEI) for the North Fire Station Generator Replacement Project.

INTRODUCTION

Chen Moore and Associates and Smith Engineering designed the improvements for the North Fire Station Generator project. The project has been publicly advertised and is anticipated to start construction in the next few months. The Town of Palm Beach has requested additional services for the construction phase of the project.

Definitions

"Owner" is the Town of Palm Beach (Town)

"Consultant" is Chen Moore and Associates (CMA) and Smith Engineering (Smith) as specified

SCOPE OF SERVICES

Task 3: CEI

- 3.1 Attendance at pre-construction meeting, preparation of meeting agenda and minutes
- 3.2 Shop drawing review
- 3.3 Inspections two times per week
- 3.4 Inspections at key milestones
- 3.5 Bi-weekly progress meetings
- 3.6 Construction reports for each day of inspection
- 3.7 Pay application review
- 3.8 RFI responses
- 3.9 Change order review, if any
- 3.10 Prepare record drawings based upon contractor as-builts
- 3.11 Project close out, permit certifications



500 Australian Avenue South
Suite 530
West Palm Beach, FL 33401
Phone: +1 561.746.6900
Fax: +1 561.746.8333
www.chenmoore.com

Task 4: Reimbursable CEI

Smith Engineering will perform construction administration services associated with Task 3 at an hourly not to exceed basis.

The above scope of services and associated fee(s) are based on the following:

- Each inspection has been estimated to be 2 hours
- Construction duration is estimated to be 120 calendar days
- Permit fees will be paid by the Town
- The Town will provide facility for all meetings
- Materials testing is not included

DELIVERABLES

Consultant will provide the following deliverables:

- Meeting agendas
- Meeting minutes
- Inspection reports
- Photographs
- RFI responses
- Record drawings

SCHEDULE AND FEES

The work included in this scope of services will be completed within the timeframe for the construction. Task 3 will be billed on an hourly not to exceed basis. Task 4 will be reimbursed at cost. A detailed breakdown is shown in Exhibit B.

Total Fees = \$18,010.00

Should you have any questions or comments please feel free to contact my office at (561) 746-6900 x1035, my mobile at (954) 650-7996 or my email at sdombrowski@chenmoore.com.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to be "S. Dombrowski", written over a horizontal line.

CHEN MOORE AND ASSOCIATES
Suzanne Dombrowski, P.E.
Senior Engineer
Branch Manager – West Palm Beach

Author: SD
Attachment(s): Exhibit B

"Your Trusted Advisor for Infrastructure and Planning Needs"

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 76-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 141235 for Consulting Services for the Inventory of the City of West Palm Beach Water Facilities in the Town of Palm Beach, in the Amount of \$12,000 for a Revised Total Budget of \$35,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 22, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 76-2015](#)
- [Erdman Anthony Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Authorize a Change Order and Additional Appropriation for Increased Consulting Services for the Inventory of the City of West Palm Beach Water Facilities in the Town of Palm Beach
Resolution No. 76-2015

DATE: May 22, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 76-2015 authorizing a change order to Purchase Order No. 141235 with Erdman Anthony for the Inventory of the City of West Palm Beach Water Facilities (City) in the Town of Palm Beach for additional consulting services in the amount of \$12,000, and increase the consulting services budget from \$23,000 to \$35,000.

GENERAL INFORMATION

The Town of Palm Beach and the City entered into a Retail Water Service and Franchise Agreement on June 16, 1999, which became effective October 1, 1999, for the purpose of the City providing the Town with potable water. As part of the Franchise Agreement, the City, among other stipulations, was required to construct specified improvements to the water distribution system (Town CIP) with up to \$18 million of bonded funds as designated in Exhibit A of the Franchise Agreement (see attached). In addition to the Town CIP projects, the Franchise Agreement calls for the Town and City to coordinate City water projects with other Town capital or accelerated capital projects on an annual basis. The funding for these projects is contained within a separate R&R account that comes from a five percent (5%) surcharge on the Town customer's monthly water bills.

At the end of the agreement in 2029, there are various options for the Town including: the Town to assume ownership of the water infrastructure and continue to purchase water from the City, the Town to assume ownership of the water infrastructure and purchase water from someone else or produce their own, extend the current agreement, or enter into another agreement. The agreement also stipulates that an engineering evaluation of the system, as it pertains to the agreement, be performed half way through the agreement (2014). The evaluation of the system should include: improvements made to the infrastructure during the agreement, and summary of size, condition, material, age, estimated life of the pipe, etc. for the entire system.

Purchase Order 141235 to Erdman Anthony was for the purpose of performing this engineering evaluation and providing the Town with various options and recommendations of how to approach the next 14 years of the agreement, and to be in a position to make decisions with respect to the end of the agreement. A very thorough draft report was completed in July 2014 and reviewed by staff. The information contained in the report was predominantly based on information provided by the City. Based on Town Staff's coordination with the City on various projects, it came to Staff's attention that much of the information provided to Erdman Anthony was not accurate and contained numerous errors and discrepancies. Staff has since obtained what appears to be accurate GIS information from other departments at the City. As such, additional effort from Erdman Anthony will be required to review the new data and update the previous report to be accurate and useful.

FUNDING/FISCAL IMPACT

Funding for the Consulting Services of this project is contained within the Town's Public Works General Capital Improvements Fund (Pay-As-You-Go).

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 76-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, INCREASING EXISTING PURCHASE ORDER NO. 141235 FOR CONSULTING SERVICES FOR THE INVENTORY OF THE CITY OF WEST PALM BEACH WATER FACILITIES IN THE TOWN OF PALM BEACH, IN THE AMOUNT OF \$12,000, FOR A REVISED TOTAL BUDGET OF \$35,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase of \$12,000 to Purchase Order 141235, for the Inventory of the City of West Palm Beach Water Facilities in the Town of Palm Beach, with a revised total budget of \$35,000.

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

Section 3. The Town Manager is hereby authorized and directed to affect an increase to the design phase engineering budget.

Section 4. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the additional design work for the project, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

April 15, 2014

Mr. William K. Francis, PE
Town Engineer
Town of Palm Beach
Public Works Department
951 Old Okeechobee Road
West Palm Beach, Florida 33401

Re: Assignment #1, Amendment #1 – Update Inventory of City of West Palm Beach Water Facilities
with recently obtain/provided As-built/Record documents.

Dear Mr. Francis:

Erdman Anthony is pleased to present this proposal for professional services for the consideration of the Town of Palm Beach (Town). The Town has obtained and provided to Erdman Anthony additional As-built and Record Plans of the subject water system. These documents require review and study followed by an update of the report prepared by Erdman Anthony entitled *Inventory of City of West Palm Beach Water Facilities in the Town of Palm Beach* dated July 25, 2014.

The As-built / Record documents provided are summarized and quantified as follows:

1. Service Installation Orders and Service Sketches – Approximately 142 Streets (2,841 addresses) have been provided.
2. Consultant / Developer Record / As-built Drawings – Approximately 25 have been provided.
3. Intersection Drawings – Approximately 376 have been provided.
4. Private Fire Lines/Services Drawings – Approximately 243 have been provided.
5. Water Main As-Built Drawings – Approximately 81 Streets/locations have been provided.

Approach

Erdman Anthony's approach and estimated required time to reviewing the above list of documents is simplistic as is the basic information required to be extracted from the drawings (e.g. size, length, material, year of installation, etc.). However, the quantity of the drawing is large and therefore with only a minimal amount of time expended on each drawing, the total required time to review them all adds up quickly.

Assumptions

1. Service Installation Orders and Service Sketches – Approximately 142 Streets (2,841 addresses) have been provided for review.
 - a. Assume 5 minute review per Street.
2. Consultant / Developer Record / As-built Drawings – Approximately 25 have been provided for review.
 - a. Assume 5 minute review per location.
3. Intersection Drawings – Approximately 376 have been provided for review.
 - a. Assume 2.5 minute review per intersection.
4. Private Fire Lines/Services Drawings – Approximately 243 have been provided for review.
 - a. Assume 2.5 minute review / location
5. Water Main As-Built Drawings – Approximately 81 Streets/locations have been provided.
 - a. Assume 5 minute review per Street/location.

Upon completion and in concert with review of the above records, Erdman Anthony will update the Water System Table in "Appendix 2 Inventory" of the July 25, 2014 report. Changes and edits to the table will be identified / coded "As Determined By" record drawings. This may be accomplished through color coding and/or additional table columns.

William Francis, PE
Re: Update Inventory of City of West Palm Beach Water Facilities
April 14, 2014
Page 2 of 2

The services to be provided under this agreement are as follows:

Scope of Services

Task 1 – As-built/Record Document Review

As indicated and in accordance with the approach and assumptions above the Consultant will review the list of provided documents and revised the July 25, 2014 report inclusive of the Water System Table in "Appendix 2 Inventory".

Deliverables: Draft Report

Task 2 - Meetings

The Consultant will meet with the Town Engineer to review the updated report (1 Meeting is included). Upon complete review the Town Engineer will provide comments to the Consultant. The Consultant will address comments and submit the Final Report to the Town Engineer.

Deliverables: Final Report

Fee

We estimate that the fee will be \$11,755. There is \$2,742 remaining on the purchase order, therefore authorization for an additional \$9,013 is needed to complete this effort. See the attached Fee Estimate. The fee will be billed monthly at the hourly rates established in the Professional Services Agreement ("Master Agreement") dated 2013 and these Total Maximum Fees will not be exceeded without your prior written approval. We will keep you advised about the status of the budgeted amounts on each monthly invoice and alert you to any items approaching the budget limit.

Schedule

Work will begin upon receipt of a signed agreement. We expected to be completed within 3 weeks from the Town's authorization to proceed. We will keep the Town advised of our progress and share any concerns that may arise.

Please have an authorized representative sign this proposal in the space provided, and this proposal as an assignment under the "Master Agreement" shall become an executed Contract between us. Receipt of an original signed copy of this Contract shall constitute Erdman Anthony's Authorization to Proceed with the work.

Thank you for the opportunity to work with you on this assignment.

Sincerely,



Dana I. Gillette, PE, PSM
Principal Associate
ERDMAN ANTHONY

Enclosures

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© 2015 Erdman Anthony

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 80-2015 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 for the Nightingale Trail/La Puerta Way Undergrounding to Kimley-Horn and Associates, Inc. in the Amount of \$73,136, and Establishing an Engineering Services Budget of \$188,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 29, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 80-2015](#)
- [Kimley-Horn Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Purchase Order for Construction Phase Engineering Services for the Nightingale Trail/La Puerta Way Undergrounding Project
Assessment Program and Accelerated Capital Improvement Program, Phase 2
Resolution No. 80-2015

DATE: May 29, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 80-2015 approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates (KHA), for the Nightingale Trail/La Puerta Way Undergrounding, in the amount of \$73,136 and establishing an engineering services budget of \$188,000, including contingency.

GENERAL INFORMATION

Staff secured Town Council approval at the May 2013 Town Council meeting to proceed with an underground (UG) utility assessment project to convert overhead utility services to underground services for all properties facing Nightingale Trail and La Puerta Way. Staff also secured Town Council approval to award a purchase order to Keshavarz and Associates (K&A) for general project management and engineering design services for this project.

K&A is in the final design phase of engineering services for this undergrounding project. Staff is recommending that we transition the construction phase engineering services to KHA due to their having several other construction phase services underway on Town projects.

Construction Phase engineering will include, plan updates, shop drawing reviews, site visits, maintaining daily reports, progress photos, scheduling, conducting meetings, preparing meeting minutes, and assisting Town staff with onsite observations and inspections, etc. Additional services may be required for easement preparation, field design of minor drainage improvements, and street lighting design, but would be authorized at a later date by change order, if necessary. These additional services may be beyond the scope of the assessment project and would be funded from other capital project accounts.

Staff has negotiated a contract for Construction Phase Engineering Services with KHA, as well as, the potential additional services in the amount of \$170,816. Staff is requesting approval of a purchase order for Construction Phase services only in the amount of \$73,136 with a contingency

of \$6,864 for a total construction phase budget of \$80,000. Staff also requests that Town Council authorize the Town Manager to approve additional tasks as necessary.

FUNDING/FISCAL IMPACT

There is no direct cost to the Town by virtue of this request since it is intended to be an assessment project. The Town's reserves provide the advanced funding of this conversion work. When the work is completed, Town staff will finalize a Non-Ad Valorem assessment and that will be added to the tax rolls of the benefiting residents to reimburse 100% of the costs incurred by the Town.

The infrastructure upgrades and rehabilitation work included with the total engineering services budget above will be funded out of the Accelerated Capital Improvement Program, Phase 2, and totals \$43,000.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

cc: Jane Struder, Director of Finance
William Francis, P.E., Town Engineer
Jeffrey M. Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 80-2015

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 FOR THE NIGHTINGALE TRAIL/LA PUERTA WAY UNDERGROUNDING TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$73,136, AND ESTABLISHING AN ENGINEERING SERVICES BUDGET OF \$188,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for Construction Phase Engineering Services for Nightingale Trail/La Puerta Way Undergrounding to Kimley-Horn and Associates, Inc., in the amount of \$73,136, and establishes an engineering services budget of \$188,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for this improvement, and is authorized to approve additional tasks, as necessary.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



May 29, 2015

Mr. Chuck Langley, P.E.
Town of Palm Beach
951 Old Okeechobee Road, Ste. "A"
West Palm Beach, FL 33401

RE: *Overhead Utility Undergrounding Project – La Puerta Way and Nightingale Trail*

Dear Chuck,

Kimley-Horn is pleased to submit this proposal to The Town of Palm Beach ("TOWN") for providing engineering services related to converting the existing overhead utilities to an underground location in the vicinity of La Puerta Way and Nightingale Trail in the Town of Palm Beach. Our project understanding, scope of services, schedule, and fee follow.

Project Understanding

The Town is in the initial stages of a Town-wide overhead utility undergrounding project. In advance of this significant program, several community groups within the Town have expressed interest in advancing work in their area outside of the overall program. The residents in the block between La Puerta Way and Nightingale Trail, including five properties at the southeast corner of North Ocean Way and La Puerta Way, are one such group. It is understood that FPL, AT&T, and Comcast all have facilities on utility poles in this community. These poles are generally located in rear lot easements. New underground infrastructure will be installed within the adjacent road rights of way to contain these facilities as a part of this project. Once the new facilities have been installed and activated, the rear lot poles and wires will be removed. FPL has already provided a final design for the electrical service area. The current construction plans have been developed to a level that contains primary power routing, transformer siting, and schematic service line connections to customers for power only. Additional coordination with AT&T and Comcast will be required for them to complete their designs.

In addition to the undergrounding program, it is understood that drainage improvements are required on La Puerta Way. These improvements consist of replacing existing, undersized catch basins with those that are consistent with the Town's standard inlets as well as improvements outlined in the Town's previous D-10 Basin Stormwater Modeling Study dated February 23, 2006. There are several low points in the existing roadway that require grading adjustments to eliminate ponding as well. It is assumed that Nightingale trail requires no improvements other than the undergrounding project since drainage improvement work was recently completed on this street.

It is understood that Nightingale Trail currently has street lighting and La Puerta does not. The Town desires to reconnect the existing lights on Nightingale Trail to the new underground service and prepare a new design for lights on La Puerta Way between North Lake Way and Ocean Way. Installing lights further east is problematic from a sea turtle nesting perspective.

The Town had previously engaged another engineer to begin this effort. The Town has requested that Kimley-Horn assume the role of engineer of record for the project in accordance with F.A.C.

61G15-27.001 "Procedures for a Successor Professional Engineer Adopting as His Own the Work of another Engineer."

Construction of these improvements could occur during the winter season to accelerate the overall project.

Based on this understanding, we offer the following Scope of Services.

Scope of Services

There are activities that need to be performed related to the transition between engineers of record on the project. Surveying, preliminary design, and coordination with FPL for their power design work has already been performed. The focus of our bidding and preconstruction activities will be to complete the coordination between the Town and AT&T/Comcast which will feed into the final conduit and conflict avoidance plans for the project. Additionally, there are multiple infrastructure needs in the area outside of the undergrounding scope of services (Drainage, Sanitary, and Street Lighting) that need to be performed to achieve efficiency and cost savings to the Town while the roads are under construction for the undergrounding. Performing this work simultaneously with the undergrounding project will achieve shared mobilization and restoration cost savings while at the same time confining the construction activities related to this work in a single phase.

Undergrounding Bidding and Construction Phase

Kimley-Horn will review the prior reports, plans and file materials provided by the Town concerning the project. Kimley-Horn will conduct up to one (1) site visit to review the field conditions. Up to 45 soft digs will be performed in the project area by a subconsultant utility locator to identify horizontal and vertical locations of existing utilities shown on the current plans. This information will be incorporated into the existing plans to finalize the proposed power, telephone, and cable conduit runs within the right of way. We will attend up to two total coordination meetings with FPL, AT&T, and Comcast in order to coordinate and finalize the conduit plan for construction. It is understood that the Town will pay the design fees to AT&T, FPL, and Comcast directly.

Transformers, switches, cable and telephone risers will be located on the plans. Service line routes to the individual homes will be schematically shown so that exact routes can be field coordinated with the property owners.

It is anticipated that the final undergrounding construction documents will contain the following information:

- Cover Sheet
- General Notes
- Conduit/Transformer/cable/telephone riser location plan and service line schematic routing plan (10 sheets, 1"=30')
- Construction Details (2 sheets)
- Technical Specifications

Kimley-Horn will submit plans for review after the preliminary completion stage for Town review and comment. Kimley-Horn will address one round of reasonable comments after the review period. An Opinion of Probable Cost will be submitted with the preliminary and final submittal.

It has been assumed that the Town will prepare the "front end" bidding instructions and contract paperwork. Therefore, the preparation of these items is not included in this proposal.

Kimley-Horn will perform the following services during the bidding phase of the backbone conduit project:

- Attend the pre-bid meeting
- Answer questions during bid phase if required.
- Review the bid proposal of the apparent low bidder and provide a letter that identifies the lowest responsive, responsible bidder.

Kimley-Horn will provide professional construction phase services for the project as specifically stated below:

Easement Sketches and Descriptions. The survey subconsultant will also prepare up to 20 easement sketches and descriptions for the transformers, switches, and cable/telephone risers that will be located on private property. It is understood that 10'x10' easements are required for transformers and switches, and 5'x5' easements are required for cable/telephone risers.

Preconstruction Meeting. Kimley-Horn will attend the preconstruction meeting for the project.

Progress Meetings. Kimley-Horn will attend bi-weekly progress meetings during the anticipated five month project construction duration (up to 11 progress meetings, assuming the infrastructure improvements are included). Subconsultant team members will attend meetings as appropriate for the work being discussed that week. Kimley-Horn will provide a representative at up to two (2) Town Council meetings during the course of the work to provide an update and/or answer questions from the Council.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will make visits to the site on an average basis of three times per week during the expected five (5) month construction duration in order to observe the progress of the Work (up to 65 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

The purpose of our site visits will be to enable us to better carry out the duties and responsibilities specifically assigned in this Agreement to Kimley-Horn, and to provide the Town a greater degree of confidence that the completed Work will conform in general to the Contract Documents. Kimley-Horn shall not, during such visits or as a result of such observations of Contractor's work in progress,

supervise, direct, or have control over Contractor's work, nor shall we have authority over or responsibility for the means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction selected by Contractor, for safety precautions and programs incident to Contractor's work, nor for any failure of Contractor to comply with laws and regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Kimley-Horn neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform its work in accordance with the Contract Documents.

Clarifications and Interpretations. Kimley-Horn will respond to reasonable and appropriate Contractor requests for information and issue necessary clarifications and interpretations of the Contract Documents to Client as appropriate to the orderly completion of Contractor's work. Any orders authorizing variations from the Contract Documents will be made by the Town.

Change Orders. Kimley-Horn may recommend Change Orders to the Town, and will review and make recommendations related to Change Orders submitted or proposed by the Contractor.

Shop Drawings and Samples. Kimley-Horn will review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Substitutes and "or-equal." Kimley-Horn will evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor in accordance with the Contract Documents, but subject to the provisions of applicable standards of state or local government entities.

Inspections and Tests. Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. We anticipate providing a review of the following items during the course of the construction:

- Review density testing results provided by Contractor's testing firm

Kimley-Horn's review of such items will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Kimley-Horn shall be entitled to rely on the results of such tests and the facts being certified.

Disagreements between Client and Contractor. Kimley-Horn will, if requested by the Town, render written decision on all claims of the Town and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Kimley-Horn shall be fair and not show partiality to the Town or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

Applications for Payment. Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that six applications for payment will be reviewed. Such recommendations of payment will be in writing and will constitute Kimley-Horn's representation to the Town, based on such observations and review, that, to the best of Kimley-Horn's knowledge, information and belief, Contractor's work has progressed to the point indicated and that such work-in-progress is generally in accordance with the Contract Documents subject to any qualifications stated in the recommendation. In the case of unit price work, Kimley-Horn's recommendations of payment will include determinations of quantities and classifications of Contractor's work, based on observations and measurements of quantities provided with pay requests.

By recommending any payment, Kimley-Horn shall not thereby be deemed to have represented that its observations to check Contractor's work have been exhaustive, extended to every aspect of Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Kimley-Horn in this Agreement. It will also not impose responsibility on Kimley-Horn to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, nor to determine that title to any portion of the work in progress, materials, or equipment has passed to the Town free and clear of any liens, claims, security interests, or encumbrances, nor that there may not be other matters at issue between the Town and Contractor that might affect the amount that should be paid.

Recommendations with Respect to Defective Work. Kimley-Horn will recommend to the Town that Contractor's work be disapproved and rejected while it is in progress if, on the basis of such observations, Kimley-Horn believes that such work will not produce a completed Project that conforms generally to Contract Documents.

Substantial Completion. Kimley-Horn will, promptly after notice from Contractor that it considers the entire Work ready for its intended use, in company with the Town and Contractor, conduct a site visit to determine if the Work is substantially complete. Work will be considered substantially complete following satisfactory completion of all items with the exception of those identified on a final punch list. If after considering any objections of the Town, Kimley-Horn considers the Work substantially complete; Kimley-Horn will notify the Town and Contractor.

Final Notice of Acceptability of the Work. Kimley-Horn will conduct a final site visit to determine if the completed Work of Contractor is generally in accordance with the Contract Documents and the final punch list so that Kimley-Horn may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Kimley-Horn will also provide a notice that the Work is generally in accordance with the Contract Documents to the best of Kimley-Horn's knowledge, information, and belief based on the extent of its services and based upon information provided to Kimley-Horn upon which it is entitled to rely. We will review and provide comments on the project record drawings submitted by the contractor. We will also provide final certifications required by the FDEP permit secured for the project if the work is found to be in general conformance with the project and permit requirements.

Limitation of Responsibilities. Kimley-Horn shall not be responsible for the acts or omissions of any Contractor, or of any of their subcontractors, suppliers, or of any other individual or entity performing or

furnishing the Work. Kimley-Horn shall not have the authority or responsibility to stop the work of any Contractor.

Infrastructure Upgrade/Rehabilitation Plans

The following services are related to the additional infrastructure needs of the area. The fees for these services are only valid if the Town elects to perform them concurrently with the undergrounding work described above. We are taking advantage of the efficiencies involved in combining these effort into a single project with the undergrounding elements and therefore cannot perform these designs as a stand-alone project for the additional fees stated in the Fee and Billing section of the proposal.

To support the roadway regrading effort on La Puerta Way, we will employ the services of a survey subconsultant to collect supplementary topographical information. This information is required to modify driveways as necessary to match up to new grades. Spot grades will be collected within 5' of the right of way on private property and driveways along La Puerta Way and North Ocean Way. This information will be added to the existing survey provided by the Town.

We will employ a geotechnical subconsultant to perform up to five (5) ten-foot deep auger borings to determine asphalt and base thicknesses, as well as subgrade soil composition within the project area. The purpose of this investigation is to determine the asphalt/base thickness to aid in the roadway regrading as well as to look for the presence of muck that may affect the installation of the improvements.

Kimley-Horn will perform engineering design services to prepare construction plans and specifications for the project. It is anticipated that La Puerta Way will be re-graded to the greatest extent practical to allow stormwater runoff to flow to the existing catch basins. It is assumed that the existing stormwater trunk line that currently serves La Puerta Way will require replacement as the trunkline and cross drains do not meet minimum Town standards. These sections of pipe will be replaced with 15" pipe to meet minimum Town criteria. Catch basins that are smaller than a Type "C" will be upgraded to meet minimum Town Standards as well.

We will also design a replacement sewer main as the existing pipe is VCP. If the line is found by the Town's video inspection to not contain any offsets, bellies, or hammer taps, we will call for the pipe to be lined to reduce construction costs. It is assumed that the watermain will require offset relocation to accommodate the upgraded Type C catch basins on the south side of the street. We will coordinate this design with the City of West Palm Beach. The individual watermain offsets and sanitary main replacement will not require an FDEP permit.

We will employ the services of an electrical engineer to refeed the street lighting circuit on Nightingale Trail. New street lighting will be designed for La Puerta Way as none currently exists. Lighting will be Acorn style to match Nightingale Trail and it is assumed that no ARCOM approvals will be required as these fixtures are already on the Town's approved lighting fixture list.

It is anticipated that the construction plans and specifications described in the *Undergrounding Final Plans for Construction* Task will be supplemented with the following information:

- Paving, Grading, Drainage, and Utility Plan (3 sheets, double plan, no profiles)
- Utility Details (up to 2 sheets)
- Street Lighting Plan and Details
- Construction Details (2 sheets)

Additional Services

Any services not specifically provided for in the above scope, as well as any changes in the scope requested by the Town, will be considered additional services to this task and will be performed based on proposals approved prior to performance of the additional services.

Information and Services Provided By the Town

Kimley-Horn assumes that all information provided by the Town can be relied upon in the performance of professional services. The following information shall be provided to Kimley-Horn and the following services will be performed by the Town.

- Access to the Site
- Record Drawings and Data
- Existing Design Documents and previously received deliverables in electronic AutoCAD format as applicable

Schedule

Kimley-Horn will perform the scope of services above as expeditiously as practical to meet a mutually agreed upon schedule. It is desired that work begin "in season" in the Town. We anticipate that work could begin by January 2016 depending on how quickly AT&T and Comcast can complete their designs and provide conduit needs to Kimley-Horn. We have no control over these entities and therefore cannot guarantee this schedule. Bidding and Construction Phase services will be generally concurrent with the Town's bidding schedule and the selected contractor's schedules.

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that the following budgets be established for the project. A breakdown of this fees is attached to this proposal.

<i>Bidding and Construction Phase</i>	<i>\$132,026</i>
<i>Infrastructure Upgrade/Rehabilitation Plans</i>	<i>\$38,790</i>

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the terms and conditions in the Professional Services Agreement between the Town of Palm Beach and Kimley-Horn and Associates, Inc., dated December 17, 2013, which are incorporated by

reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or kevin.schanen@kimley-horn.com should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.
Vice President

Attachment

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TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Consent - Other

Agenda Title

Acceptance of a Donation of \$25,000 from the Palm Beach Police Foundation for the Expansion of the Existing Town-wide Security and Surveillance System.

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- [Memorandum dated May 28, 2015, from Kirk W. Blouin, Director of Public Safety](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Acceptance of a Donation from Palm Beach Police Foundation

Date: May 28, 2015

STAFF RECOMMENDATION

Staff recommends Town Council accept a donation from the Palm Beach Police Foundation in the amount of \$25,000 for use by the Palm Beach Police Department to purchase equipment and infrastructure as deemed necessary by the Director of Public Safety for the continued expansion and improvement of the Townwide Security and Surveillance System.

GENERAL INFORMATION

The Town embarked on the implementation of a Townwide Security and Surveillance System in July 2012. Upon completion of the initial phase, the system has progressed through various expansions using funds from various sources such as the Town's Equipment Replacement Fund, the General Fund, the departments donation account, and numerous donations made by the Palm Beach Police Foundation. The system continues to be an effective tool in preventing crime, solving investigations, and apprehending criminals.

FUNDING/FISCAL IMPACT

The Town will incur depreciation and maintenance expenses as can be expected with the capital expansion of the system.

KWB:lsg

cc: Jane Struder, Director of Finance

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Consent - Other

Agenda Title

Request to Authorize Ordinances, Rules and Standards Committee to Develop a Compact Car Ordinance.

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated May 31, 2015, from Jay Boodheshwar, Deputy Town Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Request to Authorize Ordinance, Rules and Standards Committee to Develop a Compact Car Ordinance

Date: May 31, 2015

STAFF RECOMMENDATION

Staff recommends Town Council authorize the Ordinance, Rules and Standards (ORS) Committee of the Town Council to study and consider developing an ordinance for Town Council consideration, which appropriately defines compact cars for parking regulation purposes.

GENERAL INFORMATION

In an effort to maximize on-street parking inventory, while maintain safe angles of vision at intersections, “compact cars only” parking spaces were previously created along sections of South Ocean Blvd. in the mid-Town area. In order to properly regulate the use of these spaces (and others that may be created elsewhere in Town in the future) staff believes an ordinance should be developed to allow for improved enforcement.

Parking/Code Enforcement Manager, Raychel Houston, has already completed research on this issue and is prepared to present her findings and recommendations, relative to defining a compact car. Therefore, staff is recommending that this item be referred to ORS for review of the ordinances obtained from neighboring communities and a draft ordinance prepared by staff. If ORS is in agreement with staff recommendations, an ordinance will be finalized for Town Council approval at a future meeting.

cc: Kirk Blouin, Director of Public Safety
Daniel Szarszewski, Deputy Police Chief
Ann-Marie Taylor, Police Captain
Raychel Houston, Parking/Code Enforcement Manager

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Board/Commission Annual Report

Agenda Title

Retirement Board of Trustees

Presenter

Gerald Goldsmith, Retirement Board Chair ProTem

Supporting Documents

- [Annual Town of Palm Beach Retirement Board Report](#)

THE ANNUAL TOWN OF PALM BEACH RETIREMENT SYSTEM
BOARD OF TRUSTEES REPORT TO MAYOR
AND TOWN COUNCIL

REPORT BY:
CHAIRMAN PRO TEM
C. GERALD GOLDSMITH

JUNE 9, 2015

I will be presenting the following report on behalf of the Town of Palm Beach Retirement System Board of Trustees. I want to begin with a few important acknowledgements.

I first want to thank Mayor Coniglio and this Town Council as well as the immediate past Town Council members, and special thanks to Town Council member and past President Robert Wildrick, for understanding and making the commitment behind the important processes that ultimately created this consolidated board and established the retirement plan that was enacted and made effective on May 1, 2012. Because of the hard work of these Town Council members, the Town has now provided for a reasonable and cost effective retirement plan for our public employees. This new retirement plan provides long-term sustainability for the retirement system, and will enable career public employees to count on a reliable retirement income when they leave public service at the Town of Palm Beach. The fact of the financial trends facing the Town and its obligations toward retirement for the public employees were considered for years by Town Council and trustees before change became inevitable, with future liabilities exceeded by any challenges presented. Town Council finally came to a clear and undisputable conclusion that the consequences of no change would have unduly burdened the Town and its residents with very significant and unsustainable costs. I must add that several of my past colleagues serving the legacy boards and I previously discussed with members of Town Council the need for change.

I wish to give many deserving accolades to my current and past appointed and elected colleague trustees who have worked with great diligence through these hard times of transition to the creation of the new retirement plan. It is the board's mission to accomplish the very important retirement objectives the Town gave us to provide for the careers and retirement goals of the public employees who serve the Town and its citizenry with such professionalism and distinction. Our nine-member board of trustees has experienced turnover over the last few years, but it has been especially troubling over the last 6 months.

Former Town Manager Peter Elwell announced his resignation at the November 21, 2014 retirement board meeting. He stated in his resignation message that he has chosen to accept a rare offer to return to his hometown in Brattleboro, Vermont with his family and to continue public service as Town Manager there. Mr. Elwell had long service for the legacy General and Ocean Rescue board, and served the current board since its inception in 2012. He heard the voices of the Town Council then, understood the directive, and became the architect for the new plan creation in 2012. Mr. Elwell was unique in understanding of Town functions and how to best transition to full implementation of the new plan benefits.

On the same day and meeting chairman Raymond Snow announced that he too will no longer be able to serve the board because of concerns at the financial firm where he works. Mr. Snow has very distinguishing service for the town as board chairman over the past three years for this plan, and served long with service as chairman of the legacy Police Officer board prior to the plan change. Mr. Snow had a very unique understanding of the important matters of Finance and Investments as it relates to institutional public

pensions, attributed to a long occupation and experiences with financial firms. He worked very closely with the administrator to ensure the implementation of Town and board policies.

Mr. Robert Garvy resigned at the May 15, 2015 retirement board meeting as a result of a legal opinion stating that state law prohibits an officer of a board or commission from simultaneously holding office at two separate Florida governmental institutions. Mr. Garvy has served for many years as an officer on committees at the University of Central Florida. He discussed in his resignation message that the choice was extremely difficult, but ultimately he believed he must choose to resign the Palm Beach Board of Trustees position. Mr. Garvy served this board since 2013, and previously served as chairman for several years on the legacy General and Ocean Rescue Board of Trustees. Mr. Garvy brought a wealth of investment knowledge to the boards he served. So in the course of the last 6 months, three very bright, talented, and experienced trustees resigned, leaving a significant void and many challenges for the remaining trustees in service to the board.

Town Manager Tom Bradford commenced participation at the February 15, 2015 retirement board meeting, and has served as Town Manager-trustee at the last two quarterly meetings. Town Council appointed Mr. Daniel Stanton to assume the position vacated by Mr. Snow at the March 10, 2015 Town Council meeting, and he will be commencing his duties as trustee after he is administered the oath of office at the next August 21, 2015 quarterly retirement board meeting. I believe Town Council is scheduled to make a resident appointment for the position vacated by Mr. Garvy at the July 14, 2015 Town Council meeting to complete the unexpired term until March 31, 2015. The new appointee should be in attendance at the next quarterly board meeting on August 21, 2015, when the full 9-member complement of trustees are expected to choose its officers for the upcoming year.

Mr. James McC. Wearn and myself have served continuously for many years on legacy and the current board. I can say that we have quite a bit of experience with a diversity of board considerations. Mr. Wilbur Ross is a current trustee who was appointed at the creation of this board, and has made very significant contributions to the retirement system with his vast investment experiences and knowledge. He previously served as chairman of the Firefighter Board of Trustees until the merger in 2012.

The employee-trustees to the retirement board understand their role and function as fiduciaries, and are elected by their employee peers to represent the interests of their employee constituency and to attend to other board matters. Mr. Brett Madison has a long history of service as an elected trustee with the legacy General and Ocean Rescue board. He has served this board from the time of its creation, and was recently re-elected by his colleagues representing the General and Ocean Rescue groups. He spends much time and effort coordinating the educational efforts and programs with Town employees. Fire Rescue is represented on the retirement board by Lieutenant Michael Marx while Police Officers are represented on the retirement board by Detective Daniel Wilkinson. They too are elected through their respective employee groups, and work very effective and in collegiality with their colleague trustees on the board. These elected trustees are

the front line representatives for public employees, including public safety employees, and commonly bring important public employee and public safety issues to board meetings for consideration.

William Hanes Consulting, Inc. has served as administrator for the current board and for several years with the legacy public safety retirement boards. The retirement administrator is responsible for the day to day work of the plan, including counseling of members, executing and processing of DROP and retirement applications, scheduling and coordinating meetings, coordinating correspondence and reports between service providers and trustees, and numerous other matters regarding the operations and administration of retirement benefits. The retirement administrator works closely with the investment consultant, custodian, and fund managers preparing and executing documents representing many millions of retirement system dollars while transferring portfolio assets.

There is very close coordination between the offices of the retirement administrator, Town Manager, Department of Finance and Department of Human Resources and staff.

Finance Director Jane Struder and her staff have the responsibility for making payment of the monthly retirement and beneficiary payroll. The Finance Staff perform all accounting transactions for the system, including calculations of refund requests and for the newly established DROP and Share “system investment method.” Ms. Struder and her staff coordinate and receive important fund valuation data from the custodian, which is calculated with other financial data maintained by the Department to produce the retirement system’s unaudited Financial Statement at quarterly board meetings. Ms. Struder commonly seeks approval of funds from the board to be transferred to the retirement trust for payment of upcoming quarterly benefits and expenses. She and the plan administrator work directly with the auditor and actuary over matters of the annual audit and actuarial reports.

Human Resource Director Danielle Olson and her staff are responsible for the enrollment and education of the active employees with regard to the new defined contribution plan administered by ICMA-RC. This has become an especially important function with the advent of the new hybrid retirement plan. Human Resource Staff prepare and coordinate for the one-on-one educational initiatives with Town employees and other service providers. She and her staff are in constant contact with the retirement administrator who commonly is in search for numerous matters of personnel and action impacting the public employees and their retirement accounts. Her staff serves as board secretary at board meetings, and provide a first draft of the minutes to the retirement administrator before final edit is made. Ms. Olson commonly discusses with the board the matters of employee education and implementation of fund changes at ICMA.

Finally, I want to acknowledge Town Manager Tom Bradford who recently joined the board after the departure of Mr. Elwell. Mr. Bradford has served the board very well in his short tenure on this board. He faced a major learning curve to catch up with the 3 preceding years of work since the board began transition toward a consolidated benefit and fund portfolio. Mr. Bradford is well informed and understands his role as fiduciary,

and is well prepared to participate in discussion on matters of the board agenda items at the quarterly meetings. Mr. Bradford has learned to balance the interests of the Town as the Town's chief administrator with those fiduciary duties he holds as trustee toward the trust and Town employees. He coordinates closely with the retirement administrator on matters of retirement system policies that impact the Town and Town employees. He and Mr. Hanes meet and discuss matters of board agenda items prior to each meeting.

I have provided you with relevant pages from retirement board reports based on the subjects of my presentation. I chose to include pages from the following documents: Town of Palm Beach Annual Retirement System Report, Gabriel Roeder Smith (GRS) Annual Actuarial Report, Segal Rogerscasey Quarterly Performance Reports, and the GRS Experience Study.

The Town of Palm Beach Annual Retirement System Report was adopted at the February 27, 2015 quarterly board meeting, representing data through calendar year 2014. Pages have been added that provides in summary format the history of the boards and group plan changes leading to the creation of the plan enacted in 2012.

This report illustrates the Town contributions paid to the defined benefit trust. A chart is added from this report that identifies the Town's budgeted contributions for each employee group in dollars and percentage of payroll. You are able to discern total Town contributions in dollars and percentage of payroll toward both the defined benefit and defined contribution plans. The total employer contributions identified for the year for a member represents 45.67% of employee payroll. An important point to note from the demographic data is that for a ten-year period from 2005 to 2014 there was a reduction from 365 active employees to 265 active employees. Over the same period, the change in retirements went from 272 to 395 retirees. This very important past 10-year experience represents a very significant impact on the Town's future liabilities and future Town contributions. This board understands that this trend represents a newer generation of more significant increases in retirement compensation with longer periods until mortality in relationship to an older generation with lower compensation over shorter periods to mortality. I included a chart from the report that illustrates that point over the same 10-year period with annual retirement payments increasing from \$7.3 million in 2005 to \$16.4 million in 2015. This dynamic is important for the trustees and investment consultant when considering the asset allocation model. These payment trends illustrate a forward-looking payment stream with the need for an increase in portfolio liquidity until the new plan with a lower benefit threshold has a more significant impact on future retirements.

I added several pages from the annual retirement system report that identifies various demographics of the defined contribution plans offered through ICMA-RC. There has been a continuing effort by the Town to educate employees, and to encourage a more active and disciplinary behavior by public employees to save and invest monies tax deferred with the defined contribution investment vehicles available. Town employees are learning of the availability and opportunity to save and invest with tax advantaged 457 and Roth IRA voluntary contributions. The retirement board investment consultant has performed due diligence in review of the funds offered to Town employees by

ICMA-RC to ensure the list available to the Town's employees represents fewer, best and least costly for the asset classes represented. The board recently took action to reduce the number of funds offered by ICMA representing the different asset classes.

As you know, the board annually reviews the system liabilities from the actuarial report based on calculations that include the use of various economic and demographic assumptions, funding method, and amortization of liabilities. This results with the actuarial expressions of funding ratio, or Unfunded Actuarial Assumed Liability (UAAL), and employer contribution rates. This 2014 report provides analysis for the 4 Town of Palm Beach employee group plans reflecting fiscal year 2015-2016 contribution requirements. The funding ratios for the fiscal year was a range from approximately 70% representing the public safety groups (Police Officers and Fire Rescue) and the General and Ocean Rescue at 80%. The actuary estimates that the Town's total employer contribution rates over this period are scheduled to go up from the previous year by \$320,000. The actuary comments that "the losses are attributed to lower than expected recognized returns for Police and Fire, lower than expected retiree mortality, and the volume of retirement activity (includes DROP) during the fiscal year producing higher liabilities than were projected based on valuation assumptions." In contrast, the actuary made the comment that "these losses were partially offset by greater than expected investment returns for General." The actuary discussed the outlook based on unrecognized gains from the prior 5 years (smoothing), asserting that investment gains are scheduled to be realized over the next three years (assuming 7.5% return is achieved in those years). Of course, overall plan gains and losses are also dependent on other non-investment experiences (retirements, withdrawals, disabilities, death, etc.). Total experience losses of the plan are amortized for a contribution period of 30 years.

In order that I discuss the status of investments, I first attached a memorandum statement from Ms. Rosemary Guillette, Segal Rogerscasey, to Pension Administrator Hanes that captures investing activity in transition since the inception of the new consolidated plan in May, 2012. Mr. Snow intimated to you last year that there is a lengthy transitional process involved with consolidating the retirement funds. The consolidation of the retirement funds remains in transition with an eye toward an ultimate completion that should mirror the asset allocation model. It has been a long and arduous effort in making the best choices for selection of actively managed funds representing the asset classes within the model, and selections that will provide the fund with a 7.5% long-term return. The purpose is often frustrated because of certain actively managed funds like private equity and real estate that do not invest the assets until after a search, interview, commitment, final subscription agreement, and later capital call based on timing and the immediate need to capitalize an investment.

The board is continuing to schedule interviews with fund managers with a process that will effect completion of an asset allocation portfolio at some point within the model asset allocation ranges. The fund has experienced significant holdings of cash or cash equivalents while waiting on manager hires and capital calls. The investment consultant made a comment that the plan is still building out this allocation, and that manager selection has been good with only a few exceptions. The investment consultant continues

to discuss achievement of long-term strategic performance goals with respect to each fund, and comments from the memorandum that “since the change in the plan in 2012 the annualized return since inception has been 9.46%, with 2013 performance at 13.73% and 2014 representing a lagging 7.39%.” It is noted that “the larger cash holdings was a lag on performance for the period. The board has since allocated the cash to other asset classes. The first quarter in 2015 was up by 2.1%.” The consultant comments on the outlook for the new plan’s positioning of fund managers that “the plan has a solid forward-looking asset allocation, strong managers, and continuous oversight which will serve the plan well on a going forward basis.”

A couple of important matters of the last year and into 2015 have occupied board meeting time with very important discussions regarding the following two matters:

It is very important for the board that the retirement plan provisions incorporated in Town Code be in compliance with Federal Tax Law. There are severe consequences for the employer and employees if a plan is not qualified under the Internal Revenue Code (IRC). Over the last several years the IRS has been requesting that governmental pension plans seek a letter from the IRS that will verify that the plan is qualified under the IRC as a governmental pension plan. Board attorney Mr. James Linn recommended that the retirement board authorize the request for a ruling from the IRS for this purpose. In the course of reviewing the matter, Tax related issues surfaced with concerns of the Town’s DROP and Share plans administered by ICMA-RC, a defined contribution third party administrator. Board counsel Jim Linn, Town Manager Peter Elwell, and retirement administrator William Hanes discussed these matters with the board based on advice of outside tax counsel. Mr. Elwell recommended proposals to Town Council for an amendment to the Town Code related to these plans. The board authorized the hire of the firm Ice, Miller to represent the plan before the IRS, and to offer advice to the board regarding measures of tax compliance. Town Council enacted the necessary amendments to the Town code as recommended by Tax Counsel. Subsequent to the enactment of the new ordinance, Town Manager, staff, and the retirement administrator met with the Town employees for an educational session to discuss the changes in these programs. The board recently adopted a DROP policy manual that has been published and distributed to all active DROP participants. DROP participants continue to make inquiry with the retirement administrator regarding matters of implementation of the new law and amendments.

A final matter that I wish to discuss with you that will significantly impact the defined benefit liabilities is that the Florida state legislature enacted a law in the last session of the legislature that requires the use the latest generation mortality tables for local plans, including the Town of Palm Beach plan. Before this law was enacted, the board had requested that the actuary provide an experience study, which is designed to assist the actuary to identify the correct assumptions, including the mortality table, to serve as an aide to the actuary to reflect future experiences and behavior of public employees/retirees of this plan. The actuary reported at the May 15, 2015 board meeting, and immediately after the legislature enacted the new mortality mandate. The actuary presented that the

action taken by the legislature to mandate the mortality assumption table will cause a reduction in the actuarial funding rates, and increase in Town contributions.

The actuary provided the following experience findings and recommended changes as follows:

Economic Assumptions:

The economic assumptions adopted by the board are as follows:

Investment Return	7.50%
Wage Inflation	3.50%
Implicit Price Inflation	3.00%

Pay increase Rates: A change related to longevity pay effects a modest decrease in employer contribution rates.

The actuary did not make any significant recommendation change in economic assumptions.

Demographic Assumption:

Retirement Experience: Rates of retirement have been recently revised related to new plan provisions with no change impact on contribution rates.

Rates of withdrawal: Withdrawals were as expected for General and higher for Ocean Rescue, Police, and Fire. The change slightly decreases the computed employer contribution rates.

Disability Rates: Disability experience is approximately as expected. This does not change the computed employer contribution rates.

Death-in-Service Mortality Rates: No disability experiences over the period. Adoption of the state required mortality table will have an effect of raising the employer contribution rates.

Retired Life Mortality: The recommended ultimate assumption is based on the mortality table required to be used by the Florida legislature. The change in the state required mortality rate assumptions “significantly” increases the computed employer contribution rates and decreases the funded ratios.

The actuary calculated the net impact on the Town's ultimate contribution rates for each plan group as follows:

General: increase of \$422,922

Ocean Rescue: increase of \$10,078

Police: increase of \$220,743

Fire Rescue: increase of \$221,821

Ultimate Town contribution increases are projected to be \$875,564.

I wish to thank you and my colleagues on the board along with Town Manager Tom Bradford, Town staff, and the retirement administrator for the hard work everyone is doing in implementation of the laws and in transition to the new hybrid plan. There are many plan and investment considerations the board has examined in the last three years while moving away from one defined benefit plan to the new hybrid retirement plan. There are moving components of the legacy defined benefit plan coupled with new adjustments made to defined contribution savings and investment opportunities for public employees. The board continues to work toward completion of the asset allocation model, and to full fruition in future years to a hybrid plan for all the Town employees. Only then will the Town employees and residents fully appreciate, or be able to quantify, the successes achieved with the Town's policy goals for retirement of public employees.

Mr. Hanes and I will attempt to address any questions or inquiry you may have of us at this time.

Town of Palm Beach Retirement System

Retirement Board Members

Gerald Goldsmith, Chair Pro-Tem

James McC. Wearn, Secretary

Robert Garvy

Wilbur L. Ross

Thomas G. Bradford, Town Manager

Brett Madison, General Employee Representative

Michael Marx, Firefighter Representative

Daniel Wilkinson, Police Representative

(One Vacant Resident Trustee Seat)

Employees' Pension System

The Town of Palm Beach's employee pension plan was created in 1947.

The funds were overseen by a single Retirement System Board of Trustees until 1999. The board included citizens appointed by the Town Council, and police officer, firefighter, and general employee representatives elected by their respective peers. The Mayor, Town Council President, and Town Manager served ex officio. The 1999 State Legislature authorized police officers and firefighters to more independently oversee their pension funds (if their local plan was receiving the Chapter 175/185 subsidy), and the Town's single board was divided into a General Employees' Retirement Board of Trustees and a Public Safety Retirement Board of Trustees. In 2004, the Public Safety Retirement Board of Trustees further divided into a Police Officers' Retirement Board of Trustees and a Firefighters' Retirement Board of Trustees.

The plans were separately managed by 3 pension boards from 2004 until April 1, 2012, when the three retirement boards were consolidated into the Town of Palm Beach Retirement System Board of Trustees. This Board now oversees all of the Town's pension assets and retirement programs. An outside pension consultant serves as investment advisor to the Board. The Board also has contracted out a portion of the plan administration services.

On May 1, 2012, the retirement benefits for most Town employees were changed from a full defined benefit plan to a hybrid pension plan. Employees who were eligible to retire on or before that date were grandfathered into the old defined benefit plan, and the accrued benefits for all other employees were frozen as of May 1, 2012. Benefits accrued after that date by those not grandfathered are in the new hybrid pension plan that contains a defined benefit component and a defined contribution component. In addition, the Town ceased participation in the State of Florida's Chapter 175 and 185 programs for firefighters and police officers. Approximately 265 active employees and 395 retirees are covered by the system plan.

During 2014, the Retirement Board recommended and the Town Council approved a change in the investment method of the active DROP participant and firefighter share accounts. The change requires all active DROP participants to move from the self-directed investment method with ICMA to the plan investment method, and all DROP deposits are now made to the Town administered retirement trust. This change was made because of IRS tax implications with regard to the investment in the self-directed defined contribution DROP and share accounts. Active employee DROP account balances were transferred from ICMA on January 6, 2015, to the

Town of Palm Beach Retirement System. Firefighter share accounts that were invested in the pension plan remain in the plan. A rate of return will be calculated based on a five year trailing average annual return of the plan, and applied to the DROP and Share balances at the end of each quarter on the average daily balance for the quarter.

Investment Objective: The long-term objectives of the Fund are to invest System contributions and assets to ensure that there will be no principal erosion of funds or the purchasing power thereof. Investments are managed in a prudent and professional manner in compliance with all applicable statutes and regulations such as Florida Statutes Section 215.47. Though not regulated by the Employee Retirement Income Security Act of 1974, the Trustees and other fiduciaries intend to comply with fiduciary standards of the Act.

Investment Strategy: The Fund has adopted an investment strategy emphasizing broad diversification. Diversification helps to reduce portfolio volatility (variability of returns) and maximize investment returns at appropriate levels of risk over time.

Segal Rogerscasey: The Board of Trustees has retained Segal Rogerscasey, an independent investment consultant for the purpose of assisting the Board in developing and attaining the fund objectives. Segal Rogerscasey assists in establishing objectives, offers alternative models for asset allocation, identifies appropriate managers or funds, and produces timely quarterly reports that monitor performance of individual managers against similar managers as well as performance of the funds against objectives and appropriate indices.

Asset Allocation Policy: Industry and academic studies have consistently found that asset allocation is the primary driver of risk (volatility) and return. The Fund seeks to meet or exceed the System's actuarial rate of return assumption while looking for opportunities to reduce volatility through diversification.

Rebalancing Policy: Portfolio rebalancing is an important discipline for portfolio risk management. The Fund has established long-term asset allocation targets with ranges. Rebalancing is reviewed not less than quarterly and is required when actual allocation falls outside prescribed ranges. Where possible, rebalancing is coordinated with normal Fund contributions/withdrawals.

Plan Administration: William P. Hanes Consulting, Inc., is the administrator of the plan and processes all requests by employees for filing benefit claims and information on plan benefits.

Town and Employee Contributions

The contribution requirements of the Plan members are established and may be amended by the Town Council. Plan members are required to contribute a percentage of their annual pensionable wages as described in the following table. The member contribution rates for the FY15 budget year (presented as a percentage of the employees' annual compensation) vary by benefit group, and are shown below (along with the Town's matching contribution rates for the 401(a) plan):

	Defined Benefit Plan	401(a) Defined Contribution Plan				
Benefit Group	Employee Contribution	Mandatory Contribution		Voluntary Contribution		Discretionary Contribution
		Employee	Employer*	Employee	Employer	Employer
Firefighter Union	4.82%	2%	2%	Voluntary up to the maximum allowable under IRS regulations	2% Match	None
Firefighter Non-Union	2.47%	4%	4%		No Match	Up to 4% Determined by Town Council during annual budget process upon recommendation of the Town Manager
Police Officer	2.47%	4%	4%		No Match	
General Employees	2.47%	4%	4%		No Match	
Lifeguard Employees	2.47%	4%	4%		No Match	

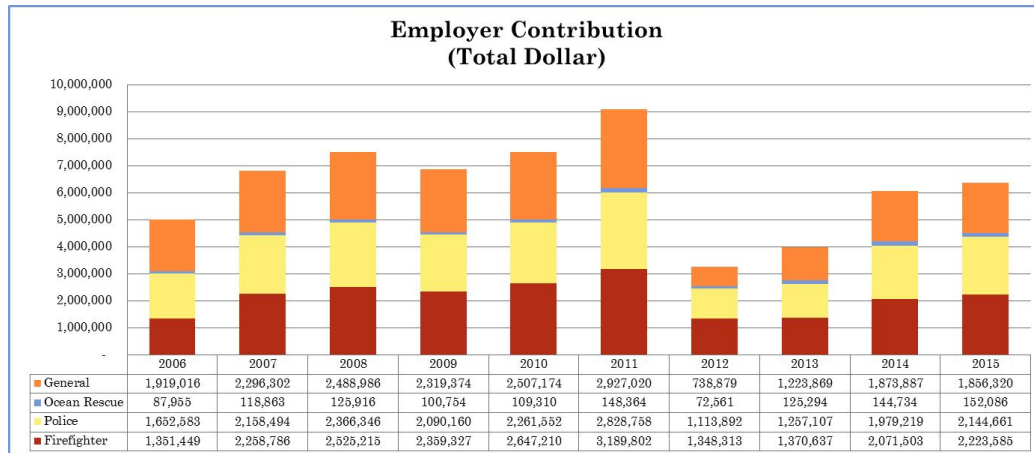
*Total employer contribution will not be less than \$1,000 per fiscal year per enrolled member.

For FY15, the Town Council approved a discretionary contribution to the DC plan of 4%.

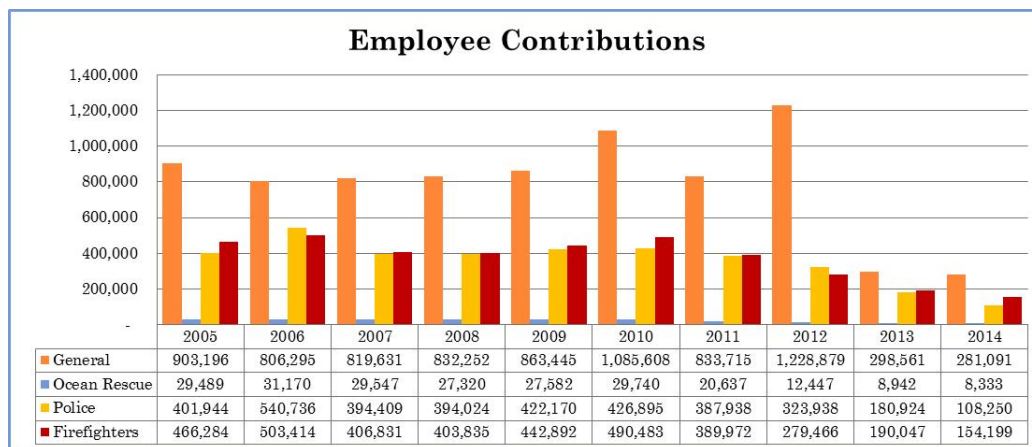
The Town's annual appropriation for the defined benefit pension plan is based upon the actuaries' determined rate. The defined contribution appropriation is based upon salary estimates and employer matching contribution rates including the discretionary contribution. The Town's contributions for the defined benefit and the defined contribution plans and the percent of budgeted payroll for the defined benefit plan and total Town contribution for FY15 are as follows:

	DB Contribution	DC Contribution	Total Town Contribution	% of Payroll (DB Plan)	% of Payroll (overall)
General Employees	\$1,856,320	\$770,326	\$2,626,646	19.54%	27.65%
Lifeguards	152,086	11,242	163,328	76.15%	81.78%
Police	2,144,661	303,712	2,448,373	62.09%	70.89%
Fire-Rescue	2,223,585	221,612	2,445,197	60.57%	66.60%
Total	\$6,376,652	\$1,306,892	\$7,683,544	37.90%	45.67%

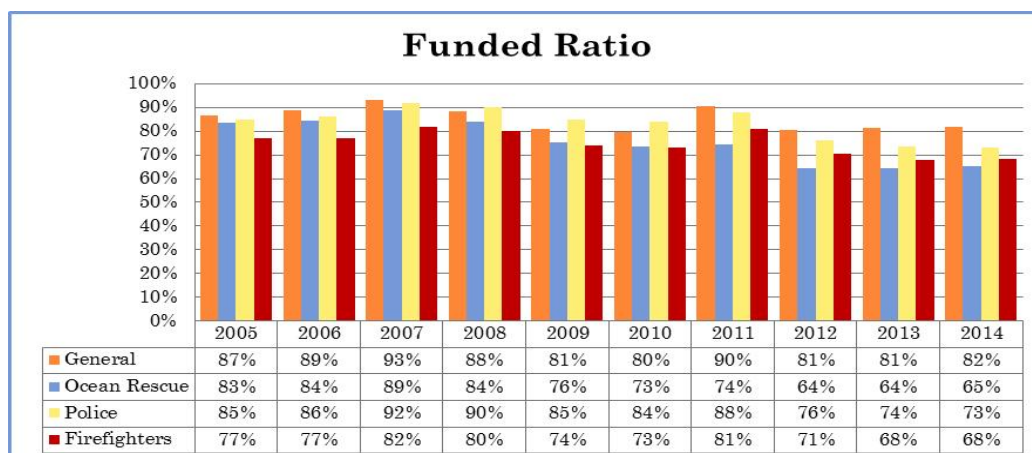
The employer funding history in total dollar contribution for the past 10 years through FY15 budget is as follows:



Employee Contribution history for the past 10 years through FY14 actual is as follows:

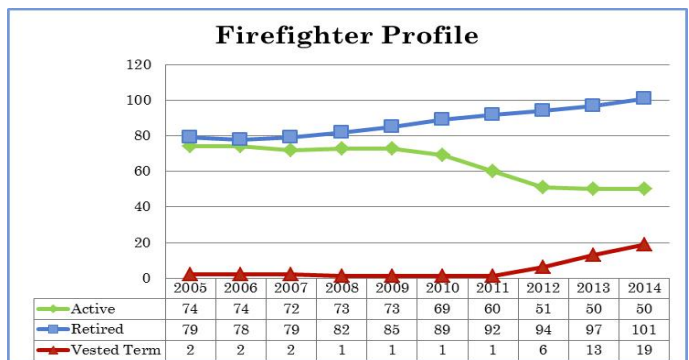
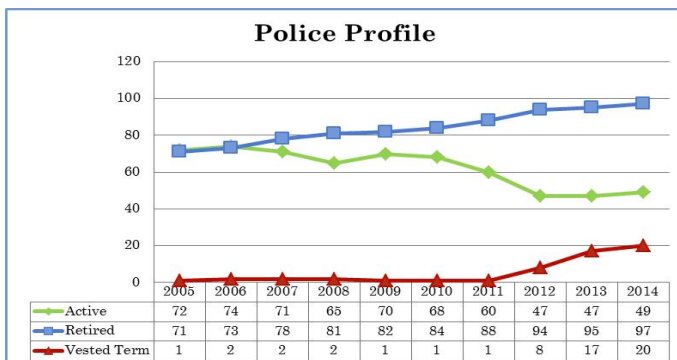
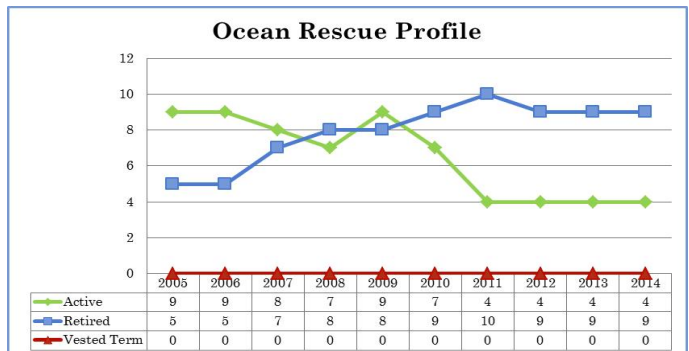
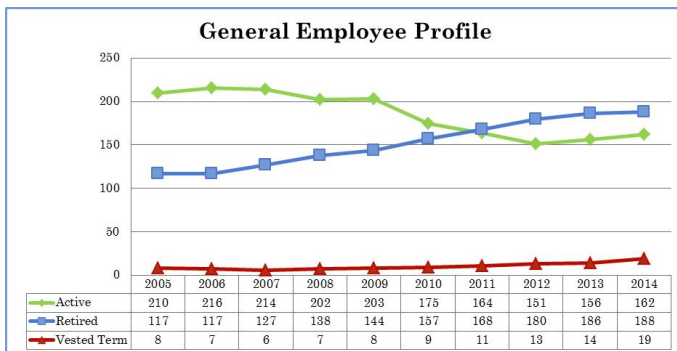
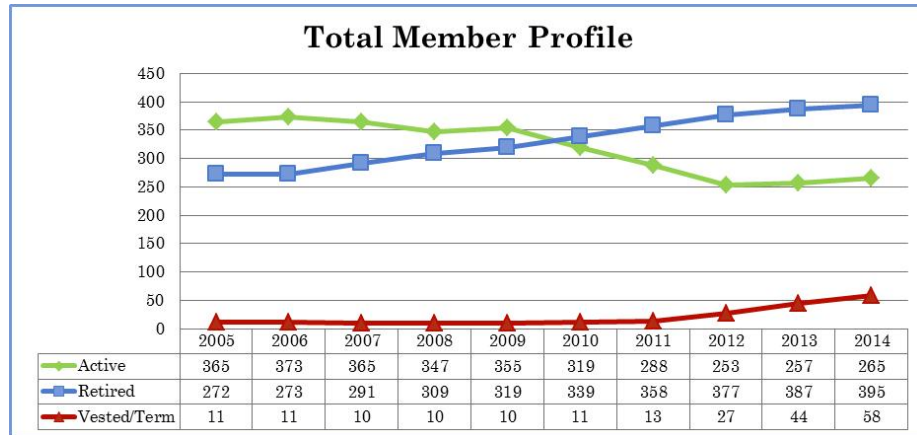


The ten year historical funded ratio though 2014 for the four member groups is as follows:

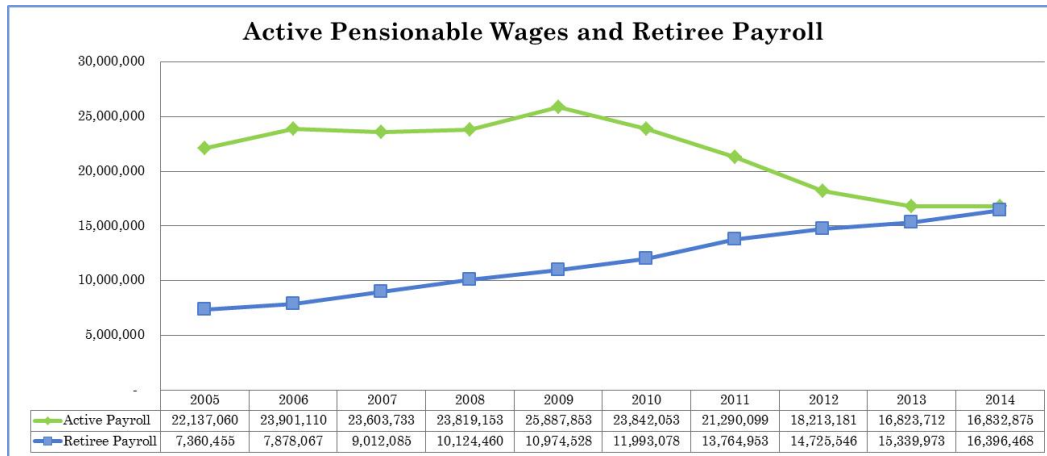


Demographic Information

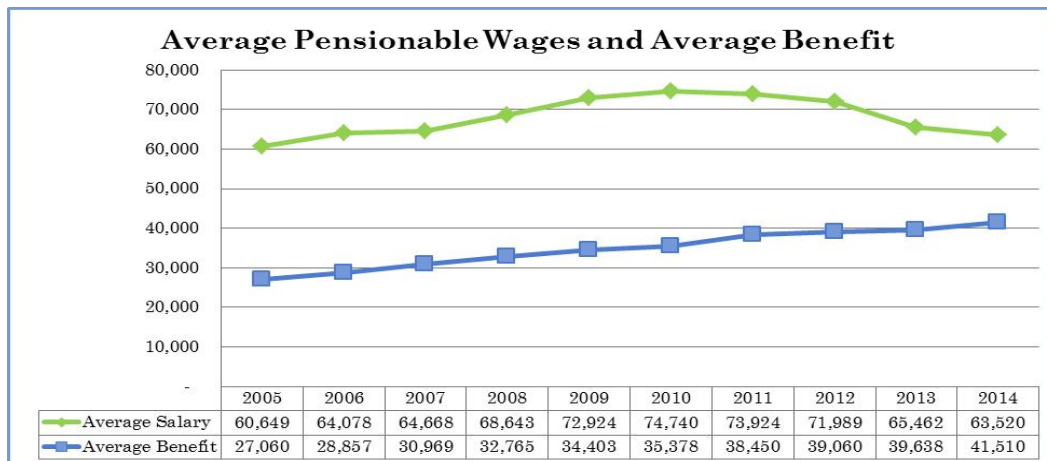
The following charts depict the System membership (Active, Retired and Vested Terminated Members) for the past 10 years. The first chart shows the total membership for all three funds. It is followed by charts depicting the membership for each separate benefit group. Information extracted from the September 30, 2014 Actuarial Report.



The following chart depicts the ten year trend for total active employee salary and total retiree pension payroll information.



The following chart depicts the ten year trend for average active salary and average pension benefit for the entire fund.



The following chart depicts the ten year trend of average age at retirement.

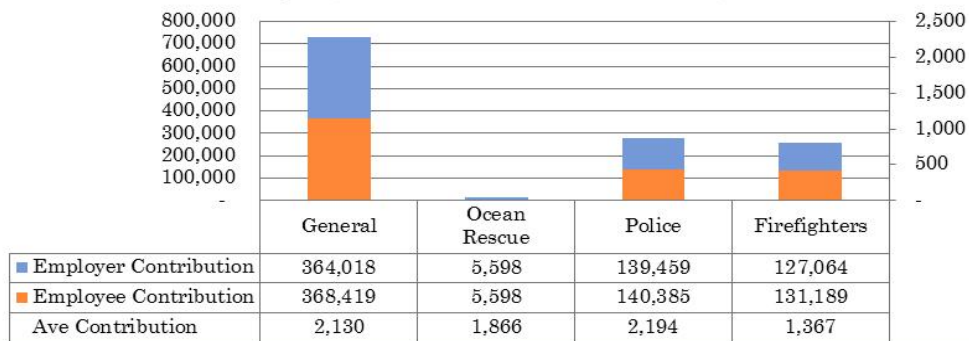


Demographic Information for the 401(a) Defined Contribution Plan

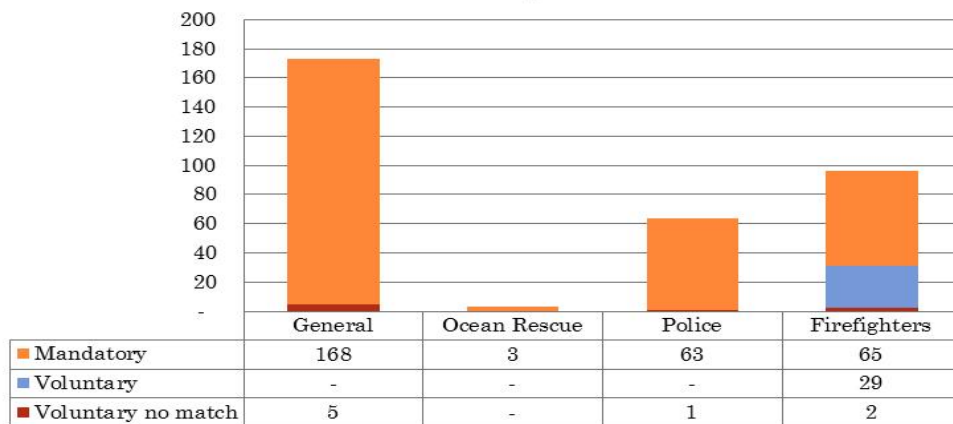
Plan Snapshot as of December 31, 2014 Provided by ICMA-RC

Total Assets	\$4,395,080
Total Participants with a Balance	322
Total Contributing Participants	299
Average Account Balance	\$13,649

Total DC Contributions Employee and Employer January 1, 2014 - December 31, 2014



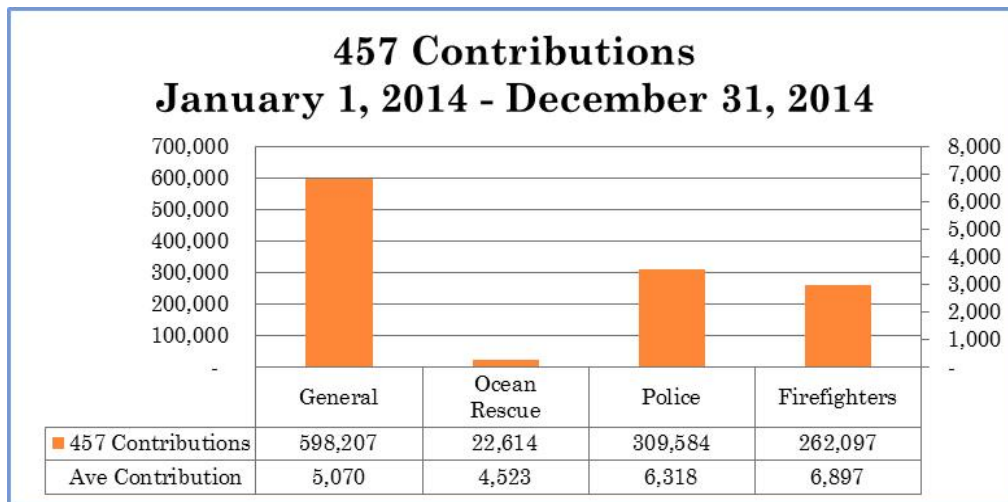
DC Participation



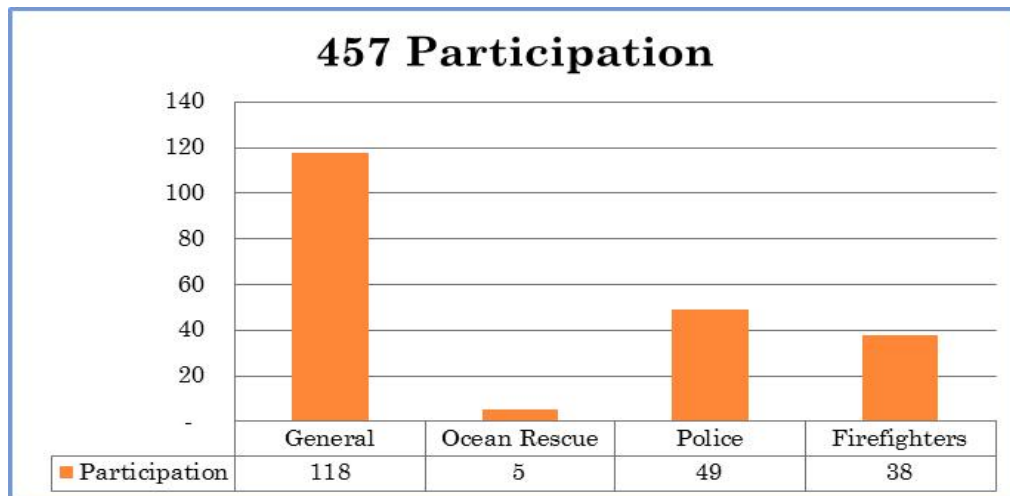
Demographic Information for the 457 Deferred Compensation Plan

Plan Snapshot as of December 31, 2014 Provided by ICMA-RC

Total Assets	\$23,291,732
Total Participants with a Balance	325
Total Contributing Participants	213
Average Account Balance	\$71,667



Above contributions represent employee contributions only. The Town does not provide matching contributions to the 457 Deferred Compensation Plan.



Demographic Information for Other ICMA-RC Plans

Plan Snapshot for 401 DROP Plan for General Employees (108334) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$5,076,499
Total Participants with a Balance	49
Total Contributing Participants	38
Average Account Balance	\$103,602

Plan Snapshot for 401 DROP Plan for Police Officers (108335) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$4,763,179
Total Participants with a Balance	23
Total Contributing Participants	15
Average Account Balance	\$207,095

Plan Snapshot for 401 DROP Plan for Firefighters (106782) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$3,680,457
Total Participants with a Balance	14
Total Contributing Participants	12
Average Account Balance	\$262,889

Plan Snapshot for 401 Old DROP Plan for Firefighters (108552) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$841,964
Total Participants with a Balance	12
Total Contributing Participants	0
Average Account Balance	\$70,164

Plan Snapshot for 401 Firefighter SHARE Plan (106796) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$2,402,346
Total Participants with a Balance	52
Total Contributing Participants	10
Average Account Balance	\$46,198

Plan Snapshot for Roth IRA Plan (705765) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$126,047
Total Participants with a Balance	41
Average Account Balance	\$3,074

Plan Snapshot for RHS Plan (Discontinued) (800533) as of December 31, 2014, Provided by ICMA-RC

Total Assets	\$653,668
Total Participants with a Balance	71
Average Account Balance	\$9,207

EXECUTIVE SUMMARY

COMBINED VALUATION SUMMARY, OBSERVATIONS,
RECOMMENDATIONS AND CERTIFICATION

Summary of Valuation Results

September 30, 2014

FUNDING OBJECTIVE

The basic funding objective of the Retirement System is to avoid transfer of the cost of benefit obligations between generations of taxpayers. This objective is implemented by contributions sufficient to:

- ♦ pay for costs allocated to the current year on account of service rendered by active non-DROP participants in the current year (Normal Cost).
- ♦ pay for costs, in excess of the Funding Value of Assets, allocated to prior years on account of service rendered by participants in prior years (Unfunded Actuarial Accrued Liability) over 30-year closed periods.

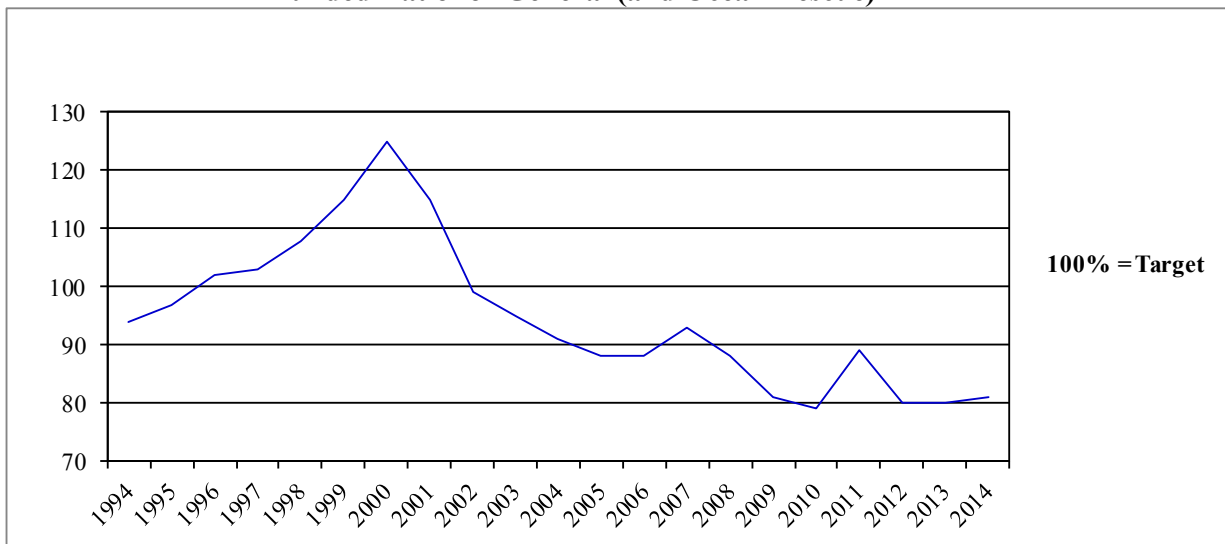
The annual actuarial valuation measures the relationship between Retirement System obligations and assets and determines the contribution rates for the ensuing year. The Retirement System is supported by member contributions, Town contributions, and investment income from Retirement System assets.

VALUATION RESULTS - FUNDING PROGRESS INDICATORS

General and Ocean Rescue

The September 30, 2014 actuarial valuation indicates that the actuarial accrued liabilities of the General Retirement System (including Ocean Rescue), measured in accordance with Statement No. 25 of the Governmental Accounting Standards Board, are 81.1% funded by the Funding Value of Assets. This is an increase from last year's funded ratio of 80.4%. Although not historically referred to, the ratio of the market value of assets to the actuarial accrued liabilities is 84.8%. This is a decrease from last year's ratio of 84.9%.

Funded Ratio for General (and Ocean Rescue)*

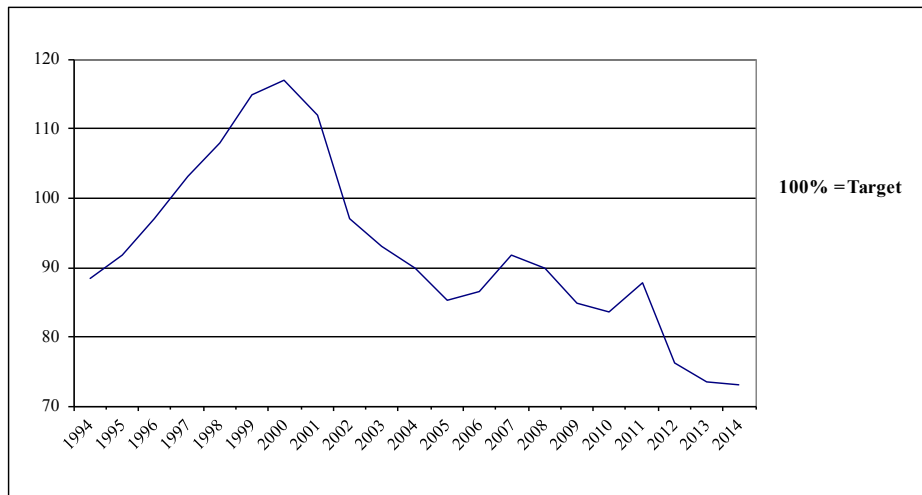


* Years prior to 2000 include Public Safety.

Police

The September 30, 2014 actuarial valuation indicates that the actuarial accrued liabilities of the Police Retirement System, measured in accordance with Statement No. 25 of the Governmental Accounting Standards Board, are 73.0% funded by the Funding Value of Assets. This is a decrease from last year's funded ratio of 73.5%. Although not historically referred to, the ratio of the market value of assets to the actuarial accrued liabilities is 74.9%. This is a decrease from last year's 75.1%.

Funded Ratio for Police*

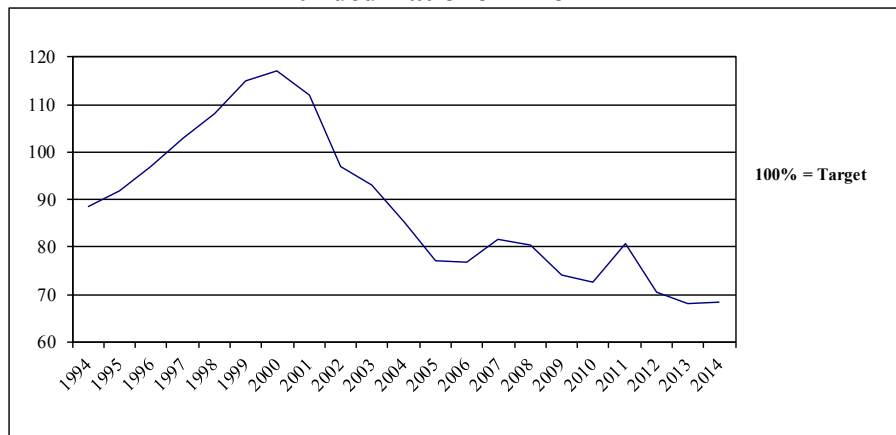


* Years prior to 2004 include Fire and years prior to 2000 include General and Ocean Rescue.

Fire

The September 30, 2014 actuarial valuation indicates that the actuarial accrued liabilities of the Fire Retirement and Benefit System, measured in accordance with Statement No. 25 of the Governmental Accounting Standards Board, are 68.3% funded by the Funding Value of Assets. This is an increase from last year's funded ratio of 68.1%. Although not historically referred to, the ratio of the market value of assets to the actuarial accrued liabilities is 70.1%. This is an increase from last year's 69.7%.

Funded Ratio for Fire*



* Years prior to 2004 include Police and years prior to 2000 include General and Ocean Rescue.

VALUATION RESULTS - CONTRIBUTION REQUIREMENT

The percent of active member payroll contribution requirements for the 2015-2016 and 2014-2015 fiscal years are:

General

	2015-2016			2014-2015		
	General	Ocean Rescue	Aggregate	General	Ocean Rescue	Aggregate
Member portion	2.66 %	3.63 %		2.95 %	4.16 %	
Town portion	18.37	72.32	19.48 %	18.39	71.93	19.49 %
Illustrative \$	\$1,908,865	\$157,411	\$2,066,276	\$1,839,317	\$151,266	\$1,990,583

Comparative contribution information is shown on page A-3 of the General Report. Composition of the current contribution rate is shown on page A-1 of the General report.

Police

	2015-2016	2014-2015
Member portion	2.50 %	5.01 %
Town portion	63.23	56.62
Illustrative \$	\$2,233,214	\$2,059,195

Comparative contribution information is shown on page A-4 of the Police report. Composition of the current contribution rate is shown on page A-1 of the Police report.

Fire

	2015-2016	2014-2015
Member portion	4.18 %	4.87 %
Town portion	63.78	57.20
Illustrative \$	\$2,285,579	\$2,211,214

Comparative contribution information is shown on page A-4 of the Fire report. Composition of the current contribution rate is shown on page A-1 of the Fire report.

VALUATION RESULTS - LAST YEAR'S EXPERIENCE INDICATORS

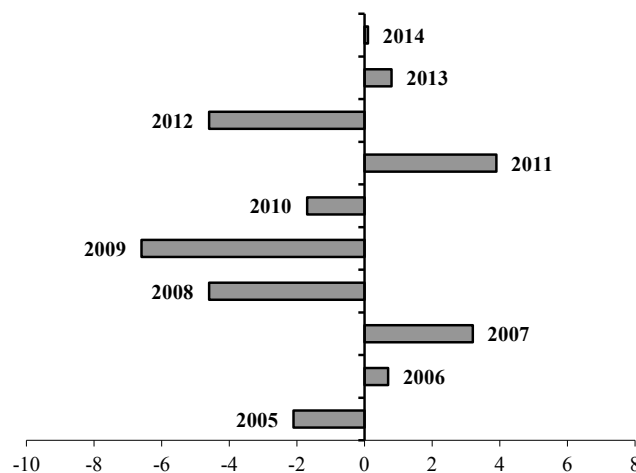
The Funding Value of Assets of the Retirement System increased less than projected by the long-term investment return assumption for Police and Fire and increased more than expected for General. Note that each year's deviation from assumed investment experience is spread over five years in equal dollar installments to reduce the effect of market volatility on contribution rates. More detail is provided in the respective Section A's of this report. The recognized return on the Funding Value of Assets was roughly 8.5% for General, 7.1% for Police and 7.2% for Fire, net of investment expenses. The projected return for the fiscal year ending September 30, 2014 was 7.5%.

The aggregate effect of overall System experience was a loss of \$1.1 million. The impact on the Town's contribution amount for the fiscal year ending September 30, 2016 is an increase of approximately \$325,000. Losses were attributable to lower than expected recognized investment returns for Police and Fire, lower than expected retiree mortality, and the volume of retirement activity that took place during the fiscal year producing higher liabilities than were projected based on valuation assumptions. Losses were partially offset by greater than expected investment returns for General.

Year-to-year experience variations are expected and normal in the operation of a retirement system as members vary their activities and economic conditions change. The expectation is that the plus years and minus years will tend to cancel over 5 to 10 year periods. However, the majority of the last 10 years have been unfavorable (please refer to page A-9 or A-10 of the respective reports).

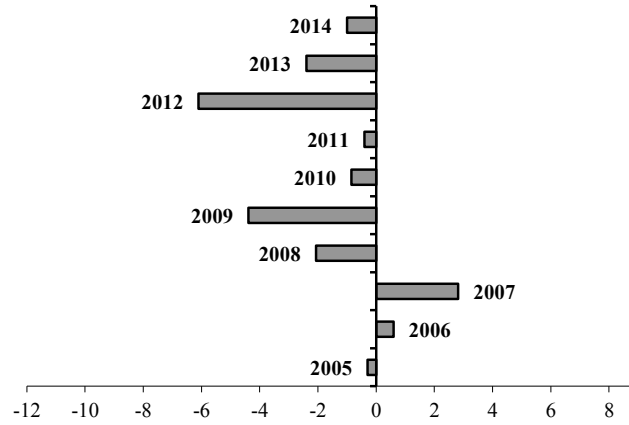
General

**Experience Gains and Losses
(Amounts in Millions)**



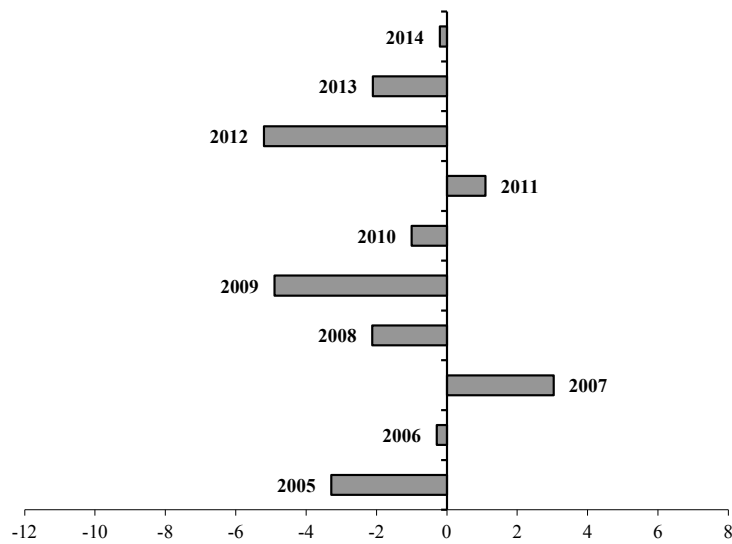
Police

Experience Gains and Losses (Amounts in Millions)



Fire

Experience Gains and Losses (Amounts in Millions)



NEXT YEAR'S EXPERIENCE INDICATORS

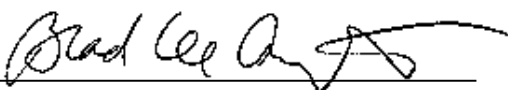
Due to the Boards' use of a five-year smoothed market asset valuation method, investment experience was only partially recognized, and combined with the scheduled phase-in of the prior four years unrecognized investment income. Subsequently, investment gains are scheduled for the next three years. This will reduce future computed employer contribution rates and improve the funded ratio in the next three reports in the absence of future gains or losses. In the fourth year, a gain is scheduled for General and losses are scheduled for Police and Fire. For a better reflection of what to expect if all assumptions are met, we will be completing 10-year projections for the General, Police and Fire groups approximately two weeks after the Board accepts this report.

CERTIFICATION

This actuarial valuation was prepared and completed by me or under my direct supervision, and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate, and in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, Florida Statutes. There is no benefit or expense to be provided by the plan and/or paid from the plan's assets for which liabilities or current costs have not been established or otherwise taken into account in the valuation. All known events or trends which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.

2/10/2015

Date



Brad Lee Armstrong, ASA, EA, MAAA [14-5614]

Determining Dollar Contributions

For any period of time, the percent-of-payroll contribution rate needs to be converted to dollar amounts. The Florida Division of Retirement has indicated the legislative intent in Section 112.61, F.S., is to apply the Town portion of the contribution requirement on page A-1 to emerging payroll. To accomplish this, the Town should contribute dollar amounts at the end of each payroll period which are equal to the percent-of-payroll contribution requirement multiplied by the unDROPed active member payroll for the period. Adjustments should be made as necessary to exclude items of pay that are not covered compensation for Retirement System benefits and to include non-payroll amounts that are covered compensation.

Illustrative Only. Included in these amounts is the projected salary increase between the valuation date and the fiscal year in which the contribution will be made. The projection factor used was 1.052957, $(1.035^{1.5})$, which is consistent with the projection used to calculate actuarial liability.

General	Ocean Rescue	Total
\$1,908,865	\$157,411	\$2,066,276 *

* This amount can be made by a combination of actual contributions and use of the Reserve for Employer Contributions, if any balance is remaining in the reserve.

The above amounts are assumed to be contributed, on average, halfway through the fiscal year. If contributions are made on a later schedule, interest should be added at the rate of 0.60% (.0060) for each month of delay.

Derivation of Funding Value of Retirement System Assets (Smoothing)

Year Ended September 30:	2013	2014	2015	2016	2017	2018
A. Funding Value Beginning of Year	\$72,392,627	\$73,853,074				
B. Market Value End of Year	77,995,357	79,882,302				
C. Market Value Beginning of Year	72,778,562	77,995,357				
D. Non-Investment Net Cash Flow: (EE+ER conts.) - (Refunds+Benefits+SPD+Adm.Exp.)	(3,957,533)	(3,616,350)				
	7.50%	7.50%				
E. Investment Income						
E1. Market Total: B - C - D	9,174,328	5,503,295				
E2. Amount for Immediate Recognition at 7.5%	5,281,040	5,403,367				
E3. Amount for Phased-In Recognition: E1-E2	3,893,288	99,928				
F. Phased-In Recognition of Investment Income						
F1. Current Year: 0.20 x E3	778,658	19,986				
F2. First Prior Year	1,100,769	778,658	\$ 19,986			
F3. Second Prior Year	(1,121,458)	1,100,769	778,658	\$ 19,986		
F4. Third Prior Year	(31,736)	(1,121,458)	1,100,769	778,658	\$ 19,986	
F5. Fourth Prior Year	(589,293)	(31,737)	(1,121,460)	1,100,770	778,656	\$ 19,984
F6. Adjustment to Recognize 20% Corridor	0	0	0	0	0	0
F7. Total Recognized Investment Gain/(Loss)	136,940	746,218	777,953	1,899,414	798,642	19,984
G. Funding Value End of Year: A + D + E2 + F7	73,853,074	76,386,309				
H. Difference between Market & Funding Value	4,142,283	3,495,993				
I. Recognized Rate of Return	7.69%	8.54%				
J. Recognized Rate of Investment Expenses	0.35%	0.34%				
K. Ratio of Funding Value to Market Value	94.7%	95.6%				

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 5-year period. During periods when investment performance exceeds the assumed rate, the Funding Value of Assets will tend to be less than Market Value. During periods when investment performance is less than the assumed rate, the Funding Value of Assets will tend to be greater than Market Value. If assumed rates are exactly realized for 4 consecutive years, it will become equal to Market Value.

Determining Dollar Contributions

For any period of time, the percent-of-payroll contribution rate needs to be converted to dollar amounts. The Florida Division of Retirement has indicated the legislative intent in Section 112.61, F.S., is to apply the Town portion of the contribution requirement on page A-1 to emerging payroll. To accomplish this, the Town should contribute dollar amounts at the end of each payroll period which are equal to the percent-of-payroll contribution requirement multiplied by the unDROPed active member payroll for the period. Adjustments should be made as necessary to exclude items of pay that are not covered compensation for Retirement System benefits and to include non-payroll amounts that are covered compensation.

Illustrative Only. Included in these amounts is the projected salary increase between the valuation date and the fiscal year in which the contribution will be made. The projection factor used was 1.052957, $(1.035^{1.5})$, which is consistent with the projection used to calculate actuarial liability.

Total Public Contribution Requirement	\$2,233,214
Chapter 185 Premium "frozen"	-
Funding from Add. Premium Tax Revenue	-
Illustrative Base Town Contribution	\$2,233,214

The above amounts are assumed to be contributed, on average, halfway through the fiscal year. If contributions are made on a later schedule, interest should be added at the rate of 0.60% (.0060) for each month of delay.

Derivation of Funding Value of Retirement System Assets

Year Ended September 30:	2013	2014	2015	2016	2017	2018
A. Funding Value Beginning of Year	\$ 61,028,427	\$ 60,553,425				
B. Market Value End of Year	61,920,948	63,350,648				
C. Market Value Beginning of Year	58,114,391	61,920,948				
D. Non-Investment Net Cash Flow	(3,508,405)	(2,936,535)				
E. Investment Income						
E1. Market Total: B - C - D	7,314,962	4,366,235				
E2. Amount for Immediate Recognition at 7.5%	4,445,567	4,431,387				
E3. Amount for Phased-In Recognition: E1 - E2	2,869,395	(65,152)				
F. Phased-In Recognition of Investment Income						
F1. Current Year: 0.20 x E3	573,879	(13,030)				
F2. First Prior Year	416,475	573,879	\$ (13,030)			
F3. Second Prior Year	(970,512)	416,475	573,879	\$ (13,030)		
F4. Third Prior Year	(236,395)	(970,512)	416,475	573,879	\$ (13,030)	
F5. Fourth Prior Year	(1,195,611)	(236,393)	(970,511)	416,473	573,879	\$ (13,032)
F6. Adjustment to Recognize 20% Corridor	0	0	0	0	0	0
F7. Total Recognized Investment Gain/(Loss)	(1,412,164)	(229,581)	6,813	977,322	560,849	(13,032)

G. Accelerated Recognition of Investment Income

H. Funding Value End of Year: A + D + E2 + F7

Not to Exceed 120% of Market Value

I. Difference between Market & Funding Value

J. Recognized Rate of Return

K. Recognized Rate of Investment Expenses

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 5-year period. During periods when investment performance exceeds the assumed rate, the Funding Value of Assets will tend to be less than Market Value. During periods when investment performance is less than the assumed rate, the Funding Value of Assets will tend to be greater than Market Value. If assumed rates are exactly realized for 4 consecutive years, it will become equal to Market Value.

Determining Dollar Contributions

For any period of time, the percent-of-payroll contribution rate needs to be converted to dollar amounts. The Florida Division of Retirement has indicated the legislative intent in Section 112.61, F.S., is to apply the Town portion of the contribution requirement on page A-1 to emerging payroll. To accomplish this, the Town should Contribute dollar amounts at the end of each payroll period which are equal to the percent-of-payroll contribution requirement multiplied by the unDROPed active member payroll for the period. Adjustments should be made as necessary to exclude items of pay that are not covered compensation for Retirement System benefits and to include non-payroll amounts that are covered compensation.

Illustrative Only. Included in these amounts is the projected salary increase between the valuation date and the fiscal year in which the contribution will be made. The projection factor used was 1.052957, $(1.035^{1.5})$, which is consistent with the projection used to calculate actuarial liability.

Total Public Contribution Requirement	\$2,285,579
Chapter 175 Premium "frozen"	-
Chapter 175 Supplemental "frozen"	-
Funding from Add. Premium Tax Revenue	-
Base Town Contribution	\$2,285,579

The above amounts are assumed to be contributed, on average, halfway through the fiscal year. If contributions are made on a later schedule, interest should be added at the rate of 0.60% (.0060) for each month of delay.

Derivation of Funding Value of Retirement System Assets

Year Ended September 30:	2013	2014	2015	2016	2017	2018
A. Funding Value Beginning of Year	\$56,303,556	\$56,006,749				
B. Market Value End of Year	57,436,358	58,419,961				
C. Market Value Beginning of Year	53,935,120	57,436,358				
D. Non-Investment Net Cash Flow	(3,398,222)	(3,019,910)				
E. Investment Income						
E1. Market Total: B - C - D	6,899,460	4,003,513				
E2. Amount for Immediate Recognition at 7.5%	4,095,333	4,087,260				
E3. Amount for Phased-In Recognition: E1 - E2	2,804,127	(83,747)				
F. Phased-In Recognition of Investment Income						
F1. Current Year: 0.20 x E3	560,825	(16,749)				
F2. First Prior Year	448,948	560,825	\$ (16,749)			
F3. Second Prior Year	(990,524)	448,948	560,825	\$ (16,749)		
F4. Third Prior Year	(179,489)	(990,524)	448,948	560,825	\$ (16,749)	
F5. Fourth Prior Year	(833,678)	(179,490)	(990,525)	448,950	560,827	\$ (16,751)
F6. Adjustment to Recognize 20% Corridor	0	0	0	0	0	0
F7. Total Recognized Investment Gain/(Loss)	(993,918)	(176,990)	2,499	993,026	544,078	(16,751)
G. Accelerated Recognition of Investment Income	0	0				
H. Funding Value End of Year: A + D + E2 + F7 Not to Exceed 120% of Market Value	56,006,749	56,897,109				
I. Difference between Market & Funding Value	1,429,609	1,522,852				
J. Recognized Rate of Return	5.68%	7.18%				
K. Recognized Rate of Investment Expenses	0.35%	0.33%				

The Funding Value of Assets recognizes assumed investment income (line E2) fully each year. Differences between actual and assumed investment income (line E3) are phased-in over a closed 5-year period. During periods when investment performance exceeds the assumed rate, the Funding Value of Assets will tend to be less than Market Value. During periods when investment performance is less than the assumed rate, the Funding Value of Assets will tend to be greater than Market Value. If assumed rates are exactly realized for 4 consecutive years, it will become equal to Market Value.

ACTUARY 10 YEAR PROJECTION OF CONTRIBUTION INCREASE PER GROUP
Town of Palm Beach Retirement System - General Employees
10-Year Projection

Year Ended 9/30	Active Count	Actuarial				Total Employer Contribution		
		Payroll	Benefit Payments	Accrued Liability	Actuarial Value of Assets	Funded Ratio	Fiscal Year	% of Payroll Dollar Amount
2014	162	\$ 9,868,597	\$ 5,535,899	\$ 89,069,575	\$ 73,013,141	82.0%	2016	18.37% \$ 1,908,865
2015	162	10,289,986	5,828,691	90,453,153	75,446,032	83.4%	2017	17.88% 1,937,283
2016	162	10,717,812	6,222,251	91,535,416	78,852,041	86.1%	2018	16.71% 1,885,790
2017	162	11,159,891	6,352,630	92,576,828	81,297,217	87.8%	2019	16.16% 1,898,944
2018	162	11,579,296	6,523,387	93,531,401	83,029,786	88.8%	2020	15.98% 1,948,362
2019	162	11,976,326	6,684,323	94,399,939	84,767,453	89.8%	2021	15.81% 1,993,729
2020	162	12,437,059	6,925,640	95,097,983	86,391,754	90.8%	2022	15.70% 2,056,024
2021	162	12,831,776	7,166,495	95,616,043	87,919,307	92.0%	2023	15.62% 2,110,467
2022	162	13,312,142	7,321,384	96,030,993	89,450,677	93.1%	2024	15.56% 2,181,063
2023	162	13,769,249	7,453,535	96,364,241	91,038,264	94.5%	2025	15.52% 2,250,156
2024	162	14,193,722	7,562,187	96,631,632	92,709,234	95.9%	2026	15.47% 2,312,051

Uses 3.5% wage growth assumption.

We have reflected compliance with F.S. 112.64(5) in year ended 9/30/14.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods were those used for the 9/30/14 valuation.

The market value of assets as of 9/30/14 was used as the starting point for our projected asset values.

Future experience was assumed to be consistent with the current actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System - Police Officers **10-Year Projection**

Year Ended 9/30	Active Count	Payroll	Benefit Payments	Actuarial Accrued Liability	Actuarial Value of Assets	Funded Ratio	Total Employer Contribution		
							Fiscal Year	% of Payroll	Dollar Amount
2014	49	\$ 3,354,258	\$ 5,179,467	\$ 84,624,189	\$ 61,818,696	73.1%	2016	63.23%	\$ 2,233,213
2015	49	3,500,559	5,388,147	85,664,284	63,210,942	73.8%	2017	63.12%	2,326,564
2016	49	3,648,054	5,719,621	86,428,637	65,547,943	75.8%	2018	61.06%	2,345,463
2017	49	3,836,213	5,876,936	87,091,617	67,515,316	77.5%	2019	60.02%	2,424,428
2018	49	4,027,194	6,017,518	87,672,166	68,999,758	78.7%	2020	59.98%	2,543,429
2019	49	4,220,642	6,167,284	88,154,627	70,583,565	80.1%	2021	59.93%	2,663,381
2020	49	4,418,497	6,310,002	88,539,584	72,245,637	81.6%	2022	59.90%	2,786,839
2021	49	4,621,609	6,426,404	88,847,360	74,021,024	83.3%	2023	59.91%	2,915,433
2022	49	4,829,375	6,516,788	89,099,306	75,963,983	85.3%	2024	59.92%	3,047,006
2023	49	5,042,588	6,640,843	89,256,711	78,063,779	87.5%	2025	59.94%	3,182,590
2024	49	5,260,963	6,810,750	89,265,348	80,289,371	89.9%	2026	59.95%	3,320,970

Total employer contributions should not expect any reduction from Chapter 185 monies.

Uses 3.5% wage growth assumption.

We have reflected compliance with F.S. 112.64(5) in year ended 9/30/14.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods were those used for the 9/30/14 valuation.

The market value of assets as of 9/30/14 was used as the starting point for our projected asset values.

Future experience was assumed to be consistent with the current actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

Town of Palm Beach Retirement System - Firefighters 10-Year Projection

Year Ended 9/30	Active Count	Actuarial				Total Employer Contribution		
		Payroll	Benefit Payments	Accrued Liability	Actuarial Value of Assets	Funded Ratio	Fiscal Year	% of Payroll Dollar Amount
2014	50	\$ 3,403,307	\$ 5,368,437	\$ 83,364,987	\$ 56,897,109	68.3%	2016	63.78% \$ 2,285,579
2015	50	3,589,030	5,511,616	84,152,820	57,931,085	68.8%	2017	63.73% 2,408,416
2016	50	3,779,012	5,680,867	84,837,646	60,081,416	70.8%	2018	62.24% 2,476,614
2017	50	3,974,024	5,759,512	85,506,034	61,951,715	72.5%	2019	61.45% 2,571,360
2018	50	4,174,512	5,872,257	86,121,919	63,393,437	73.6%	2020	61.44% 2,700,645
2019	50	4,380,458	5,996,545	86,669,537	64,975,838	75.0%	2021	61.40% 2,832,034
2020	50	4,592,445	6,111,204	87,154,410	66,681,352	76.5%	2022	61.38% 2,968,119
2021	50	4,810,478	6,218,936	87,579,379	68,529,671	78.2%	2023	61.39% 3,109,542
2022	50	5,034,094	6,340,527	87,925,703	70,536,492	80.2%	2024	61.42% 3,255,680
2023	50	5,269,945	6,445,137	88,205,245	72,743,579	82.5%	2025	61.43% 3,408,765
2024	50	5,506,200	6,485,629	88,480,215	75,242,407	85.0%	2026	61.44% 3,562,162

Total employer contributions should not expect any reduction from Chapter 175 monies.

Uses 3.5% wage growth assumption.

We have reflected compliance with F.S. 112.64(5) in year ended 9/30/14.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods were those used for the 9/30/14 valuation.

The market value of assets as of 9/30/14 was used as the starting point for our projected asset values.

Future experience was assumed to be consistent with the current actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

The actuary states that the funding ratio is scheduled to be reduced and the Town employer contributions are scheduled to be increased based on the adoption of the experience study recommendation on May 15, 2015, and primarily due to the adoption of a fully generational mortality table requirement by Florida Law.

MEMORANDUM

To: William P. Hanes, Pension Administrator, Town of Palm Beach Retirement System

From: Rosemary E. Guillette, Senior Consultant

Date: May 20, 2015

Re: Summary of Changes and Performance

Segal Rogerscasey was hired in 2012 as the Town's new investment consultant. One of our tasks upon being hired outside of our ongoing tasks, was to help combine the three plans into one program and prepare an Asset Liability Study to develop one asset allocation for the total program. Before 2012, the Town had three distinct Pension Funds- one for Police, one for Fire and one for General Employees. Upon being retained, we had our research group meet with each manager and determined which managers we would recommend retaining and which managers would be closed and consolidated. Our Asset Liability Modeling (ALM) group prepared and presented an ALM Study and the Board voted on a new asset allocation mix to include new asset classes and percentage weights.

The first quarter of combined performance for all Plans was in the 4th quarter of 2012. Once the assets were combined and the asset allocation was chosen, we began the process of completing manager searches to fill new asset class selections and trimming overlapping managers. The bulk of this work has been completed, but there are still a few manager searches outstanding due to contract issues. A few managers that were selected during the search process were not able to agree to the Town's legal requirements which has delayed the full funding of some asset classes.

The following managers were terminated during this process- Roanoke SMID Growth, Stralem & Co. LCC, SSgA MCC Index, CRM MCV, Archstone, Vanguard Fixed ETF, Richmond Capital, Pyramis International, SSgA Aggregate Bond Index, and Forester. Many other managers were consolidated and retained including the SSgA S&P 500 Index funds, Geneva, Harris International and Artisan Partners International. Many searches have been conducted including Mid Cap Value Search, Multiple Real Estate searches, Multiple Private Equity searches, International Emerging Markets Search, High Yield Fixed Income search, and a Global Tactical Asset Allocation/Risk Parity Search. The new asset classes that were added to the allocation include Dedicated International Emerging Markets, High Yield Fixed Income, GTAA, Real Estate and additional Private Equity. Prior to being hired to the Program, the Plans had no real estate investments.

Both Real Estate and Private Equity programs can take many years to develop as there are vintage year issues that need to be considered so these allocations are diversified and not concentrated in any single year. We are in the process of conducting another opportunistic real estate search and updating the ALM study we conducted back in the beginning of 2013.

The performance during any transition period can be challenging due to a number of factors. One of the major factors to consider is a target allocation that is not fully realized. An example of this within the Palm Beach Total Fund Policy Index is a 10% weight to real estate when the Plan is still building out this allocation and it is only at 3% allocation. These types of differences cause performance fluctuations versus a fixed policy index and many times secondary policy indices are developed to help understand these differences. Another case of this is the large cash position held by the Plan during 2014. This large cash position in 2014 was a drag on performance for the period. This cash has since been invested but did affect trailing performance vs. the policy index.

Since the plans were combined, the annualized since inception performance has been slightly above its policy index at 9.46% versus an index return of 9.40% as of 3/31/15. We have also shown a secondary index in the performance reports to reflect the cash position and its effect. The Plan considerably outpaced this secondary index, which was up only 8.37% over the same since inception period. The Plan has had two fiscal periods since the combination of assets. The fiscal 2013 performance was strong and outpaced both its policy indices (13.73% vs. 11.36%/11.29%) and the fiscal 2014 performance was more challenged lagging its primary index (7.39% vs. 8.86%) but outpacing the secondary index (7.39% vs. 6.89%) for the period. Though the fiscal 2014 performance has lagged, the overall performance of the Fund's managers has been strong with few exceptions. The performance for the first quarter of 2015 was up 2.01%, which slightly lagged its index of 2.31%. The underperformance was due to an under-allocation in some asset classes (mainly real estate and private equity) and a few underperforming managers. These managers included Goldman Sachs, Wellington, and Wells Capital, which are being closely monitored.

In summary, this combined Plan, the asset allocation, and many managers are new and only have short-term performance histories. This program is a Pension Fund and as such should have a long-term perspective on growing assets and optimizing value for its participants. This is an important point to remember when looking at results. Significant research has been conducted which shows that Plans that stick to their investment guidelines, policies, and view investments over the long-term produce better results over the long-term than plans that try to time the market and focus on short-term results. This Plan has a solid forward-looking asset allocation, strong managers, and continuous oversight which will serve the Plan well on a going forward basis.

Please let us know if there are further questions or concerns.

cc: Lawrence H. Marino, CFA

Town of Palm Beach Retirement System
Target Allocation vs. Current Asset Allocation as of March 31, 2015

TARGET ALLOCATION	INVESTMENT MANAGERS AND ALLOCATION			DIFF.	RANGE
<u>EQUITIES</u>					
Large Cap Equity			12.19% 1.18% 13.57%	\$25,765,697 \$2,501,289 \$28,266,986	
Small/Mid Cap Equity			3.14% 2.72% 4.69% 10.55%	\$6,636,989 \$5,741,731 \$9,919,044 \$22,297,764	
Domestic Equities Total	15.00%	\$31,716,546	23.91%	\$50,564,750	10 - 20%
International Equity	15.00%	\$31,716,546	8.71% 8.39% 17.10%	\$18,419,434 \$17,745,575 \$36,165,009	10 - 20%
Emerging Markets Equity	10.00%	\$21,144,364	5.08% 4.59% 9.67%	\$10,750,918 \$9,701,557 \$20,452,475	5 - 15%
Non US Equities Total	25.00%	\$52,860,909	26.78%	\$56,617,484	15 - 35%
<u>FIXED INCOME</u>					
Core Fixed Income	17.50%	\$37,002,637	17.16% 17.16%	\$36,286,430 \$36,286,430	12 - 22%
High Yield Fixed Income	2.50%	\$5,286,091	2.55% 2.55%	\$5,395,831 \$5,395,831	0 - 6%
TIPS	2.50%	\$5,286,091	2.25% 2.25%	\$4,752,602 \$4,752,602	0 - 6%
Fixed Income Total	22.50%	\$47,574,818	21.96%	\$46,434,862	12 - 34%
<u>ALTERNATIVES/HEDGE FUND OF FUNDS</u>					
Alternatives/Hedge Fund of Funds Total	15.00%	\$31,716,546	12.25%	\$25,911,285	10 - 20%
<u>COMMODITIES</u>					
Commodities Total	2.50%	\$5,286,091	2.72%	\$5,742,704	0 - 6%
<u>REAL ESTATE</u>					
Real Estate Total	10.00%	\$21,144,364	7.18%	\$15,178,478	5 - 15%
<u>PRIVATE EQUITY</u>					
Private Equity Total	10.00%	\$21,144,364	4.25%	\$8,980,236	5 - 15%
<u>Liquid Capital¹</u>					
Liquid Capital Total	0.00%	\$0	0.95%	\$2,013,839	-
TOTAL	100.00%	\$211,443,638	100.00%	\$211,443,638	

NOTE: Private Equity and Private Real Estate Market Values reflect most recent Market Values available, plus minus contributions/distributions in Q1 2015.

¹ JPMorgan commitment, pending contract review.

² Includes cash account and IR&M

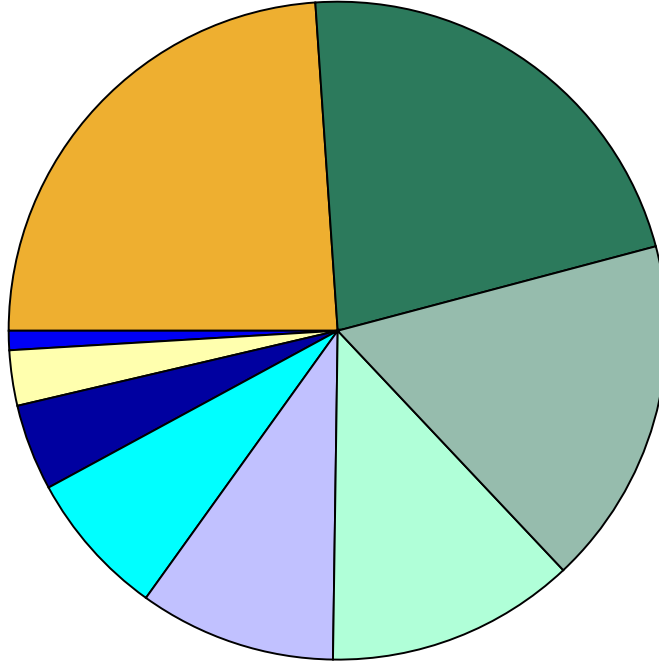
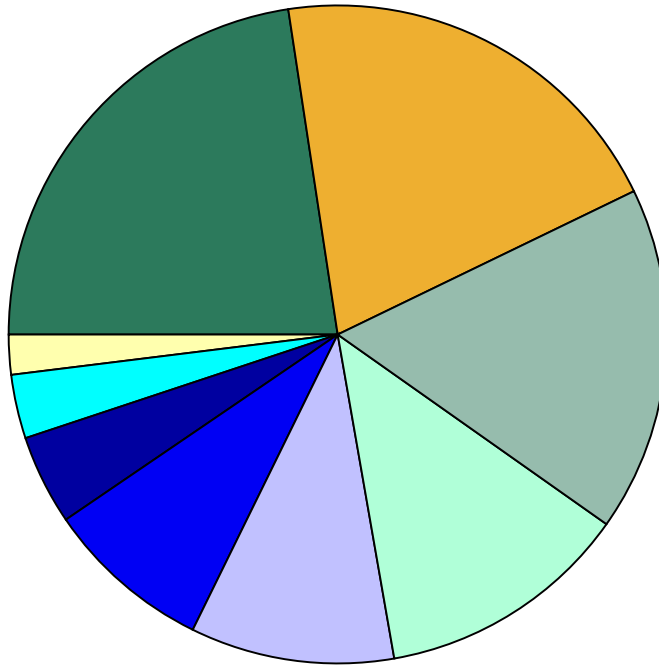
Town of Palm Beach Retirement System

Asset Allocation Chart

As of March 31, 2015

December 31, 2014 : \$202,986,640

March 31, 2015 : \$211,443,638



Asset Class	Market Value (\$)	Allocation (%)
Fixed Income	45,868,935	22.60
US Equity	41,071,189	20.23
International Equity	34,413,876	16.95
Alternatives/Hedge Fund	25,307,852	12.47
Emerging Markets Equity	20,320,320	10.01
Cash	16,680,425	8.22
Private Equity	8,964,644	4.42
Real Estate	6,378,796	3.14
Commodities	3,980,604	1.96

Asset Class	Market Value (\$)	Allocation (%)
US Equity	50,564,750	23.91
Fixed Income	46,434,862	21.96
International Equity	36,165,009	17.10
Alternatives/Hedge Fund	25,911,285	12.25
Emerging Markets Equity	20,452,475	9.67
Real Estate	15,178,478	7.18
Private Equity	8,980,236	4.25
Commodities	5,742,704	2.72
Cash	2,013,839	0.95

Town of Palm Beach Retirement System

Comparative Performance

As of September 30, 2014

	Allocation		Performance (%)						Inception Date
	Market Value (\$000)	%	1 Quarter	Year To Date	1 Year	2 Years	Oct-2013 To Sep-2014	Since Inception	
Town of Palm Beach Retirement Composite	201,599	100.00	-2.26	2.27	7.03	10.27	7.03	10.27	10/01/2012
Total Fund Composite Policy Index			-0.95	4.60	8.86	10.11	8.86	10.11	
Total Domestic Equity Composite	39,417	19.55	-2.31	4.08	14.14	17.84	14.14	17.84	10/01/2012
S&P 500			1.13	8.34	19.73	19.54	19.73	19.54	
Total International Equity Composite	34,289	17.01	-5.77	-3.36	2.63	16.12	2.63	16.12	10/01/2012
MSCI EAFE (Net)			-5.88	-1.38	4.25	13.60	4.25	13.60	
Total Emerging Markets Equity Composite	21,212	10.52	-3.40	2.97	2.96	N/A	2.96	9.54	09/01/2013
MSCI EM (net)			-3.50	2.43	4.30	2.63	4.30	10.19	
Total Fixed Income Composite	54,533	27.05	-0.20	3.83	4.48	1.62	4.48	1.62	10/01/2012
Fixed Income Index*			-0.89	3.85	4.18	1.72	4.18	1.72	
Total Alternatives/Hedge Fund Composite	25,617	12.71	-0.93	2.98	7.29	8.95	7.29	8.95	10/01/2012
90 Day T-Bills + 5%			1.24	3.77	5.04	5.06	5.04	5.06	
Total Commodities Composite	4,591	2.28	-11.04	-5.03	-6.14	-8.82	-6.14	-8.82	10/01/2012
Bloomberg Commodity Index Total Return			-11.83	-5.59	-6.58	-10.55	-6.58	-10.55	
Total Private Equity Composite	8,108	4.02	-0.21	21.16	32.91	25.22	32.91	25.22	10/01/2012
S&P 500 + 5%			2.37	12.38	25.72	25.52	25.72	25.52	
Total Real Estate Composite	4,577	2.27	0.96	-1.81	11.61	N/A	11.61	7.71	08/01/2013
NCREIF Property Index			2.63	8.51	11.26	11.13	11.26	11.16	
Total Liquid Capital Composite	9,254	4.59	-0.08	0.15	0.15	0.14	0.15	0.14	10/01/2012
90 Day U.S. Treasury Bill			0.01	0.04	0.04	0.06	0.04	0.06	

This chart represents the September 30, 2014 fiscal year returns.

Net of Fees.

* Fixed Income Index consists of 50% Barclays Capital US Aggregate, 25% Barclays Capital US Corp. High Yield, 25% Barclays Capital US Treasury; US TIPS.

Town of Palm Beach Retirement System
Comparative Performance
As of March 31, 2015

DROP and Share
“System Investment Method” Calculation Formula

	Year		Year		Year	
	1	To	1	3	5	
Annualized Gross of Fees	Quarter	Date	Year	Years	Years	
Firefighters Retirement Composite *	2.01	2.01	3.74	8.41	7.73	
Police Retirement Composite*	2.01	2.01	3.74	8.46	7.90	
General Employees Composite*	2.01	2.01	3.74	8.96	8.84	
Town of Palm Beach Combined**	2.01	2.01	3.74	8.64	8.22	2.06

Estimated Quarterly Return
over 5 years

	Year		Year		Year	
	1	To	1	3	5	
Annualized Net of Fees	Quarter	Date	Year	Years	Years	
Firefighters Retirement Composite*	1.94	1.94	3.45	8.20	7.56	
Police Retirement Composite*	1.94	1.94	3.45	8.24	7.69	
General Employees Composite*	1.94	1.94	3.45	8.76	8.71	
Town of Palm Beach Combined**	1.94	1.94	3.45	8.40	7.99	2.00

Estimated Quarterly Return
over 5 years

$$R_{MDiets} = \frac{Gain}{AverageCapital} = \frac{EMV - BMV - F}{BMV + \sum_{i=1}^n W_i \times F_i}$$

Performance shown is not GIPS compliant and is an estimation.

Segal Rogerscasey uses the Modified Dietz method to calculate performance.

The monthly/quarterly returns are then linked geometrically to calculate the fund's performance history. A geometric return is the product of all the holding period returns $(1 + \text{one month's return})$ will be considered the month's holding period return). Returns for periods greater than one year linked and then annualized. The annualized return is a geometric return, which is the n th root of the product of the holding period returns for n years.

Example 5 year Annualized Return: $((1 + \text{period 1 return}) \times (1 + \text{period 2 return}) \text{ etc...})^{(12/60)} - 1$

* October 2009 through September 2012 represents each plan's unique performance and the October 2012 through December

2014 period represent combined performance for the new combined plan. Net of Fees performance history not provided

for General Employees Composite, therefore; fees were estimated.

** Performance prior to October 2012 is a theoretical weighted average of the Firefighters, Police & General Employees composites given a static weighting between the plans. The performance from October 2012 through December 2014 is the new combined plan.



Experience Study July 1, 2010 to June 30, 2014 – All Assumptions

Brad Armstrong, ASA
Jeff Tebeau, ASA
May 21, 2015



Purpose of Experience Study

- ◆ To maintain reasonable assumptions that are reflective of existing assumptions, recent past experience, and future expectations for purposes of performing valuations that will:
 - ▲ Measure the financial condition of the System
 - ▲ Annually be used to determine employer contribution rates that will appropriately fund the System over time and afford better stability
 - ▲ Compare assumed experience to actual experience



Actuary's Responsibility

- ◆ Review experience for each group
- ◆ Make recommendations on assumption changes for each group
- ◆ Comply with actuarial standards of practice and relevant Florida statutes



Board's Responsibility

- ◆ Review the results of the experience study
- ◆ Adopt the actuarial assumptions for each of the groups as the Board of Trustees considers necessary



Actuarial Assumptions

- ◆ **Demographic** – Things that happen to people
- ◆ **Economic** – Things that happen to money

This presentation reviews both the economic and demographic assumptions.



Economic Assumptions

- ◆ **The following section reviews the economic assumptions**



Economic Assumptions

- ◆ Price Inflation
- ◆ Investment Return
- ◆ Payroll Growth (Wage Inflation)



Current Economic Assumptions

Price Inflation (implied)	3.0%
Wage Inflation (payroll growth)	3.5%
Investment Return	7.5%

EXPERIENCE STUDY - SUMMARY OF FINDINGS

Decrement Assumptions

Pay Increase Rates. The merit and longevity portion of pay increases have been lower overall than assumed. Rates were adjusted to bring them closer to actual experience. This change modestly decreases the computed employer contribution rates.

Retirement Experience. Overall, retirements were slightly lower than expected. However, rates were recently revised to account for new plan provisions and were therefore not adjusted. This does not change the computed employer contribution rates.

Rates of Withdrawal. Overall, withdrawals were approximately as expected for General and higher than expected for Ocean Rescue, Police, and Fire. As such, the withdrawal rates for Ocean Rescue, Police, and Fire were adjusted. This change decreases the computed employer contribution rates.

Disability Rates. Past disability experience has been approximately as expected. Rates were not adjusted. This does not change the computed employer contribution rates.

Death-in-Service Mortality Rates. There were no deaths during the period studied. The recommended assumption for 2015 is the RP-2014 Mortality Tables for Employees projected to 2017 using the MP-2014 mortality improvement scale. Blue Collar Tables are used for Ocean Rescue, Police, and Fire. The recommended ultimate assumption is based on the mortality assumptions used by the Florida Retirement System as discussed in Section C.

Retired Life Mortality. Based on the size of the population, we believe the actual mortality experience is not useful in determining assumed mortality rates going forward. Instead, we recommend a change to the RP-2014 Healthy Annuitant Mortality Table projected to 2017 using the MP-2014 mortality improvement scale for the 2015 valuation year. The Blue Collar Tables were used for Ocean Rescue, Police, and Fire. In addition, we also recommend changing the mortality assumption for disabled lives to the RP-2014 Disabled Retirees Table for the 2015 valuation year. The recommended ultimate assumption is based on the mortality assumptions used by the Florida Retirement System as discussed in Section C. The new mortality rates produce life expectancies that are longer for males and females. This change significantly increases the computed employer contribution rates and decreases the funded ratios.

EXPERIENCE STUDY - SUMMARY OF FINDINGS

Economic Assumptions

Economic assumptions include long-term rates of investment return and wage inflation (the across-the-board portion of salary increases). Unlike demographic activities, economic activities do not lend themselves to analysis solely on the basis of internal historical patterns because both salary increases and investment return are more affected by external forces; namely inflation, general productivity changes and changes in financial markets. Estimates of economic activities are generally selected on the basis of the expectations in an inflation-free environment and then both are increased by some provision for long-term inflation.

If inflation and/or productivity increases are higher than expected, actual rates of salary increase and investment return are likely to exceed the assumed rates. Salaries increasing faster than expected produce unexpected liabilities. Investment return exceeding the assumed rates (whether due to manager performance, change in the mix of assets, or general inflation) results in unanticipated assets. To the extent that inflation, productivity, and other factors have about the same effect on both sides of the balance sheet, these additional assets and liabilities can offset one another over the long-term.

The economic assumptions for the System are as follows:

Investment Return	7.50%
Wage Inflation	3.50
Spread	4.00
Implicit Price Inflation	3.00
Implicit Real Return	4.50

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of
May 6, 2015

Presenter

Penelope D. Townsend, Chair

Supporting Documents

- [Report of the Ordinances, Rules, & Standards Committee Meeting of May 6, 2015](#)

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE
MEETING HELD ON WEDNESDAY, MAY 6, 2015**

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Wednesday, May 6, 2015, at 2:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

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

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. Old Business

1. Update on Possible Codification of Business Association Special Events
(*Paul W. Castro, Zoning Administrator*)

Zoning Administrator Castro provided an overview of Staff's recommendation to establish administrative procedures in lieu of codifying provisions for business association special events. He added that Staff would take the administrative procedures before the Town Council for approval, and that each event would require Town Council approval as well.

Deputy Town Manager Boodheshwar spoke regarding the history of this matter and the provision in the Code that allows the Town Council to allow such special events, provided that they are Town-sponsored.

Discussion ensued regarding the criteria, conditions, and levels of approval, Italian Week, what Town-sponsored means, and soliciting input from the business community before drafting the administrative procedures.

It was the consensus of the Committee to recommend that the Town Council approve Staff's recommendation to establish administrative procedures in lieu of codifying provisions for business association special events.

2. Update on Alternative Plans Review and Inspection (Private Provider) Program (*Veronica Close, Assistant Director of Planning, Zoning and Building*)

Assistant Director Close stated that additional work and review on this item is necessary, and that Staff will bring the final amendments back before the Committee at its July 2, 2015, meeting. She added that, in the interim, Staff is increasing the number of audits and revising the audit forms.

Chair Townsend requested that the amendments be presented in tracked changes format for easy identification.

It was the consensus of the Committee to defer this item to the July 2, 2015, ORS Committee meeting.

3. Review Proposed Changes to Charitable Solicitation Permits (*Susan Owens, Town Clerk*)

Town Clerk Owens provided an overview of the Charitable Solicitation Permit data requested by the Town Council.

Discussion ensued regarding the intent of the Charitable Solicitation Code and permits, defining what a solicitation is, the need for reasonable regulations, permit requirements, physical events versus mail solicitations and drives, allowable number of permits per year, events at private clubs, members only events, permit duration, events benefiting multiple organizations, and the need for further review of these matters.

It was the consensus of the Committee to direct Staff to schedule a meeting to review the above referenced matters further, and to report back to the Committee at its July 2, 2015, meeting.

4. Final Schedule for ORS Meetings in 2015 (*Jay Boodheshwar, Deputy Town Manager*)

Deputy Town Manager Boodheshwar provided an overview of the

meeting schedule and remaining study items. He stated that, based upon the previous action, charitable solicitation permits would be added to the July meeting; however, since the July meeting must be concluded early, the item may need to be rolled over to the September 10, 2015, meeting.

Chair Townsend requested that the backup for the July 2 and September 10, 2015, meetings be provided earlier so that the Committee can have more time to review the information and ask questions prior to the meetings.

Deputy Town Manager Boodheshwar stated that the Committee could choose to place the medical marijuana study item on hold pending any potential state legislation, and notified the Committee that it may need to revisit the vehicles for hire ordinance as no legislation was passed this session and the County has no plans to require permits.

Discussion ensued regarding issuing a Zoning in Progress regarding medical marijuana.

It was the consensus of the Committee to approve the proposed final schedule for ORS meetings in 2015, subject to the following addition:

- **Charitable Solicitation Permits was added to the July 2, 2015, meeting. If time does not permit, then the item will be heard at the September 10, 2015, meeting.**

B. New Business

**1. Review of Potential Regulations for the Maintenance of Parkway Strips
(Ann-Marie Taylor, Police Captain)**

Captain Taylor provided a brief overview of the parkway strips issue.

Parking/Code Enforcement Manager Houston provided additional information on complaints she has received over the years regarding unmaintained parkway strips and the subsequent enforcement and compliance difficulties.

Deputy Town Manager Boodheshwar presented photos depicting the condition of several parkway strips in the Town.

Discussion ensued regarding whether the Town should regulate the maintenance of parkway strips and to what degree, inconsistent maintenance standards, public versus private maintenance, the number of owners refusing to maintain their strips, maintenance costs, not actively looking for violations, and having the Town Council provide further direction if they agree that maintenance regulations are necessary.

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Committee Reports

Agenda Title

Report of the Finance and Taxation Committee Meeting of May 11, 2015

Presenter

Michael J. Pucillo, Chair

Supporting Documents

- [Report of the Finance & Taxation Committee Meeting of May 11, 2015](#)

**REPORT OF THE FINANCE AND TAXATION COMMITTEE MEETING
HELD ON MONDAY, MAY 11, 2015**

I. CALL TO ORDER AND ROLL CALL

The Finance and Taxation Committee meeting was called to order on Monday, May 11, 2015, at 2:00 p.m., in the Town Council Chambers. On roll call, Chairman Pucillo and Committee Member Kleid were present.

II. PLEDGE OF ALLEGIANCE

Chairman Pucillo led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

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

IV. AUDIT SELECTION COMMITTEE UPDATE

Jane Struder, Director of Finance

Director Struder provided an update on the Audit Selection Committee recruitment, spoke regarding auditor selection best practices, and provided Staff's recommendation.

Chairman Pucillo stated that Council Member Wildrick has agreed to serve on this committee.

Discussion ensued regarding tentatively scheduling the first Selection Committee meeting for the afternoon of June 9, 2015, either at 2:00 p.m. or following the Town Council meeting; and, if needed, scheduling a second meeting near the July Town Council meetings.

Motion was made by Committee Member Kleid, and seconded by Chairman Pucillo, to recommend the appointment of Council President Pucillo, Council President Pro Tem Kleid, and Council Member Wildrick to the Audit Selection Committee. On call for a vote, the motion carried unanimously.

V. **COASTAL FINANCING UPDATE**

*Jane Struder, Director of Finance and
Jay Glover and Jeremy Neidfeldt, PFM*

Jeremy Neidfeldt, PFM, provided an update on the Coastal Financing Plan.

Discussion ensued regarding Program cost overruns, the projected shortfall, transferring \$6 million to the Coastal Program to fund the gap, fiscal year 2016 property tax revenue, the Town's reserve percentage and appropriate reserve levels, seawall project status, funding gap coverage options, caps, using non-General Fund reserves, extending the life of equipment assets and utilizing the savings for the Coastal Program, internal borrowing options, the Town's high credit rating and its 25% fund balance policy.

a. **GROIN PROJECT FINANCING**

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

Director Brazil provided an overview of the Groin Project and the funds available for Phase I of the Project.

Discussion ensued regarding the Groin Project, project phases and timing, bondable projects, whether we need to worry about this now, permitting, bids, the Beach Management Agreement, condition of the groins, identifying private groins, ownership and easement issues, perceptions, private owners piggybacking off of the Town's contract, seeing what work could be done for \$5 million, and groin effectiveness.

VI. **UNDERGROUND UTILITY PROJECT FINANCING PRESENTATION**

Jay Glover and Jeremy Neidfeldt, PFM

Jay Glover, PFM, provided a presentation on Underground Utility Project financing.

Discussion ensued regarding bonding options, how bonding the Utility Project might affect the Coastal Management Financing Plan, tax exempt status and timeframes for expenditure of funds, doing the Project in phases and rate differentials, the Town's credit rating, scheduling a bond referendum, general obligation bond capacity, combining financing options, and effects on those who have already undergrounded their utilities.

By consensus of the Committee, PFM was directed to look into whether a bond could be structured such that a portion of the proceeds from the general obligation bond could be used to assume the special assessment obligation of those who have already undergrounded their utilities.

Discussion continued regarding bond procedures and timing, bond validation, equivalent benefit units, costing methodologies and the equity between them, prepayment of assessments, and financial assumptions.

By consensus of the Committee, PFM was directed to look into whether an option that offers the benefits of a general obligation bond, but uses a special assessment methodology for determining a property owner's share of taxes, exists.

Further discussion ensued regarding property owner preferences for ad-valorem versus special assessment taxation, costing equity, how the taxes are collected, cost differences between general obligation and special assessment bonds, when the Project can start, and Project startup costs.

Council President Pucillo announced that this item will be on tomorrow's Town Council meeting agenda, and that he will be providing a summary of today's presentation and discussions.

By consensus of the Committee, it was recommended that the Town Council also seek financing input from the Underground Utilities Task Force.

VII. ANY OTHER MATTERS – None

VIII. ADJOURNMENT

There being no further business, the Finance and Taxation Committee Meeting of Monday, May 11, 2015, was adjourned at 3:37 p.m.

APPROVED:

Michael J. Pucillo
Chairman

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date _____

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Town Hall Square Historic District Project

a. Fundraising Update

Bill Bone, Esquire

b. Phase II Update

Jay Boodheshwar, Deputy Town Manager

c. RESOLUTION NO. 69-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach, County, Florida, Approving a Dedication to the Public of a Parcel of Land to be Used for Public Park Purposes Consistent with and to be Incorporated as Part of Memorial Park; Providing an Effective Date.

John C. Randolph, Town Attorney

Presenter

Supporting Documents

- [b. Memorandum Dated June 2, 2015, from Jay Boodheshwar, Deputy Town Manager](#)
- [c. Memorandum dated June 1, 2015, from John C. Randolph, Town Attorney](#)
- [c. Resolution No. 69-2015](#)
- [c. Exhibits A and B Dedication re Resolution No. 69-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Update on Phase 2 of the Town Hall Square Memorial Park Project

Date: June 2, 2015

STAFF RECOMMENDATION

Staff has provided this memorandum to update the Mayor and Town Council on the status of Phase 2 of the Town Hall Square Memorial Park project.

GENERAL INFORMATION

On May 5, 2015, approval was received from the State of Florida's Division of Historical Resources for the Phase 2 design and landscaping plans for the Town Hall Square Memorial Park project, which is a requirement for receiving the second \$350,000 grant previously committed by the State. (Restoration of the Mizner Fountain's (Phase 1 grant) original grout and basin colors was also approved on May 5.)

Final planning and development of construction drawings and specifications are underway, as is the preparation for several upcoming Town presentations. For planning and scheduling purposes, please note that Phase 2 has been segregated into two efforts, including: (A) which will include all of the work inside the park including that which is applicable to the grant agreement and (B) all other work associated with Phase 2. Below is the updated list of meetings/approvals that are required to keep this project moving forward on a schedule that meets the deadline of the grant agreement, in addition to minimizing the traffic impact to the Town Hall square area during construction of Phase 2.

June 17, 2015	Landmarks Preservation Commission for Informal Review
July 15, 2015	Town Council Development Review for Special Exception and Site Plan Review
July 23, 2015	Landmarks Preservation Commission for Certificate of Appropriateness
August 11, 2015	Town Council to Award Engineering Construction Phase Services

September 8, 2015 Town Council to Award GMP for Phase 2 Work

October 5, 2015 Start of Phase 2(A), with anticipated completion by mid-January, 2016. This assumes approximately 90 days for construction within the park limits.

May 1, 2016 Start of Phase 2(B), with anticipated completion by October 31, 2016.

One of the additional benefits for segregating Phase 2 into two efforts is related to the proposed dedication ceremony. Trying to plan a dedication of the fountain alone in between its completion and the mobilization of Phase 2 construction is unpredictable and potentially unsafe for attendees. By starting Phase 2(A) as soon as possible after the completion of Phase 1 will allow us to complete everything else in the park, allowing for a more presentable and safe environment for the proposed dedication, which would be held in mid to late January, 2016.

TOWN ATTORNEY REVIEW

The Phase 2 grant agreement referenced has been reviewed and approved by the Town Attorney. Staff will present said agreement at the August 11, 2015, Town Council meeting for approval.

FUNDING/FISCAL IMPACT

There is no fiscal impact to the Town associated with this update.

cc: H. Paul Brazil, P.E., Director of Public Works
John Page, Director of Planning, Zoning, and Building
William K. Francis, P.E., Town Engineer

TOWN OF PALM BEACH

Information for the Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John C. Randolph, Town Attorney

Re: Consideration of Resolution approving Dedication of land to the public for park purposes
in conjunction with Memorial Park
Resolution No. 69-2015

Date: June 1, 2015

STAFF RECOMMENDATION

It is recommended that the Mayor and Town Council adopt Resolution No. 69-2015 which approves a dedication to the public for park purposes, in perpetuity, a parcel of land contiguous to Memorial Park, joining said parcel to Memorial Park as part and parcel thereof.

GENERAL INFORMATION

The Town Council has adopted Ordinance No. 13-2015, attached, which amended the zoning so as to provide that public parks are a permitted use within the C-TS Zoning District. In light of the adoption of that Ordinance, it is now appropriate for the Town to consider the adoption of a resolution which would approve a dedication to the public of a parcel of land adjacent to Memorial Park to be used in conjunction with Memorial Park solely for public park purposes. Toward that end, I have prepared for consideration of the Mayor and Town Council the attached Resolution No. 69-2015 which approves a Dedication to the public for park purposes, in perpetuity, of that parcel of land contiguous to Memorial Park, and joining said parcel to Memorial Park as part and parcel thereof.

ATTACHMENTS

Ordinance No. 13-2015
Resolution No. 69-2015
Dedication

RESOLUTION NO. 69-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A DEDICATION TO THE PUBLIC OF A PARCEL OF LAND TO BE USED FOR PUBLIC PARK PURPOSES CONSISTENT WITH AND TO BE INCORPORATED AS PART OF MEMORIAL PARK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida, by and through the State of Florida Department of Transportation, conveyed to the Town of Palm Beach a certain parcel of real property located adjacent to Memorial Park to be used solely for the public purpose of providing park facilities, transportation facilities or parking facilities; and

WHEREAS, it is the desire of the Town to have said property used solely for the public purpose of providing park facilities; and

WHEREAS, said parcel is located adjacent to Memorial Park and is contiguous to Memorial Park along its south property line.,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, AS FOLLOWS:

Section 1. The Town Council hereby approves a dedication to the public, in perpetuity for public park purposes, a certain parcel of land described in the Dedication attached hereto, consistent with and to be incorporated as part of Memorial Park with the understanding that Memorial Park, as expanded, shall be considered and treated as a single parcel of land which shall be used solely for public park purposes.

Section 2. 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 9th day of June, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President
Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

P:\DOCS\13156\00008\DOC\1KZ1400.DOC

EXHIBIT A

A portion of the Town Hall/Firehouse in the Town of Palm Beach, lying within the 160 foot wide Right of Way corridor for State Road A-1-A a/k/a South County Road f/k/a Poinciana Drive per the plat of REVISED MAP OF ROYAL PARK ADDITION, according to the plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida, lying in Section 26, Township 43 South, Range 43 East, Palm Beach County, Florida; said portion lying between Blocks 7 and 8 in intersection with Australian Avenue of said plat and being more particularly described as follows:

Commence at the Northeast Corner of Lot 11, Block 7; thence South 88°52'04" East along the Easterly extension of the North line of said Lot 11, 49.81 feet; thence North 00°59'47" East, 15.58 feet to the POINT OF BEGINNING and to a point on a curve concave Southeast, having a chord bearing of North 46°03'29" East; thence Northeast along said curve, having a radius of 2.00 feet, through a central angle of 90°07'15" and an arc distance of 3.15 feet to the end of said curve; thence South 88°52'54" East, 56.00 feet to a point on a curve concave Southwest, having a chord bearing of South 43°56'33" East; thence Southeast along said curve, having a radius of 2.00 feet, through a central angle of 89°52'41" and an arc distance of 3.14 feet to the end of said curve; thence North 01°39'07" East, 38.02 feet to a point on a curve concave Northwest, having a chord bearing of South 46°05'42" West; thence Southwest along said curve, having a radius of 18.01 feet, through a central angle of 90°02'48" and an arc distance of 28.29 feet to the end of said curve; thence North 88°52'54" West, 24.93 feet to a point on a curve concave Northeast having a chord bearing of North 43°52'18" West; thence Northwest along said curve, having a radius of 18.01 feet, through a central angle of 90°01'11" and an arc distance of 28.28 feet to the end of said curve; thence South 00°33'13" West, 48.02 feet to the POINT OF BEGINNING.

Containing 1.827 square feet, more or less.

I hereby certify that to the best of my knowledge and belief the attached legal description as shown on the Right of Way Parcel Sketch for State Road No. A-1-A, Item/Segment No. 2297491, Section No. 93060-2526 is true, accurate and was prepared under my direction.

I further certify that said legal description is in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers pursuant to Section 472.027 Florida Statutes.


 Jeffrey D. Smith
 Florida Surveyor and Mapper No. 4805
 Date: 7/11/10
 Florida Department of Transportation

FLORIDA DEPARTMENT OF TRANSPORTATION			
RIGHT OF WAY MAPPING			
RIGHT OF WAY PARCEL SKETCH			
STATE ROAD NO. A-1-A PALM BEACH COUNTY			
BY	DATE	APPROVED BY	DATE
PRELIM SEELEY	06-16-10		7/11/10
FINAL DIAZ	06-16-10		
CHECKED BROWN	06-16-10		
MAPS PREPARED BY		FIELD BOOK NO.'S	
F.D.O.T. DISTRICT 4		N/A	
ITEM SEGMENT NO. 229749 1		SCALE: N/A	
SECTION 93060-2526		SHEET 3 OF 3	

TIMS: rwmapping/survey/rwpsfdot.dgn
 Florida Department of Transportation
 District Four Right of Way
 1400 West Commercial Boulevard
 Fort Lauderdale, FL 33309-3421

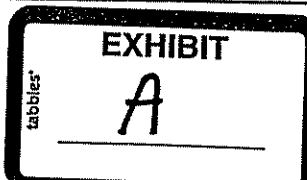


EXHIBIT B

A portion of the Memorial Park in the Town of Palm Beach lying within the 160 foot wide Right of Way corridor for State Road A-1-A a/k/a South County Road f/k/a Poinciana Drive per the plot of REVISED MAP OF ROYAL PARK ADDITION, according to the plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida lying in Sections 23 and 26, Township 43 South, Range 43 East, Palm Beach County, Florida, said portion lying between Blocks "G" and "H" of said plat and being more particularly described as follows:

Commence at the Southeast Corner of Lot 32, Block "G"; thence South 88°52'20" East along the Easterly extension of the South line of said Lot 32, a distance of 49.38 feet to the POINT OF BEGINNING; thence North 01°08'17" East, a distance of 31.54 feet to a point on a curve concave Southeasterly, having a chord bearing of North 46°04'35" East; thence Northeasterly along said curve, having a radius of 15.00 feet, through a central angle of 89°52'37" and an arc distance of 23.53 feet to the end of said curve; thence South 88°59'06" East, a distance of 31.13 feet to a point on a curve concave Southwesterly, having a chord bearing of South 43°57'24" East; thence Southeasterly along said curve, having a radius of 14.50 feet, through a central angle of 90°03'24" and an arc distance of 22.79 feet to the end of said curve; thence South 89°04'18" West, a distance of 254.45 feet to a point on a curve concave Northwesterly, having a chord bearing of South 46°05'42" West; thence Southwesterly along said curve, having a radius of 18.00 feet, through a central angle of 90°02'48" and an arc distance of 28.29 feet to the end of said curve; thence North 88°52'54" West, a distance of 24.93 feet to a point on a curve concave Northeasterly, having a chord bearing of North 43°52'18" West; thence Northwesterly along said curve, having a radius of 18.00 feet, through a central angle of 90°01'11" and an arc distance of 28.28 feet to the end of said curve; thence North 01°08'17" East, a distance of 222.35 feet to the POINT OF BEGINNING.

Containing 17,206 square feet, more or less.

All containing 0.771 acres, more or less.

I hereby certify that to the best of my knowledge and belief the attached legal descriptions for the Town Hall/Firehouse and Memorial Park as shown on the Right of Way Parcel Sketch for State Road No. A-1-A, Item/Segment No. 2297491, Section No. 93060-2526 are true, accurate and were prepared under my direction.

I further certify that said legal description is in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers pursuant to Section 472.027 Florida Statutes.

Jeffrey D. Smith
 Jeffrey D. Smith
 Florida Surveyor and Mapper No. 4805
 Date: 5/5/06
 Florida Department of Transportation

Florida Department of Transportation
 District Four Right of Way
 3400 W. Commercial Boulevard
 Ft. Lauderdale, Florida 33309-3421

FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPPING			
RIGHT OF WAY PARCEL SKETCH			
STATE ROAD NO. A-1-A PALM BEACH COUNTY			
	BY	DATE	APPROVED
PRELIM	DURYEA	05-15-06	<i>Jeffrey D. Smith</i> 5/5/06 DISTRICT RIGHT OF WAY SURVEYOR
FINAL	DURYEA	05-15-06	
CHECKED	ABEL	05-17-06	
MAPS PREPARED BY		FIELD BOOK NO.'S	
F.D.O.T. DISTRICT 4		N/A	
ITEM SEGMENT NO. 229749 1		SCALE: N/A	
SECTION 93060-2526		SHEET 5 OF 5	

REVISION	BY	DATE

TIMS: rwmapping/survey/rwpstopb.dgn

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Discussion of Millage Rate Target for FY 2016 Budget Priorities

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated June 2,2015 from Thomas G. Bradford, Town Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: FY16 Millage Rate

Date: June 2, 2015

STAFF RECOMMENDATION

Staff requests Town Council guidance on FY16 millage rate target.

GENERAL INFORMATION

The Town Council deferred the decision on the FY16 millage rate target until the June 9, 2015 Town Council meeting when additional information would be available regarding the taxable value for the new fiscal year. The following table outlines a few millage rate options for Town Council consideration.

Millage Rate Options - FY16
Taxable Value increase 7.59% - \$14,411,717,235

	Maintain Millage Rate	\$0 increase for Homestead	LTFP Forecast Increase (3%)	Rolled Back Millage Rate
Millage Rate	3.4058	3.3779	3.2669	3.1808
Increase in Tax Revenue	\$ 3,204,955	\$ 2,822,973	\$ 1,302,729	\$ 124,451
Increase in Taxes for \$1 million Homestead Property	\$ 27	\$ -	\$ (106)	\$ (189)
Increase in Taxes for \$1 million Non-Homestead Property	\$ 258	\$ 228	\$ 109	\$ 16
% Increase/(Decrease) of the Millage Rate from FY15	0%	-0.82%	-4.08%	-6.61%

Assumptions:

Save Our Homes Rate 0.8%

Non Homestead Property Increase 7.59%

FY15 Property Tax Revenue \$43,424,300

The favorable preliminary taxable value increase of 7.59% provides the ability to lower the millage rate and in some options to provide a reduction in taxes for a homesteaded property owner. The selection of the millage rate ultimately should be based on the lowest millage rate required to address the needs of the Town resulting in the lowest cost possible for taxpayers.

The greatest challenge for the Town is to properly fund the Coastal Protection Program. The recent Mid-Town project and the Reach 7 projects are over the original budget estimates. These overages are causing the program to incur greater deficits than originally planned. I would like the flexibility to address the Town's General Fund operating needs and also

would like the ability to recommend an increase in the coastal funding transfer over and above the anticipated 3% increase. I believe a millage rate that can accomplish this would lie somewhere between the \$0 increase for homestead properties and the LTFP rate.

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - Old Business

Agenda Title

2016 Election Update

Presenter

Susan A. Owens, MMC, Town Clerk

Supporting Documents

- [Memorandum dated May 29, 2015, from Susan A. Owens, MPA, MMC, Town Clerk](#)
- [February 2, 2016 Election Preparation Schedule](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: 2016 Election Update

Date: May 29, 2015

STAFF RECOMMENDATION

An Election Preparation Schedule is being provided for informational purposes only; however, Staff is seeking direction regarding the start time for the Town Caucus.

GENERAL INFORMATION

Pursuant to the discussion at the April 14, 2015, Town Council meeting, the following update is being provided.

February 2, 2016 Election Preparations

Former Town Clerk and Election Coordinator Sue Eichhorn has been temporarily rehired to assist with this election, and began work on May 26, 2016. Attached is the tentative February 2, 2016 Election Preparation Schedule, which will provide a guideline for Staff as they prepare for the election. This schedule will be amended, as needed, and is being provided for informational purposes only. A Run-Off Election Schedule is also in the process of being prepared.

Town Caucus

Pursuant to Section 5.03 of the Town Charter, the Town Caucus shall, “be held on the first Tuesday after the first Monday of January of each year”. Both the Town Charter and the Code are silent as to when the Caucus shall start. Historically, the Caucus has been scheduled for 8:00 p.m.; however, over the years, Staff has received comments regarding an 8:00 p.m. start time being too late. Before the Caucus is scheduled and advertised, Staff is requesting direction from the Town Council as whether or not they wish to hold the Caucus at an earlier time.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact relative to these items.

TOWN ATTORNEY REVIEW

This item has been reviewed by the Town Attorney.

cc: Jane Struder, Director of Finance

FEBRUARY 2, 2016 ELECTION PREPARATION SCHEDULE

revised 150529

Event/Task	Start	End
June Council update	06/09/15	06/09/15
Prep Tabulation Services RFP	06/15/15	06/19/15
Prep ordinance auth manual tabulation	06/18/15	06/19/15
Draft SOE consultant agrmt (Est time needed & prep sole source docs)	06/29/15	06/30/15
Draft agrmt w/ Martin Co. SOE	06/29/15	06/30/15
Prep July Council update	06/29/15	07/02/15
Confirm ADA needs and make arrangements	07/01/15	07/08/15
Determine supply/equipment needs	07/01/15	07/08/15
Tabulation Services RFP out to bid	07/01/15	07/22/15
M6 Report due	07/10/15	07/10/15
Schedule Caucus start time	07/14/15	07/14/15
July Council update	07/14/15	07/14/15
Adopt ordinance authorizing manual tabulation	07/14/15	08/11/15
Procure vendor for envelopes, forms, etc.	07/20/15	07/20/15
Make purchasing arrangements for needed items (including ADA, various stamps, & cell phones)	07/20/15	07/25/15
Prep August Council update	07/27/15	07/31/15
Create absentee ballot request form & spreadsheet	08/03/15	08/03/15
Arrange for tabulation staffing, if needed	08/03/15	08/03/15
Arrange Clerk's Office schedules	08/03/15	08/03/15
Create candidate information page	08/03/15	11/22/15
Update info regarding absentee voters	08/03/15	08/07/15
M7 Report due	08/10/15	08/10/15
Award Tabulation Services RFP	08/11/15	08/11/15
August Council update	08/11/15	08/11/15
Request contingency funds for FY 15	08/11/15	08/11/15
Prepare candidate packages	08/17/15	08/27/15
Send envelopes, forms, etc. to translator	08/17/15	08/17/15
Setup envelopes, forms, etc. layouts	08/24/15	08/24/15
Prep September Council update	08/31/15	09/04/15
Prep ordinance changing date, if needed	08/31/15	09/04/15
September Council update	09/08/15	09/08/15
M8 Report due	09/10/15	09/10/15
Send envelopes, forms, etc. layouts to printer	09/14/15	09/14/15
Adopt ordinance changing election date, if needed	09/15/15	10/13/15
Prep October Council update	09/28/15	10/02/15
Get mailing rates	10/01/15	10/01/15
Make arrangements with Post Office	10/01/15	10/01/15
Election Preparation Report (online only)	10/01/15	10/30/15
Create PAC info page, if needed	10/01/15	12/27/15
Determine absentee ballot delivery preferences	10/05/15	10/09/15
M9 Report due	10/12/15	10/12/15
October Council update	10/13/15	10/13/15

Make PW training arrangements	10/26/15	10/26/15
Prep November Council update	10/26/15	10/30/15
Send absentee ballot items to translator	11/02/15	11/02/15
Req. active poll worker list from SOE	11/02/15	11/02/15
Prep voter outreach regarding process	11/02/15	11/06/15
Assign poll workers	11/06/15	11/06/15
Layout absentee ballot mailing/return envelopes, secrecy sleeves, instructions, etc.	11/09/15	11/12/15
November Council update	11/10/15	11/10/15
M10 Report due	11/10/15	11/10/15
Send absentee ballot items to printer	11/13/15	11/13/15
Draft & mail out poll worker requests	11/13/15	11/13/15
Prep December Council update	11/19/15	11/25/15
Send Caucus ad for translation	12/01/15	12/01/15
Get precinct maps	12/01/15	12/14/15
Secure laptops for tabulation, if needed	12/01/15	12/01/15
Secure office doors w/ IS	12/01/15	12/01/15
Setup secure fax line for overseas absentee ballots	12/01/15	12/01/15
Arrange for absentee ballot escorts & tabulation security	12/01/15	12/01/15
Arrange for tables, chairs, etc. for tabulation (& precincts, if needed)	12/01/15	12/01/15
Arrange trucks and staff for pickup & delivery of equipment	12/01/15	12/01/15
Send Caucus ad to papers (req. all 3 dates)	12/08/15	12/08/15
December Council update	12/08/15	12/08/15
M11 Report due	12/10/15	12/10/15
Order current absentee ballot voter list	12/11/15	12/11/15
El Latino Caucus Ad #1 to publish	12/18/15	12/18/15
Print mailing labels & stuff envelopes	12/17/15	12/21/15
PBDN Caucus Ad #1 to publish	12/21/15	12/21/15
Prep January Council update	12/22/15	12/30/15
El Latino Caucus Ad #2 to publish	12/25/15	12/25/15
PBDN Caucus Ad #2 to publish	12/28/15	12/28/15
Send proc, ballot, & Canvassing Board mtg ntc to translator	12/28/15	12/28/15
Get Chair, Secretary, & script ready	12/29/15	12/29/15
Order paper & e-voter rolls for Caucus to be run on 1/5/16	12/29/15	12/29/15
El Latino Caucus Ad #3 to publish	01/01/16	01/01/16
PBDN Caucus Ad #3 to publish	01/04/16	01/04/16
Book Closing/Last day to register to vote	01/04/16	01/04/16
Prep STC mtg resolution calling election	01/04/16	01/06/16
Update absentee ballot spreadsheet	01/05/16	01/06/16
Town Caucus	01/05/16	01/05/16
P/up final voters rolls from SOE	01/05/16	01/05/16
Confirm/cancel polling location reservations	01/06/16	01/06/16
Qualifying Period	01/06/16	01/06/16
Order paper registers for precincts, if needed	01/06/16	01/06/16
Print absentee ballots only	01/08/16	01/08/16
Mail out absentee ballots	01/08/16	01/09/16

Send proc, ballot, & reso ad to papers	01/08/16	01/08/16
Canvassing Board apptd. via resolution	01/08/16	01/08/16
STC mtg to call election, approve ballot, & appt Canvassing Board	01/08/16	01/08/16
G1 Report due	01/08/16	01/08/16
Schedule Canvassing Board meetings	01/11/16	01/11/16
Request Central Fire restroom key fob	01/11/16	01/11/16
Arrange for voter parking signs at South Fire	01/11/16	01/11/16
January Council update	01/12/16	01/12/16
PBDN proc, ballot, & reso ads to publish	01/17/16	01/17/16
Early canvassing of absentee ballots can begin	01/18/16	01/28/16
Confirm emergency contact info and equip p/u & delivery info w/ polls	01/18/16	01/18/16
Poll Watcher designations due - by Noon	01/19/16	01/19/16
El Latino proc, ballot, & reso ads to publish	01/22/16	01/22/16
G2 Report due	01/22/16	01/22/16
Poll worker training	01/25/16	01/27/16
Send draft payroll & W-4s for poll workers to Finance	01/26/16	01/30/16
Approval of Poll Watchers due	01/26/16	01/26/16
Print & secure election day ballots	01/26/16	01/26/16
Last day to request absentee ballots	01/27/16	01/27/16
Absentee ballots can be delivered to designees	01/28/16	01/30/16
Last day to mail absentee ballots	01/29/16	01/29/16
P/U equipment & deliver to precincts	01/29/16	01/29/16
G3 Report due	01/29/16	01/29/16
Precinct Clerks to pick-up supplies	02/01/16	02/01/16
Prep unofficial results	02/01/16	02/04/16
Prep certification resolution	02/01/16	02/03/16
General Election	02/02/16	02/02/16
Deadline for domestic absentee ballots - 7:00 p.m.	02/02/16	02/02/16
Election night Canvassing Board mtg	02/02/16	02/02/16
Submit poll worker payroll & thank you letters	02/03/16	02/03/16
P/U equipment & return to Martin SOE	02/03/16	02/03/16
Prep official certification of results	02/04/16	02/06/16
Unofficial results due - by noon on 2/5 (provisionals have until 2/4 to submit proof)	02/04/16	02/05/16
Certification of results due - after noon 2/5	02/05/16	02/12/16
Prepare oaths of office	02/05/16	02/05/16
Certify results & swearing-ins	02/09/16	02/09/16
Deadline for overseas absentee ballots (must be postmarked by 2/2)	02/12/16	02/12/16
Send polling location thank you letters	02/15/16	02/15/16
Run-Off Election (if needed)	02/16/16	02/16/16
TR Report due-Unopposed candidates	04/04/16	04/04/16
TR Report due-Opposed candidates	05/02/16	05/02/16
Send Canvassing Board mtg notice to paper & post online	tbd	tbd
Canvassing Brd mtg notices to publish	tbd	tbd

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Recommendations for Comprehensive Plan Updates Pursuant to F.S.
163.3191

Presenter

John Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated May 15, 2015, from John S. Page, Director of Planning, Zoning and Building](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Update of the Comprehensive Plan Pursuant to F.S. 163.3191
Staff Recommendations

Date: May 15, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council review recommendations outlined herein pertaining to the Palm Beach Comprehensive Plan, and to thereafter provide further direction to staff relative to completion of the State mandated review process,

GENERAL INFORMATION

In keeping with the State's directive that the Town should review its Comprehensive Plan and report intended changes, if any, to the Florida Department of Economic Opportunity (DEO) no later than April of 2016, the Town Council (on April 14, 2015) directed staff to prepare a listing of recommended Comprehensive Plan changes for its review in June. Staff has completed a review of the Plan and herein presents feedback as requested. It should be noted that the present Comprehensive Plan contains the following Elements:

Future Land Use
Transportation
Housing
Infrastructure
Coastal Management / Conservation
Recreation / Open Space
Intergovernmental Coordination
Capital Improvements
Optional Historic Preservation
Public Schools

Each Element contains introductory narrative, analysis, and a listing of goals, objectives and policies intended to drive future actions. Staff recommends that each of these Elements remains in the Plan.

One of the many unique characteristics about Palm Beach is that the community is essentially “built-out.” The Island has grown and developed over its history to become a premier residential community of exceptional beauty. Having achieved “build-out,” our future should be focused on maintaining the culture, serenity, and existing character of the Island rather than planning for new growth, roadways, changes to land use patterns, etc. Maintaining local culture and character should also include redevelopment of existing properties (recognizing that municipalities are constantly evolving).

Introductory pages of the present Plan identify “the three most basic land use protection strategies for Palm Beach” as follows:

- “Discourage the amount and type of region-serving commercial development while encouraging Town-serving ones.
- Control the pace, type, and intensity of redevelopment activity in older areas of Town.
- Encourage development and redevelopment at lower density levels than existing zoning allows, except for redevelopment where maintaining previous densities and/or intensities are allowed after unintentional damage or destruction, such as by fire or other casualty, act of terrorism, war or act of God or nature (and with approval from FDEP if building east of the CCCL).”

In addition to those three basic land use protection strategies, the existing Plan also identifies the following policy regarding growth...

- “To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.”

STAFF FEEDBACK TO TOWN COUNCIL

Reflecting on the “big topic items” that have emerged in recent years as well as the type of community local citizens would prefer for the future of Palm Beach, staff is of the opinion that the following list of principal issues should be prominently addressed within the Comprehensive Plan:

1. Inclusion of the basic land use protection strategies and policy noted immediately above.
2. Preservation of the Island’s premier residential character.
3. Continual investment in Town infrastructure.
4. Maintenance and improvement of the Town’s shoreline.
5. Conversion of overhead utilities to underground.
6. Provision of a reliable, quality water supply, including conservation practices.
7. Adherence to evolving Building Code and FEMA flooding safeguards.
8. Preparation and updating of disaster/emergency protocol plans.
9. Continual monitoring of Port of Palm Beach operations (to prevent adverse effects).

10. Maintenance of the Town's strong fiscal base.

Any and all updates or changes to the Plan can be incorporated into the existing Plan Elements, including the Goals, Policies and Objectives found within each separate Element. In addition to giving proper attention to the 10 principal issues outlined above, the following changes are recommended:

1. Update all population figures and projections in the Future Land Use and Housing Elements, incorporating data from the 2010 Census.
2. Update old references to the 2009-2019 planning period, using 2016-2026 in lieu thereof.
3. Update all maps throughout.
4. Update or eliminate outdated narrative, tables and dates/timelines in the Future Land Use, Transportation, Infrastructure, and Capital Improvements Elements.
5. Update and correct references to current codes, state regulations, state agencies and program titles.
6. Update specific sections of Elements where studies have been completed, goals have been reviewed, or committees' functions have been achieved.
7. Change absolute "task dates" (sometimes calling for annual review, biennial review, etc.) to more flexible "review as needed" timeframes in order to avoid unintended Plan non-compliance concerns.
8. Review and update all references to adopting an Archaeological Ordinance (done) with accurate information reflecting Code provisions and field findings.
9. Eliminate the reference to a Town-sponsored design process for future redevelopment of Royal Poinciana Plaza/Royal Poinciana Way.
10. Update or eliminate all narrative relative to the City of Lake Worth sanitary sewer treatment facilities (resulting from newly completed force main improvements).
11. Eliminate reference to initiating meetings with Palm Tran to discuss feasibility of increasing transit ridership to the Town.
12. Update narrative regarding the selection of potential historic landmark sites, thus making the narrative mirror existing practices that have evolved.
13. Eliminate the need for a "biennial newsletter" regarding historic preservation legislation.
14. Eliminate the need for an annual "Preservation Celebration" in conjunction with the National Trust for Historic Preservation's "National Preservation Week."
15. Incorporate any new state legislation adopted since the last EAR in 2006.

FUNDING/FISCAL IMPACT

The Town has traditionally depended upon professional consultants to draft Comprehensive Plan alterations. Our present staffing contingent, coupled with the necessary time devoted to record-breaking building activity, prevents staff from completing all revisions to the Comprehensive Plan (yet some in-house work may be feasible depending upon the final scope of work as determined by the Local Planning Agency/Town Council). **In furtherance of addressing the Plan, staff asks that the Town Council review the listing principal issues and the listing of recommended changes appearing within the "Staff Feedback to Town Council" section immediately above and indicate yea or nay to each.** Once done, staff will determine what items could be completed in-house, and what items would require the services of a consultant.

Staff would then prepare a proposed work order, for consideration from a previously-qualified consultant, requesting cost estimates for each item identified. The Work Order with costs would subsequently be presented to the Council, which would then determine the final scope of work.

SPECIAL CONSIDERATIONS

Once the Town Council and Staff have reached a clear understanding of necessary Plan revisions and updates, including costs, this Department will proceed ahead with Plan changes. As has been Town custom, Staff will present Plan revisions and updates to the Planning and Zoning Commission for review and input prior to final submittal to the Local Planning Agency/Town Council.

Citizen input is normally an important step in the process of preparing a Comprehensive Plan. Generally speaking, it builds trust and acceptance. It remains to be decided how extensive such efforts should be. A robust citizen input process should be utilized if and when a new Comprehensive Plan were to be created. If, however, the existing Plan is to simply be updated, with no substantive changes to the Plan's existing principal issues, the task of soliciting public comment can be far more contained.

cc: Planning & Zoning Commissioners
Department Directors
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Coastal Update

a. Shoreline Review and Report on Palm Beach County's Beach

Renourishment Expenditures

b. Public Understanding of the Performance of Coastal Projects (by Woods Hole Group)

c. ORDINANCE NO. 17-2015 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, 2014, Providing an Effective Date.

Jane Struder, Director of Finance

d. RESOLUTION NO. 78-2015 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Awarding A Contract For \$15,879,950 To Great Lakes Dredge & Dock Company For The Construction Of The Phipps Ocean Park/Reach 7 Beach Nourishment Project, And Establishing A Construction Phase Budget Of \$16,879,950 For Said Project, Contingent Upon The Adoption Of Budget Amendment Ordinance No. 17-2015; And Authorizing The Town Manager To Execute The Purchase Order And Take Action Necessary To Effectuate Completion Of The Project.

e. Authorization of Selection Committee for Construction Phase Engineering Services for Phipps Ocean Park Beach Nourishment

f. RESOLUTION NO. 79-2015 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing State Grant Of FDEP Contract No. 15PB2, Between The State Of Florida Department Of Environmental Protection And The Town Of Palm Beach Under The Bureau Of Beaches And Coastal Systems Florida Beach Management Funding Assistance Program For South End Palm Beach Restoration, Specifically Environmental Impact Statement For Reach 8, And Authorizing The Town Council President To Execute Same On Behalf Of The Town.

g. EIS Status Report

Presenter

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

Supporting Documents

- [b. Memorandum dated May 26, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [b. CCMP Supplement Final](#)
- [b. CCMP Appendices](#)
- [c. Memorandum dated May 29, 2015, from Jane Struder, Director of Finance](#)
- [c. Ordinance No. 17-2015](#)
- [c. Exhibit A](#)
- [c. Exhibit B](#)
- [d. Memorandum dated May 28, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [d. Resolution No. 78-2015](#)
- [d. Bid No. 2015-32 Great Lakes](#)
- [d. Phipps Ocean Park - Bid Tabulation](#)
- [e. Memorandum dated May, 21, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [f. Memorandum dated May 21, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [f. Resolution 79-2015](#)
- [f. DEP Agreement No. 15PB2](#)
- [g. Memorandum dated May 27, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Supplemental Analyses of the Coastal Management Program

Date: May 26, 2015

STAFF RECOMMENDATION

Staff requests that Town Council review the general information and attachment and provide any direction as deemed necessary.

GENERAL INFORMATION

On June 11, 2013, Woods Hole Group, Inc. (WHG) presented their Technical Review of the Proposed Coastal Management Program to Town Council. As WHG described in their Executive Summary, “The primary purpose of the review was to provide Town Council objective technical recommendations regarding the next steps for the Town’s coastal program and specific projects.” In addition to the recommended coastal protection projects for each Reach, WHG’s review document included management strategies to improve overall data analyses and communication as the importance of delivering clear objectives to the community remains essential.

WHG identified several specific opportunities where supplemental data analyses would assist the community’s expectations and their general understanding related to both project performances and program uncertainties. The WHG proposal for “2014 Data Analysis to Advance Recommendations in the Coastal Management Plan Technical Review”, dated February 28, 2014, included tasks to satisfy the following “Islandwide” recommendations:

- Supplement Coastal Processes Analysis and Update CCMP
- Clearly define updated goals and objectives for Coastal Management Program
- Clearly define design criteria for beach nourishment, repetitive dune, and coastal structure projects included in the plan
- Perform one-time supplemental analysis of historical monitoring data
- Establish and refine littoral cells for coastal management that include groups of adjacent Reaches
- Modify scope and presentation of monitoring data in annual Townwide report [completed with assistance from Applied Technology & Management, Inc. (ATM)]

The tasks outlined in the WHG proposal were also to satisfy the following “Reach 1” and “Inlet” recommendations:

- Establish design storm protection berm with advanced nourishment
- Monitor Reach 1 profiles and compare berm to quantify impounded sand
- Closely monitor sediment transport on updrift Singer Island beaches and sand quantities at Sand Transfer Plant, expanded settling basin, and inlet

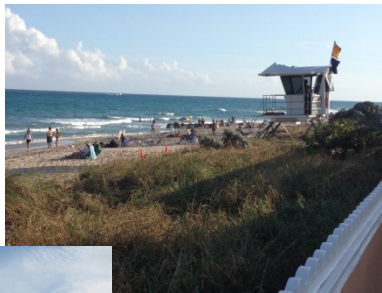
On April 8, 2014, Town Council awarded a contract to WHG to complete the above tasks. The immediate focus of their effort was to work with ATM to evaluate the production of the Sand Transfer Plant at the Lake Worth Inlet. The initial inlet study was to take approximately 90 days to complete. In the late summer of 2014, the limited data set was not conclusive in identifying a specific cause to the STP’s reduction in productivity. Since the 2014 annual physical monitoring effort was to be conducted in August/September/October 2014, both WHG and ATM suggested that the evaluation also consider the 2014 data set. By including the 2014 data set, the initial deliverable was not received by both WHG and ATM until February 2015 when the findings were presented to the Shore Protection Board (SPB).

During the presentation to the SPB, Bob Hamilton of WHG provided an update on the ongoing supplemental tasks and indicated that he would return to Town in a few months with the WHG final report (attached) and a follow-up presentation. Mr. Hamilton will present a summary of the WHG final report at the June 9, 2015 Town Council meeting.

Attachment

cc: Shore Protection Board
Robert Weber, Coastal Coordinator
Robert (Bob) Hamilton, P.E., Woods Hole Group
Michael Jenkins, Ph.D., P.E., Applied Technology & Management, Inc.

Supplemental Analyses to Comprehensive Coastal Management Plan Town of Palm Beach, FL



Prepared For:
Robert Weber
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Prepared By:
Woods Hole Group, Inc.
81 Technology Park Drive
East Falmouth, MA 02536

May 2015

**Supplemental Analyses to
Comprehensive Coastal Management Plan
Town of Palm Beach, FL**

May 2015

Prepared for:

Robert Weber, Coastal Coordinator
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Prepared by:

Woods Hole Group
81 Technology Park Drive
East Falmouth MA 02536
(508) 540-8080

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1.0 INTRODUCTION

The work summarized in this report represents an ongoing technical review and input by Woods Hole Group to the Town of Palm Beach coastal management program. Work has been completed over approximately the past year based on a scope of work authorized on Purchase Order 141239. This report summarizes the work within a single document for future reference. The Technical Review document delivered to the Town in 2013 included items for follow-up as more data became available. Several of the specific recommendations from the 2013 report are addressed herein. Implementation of these items advances the Town's overall commitment to an adaptive management program, which improves future projects based on performance and assessment of past projects.

This report contains the following information:

- **Section 2.0 Goals and Design Objectives for Coastal Program** – This section clarifies the overall design objectives and strategies the Town is employing to meet the objectives. This work also specifically addresses Recommendations O-1.1 and O-1.2 from the 2013 Woods Hole Group technical review.
- **Section 3.0 Supplemental Analysis** – Sample Comparisons to 15-Year Protection – This section builds on the design objective and provides sample comparisons based on the 2014 annual beach profile data. The analysis provides the framework for future analysis with each Town-wide report. This work specifically advances Recommendations O-1.3 and O-1.5 from the 2013 Woods Hole Group technical review.
- **Section 4.0 Updated Management Cells** – This section endorses the Town-wide systems approach to coastal management and identifies reaches that are managed together as cells. The individual reaches should be maintained for consistency, but not be intended to serve as project boundaries. This work specifically advances Recommendation O-1.4 from the 2013 Woods Hole Group technical review.
- **Section 5.0 Reach 1 to Reach 2 Sand Forepassing Analysis** – This section quantifies a volume of impounded sand within Reach 1 that can be used potentially for nourishment in Reach 2 to effectively forepass inlet sand farther south. This work specifically advances Recommendations 1-2 and 1-3 from the 2013 Woods Hole Group technical review.
- **Section 6.0 Conceptual Model for Sand Transport at STP** – This section follows concerns about decreased production of the STP. A separate report was delivered to the Town and presented at a Town Council meeting on February 26, 2015, and is included with this deliverable for completeness. This work specifically advances Recommendation I-7 from the 2013 Woods Hole Group technical review.

2.0 GOALS AND DESIGN OBJECTIVES FOR COASTAL PROGRAM

A key recommendation from the Woods Hole Group 2013 Technical Review of the coastal program was to clarify the design goals and objectives for the Coastal Management Program. This section summarizes the design objective (Section 2.1), which is to provide protection from the 15-year storm through a minimum of 17 cubic yards of sand per foot and/or structural

protection. This section also discusses the Town's strategy to achieve this objective (Section 2.2). The Town is taking a leadership role in the evolving coastal engineering practice toward a systems-based approach with adaptive management to achieve a sustainable level of protection.

2.1 DESIGN OBJECTIVE

The prevailing guidance document for the coastal program is the Comprehensive Coastal Management Plan Update (CCMP Update), published by Applied Technology & Management in 1998, including a Peer Review by Woods Hole Group (formerly Aubrey Consulting, Inc.). The 1998 CCMP Update advanced a 1986 CCMP by Cubit Engineering. Various documents and plans put forth by the Shore Protection Board (SPB) and project-specific design documents and permits build upon the CCMP objectives through specific projects along with 10-year Town-wide plans and budgets; however, the design objectives remain consistent. Section 7.3 of the CCMP Update states, "The targeted level of storm protection for all beach restoration projects on the Island should enable any individually considered shoreline restoration segment to incur damages from a 15-year return interval storm at any time between the initial restoration (first time sand is placed on the shoreline) and subsequent renourishments (regular maintenance interval of sand placement to restore the shoreline to its initial restoration position)." The CCMP Update further established the 15-year storm is expected to erode approximately 17 cubic yards of sand per linear foot of the lower beach, berm, and dune segments. The 15-year storm represents a moderate to severe storm per the CCMP Update, which also is consistent with the original 1986 CCMP that states, "An extreme storm or a moderate storm that persists for many hours or days may remove 10 to 20 cubic yards per foot."

Applied broadly, the goal of the coastal program is to provide 15-year protection for the Town of Palm Beach shoreline. Absent other prevailing design guidance or refined site-specific analysis suggesting an alternative sand requirement for 15-year or other level of protection, a beach/dune system should be established to withstand 15-year storm including at least 17 cubic yards per foot. In practice, the 17 cubic yards per foot standard is defined as the volume of sand above mean high water (MHW), and seaward of a coastal structure or other dwelling or infrastructure to be protected. Ideally, there will be a minimum 17 cubic yards per foot everywhere; however, sand does not need to be placed everywhere as it is transported naturally, and there is not a sand requirement where structures exist.

Other types of benefits associated with shore protection and restoration projects can include enhanced recreational opportunities, public access, economic gains from recreation, improved property values, improved long-term coastal resiliency in the presence of a changing climate and rising sea level, and improved wildlife habitat abundance, diversity, function and value. The coastal program recognizes a subset of these benefits, and the 1998 CCMP Update identified a secondary goal to provide a high quality beach while estimating a beach restoration program with a life of 30 years can be expected to generate approximately \$3.2 million of recreational value each year. There are no particular design or program objectives related to these supplemental benefits. Rather, the primary criterion is related to protecting against the 15-year storm as indicated above.

Using the 15-year protection criterion, there is a clear basis to measure the level of shore protection in Palm Beach at any time. Therefore, future Town-wide monitoring survey profile

data should be presented to clearly indicate areas in Town that have the minimum 17 cubic yards per foot. Furthermore, the information should indicate where coastal structures, pilings and other independent protection are present. To the extent the information is available (from design and or inspection documents and the Town-wide structures inventory); engineered structures known to provide adequate protection from a 15-year storm should also be identified. Samples of this type of analysis are provided in Section 3 of this report as the basis for incorporation into future Town-wide monitoring reports. Since there is flexibility with establishing a baseline, sample calculations are presented from the edge of infrastructure to be protected including potential erosion of established dunes, and from the seaward edge of vegetated dunes. Supplemental profiles may be required if certain areas are not represented by the existing profiles. Details regarding the baseline and selection of specific profiles can be resolved when implemented in the annual report. The intent is to present the data in a useful format for public consumption, and to clearly indicate the status of the 15-year storm protection goals of the coastal program. This also will be a living document, updated annually with each set of surveys.

2.2 STRATEGY TO ACHIEVE DESIGN OBJECTIVE

A 15-year level of protection can be provided in various ways, including shore protection structures, elevating buildings, nourishing a beach berm capable of withstanding the 15-year storm, and/or maintaining a dune system (including sacrificial dunes) to withstand the 15-year storm.

Due to constraints related to environmental impacts, sand availability, access, and funding, it is not feasible to build coastal structures, elevate, and to nourish all beaches throughout the Town. Thus, a systems approach has been established to restore and maintain the natural littoral system as a whole. Overall, the goal is to balance the sediment budget island-wide, including a feeder beach concept with segmented beach nourishments. The systems approach starts with the inlet, includes large scale segmented beach nourishment projects, targeted dune restoration, and application of coastal structures where feasible.

The Town's strategy is focused first to address the primary cause of the erosion; the sand deficit caused by the Lake Worth Inlet. There are other exacerbating factors, such as sea level rise, impacts of upland development, and episodic severe storms; however, the root cause historically and presently is the inlet. The sand transfer plant (STP) helps offset the deficit, combined with USACE dredging and placement on downdrift beaches when possible. The inlet management practices do not fully offset the inlet deficit, or mitigate for the historic loss of sand. So, there is a need for supplemental sand nourishment, and also site-specific use of structures and sacrificial dunes. Supplemental sand is placed in strategic locations as described below. The current projects are offsetting a significant fraction of the overall deficit. Recent monitoring data show a variable net loss of sediment in the system on the order of 50,000 to 100,000 cubic yards per year. The current 10-year plan, including the recent Mid-Town nourishment project and the pending Phipps project, will help further offset the historic and current sand deficit.

Sand nourishment is focused through projects at the Lake Worth Inlet (e.g., sand bypass plant and USACE dredging), Mid-Town, and Phipps, with occasional bypassing and forepassing of this material to other shorelines. The feeder beach approach also depends on natural sediment transport to adjacent shorelines, thereby restoring the littoral system to maximize beaches

satisfying the minimum 15-year criteria. The challenge with this approach is working within the coastal system to provide adequate sand to maintain the 17 cubic yards per foot standard without having to add this volume plus an advance nourishment quantity everywhere. The systems approach requires a long-term commitment to renourishment with an adaptive management approach. This type of approach also has been embraced by FDEP, and is consistent with the Beach Management Agreement (BMA). The BMA facilitates permitting of projects in a timely and cost-effective fashion.

Some examples of how the beach nourishment program has been adaptively managed recently include:

- Extended placement of inlet sand from USACE dredging projects farther south.
- Modification of the Mid-Town beach nourishment template to minimize reef impacts.
- Extension of the Mid-Town beach nourishment template north to provide a higher sand volume to areas in the northern part of Reach 3 and southern part of Reach 2 where erosion persisted.
- Stockpiling and forepassing sand from Mid-Town to Reaches 7 and 8 for added interim protection until Phipps and Reach 8 nourishment projects can be constructed.
- Other refinements currently under investigation include:
 - Reach 8 nourishment project modified in response to the previously denied project, and with a volume of sand at the northern portion of Reach 8 (south of the Pier) intended to serve as a feeder beach to the south.
 - Phipps nourishment project design refined to provide additional material where possible to help stabilize and provide an ongoing sand source to help stabilize the sacrificial dunes constructed south of Sloans Curve, and to provide a large quantity of sediment to feed downdrift Reach 8 beaches to help restore the natural littoral system.
 - Forepassing of sand from within Reach 1 farther south within Reach 2 to help maintain the littoral system between Reach 1 and the northern limit of the Mid-Town project (Section 4 in this report).
- Examples of future possible adaptive measures may also include strategic placement of coastal structures, subject to beach nourishment project performance, environmental impacts, and regulatory considerations. Other future improvements considered are related to sand bypassing at Lake Worth Inlet, including options for the USACE to place more dredged material on beaches farther downdrift, boosting capacity of bypass operations, forepassing impounded sand from Reach 1 into Reach 2 using trucks, and possibly a pipe extension.

This current Town of Palm Beach practice of working on a systems basis to restore the natural littoral system with an adaptive management approach represents an evolution and improvement over the traditional coastal engineering approach. Historically, beach nourishment design depended upon building a minimum storm protection berm fronting an established storm protection profile baseline, and then adding a specific amount of advance nourishment sand intended to maintain the minimum berm until the next renourishment could be constructed. Such an approach was contemplated for the Palm Beach shoreline by the USACE in General Design

Memoranda, together with the Town and County. For instance, the original 1987 USACE GDM contemplated approximately 1.1 million cubic yards of sand over a 3 mile segment of coast (i.e., Wells Road to Southern Boulevard). This concept was sequentially modified to include 1.47 million cubic yards over a 2.5 miles segment in the 1990 GDM (with the northern half instead slated for seawall protection), and subsequently to 1.02 million cubic yards over 1.5 miles (reducing the northern extent due to a requirement to remove groins). The USACE design basis used traditional coastal engineering techniques assuming 10-year storm protection, and advance nourishment, resulting in a design with a 9 ft NGVD berm elevation and between a 4 and 6 year renourishment interval.

The GDM projects were not constructed, and were eventually replaced by the Town's 1996, 2004, and 2006 Mid-Town nourishment projects (880,000, 1,400,000, 890,000 cubic yards, respectively), the 2006 Phipps nourishment (1,100,000 cubic yards), and subsequent projects under the purview of the CCMP and coastal program (e.g., dune nourishments, storm repairs, USACE Lake Worth Inlet dredging and beach nourishment efforts, and other supplemental activities). By comparison, the recent Mid-Town project included ~860,000 cubic yards along 2.8 miles of shoreline, as well as 68,000 and 35,000 cubic yards in Reaches 7 and 8, respectively. The contemplated next Phipps renourishment design also includes ~1,000,000 cubic yards over 2.1 miles of shoreline. By the systems approach, large quantities of sand are added to the system, in a more consistent manner with prevailing criteria.

This is where the standard of the practice is evolving, including the USACE, now with programs such as the Regional Sediment Management (RSM) program. RSM is designed to manage sediment to benefit a region to save money, use natural processes to solve engineering problems, and improve the environment. Given limited sand resources, shrinking public budgets, sea level rise, and ecological resource sensitivity, the evolution to a systems approach is inevitable and necessary. Only a systems-wide approach will be sustainable, and allows for application of lessons learned over many years. The systems approach with the feeder beach concept and an adaptive management plan (i.e., optimizing future projects based on prior project performance) is being used effectively in Palm Beach to accomplish a similar level of protection as traditional methods in a more sustainable fashion. Another primary advantage of this approach is the ability to permit and construct projects on more predictable schedules, while minimizing time-consuming and costly appeals and other procedural matters. The Town of Palm Beach is taking a leadership role in the evolving coastal engineering practice for maintaining its coastal system to achieve a defined level of protection.

3.0 SUPPLEMENTAL ANALYSIS – SAMPLE COMPARISONS TO 15-YEAR PROTECTION

The primary goal of the Town of Palm Beach CCMP is to maintain Town-wide storm protection for a 15-year return interval storm. The CCMP also identified cross-sections having 17 cubic yards/ft of sand as sufficient to provide the 15-year storm protection. In some locations, storm protection is provided by coastal engineering structures, while natural dunes and beaches are the primary form of protection elsewhere. Even in locations with structures, the longevity and performance of the structures is enhanced by maintenance of a fronting beach and/or dune; thus, there will ideally be 17 cubic yards/ft above MHW throughout Town.

The most recent beach profile data collected during the 2014 monitoring survey were used to develop a methodology for evaluating the status of the 15-year storm protection along the Palm Beach shoreline. The Mid-Town beach nourishment project, operation of the STP, dune restoration in Reaches 7 and 8, and natural beach evolution since the 2014 survey changed the beach significantly since the 2014 survey. This analysis, then, serves as an example for how to present future annual monitoring data to gauge the health of the beaches and provide comparisons to the CCMP design objective.

Application of the 17 cubic yard/ft threshold requires a baseline, or landward position on the profile to compute the volume of protective sand above MHW. For this analysis, two different baselines were used; one that begins at the landward edge of dunes or seaward edge of infrastructure (e.g., infrastructure to be protected or seawall/revetment), and a second that begins at the edge of established vegetation. Volumetric calculations for the 2014 survey data using both baselines were used to identify the presence of the minimum design profile of 17 cubic yards/ft.

Figure 3-1 illustrates an example of the analysis for Profile R-97 in Reach 4 where, as of the 2014 annual survey, the minimum of 17 cubic yards/ft existed seaward of both the seawall and the edge of dune vegetation. The blue line represents the profile surveyed in 2014, and the dash-dot line represents the MHW elevation. The vertical green line represents the seawall position, and the red line indicates the approximate location of existing dune vegetation. By comparison, Figure 3-2 illustrates Profile R-85 in Reach 2, where the seawall provides primary protection, and the volume of sand fronting the structure did not satisfy the 17 cubic yards/ft objective as of the 2014 annual survey. At this location, there also is no established dune. Last, Profile R-130 in Reach 8 is shown in Figure 3-3 as an example where there was not the full 17 cubic yards/ft fronting the vegetation line; however, there was more than 17 cubic yards/ft in the profile when the volume of sand in the established dune is included. Similar plots for each of the 22 representative profiles are provided in Appendix A.

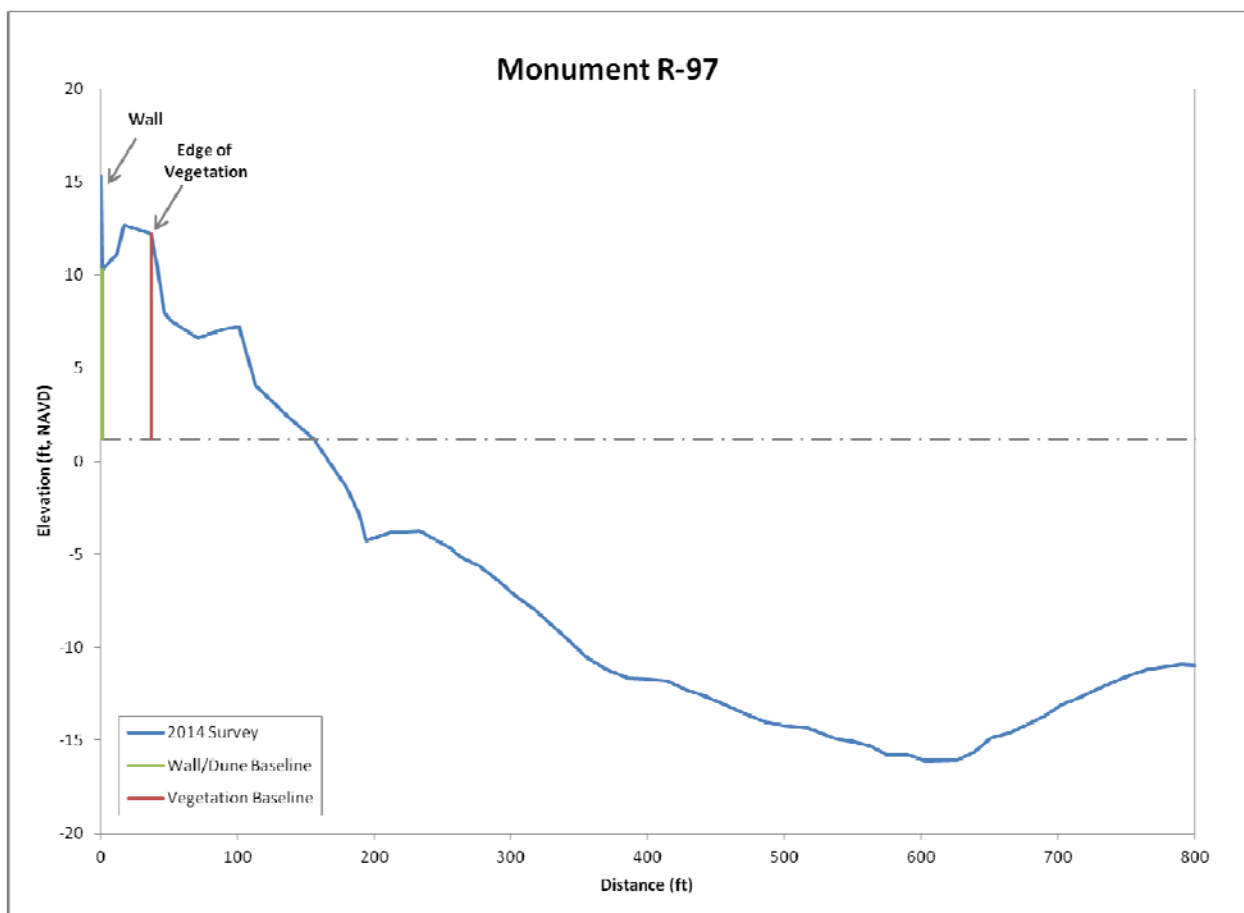


Figure 3-1. Sample analysis for Profile R-97 in Reach 4 where the 15-year sand volume (i.e., 17 cubic yards/ft) existed both seaward of the wall and the edge of vegetation as of the 2014 annual survey.

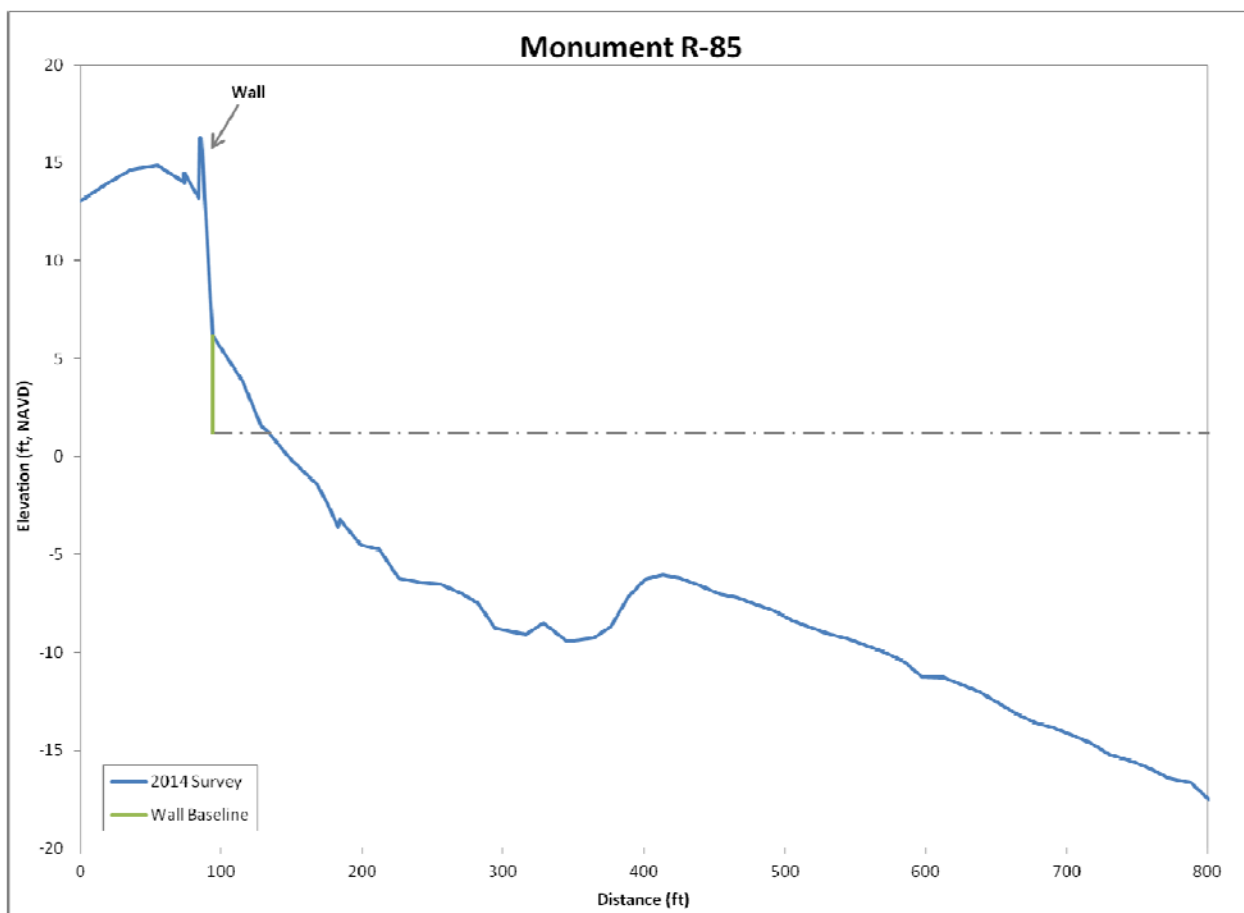


Figure 3-2. Sample analysis for Profile R-85 in Reach 2 where the 15-year sand volume (i.e., 17 cubic yards/ft) was not present seaward of the wall. There was no edge of vegetation at this location as of the 2014 annual survey.

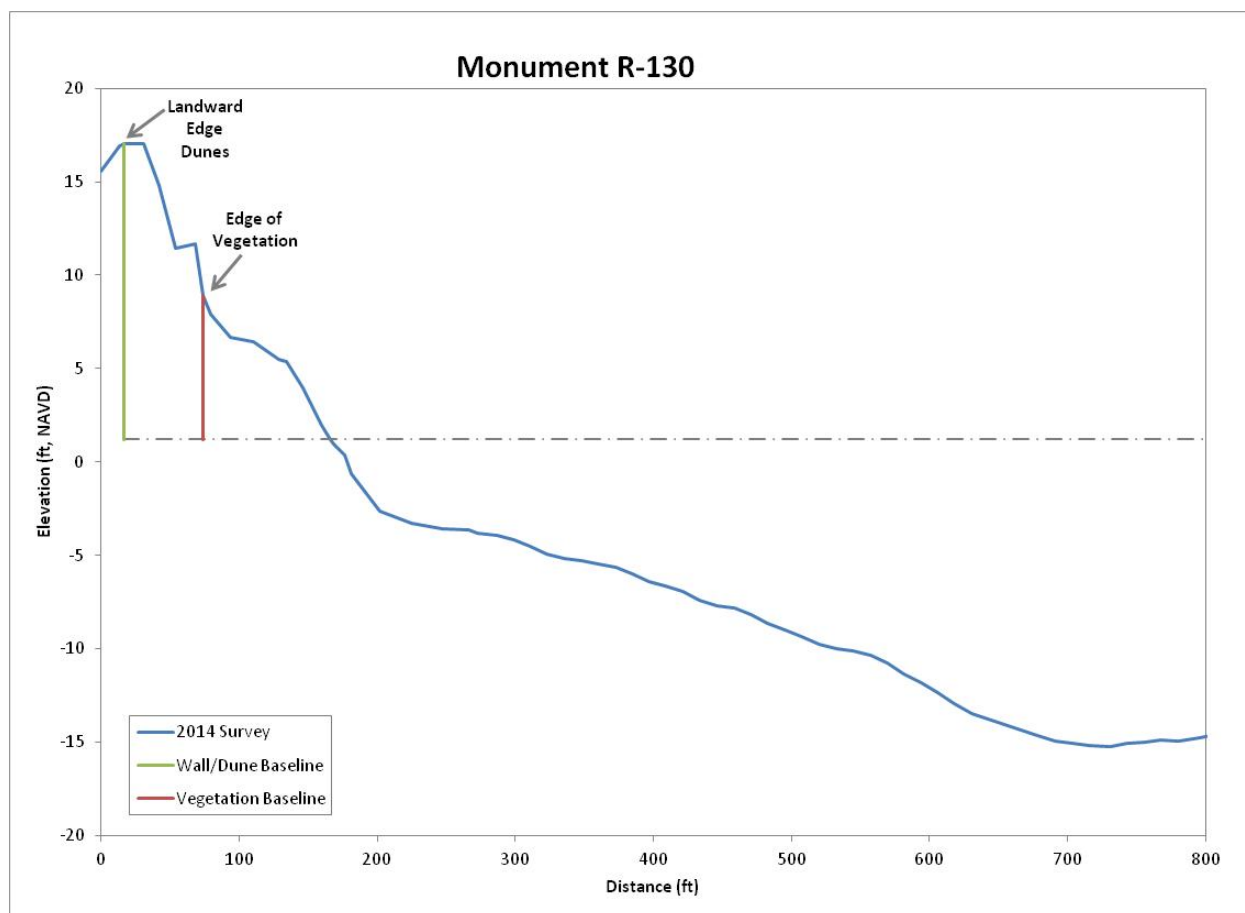


Figure 3-3. Sample analysis for Profile R-130 in Reach 8 where the 15-year sand volume (i.e., 17 cubic yards/ft) existed seaward of infrastructure but not seaward of the edge of existing vegetation as of the 2014 annual survey.

Results of the evaluation for 22 representative profiles in Reaches 1 through 8 are summarized in Table 3-1 and Figure 3-4. The portion of the profile seaward of the green and red lines above MHW as shown by the examples in Figures 3-1 through 3-3 was used to calculate the sand volumes including and seaward of the vegetation, respectively, as presented on Table 3-1. This analysis provides a methodology for how to use the annual monitoring data to evaluate the level of storm damage protection at various locations along the Palm Beach shoreline. Locations where the minimum design profile was met (> 17 cu yd/ft) are highlighted in green, and locations where the design profile was not met are highlighted in orange. Sites where sand in the established dunes is required to meet the 17 cu yd/ft criteria are highlighted in yellow. Figure 3-4 also indicates the sand nourishment projects (e.g., inlet bypassing, dunes and beach nourishment). Profiles with a wall are shown with a black triangle at the landward limit of the profile on Figure 3-4. As of the 2014 survey for the 22 representative profiles in this sample analysis, there were no locations with less than the 15-year storm supply of sand that did not have a wall. Other than Profiles R-111 and R-114 fronting the DOT revetment, the only profiles with less than 17 c.y./ft in 2014 that have not subsequently received beach or dune nourishment are R-85 (contemplating groin rehabilitation and possible sand forepassing) and R-102 (expected to receive sand transported south from Mid-Town). This approach for evaluating each profile

compared to the CCMP design objective as shown by Table 3-1 should be updated annually with each Town-wide monitoring beach profile survey as part of the overall condition assessment and adaptive management program (e.g., identify areas where sand placement is needed, or to target sand placement within already permitted sites).

Table 3-1. Minimum Design Profile for Representative Profiles in Reaches 1-8 based on the 2014 annual survey.

R Monument	Reach	Wall Present (y/n)	Volume (cu yd/ft) Above MHW Seaward of Dunes	Volume (cu yd/ft) Above MHW Including Dunes
R-77	1	N	51.5	124.2
R-78	1	N	100.6	149.1
R-80	2	Y	27.2	36.6
R-85	2	Y	N/D	3.8
R-89	2	Y	N/D	7.7
R-91	3	Y	N/D	2.9
R-94	3	N	15.7	31.8
R-95	4	Y	N/D	1.6
R-97	4	Y	19.2	33.5
R-100	4	Y	N/D	21.2
R-102	4	Y	N/D	9.0
R-106	5	Y	N/D	26.2
R-109	5	N	N/D	20.1
R-111	6	Y (DOT Revetment)	N/D	25.2
R-114	6	Y (DOT Revetment)	N/D	9.1
R-116	6	Y (DOT Revetment)	N/D	7.5
R-117	7	N	14.1	51.1
R-120	7	Y	N/D	5.3
R-124	7	Y	30.7	45.3
R-126	7	Y	31.5	39.9
R-130	8	N	14.6	41.7
R-132	8	N	7.2	24.3
R-134	8	Y	N/D	9.7

Notes:

1. Results based on beach profiles from 2014 annual survey. Sand was subsequently placed in Mid-Town (860,000 c.y.); Reach 7 (68,000 c.y.), and Reach 8 (35,000 c.y.)
2. Orange shading indicates representative profiles where the sand volume above MHW is less than 17 c.y./ft, green indicates profiles where the sand volume above MHW exceeds 17 c.y./ft., and yellow indicates profiles where the sand volume above MHW does not exceed 17 c.y./ft seaward of the dune/vegetation line.
3. N/D indicates there was no dune (defined as vegetation) at a particular profile at the time of the 2014 annual survey.

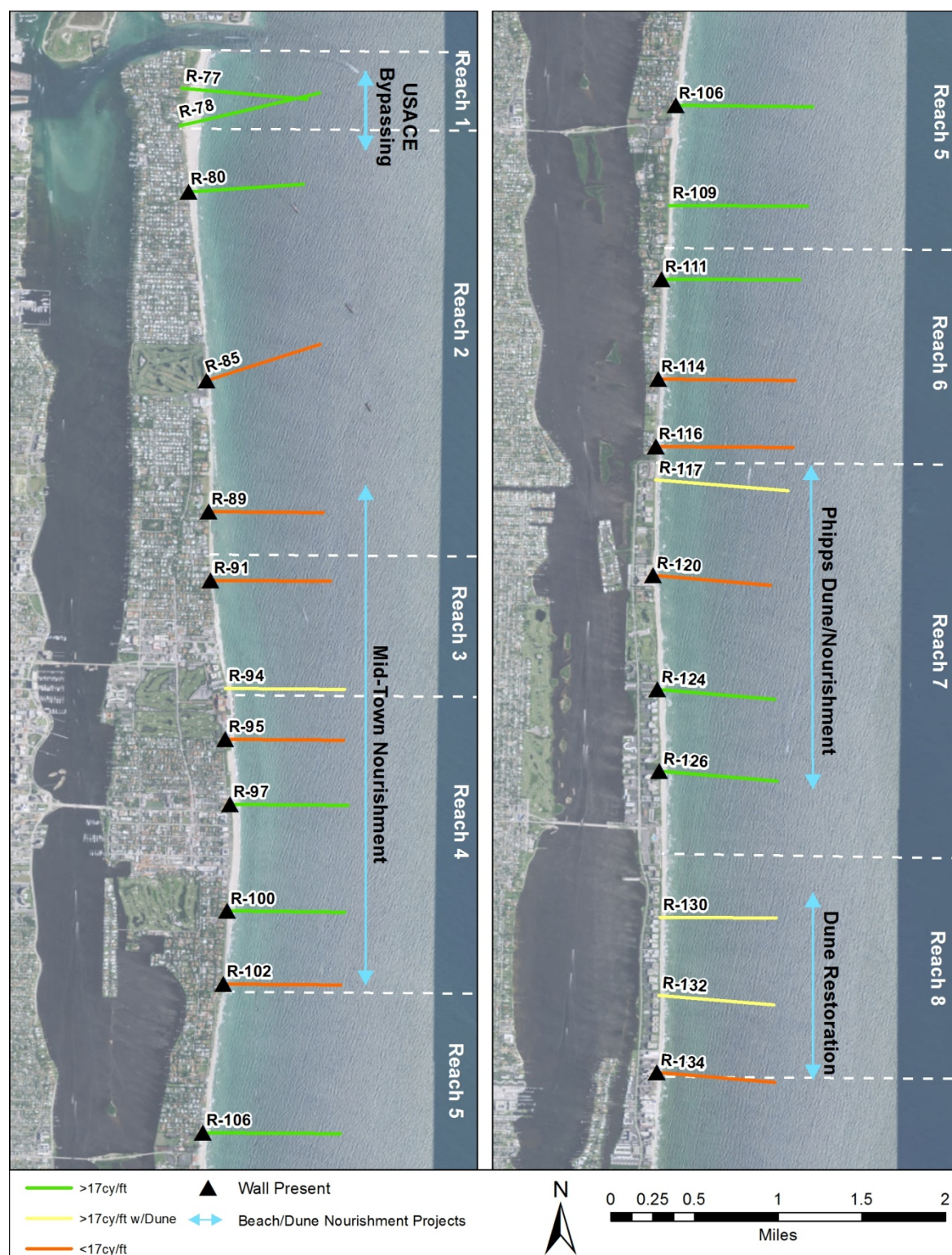


Figure 3-4. Comparison of 2014 survey data with minimum design profile for representative locations within Reaches 1 through 8.

4.0 UPDATED MANAGEMENT CELLS

The Town of Palm Beach has eight (8) shoreline reaches for the purposes of coastal management. These shoreline reaches have generally been consistent since established in the 1998 CCMP Update, with the exception of more recent refinements to the Reach 7/8 boundary (moved south to the Lake Worth Pier). These reaches should be preserved as part of the program for consistency, but should not suggest any boundaries for project design purposes. As the program has evolved to a systems-based approach to restore the natural littoral processes, coastal management too has evolved beyond a project, or reach-specific basis. For instance, the BMA does not depend on the reach designations. Thus, for management purposes, stakeholders should be cognizant of closely-linked reaches with regard to sand nourishment. Maintenance of existing and targeted applications of new coastal structures also are an important part of the overall program, and should continue to be managed on a site-specific basis as a complement to beach and dune restoration.

- **Reaches 1, 2, and 3:** Reaches 1 and 3 have active sand nourishment, which together help restore the littoral system in Reach 2, the most sand starved area in Town. Extending the Mid-Town project limit north is a significant benefit, as would be placing sand in Reach 2 down to the Beach Club (e.g., by direct USACE placement, and through forepassing of impounded sand from Reach 1). A future goal should be to establish at least a modest dry beach above mean high water in Reach 2. This would enhance the overall natural littoral system, provide a nearshore longshore sediment transport pathway, and provide flexibility for future southerly placement of inlet sand (e.g., forepassing and/or via pipeline). Inlet sand is the highest quality sand available for the program, and a strong consistent recommendation from Woods Hole Group is to pursue opportunities to place inlet sand farther south.
- **Reaches 4 and 5:** The Mid-Town project in Reach 4 provides direct benefits to Reach 5 through longshore sediment transport. A continued commitment to the Mid-Town project will help stabilize both reaches.
- **Reach 6:** This reach is somewhat independent due to the state revetment. From a systems perspective, though, there is dependence on sand from Reaches 4 and 5, and also an influence on erosion in the northern portion of Reach 7.
- **Reaches 7 and 8:** The Phipps nourishment in Reach 7 has the opportunity to provide substantial quantities of sand for southerly transport into Reach 8. With one prior Phipps project, there is opportunity to substantially improve both of these reaches with the subsequent renourishment (contemplated for 2016), and a future commitment to refining this project. The Phipps project is critical locally where the sand is placed, but also for the Sloans Curve area to the north and Reach 8 to the south. In both these areas of concern, reef habitat limits opportunities for direct placement of sand in the type of quantities that can be placed at Phipps. Thus, placement of large quantities in the Phipps project area will help restore the natural flow of sediment to adjacent and downdrift beaches, and is a critical element of the overall coastal management program.

This approach to grouping reaches to restore the littoral system is consistent with the Priority 1 Action Plan illustrated by Figure 4-1, which was presented to the Town on June 11, 2013 as part of the Woods Hole Group Technical Review.



Figure 4-1. Priority 1 Action Plan from Woods Hole Group 2013 Technical Review.

5.0 REACH 1 TO REACH 2 SAND FOREPASSING ANALYSIS

The 2013 Woods Hole Group Technical Review developed several recommendations for improved sand management practices within Reaches 1 and 2. Long-term monitoring data show significant gains of sand in Reach 1, especially in the nearshore zone out to water depths of -40 ft (NAVD). These gains reflect the management of Lake Worth Inlet sand through bypassing at the sand transfer plant, and dredged material placement by the USACE. Downdrift sediment transport from Reach 1 into Reach 2 is inconsistent, partially because waves and winds from the south and southeast cause sand to accumulate against the jetty, and also because the jetties shelter Reach 1 beaches from northeast waves. The sharp drop in cumulative sand volume between the Reaches indicates that inlet sand placed in Reach 1 and the north end of Reach 2 is not consistently moving south beyond the placement areas. Although seawalls exist in Reach 2, the beach width is narrow, and there is a need to provide additional sand in front of the seawalls to ensure adequate levels of storm damage protection and to restore the natural littoral system.

Recommendations for increasing the volume of sand within Reach 2 included:

- Mechanical forepassing of impounded Reach 1 sand to downdrift beaches in Reach 2 (Recommendation 1-1).
- Extension of the USACE dredged placement template further south in Reach 2 (Recommendation 2-2).
- Sand transfer plant pipeline extension could be considered, but only if alternate approaches to move material further south are not effective (Recommendation I-4).

The feasibility of mechanical forepassing from Reach 1 to 2 is further evaluated herein by comparing the most recent monitoring data from 2014 with two alternative design profiles for Reach 1:

- Minimum design profile seaward of the vegetated dunes capable of providing protection during a 15-year return interval storm. This profile includes 17 cubic yards per foot of beach above MHW, which extends approximately 60 to 75 feet seaward of the existing vegetation line at the elevation of the natural berm (~ 7.5 to 8.5 ft NAVD). From this point, the minimum design profile extends at a slope of 1 vertical to 10 horizontal to the MHW line.
- Alternate more conservative design profile that provides a consistent 100 foot buffer seaward from the edge of the vegetated dunes. This profile extends the berm 100 feet from the existing vegetation line at the elevation of the natural berm, and then continues to the MHW line at a slope of 1 vertical to 10 horizontal.

To evaluate the potential quantity of impounded sand available for mechanical forepassing from Reach 1 to Reach 2, the 2014 survey data were used to compute the volumes of impounded sand seaward, or in excess, of the two (2) design profiles described above. Figure 5-1 illustrates a sample analysis for the beach profile at Monument R-77. The blue line represents the actual beach profile surveyed in 2014. Mean high water is shown by the dash-dot line, and the edge of vegetation is labeled as estimated from aerial photography. The minimum design profile to achieve the 17 cubic yard per foot criteria is shown in purple, and the red line shows the profile with a 100 ft conservative seaward offset from the edge of vegetation. The volume of impounded sand potentially available to forepass into Reach 2, then, is that portion of the profile above mean high water between the purple line and the blue line (to maintain 17 cubic yards per foot), or more conservatively between the red line and blue line (to maintain a 100 ft buffer from the edge of vegetation). For Profile R-77, the quantities are 21.4 cy/ft and 16.4 cy/ft, respectively. Graphics showing similar analysis for the other profiles are provided in Appendix B.

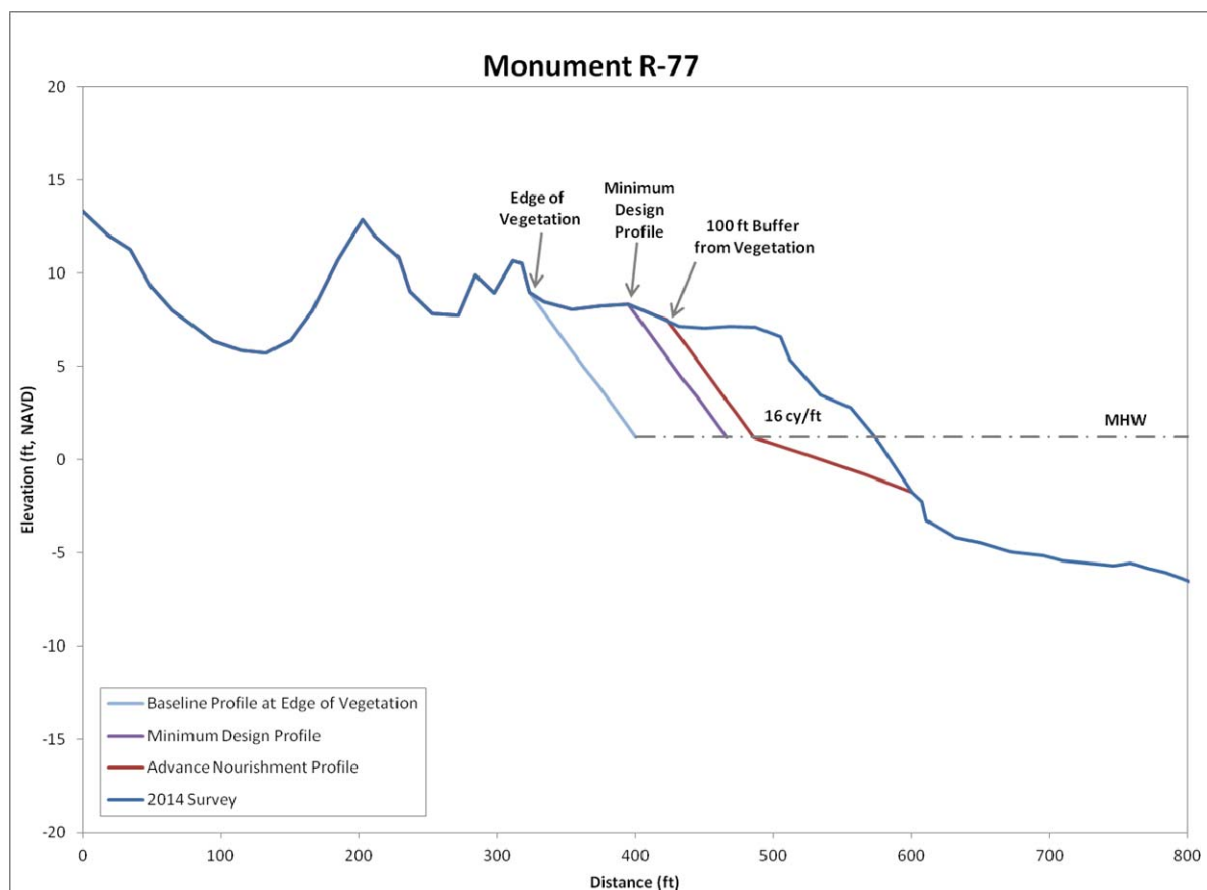


Figure 5-1. Sample impounded sand analysis for Profile R-77.

Results of the volume calculations are summarized in Table 5-1. The 2014 data show the greatest quantities of sand available from the southern end of Reach 1 between monuments R-77.5 and R-78. The total volume of sand available seaward of the minimum design profile is 83,663 cubic yards. With the alternate more conservative profile that maintains a 100 ft buffer from the edge of vegetation, approximately 54,091 cubic yards are available for forepassing.

Table 5-1. Potential Sand Volumes in Reach 1 Available for Mechanical Forepassing.

R Monument	Minimum Design Profile		Design Profile With 100 Ft Buffer	
	Volume (cu yd) Above MHW	Volume (cu yd/ft) Above MHW	Volume (cu yd) Above MHW	Volume (cu yd/ft) Above MHW
R-76	6,899	17.2	6,226	15.6
R-76.5	7,677	12.8	4,753	7.9
R-77	10,689	21.4	8,209	16.4
R-77.5	25,287	42.1	16,285	27.1
R-78	23,111	57.8	18,618	46.5
Totals	73,663		54,091	

The 2014 monitoring data from Reach 2 were evaluated to determine potential locations and profiles for placement of material forepassed from Reach 1. Berm elevations and widths for the nourishment profiles were selected to blend with the natural beach elevations. A foreshore slope of 1 vertical to 10 horizontal was maintained until the nourishment profile met the existing beach. All portions of the nourishment profile were above MHW to minimize potential reef impacts and the scope of permitting. Maximum berm elevations ranged from 11.5 to 10 feet NAVD. Berm widths were greatest (~ 90 to 144 ft) at the northern end of Reach 2, between Monuments R-79 and R-80, and narrowed considerably south of Monument R-80.

Figure 5-2 illustrates an example of the analysis for the beach profile as surveyed in 2014 at Monument R-80. The blue line represents the 2014 beach profile survey, and the green line illustrates the volume of sand that can be deposited above mean high water. Monument R-80 can accommodate approximately 13 cy/ft. Appendix B includes similar plots for each of the profiles analyzed.

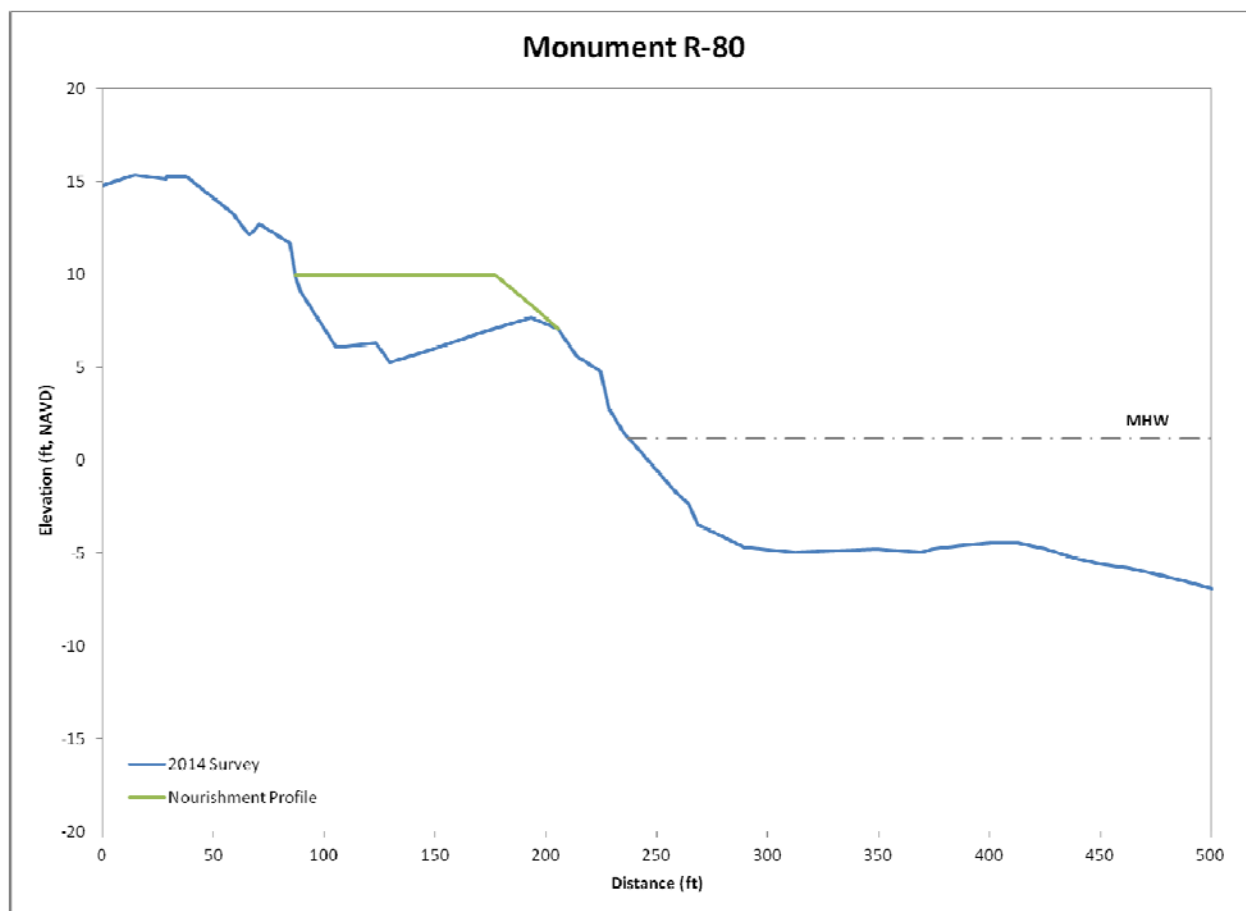


Figure 5-2. Sample forepassing analysis for Profile R-80.

The potential forepassed nourishment volume calculations for Reach 2 are summarized in Table 5-2. Based on analysis of the 2014 monitoring survey, just over 53,000 cubic yards of sand could be added to the profile in the northern end of Reach 2 to enhance the level of storm damage protection and to help restore the natural littoral system, also providing more sand for transport to the south. Forepassing as far as the Palm Beach Golf Club and further to the south may be possible, and will depend on beach conditions at the time of the work. If sufficient beach width is available to avoid sand placement below MHW, it is recommended to nourish these areas as well, by providing a suitable place for beach access, and for placing sand above MHW to elevate the beach profile.

Table 5-2. Potential Storage Capacity in Reach 2.

R Monument	Volume (cu yd) Above MHW	Volume (cu yd/ft) Above MHW
R-79	30,469	21.8
R-80	14,294	13.0
R-81	4,021	3.4
R-82	1,823	1.4
R-83	2,166	1.8
R-84	0	0.0
R-85	0	0.0
R-86	524	1.3
Total	53,297	

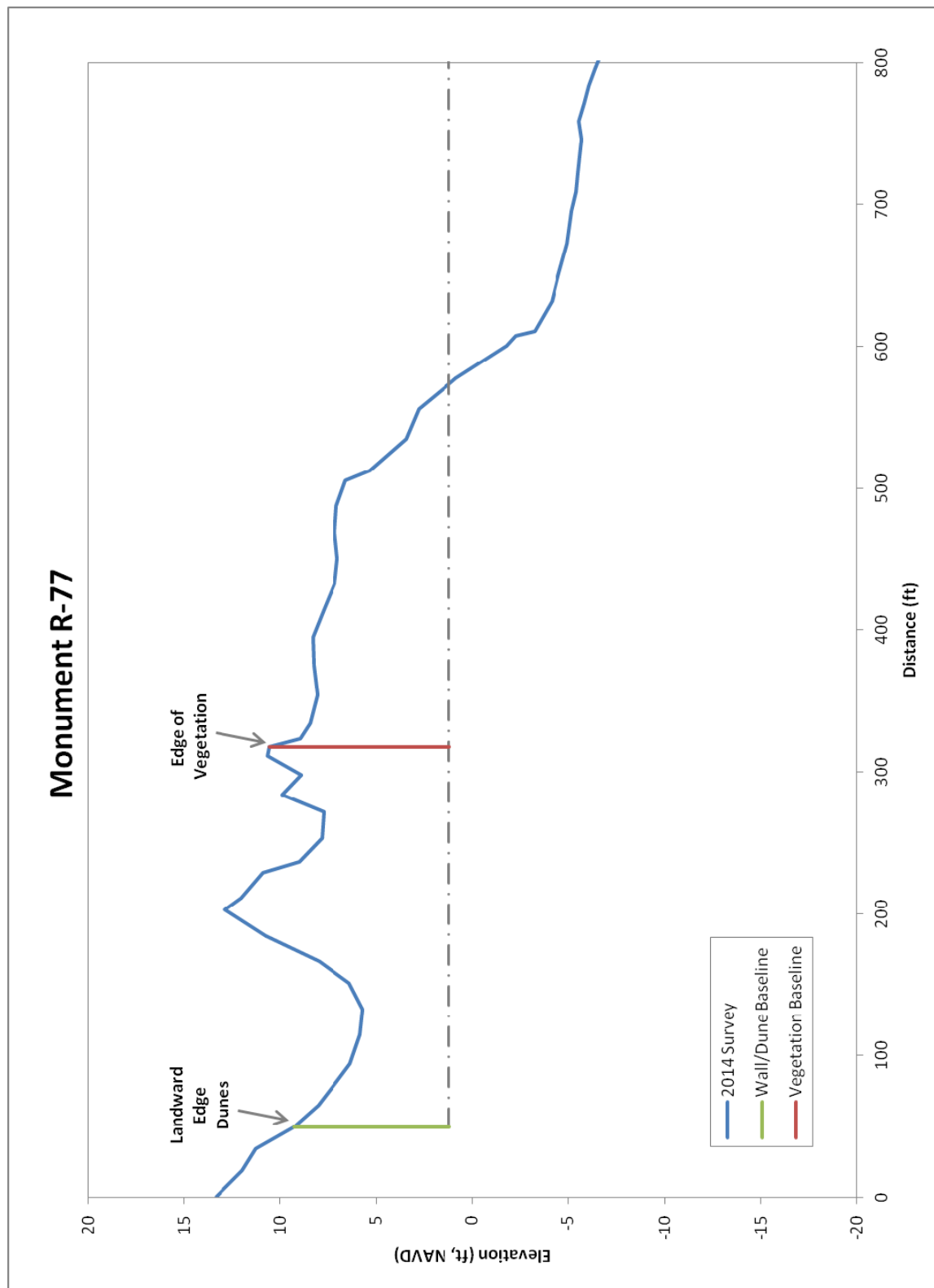
In summary, the analysis using 2014 beach profiles surveys indicates between 54,000 and 74,000 cubic yards of impounded sand in Reach 1 potentially available for forepassing into Reach 2. The purpose of the forepassing operation would be to help restore the natural littoral transport, thereby enhancing shore protection in Reach 2, providing more sand for transport farther south, and maintaining a suitable level of protection in Reach 1. The forepassing can be accomplished through a trucking operation confined to the beach. Updated surveys and engineering plans are required to confirm quantities and the extent of forepassing into Reach 2 where a dry beach currently exists above mean high water. The decision regarding the seaward offset from the established dune will be the design engineer's, and will depend partially upon the quantity of material that can be accommodated within Reach 2 above MHW. Under favorable conditions, sand could potentially be forepassed to the Beach Club or beyond. Approvals would need to be obtained per the BMA. The work would likely be conducted prior to turtle nesting season. Depending upon timing of the operation, there may be a provision to regrade the profile within Reach 1 prior to nesting where impounded sand was obtained. As a complementary alternative to the forepassing operation, the Town also should also work with USACE on opportunities to directly place dredged sand within Reach 2. Both of these operations will help determine whether a future extension of the STP discharge pipe is warranted.

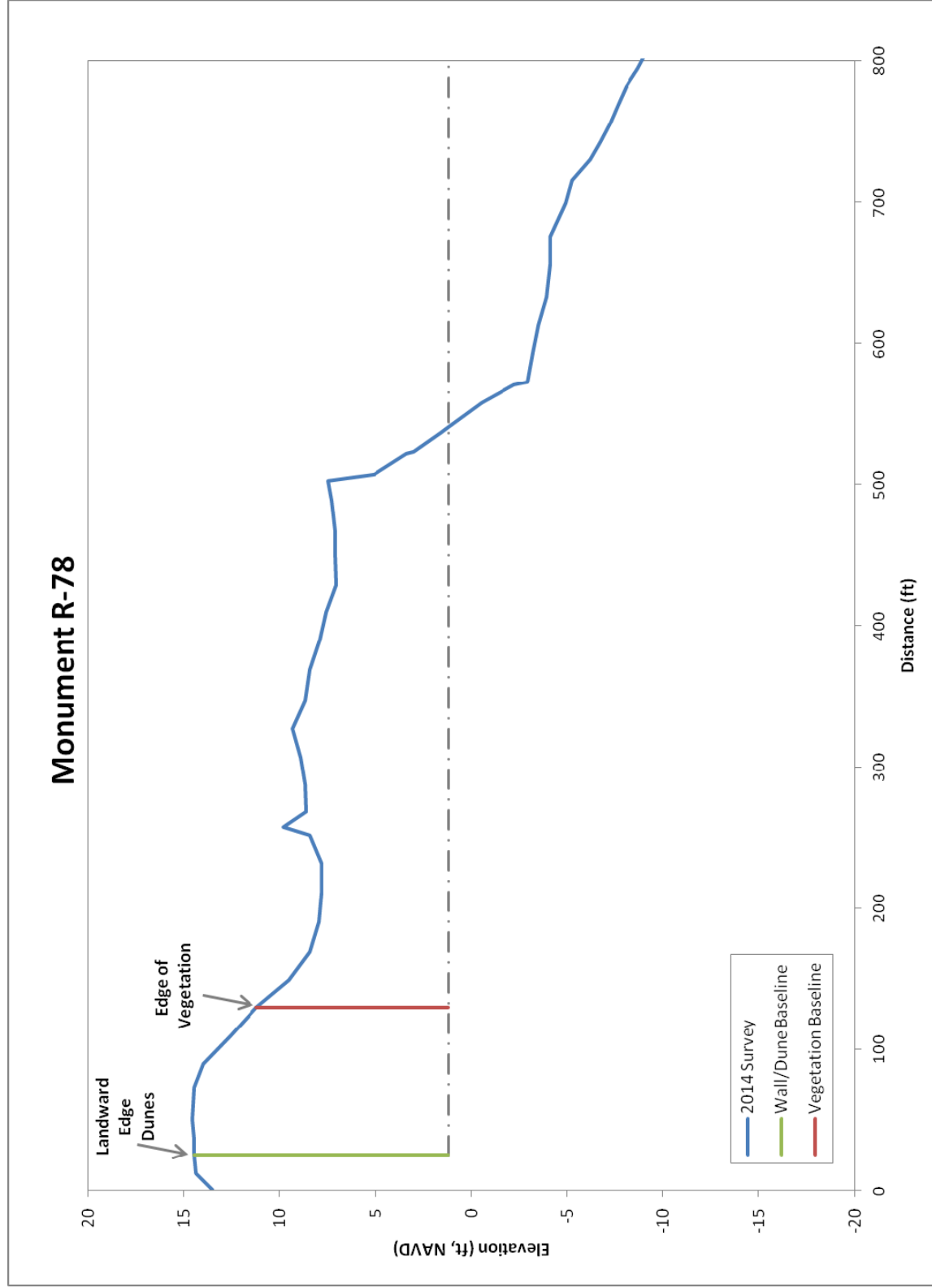
6.0 CONCEPTUAL MODEL FOR SAND TRANSPORT AT STP

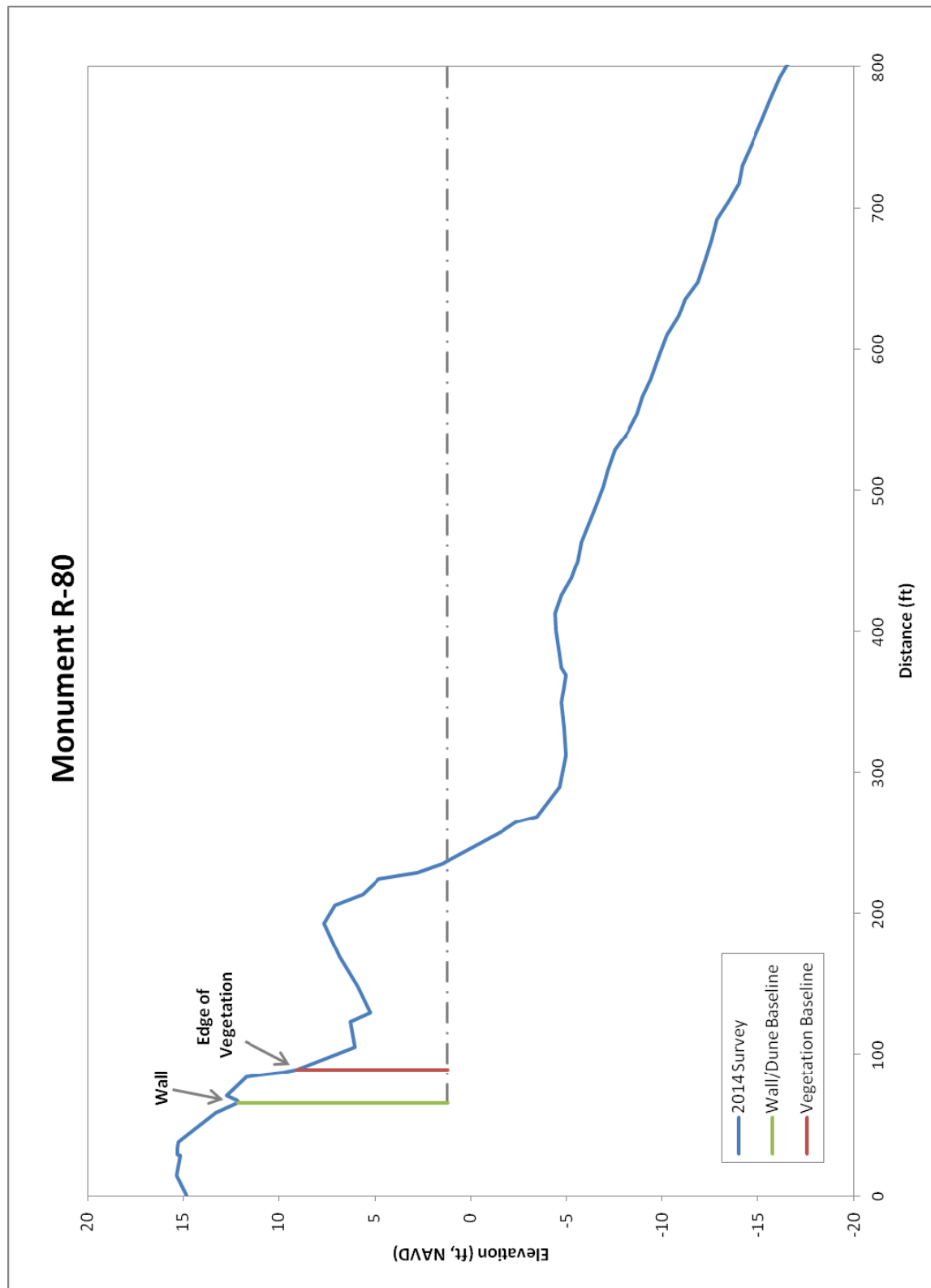
The sand transfer plant (STP) at Lake Worth Inlet (LWI) has produced less sand in recent years compared to average rates since 1996, which is of concern to the Town of Palm Beach. Because of the dependence of the Town's overall sediment budget on sand bypassed from LWI, there is strong interest to understand contributing factors to the reduced recent sand supply and possible future trends. A conceptual site model (CSM) defining sand sources, sinks and transport pathways affecting sand supply at the STP was prepared previously and submitted to the Town (Appendix C). It is included herein as part of the overall deliverable. Preliminary analyses of existing data suggest there is a modest quantity of sand updrift from the inlet at present; however, the longer-term sand balance updrift from the inlet shows an overall net deficit of sand since 1994. There also are recent modifications to the system that can affect future sediment supply to the STP, such as the mitigation reefs and the expanded offshore settling basin. The

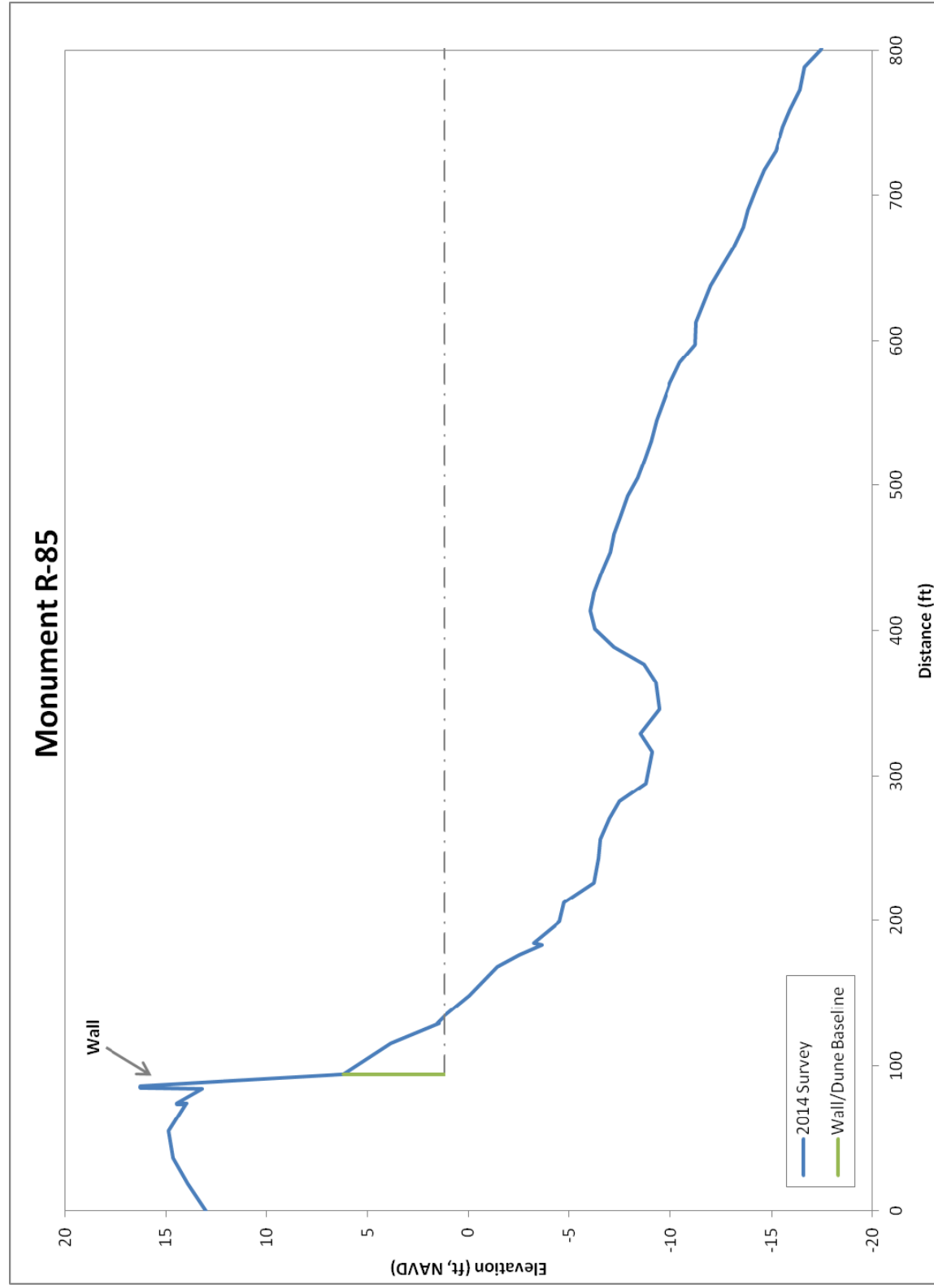
primary present need is to ensure the STP remains active to bypass the available sediment in the profile. Depending upon performance and continued sediment supply, four (4) actions were identified and prioritized for the Town to better understand the processes affecting future sand supply to the STP. At present, only Action 1 is recommended, with the remaining Actions 2-4 contingent upon the performance of the STP, future survey data analysis, and results from Action 1. Continued operation of the STP, future survey data/analysis, and implementing the Actions above will position the Town to maximize sand quantities bypassed by the STP, and plan for the future and identify/implement potential solutions.

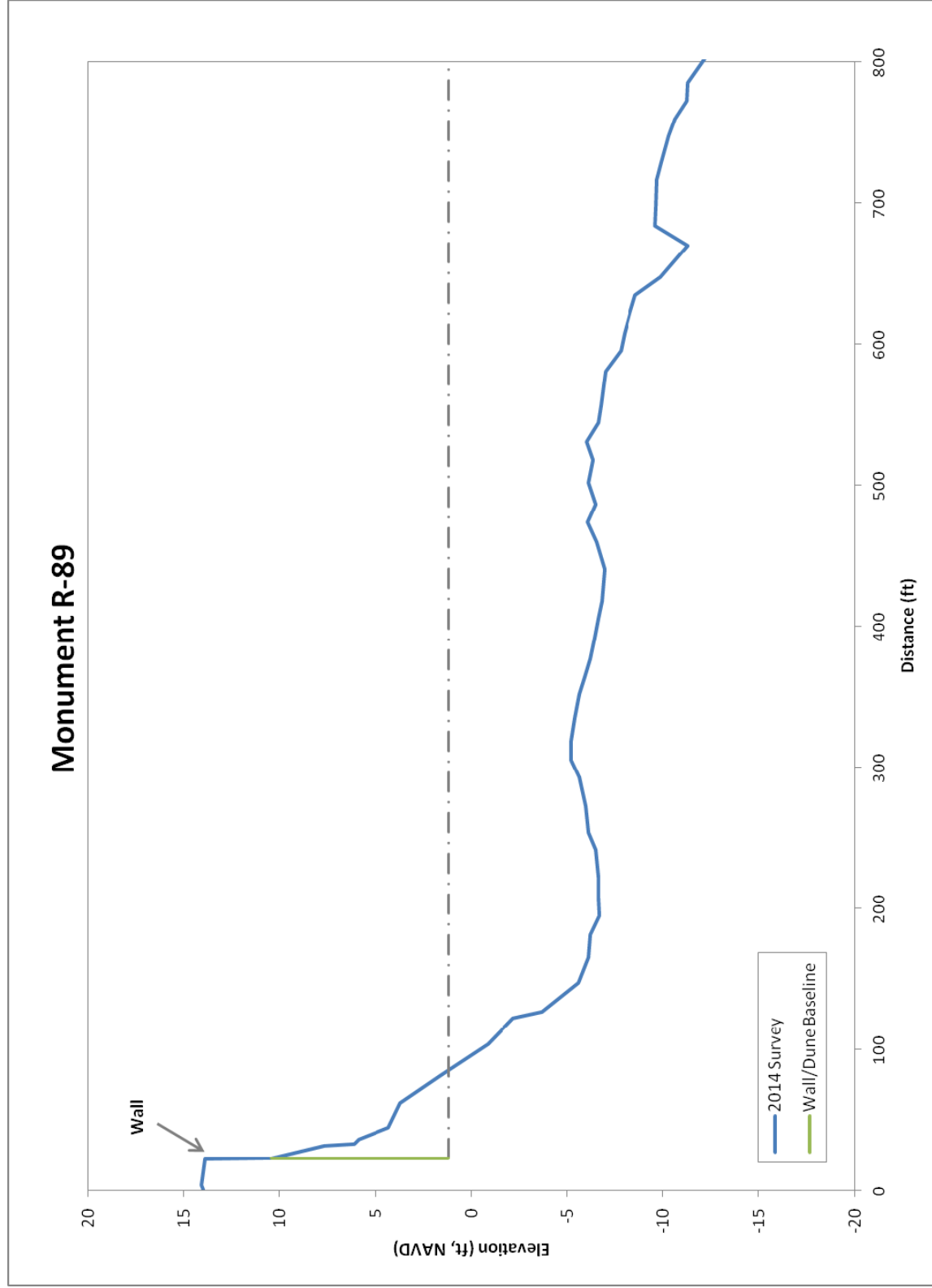
APPENDIX A. SAMPLE PROFILE COMPARISONS

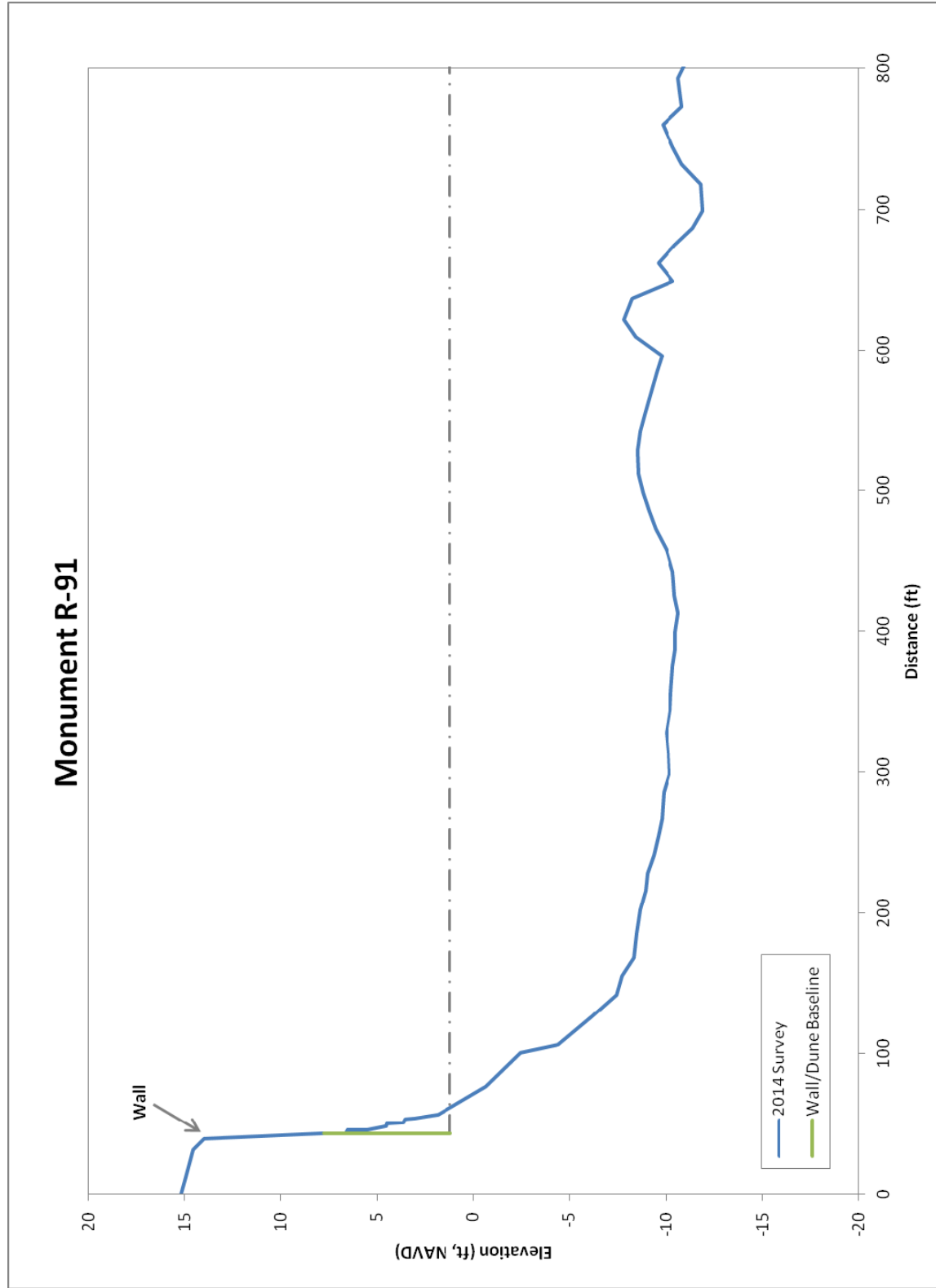


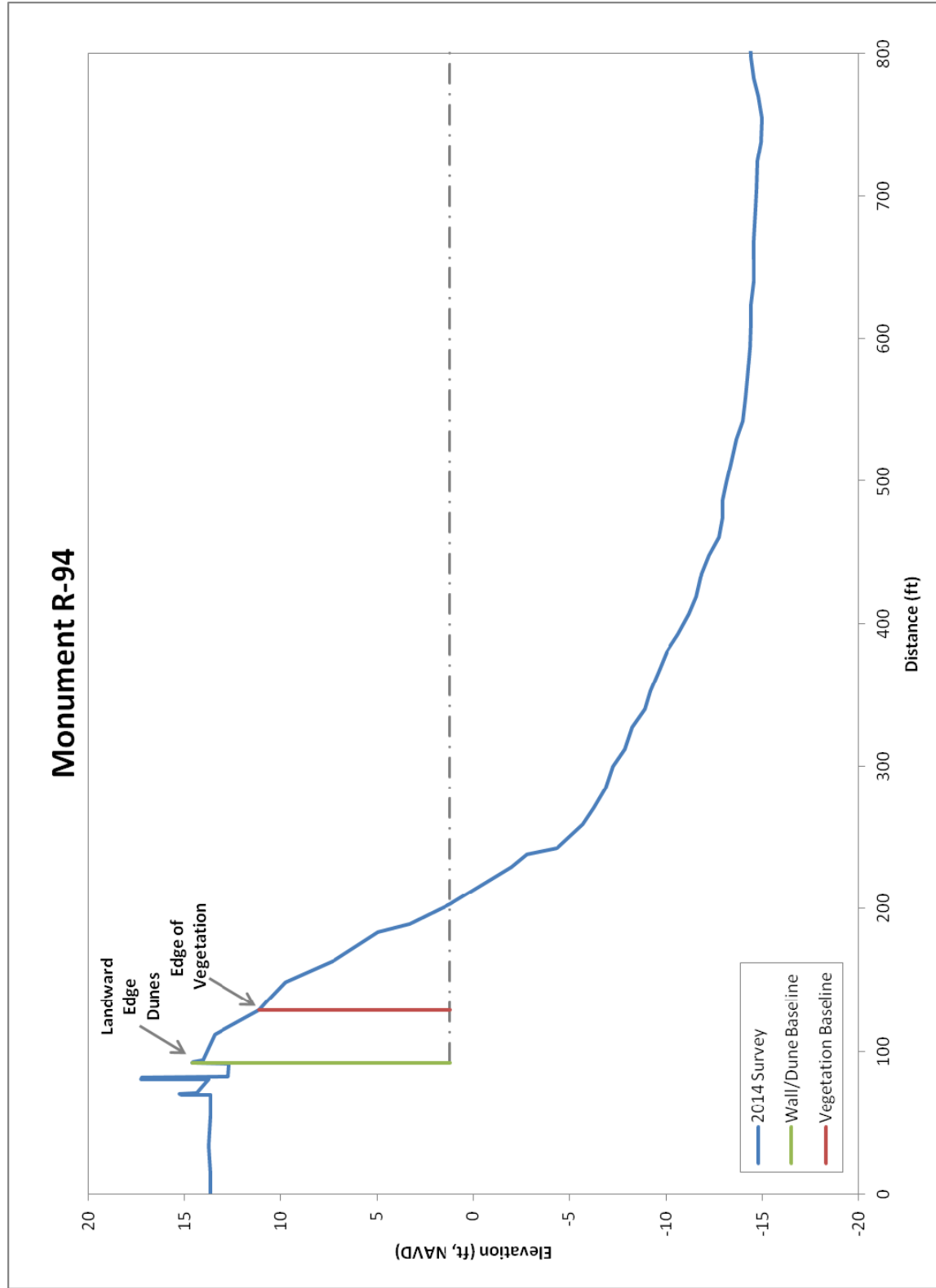


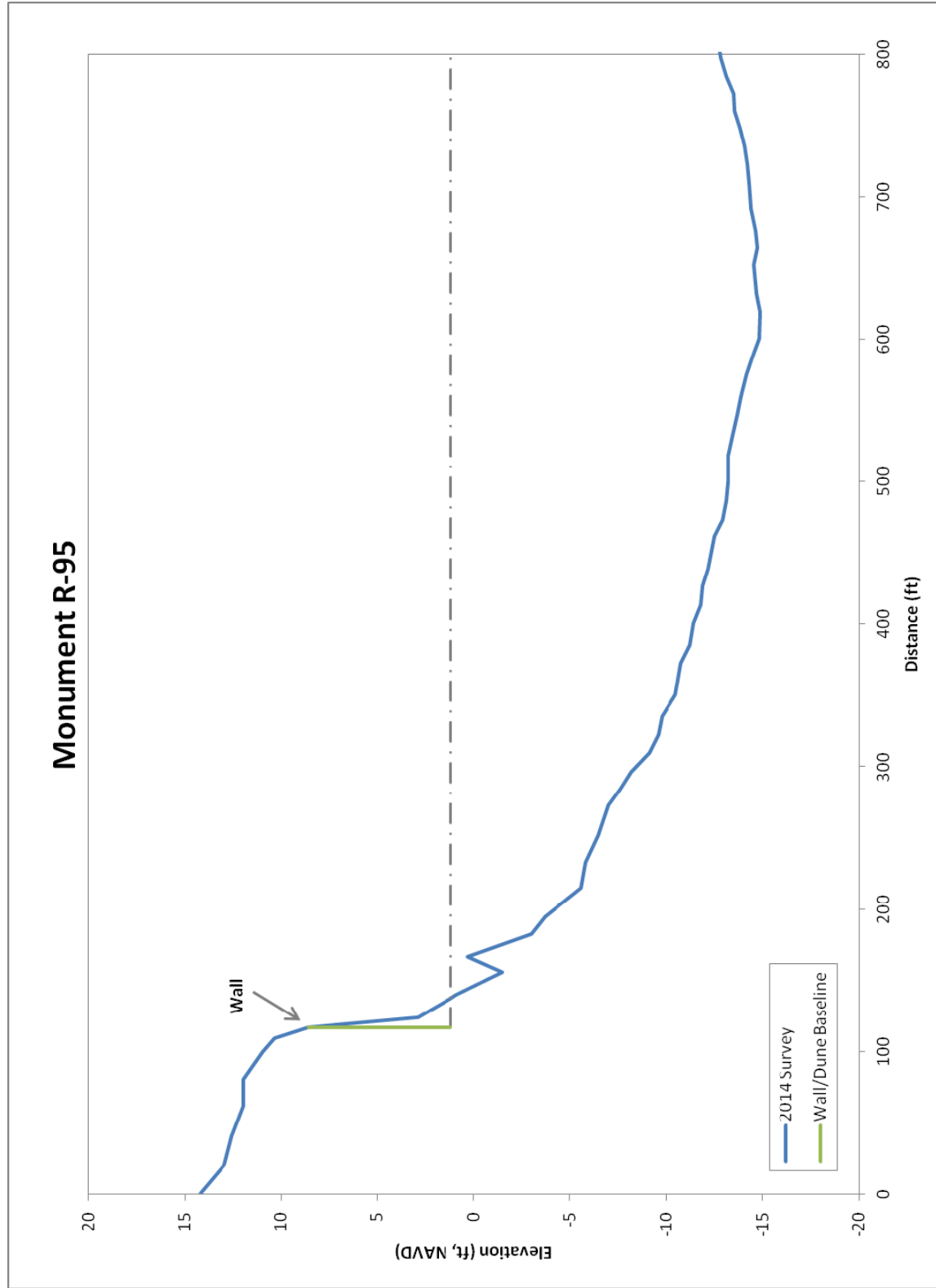


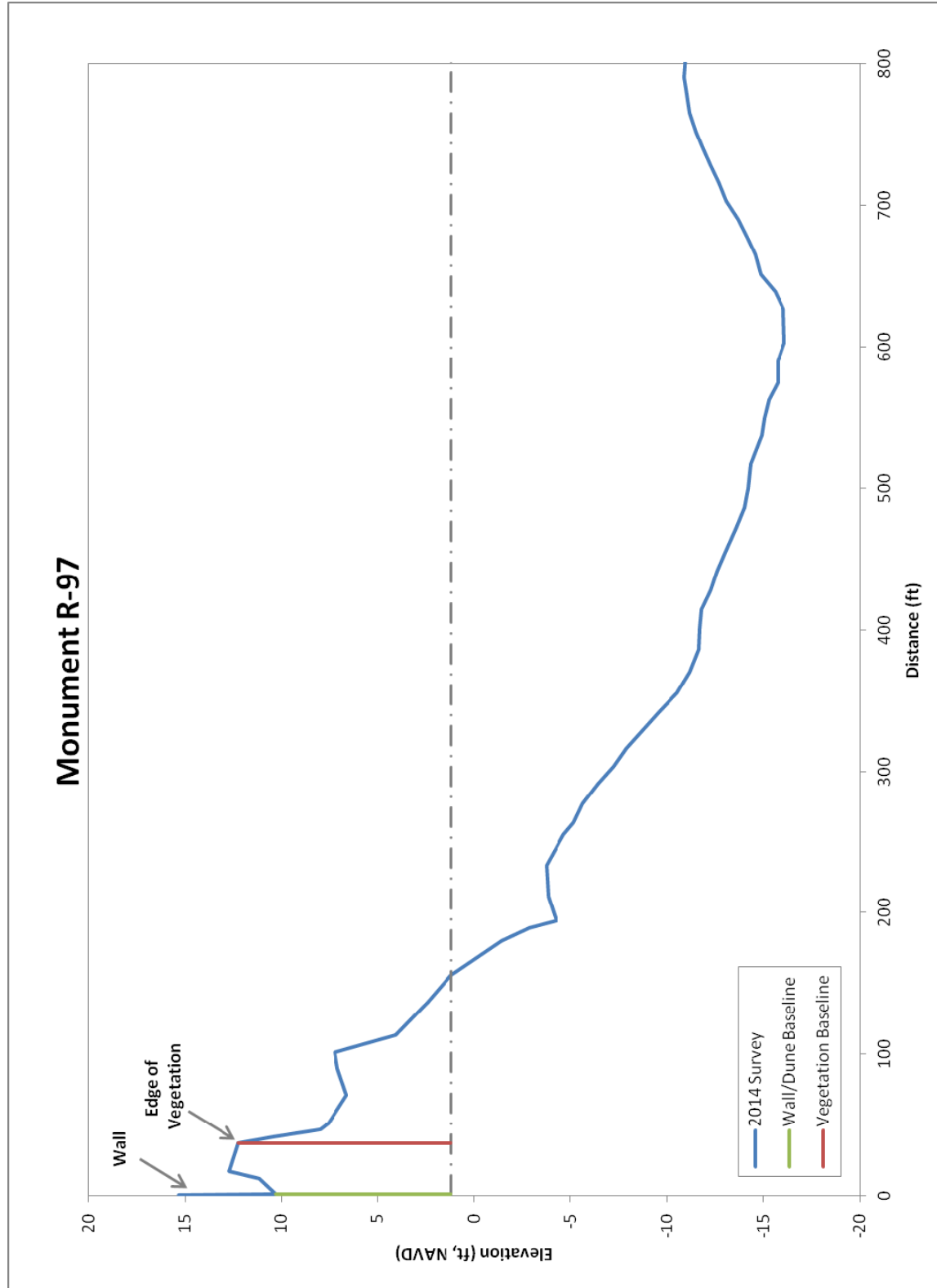


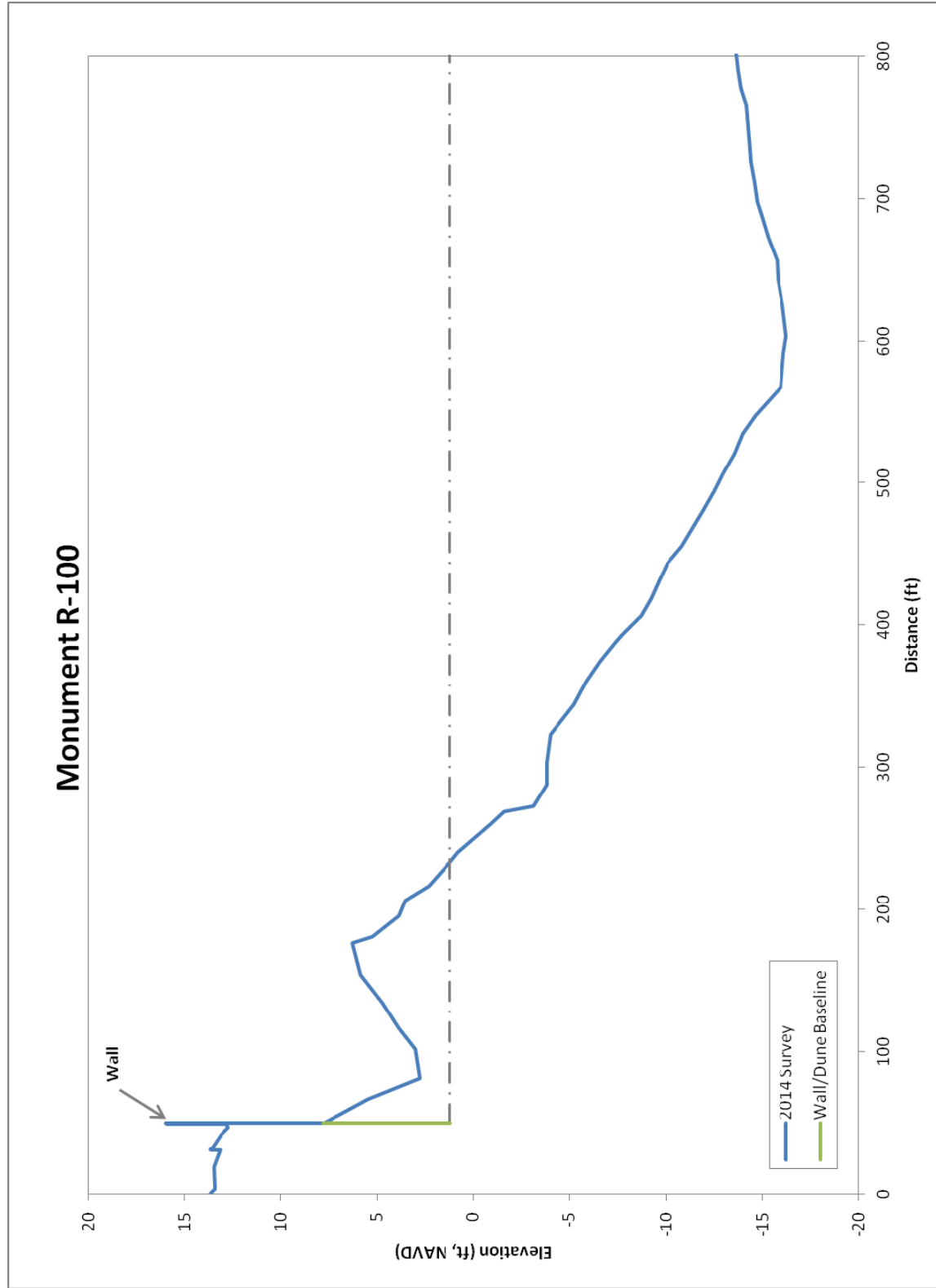


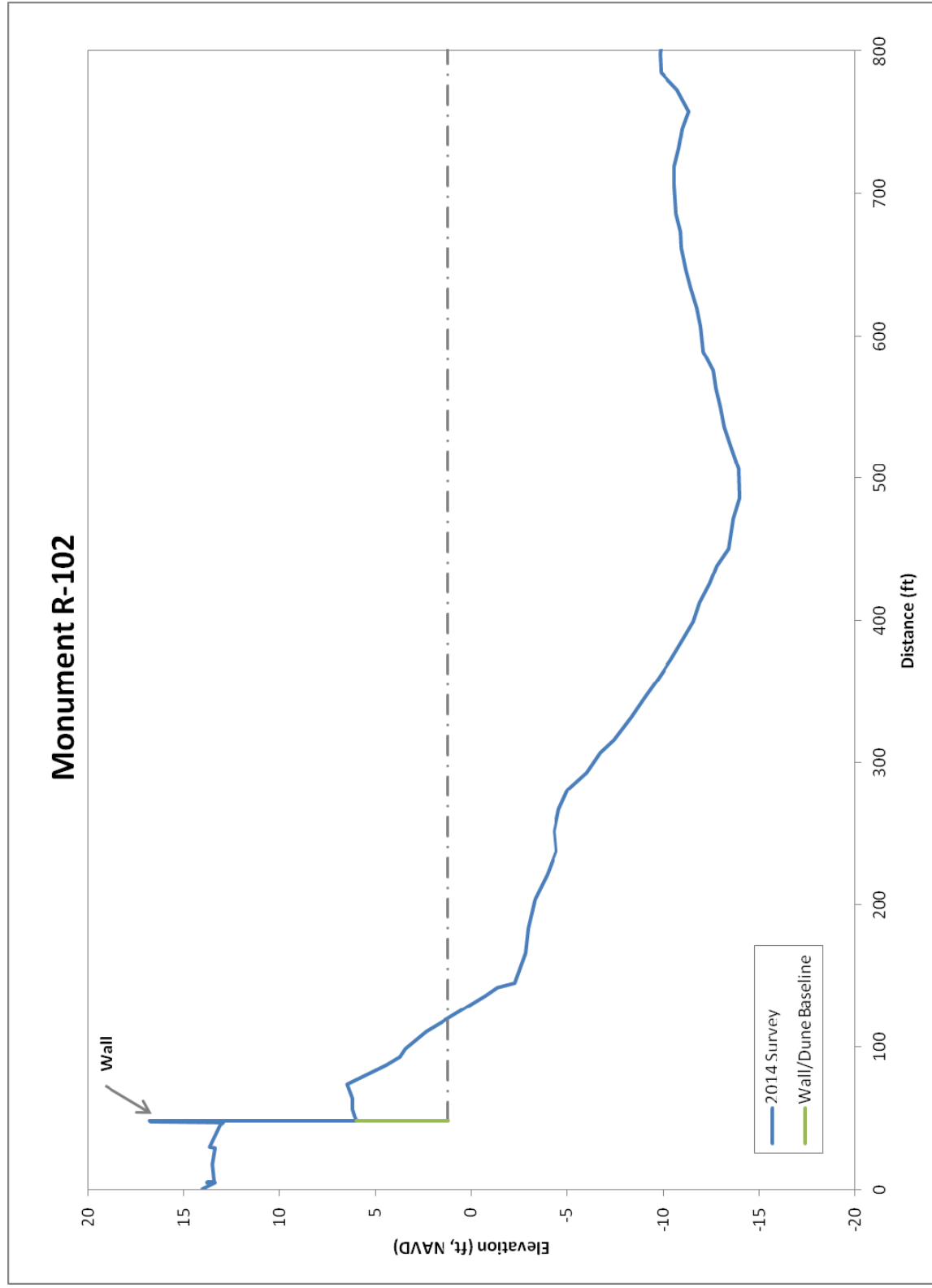


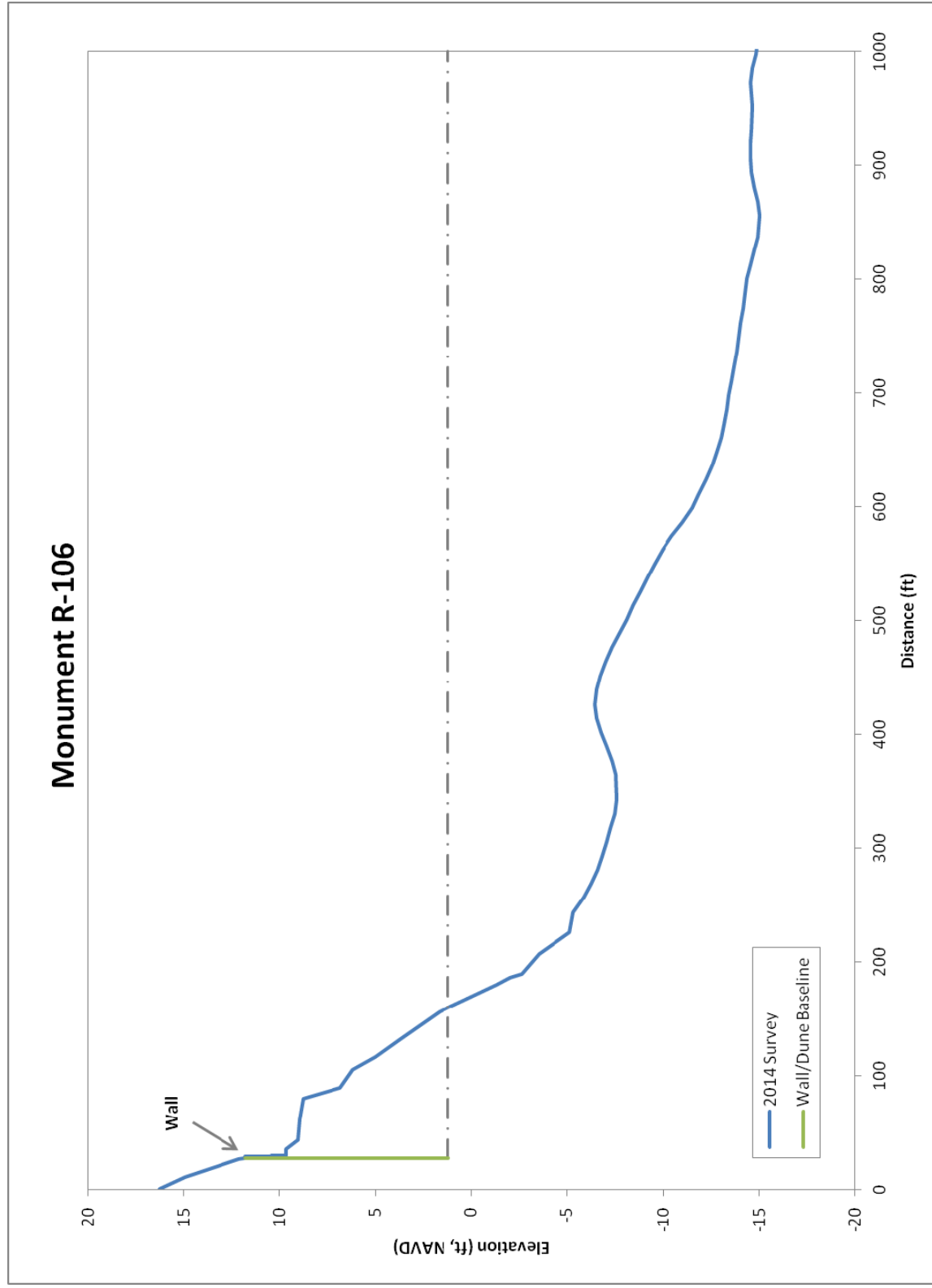


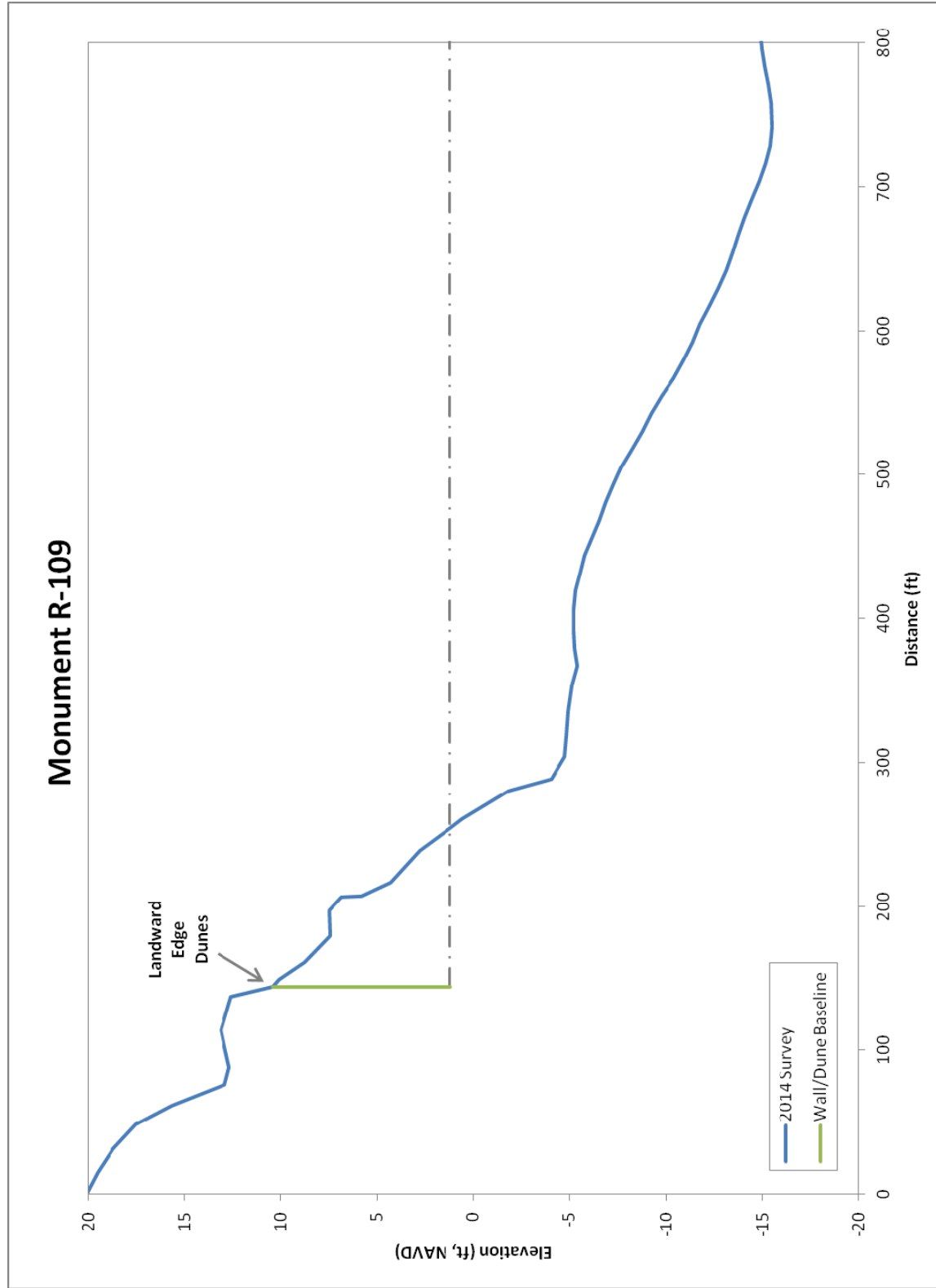


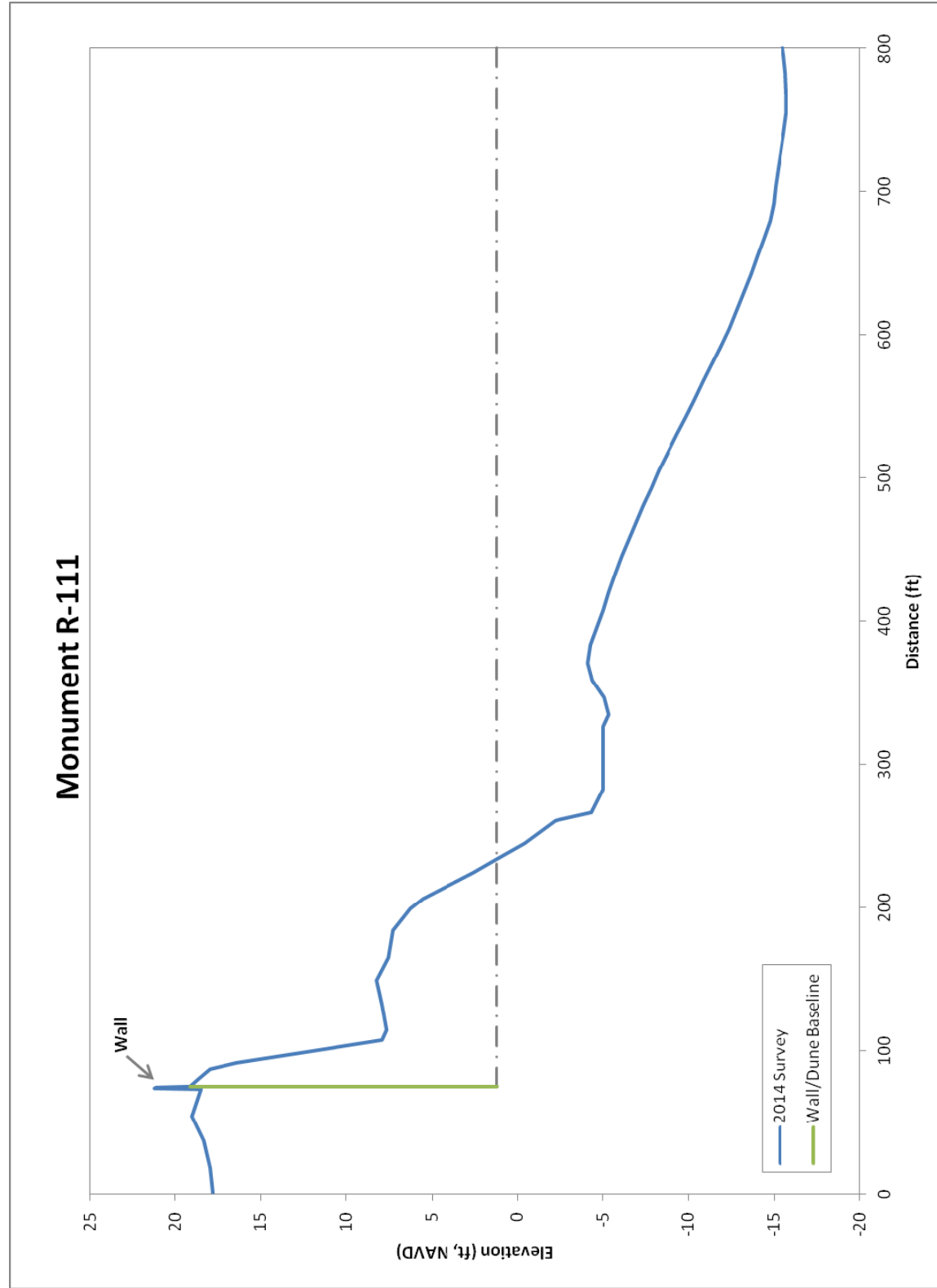


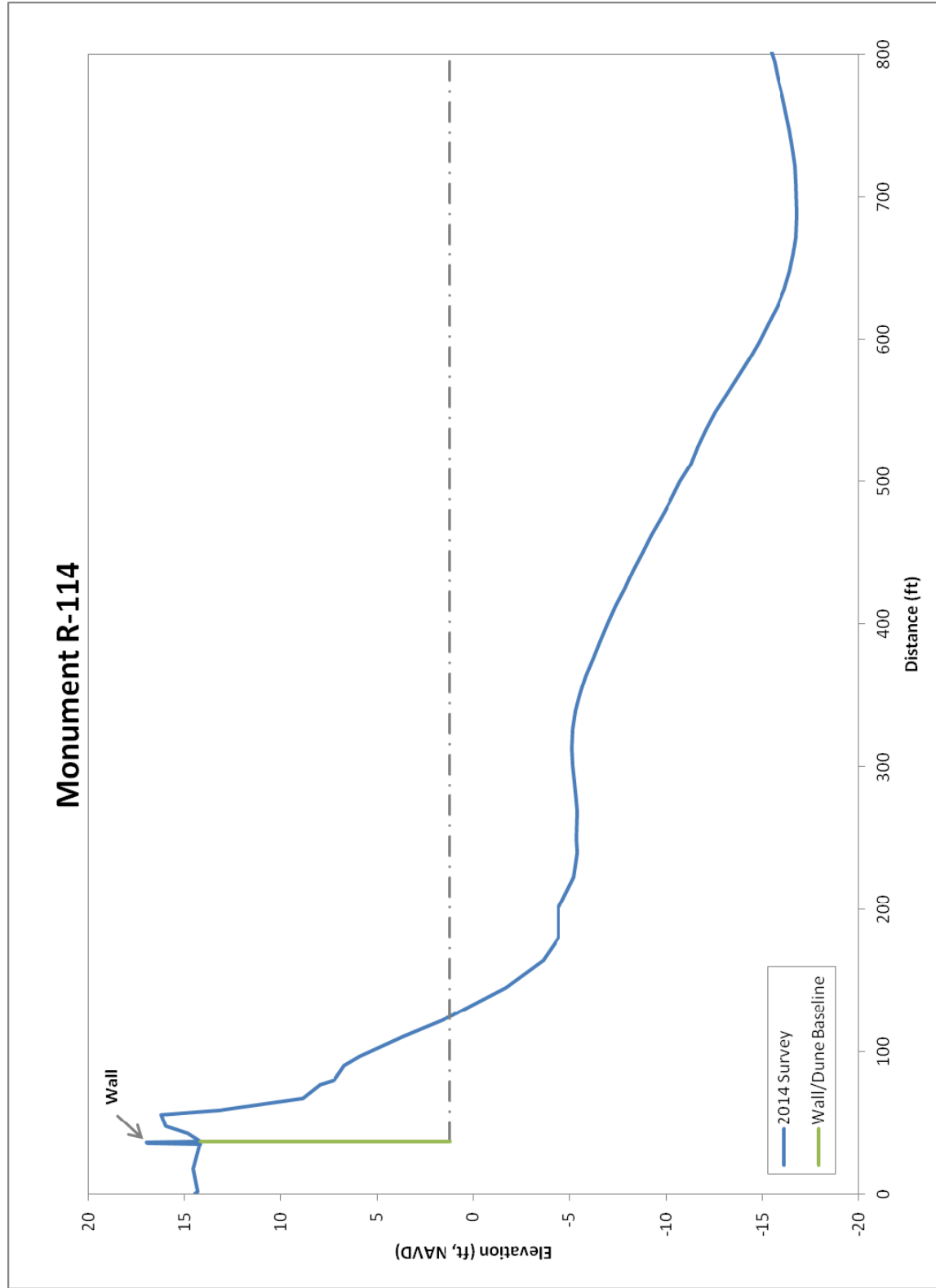


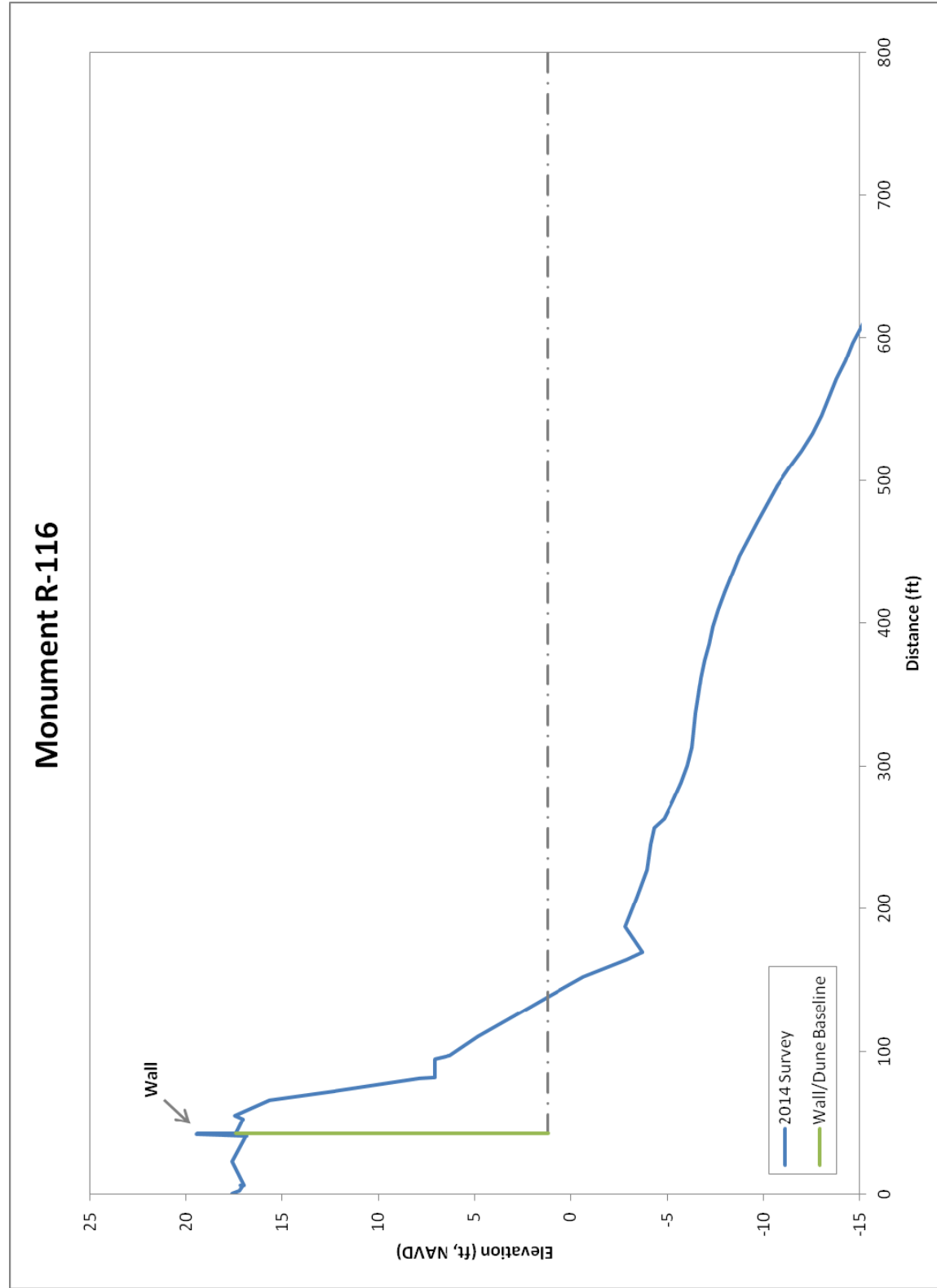


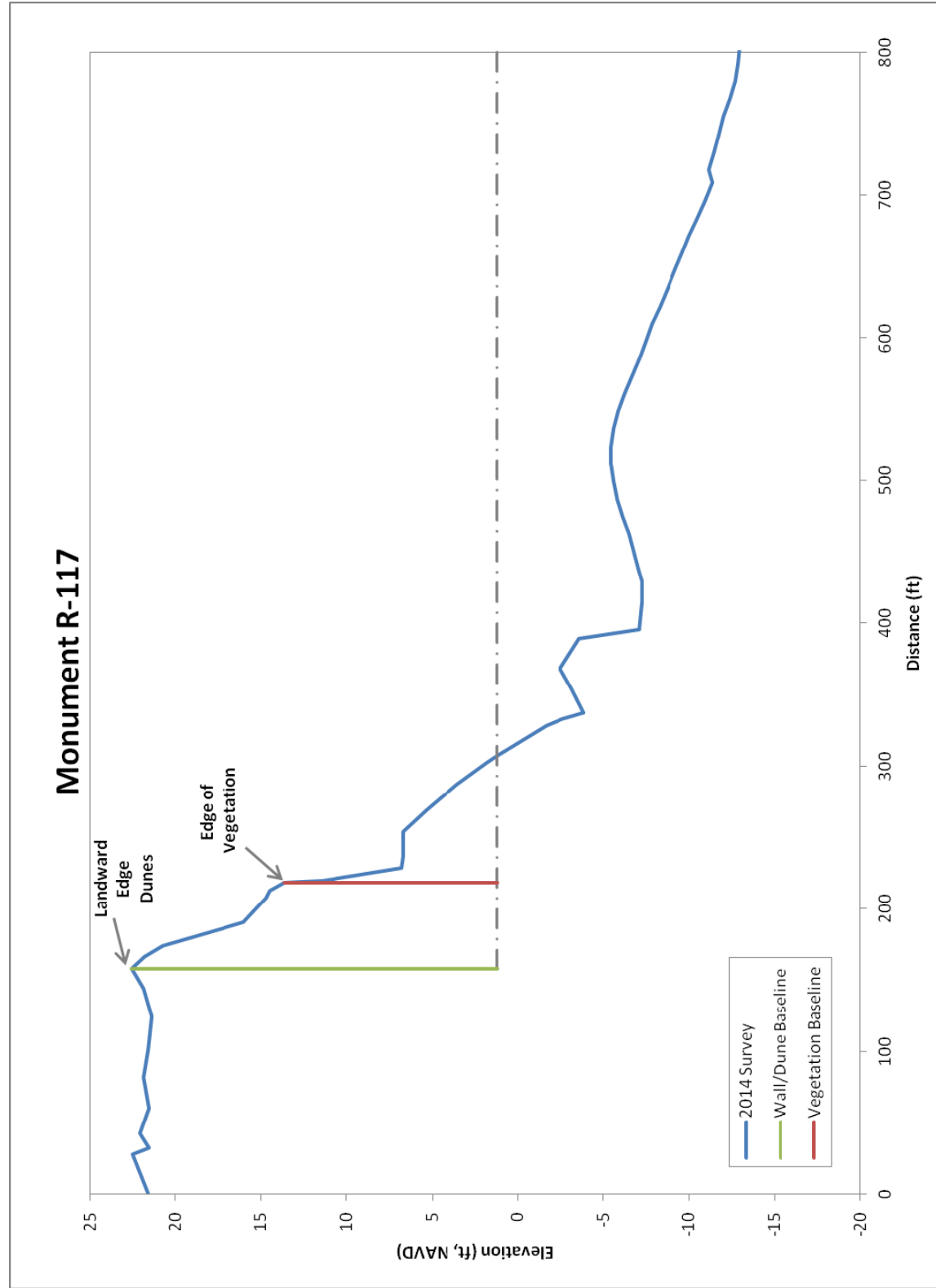


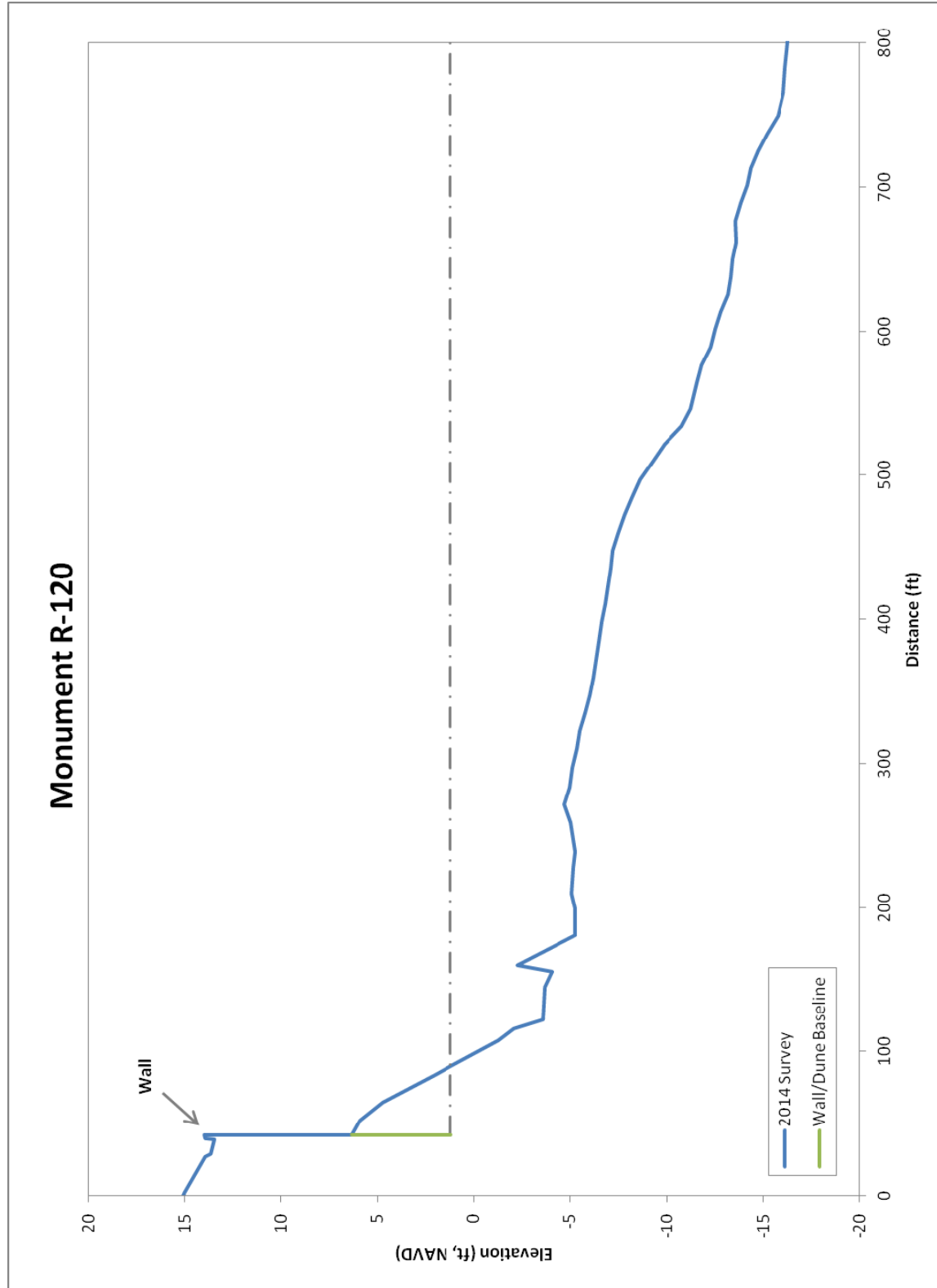


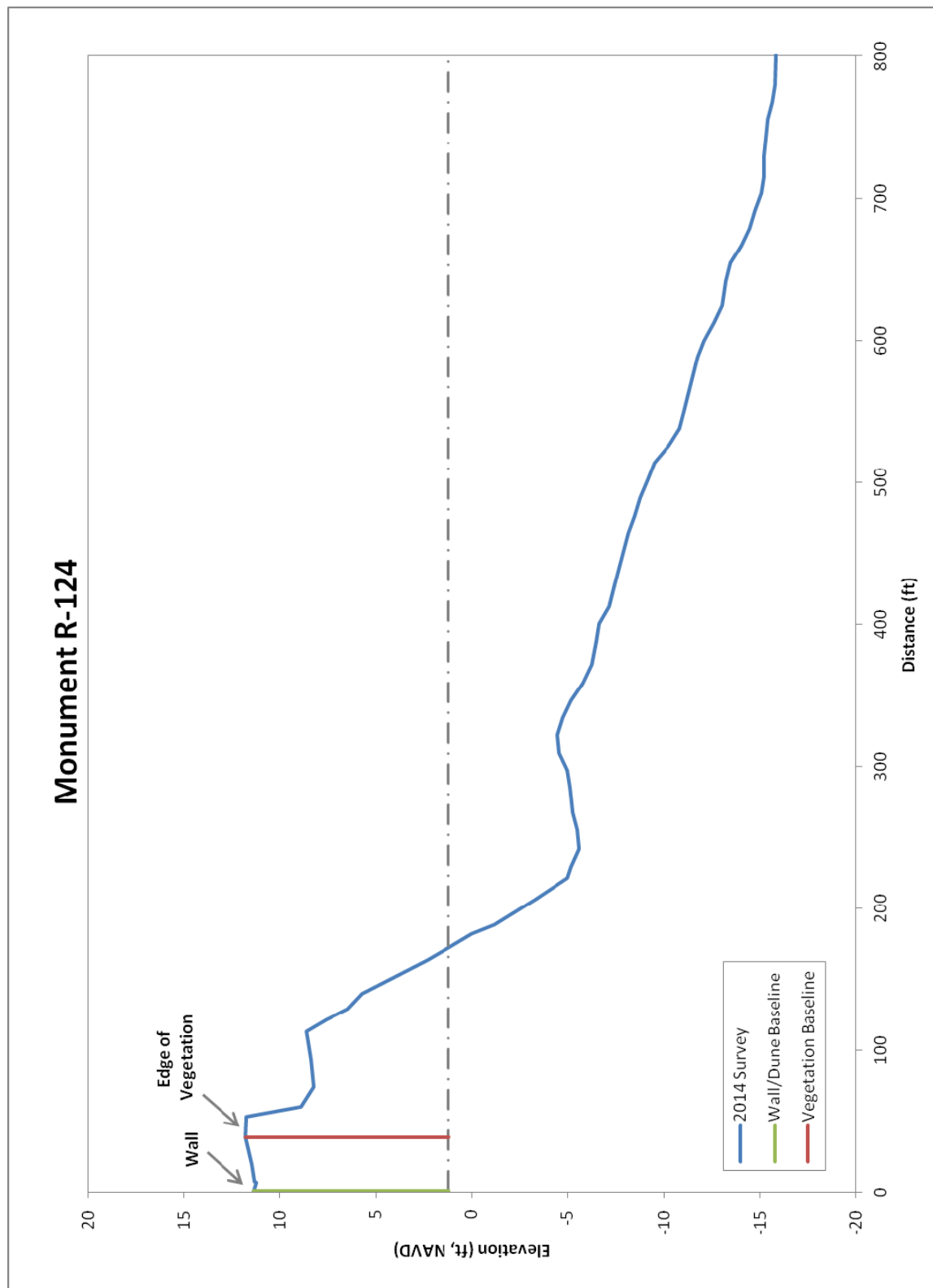


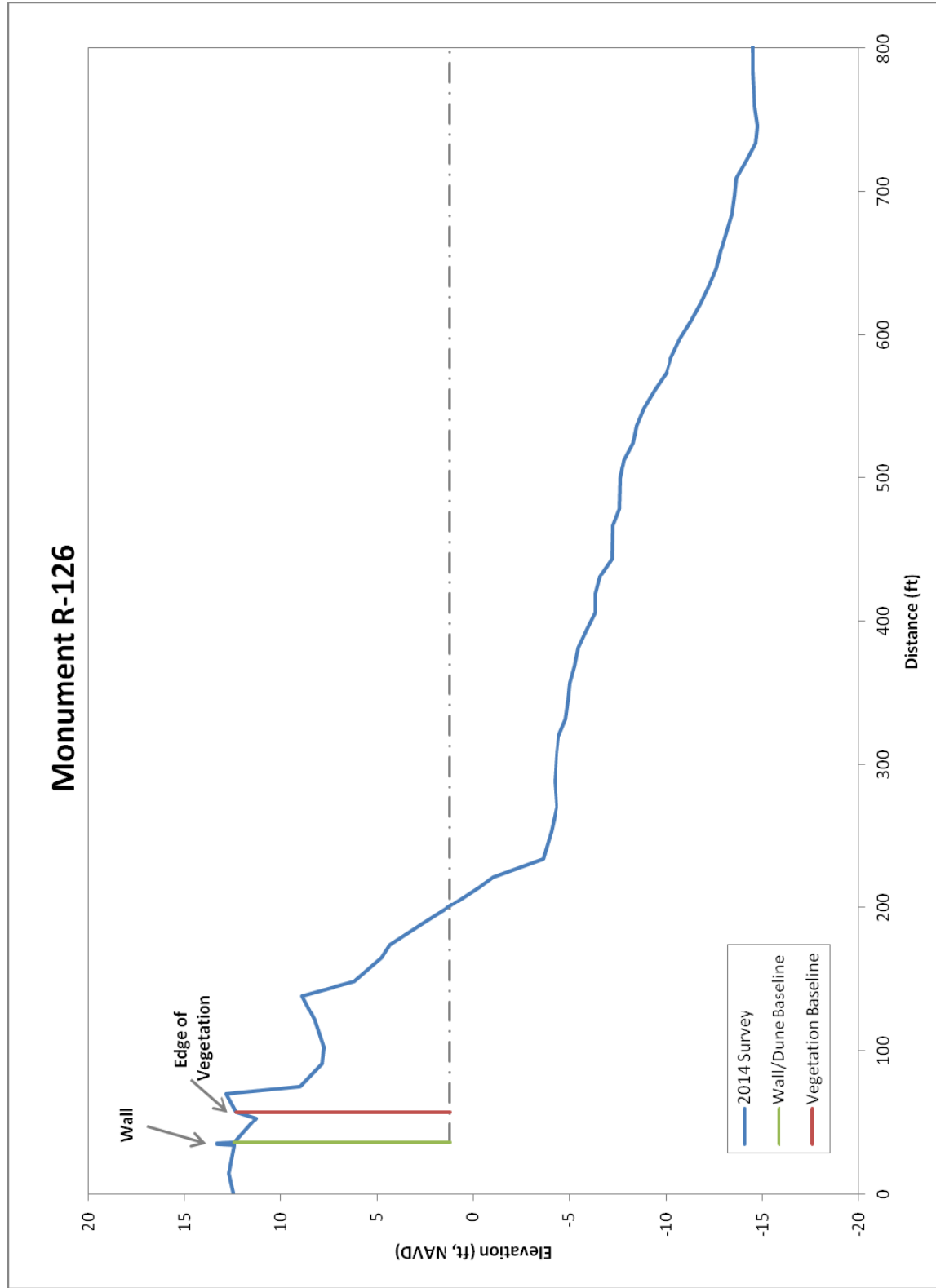


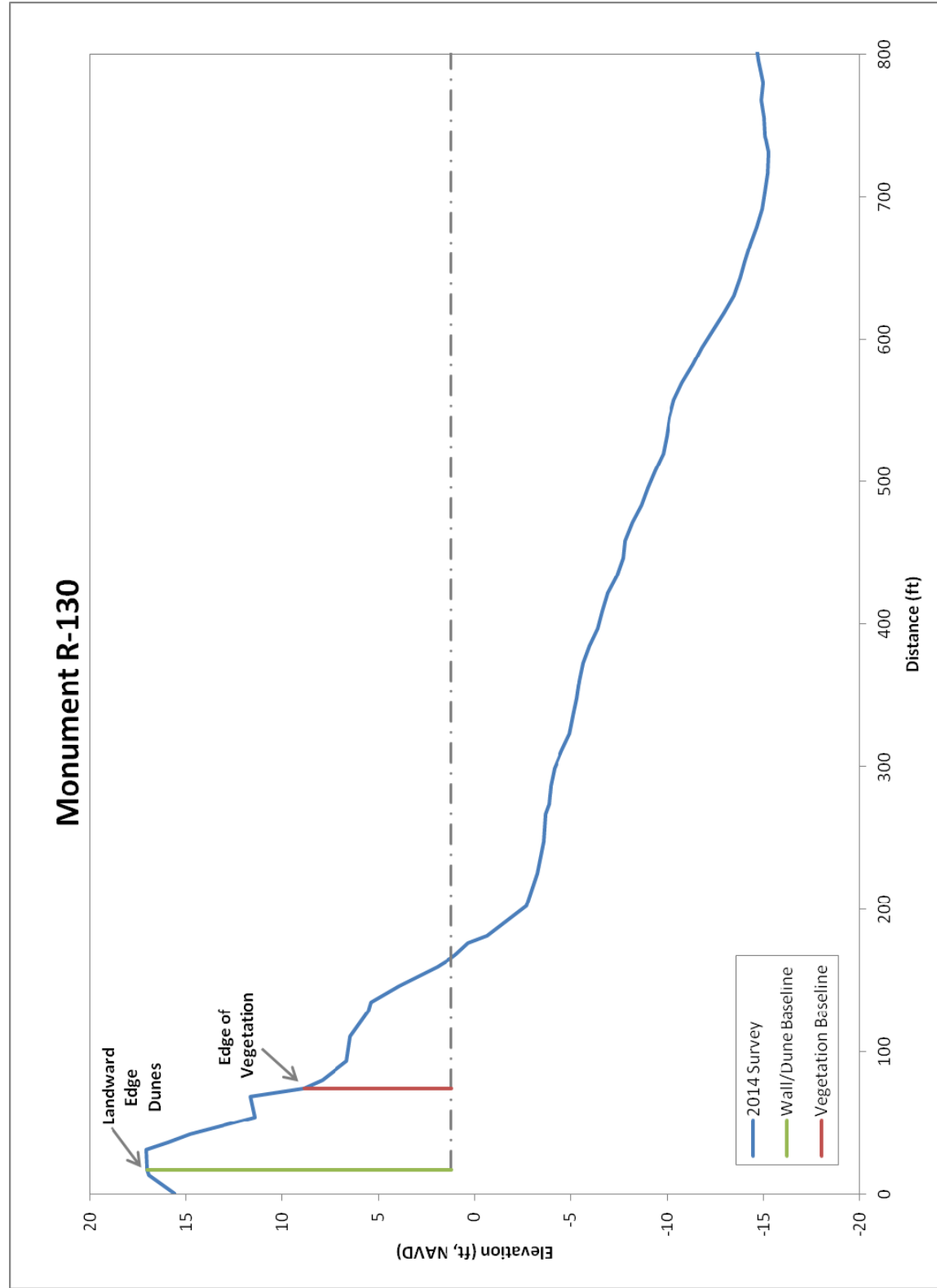


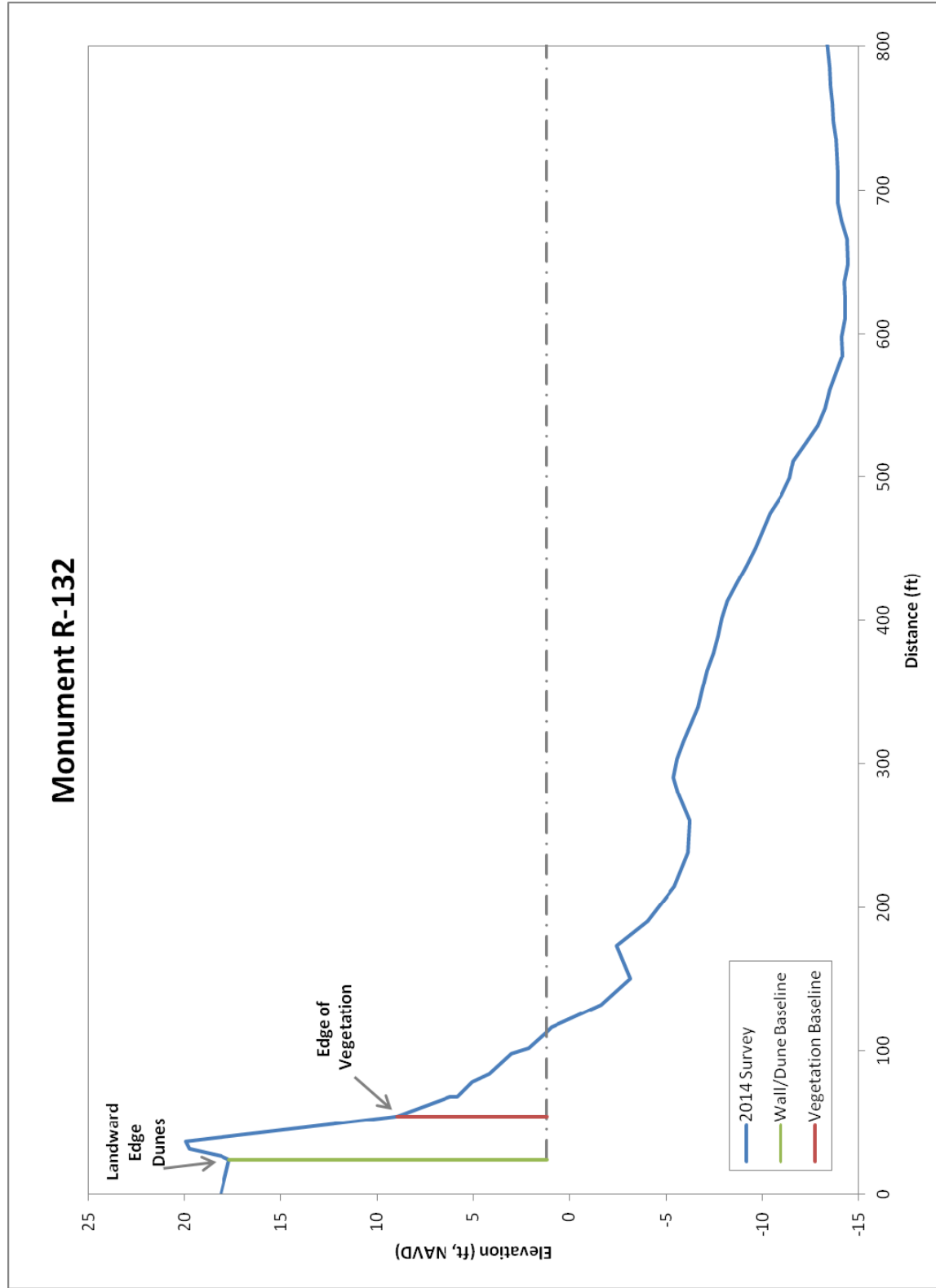


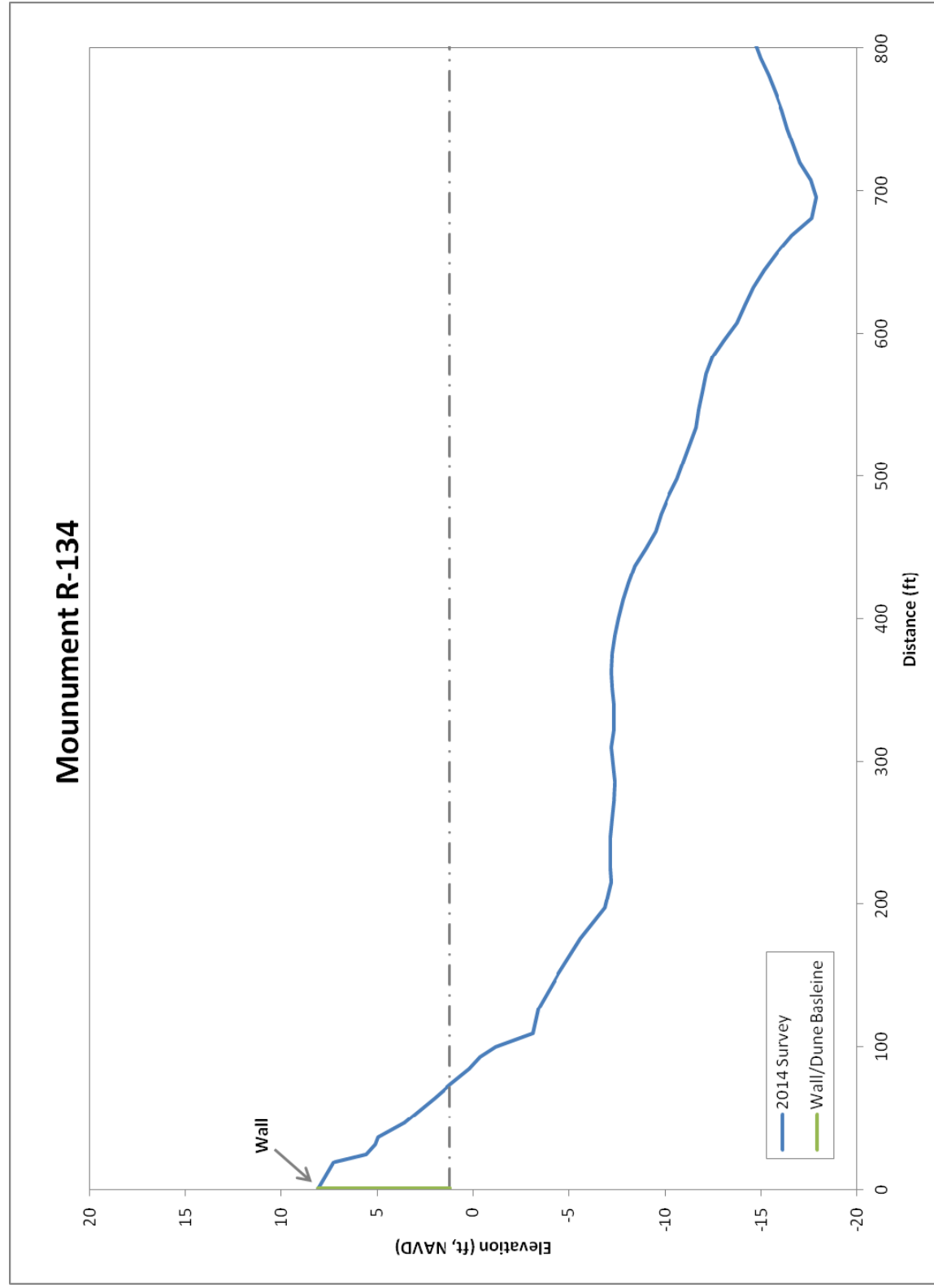




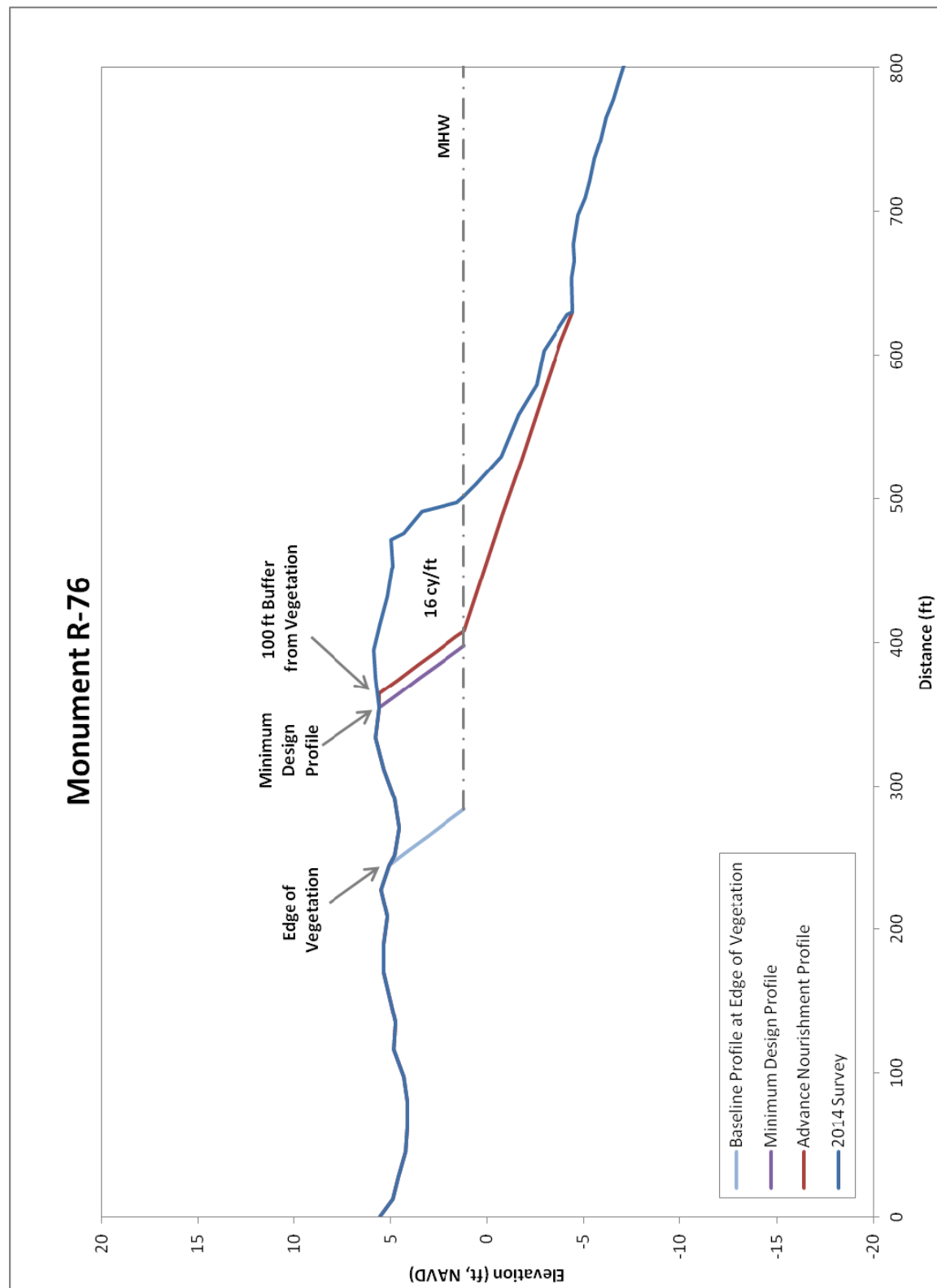


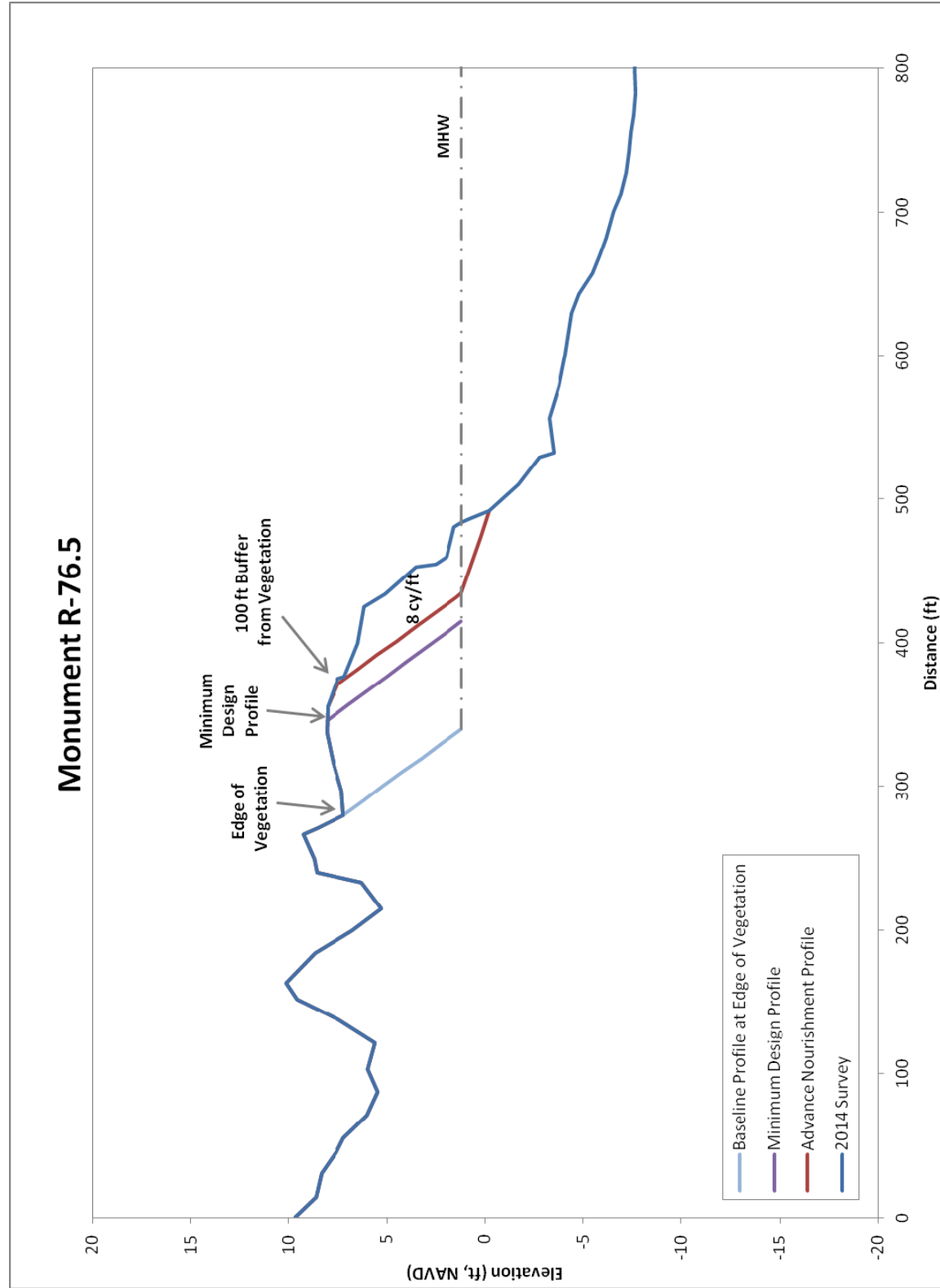


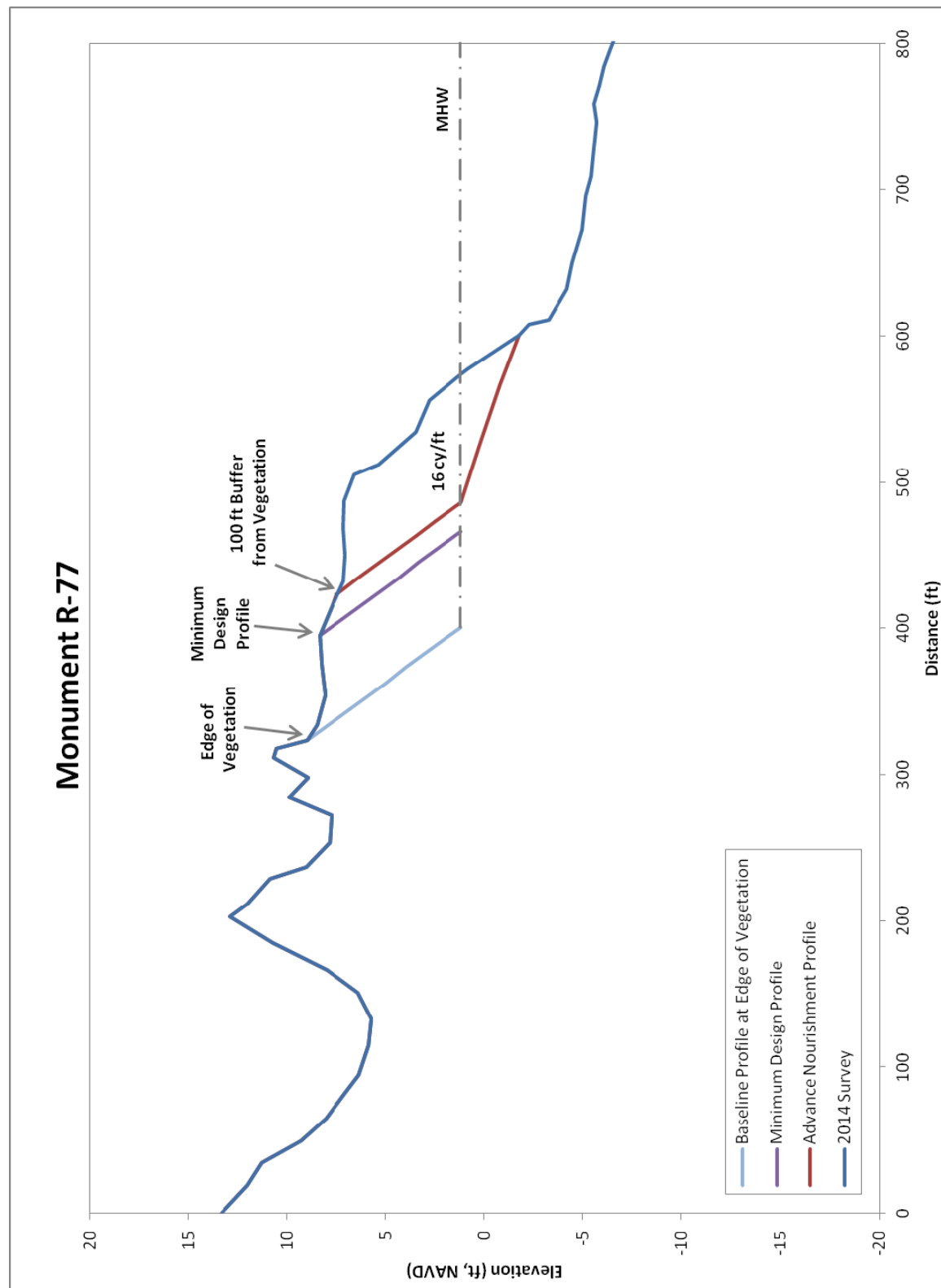


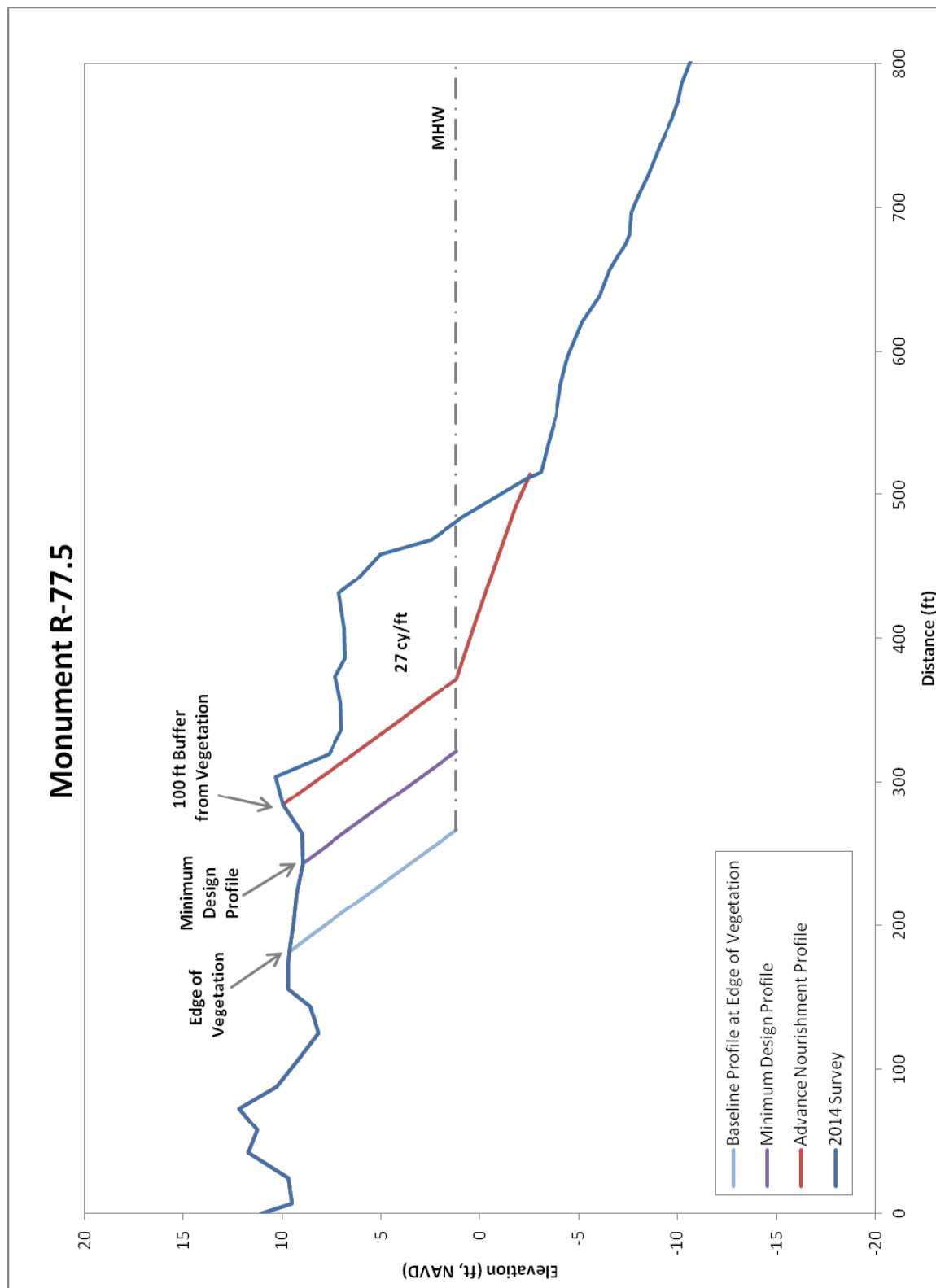


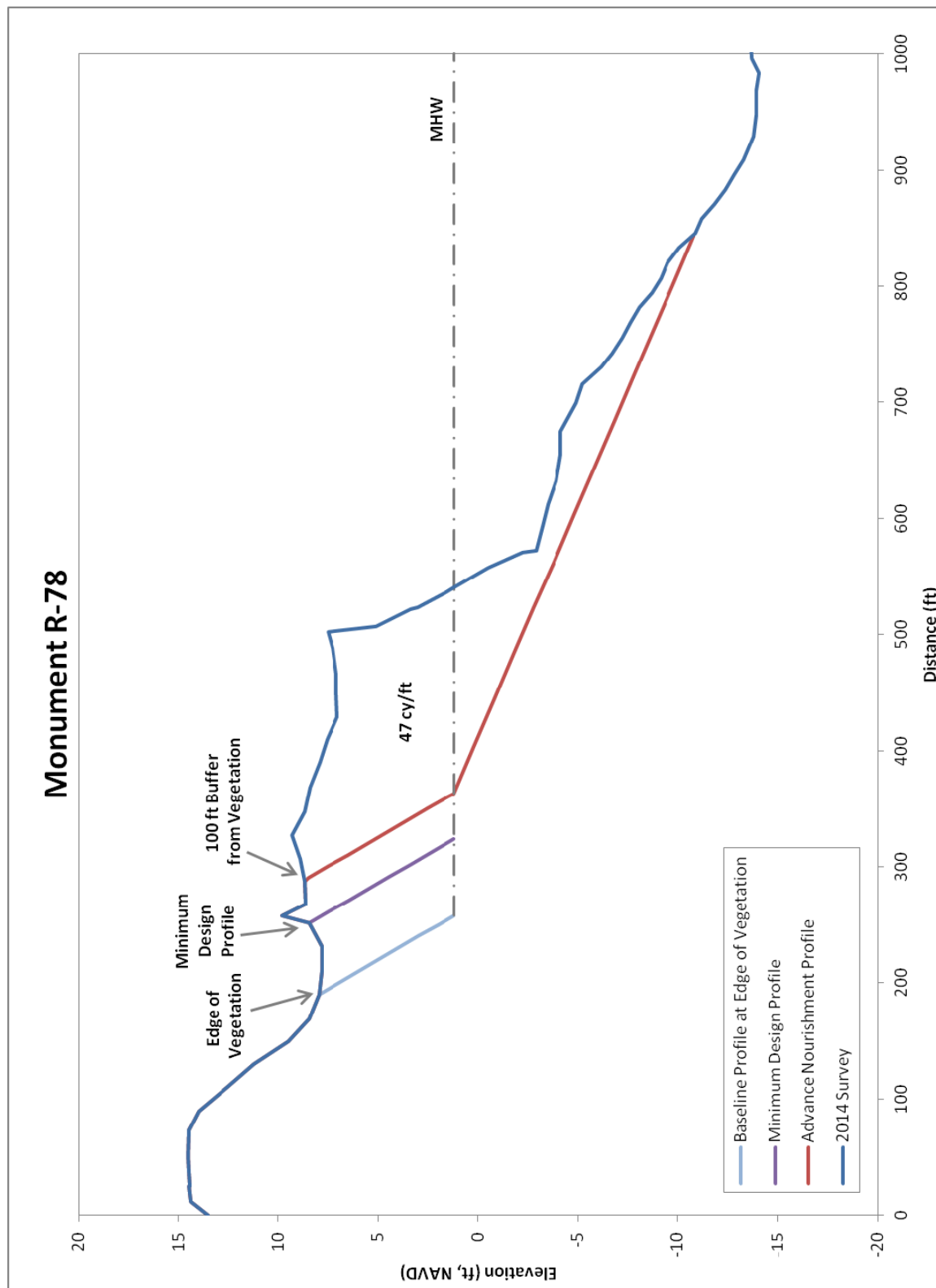
**APPENDIX B. PROFILE ANALYSIS FOR REACH 1 TO REACH 2
FOREPASSING CALCULATIONS**

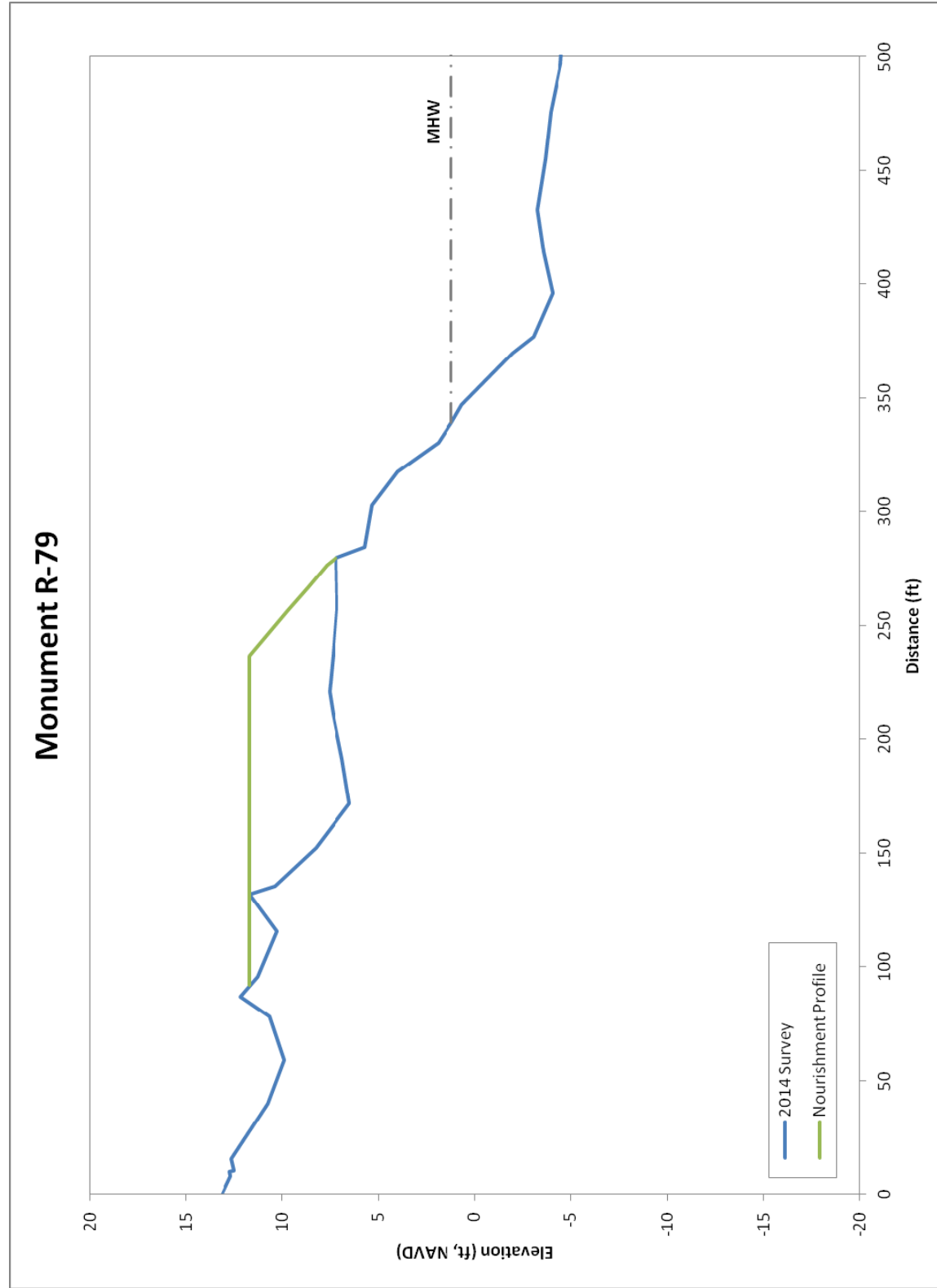


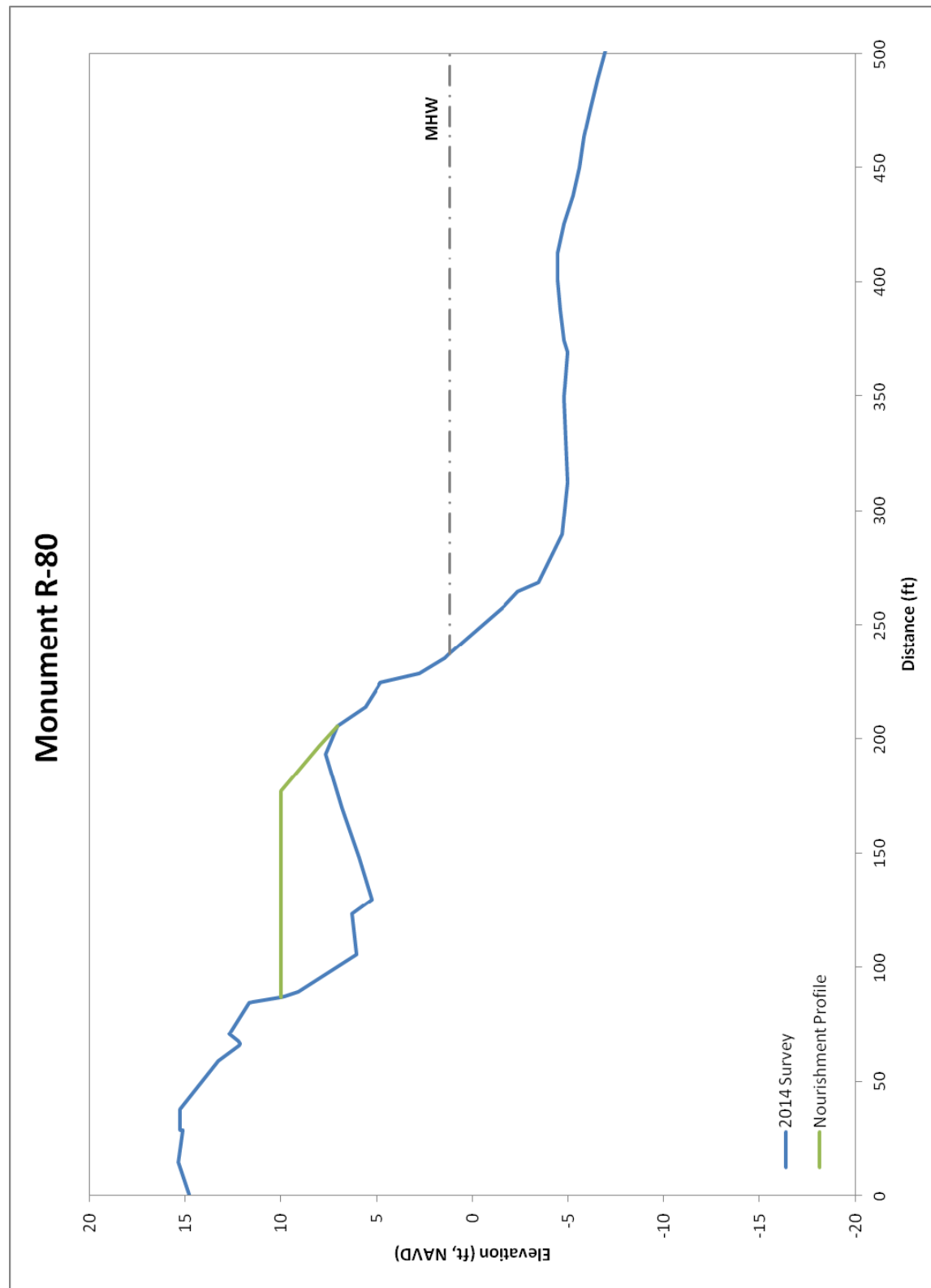


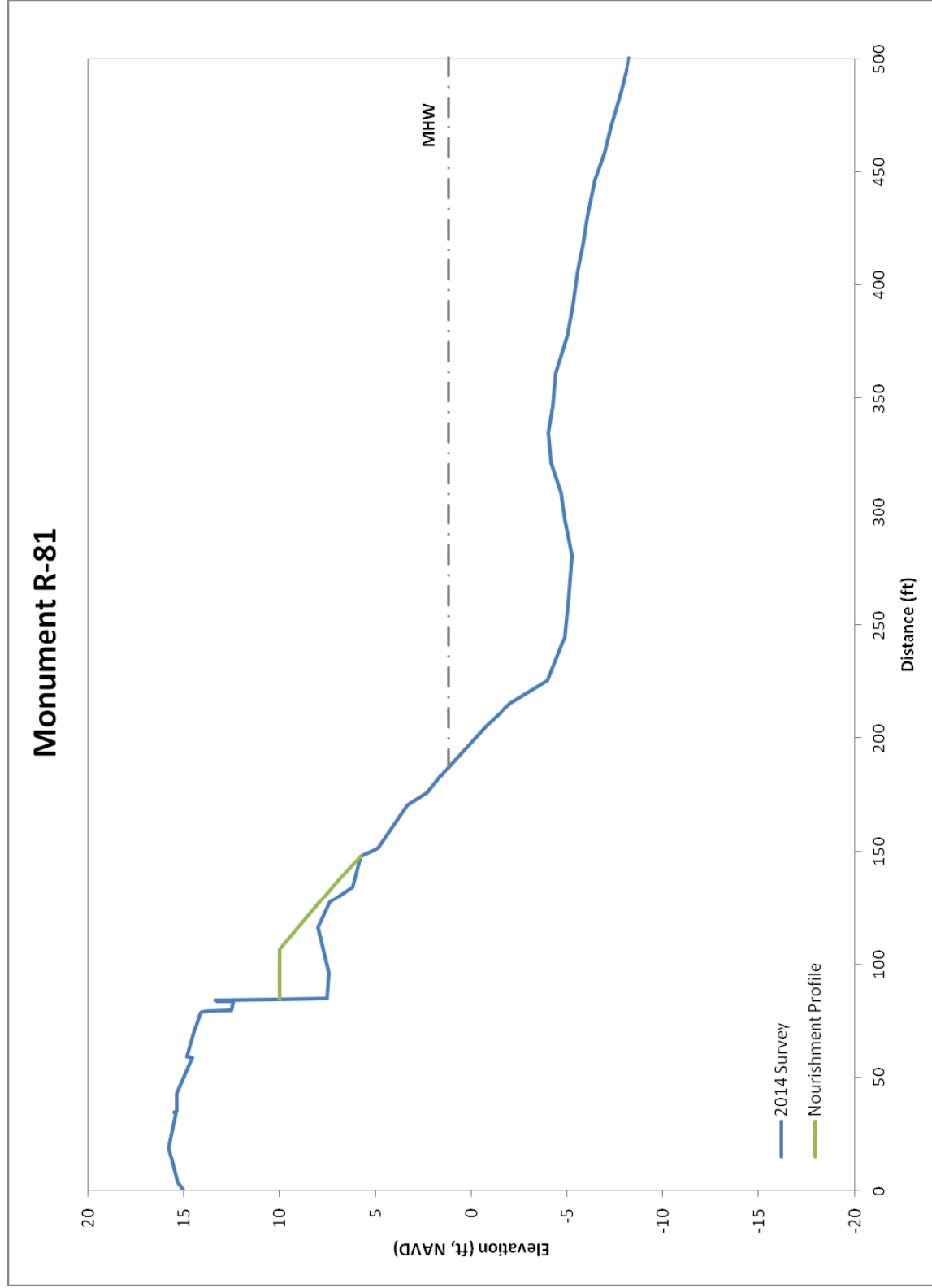


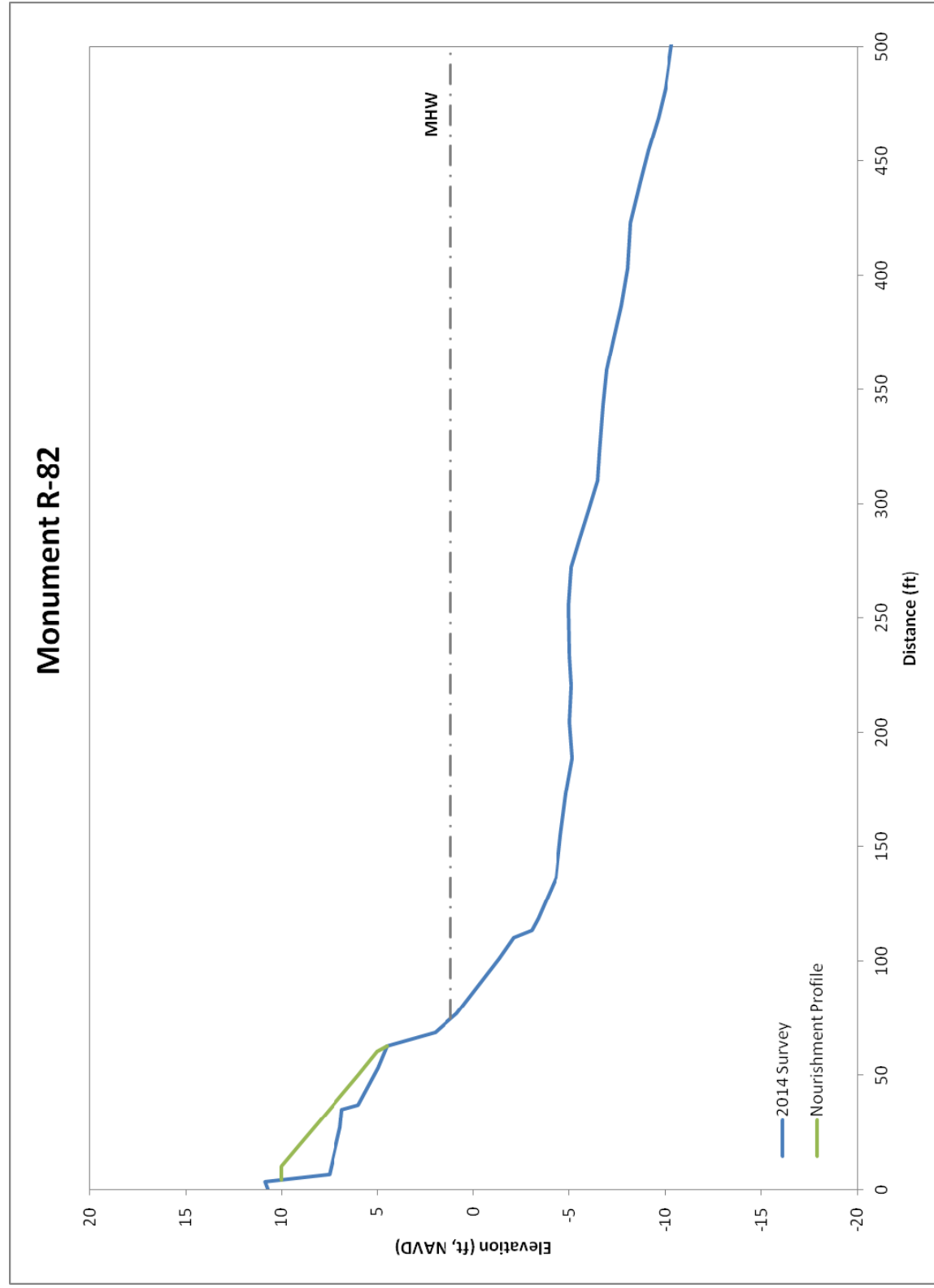


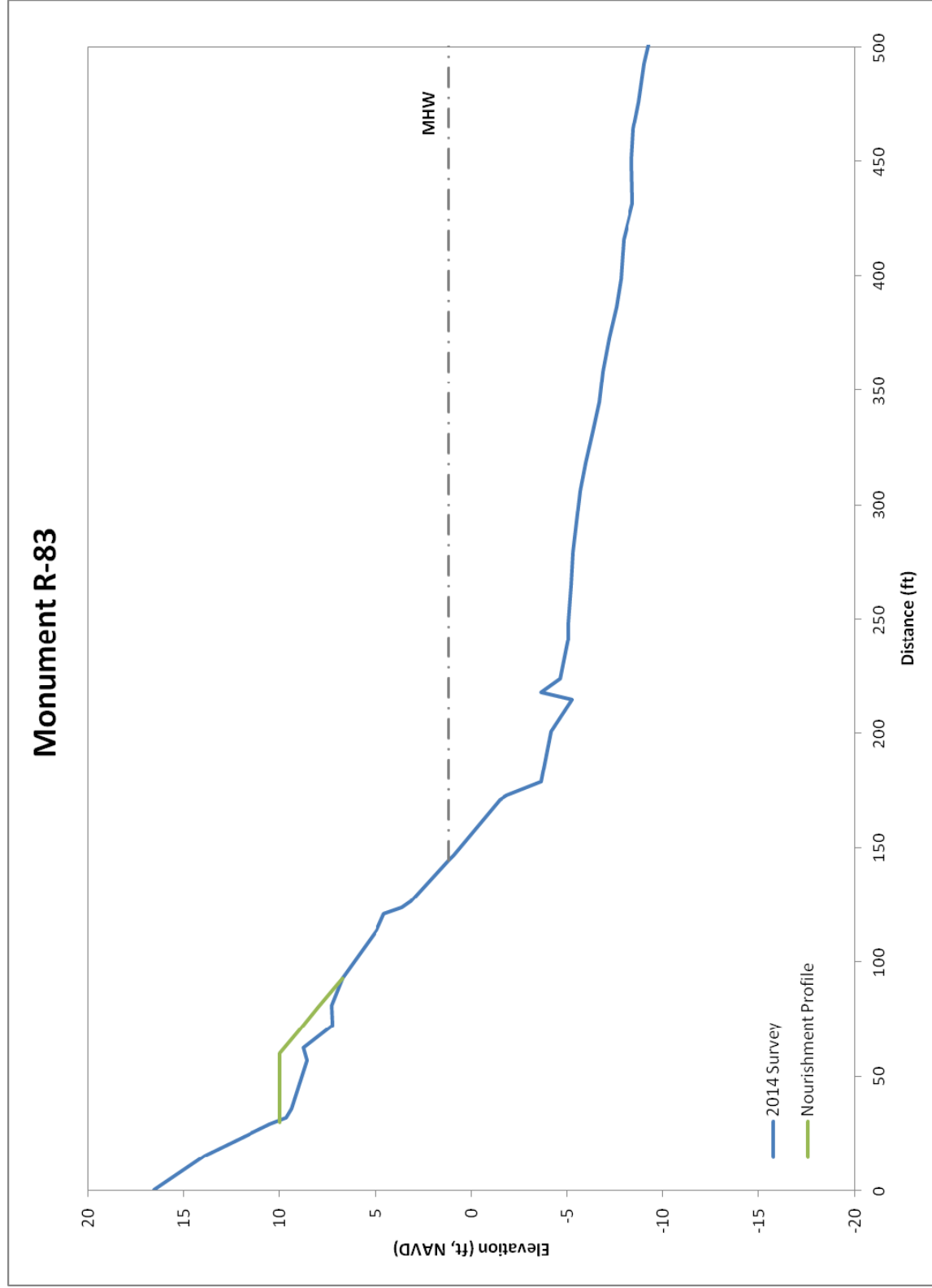


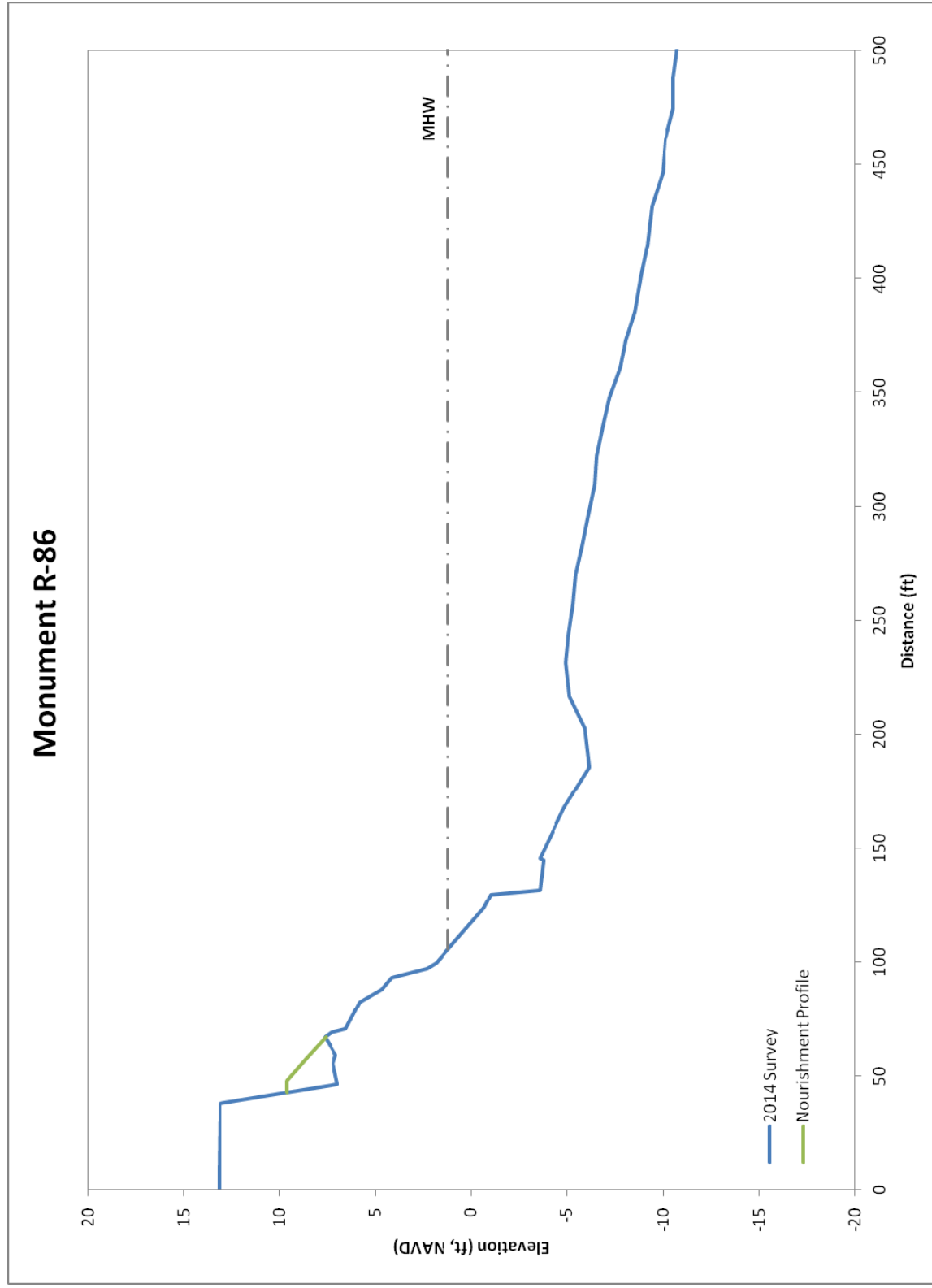












APPENDIX C. CONCEPTUAL MODEL FOR STP

Coastal Sand Management Plan for STP

Palm Beach, Florida

Prepared For:

Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Prepared By:

Woods Hole Group, Inc.
81 Technology Park Drive
East Falmouth, MA 02536

February 2015

Conceptual Model for Sand Transfer Plant

1.0 The Problem

The Town of Palm Beach depends upon high quality beach sand bypassed from Lake Worth Inlet (LWI) for its overall Comprehensive Coastal Management Plan. In large part, historical erosion of the barrier can be attributed to losses at the inlet; therefore, long-term mitigation depends upon restoring littoral transport to the Palm Beach Barrier from LWI. Inlet sand is placed directly on Palm Beach and in the nearshore zone as part of USACE inlet dredging, and also from the Sand Transfer Plant (STP), shown by Figure 1. The STP places sand on the northern portion of Palm Beach directly south from LWI through the pipes shown on Figure 2.

By Town records since 1996, the STP has placed more than 2.6 million cubic yards of sand on Palm Beach. The bypassed sand helps stabilize the northern end of the island, where some of the widest and healthiest beaches currently exist. STP operations are also intended to provide a source of sand for southerly transport to downdrift eroding shorelines starved of sediment; a subject of ongoing monitoring.

Continued operation of the STP is essential for the long-term sediment budget of Palm Beach, and requires both a functional STP facility, as well as a continuous supply of sand to the beaches within the STP operational reach. Production of the facility in 2013 (annual placement of 39,500 cubic yards) and 2014 (13,300 cubic yards through June) was lower when compared to the annual average of 145,297 cubic yards/yr from 1996 through 2013 (annual maximum of 255,250 cubic yards in 2001; Figure 3). Recent decreased production is due to operational problems at the STP (shut down from October 24, 2014 to February, 2015), as well as a lack of sand within the STP reach, at least in the early part of 2014. Recent surveys indicate an accumulating sand supply updrift from STP, which can be utilized now that the plant is operational again (as of February 2015).

Based on recent observations, the Town is interested to understand possible reasons for the apparent decrease in sediment supply within the STP reach, whether there are future indications of a continued sediment deficit or not, and identification of potential solutions. To address this problem, the Town commissioned ATM with Sea Diversified to conduct more detailed surveys north of the inlet as part of the annual sediment budget survey/report. ATM also was contracted to conduct a preliminary analysis of beach profile data north of the inlet to identify potential causes (Review of Proposed LWI Expansion Project Hardbottom Mitigation Plan, ATM, July 1, 2014). The report focused on potential influences of the Juno Beach nourishment mitigation reefs located in the nearshore zone north of LWI. Based on the data available, no direct cause/effect relationship between the mitigation reefs and sand supply to the STP was discovered, although additional data and analysis will continue. ATM and Sea Diversified also are continuing with more detailed surveys and analysis north of the inlet to lend additional insight.

This memo offers a conceptual site model (CSM) identifying sources, sinks, and sediment transport pathways affecting sand supply at the STP. The purpose of the preliminary CSM is to identify key

contributing factors, quantify these factors at a planning level based upon existing readily-available data, and to identify and prioritize specific areas for more rigorous survey and analysis if appropriate. The CSM provides the basis for future decision-making if the STP production continues to suffer.



Figure 1. Lake Worth Inlet sand transfer plant (STP) north of the inlet.



Figure 2. STP discharge pipes (bottom left) in perspective to Lake Worth Inlet jetties and intake facility (middle in distance).

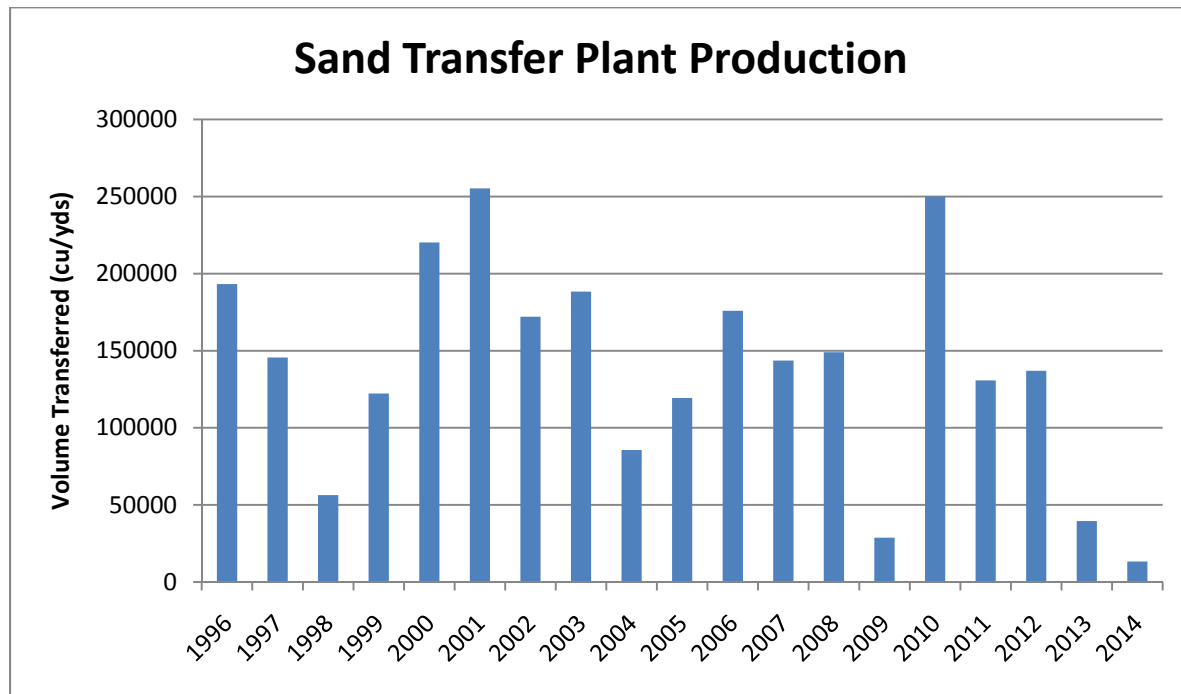


Figure 3. Annual sand transfer plant production from 1996 to June 2014 (note plant shutdown since October 24, 2014).

2.0 Conceptual Site Model (CSM)

The CSM for sediment transport at the STP includes key sources and sinks of sand, as well as coastal processes contributing to the transport of sand to/from the STP reach. Graphically, many of the key elements of the STP are shown by Figure 4.

2.1 Sand Sources

Sand is supplied to the STP region via a number of potential sand sources, including:

- Source 1. Prevailing net north to south longshore sand transport of existing updrift sand directly to the STP area.
- Source 2. Prevailing cross-shore sand transport from offshore directly to the STP area.
- Source 3. Additional sand provided by dune/beach nourishment on Singer Island, which is in close proximity to the STP and can be transported to its reach.
- Source 4. Additional sand in the updrift system from Juno Beach nourishment, which is distant from the STP but replenishes the overall updrift system.
- Source 5. Jupiter/Carlin Beach Nourishment; also distant from the STP but replenishes the overall littoral system.
- Source 6. Bypassing of sand at the northern end of the barrier from Jupiter Inlet, which is the head of the littoral cell updrift from the STP.

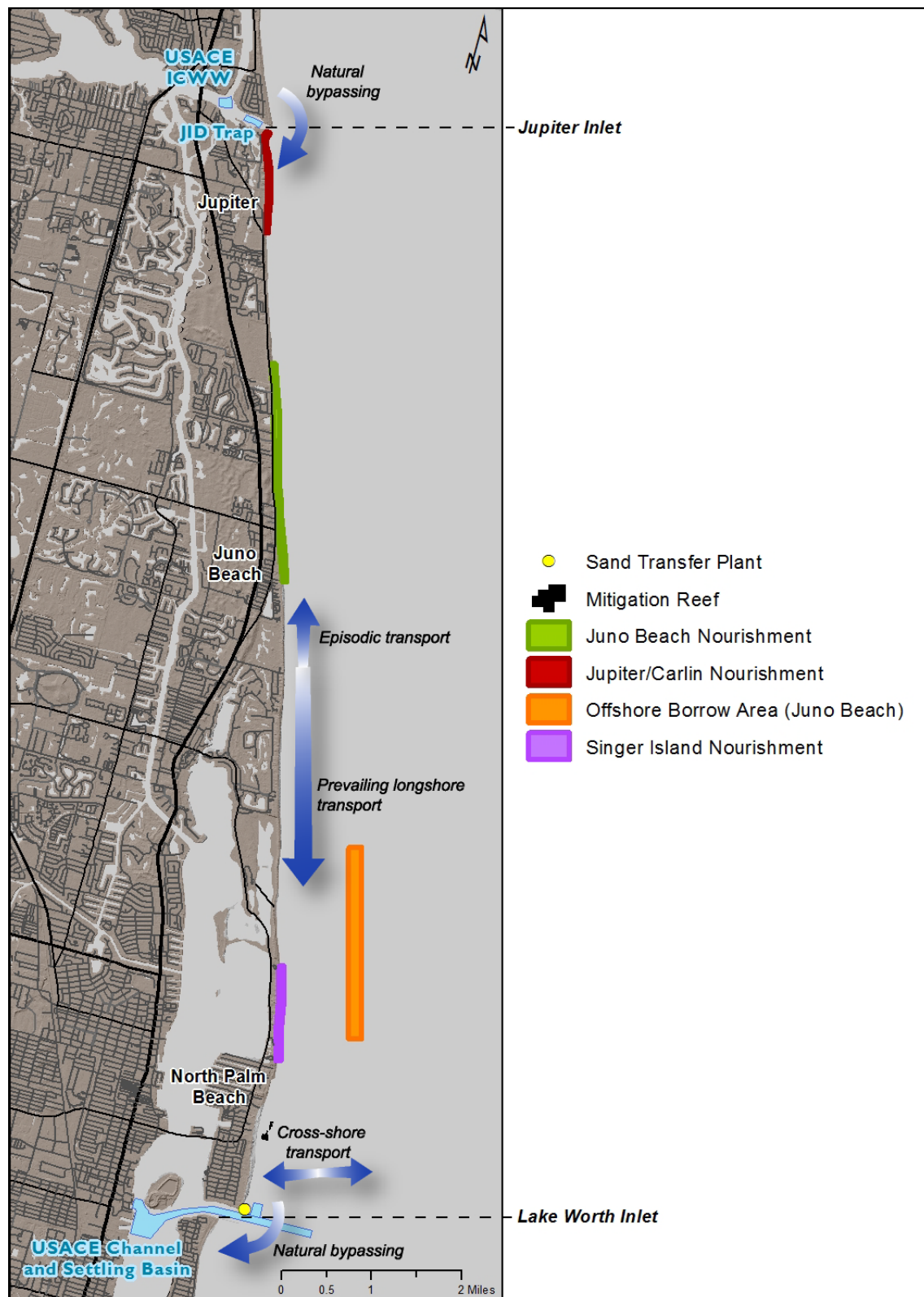


Figure 4. Graphical representation of conceptual site model (CSM) for sand transport at the Lake Worth Inlet STP.

2.2 Sand Sinks

Sand is removed or prevented from reaching the STP via a number of sediment sinks, including:

- Sink 1. Episodic northerly longshore transport from the STP area. Although there is a prevailing net north to south longshore transport, there can be storm-driven or other short-term climatological conditions that cause a reversal of longshore transport. Impacts can include subsequent removal of sand directly from the reach of the STP and/or inhibited transport south from the northern beaches.
- Sink 2. Cross-shore transport from STP area to the offshore zone. This can be a temporary offshore loss (e.g., formation of storm bar that eventually migrates back onshore), or more lasting losses if the sand is subsequently retained on the offshore profile, inlet channel, newly expanded settling basin, or inlet ebb/flood shoal system.
- Sink 3. Juno Beach mitigation reefs can potentially impound sand within the reef modules or updrift as a groin/headland effect. The reefs also could divert sand transport offshore.
- Sink 4. LWI is a sink of sand. Sand transported into the inlet channels, settling basin, and/or ebb/flood tidal shoal system is generally not transported back to the north where the STP is located. Sand transported into the inlet is either dredged and disposed south or in the nearshore zone, impounded in the dynamic shoal system, and/or bypassed naturally (small fraction).
- Sink 5. The STP itself is a sink since sand transported downdrift is removed and must be replaced by other sources.

2.3 Coastal Processes

In addition to the sand sources and sinks identified above, along with traditional longshore and cross-shore sediment transport processes, there are other transport pathways/process potentially affecting sand supply to the STP:

- Process 1. Recent wind/wave/storm climate – Although there is a dominant trend of north to south transport at the STP, there is a high degree of seasonal variability along with changes in annual wave climate. Frequency and direction of local wind waves and storms change, and there can be periods when transport is south to north; thereby, affecting production of the STP.
- Process 2. Offshore borrow site influences – Excavation offshore and the LWI settling basin (recently expanded) can affect local wave patterns, energy distribution, and longshore transport rate and directions. Excavated areas also can intercept both longshore and cross-shore sand, effectively serving as a sink. Changes to local sediment transport rates, directions, and sediment supply as a result of dredging can affect sand movement into the STP area.
- Process 3. Cross-shore distribution of longshore transport – Sediment moves along the coast at different rates depending upon the distance offshore. The majority of longshore transport typically occurs in the swash zone and at the breaker zone. Landward and seaward of the breaker zone often are areas of decreased longshore transport. Sediment supply to the STP can, therefore, vary depending upon the cross-shore distribution of sediment transport and the relative location of the STP. The location of the LWI settling basin compared to the longshore

sediment transport rate can affect the amount of sand reaching the STP (if a significant fraction of the longshore transport is intercepted by the basin).

- Process 4. Sea level - Rising sea level effectively translates the beach profile landward and places the fixed STP in deeper water. Potential effects on STP productivity include requirements for deeper excavation, and operation in a deeper portion of the beach profile with a modified transport regime (by way of the cross-shore distribution of longshore transport identified above). The time scale that rising sea level will affect STP operation is uncertain, but not likely to be a dominant contributing factor in the short-term.

3.0 Preliminary Estimates of Sand Volume and Timeline

With the key elements of the CSM defined above, the relative influence of certain sand sources, sinks, and transport processes is discussed below. Figure 5 illustrates the relative influence of management activities, such as beach and dune nourishment and dredging projects, on sand volume within the CSM for the STP. Sediment has been added to the system episodically in large quantities by way of the Jupiter/Carlin beach and dune restoration project, and the Juno beach nourishment project. Modest quantities of sand also have been added regularly as part of Jupiter Inlet dredging and bypassing, and with Singer Island dune restoration. Within the timeframe investigated since 1994, these various nourishment/restoration projects contributed some 4.88 million cubic yards of sand to the barrier complex north of the STP. This includes sand dredged from offshore borrow sites in the littoral system (e.g., Juno Beach), and placed in the nearshore on beaches. By comparison, some 2.6 million cubic yards were moved downdrift out of the system by the STP to Palm Beach. Shoaling in the LWI navigation channel accounted for an additional 2.3 million cubic yards, and the recent dredging in 2013 to expand the settling basin at LWI removed approximately 400,000 cubic yards of sediment. Additional unknown volumes of sand not shown in Figure 5 were removed by the USACE during maintenance dredging efforts in and around the settling basin. Based on this summary information, then, some 4.88 million cubic yards were added, while at least 5.35 million cubic yards were removed from the littoral cell north of LWI. These rough estimates suggest a net sand deficit north of the inlet, consistent with the need for beach nourishment at Juno and Jupiter/Carlin. The regional sand supply also is affected by influences farther north, such as the St. Lucie Inlet, as evidenced by the aggressive beach nourishment program at Jupiter Island.

Considering these various regional influences, the analysis herein simplifies the sediment balance north of the inlet. For example, it does not factor in natural bypassing at the inlets, shoreline erosion, shelf accretion/deflation, etc. Although the effects of natural bypassing may have little influence on the overall sediment balance because the rates of bypassing at Jupiter and Lake Worth inlets are nearly equal (on the order of 3M c.y. at each inlet over the past 20 years), there may be other influences affecting the net balance. The analysis is useful for planning purposes, however. On a gross scale, the analysis suggests the need for closer inspection of factors contributing to the future supply at the STP. There are other processes and sources at work that can be investigated in more detail depending upon priorities. Possible actions are identified below.

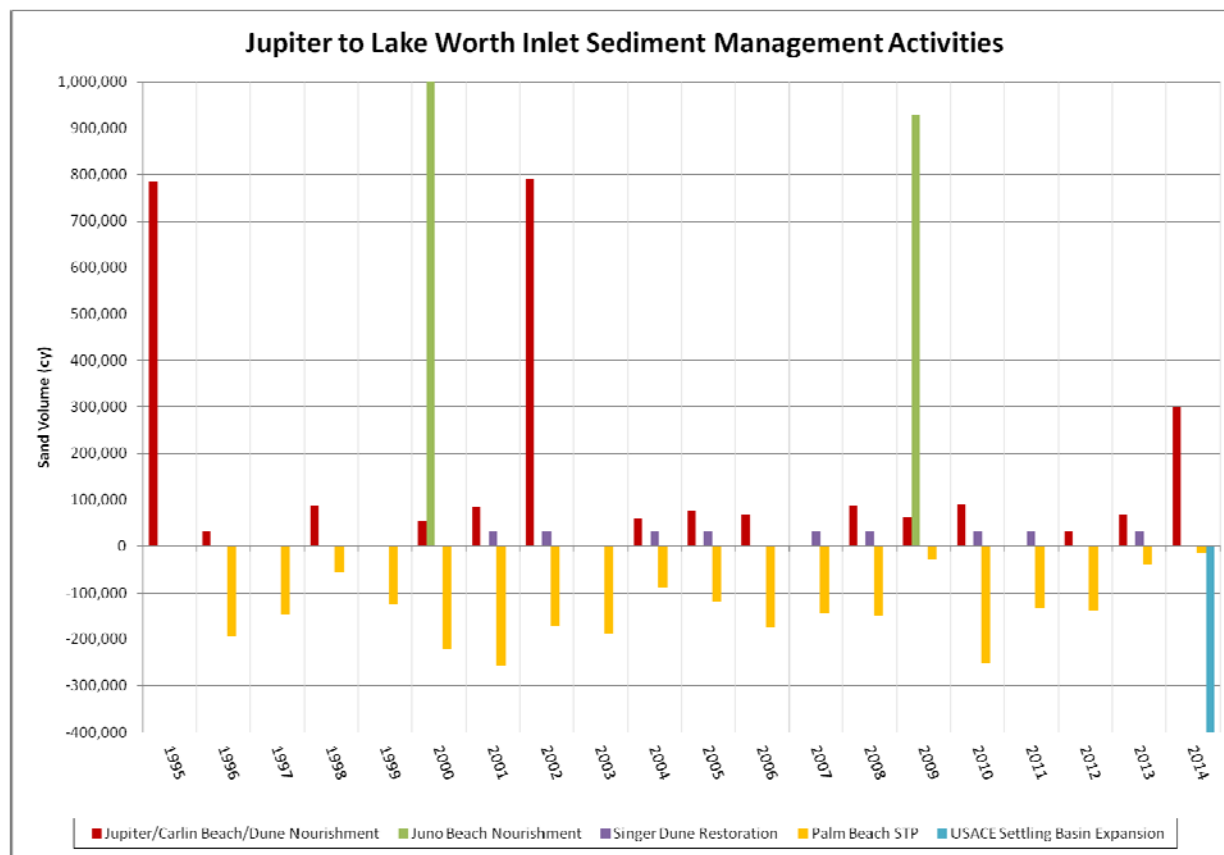


Figure 5. Influence of key projects on sand volume.

Although knowledge of the overall sand balance in the CSM is helpful at a macro-scale and indicates an overall reduction in sand supply north of LWI, insight is lacking to understand the site-specific transport processes affecting sand supply at the STP. Preliminary analysis of local sand supply using the most recent survey data (surveys conducted by Sea Diversified with analysis by ATM) for a series of beach profiles within one (1) mile north of the STP (Profiles R70 – R75), shows a total change in sediment volume out to 3,000 ft offshore of +314,621 cubic yards between 2013 and 2014. The recent survey data suggest there is an increasing volume of sand available for transport south to the STP. However, of this volume, 67,000 cubic yards accumulated in the nearshore between 0 and 500 ft offshore from the baseline; an additional 122,000 accumulated between 500 and 1,000 ft offshore. For reference, the north LWI jetty extends roughly 500 ft offshore, which is also where the expanded settling basin was dredged. Closer to the STP within roughly one-third of a mile (Profiles R73 – R 75, 1,800 ft north from the inlet), 61,500 cubic yards accumulated between 2013 and 2014 out to 3,000 ft, including 23,000 c.y. within 500 ft and 43,000 c.y. between 500 and 1,000 ft (there was a variable and slight net loss seaward of 1,000 ft). These data suggest there is a modest volume (on the order of 189,000 cubic yards within 1,000 ft offshore and one mile north of the inlet; and 66,000 cubic yards within 1,000 ft offshore and one-third mile north of the inlet) of sand accumulating north of the STP that can be transported south to the inlet when the plant becomes operational. Assuming a significant fraction of this sand continues to transport south and close enough to shore within the reach of the STP (uncertain), short-term sand

bypassing production may be increased in the near future when the STP is repaired. These quantities don't, however, indicate an expected substantial increase of sand supply compared to the typical annual average since 1996.

There remain significant unknowns, such as the fraction of this sand transported south and within the nearshore reach of the STP in the short-term. What also remains uncertain is the continued transport of sand to the STP reach and influence of the local sources, sinks, and coastal processes. To better understand the future expectations for sand available for bypassing at the STP, supplemental action items may be required to quantify the sources, sinks and transport processes identified in this CSM. A number of potential actions are identified and prioritized below.

4.0 Action Items to Refine the CSM and Help Quantify Future Sand Volumes at the STP

The highest priority action is to reactivate the sand transfer plant to capture and bypass the available sediment. Considering the future uncertainty in sand supply to the plant, a more detailed investigation of existing data would help understand past and present processes. Models of waves and sediment transport also may be applied to quantify coastal processes, and assess key factors and expected variability. Specific elements of the investigation would include the following actions, which could be implemented sequentially as priorities dictate:

Action 1 – Summarize Available Shoreline and Volume Change Data/Analyses

Summarize available beach profiles and analysis at R-Monuments north of the inlet from Town, state, County, Singer Island, and other sources. From the existing profile data and analysis, a volume and shoreline change analysis would be compiled from the perspective of sand supply to the STP to understand past rates of shoreline change and profile volumetric change. Currently there are project-specific reports related to Juno and Jupiter Carline projects, and ATM conducted a recent analysis since 2010 focused on the area around the mitigation reefs. These studies were not focused on potential influences on supply to the STP region, however. Although there is not a full database of surveys at all R monuments, there are historical data and reports within the Juno and Jupiter/Carlin project limits that may lend perspective. A key question to address through this analysis is: What are historical rates of volumetric and shoreline change? Periods of change would depend upon availability of profile data, and would be calculated for the period of record, as well as for representative periods corresponding to beach nourishment, dredging, reef mitigation, and other projects.

For instance, updrift projects provide significant quantities of sand that can be transported to the STP reach. Looking forward, the County has two nourishments pending for Jupiter/Carlin (e.g., 100k c.y. post-Sandy and 200k c.y. truck haul) in the northern barrier island segment, where erosion has been observed. The Juno project is holding well, potentially as a recipient of sand from the eroding Jupiter/Carlin project, and there is evidence of modest sand transporting south from Juno. There is no specific schedule for Juno renourishment, but there may be activity on a timeframe of 2-3 years. These

projects will influence the available sediment supply to the STP. Based on the simplified analysis above, the nourishment quantities (Figure 5) and STP production (Figure 3) are cyclical and potentially linked. For instance, the increased production of the STP in 1996-1997, 2001-2003, and 2010, followed nourishment projects at Jupiter/Carlin (1994), Juno Beach (2000) and Jupiter/Carlin (2002), and Juno Beach (2009), respectively. Whether these are related, resulting from prevailing wind/wave conditions, or unrelated has not been investigated. Supplemental analysis to determine the relationship may help plan future STP operations and expectations in the period following updrift nourishment.¹

To advance potential cause and effect relationships between shoreline and volume change with updrift projects, supplemental research would be conducted, including confirming the items below. Some of this information is summarized in the preliminary CSM above, and would be confirmed through a more detailed search of available records/sources:

- Sand quantities, timing and influence on STP sand supply of Singer Island dune/beach restoration, Juno Beach nourishment, and Jupiter/Carlin beach nourishment projects
- USACE dredging records for LWI and basin
- Offshore borrow sites quantities and timing
- STP operational data and operating parameters/limitations (e.g., reach and depth)
- Obtain/analyze wave data for the region, looking for trends in energy, direction, storms, etc. Have there been changes in trends for wind direction, wave energy, and/or frequency of storms that would reduce north to south transport, increase south to north transport, cause more erosion of the beaches, etc.? It would be instructive to know if there have been unique recent climatological conditions corresponding to the STP drought over last couple years, as compared to the 2013-2014 sand accumulation surveyed by ATM and Sea Diversified. These data could also be used to look farther back for correlations with historical STP performance.

Action 2 – Potential Cause/Effect Comparative Analysis

Perform a comparative analysis, apparent and statistical, of the historical rates of change with the local projects and conditions using information compiled as part of Action 1. The analysis would be geared to answer the following key question: Are there relationships between historical and/or short-term rates of shoreline and volume change to indicators, such as STP production, wave/storm conditions, occurrence of updrift beach/dune restoration projects, installation of mitigation reefs, inlet dredging? If key relationships are evident, such as possible increased STP performance after updrift nourishment projects, or possible decreased STP performance after inlet dredging, reef mitigation project installation, or periods of certain wave/storm activity, then more detailed assessment of the coastal processes would occur as part of Action 3 below. For instance, if there is a correlation between Juno Beach nourishment and STP production, then a better understanding of sediment transport rates from Juno Beach to the STP region, and possible influences of the reef mitigation projects and/or offshore borrow sites would be helpful to help plan future STP expectations. Since available data sets are limited, whether there is

¹ Information in part from personal correspondence with Dr. Michael Jenkins of ATM.

sufficient data available to warrant cause and effect relationships will be determined as part of Action 1, prior to initiation of Action 2.

Action 3 – Coastal Processes Analyses

Although not recommended as a high priority at this time, more detailed understanding of local coastal processes may be required to assess possible future performance and expectations for the STP. Types of analysis that should be considered are identified below. Depending upon STP performance after repairs, survey data results, and information derived from Actions 1 and 2 above, there may be a need for supplementary analysis. Specific processes of focus would be decided based upon results of Actions 1 and 2 above and continued field observations. Prior to performing independent coastal processes analysis, other sources should be reviewed and summarized including:

- Inlet Management Plans for Jupiter and LWIs (looking for information specifically related to longshore transport rates, quantities of sand impounded at the north jetty, and other relevant information). It is anticipated that the major nourishment projects south of Jupiter Inlet largely offset the inlet influence;
- USACE studies on effects of the settling basin on local wave and sediment transport processes as well as expected rates and sources of infilling/dredging frequency. If studies are lacking, and/or survey data indicate accelerated shoaling rates in the settling basin, then there may be a need at least for localized wave/sediment transport analysis;
- Mitigation reef reports and related studies/data; and
- Jupiter/Carlin, Juno Beach, and Singer Island beach/dune nourishment design studies and related coastal processes analysis/expectations for transport/renourishment. This will have been addressed in Actions 1 and 2 above.

With the available information sufficiently compiled, data gaps remaining as pertinent to STP production should be defined as the basis for scoping targeted supplemental sediment transport analyses. The purpose of the modeling and calculations would be to: 1) identify pathways and rates to/from the STP; 2) identify key indicators for performance; 3) gauge future expectations; and 4) identify possible solutions. Possible supplemental investigations are identified below for planning purposes only at this time:

- Perform regional wave and sediment transport calculations and modeling to understand longshore rates of transport for existing conditions, as well as influences of updrift nourishment projects at Singer Island, Juno Beach, and Jupiter Carlin. Localized shoreline features, wave energy focusing, and other factors along the barrier will affect overall rates of transport and expectations for the rates and timeframe for transport from updrift projects to the vicinity of the STP.
- Perform wave and sediment transport modeling for conditions with/without the USACE settling basin at LWI (simulate range of wave conditions representing different seasons, storms, trends in recent years vs. past years, etc.). Possible influences of this basin include:

- Intercepting sand that might otherwise be transported along the coast from updrift and/or from offshore to the STP area via cross-shore transport from offshore to onshore during calm conditions
 - Intercepting sand that might be eroded cross-shore from the beach during storms, but would otherwise potentially migrate back onshore during calm conditions
 - Effects on wave conditions affecting local sand transport rates and directions (e.g., deeper water potentially allowing more wave energy to impact the nearshore area and eroding material from the STP area)
- Perform similar analyses with/without the Juno Beach borrow site and future Palm Beach borrow site to understand:
 - Loss of sand via dredging, unless placed directly on beaches at/updrift (per above)
 - Interruption of/sink for longshore and cross-shore transport
 - Modifications to wave and sediment transport regime
- Perform wave and sediment transport modeling for conditions with/without the mitigation reef. Survey data and analysis by ATM to date do not reveal an obvious impact of the reefs. The scope of the reef project also has been reduced from the original plan. Nonetheless, the reef has the potential impact the area as indicated below, and should be investigated if the STP continues to suffer from sand supply, survey data indicate sand trapping or diversion and/or if the reef project is expanded:
 - Potential sediment sink as trap and/or via diverted transport
 - Accumulated sand quantity within the project area
 - Impounded sand landward or updrift of project area
 - Diverted sand quantity offshore from project area
 - Wave conditions affecting local sand transport rates and directions (e.g., decreased energy may reduce the local alongshore transport rate, accumulating sand, and causing new refraction patterns affecting net rates/directions)
- Cross-shore sand transport analysis:
 - Estimate cross-shore distribution of longshore transport from the wave modeling. Use results to anticipate quantity of sand expected to be impounded at the jetty within reach of the STP versus transported around the jetty to the inlet, sediment basin, shoal system, bypassed naturally, and/or dredged.
 - Calculate potential cross-shore rates of transport offshore the STP area at the vicinity of the USACE dredged basin.
- Using the combined cross-shore and longshore results, estimate rates of shoaling for the dredged basin and extrapolate the sand volume that could potentially be prevented from migrating onshore to the STP area.

Action 4 – Sea Level Rise Impact Analyses

Long-range planning for STP operations will require an analysis of the impacts of sea level rise on sand supply to the STP. Woods Hole Group understands² that Drs. Dean and Houston are investigating potential influence of sea level rise on beach/shoreline change in FL, and that results are expected to be variable. The Town should be apprised of the results of this work, and utilize the findings. Depending upon the outcome, possible supplemental work would include:

- Identify ranges of predicted sea level rise (low, medium, high) over specified planning horizons (10, 25, and 50 years).
- Quantify cumulative sediment losses/gains for each planning horizon
- Identify potential modifications to the STP that would enhance productivity given sea level rise.
- Per consultations with ATM, investigate the cause and trends associated with offshore bathymetric change, including the apparent deflation of the offshore profile at depths of ~40 ft.

5.0 Summary

The STP at LWI has produced less sand in recent years compared to average rates since 1996, which is of concern to the Town of Palm Beach. Because of the dependence of the Town's overall sediment budget on sand bypassed from LWI, there is strong interest to understand contributing factors to the reduced recent sand supply and possible future trends. A conceptual site model (CSM) defining sand sources, sinks and transport pathways affecting sand supply at the STP is presented herein. Preliminary analyses of existing data suggest there is a modest quantity of sand updrift from the inlet at present; however, the longer-term sand balance updrift from the inlet shows an overall net deficit of sand since 1994. There also are recent modifications to the system that can affect future sediment supply to the STP, such as the mitigation reefs and the expanded offshore settling basin. The primary present need is to ensure the STP remains active to bypass the available sediment in the profile. Depending upon performance and continued sediment supply, four (4) actions are identified and prioritized for the Town to better understand the processes affecting future sand supply to the STP. At present, only Action 1 is recommended, with the remaining Actions 2-4 contingent upon the performance of the STP, future survey data analysis, and results from Action 1. Continued operation of the STP, future survey data/analysis, and implementing the Actions above will position the Town to maximize sand quantities bypassed by the STP, and plan for the future and identify/implement potential solutions.

² Personal communication with Dr. Michael Jenkins of ATM.

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Amendment to the General Fund and the Coastal Protection Fund Budgets
Ordinance No. 17-2015

Date: May 29, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 15-2015 on first reading, amending the General Fund and Coastal Protection Fund FY15 budgets.

GENERAL INFORMATION

The Finance and Taxation Committee considered staff's recommendation at their May 11, 2015, meeting, for a budget amendment for a one-time transfer of the General Fund surplus unassigned fund balance to the Coastal Protection Fund to cover the deficit caused by the Mid-Town Beach Project. Ordinance No. 17-2015 will amend the General Fund and Coastal Protection Fund budgets to authorize the transfer.

Bids have been received for the Reach 7 Project and the Town Council will be considering the award of the project at the June 9, 2015, meeting for construction to begin in the upcoming fall/winter season. The Reach 7 Project was not appropriated in the FY15 budget since the construction was to occur in FY16. To award the contract, we need to appropriate the funds in FY15. The budget amendment includes an appropriation in order to award the contract.

FUNDING/FISCAL IMPACT

The Ordinance will amend the General Fund Budget (001) in the amount of \$6,600,000 and the Coastal Protection Fund budget (309) in the amount of \$6,600,000 for the transfer of the General Fund surplus unassigned fund balance. The Ordinance also amends the Coastal Protection Fund budget (309) in the amount of \$17,579,950 for the contract amount for the Reach 7 project.

TOWN ATTORNEY REVIEW

Ordinance No. 17-2015 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

jls

cc: H. Paul Brazil, Public Works Director
Robert Weber, Coastal Coordinator
John C. Randolph, Town Attorney

ORDINANCE NO. 17-2015

**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, 2014,
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2014; and

WHEREAS, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2015; and

WHEREAS, the budget amendment is necessary to transfer excess funds from the General Fund reserves to the Coastal Protection Fund to fund Coastal Projects; and

WHEREAS, the budget amendment is necessary to appropriate funds from the reserves to the Coastal Protection Fund to fund the Reach 7 Projects; and

WHEREAS, the Town Council must take action to put in place an ordinance to amend the budget.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

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

Section 2. The General Fund and the Coastal Protection Fund budgets for the fiscal year commencing October 1, 2014, are hereby amended and adopted pursuant to the attached Exhibit “A” and “B”, attached hereto and made a part of this ordinance.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of June, 2015, and for second and final reading on this ____ day of _____ 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

Town of Palm Beach, Florida
General Fund Revenues and Expenditures
Budget Amendment
October 1, 2014 through September 30, 2015

	Adopted Budget FY2015	Ordinance No. 17-2015 Amendment	Amended Budget FY2015
Revenues			
Ad Valorem Taxes	43,424,300		43,424,300
Non Ad Valorem Taxes	7,937,500		7,937,500
Licenses & Permits	6,835,600		6,835,600
Intergovernmental	1,079,750		1,079,750
Charges for Services	3,573,600		3,573,600
Fines and Forfeitures	1,210,000		1,210,000
Investment Earnings	578,694		578,694
Miscellaneous Revenues	221,000		221,000
Interfund Transfers	885,000		885,000
Use of Undesignated Fund Balance	1,549,900	6,600,000	8,149,900
Total Revenues	67,295,344	6,600,000	73,895,344
Expenditures			
Department			
Legislative	95,600		95,600
General Government	833,100		833,100
Town Manager	826,728		826,728
Advice and Litigation	529,812		529,812
Human Resources	835,408		835,408
Information Systems	2,210,216		2,210,216
Finance	1,929,228		1,929,228
Planning/Building/Zoning	3,862,035		3,862,035
Library	306,580		306,580
Fire-Rescue	11,486,486		11,486,486
Police	13,688,986		13,688,986
Emergency Disaster Response	47,000		47,000
Public Works	14,355,803		14,355,803
Transfer to Other Funds	15,379,362	6,600,000	21,979,362
Contingent Appropriations	909,000		909,000
Total Expenditures	67,295,344	6,600,000	73,895,344
Revenue over/(under) Expenditure:	\$0	\$0	\$0

Town of Palm Beach, Florida
Comprehensive Coastal Management Project Fund (309)
Budget Amendment
October 1, 2014 through September 30, 2015

	Adopted Budget FY2015	Ordinance No. 17-2015 Amendment	Amended Budget FY2015
Revenues			
Investment Earnings	100,000		100,000
Grants/Local Revenue	50,000		50,000
Transfer from General Fund	4,777,000	6,600,000	11,377,000
Total Revenues	4,927,000	6,600,000	11,527,000
Expenditures			
Current Year Projects	26,783,000	17,579,950	44,362,950
Salaries and Wages	97,864		97,864
Employee Benefits	46,621		46,621
Contractual	12,000		12,000
Commodities	2,400		2,400
Transfer to Debt Service Fund	734,613	-	734,613
Total Expenditures	27,676,498	17,579,950	45,256,448
Revenues Over/(Under) Expenditures	(22,749,498)		(33,729,448)
Beginning Fund Balance	33,910,369		33,910,369
Ending Fund Balance	11,160,871		180,921

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Award Contract for Phipps Ocean Park/Reach 7 Beach Nourishment
Resolution No. 78-2015

Date: May 28, 2015

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 78-2015 awarding Bid No. 2015-32, and approve a contract with Great Lakes Dredge & Dock Company, for Phipps Ocean Park Beach Nourishment Project, in the amount of \$15,879,950, which includes an additional stockpile of 25,000 cubic yards for Reach 8, and establishing a total task budget with contingency of \$16,879,950, contingent upon the second reading of Budget Amendment Ordinance No. 17-2015.

GENERAL INFORMATION

The Town of Palm Beach has actively managed the Reach 7 shoreline with dune restoration, interim sand placement projects, and beach nourishment since 2005. During the past 10 years, more than 1.3 million cubic yards of sand has been placed.

Date	Project Location	Volume (CY)
2005	Sloan's Curve to Kreusler Park (Dune)	62,000
2006	Sloan's Curve to Phipps Ocean Park (Dune)	10,000
2006	Phipps Ocean Park to Ambassador Hotel (Beach)	1,095,600
2006	Ambassador Hotel to Kreusler Park (Dune)	10,000
2011	Sloan's Curve to Phipps Ocean Park (Dune)	10,000
2011	Phipps Ocean Park to Ambassador Hotel (Interim)	46,000
2015	Sloan's Curve to Old S. Ocean Blvd. (Interim)	68,000

Total	1,301,600
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The first sand placement effort in Reach 7 came in 2005 in the form of an emergency beach berm following the 2004 and 2005 hurricane seasons which resulted in shoreline impacts most notably from named storms Frances, Jeanne, and Wilma.

Large scale beach nourishment projects generally have expected project durations of 6 to 8 years before renourishment projects become necessary. The length of time since the first Phipps Ocean

Park/Reach 7 Beach Restoration project in 2006 has been 9 years and has exceeded the expected design life of the original project. Interim sand placement efforts in 2011 and 2015, as a result of Tropical Storm Fay in 2008 and Hurricane Sandy in 2012, respectively, have contributed to restoring storm protection in much of Reach 7.

Because the end of the life cycle for the 2006 project had been reached, the condition of the northern section of the Phipps Ocean Park/Reach 7 project was in an eroded state. The northern portion of Reach 7 has been restored with 68,000 cubic yards of sand which were hauled from the Mid-Town beaches during the 2015 Mid-Town Beach Renourishment Project. This volume of sand will help provide additional storm protection until the full beach nourishment project is constructed.

In 2013, the Florida Department of Environmental Protection (FDEP) Palm Beach Island Beach Management Agreement (BMA) was signed. Within this agreement, FDEP provided a list of projects that could receive state regulatory authorization through an Individual Project Approval (IPA), rather than the lengthy Joint Coastal Permit (JCP) process. The second project to be constructed through the BMA/IPA process is the Phipps Ocean Park/Reach 7 Beach Nourishment Project. This project was evaluated through the BMA stakeholder meetings. The purpose of the evaluations was to develop a project that provided shore protection, with no impacts to environmental resources, with better performance than the 2006 project.

A modified project was developed that increased the fill placement density at the north end with a composite mean grain size sand of at least 0.25mm. The previous southern boundary of Reach 7 has been expanded down to the Lake Worth municipal pier. This change provides a more visual boundary to the Reaches 7 and 8 beaches. In addition, typical shoreline behavior and the presence of offshore environmental resources are notably different both north and south of the pier. For this reason, the Reach 7 Beach Nourishment Project has been expanded to the south and includes the properties within the Town north of the County's Kreusler Park.

A permit from the U.S. Army Corps of Engineers is required as well. It is anticipated to be received in advance of the scheduled commencement of nourishment construction.

Consistent with the recommendations from Woods Hole Group, the Town's 10-year plan was developed using dredged sand for interim sand placement efforts in Mid-Town, Reach 7, and Reach 8. The schedule of bid items for the Reach 7 project includes options for stockpiling sand volume within Phipps Ocean Park for hauling to areas of need. Options with the Reach 7 project include a unit cost per cubic yard (cy) to stockpile sand on the order of 25,000 cy, 75,000 cy, or 96,000 cy. The alternative volumes in the bid tabulation were determined from the draft Environmental Impact Statement (EIS) for Reach 8. Due to the current schedule of the EIS process, it is unlikely that the EIS would be completed and appropriate State and Federal permits obtained to support placing either 75,000 cy or 96,000 cy of sand into Reach 8 concurrently with Reach 7. However, the larger stockpiles could be constructed with sand stored in Reach 7 until the ongoing Reach 8 regulatory efforts for beach nourishment have been completed. The 25,000 cy volume of stockpiled sand is consistent with dune restoration in Reach 8. This volume could be placed without the need for a Federal permit and under the existing regulatory approval of the Beach Management Agreement (BMA).

Bidding History

Construction for beach nourishment projects in Southeast Florida is only allowed between November 1 and February 28, outside of sea turtle nesting season. With construction-specific sea turtle monitoring tasks conducted, construction can continue to May 1. With this construction window, contractors begin planning their work during the late spring/early summer. There are only a small number of dredging contractors that are equipped to do this type of work. Although there are influences on project costs based on the project-specific parameters, the overall project costs are mostly driven by the demand of the industry. While the unit rates were generally under or consistent with estimates, the bid opening on May 4, 2015 revealed bids with higher mobilization costs. Increasing mobilization costs have been an industry trend recently. This is another indication that the industry remains in heavy demand.

The following is a summary of our original budget and the three (3) responsive bids received for the Phipps Ocean Park Beach Nourishment:

Phipps Ocean Park/Reach 7 Bid No. 2015-32 Results

Rates	10-Year Plan Estimate	Great Lakes Dredge & Dock Company	Weeks Marine, Inc.	Norfolk Dredging Company
Mobilization	\$2.5 million	\$4.3 million	\$4.3 million	\$6.3 million
Unit Cost Per Cubic Yard (CY)	\$12	\$10.42	\$11.55	\$18.90
Volume (in CY)	1,000,000	1,010,000	1,010,000	1,010,000
Total Project Cost	*\$14.5 million	\$15.6 million	\$16.4 million	\$25.7 million

*Phipps project line item in 10-year plan of \$15.1M includes construction monitoring and construction phase engineering services.

Comparing the mobilization and all other bid costs to the overall project volume, the low bid from Great Lakes Dredge & Dock would include a cumulative unit rate of \$15.44 per cubic yard.

While the Town's Phipps project was out on public solicitation, the Town of Jupiter Island also had a project of similar size out on public solicitation. The following is a summary of the bids received by Jupiter Island that were opened on April 30, 2015:

Jupiter Island Bid Results for Project No. 2015-02

Rates	Manson Construction	Great Lakes Dredge & Dock Company	Weeks Marine, Inc.
Mobilization	\$4.0 million	\$4.4 million	\$3.2 million
Unit Cost Per Cubic Yard (CY)	\$8.80	\$14.50	\$10.65
Volume (in CY)	1,000,000	1,000,000	1,000,000
Total Project Cost	\$13.4 million	\$19.3 million	\$14.5 million

The unit rates for sand are based on several project-specific factors. Mobilization costs generally include similar equipment regardless of many project-specific factors. That being said, and with the fact that the Phipps Ocean Park and Jupiter Island projects are in a similar location along the

Atlantic seaboard, it is noticeable that four of the five bids received include mobilization costs between \$4 and \$4.4 million (with three of the five with mobilization costs between \$4.3 and \$4.4 million). Last year's bid process for the Mid-Town Beach Renourishment project received mobilization costs of \$3.2 and \$5.4 million. Increasing mobilization costs for each project on the order of approximately \$2 million have been consistent over the past couple of years. For this reason, Town staff will review the 10-year plan for the Coastal Management Program and will return to Town Council in July with proposed cost revisions where applicable based on actual bids received. Any suggested plan revisions will not include project changes. Any substantive change in the plan should receive the input of the Shore Protection Board (SPB) and a peer review. Such an effort would not be completed in time for the FY 2015 budget planning process and would be prepared in time for FY 2016 consideration.

If the Phipps Ocean Park/Reach 7 Beach Nourishment Project base bid is approved by Town Council and awarded to the lowest responsive bidder, Town staff will receive a schedule from the contractor and provide this information to Town Council.

Depending on the direction received from Town Council regarding the stockpiling of dredged sand, the Town may need to solicit bids for trucking the sand from Phipps Ocean Park to Reach 8. Therefore, in preparation for a bid solicitation later this summer, Town staff will return to Town Council in July for award of a professional engineering services contract for final plans and specifications development and bidding assistance.

SPECIAL CONSIDERATION

The first reading of Budget Amendment Ordinance No. 17-2015 will be heard at the June 9, 2015 Town Council meeting. This ordinance will transfer funds necessary for the current Coastal Management Program's 10-year plan, including the Phipps Ocean Park Beach Nourishment Project. Should Town Council award the project, the Town Manager will not execute the contract with GLDD until the second reading of Ordinance No. 17-2015 on July 14, 2015.

FUNDING/FISCAL IMPACT

Based on the development of the FY 2014 Coastal Management Program budget, as recommended by Woods Hole Group, the Coastal Protection Fund budget anticipated \$15,100,000 for the Phipps Ocean Park/Reach 7 Beach Nourishment Project and \$1,235,000 for sand placement in Reach 8 concurrently with the Reach 7 project. These efforts provide a planned budget total of \$16,335,000.

Reach 7

The lowest responsive bidder for Bid No. 2015-32 was Great Lakes Dredge & Dock Company (GLDD) with a base bid of \$15,591,200.

The \$15,100,000 line item for the Phipps project in the proposed FY 2015 budget included an estimated \$600,000 for monitoring and engineering services. To date, \$210,000 has been appropriated for ongoing engineering services. The FY 2014 budget, which included the 10-year plan, and recommendations from Woods Hole Group were developed prior to the signing of the Beach Management Agreement (BMA) in September 2013. While the BMA has proven to be a helpful document to ensure State regulatory approvals, there are additional monitoring efforts that

are specifically required by the BMA for construction projects. Town staff anticipates that \$300,000 will be needed for the various monitoring costs and construction observations.

The actual volumes to be placed may be adjusted based on the shoreline conditions just prior to or during construction. For this reason, and others, Town staff strongly recommends a project contingency of \$1 million. Adding a contingency to the proposed contract award to Great Lakes of \$15,591,200, would total \$16,591,000. This total would suggest a Reach 7 short fall in the budget of \$2,091,200.

Reach 8

Considering approval of Option 1, the stockpiling of 25,000 cy, would add \$288,750 to the GLDD base bid and total \$15,879,950. Bids for trucking sand from Phipps Ocean Park to Reach 8 have not been solicited. Based on the bids received in 2014 for hauling sand from Mid-Town to Reaches 7 and 8, the cost of trucking 25,000 cy of sand from Phipps Ocean Park to Reach 8 can be estimated to be approximately \$400,000.

The \$1,235,000 line item for Reach 8 Dune Restoration in the proposed FY 2015 budget included the both sand and hauling costs. Option 1, a stockpile of 25,000 cy, from the GLDD bid includes a sand cost of \$288,750. Adding the estimated hauling cost of \$400,000 would total \$688,750. This cost, when compared to the proposed budget, could produce a line item surplus of \$547,000.

Combining Reach 7 and Reach 8 Efforts

The base bid of 1,010,000 cy of sand (\$15,591,200), Option 1 stockpile of 25,000 cy of sand (\$288,750), cost of trucking from Reach 7 to Reach 8 (\$400,000, estimated), and a project contingency (\$1,000,000) has an estimated combined total of \$17,279,950.

With a planned budget of \$15,735,000, an estimated combined total of \$17,579,950 creates a possible short fall of \$1,544,950.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

cc: Shore Protection Board
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator
Adis Pedraza, Assistant Purchasing Manager

RESOLUTION NO. 78-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT FOR \$15,879,950 TO GREAT LAKES DREDGE & DOCK COMPANY FOR THE CONSTRUCTION OF THE PHIPPS OCEAN PARK/REACH 7 BEACH NOURISHMENT PROJECT, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$16,879,950 FOR SAID PROJECT, CONTINGENT UPON THE ADOPTION OF BUDGET AMENDMENT ORDINANCE NO. 17-2015; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE PURCHASE ORDER AND TAKE ACTION NECESSARY TO EFFECTUATE COMPLETION OF THE PROJECT.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards a contract to Great Lakes Dredge & Dock Company in an amount of \$15,879,950 for construction of the Phipps Ocean Park/Reach 7 Beach Nourishment project, and establishes a construction phase budget of \$16,879,950, contingent upon the adoption of Budget Amendment Ordinance No. 17-2015.

Section 2. The Town Manager is hereby authorized and directed to execute a purchase order on behalf of the Town of Palm Beach for construction of the Phipps Ocean Park/Reach 7 Beach Nourishment project with Great Lakes Dredge & Dock Company subject to the contingency set forth in Section 1.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

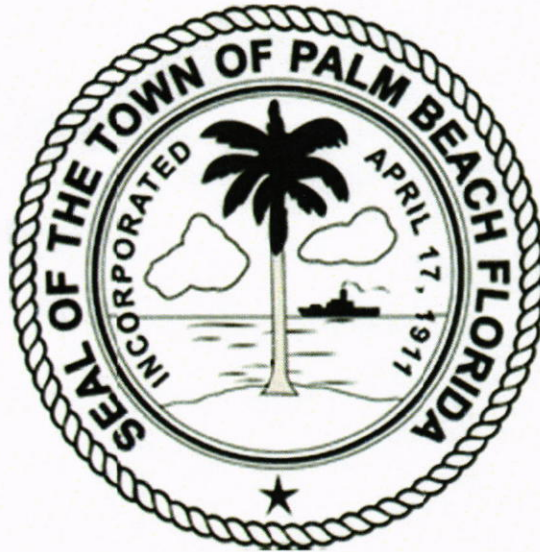
Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

COPY

TOWN OF PALM BEACH



BID No. 2015-32

**PHIPPS OCEAN PARK BEACH
NOURISHMENT PROJECT**

Purchasing Division

Finance Department

TOWN OF PALM BEACH * 951 OKEECHOBEE ROAD * WEST PALM BEACH
FLORIDA * 33401



TOWN OF PALM BEACH

BID NO. 2015-32 TOWN OF PALM BEACH PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT

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

The undersigned further declares that he has carefully examined the specifications and is thoroughly familiar with its provisions and with the quality type and grade of materials called for. The undersigned further declares that he proposes to furnish the articles called for within the specified time in this bid for the following price;

SCHEDULE OF BASE BID ITEMS

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1.	Mobilization and Demobilization ¹	1	L.S.		\$ <u>4,300,000.00</u>
2.	General Conditions ²	1	L.S.		\$ <u>450,000.00</u>
3.	Site Prep/Staging Areas	1	L.S.		\$ <u>120,000.00</u>
4.	Sand Excavation/Placement ³	1,010,000	C.Y.	\$ <u>10.42</u>	\$ <u>10,524,200.00</u>
5.	Beach Tilling	1	L.S.		\$ <u>45,000.00</u>
6.	Traffic Maintenance/MOT	1	L.S.		\$ <u>16,500.00</u>
7.	Performance & Payment Bond	1	L.S.		\$ <u>135,000.00</u>
8.	Indemnification	1	L.S.		\$ <u>500.00</u>
TOTAL BASE BID (ITEMS 1 THU 8)					\$ <u>15,591,200.00</u>

SCHEDULE OF OPTIONAL BID ITEMS

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
OPT 1.	Elevated Berm for Stockpile (#1)	25,000	C.Y.	\$ <u>11.55</u>	\$ <u>288,750.00</u>
OPT 2.	Elevated Berm for Stockpile (#2)	75,000	C.Y.	\$ <u>11.55</u>	\$ <u>866,250.00</u>
OPT 3.	Elevated Berm for Stockpile (#3)	96,000	C.Y.	\$ <u>11.55</u>	\$ <u>1,108,800.00</u>

Company: GREAT LAKES DREDGE & DOCK COMPANY, LLC Date: MAY 4, 2015

Notes:

1. Sixty percent (60%) of Mobilization/Demobilization is to be paid after excavation of 10,000 cubic yards of material. The remaining Mobilization/Demobilization (40%) is to be paid upon completion and acceptance of the entire project.
2. General Conditions: Lump sum payment for all incidental costs (reporting, surveying, testing, environmental protection, QA/QC, etc.).
3. Includes excavation, screening/sorting of material, transport, placement, and grading of beach compatible material.

Acknowledgement is hereby made of the following Addenda received since issuance of Specifications:

Addendum No. 1 Dated: 4/22/15 Addendum No. _____ Dated: _____

Addendum No. 2 Dated: 4/24/15 Addendum No. _____ Dated: _____

Addendum No. _____ Dated: _____ Addendum No. _____ Dated: _____

REMARKS: _____

Corporate Seal

Firm: GREAT LAKES DREDGE & DOCK COMPANY, LLC

*Signature: Russell F. Zimmerman

Name/Title: RUSSELL F. ZIMMERMAN, VICE PRESIDENT

Address: 2122 YORK ROAD, OAK BROOK, ILLINOIS Zip: 60523

Federal ID#: 20-1354414

Telephone Number: (630) 574-3000 Fax: (630) 574-2909

Date: 4-21-2015

Attested: Tom Wickert

Attested: Janice Heard

Name of Bidder's Contact Person: RUSSELL F. ZIMMERMAN

Address: 2122 YORK ROAD, OAK BROOK, ILLINOIS 60523

Phone Number: 630/574-3000 Fax Number: 630/574-2909

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



**TOWN OF PALM BEACH
BID NO. 2015-32
TOWN OF PALM BEACH
PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT
BIDDERS QUALIFICATIONS**

Each Bidder must complete the following information and submit with their bid in order for the bid to be considered:

- (1) Legal Name and Address:

Name: GREAT LAKES DREDGE & DOCK COMPANY, LLC

Address: 2122 YORK ROAD

City, State, Zip: OAK BROOK, IL 60523 Phone/Fax: 630/574-3000-- 630/574-2909

- (2) Check One: Corporation () Partnership () Individual () LIMITED LIABILITY COMPANY (X) RT3

- (3) If Corporation, state: ORGANIZED JULY 12, 2004 Date of Incorporation: _____ State in which Incorporated: ORGANIZED IN THE STATE OF DELAWARE

- (4) If an out-of-state Corporation, currently authorized to do business in Florida, give date of such authorization: 11/21/13

(5) Name and Title of Principal Officers	Date Elected:
<u>JONATHAN W. BERGER</u>	<u>SEPTEMBER 13, 2010</u>
<u>MARK W. MARINKO</u>	<u>JUNE 23, 2014</u>
<u>KYLE D. JOHNSON</u>	<u>DECEMBER 6, 2013</u>
<u>DAVID E. SIMONELLI</u>	<u>JULY 12, 2010</u>

- (6) The Vendor's length of time in business: 125 years

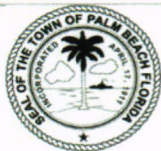
- (7) The Vendor's length of time (continuous) in business as a service organization in Florida:
11 years (AS LLC, GREAT LAKES DREDGE & DOCK COMPANY 100+ YEARS)

- (8) All bidders must disclose with their bid the name of any officer, director or agent who is also an employee of the Town. Further, all bidders must disclose the name of any Town employee who owns, directly or indirectly, an interest in the bidder's firm or any of its branches.

Name NOT APPLICABLE Percentage of Interest: N/A

- (9) A copy of County and/or Municipal Tax Certificate (Occupational License) held by Vendor

Note: Information requested herein and submitted by the Proposers will be analyzed by the Town of Palm Beach and will be a factor considered in awarding any resulting contract. The purpose is to insure that the Contractors, in the sole opinion of the Town of Palm Beach, can sufficiently and efficiently perform all the required services in a timely and satisfactory manner as will be required by the subject contract. If there are any terms and/or conditions that are in conflict, the most stringent requirement shall apply.



**TOWN OF PALM BEACH
BID NO. 2015-32
TOWN OF PALM BEACH
PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT**

CURRENT & PERTINENT PROFESSIONAL REFERENCES

The following is a list of at least **FIVE** (5) current (within last two years) and pertinent professional references that the Town can contact in relation to Bidder's qualifications, financial stability, and experience. Failure to furnish this information may be grounds for rejection of the proposal.

1. Name and Address of Firm, City, County, or Agency	Scope of Work:	NC HIGHWAY 12, PROTECTION PROJECT, RODANTHE, DARE COUNTY, NC
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT	Date(s):	6/27/2014
69 DARLINGTON AVE.	Amount:	\$19,400,000.00
WILMINGTON, NC 28403-1343	Contact:	MICHAEL MULLEN
	Telephone No:	910/251-4710
For Town Use Only: Comments: Reference Verified: Yes ☐ No ☐		
2. Name and Address of Firm, City, County, or Agency	Scope of Work:	FOLLY BEACH SAND FENCING AND DUNE VEGETATION SHORE PROTECTION, FOLLY BEACH, CHARLESTON COUNTY, SC
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT	Date(s):	10/29/2013
69A HAGOOD AVE.	Amount:	\$30,700,000.00
CHARLESTON, SC 29403-5107	Contact:	ROSE SMALLS
	Telephone No:	843/329-8193
For Town Use Only: Comments: Reference Verified: Yes ☐ No ☐		
3. Name and Address of Firm, City, County, or Agency	Scope of Work:	TYBEE ISLAND SHORE PROTECTION PROJECT, TYBEE ISLAND, GA
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT	Date(s):	9/22/2014
100 WEST OGLETHORPE AVE.	Amount:	\$11,500,000.00
SAVANNAH, GA 31401-3640	Contact:	SHANNON ANTHONY
	Telephone No:	912/652-5161
For Town Use Only: Comments: Reference Verified: Yes ☐ No ☐		
4. Name and Address of Firm, City, County, or Agency	Scope of Work:	OAKWOOD BEACHFILL INITIAL CONSTRUCTION- BEACHFILL, DELAWARE BAY SHORE PROTECTION, OAKWOOD BEACH, NJ
U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT	Date(s):	9/18/2014
WANAMAKER BUILDING	Amount:	\$10,000,000.00
100 PENN SQUARE EAST	Contact:	MICHELLE EVANS
PHILADELPHIA, PA 19107-3390	Telephone No:	215/656-6894
For Town Use Only: Comments: Reference Verified: Yes ☐ No ☐		
5. Name and Address of Firm, City, County, or Agency	Scope of Work:	MAINTENANCE DREDGING, MANTEO (SHALLOWBAG) BAY, OREGON INLET SPIT, DARE COUNTY, NC
U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT	Date(s):	8/20/2013
69 DARLINGTON AVE.	Amount:	\$7,200,000.00
WILMINGTON, NC 28403	Contact:	CHARLENE FIGGINS
	Telephone No:	910/251-4473
For Town Use Only: Comments: Reference Verified: Yes ☐ No ☐		

Company Name: GREAT LAKES DREDGE & DOCK COMPANY, LLC



**TOWN OF PALM BEACH
LIST OF PROPOSED SUBCONTRACTORS
BID NO. 2015-32
TOWN OF PALM BEACH
PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT**

LIST OF PROPOSED SUBCONTRACTORS

The undersigned bidder hereby designates, as follows, all major subcontractors whom he/she proposes to utilize for the major areas of work for the project. The bidder is further notified that all subcontractors shall be properly licensed, bondable and shall be required to furnish the Town with a Certificate of Insurance in accordance with the contract general conditions. Failure to furnish this information may be grounds for rejection of the bidder's proposal. (If no subcontractors are proposed, state "None" on first line below.)

Name and Address of Subcontractor	Scope of Work	License #
1.		
NO SUBCONTRACTORS ARE ANTICIPATED AT THIS TIME		
2.		
3.		
4.		
5.		

Signature and Date *Russell F. Zimmerman* 4-21-2015

RUSSELL F. ZIMMERMAN, VICE PRESIDENT

Title/Company GREAT LAKES DREDGE & DOCK COMPANY, LLC



TOWN OF PALM BEACH

BID NO. 2015-32 PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT

EQUIPMENT DESCRIPTION

ITEM	USE	MANUFACTURER	AGE AND CONDITION	OWNER
DREDGE ALASKA OFFICIAL # 283416	DREDGING	TODD SHIPYARDS CORP.	BUILT 1960 EXCELLENT	GREAT LAKES DREDGE & DOCK COMPANY, LLC.
			LAST COMPLETE REBUILD 12/2005	

Notes:

In preparing the above tabulation, the Bidder shall insert the following information under the appropriate heading, using a separate line for each major item and an additional page, if necessary.

- (a) ITEM: Description of equipment.
- (b) USE: Description of what the equipment will be used for in the construction.
- (c) MANUFACTURER: Manufacturer of equipment and model number.
- (d) AGE AND CONDITION: Original model year of equipment - if equipment has been rebuilt, year of last overhaul.
- (e) OWNER: Owner of equipment.



**TOWN OF PALM BEACH
BID NO. 2015-32
TOWN OF PALM BEACH
PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT**

DRUG-FREE WORK PLACE CERTIFICATION

Whenever two (2) or more bids/proposals, which are equal with respect to price, quality, and service, are received by the Town of Palm Beach for the procurement of commodities or contractual services, a bid/proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
1. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
2. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in number (1).
3. In the statement specified in number (1), notify the employees that as a condition for working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction on or plea of guilty or nolo contendere to any violation of Chapter 893, Florida Statutes or of any controlled substance law of the United States or any singular state, for a violation occurring in the workplace no later than five (5) days after such conviction.
4. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by any employee who is so convicted.
5. Make a good faith effort to continue to maintain a drug-free workplace through implementation of Section 287.087, Florida Statutes.

This Certification is submitted by RUSSELL F. ZIMMERMAN the
(Individual's Name)

VICE PRESIDENT of GREAT LAKES DREDGE & DOCK COMPANY, LLC
(Title/Position with Company/Vendor) (Name of Company/Vendor)

Who does hereby certify that said Company/Vendor has implemented a drug-free workplace program, which meets the requirements of Section 287.087, Florida Statutes, which are identified in numbers (1) through (6) above.

4-21-2015
Date


Signature



**TOWN OF PALM BEACH
BID NO. 2015-32
TOWN OF PALM BEACH
PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT**

CERTIFICATE OF COMPLIANCE WITH THE FLORIDA TRENCH SAFETY ACT

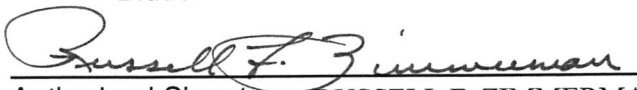
Bidder acknowledges that he is solely responsible for complying with the Florida Trench Safety Act (Act) and Occupational Safety and Health Administration's excavation safety standard 29 CFR 1926.650 (Subpart P as amended). Bidder further acknowledges that included in the various items of the proposal and in the Grand Total Base Bid Price are costs for complying with the Florida Trench Safety Act (90-96, Laws of Florida) effective October 1, 1990. The bidder further identifies the costs to be summarized below:

	Trench Safety Method (Description)	Units of Measure (LF, SY)	Unit (Quantity)	Unit Cost	Extended Cost
A.	_____	_____	NOT APPLICABLE	_____	_____
B.	_____	_____	_____	_____	_____
C.	_____	_____	_____	_____	_____
D.	_____	_____	_____	_____	_____

Failure to complete the above may result in the bid being declared non-responsive. The costs indicated above are provided to comply with the Act and shall not constitute grounds for any additional compensation to that listed for the separate line item of the Bid Form.

By: GREAT LAKES DREDGE & DOCK COMPANY, LLC
Bidder

4-21-2015
Date


Authorized Signature RUSSELL F. ZIMMERMAN, VICE PRESIDENT

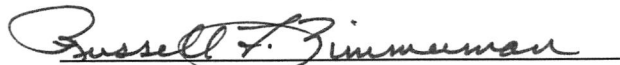


**TOWN OF PALM BEACH
BID NO. 2015-32
TOWN OF PALM BEACH
PHIPPS OCEAN PARK BEACH NOURISHMENT PROJECT**

SCRUTINIZED COMPANIES CERTIFICATION FORM

The Vendor, by virtue of the signature below, certifies that:

- a. The Vendor, owners, or principals are aware of the requirements of Section 287.135, Florida Statutes, regarding Companies on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
- a. The Vendor, owners, or principals, are eligible to participate in this solicitation and not listed on either the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
- b. If awarded the Contract, the Vendor, owners, or principals will immediately notify the Town in writing if any of its principals are placed on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.


(Authorized Signature)

RUSSELL F. ZIMMERMAN, VICE PRESIDENT
(Print Name and Title)

GREAT LAKES DREDGE & DOCK COMPANY, LLC
(Name of Firm)

STATE OF ILLINOIS

COUNTY OF DUPAGE

The foregoing instrument was acknowledged before me this 21 day of APRIL, 2015

by RUSSELL F. ZIMMERMAN (Name of
person who's signature is being notarized)

as VICE PRESIDENT of GREAT LAKES DREDGE & DOCK COMPANY, LLC
(Title) (Name of Corporation/Company)

known to me to be the person described herein, or who produced KNOWN TO ME
(Type of Identification)

as identification, and who did/did not take an oath.

NOTARY PUBLIC:


(Signature)
LILIA WICHERT



My commission expires: 04/22/2016 (Print name)



TOWN OF PALM BEACH
BID NO. 2015-32
PHIPPS OCEAN PARK BEACH
NOURISHMENT PROJECT
TABULATION

Vendor:	Great Lakes Dredge & Dock Company, LLC	Norfolk Dredging Company	Weeks Marine, Inc.
Address:	2122 York Road Oak Brook, IL 60523	110 N. Centerville Trpk. Chesapeake, VA 23320	304 Gaille Drive Covington, LA 70433
Telephone:	630-574-3000	757-547-9391	985-875-2500
Fax:	630-574-2909	757-547-2833	985-875-2570
Contact:	Russell F. Zimmerman	Michael B. Havery	J. Stephen Chatry

Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
BASE BID									
1	Mobilization and Demobilization	1	LS		\$ 4,300,000.00		\$ 6,310,000.00		\$ 4,250,000.00
2	General Conditions	1	LS		\$ 450,000.00		\$ 115,000.00		\$ 300,000.00
3	Site Prep/Staging Areas	1	LS		\$ 120,000.00		\$ 20,000.00		\$ 30,000.00
4	Sand Excavation/Placement	1,010,000	CY	\$ 10.42	\$ 10,524,200.00	\$ 18.90	\$ 19,089,000.00	\$ 11.55	\$ 11,665,500.00
5	Beach Tilling	1	LS		\$ 45,000.00		\$ 21,000.00		\$ 50,000.00
6	Traffic Maintenance/MOT	1	LS		\$ 16,500.00		\$ 5,000.00		\$ 30,000.00
7	Performance & Payment Bond	1	LS		\$ 135,000.00		\$ 150,000.00		\$ 100,000.00
8	Indemnification	1	LS		\$ 500.00		\$ 1,000.00		\$ 1,000.00
Base Bid Total				\$	15,591,200.00	\$	25,711,000.00	\$	16,426,500.00

OPTIONAL ITEMS

OPT 1.	Elevated Berm for Stockpile (#1)	25,000	CY	\$ 11.55	\$ 288,750.00	\$ 20.90	\$ 522,500.00	\$ 20.00	\$ 500,000.00
OPT 2.	Elevated Berm for Stockpile (#2)	75,000	CY	\$ 11.55	\$ 866,250.00	\$ 20.90	\$ 1,567,500.00	\$ 17.25	\$ 1,293,750.00
OPT 3.	Elevated Berm for Stockpile (#3)	96,000	CY	\$ 11.55	\$ 1,108,800.00	\$ 20.90	\$ 2,006,400.00	\$ 15.00	\$ 1,440,000.00

Bid Opened on May 4, 2015 at 2:00 PM
Opened by: Ilyse S. Valdivia
Witnessed by: Adis Pedraza

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization of a Selection Committee for Construction Phase Coastal Engineering Services for the Phipps Ocean Park/Reach 7 Beach Nourishment Project

Date: May 21, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council authorize and direct staff to proceed with a Request for Qualifications (RFQ) for Construction Phase Coastal Engineering Services for the Phipps Ocean Park/Reach 7 Beach Nourishment Project, as authorized under the Florida Statutes, Chapter 287.055, known as the Consultants Competitive Negotiation Act (CCNA), to receive, review, short list, conduct interviews, and return to the Town Council with a recommendation to select a coastal engineering professional firm to provide construction phase services for the Phipps Ocean Park/Reach 7 Beach Nourishment Project.

GENERAL INFORMATION

The design and permitting phase of the Reach 7 Project is currently being performed by Coastal Technology Corporation (Coastal Tech), A Gulf Engineers & Consultant (GEC) Company, which is one of the coastal engineering firms under a continuing professional services contract with the Town. To comply with the applicable State regulations for selecting a consultant to perform construction phase engineering services for projects in excess of \$2 million, the Town will need to advertise a Request for Qualifications (RFQ) and establish a selection committee to recommend the professionals who will oversee the construction of the project.

At the December 9, 2014 Town Council meeting, Resolution No. 190-2014 was approved awarding a contract for Regulatory and Bid Document Preparation for Phipps Ocean Park/Reach 7 Beach Nourishment to Coastal Tech. While the bid solicitation has been completed, the permitting process for the Phipps Ocean Park/Reach 7 Beach Nourishment project remains underway. As the Town prepares for construction following the end of sea turtle nesting season on October 31, it is now time to select a firm for construction phase coastal engineering services.

In accordance with Town Procedures, the Council may defer to a Selection Team consisting of the following:

1. Public Works Committee Chairperson: Danielle H. Moore
2. The Town Manager's Designee: John Page, Director of Planning, Zoning and Building
3. The Public Works Director's Designee: Robert Weber, Coastal Coordinator

4. Another individual deemed appropriate by the Town Manager:
Cheryl Somers, Assistant Director of Finance
5. Another individual deemed appropriate by the Public Works Director:
William K. Francis, P.E., Town Engineer

PURCHASING REVIEW

This item has been approved by the Purchasing Division.

FUNDING/FISCAL IMPACT

There is no fiscal impact associated with authorization to proceed with this RFQ process.

cc: Selection Committee Members
Robert Weber, Coastal Coordinator
Adis Pedraza, Purchasing Manager

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: State Grant Amendment – South End Palm Beach Restoration
Reach 8 Environmental Impact Statement
Resolution No. 79-2015

DATE: May 21, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 79-2015 authorizing the Town Council President to sign Florida Department of Environmental Protection (FDEP) agreement 15PB2 for State cost sharing participation for the Environmental Impact Statement for Reach 8.

GENERAL INFORMATION

FDEP can provide financial assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program. Each year, the Town provides a Local Government Funding Request (LGFR) to the FDEP for projects that are eligible for State cost sharing. The request includes project planning, permitting, construction, and monitoring tasks.

A USACE-mandated Environmental Impact Statement (EIS) for Reach 8 must be completed before regulatory review of the South End Palm Beach Restoration project can resume. Therefore, preparation for this EIS is included within the Design and Permitting phase of the project.

FDEP grant agreement 15PB2, South End Palm Beach Restoration, includes a 20.5% cost share of a previously calculated South Central Palm Beach Island Comprehensive Shoreline Stabilization Project EIS cost to the Town of \$674,424. This cost share would result in a reimbursement of \$138,256.92. A change to this amount would require a formal amendment should availability of state funds change.

FUNDING/FISCAL IMPACT

These State funds will reimburse the Town \$138,256.92 for costs incurred through the ongoing EIS. Funds for the EIS, in the amount of \$1 million, were appropriated in the FY 2014 Coastal Management Program Budget. Reimbursement funds received from the State would be returned

to the Coastal Protection Fund.

TOWN ATTORNEY REVIEW

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. In addition, the Town Attorney will review the FDEP contract and approve it for legal form and sufficiency prior to execution.

Attachments

cc: Shore Protection Board
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator

RESOLUTION NO. 79-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING STATE GRANT OF FDEP CONTRACT NO. 15PB2, BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF PALM BEACH UNDER THE BUREAU OF BEACHES AND COASTAL SYSTEMS FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR SOUTH END PALM BEACH RESTORATION, SPECIFICALLY ENVIRONMENTAL IMPACT STATEMENT FOR REACH 8, AND AUTHORIZING THE TOWN COUNCIL PRESIDENT TO EXECUTE SAME ON BEHALF OF THE TOWN.

* * * * *

WHEREAS, the Town of Palm Beach (Town) and the Florida Department of Environmental Protection (FDEP), have worked cooperatively by executing cost-sharing agreements related to implementing the Town's Comprehensive Coastal Management Plan; and

WHEREAS, the FDEP has agreed to a partial cost-share on eligible project elements related to Marine Turtle Monitoring.

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

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

Section 2. The Town Council hereby authorizes the State of Florida Department of Environmental Protection (FDEP) Contract No. 15PB2 to partially reimburse the Town for South Central Palm Beach Island Comprehensive Shoreline Stabilization Project Environmental Impact Statement costs in the amount of \$138,256.92.

Section 3. The Town Council President is hereby authorized to execute FDEP Contract No. 15PB2 on behalf of the Town.

Section 4. This Resolution shall be provided to the FDEP, at 3900 Commonwealth Blvd., Mail Station 3601, Tallahassee, Florida, 32399, in accompaniment with an executed original of FDEP Contract No. 15PB2.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

DEP AGREEMENT No: 15PB2
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCE MANAGEMENT
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
STATE OF FLORIDA
GRANT AGREEMENT FOR
SOUTH END PALM BEACH RESTORATION

THIS AGREEMENT is entered into between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT"), whose address is 3900 Commonwealth Blvd., MS 3601, Tallahassee, Florida 32399-3000, and the TOWN OF PALM BEACH, a local government (hereinafter referred to as the "LOCAL SPONSOR"), whose address is Post Office Box 2029, Palm Beach, Florida 33480, for the project described herein.

WHEREAS, the DEPARTMENT, pursuant to Section 161.091 - Section 161.161, Florida Statutes, provides financial assistance to eligible governmental entities for beach erosion control activities under the Florida Beach Management Funding Assistance Program; and,

WHEREAS, pursuant to 62B-36.005(1)(d), Florida Administrative Code, the LOCAL SPONSOR has resolved to support, serve as local sponsor, demonstrated a financial commitment to the beach erosion control project as described herein, and has the ability to perform the tasks associated with the project described herein.

NOW, THEREFORE, in consideration of the mutual benefits to be derived herefrom, the DEPARTMENT and the LOCAL SPONSOR do hereby agree as follows:

1. The DEPARTMENT does hereby retain the LOCAL SPONSOR to implement the beach erosion control project known as the SOUTH END PALM BEACH RESTORATION, (hereafter referred to as the PROJECT), as defined in **Attachment A (Grant Work Plan)**, attached hereto and made a part hereof. The LOCAL SPONSOR does hereby agree to perform such services as are necessary to implement the PROJECT in accordance with the terms and conditions set forth in this Agreement, and all attachments and exhibits named herein that are attached hereto and incorporated by reference. For purposes of this Agreement, the terms "Grantee", "Recipient" and "Local Sponsor" are used interchangeably.
2. This Agreement shall begin on the last date executed and end on **June 20, 2016**. Pursuant to Section 161.101 (18), Florida Statutes, and 62B-36.009, Florida Administrative Code, work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor and approved by the DEPARTMENT beginning on or after June 20, 2013, may be eligible for reimbursement by the DEPARTMENT, provided that the PROJECT is approved by the DEPARTMENT. If work identified in the approved Grant Work Plan is completed prior to time allowed in this Agreement, this Agreement may be amended to close out the Agreement.
3. The LOCAL SPONSOR shall perform the services in a proper and satisfactory manner as determined by the DEPARTMENT.
4. Any and all equipment, products or materials necessary to perform these services, or requirements as further stated herein, shall be supplied by the LOCAL SPONSOR.
5. The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature of the State of Florida and subject to the release of funds appropriated to the DEPARTMENT.

6. The LOCAL SPONSOR shall implement the PROJECT and complete said PROJECT upon the terms and conditions set forth in this Agreement and all present and future requisite authorizations and environmental permits. The PROJECT consists of preparation of an Environmental Impact Statement (EIS) for the design and construction of a beach restoration project. The EIS preferred alternative design consists of the placement of 75,000 cubic yards of sand within a 1.24 mile segment of beach between FDEP R-monuments R129-210' to R134+135' in Palm Beach County. The distribution of sand, pumped from an offshore borrow area, would be approximately 63,000 cubic yards placed at or above mean high water (MHW) and approximately 12,000 cubic yards placed below MHW. The life of the PROJECT is defined as ten (10) years following completion of each construction event. The parties expressly agree that the provisions of this paragraph shall survive and be enforceable beyond the expiration date of this Agreement.
7. For tasks, as specified in Table 1 in Attachment A, the LOCAL SPONSOR shall develop a detailed Scope of Work which shall include a narrative description of each task, a corresponding detailed budget for each deliverable under that task and a schedule for completion of each task and deliverable. Each Scope of Work shall require approval by the DEPARTMENT as to content, deliverables, and schedule prior to initiating the work.
8. The DEPARTMENT has determined that 41 percent of the non-federal PROJECT cost is eligible for state cost sharing. Therefore, the DEPARTMENT's financial obligation shall not exceed the sum of \$138,256.92 for this PROJECT or up to 20.50 percent of the non-federal project cost, if applicable, for the specific eligible PROJECT items listed above, whichever is less. Any indicated federal cost sharing percentage is an estimate and shall not affect the cost sharing percentages of the non-federal share.
9. The DEPARTMENT and the LOCAL SPONSOR agree that any and all activities associated with the PROJECT that are not shown in Table 1 are the responsibility of the LOCAL SPONSOR and are not a part of this Agreement. The LOCAL SPONSOR agrees that any costs for the specific eligible PROJECT tasks that exceed the estimated PROJECT costs for that task shall be the responsibility of the LOCAL SPONSOR. Any modifications to the estimated TOTAL PROJECT COSTS shown in Table 1 above, shall be provided through formal amendment to this Agreement.
10. The LOCAL SPONSOR shall perform as an independent contractor and not as an agent, representative, or employee of the DEPARTMENT.
11. The LOCAL SPONSOR agrees to maintain the public beach access sites and public parking spaces, as identified in **Attachment B (Funding Eligibility)**, attached hereto and made a part hereof, for beach use throughout the life of the PROJECT as established under this Agreement. The life of the PROJECT is defined as ten (10) years following the completion of each construction event commencing upon execution of this Agreement. If at any time the LOCAL SPONSOR fails to maintain the subject beach access sites and public parking, the LOCAL SPONSOR agrees to reimburse the DEPARTMENT all funds provided by the DEPARTMENT associated with any beach access site and/or parking spaces which are no longer available to the public for a 10-year period. All parking must be clearly signed or otherwise designated as public beach access parking.
12. Reserved Paragraph.
13. As consideration for the satisfactory completion of the eligible work identified in Attachment A and approval of the work by the DEPARTMENT, the DEPARTMENT agrees to compensate the LOCAL SPONSOR on a cost reimbursement basis. All requests for reimbursement shall be made in accordance with **Attachment C (Contract Payment Requirements)**, attached hereto and made a part hereof, and State guidelines for allowable costs found in the Department of Financial Services' Reference Guide

for State Expenditures at <http://www.fldfs.com/aadir/reference%5Fguide>. The LOCAL SPONSOR shall submit a request for reimbursement of funds on the forms provided as **Attachment D (Request for Payment, PARTS I – IV)**, attached hereto and made a part hereof. These forms are to be submitted upon completion of deliverables identified in the approved Scope of Work. These forms shall be certified as accurate by the LOCAL SPONSOR's Project Manager and the LOCAL SPONSOR's Project Financial Officer and submitted to the DEPARTMENT as a payment request. All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. All requests for the reimbursement of travel expenses shall be based on the travel limits established in Section 112.061, Florida Statutes. A final invoice shall be due no later than thirty (30) days following the completion date of this Agreement. The DEPARTMENT will not release funds for construction activities until such time as all requisite authorizations, environmental permits, and variances, including those required pursuant to Chapters 161, 253, 258 and 373, Florida Statutes, have been obtained. The final payment will not be processed until the match requirement has been met.

14. The DEPARTMENT's Project Manager shall have thirty (30) days after receipt of each request for payment to determine that the work has been accomplished in accordance with the terms and conditions of this Agreement prior to approving the request for payment. It is understood and agreed that any request for payment that requires the DEPARTMENT to request additional information of the LOCAL SPONSOR shall stop time for the DEPARTMENT's review period and will reset when such information is received as requested by the DEPARTMENT. Upon approval of the request for payment the DEPARTMENT shall disburse the funds due the LOCAL SPONSOR less ten (10) percent which shall be retained on account. The cumulative amount retained for each eligible deliverable item shall be disbursed to the LOCAL SPONSOR after the DEPARTMENT has certified that the LOCAL SPONSOR has complied with all the terms and conditions of the Agreement. The DEPARTMENT will periodically request proof of a transaction (invoice, payroll register, etc.) to evaluate the appropriateness of costs to the Agreement pursuant to State and Federal guidelines (including cost allocation guidelines), as appropriate. When requested, this information must be provided within thirty (30) calendar days of such request. If applicable, the LOCAL SPONSOR may also be required to submit a cost allocation plan to the DEPARTMENT in support of its multipliers (overhead, indirect, general administrative costs, and fringe benefits).
15. For the duration of this Agreement, the LOCAL SPONSOR shall submit to the DEPARTMENT's Project Manager on a quarterly basis, **Attachment D (Project Progress Report, Part III)**, as updates to the project schedule, no later than thirty (30) days following the completion date of the quarterly reporting period in which the project is underway. The term "quarterly" shall reflect the calendar quarters ending March 31, June 30, September 30, and December 31. Progress reports are to be submitted electronically in Word .doc or tab delimited .TXT format. Information provided shall be the best available and shall represent the most accurate forecast of future events. Specific information to be included in the quarterly report: tasks to be completed, start and finish dates, task duration, and actual start and finish dates with actual task duration. In cases where no reimbursement is sought for a given quarter, all applicable portions of the progress report must still be completed and submitted. The timely submittal of these quarterly reports will result in points for the ranking of future projects under the Beach Management Funding Assistance Program.
16. Upon completion of a task or the PROJECT, the LOCAL SPONSOR shall submit to the DEPARTMENT a certification of completion, attached hereto as **Attachment E (Project Completion Certification)**. A final PROJECT certification inspection shall be made by the DEPARTMENT within sixty (60) days after the PROJECT is certified complete by the LOCAL SPONSOR.

17. The LOCAL SPONSOR shall, at a minimum, comply with monetary limits for competitive acquisition of both materials and services as required by Chapter 287, and Chapter 161.101(17), Florida Statutes, which are expressly made a part of this Agreement and incorporated herein by reference as if fully set forth.
18. The applicable provisions of Chapter 161, Florida Statutes, entitled "Beach and Shore Preservation", and any rules promulgated there from, are expressly made a part of this Agreement and are incorporated herein by reference as if fully set forth.
19. Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes.
20.
 - A. The DEPARTMENT may terminate this Agreement at any time in the event of the failure of the LOCAL SPONSOR to fulfill any of its obligations under this Agreement. Prior to termination, the DEPARTMENT shall provide ten (10) days written notice of its intent to terminate and shall provide the LOCAL SPONSOR an opportunity to consult with the DEPARTMENT regarding the reason(s) for termination.
 - B. The DEPARTMENT may terminate this Agreement without cause and for its convenience by giving thirty (30) days written notice to the LOCAL SPONSOR. Notice shall be sufficient if delivered personally or overnight courier to the address set forth in this Agreement.
21. No payment will be made for deliverables deemed unsatisfactory by the DEPARTMENT. In the event that a deliverable is deemed unsatisfactory by the DEPARTMENT, the LOCAL SPONSOR shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to the DEPARTMENT, within ten (10) days of being notified of the unsatisfactory deliverable. If a satisfactory deliverable is not submitted within the specified timeframe, the DEPARTMENT may, in its sole discretion, either: 1) terminate this Agreement for failure to perform, or 2) the DEPARTMENT'S Grant Manager may, by letter specifying the failure of performance under this Agreement, request that a proposed Corrective Action Plan (CAP) be submitted by the LOCAL SPONSOR to the DEPARTMENT. All CAPs must be able to be implemented and performed in no more than sixty (60) days.
 - A. A CAP shall be submitted within ten (10) calendar days of the date of the letter request from the DEPARTMENT. The CAP shall be sent to the Department Grant Manager for review and approval. Within ten (10) calendar days of receipt of a CAP, the DEPARTMENT shall notify the LOCAL SPONSOR in writing whether the CAP proposed has been accepted. If the CAP is not accepted, the LOCAL SPONSOR shall have ten (10) calendar days from receipt of the DEPARTMENT letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain the DEPARTMENT approval of a CAP as specified above shall result in the DEPARTMENT'S termination of this Agreement for cause as authorized in this Agreement.
 - B. Upon the DEPARTMENT'S notice of acceptance of a proposed CAP, the LOCAL SPONSOR shall have ten (10) calendar days to commence implementation of the accepted plan. Acceptance of the proposed CAP by the DEPARTMENT does not relieve the LOCAL SPONSOR of any of its obligations under the Agreement. In the event the CAP fails to correct or eliminate performance deficiencies by LOCAL SPONSOR, the DEPARTMENT shall retain the right to require additional or further remedial steps, or to terminate this Agreement for failure to perform. No actions approved by the DEPARTMENT or steps taken by the LOCAL SPONSOR shall preclude the DEPARTMENT from subsequently asserting any deficiencies in performance. The LOCAL SPONSOR shall continue to implement the CAP

until all deficiencies are corrected. Reports on the progress of the CAP will be made to the DEPARTMENT as requested by the Department Grant Manager.

- C. Failure to respond to the DEPARTMENT's request for a CAP or failure to correct a deficiency in the performance of the LOCAL SPONSOR as specified by the DEPARTMENT may result in termination of this Agreement.

The remedies set forth above are not exclusive and the DEPARTMENT reserves the right to exercise other remedies in addition to or in lieu of those set forth above, as permitted by this Agreement.

22. Any notices between the parties shall be considered delivered by email, overnight courier or delivered in person to the contact person at the addresses below.

LOCAL SPONSOR

Robert Weber, Coastal Coordinator
Town of Palm Beach
Post Office Box 2029
Palm Beach, FL 33480
(561) 838-5440
rweber@townofpalmbeach.com

DEPARTMENT

Dena VanLandingham, Grant Program Administrator
Department of Environmental Protection
Beach Management Funding Assistance Program
3900 Commonwealth Blvd., MS 3601
Tallahassee, Florida 32399
(850) 245-2970
Dena.Vanlandingham@dep.state.fl.us

Any changes to the contact information shown above or in paragraph 23 must be reduced to writing in the form of an email notification.

23. The LOCAL SPONSOR's Project Manager for all matters is Robert Weber, Phone: (561) 838-5440. The DEPARTMENT's Project Manager for all technical matters is Rob Buda, Phone: (850) 245-2975 and the DEPARTMENT's Grant Program Administrator for all administrative matters is Dena VanLandingham, Phone: (850) 245-2970.
24. This Agreement may be unilaterally canceled by the DEPARTMENT for refusal by the LOCAL SPONSOR to allow public access to all documents, papers, letters, or other material made or received by the LOCAL SPONSOR in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1)(a), Florida Statutes.
25. The LOCAL SPONSOR shall maintain books, records and documents directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles consistently applied. The DEPARTMENT, the State, or their authorized representatives shall have access to such records for audit purposes during the term of this Agreement and for five (5) years following Agreement completion. In the event any work is subcontracted, the LOCAL SPONSOR shall similarly require each subcontractor to maintain and allow access to such records for audit purposes.

26. A. In addition to the requirements of the preceding paragraph, the LOCAL SPONSOR shall comply with the applicable provisions contained in **Attachment F (Special Audit Requirements)**, attached hereto and made a part hereof. Exhibit 1 to Attachment F summarizes the funding sources supporting the Agreement for purposes of assisting the LOCAL SPONSOR in complying with the requirements of Attachment F. A revised copy of Exhibit 1 must be provided to the LOCAL SPONSOR for each amendment that authorizes a funding increase or decrease. If the LOCAL SPONSOR fails to receive a revised copy of Exhibit 1, the LOCAL SPONSOR shall notify the DEPARTMENT's Grant Program Administrator at 850/245-2970, to request a copy of the updated information.
- B. The LOCAL SPONSOR is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The LOCAL SPONSOR shall consider the type of financial assistance (federal and/or state) identified in **Attachment F, Exhibit 1** when making its determination. For federal financial assistance, the LOCAL SPONSOR shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section __.210 for determining whether the relationship represents that of a sub recipient or vendor. For state financial assistance, the LOCAL SPONSOR shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:

<https://apps.fldfs.com/fsaa>

The LOCAL SPONSOR should confer with its chief financial officer, or audit director or contact the DEPARTMENT for assistance with questions pertaining to the applicability of these requirements.

27. In accordance with Section 216.347, Florida Statutes, the LOCAL SPONSOR is hereby prohibited from using funds provided by this Agreement for the purposes of lobbying the Legislature, the judicial branch or a state agency.
28. The LOCAL SPONSOR covenants that it presently has no interest and shall not acquire any interest that would conflict in any manner or degree with the performance of services required.
29. This Agreement has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law. If any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. Any action hereon or in connection herewith shall be brought in Leon County, Florida.
30. No delay or failure to exercise any right, power or remedy accruing to either party upon breach or default by either party under this Agreement, shall impair any such right, power or remedy of either party. Nor shall such delay or failure be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

31. To the extent required by law, the LOCAL SPONSOR will be self-insured against, or will secure and maintain during the life of this Agreement, Workers' Compensation Insurance for all of its employees connected with the work of this project. In the case any work is subcontracted, the LOCAL SPONSOR shall require the subcontractor similarly to provide Workers' Compensation Insurance for all of the subcontractor's employees unless such employees are covered by the protection afforded by the LOCAL SPONSOR. Such self-insurance program or insurance coverage shall comply fully with the Florida Workers' Compensation Law, Chapter 440, Florida Statutes. In case any class of employees engaged in hazardous work under this Agreement is not protected under Workers' Compensation statutes, the LOCAL SPONSOR shall provide, and cause each subcontractor to provide, adequate insurance satisfactory to the DEPARTMENT, for the protection of its employees not otherwise protected.
32. The LOCAL SPONSOR warrants and represents that it is self-funded for liability insurance, appropriate and allowable under Florida law, and that such self-insurance offers protection applicable to the LOCAL SPONSOR's officers, employees, servants and agents while acting within the scope of their employment with the LOCAL SPONSOR.
33. The LOCAL SPONSOR recognizes that the State of Florida, by virtue of its sovereignty, is not required to pay any taxes on the services or goods purchased under the terms of this Agreement.
34. This Agreement is neither intended nor shall it be construed to grant any rights, privileges or interest in any third party without the mutual written agreement of the parties hereto.
35.
 - A. No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.
 - B. An entity or affiliate who has been placed on the discriminatory vendor list maintained by the Florida Department of Management Services may not submit a bid on a contract to provide goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not award or perform work as a contractor, supplier, subcontractor, or consultant under contract with any public entity, and may not transact business with any public entity. Questions regarding the discriminatory vendor list may be directed to the Florida Department of Management Services, Office of Supplier Diversity at (850) 487-0915.
36.
 - A. The accounting systems for all LOCAL SPONSORS must ensure that these funds are not commingled with funds from other agencies. Funds from each agency must be accounted for separately. LOCAL SPONSORS are prohibited from commingling funds on either a program-by-program or a project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another project. Where a LOCAL SPONSOR's, or subrecipient's, accounting system cannot comply with this requirement, the LOCAL SPONSOR, or subrecipient, shall establish a system to provide adequate fund accountability for each project it has been awarded.
 - B. If the DEPARTMENT finds that these funds have been commingled, the DEPARTMENT shall have the right to demand a refund, either in whole or in part, of the funds provided to the LOCAL SPONSOR under this Agreement for non-compliance with the material terms of this Agreement. The LOCAL SPONSOR, upon such written notification from the DEPARTMENT shall refund, and shall forthwith pay to the DEPARTMENT, the amount of money demanded by the DEPARTMENT. Interest on any refund shall be calculated based on

the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the original payment(s) are received from the DEPARTMENT by the LOCAL SPONSOR to the date repayment is made by the LOCAL SPONSOR to the DEPARTMENT.

- C. In the event that the LOCAL SPONSOR recovers costs, incurred under this Agreement and reimbursed by the DEPARTMENT, from another source(s), the LOCAL SPONSOR shall reimburse the DEPARTMENT for all recovered funds originally provided under this Agreement. Interest on any refund shall be calculated based on the prevailing rate used by the State Board of Administration. Interest shall be calculated from the date(s) the payment(s) are recovered by the LOCAL SPONSOR to the date repayment is made to the DEPARTMENT by the LOCAL SPONSOR.
37. A. The LOCAL SPONSOR shall not subcontract, assign, or transfer any work under this Agreement without the prior written consent of the DEPARTMENT's Project Manager. Regardless of any subcontract, the LOCAL SPONSOR is ultimately responsible for all work to be performed under this Agreement. The LOCAL SPONSOR shall submit a copy of the executed subcontract to the DEPARTMENT within ten (10) days after execution. The LOCAL SPONSOR agrees to be responsible for the fulfillment of all work elements included in any subcontract consented to by the DEPARTMENT and agrees to be responsible for the payment of all monies due under any subcontract. It is understood and agreed by the LOCAL SPONSOR that the DEPARTMENT shall not be liable to any subcontractor for any expenses or liabilities incurred under the subcontract and that the LOCAL SPONSOR shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract. The LOCAL SPONSOR will be responsible for auditing all travel reimbursement expenses based on the travel limits established in Section 112.061, Florida Statutes.
- 1. The LOCAL SPONSOR may award, on a competitive basis, fixed price subcontracts to consultants/contractors in performing the work described in Attachment A. Invoices submitted to the DEPARTMENT for fixed price subcontracted activities shall be supported with a copy of the subcontractor's invoice and a copy of the tabulation form for the competitive procurement process (Invitation to Bid or Request for Proposals) resulting in the fixed price subcontract.
 - 2. The LOCAL SPONSOR may request approval from the DEPARTMENT to award a fixed price subcontract resulting from procurement methods other than those identified in the paragraph above. In this instance, the LOCAL SPONSOR shall request the advance written approval from the DEPARTMENT's Project Manager of the fixed price negotiated by the LOCAL SPONSOR. The letter of request shall be supported by a detailed budget and Scope of Services to be performed by the subcontractor. Upon receipt of the DEPARTMENT Project Manager's approval of the fixed price amount, the LOCAL SPONSOR may proceed in finalizing the fixed price subcontract.
 - 3. All subcontracts are subject to the provisions of paragraph 13 and any other appropriate provisions of this Agreement which affect subcontracting activities.
- B. The DEPARTMENT supports diversity in its procurement program and requests that all subcontracting opportunities afforded by this Agreement embrace diversity enthusiastically. The award of subcontracts should reflect the full diversity of the citizens of the State of Florida. A list of Minority Owned firms that could be offered subcontracting opportunities may be obtained by contacting the Office of Supplier Diversity at (850) 487-0915.

38. When applicable, the LOCAL SPONSOR shall also notify the DEPARTMENT's Project Manager of the selection of an intended subcontractor for a construction task and provide a tabulation list from which the intended subcontractor was selected. The LOCAL SPONSOR shall also provide the bid form for the successful bidder. The LOCAL SPONSOR shall select eligible consultants licensed to offer services in the State of Florida for studies, design and permitting and monitoring tasks in accordance with Chapter 287, F. S. Upon the DEPARTMENT's request, the LOCAL SPONSOR shall furnish copies of the respective solicitation documents. Solicitation documents include, but are not limited to, the solicitation and responses thereto, the bid tabulations, and the resulting contract(s), including a detailed Scope of Work.
39. The purchase of non-expendable equipment costing \$1,000 or more is not authorized under the terms and conditions of this Agreement.
40. The DEPARTMENT may at any time, by written order designated to be a change order, make any minor modifications, as described below. All change orders are subject to the mutual agreement of both parties as evidenced in writing. Any change, which causes an increase or decrease in the LOCAL SPONSOR's cost or time, shall require formal amendment to this Agreement. Minor modifications which will be handled with a change order include notification of a modification of deliverable due dates when such change does not involve an extension of contract, and modifying the Project Work Plan when such modifications would not involve a decrease/increase in total cost of the Agreement or an extension of the performance period of this Agreement.
41. The LOCAL SPONSOR shall comply with all applicable federal, state and local rules and regulations in providing services to the DEPARTMENT under this Agreement. The LOCAL SPONSOR acknowledges that this requirement includes compliance with all applicable federal, state and local health and safety rules and regulations. The LOCAL SPONSOR further agrees to include this provision in all subcontracts issued as a result of this Agreement.
42. The LOCAL SPONSOR shall obtain from each owner of upland property, which is adjacent to the erosion control project, a sufficient property interest in order to construct, maintain, monitor, and repair the erosion control project prior to entering each individual property to conduct such activities.
43. If a force majeure occurs that causes delays or the reasonable likelihood of delay in the fulfillment of the requirements of this Agreement, the LOCAL SPONSOR shall promptly notify the DEPARTMENT orally. Within seven (7) days, the LOCAL SPONSOR shall notify the DEPARTMENT in writing of the anticipated length and cause of the delay, the measures taken or to be taken to minimize the delay and the LOCAL SPONSOR's intended timetable for implementation of such measures. If the parties agree that the delay or anticipated delay was caused, or will be caused by a force majeure, the DEPARTMENT may, at its discretion, extend the time for performance under this Agreement for a period of time equal to the delay resulting from the force majeure upon execution of an amendment to this Agreement. Such agreement shall be confirmed by letter from the DEPARTMENT accepting, or if necessary, modifying the extension. A force majeure shall be an act of God, strike, lockout, or other industrial disturbance, act of the public enemy, war, blockade, public riot, lightning, fire, flood, explosion, failure to receive timely necessary third party approvals through no fault of the LOCAL SPONSOR, and any other cause, whether of the kind specifically enumerated herein or otherwise, that is not reasonably within the control of the LOCAL SPONSOR and/or the DEPARTMENT. The LOCAL SPONSOR is responsible for the performance of all services issued under this Agreement. Failure to perform by the LOCAL SPONSOR's consultant(s) or subcontractor(s) shall not constitute a force majeure event.

44. This Agreement represents the entire agreement of the parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement, unless otherwise provided herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the undersigned have signed and executed this Agreement on the respective dates under their signatures:

TOWN OF PALM BEACH

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Title: Town Council President

By: _____
Department of Environmental Protection
Secretary or designee

Date: _____

Date: _____

FEID No. 59-6000402

Department of Environmental Protection
Grant Administrator

APPROVED as to form and legality:

Local Sponsor's Attorney
(if necessary)

Department of Environmental Protection
Attorney

*If someone other than the Town Council President signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the agreement.

List of Attachments/Exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A	Grant Work Plan (2 pages)
Attachment	B	Funding Eligibility (1 page)
Attachment	C	Contract Payment Requirements (1 page)
Attachment	D	Request For Payment, Parts I - IV (4 pages)
Attachment	E	Project Completion Certification (1 page)
Attachment	F	Special Audit Requirements (5 pages)

ATTACHMENT A GRANT WORK PLAN

Project Title: South End Palm Beach Restoration.

Project Location: The PROJECT extends 1.24 miles between FDEP R-monuments R129-210' to R134+135' in Palm Beach County.

Project Background: The PROJECT consists of preparation of an Environmental Impact Statement (EIS) for the design and construction of a beach restoration project. The EIS preferred alternative design consists of the placement of 75,000 cubic yards of sand within a 1.24 mile segment of beach between FDEP R-monuments R129-210' to R134+135' in Palm Beach County. The distribution of sand, pumped from an offshore borrow area, would be approximately 63,000 cubic yards placed at or above mean high water (MHW) and approximately 12,000 cubic yards placed below MHW.

The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEPARTMENT permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards technical specifications contained in the DEPARTMENT'S Monitoring Standards for Beach Erosion Control Projects (2014) and Processing Plan and Geographic Information System Guidelines, unless otherwise specified in the approved Scope of Work (herein after referred to as SOW) for an eligible PROJECT item. This plan may be found at <http://www.dep.state.fl.us/beaches/publications/pdf/PhysicalMonitoringStandards.pdf>. One (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the DEPARTMENT, unless otherwise specified.

The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

TABLE 1
Estimated Eligible Project Cost

Task #	Eligible Project Tasks	State Cost Share (%)	Federal Estimated Project Costs	DEP	Local	Total
2.0	Design and Permitting					
2.1	Environmental Impact Statement	20.50%		\$138,256.92	\$536,167.08	\$674,424.00
	TOTAL PROJECT COSTS			\$138,256.92	\$536,167.08	\$674,424.00

Changes in PROJECT costs that increase or decrease the total funding amount shall require a formal amendment to the Agreement.

Project Description:

The deliverables listed below are to be completed and approved by the DEPARTMENT by the due date listed.

2.0 Design and Permitting

Professional services required for engineering and design, obtaining environmental permits and other authorizations and the preparation of plans and specifications for beach nourishment. This item specifically excludes permit application fees or any other fees paid to the State of Florida.

Performance Standard: All deliverables, reports, and monitoring results will be circulated to the Department for review and comment. When comments are received from the Department affirming that the deliverable is acceptable, payment will be authorized.

2.1 Environmental Impact Statement

Professional services required for the completion of an Environmental Impact Statement (EIS) for the design and construction of a beach restoration project. Tasks include consultation with the US Army Corps of Engineers for the preparation of the EIS including public scoping coordination meetings, development of the EIS, and documentation of progress reports and meetings with stakeholders, agency personnel, residents and property owners. The task share amount given is a partial reimbursement of eligible costs due to a funding shortfall. Additional funds may be amended to reimburse eligible costs in full.

Deliverable A: Submittal of the Final Environmental Impact Statement. Digital submittal (.pdf or .doc) with a cover letter and signature by the local sponsor or engineer of record is acceptable.

Total Cost: \$674,424.00 (DEP cost \$138,256.92).

Due Date: June 20, 2016.

NOTE: The deliverable due dates established in this Grant Work Plan indicate the time by which a deliverable is received and approved for cost sharing. The dates do not necessarily correspond with permit required due dates. The Local Sponsor must meet the terms of the permit for compliance. All Tasks are Contractual Services.

ATTACHMENT B

FUNDING ELIGIBILITY

SOUTH END PALM BEACH RESTORATION

Project Boundary: R129-210' to R134+135'

Approximate Shoreline Length: 6,535 FEET

Public Access

Location/Name	Address	R-Mon	Type of Access	Width of Access/ Frontage (ft)	Total # units or parking spaces	Total Eligible Shoreline (ft)
Lake Worth Pier. ¹	26.6127, -80.0366	PB-R128	Primary	0	100+	2,680
TOTAL						2,680

Notes:

1. The Lake Worth Pier public access is outside (north) of the project boundary. However, it is a primary access and the eligible shoreline extends into the project boundary by the distance given.

Total eligible shoreline length: 2,680 FEET

Total project shoreline length: 6,535 FEET

Percent eligible for State funding: 41 PERCENT

ATTACHMENT C
Florida Department of Environmental Protection
DEP 55-219 Contract Payment Requirements

Required Signatures: No Signature

Invoices for cost reimbursement contracts must be supported by an itemized listing of expenditures by category (salary, travel, expenses, etc.) Supporting documentation must be provided for each amount for which reimbursement is being claimed indicating that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for categories in the approved contract budget should be reimbursed.

Listed below are examples of the types of documentation representing the minimum requirements:

-
- | | |
|--------------|---|
| (1) Salaries | A payroll register or similar documentation should be submitted. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable. |
|--------------|---|
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- | | |
|---------------------|---|
| (2) Fringe Benefits | Fringe Benefits should be supported by invoices showing the amount paid on behalf of the employee (e.g., insurance premiums paid). If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown.

Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits. |
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| (3) Travel | Reimbursement for travel must be in accordance with Section 112.061, Florida Statutes, which includes submission of the claim on the approved State travel voucher. |
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- | | |
|------------------------|--|
| (4) Other direct costs | Reimbursement will be made based on paid invoices/receipts. If nonexpendable property is purchased using State funds, the contract should include a provision for the transfer of the property to the State when services are terminated. Documentation must be provided to show compliance with Department of Management Services Rule 60A-1.017, Florida Administrative Code, regarding the requirements for contracts which include services and that provide for the contractor to purchase tangible personal property as defined in Section 273.02, Florida Statutes, for subsequent transfer to the State. |
|------------------------|--|
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| (5) In-house charges | Charges which may be of an internal nature (e.g., postage, copies, etc.) may be reimbursed on a usage log which shows the units times the rate being charged. The rates must be reasonable. |
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| (6) Indirect costs | If the contract specifies that indirect costs will be paid based on a specified rate, then the calculation should be shown. |
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-

The Florida Department of Financial Services, online Reference Guide for State Expenditures can be found at this web address: http://www.fldfs.com/aadir/reference_guide.htm.

ATTACHMENT D

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART I

PAYMENT SUMMARY

NAME OF PROJECT: South End Palm Beach Restoration

LOCAL SPONSOR: Town of Palm Beach

DEP Agreement Number: 15PB2

Billing Number: _____

Billing Type: ☐ Interim Billing ☐ Final Billing

Costs Incurred This Payment Request:

Federal Share*	State Share	Local Share	Total
\$ _____	\$ _____	\$ _____	\$ _____
*if applicable			

Cost Summary:

State Funds Obligated \$ _____

Less Advance Pay \$ _____

Less Previous Payment \$ _____

Less Previous Retained \$ _____

Less This Payment \$ _____

Less This Retainage (10%) \$ _____

State Funds Remaining \$ _____

Local Funds Obligated \$ _____

Less Advance Pay \$ _____

Less Previous Credits \$ _____

Less This Credit \$ _____

Local Funds Remaining \$ _____

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REVISED REQUEST FOR PAYMENT – PART II**

Name of Project: _____ Billing Period (1): _____
 Billing Number: _____ Person Completing Form & Telephone Number (2): _____
 DEP Agreement Number: _____

REIMBURSEMENT DETAIL

Item #	Vendor Name	Invoice Number	Check Number	Deliverable Number (3)	Eligible Cost (4)	% Fed Share (5)	Federal Share of Invoice Amount (6)**	Non-Federal Share (7)	% State Share (8)	State Share (9)	Local Share (10)	Retainage Payment (11)	Withheld Retainage (12)	State Payment (13)
							-	-		\$0.00	0.00		0.00	0.00
Sub-Totals:														

Total Due to Local Sponsor (14) _____

- Form Instructions:
1. Billing Period: Should reflect Invoice services performed date (beginning date - earliest date of services, end date - latest date of services performed)
 2. Person to Contact for questions regarding items submitted on this form
 3. Deliverable #: Must identify completed deliverable(s) for each invoice. If invoice covers multiple deliverables, that invoice would be listed multiple times, a line item for each deliverable.
 4. Eligible Cost: Invoice amount paid by Local Sponsor less ineligible cost for Line Item Deliverable only
 5. % Federal Share: If applicable this should be the percentage listed in Agreement. Federal Share will be listed on Table 1 if applicable.
 6. Federal Share: If applicable, Local Sponsor will multiply Eligible Cost by Federal Share Percentage
 7. Non-Federal Share: Eligible Cost (4) minus Federal Share of Invoiced Amount (6)
 8. Percentage of State Share: This should be the State Share Percentage listed in Agreement
 9. State Share: Multiply Non-Federal Share by State Share Percentage
 10. Local Share: Subtract State Share from Non-Federal Share
 11. Retainage Payment: Requires separate line for each completed Task, Sub-Task and or Deliverable that retainage is being requested
 12. Withheld Retainage: Multiply State Share by 10%
 13. State Payment: Subtract Retainage from State Share
 14. Total Due to Local Sponsor: Add Retainage Payment Total (11) to State Payment Total (13).
- Notes: For questions or concerns regarding this form please contact: Janice Simmons - (850)245-2978 or email at Janice.L.Simmons@dep.state.fl.us

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
REQUEST FOR PAYMENT – PART III
PROJECT PROGRESS REPORT**

NAME OF PROJECT: South End Palm Beach Restoration

LOCAL SPONSOR: Town of Palm Beach

DEP Agreement Number: 15PB2

Billing Number: _____

Report Period: _____

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task Eligible Project

No: Item:

2.0 DESIGN AND PERMITTING

2.1 Environmental Impact Statement

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
CERTIFICATION OF DISBURSEMENT REQUEST
REQUEST FOR PAYMENT – PART IV**

NAME OF PROJECT: South End Palm Beach Restoration

LOCAL SPONSOR: Town of Palm Beach

DEP Agreement Number: 15PB2

Billing Number: _____

Certification: I certify that this billing is correct and is based upon actual obligations of record by the LOCAL SPONSOR; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Beach Management Funding Assistance Program's approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed. The disbursement amount requested on Page 1 of this form is for allowable costs for the project described in the grant work plan.

I certify that the purchases noted were used in accomplishing the project; and that invoices, check vouchers, copies of checks, and other purchasing documentation are maintained as required to support the cost reported above and are available for audit upon request.

Name of Project Administrator

Signature of Project Administrator

Date

Name of Project Financial Officer

Signature of Project Financial Officer

Date

ATTACHMENT E

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
PROJECT COMPLETION CERTIFICATION**

NAME OF PROJECT: South End Palm Beach Restoration

LOCAL SPONSOR: Town of Palm Beach

DEP Agreement Number: 15PB2

Task Completion ☐

Project Completion ☐

*I hereby certify that the above mentioned project task has been completed in accordance with the Project Agreement, including any amendments thereto, between the DEPARTMENT and LOCAL SPONSOR, and all funds expended for the project were expended pursuant to this Agreement. All unused funds and interest accrued on any unused portion of advanced funds which have not been remitted to the DEPARTMENT, have been returned to the DEPARTMENT, or will be returned to the DEPARTMENT within sixty (60) days of the completion of construction portion of this PROJECT. Unused funds advanced to the United States Army Corps of Engineers through LOCAL SPONSORS will be due sixty (60) days after the Federal final accounting has been completed.

Name of Project Manager

Signature of Project Manager

Date



ATTACHMENT F

Florida Department of Environmental Protection (SPECIAL AUDIT REQUIREMENTS)

Required Signatures: No Signature

The administration of resources awarded by the Department of Environmental Protection (*which may be referred to as the "Department", "DEP", "FDEP" or "Grantor", or other name in the contract/agreement*) to the recipient (*which may be referred to as the "Contractor", Grantee" or other name in the contract/agreement*) may be subject to audits and/or monitoring by the Department of Environmental Protection, as described in this attachment.

MONITORING

In addition to reviews of audits conducted in accordance with OMB Circular A-133 and Section 215.97, F.S., as revised (see "AUDITS" below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by OMB Circular A-133, as revised, and/or other procedures. By entering into this Agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of Environmental Protection. In the event the Department of Environmental Protection determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

AUDITS

PART I: FEDERALLY FUNDED

This part is applicable if the recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised.

1. In the event that the recipient expends \$500,000 or more in Federal awards in its fiscal year, the recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Attachment indicates Federal funds awarded through the Department of Environmental Protection by this Agreement. In determining the Federal awards expended in its fiscal year, the recipient shall consider all sources of Federal awards, including Federal resources received from the Department of Environmental Protection. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this part.
2. In connection with the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.
3. If the recipient expends less than \$500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the recipient expends less than \$500,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than Federal entities).
4. The recipient may access information regarding the Catalog of Federal Domestic Assistance (CFDA) via the internet at <http://12.46.245.173/cfda/cfda.html>.



ATTACHMENT F

Florida Department of Environmental Protection (SPECIAL AUDIT REQUIREMENTS)

PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(m), Florida Statutes.

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Attachment indicates state financial assistance awarded through the Department of Environmental Protection by this Agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of Environmental Protection, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1; the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), Florida Statutes. This includes submission of a financial reporting package as defined by Section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year, and elects to have an audit conducted in accordance with the provisions of Section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).
4. For information regarding the Florida Catalog of State Financial Assistance (CSFA), a recipient should access the Florida Single Audit Act website located at <https://apps.fldfs.com/fsaa> for assistance. In addition to the above websites, the following websites may be accessed for information: Legislature's Website at <http://www.leg.state.fl.us/Welcome/index.cfm>, State of Florida's website at <http://www.myflorida.com/>, Department of Financial Services' Website at <http://www.fldfs.com/> and the Auditor General's Website at <http://www.state.fl.us/audgen>.

PART III: OTHER AUDIT REQUIREMENTS

(NOTE: This part would be used to specify any additional audit requirements imposed by the State awarding entity that are solely a matter of that State awarding entity's policy (i.e., the audit is not required by Federal or State laws and is not in conflict with other Federal or State audit requirements). Pursuant to Section 215.97(8), Florida Statutes, State agencies may conduct or arrange for audits of State financial assistance that are in addition to audits conducted in accordance with Section 215.97, Florida Statutes. In such an event, the State awarding agency must arrange for funding the full cost of such additional audits.)

PART IV: REPORT SUBMISSION

1. Copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by PART I of this Attachment shall be submitted, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the recipient directly to each of the following:



ATTACHMENT F

Florida Department of Environmental Protection (SPECIAL AUDIT REQUIREMENTS)

- A. The Department of Environmental Protection at the following address:

Audit Director

Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- B. The Federal Audit Clearinghouse designated in OMB Circular A-133, as revised (the number of copies required by Sections .320 (d)(1) and (2), OMB Circular A-133, as revised, should be submitted to the Federal Audit Clearinghouse), at the following address:

Federal Audit Clearinghouse
Bureau of the Census
1201 East 10th Street
Jeffersonville, IN 47132

Submissions of the Single Audit reporting package for fiscal periods ending on or after January 1, 2008, must be submitted using the Federal Clearinghouse's Internet Data Entry System which can be found at <http://harvester.census.gov/fac/>

- C. Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

2. Pursuant to Section .320(f), OMB Circular A-133, as revised, the recipient shall submit a copy of the reporting package described in Section .320(c), OMB Circular A-133, as revised, and any management letters issued by the auditor, to the Department of Environmental Protection at the following address:

Audit Director

Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

3. Copies of financial reporting packages required by PART II of this Attachment shall be submitted by or on behalf of the recipient directly to each of the following:

- A. The Department of Environmental Protection at the following address:

Audit Director

Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

- B. The Auditor General's Office at the following address:

State of Florida Auditor General
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32390-1450



ATTACHMENT F

Florida Department of Environmental Protection (SPECIAL AUDIT REQUIREMENTS)

4. Copies of reports or management letters required by PART III of this Attachment shall be submitted by or on behalf of the recipient directly to the Department of Environmental Protection at the following address:

Audit Director

Florida Department of Environmental Protection
Office of the Inspector General, MS 40
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

5. Any reports, management letters, or other information required to be submitted to the Department of Environmental Protection pursuant to this Agreement shall be submitted timely in accordance with OMB Circular A-133, Florida Statutes, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
6. Recipients, when submitting financial reporting packages to the Department of Environmental Protection for audits done in accordance with OMB Circular A-133, or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

PART V: RECORD RETENTION

The recipient shall retain sufficient records demonstrating its compliance with the terms of this Agreement for a period of 5 years from the date the audit report is issued, and shall allow the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of Environmental Protection, or its designee, Chief Financial Officer, or Auditor General upon request for a period of 3 years from the date the audit report is issued, unless extended in writing by the Department of Environmental Protection.

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ATTACHMENT F
Florida Department of Environmental Protection
(SPECIAL AUDIT REQUIREMENTS)

EXHIBIT – I

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:

Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:

Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:

State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	Ecosystem Management and Restoration Trust Fund, GGA Line Item # 1834	2007-2008	37.003	Beach Management Funding Assistance Program	\$138,256.92	140126

Total Award	\$138,256.92
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For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [http://12.46.245.173/cfda/cfda.html] and/or the Florida Catalog of State Financial Assistance (CSFA) [https://apps.fldfs.com/fsaa/searchCatalog.aspx]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council
Via: Thomas G. Bradford, Town Manager
From: H. Paul Brazil, P. E., Director of Public Works
Re: Update of Continued Services for Reach 8 EIS
DATE: May 27, 2015

STAFF RECOMMENDATION

Staff requests that Town Council provide additional direction regarding the continued engineering and environmental professional services in preparation of the U.S. Army Corps of Engineers' (USACE) final Environmental Impact Statement (EIS) for Reach 8.

GENERAL INFORMATION

On April 14, 2015, Town Council approved a Purchase Order increase, through Resolution No. 55-2015, in the amount of \$449,397 and established a task budget of \$489,000 for CB&I Coastal Planning & Engineering, Inc. (CPE) to provide continued engineering and environmental professional services in preparation of the South Central Palm Beach Island Comprehensive Shoreline Stabilization Project EIS.

Town staff informed Town Council that the purchase order would be held until Palm Beach County both provides reimbursement for the completed services and acknowledges our continued partnership to cost share the March 24, 2015 continued services scope of work from CPE. Further, Town staff informed that should the County not agree with these items, Town staff would return to Town Council for direction at the June 9, 2015 meeting.

On April 6, 2015, Town staff delivered a reimbursement request to the County in the amount of \$292,354.25. This amount was reflective of the billing both received by CPE and paid by the Town to date for the work performed to develop the draft EIS document. On May 21, 2015, County staff provided a response to the Town that indicated their initial reimbursement could not exceed \$133,529.04 without additional authorization from the Board of County Commissioners (BCC). Additional coordination with County staff will be required in order to obtain further reimbursement for completed services and to receive a reimbursement commitment for the continued services to be completed.

Meanwhile, to assist Town Council in possible paths forward, Town staff offers the following options:

1. Full Continuation of the EIS regardless of additional County participation. To date, the cost of completing the EIS is \$1,340,480. This cost is \$340,480 above the FY 2014 \$1 million appropriation. Reappropriated funds from unused contingency for the recently completed Mid-Town Beach Renourishment Project budget and FY 2015 Sand Transfer Plant (STP) budget will be used to offset the \$340,480 difference for the Reach 8 EIS budget. To offset the overall cost, Town staff does anticipate receipt State cost-share reimbursement of \$138,256.92 and a reimbursement from the County of a minimum of \$133,529.04 within the next 30 days. Considering State cost-share and the County's minimum reimbursement, the net cost of the EIS would be \$1,068,694.04. As the lead local sponsor for this project, the Interlocal Agreement with the County outlines that the Town will initially front all funds and will seek reimbursement from the County. In addition to the budget transfer, this would require the execution and reimbursement of FDEP Grant No. 15PB2 and liquidation of the project contingency previously approved through Resolution 55-2015. This option would allow the EIS process to resume shortly after the June Town Council meeting.

2. Temporary Continuation of the EIS. The Town could authorize work to continue on the EIS, not to exceed the FY 2014 \$1 million appropriation, while the County considers additional reimbursement and a cost-share commitment from the BCC for the continued services. It is anticipated that remaining funds from the FY 2014 appropriation of approximately \$148,000 would be maximized within a few months. Should input from the County not be received at that time, further efforts would be postponed. Selection of this option would not require an additional resolution from Town Council at this time.

3. Postponement of the EIS. The Town could hold all work on the EIS until the County staff has obtained BCC approval for reimbursement of the previously completed work (as scoped with County staff in 2013) and a cost-share commitment for the continued services. Town staff would return to Town Council at a future meeting for further direction.

4. Discontinuation of the EIS. Prior to the current collaborative EIS being performed with the Town as the lead, there was a previous collaborative EIS between the Town and the County with the County as the lead local sponsor. In February 2012, County staff discontinued that EIS as a result of Countywide direction received by the BCC regarding coastal structures. In July 2013, the current collaborative EIS was initiated with the Town taking the role as the lead local sponsor. Should the Town discontinue the current EIS, this would result with repetitive dune restoration projects remaining as the only sand placement alternative in Reach 8.

Previous direction received from Town Council has been to complete the Reach 8 EIS as expeditiously as possible.

SCHEDULE UPDATE

As stated in April 2015, due to the extensive amount of work to be completed to address the comments received, the schedule for completion of the EIS has been further delayed by at least four (4) months. This delay prohibits the ability for the Town to construct any project in Reach 8 larger in size than dune restoration concurrently with the planned Phipps Ocean Park Beach Renourishment Project in Reach 7 scheduled for this coming winter. The Town is also waiting

information from County staff regarding the continued services which could cause even further delay.

An updated schedule will need to be developed by the CPE and the USACE once the continued services commence. In addition, the USACE has assigned a new project manager to this EIS.

FUNDING/FISCAL IMPACT

If option 1 is selected, reappropriated funds from the unused contingency of the recently completed Mid-Town Beach Renourishment Project budget and FY 2015 Sand Transfer Plant (STP) budget will be used to offset the \$340,480 increase for the Reach 8 EIS budget.

Options 2-4 requires no additional budget appropriations.

cc: Shore Protection Board
Jane Struder, Finance Director
Robert Weber, Coastal Coordinator
Adis Pedraza, Purchasing Manager
Dan Bates, Palm Beach County ERM

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Waiver to Town Code for Extended Construction Hours for Water Main Investigation / Replacement by The City of West Palm Beach and Approval of the Partial Closure of the Intersection of Island Road / Island Drive

Presenter

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

Supporting Documents

- [Memorandum dated May 29, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [MOT Plan](#)
- [City of WPB Request](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Waiver to Town Code for Extended Construction Hours for Water Main Investigation / Replacement by The City of West Palm Beach and Approval of the Partial Closure of the Intersection of Island Road / Island Drive

Date: May 29, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the waiver for the City of West Palm Beach to complete water main investigation / replacement outside of the Town Code of Ordinances restrictions for construction hours and partial closure of the intersection of Island Road and Island Drive.

GENERAL INFORMATION

There have been several water main breaks and repairs over the past year on the water main that runs on Island Road west from Tarpon Way across the bridge to Everglades Island. The City of West Palm Beach has completed their preliminary design of the replacement of this pipe is complete. Water for the Island Road pipe, Everglades Island, and the south portion of Worth Avenue is fed from a subaqueous crossing from West Palm Beach to the Island Road / Island Drive intersection. In order to facilitate the repair, a valve needs to be installed between the Island Road/Island Drive intersection and the bridge, very close to the intersection. This will isolate Everglades Island and provide water to it during the Island Road water line repair. Making these improvements will improve water supply reliability and redundancy.

The valve installation project will consist of two (2) activities. The first will be investigative in order to accurately locate the pipe and verify the pipe size, material, and fittings. The second activity will be the installation of the valve.

Due to the close proximity of the proposed valve and the very tight dimensions of the intersection, each activity will need three (3) individual partial road/intersection closures. The proposed maintenance of traffic (MOT) plan is attached. As we have seen during maintenance of our E-8 pump station, it is almost impossible to work in this intersection and still maintain the existing traffic pattern in all directions. The Town even minimized work to this station due to the issues associated with traffic control.

During Phase 1 and Phase 2 activities, larger vehicles on westbound Island Road wanting to go south and northbound Island Drive wanting to go east will not be able to make their turns. As such, this traffic will need to be directed to the north end of Everglades Island, turn around, and come back to the

intersection to achieve their route. Flaggers in all directions are proposed, and off-duty law enforcement will be utilized during all phases, as necessary. Steel plates will also be made available in the event the excavations need to be closed for emergency vehicles. D.S. Eakins has been selected to perform the work and they are familiar with the area and have been successful on many previous projects on the island.

Due to the significant amount of construction and landscape traffic consisting of large vehicles in this area, there will be significant congestion and delays. Although the proposed work hours are 8:00 a.m. to 6:00 p.m., there may be times that require extended hours of operation due to unexpected issues. As such, staff is requesting waiver to Town Code for construction hours to be extended to 10:00 p.m. during Phase 1, and for two to three night during Phase 2. No other waivers to work hours, construction dates, noise levels, etc. have been requested. All necessary Right-of-Way permits will be obtained and all other lane closures, if necessary, will be approved prior to the closure.

The specific dates for the work have not been established, however, the work is anticipated to commence within a month. Phase 1 is expected to take a total of seven (7) days, and Phase 2 is estimated to have a duration of 30 days. All residents will be notified door to door prior to any activity and phase and the appropriate press releases will be made.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachments

cc. Kirk Blouin, Director of Public Safety
William K. Francis, P.E., Town Engineer
Vince Messina, FPUC
Andy Lawton, Magnolia River

PHASE I

MOVING OPERATION



FOR OVERVIEW PURPOSE ONLY DRAWING NOT TO SCALE

NOTE:

THIS M.O.T. IS BASED ON MUTCD & THE FLORIDA DEPARTMENT OF TRANSPORTATION ROADWAY AND DESIGN STANDARDS. ALL TRAFFIC CONTROL DEVICES MUST BE SET AND PLACED BY PERSONS CERTIFIED IN TRAFFIC CONTROL DEVICE PLACEMENT AND PLANNING.

DISTANCE BETWEEN SIGNS

Speed	Spacing (ft.)			
	A	B	C	D**
40 mph or less	200	200	200	L
45 mph	350	350	350	L
50 mph	500	500	500	L
*55 mph or greater	2640	1640	1000	L

Table I
Device Spacing

Speed (mph)	Max. Distance Between Devices (ft.)			
	Cones or Tubular Markers		Type I or Type II Barricades or Vertical Panels or Drums	
	Taper	Tangent	Taper	Tangent
25	25	50	25	50
30 to 45	25	50	30	50
50 to 70	25	50	50	100

ISLAND DR.

ISLAND RD.



**AMERICAN TRAFFIC SAFETY
SERVICES ASSOCIATION**

This is to affirm that
Lorenzo Howell
has satisfied the requirements
to be designated as a

CERTIFIED TRAFFIC CONTROL SUPERVISOR

Cert#: 34576

Issue Date: 08/06/2013

Expiration Date: 08/06/2017

Ryan A. Wintz
Certification Board

Legend

- Work Area
- Channelized Devices



M.O.T.

Design by: Lorenzo Howell



ISLAND RD. @ ISLAND DR.
PALM BEACH COUNTY, FLORIDA
DOUG 561-346-0266

PHASE II

MOVING OPERATION



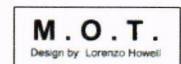
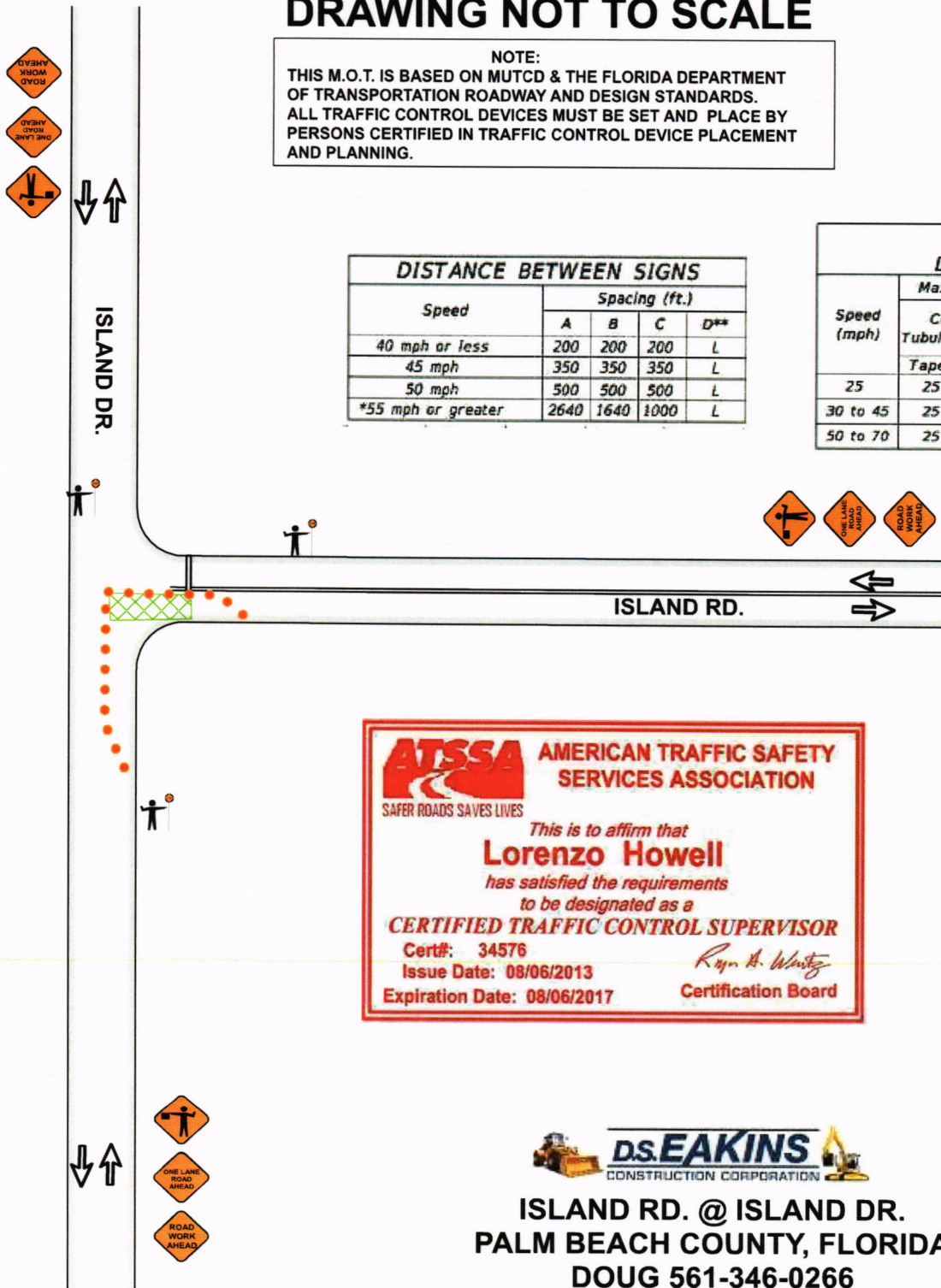
FOR OVERVIEW PURPOSE ONLY DRAWING NOT TO SCALE

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DISTANCE BETWEEN SIGNS				
Speed	Spacing (ft.)			
	A	B	C	D**
40 mph or less	200	200	200	L
45 mph	350	350	350	L
50 mph	500	500	500	L
*55 mph or greater	2640	1640	1000	L

Table I Device Spacing				
Speed (mph)	Max. Distance Between Devices (ft.)			
	Cones or Tubular Markers		Type I or Type II Barricades or Vertical Panels or Drums	
	Taper	Tangent	Taper	Tangent
25	25	50	25	50
30 to 45	25	50	30	50
50 to 70	25	50	50	100



ISLAND RD. @ ISLAND DR.
PALM BEACH COUNTY, FLORIDA
DOUG 561-346-0266

PHASE III

MOVING OPERATION



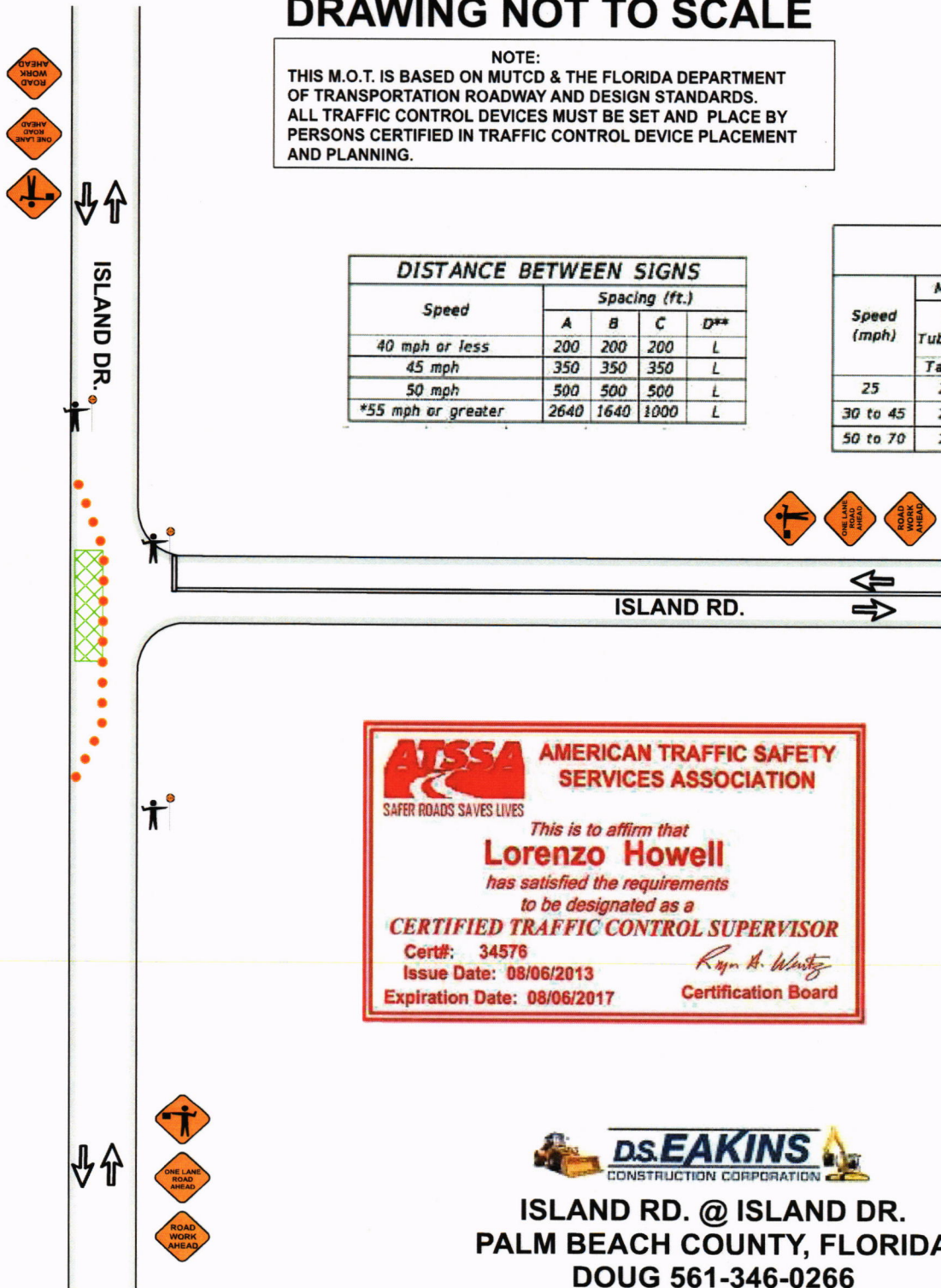
FOR OVERVIEW PURPOSE ONLY DRAWING NOT TO SCALE

NOTE:

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DISTANCE BETWEEN SIGNS				
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25	25	50	25	50
30 to 45	25	50	30	50
50 to 70	25	50	50	100



Legend	
	Work Area
	Channelized Devices



M.O.T.
Design by Lorenzo Howell



ISLAND RD. @ ISLAND DR.
PALM BEACH COUNTY, FLORIDA
DOUG 561-346-0266



Island Road and Island Drive Intersection - Water Main Improvements

VGalav

to:

WFrancis, PBrazil

05/27/2015 02:31 PM

Cc:

CLangley, DTerry, SDKelly

Hide Details

From: VGalav@wpb.org

To: WFrancis@TownofPalmBeach.com, PBrazil@TownofPalmBeach.com

Cc: CLangley@TownofPalmBeach.com, DTerry@TownofPalmBeach.com,

SDKelly@wpb.org

History: This message has been replied to.

Paul and William,

The City of West Palm Beach is proposing to make water main improvements at the intersection of Island Road and Island Drive. These improvements entail connecting the existing 8-inch water main that runs south along Island Drive to the existing 20-inch water main. Making these improvements will improve water supply and will provide for a redundant source of water.

The project will occur in two phases: Exploratory phase (Phase I) and Construction (Phase II). The goal of Phase I is to identify the material, condition, depth and other necessary information about the existing utilities that are in the ground. Phase I will take approximately seven (7) days to complete.

Subsequent to the completion of Phase I, the City will develop engineering drawings and then start the necessary construction at this intersection. Although the results of Phase I will provide a more exact timeline for the construction; the City anticipates the Phase II will take approximately thirty (30) days to complete.

The City will provide construction notifications to all the residents and the contractors on the Everglades Island.

Construction will occur during normal business hours of 8:00AM to 6:00PM. However, in case of emergency or if traffic conditions warrant, construction may continue until 10:00 PM during Phase I. In addition, during Phase II of the project, the City may have to work two to three nights to expedite this project.

Access to all homes will be maintained at all times. The City is requesting that the Town provide the services of a Police Officer during both phases of construction.

Thanks.

Vivek

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Waiver to Town Code for Extended Construction Hours for Gas Main Construction by Florida Public Utilities Company (FPU)

Presenter

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

Supporting Documents

- [Memorandum dated May 20, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [FPU Request for Waiver](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Waiver to Town Code for Extended Construction Hours for Gas Main Construction by Florida Public Utilities Company (FPU)

Date: May 20, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the waiver to Florida Public Utilities Company (FPU) for gas main construction outside of the Town Code of Ordinances restrictions for construction hours.

GENERAL INFORMATION

There have been numerous natural gas supply reliability issues at various locations throughout the Town recently, primarily due to the age of the existing gas mains. As part of an aggressive replacement program, FPU, its consultants, and contractors, have commenced with four (4) major gas main replacement projects at various locations throughout the island. These areas include most streets from Country Club Road to Royal Poinciana Way, and Island Road to Southern Boulevard.

Due to the significant amount of work, FPU has requested extended construction hours, as necessary, in order to ensure that this summer's work is complete by November 1, 2015, or sooner. The requested extended hours are Monday through Friday, 8:00 a.m. to 8:00 p.m. The extended hours will only be utilized periodically as the schedule dictates in order to meet the scheduled completion date.

No other waivers to work hours, construction dates, etc. have been requested. All necessary Right-of-Way permits have been obtained and all lane closures, if necessary, will be approved prior to the closure.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

Attachments

cc. Kirk Blouin, Director of Public Safety
William K. Francis, P.E., Town Engineer
Vince Messina, FPU
Andy Lawton, Magnolia River



William K. Francis, P.E.
Town Engineer – Town of Palm Beach
951 Old Okeechobee Road
West Palm Beach, FL 33401

Re: Request for Extended Working Hours for FPUC Replacement Projects

Dear Mr. Francis:

Please consider this letter as a formal request to extend the Town of Palm Beach's standard working hours as follows for Florida Public Utilities' authorized construction contractors performing work for FPU's Gas Reliability Infrastructure Program (GRIP):

- 8AM-8PM Monday-Friday
- 8AM-6PM Saturday

FPU is requesting this adjustment for the duration of the 2015 construction season.

Please feel free to contact me with any questions relating to this request.

Sincerely,

Vince Messina
GRIP Project Manager
Florida Public Utilities Company
1641 Worthington Road, Suite 220
West Palm Beach, FL 33409
(561) 236-8899

CC: Eric Sample, Chris Livingston



TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

RESOLUTION NO. 77-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Applied Technology & Management, Inc., for Continued Professional Engineering Services of the Lake Worth Lagoon Waterway Project, in an Amount Not-to-Exceed \$34,549, and establishing a Federal Permitting and Construction Plans and Specifications Task Budget of \$39,000.

Presenter

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

Supporting Documents

- [Memorandum dated May 29, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 77-2015](#)
- [ATM Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of Purchase Order for Continued Professional Engineering Services for Lagoon Dredging and Accept Donation for Construction
Resolution 77-2015

DATE: May 29, 2015

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution 77-2015, authorizing the Town Manager to approve a purchase order to Applied Technology & Management, Inc. (ATM) in an amount not-to-exceed \$34,549 for the Additional Federal Permitting Efforts and Construction Plans and Specifications, in support of a construction bid solicitation, and to establish a task budget of \$39,000.

Town staff further recommends that Town Council authorize the receipt of donations from Palm Beach Intracoastal Neighbors, Inc. (PBIN) to entirely fund project construction.

GENERAL INFORMATION

On June 11, 2013, Town Council approved Resolution No. 97-2013, authorizing the Town Manager to approve a purchase order to Applied Technology & Management, Inc. (ATM) for professional engineering services related to a Lake Worth Lagoon Waterways project. This purchase order was funded by donations received by the Palm Beach Intracoastal Neighbors, Inc. (PBIN). PBIN is an organization consisting of a group of lagoon-front residents that have worked to develop a project to dredge a set of access channels in the Lake Worth Lagoon.

With State permitting completed and three (3) separate permits received by the Town, the previous authorization has been exhausted. Federal permitting is still underway and final plans and specifications need to be developed to support a bid solicitation for a construction contractor. The Town has received a scope of work proposal from ATM, dated May 27, 2015, in the amount of \$34,549 to continue the Federal permitting process and to develop construction plans and specifications. Sufficient funds, previously donated from PBIN, currently exist in the Town's accounts to cover the cost of the ATM's scope of work and a task budget of \$39,000.

PBIN would like the professional engineering services to continue so that a bid solicitation could be made with construction to occur later in the calendar year upon receipt of the Federal permits.

Additionally, PBIN would like to provide the Town with the donation funds necessary to construct the project. Town staff requests that Town Council authorize the Town Manager to accept these funds, based on the engineer's estimate, before the project is bid. Sufficient funds necessary for construction would be received before future Town Council consideration and award of a construction contract.

FUNDING/FISCAL IMPACT

This project has no funding/fiscal impact to the Town as all work is performed through donation from residents.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

cc: Jane Struder, Finance Director
Robert Weber, Coastal Coordinator
Adis Pedraza, Purchasing Manager
Rick Asnani, PBIN

RESOLUTION NO. 77-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO APPLIED TECHNOLOGY & MANAGEMENT, INC., FOR CONTINUED PROFESSIONAL ENGINEERING SERVICES OF THE LAKE WORTH LAGOON WATERWAY PROJECT, IN AN AMOUNT NOT-TO-EXCEED \$34,549, AND ESTABLISHING A FEDERAL PERMITTING AND CONSTRUCTION PLANS AND SPECIFICATIONS TASK BUDGET OF \$39,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Applied Technology & Management, Inc., in an amount not-to-exceed \$34,549 for continued professional engineering services for Federal permitting and development of construction plans and specifications for the Lake Worth Lagoon Waterway Project, and establishes a task budget for said services of \$39,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of June 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



2047 VISTA PARKWAY, SUITE 201

WEST PALM BEACH, FL 33411

(561) 659-0041 FAX 659-3733

WWW.APPLIEDTM.COM

Work Proposal

Town of Palm Beach

Applied Technology & Management

Consulting Services

For

Waterway Dredging – Additional Federal Permitting Efforts and Construction Plans and Specifications Development

May 27, 2015

This Work Order, when executed, shall be incorporated in and become an integral part of the Agreement for Professional Services between the Town of Palm Beach, Florida (Town), and Applied Technology & Management (ATM), dated July 8, 2009, hereafter referred to as the Agreement.

Project Background

This proposal provides consulting services in support of the access channel maintenance dredging program as reflected in concept by the presentations made by Town Staff and by the Palm Beach Intracoastal Neighbors (PBIN) Association. The access channel maintenance dredging project has progressed to the point that the Town has been issued State FDEP permits for the maintenance dredging for the North, Central, and South Access Channels and associated existing docks. Further effort is required to obtain the Federal Permits for these areas. Further effort is required to prepare a plans and specifications package suitable for project bidding by the Town. Existing permit-level drawings for the proposed projects need to be advanced to the detail level required for biddable construction project drawings. Technical Specifications and a bid package need to be developed. In addition this proposal includes additional scope and budget to assist with the bidding process.

Coastal, Environmental, Marine, and Water Resources Engineering

SCOPE OF SERVICES

Task 1: Permitting

Under this task, ATM will complete all required permit related forms, responses, and submittals for the completion of the Federal permitting process for the maintenance dredging for the North, Central, and South Access Channels and associated existing docks. ATM will meet, coordinate, correspond, and support USACE and Federal application review including the preparation of responses to Requests for Additional Information (RAI's) as necessary to support permit issuance.

Task 1 Deliverable: ATM will provide the Town with all correspondence and meeting summaries of all meetings with the USACE and/or NMFS and copies of all federal permits issued.

Task 2: Construction Documents and Bid Support

Under this task, ATM will advance the existing permit level drawings to bid level construction project drawings and develop technical specifications for the maintenance dredging for the North, Central, and South Access Channels and associated existing docks. A bid form will be created for incorporation in the bid package and an engineer's estimate of probable cost will be produced.

ATM will support the Town's public bidding process including support for a pre-bid meeting, review and preparation of responses (bid addendums) to potential contractor's Requests For Information (RFI's). ATM will support the review and evaluation of bids received and prepare a recommendation to award.

Task 2 Deliverables:

- Construction level project drawings
- Project specific Technical Specifications
- Project specific Bid Form and engineer's estimate of probable cost
- Public bid, bidder question, addenda, and bid evaluation support, as needed.
- Recommendation for bid award

FEES

Invoicing shall be on a time and materials basis not to exceed the total task budget of **\$34,549** outlined herein.

SCHEDULE

ATM can initiate services immediately upon receipt of Notice to Proceed (NTP). The following schedule is assumed.

TASK	ESTIMATED COMPLETION
Task 1: Permitting	Upon Issuance of Federal Permit
Task 2: Construction Documents and Bid Support	Upon Completion of Bid Review

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Request to Close Bradley Place from Atlantic Avenue to Wells Road for Water Main Replacement

Presenter

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

Supporting Documents

- [Memorandum dated May 26, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Request from City of West Palm Beach](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Request to Close Bradley Place from Atlantic Avenue to Wells Road for Water Main Replacement

Date: May 26, 2015

STAFF RECOMMENDATION

The City of West Palm Beach is requesting approval from Town Council for a full road closure of Bradley Place from Atlantic Avenue to Wells Road to replace a water main. Staff does not recommend approval.

GENERAL INFORMATION

The City of West Palm Beach requested a Right of Way permit for the project. Due to the numerous road closures and construction activity in the vicinity of the project, the request was denied by Public Works. The City has decided to appeal that decision and request approval from Town Council for the road closure.

The City of West Palm Beach is seeking approval for a full road closure of Bradley Place from Atlantic Avenue to Wells Road. The road closure is anticipated to start late June and be in place until the end of November. The City will be replacing a 12-inch water main which in the past has had leak issues and was part of a legal dispute with a Town resident.

The full road closure request is based on the City's as-built information showing the location of the water main near the center line of the road. The City intends to replace the 12-inch water main in the same location as the existing, based on the utility conflicts in that same corridor. Their work will also include construction of a temporary water main to maintain water service to residents in the area.

The City's contractor will maintain and coordinate, at a minimum, access for residents to their homes within the construction limits. If the contractor determines that the water main is further to one side of the road, and they could safely excavate and work on the main, then City and Town staff would direct them to maintain a single lane of traffic. We do not know if this will be possible.

While reviewing this request from the City of West Palm Beach, Town staff would also like to make Town Council and the Public aware of the other impacts to the residents in the vicinity and, more specifically, those residents to the north of the proposed construction. Listed are the ongoing or will be ongoing construction projects that have been approved by Town Council for this summer:

1. North Ocean Seawall located on North Ocean Boulevard from Country Club Road to Bahama Lane: North Ocean Boulevard has been reduced to only one lane north bound for the duration of the project. The seawall work is currently ongoing and the single lane closure is expected to remain in place until late November.
2. D-10 Pump Station at N. Lake Way and Via Marila. Residents can expect there will be general construction traffic in this area. They can also expect short term lane closures for deliveries and a day or two long lane closure in June for FPL to install a transformer. A short term full road closure can also be expected sometime in July. This will also include a closure of Via Marila at North Lake Way.
3. D-4 Pump Station is on N. Lake Way just south of Miraflores Drive: Residents can expect there will be general construction traffic in this area. They can also expect short term lane closures for deliveries and a day or two long lane closure in June for FPL to install a transformer. A short term full road closure can also be expected sometime in July.
4. D-3 and the E-6 Pump Station at west end of Tangier Avenue: Residents can expect there will be general construction traffic in this area. Work is expected to be contained on Tangier Avenue west of N. Lake Way.
5. D-12 Storm Water Pump Station Electrical Improvements Phase I to replace the main conductors from the control building at Seminole Avenue to the wetwell on Everglades Avenue is currently on the June 09, 2015 Town Council Agenda. This work is expected to last approximately 4 weeks and is anticipated to start in mid-July. Residents can expect the south bound lane of Bradley Place from Everglades Avenue to Seminole Avenue to be closed periodically during daylight hours while the contractor pulls main conductors. During the project, Bradley Place would be reopened to full traffic every evening.
6. Florida Public Utilities is currently working on replacing their gas mains on all streets from the Country Club to Royal Poinciana Way and along North County Road and North Lake Way/Bradley Place. FPU's work is scheduled to last through the summer and residents at a minimum can expect periodic lane closures with flagmen. All roads should be reopened to two way traffic during the night time hours.
7. Sanitary Sewer Force Main Rehabilitation construction is anticipated to start in late June and be completed by mid to late October. Work will be on Royal Poinciana Way (eastbound lanes impacted only) from Coconut Row to South County Road, South County Road from Royal Poinciana Way to Barton Avenue, and on Royal Palm Way (eastbound lane impacted only) from the Bridge to South Ocean Boulevard. Residents can expect the eastbound lanes to be reduced down to one lane on both Royal Poinciana Way and on Royal Palm Way. On South County Road, residents can expect lanes to be reduced to one north bound and one south bound. There will also be partial intersection closures at Coconut Row and Royal Palm Way, Royal Palm Way and South Ocean Boulevard, Barton Avenue and South County Road and South County Road and Royal Poinciana Way. The Intersection closures may last a couple of weeks, but are not expected to last the duration of the project.

In addition to the work listed above, staff is not able to determine the impacts of residents who may request right of way permits for work related to their properties. The Building Department and Public Works would have to review those on a case by case basis.

Attachment

cc: Kirk Blouin, Director of Public Safety
John Page, Director Planning, Zoning and Building
William K. Francis, P.E., Town Engineer
Allen Powery, Public Works Inspector

The City of West Palm Beach



PUBLIC WORKS DEPARTMENT
P. O. Box 3506
West Palm Beach, Florida 33402-3506
TEL: (561) 494-1040
FAX: (561) 494-1116

"The Capital City of the Palm Beaches"

May 20, 2015

Michael Roach, P.E., Project Engineer
Town of Palm Beach
951 Old Okeechobee Road, Suite "A"
West Palm Beach, FL 33401

Subject: Request for Consideration for Road Closure to accomplish the Bradley Place Water Main Replacement construction project from Atlantic Avenue to Wells Road

Dear Mr. Roach:

As you are aware, the City is preparing to move forward with the water main replacement construction project on Bradley Place this summer. The project extends from the intersection of Atlantic Avenue to Wells Road for a total length of approximately 800 feet. It is expected that the award of contract with Foster Marine Contractor will be formalized in the next two weeks with tentative start of construction by late June 2015 to completed no later than November 30, 2015 (4 months to substantial completion and 5 months to final completion).

The scope of work involves installation of temporary water main and services; removal of the existing water main and installation of a new 12-inch pipeline that is in close proximity of the existing pipe alignment; and installation and replacement of water services from the new pipeline to the meter boxes behind the east and west curb lines.

At this time, a formal traffic control plan and construction phasing submittal from the City Contractor is not available. However, because the location of the existing water line is very close to the centerline of the road, and based on the proposed pipe excavation for the temporary water line installation, water main removal and installation, water service trench cuts, spoils placement, and truck hauling activities, it has been identified that there is a need to close Bradley Place to through traffic to allow the Work to be safely and expeditiously executed. Access to local traffic will be maintained throughout the project duration. Please see the proposed trench cuts on Sheet C-9 Cross Sections attached.

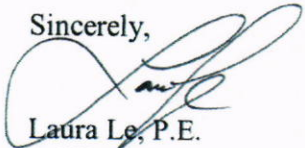
Request for Closure of Bradley Place

May 20, 2015

Page 2

The City is requesting the Town's consideration and approval to close Bradley Place to through traffic for the construction duration of this project. If, upon further field investigation and review of the traffic control plan and sequencing plan from the City's Contractor, it is found that one lane of through traffic can be maintained then the City will work with Town staff to do so. Please do not hesitate to contact me at (561) 494-1093 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Le', is written over the printed name.

Laura Le, P.E.
Public Utilities Engineer

Attachment

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 15-2015 An Ordinance of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Amending The Town Code of Ordinances At Chapter 114 Taxation, Article II, Local Business Tax, At Section 114-43 Schedule, So As To Amend The Fees Delineated For Each Business, Profession Or Occupation; Providing For Severability; Providing For Repeal of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

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

Supporting Documents

- [Ordinance No. 15-2015](#)

ORDINANCE NO. 15 - 2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 114 TAXATION, ARTICLE II, LOCAL BUSINESS TAX, AT SECTION 114-43 SCHEDULE, SO AS TO AMEND THE FEES DELINEATED FOR EACH BUSINESS, PROFESSION OR OCCUPATION; 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, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 114 of the Town Code of Ordinances relating to Local Business Taxes, is hereby amended at Section 114-43, SCHEDULE, by increasing Business Taxes as set forth herein.

Sec. 114-43. Schedule.

A business tax is hereby levied upon and shall be collected from every person, firm or corporation exercising the privileges or carrying on or engaging in the business, professions or occupations hereinafter specifically enumerated, as fixed hereinafter; each of such amounts, unless otherwise specifically stated, being the amounts payable as a business tax for exercising such privilege or for carrying on or engaging in such business, profession or occupation mentioned, for each year.

A

ABSTRACTORS OF TITLE	\$	402.00
ACCOUNTANT, AUDITOR, C.P.A. FIRM (Includes One Professional)	\$	402.00
ACCOUNTANT, AUDITOR, C.P.A.	\$	402.00
ADULT ENTERTAINMENT	\$	1,160.00
ADMINISTRATIVE OFFICE	\$	326.00
ANSWER PHONE (Support Business Services)	\$	402.00
APARTMENTS, (See RENTAL DWELLINGS)		
ARCHITECT	\$	402.00
ART GALLERY, UP TO 400 SQ. FT	\$	170.00

ART GALLERY, 401 - 2,000 SQ. FT	\$ 402.00
ART GALLERY, 2,001 - 4,000 SQ. FT	\$ 464.00
ART GALLERY, 4,001 - 8,000 SQ. FT	\$ 927.00
ART GALLERY, OVER 8,000 SQ. FT	\$ 1,393.00
ARTIST	\$ 309.00
ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT	\$ 421.00

B

BAKERY	\$ 201.00
BANK, TRUST COMPANY	\$ 1,162.00
BARBER	\$ 153.00
BARBER, SHOP (Includes One Barber)	\$ 153.00
BEAUTY SHOP (See COSMETOLOGY SALON)	
BICYCLE SHOP, RENTALS	\$ 153.00
BICYCLE SHOP, SALES (See MERCHANTS)	
BOAT DEALER (Yacht Broker)	\$ 309.00
BROADCASTING STATION (Radio Or TV)	\$ 447.00
BROKER	\$ 402.00
BROKERAGE/INVESTMENT COMPANY (Includes One Broker)	\$ 1,162.00
BUSINESS OFFICE ONLY (Two People Maximum)	\$ 201.00

C

CAR RENTAL AGENCY	\$ 618.00
CATERING	\$ 201.00
CHIROPRACTOR	\$ 402.00
COIN-OPERATED MACHINES (Inside, Exclusive Of Newsracks)	\$ 107.00
CONSULTANT	\$ 402.00
CONTRACTOR OFFICE (Construction)	\$ 447.00
COSMETOLOGIST, INDIVIDUAL	\$ 153.00
COSMETOLOGY SALON (Includes One Cosmetologist)	\$ 153.00

D

DANCE INSTRUCTOR	\$	201.00
DANCE STUDIO/SCHOOL	\$	402.00
DENTIST	\$	402.00
DINING ROOM, 40 CHAIRS OR LESS (Hotel, Business, Etc.)	\$	201.00
PLUS, FOR EACH CHAIR UP TO 40	\$	3.15
DINING ROOM, OVER 40 CHAIRS (Hotel, Business, Etc.)	\$	402.00
PLUS, FOR EVERY CHAIR	\$	3.15
DINING, CLUB (See DINING ROOM)		

E

ELECTRIC LIGHT COMPANY	\$	349.00
EMPLOYMENT AGENCY	\$	402.00
ENGINEER	\$	402.00

F

FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	\$	46.00
FULL SPECIALIST	\$	46.00
FULL REGISTRATION	\$	46.00

G

GAS COMPANY	\$	349.00
GOLF COURSE	\$	447.00

H

HEALTH STUDIO	\$	402.00
HOTEL, 10 ROOMS OR LESS	\$	61.00
HOTEL, MORE THAN 10 ROOMS	\$	61.00
PLUS EACH ADDITIONAL ROOM	\$	7.35

I

INSURANCE BROKER, COMPANY/AGENCY	\$	402.00
INSURANCE SALESPERSON	\$	201.00
INTERIOR DECORATOR	\$	402.00
INTERIOR DESIGNER	\$	402.00

J

JEWELER	\$	697.00
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L

LAW FIRM (Includes One Lawyer)	\$	402.00
LAWYER	\$	402.00

M

MASSAGE THERAPIST, INDIVIDUAL	\$	402.00
MASSAGE ESTABLISHMENT (Includes One Massage Therapist)	\$	402.00
MERCHANT, UP TO 400 SQ. FT.	\$	170.00
MERCHANT, 401 - 2,000 SQ. FT.	\$	402.00
MERCHANT, 2,001 - 4,000 SQ. FT.	\$	464.00
MERCHANT, 4,001 - 8,000 SQ. FT.	\$	927.00
MERCHANT, OVER 8,000 SQ. FT.	\$	1,393.00
MORTGAGE BROKER	\$	402.00
MORTGAGE COMPANY	\$	402.00
MOTOR SCOOTER AND MOTORCYCLE RENTAL	\$	1,256.00
MUSIC SERVICE	\$	402.00

N

NAIL REGISTRATION (FV) OR NAIL SPECIALIST (FT)	\$	46.00
NEWSPAPER - SEE PUBLISHER		
NIGHTCLUB WITH DANCE FLOOR	\$	1,160.00
NIGHTCLUB WITHOUT DANCE FLOOR	\$	759.00
NURSE	\$	402.00
NURSING AGENCY (Includes One Nurse)	\$	402.00

Q

OPTICIAN	\$	402.00
OPTOMETRIST	\$	402.00

P

PARKING GARAGE	\$	402.00
PARKING LOT (See Chapter 22, Article VI, Parking Lots For Further Provisions)	\$	201.00
PHARMACIST (Individual)	\$	402.00
PHARMACY (Includes One Pharmacist)	\$	402.00
PHOTOGRAPHER	\$	201.00
PHYSICIAN	\$	402.00
PRINTING COMPANY	\$	402.00
PROFESSION NOT LISTED	\$	402.00
PROPERTY MANAGEMENT	\$	201.00
PUBLIC RELATIONS	\$	402.00
PUBLISHER	\$	402.00

R

REAL ESTATE BROKER	\$	402.00
RENTAL DWELLINGS, PER UNIT (Minimum Two Units)	\$	39.00
REPAIR SHOP (Other Than Auto)	\$	402.00
RESTAURANT, 40 CHAIRS OR LESS	\$	201.00
PLUS, FOR EVERY CHAIR UP TO 40	\$	3.15
RESTAURANT, MORE THAN 40 CHAIRS	\$	402.00
PLUS, FOR EACH CHAIR	\$	3.15

S

SAVINGS AND LOAN ASSOCIATION	\$	1,162.00
SCHOOL, PRIVATE	\$	402.00
SECURITY AGENCY, PRIVATE (Includes One Security Officer)	\$	201.00
SECURITY OFFICER, PRIVATE	\$	30.00

SERVICE STATION (Includes Auto Repair)	\$	447.00
SERVICES, UNLISTED	\$	201.00
SWIMMING POOLS, PUBLIC	\$	402.00

T

TALENT AGENCY	\$	402.00
TAXICABS, EACH COMPANY OR STAND	\$	309.00
TELECOMMUNICATIONS COMPANY (Formerly Telegraph)	\$	349.00
TELEPHONE COMPANY	\$	349.00

Nothing in this chapter will be construed as requiring a license tax
for coin-operated telephones

THEATER	\$	1,393.00
PLUS EACH SEAT	\$	2.10
TRAVEL BUREAU/AGENCY	\$	402.00
TRUST AGENCY	\$	1,162.00

U

UNCLASSIFIED BUSINESS NOT LISTED	\$	326.00
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V

VETERINARIAN	\$	402.00
VETERINARIAN ESTABLISHMENT	\$	402.00

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of May, 2015, and for second and final reading on this 9th day of June, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem



Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 16-2015 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; at Article XIII, Moveable Fixtures in the Right-of-Way; at Section 106-291, Certificate of Compliance Required; at Section 106-292, Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; at Section 106-293, Prohibited Locations; at Section 106-294, Insurance and Indemnification; at Section 106-296, Enforcement; at Section 106-297, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Ordinance No. 16-2015](#)

ORDINANCE NO. 16-2015

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; AT ARTICLE XIII, MOVEABLE FIXTURES IN THE RIGHT-OF-WAY; AT SECTION 106-291, CERTIFICATE OF COMPLIANCE REQUIRED; AT SECTION 106-292, STANDARDS FOR NEWSRACK AND MODULAR NEWSRACKS INCLUDING MAINTENANCE, INSTALLATION AND LOCATIONS; AT SECTION 106-293, PROHIBITED LOCATIONS; AT SECTION 106-294, INSURANCE AND INDEMNIFICATION; AT SECTION 106-296, ENFORCEMENT; AT SECTION 106-297, 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. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Section 106-291, Certificate of Compliance Required, at Section 106-292, Standards for newsrack and modular newsracks including maintenance, installation and locations, at Section 106-293, Prohibited Locations, at Section 106-294, Insurance and indemnification, at Section 106-296, Enforcement, at Section 106-297, Appeals to read as follows:

“Sec. 106-291 – Certificate of compliance required.

The controlling entity of any newspaper, written periodical or advertising circular distributed from any newsrack or modular newsrack location within a public right-of-way within the town shall notify the chief of police or his/her designee, in writing, of the location or change of location of any such newsrack or modular newsrack by filing a certificate of compliance in accordance with the provisions of this section no later than 14 days after the placement or relocation of the newsrack or modular newsrack. ~~All newsracks and modular newsracks currently located within town rights of way must be in compliance with the terms of this article. within 30 days of the date of its adoption, however, 90 days from the date of adoption shall be allowed for the requirement of replacement of modular units in place of newsracks.~~

- (1) *Reviewing and enforcement authority.* The authority responsible for reviewing the certificates of compliance to verify compliance with the ordinance provisions and enforcing the terms of this article shall be the chief of police or his/her designee.
- (2) *Certification.* The controlling entity shall file with the chief of police or his/her designee a written certificate of compliance which shall contain the following information:
 - a. The name, address and telephone number of the controlling entity, which is the owner and/or principal responsible for the newsrack(s) or modular newsrack(s).
 - b. The name, address and telephone number of a responsible person whom the town may notify or contact at any time concerning the controlling entity's newsrack(s) or modular newsrack(s), including notification for enforcement purposes.
 - c. The proposed location of the newsrack(s) or modular newsrack(s).
 - d. Names of newspapers or periodicals to be contained in each newsrack or modular newsrack.
 - e. A certification that the newsrack(s) or modular newsrack(s) is (are) installed in conformance with the provisions of this article in their entirety.
 - f. Executed indemnification agreement and insurance certificate in compliance with section 106-291

More than one newsrack or modular newsrack location may be included on a certificate of compliance.

- (3) *Denial of certificate of compliance.* If a certificate of compliance for a newsrack or modular newsrack location is incorrect, or the newsrack or modular newsrack is not located, maintained, or installed in conformity with the certification or this section, the certificate of compliance shall be deemed denied, and an order to correct the violation shall be issued pursuant to section 106-296.
- (4) *Fees.* The owner of any newsrack located on any right-of-way within the town shall pay to the town an annual administrative fee in an amount established by resolution adopted by the town council, as may be amended from time to time, for each newsrack located on the town right-of-way. Said fees shall be used for purposes of defraying the costs of administering this article and of inspection of newsracks and modular newsracks located within the town.

(Ord. No. 19-98, § 1, 3-9-99; Ord. No. 34-10, § 2, 1-11-11)

“Sec. 106-292 – Standards for newsrack and modular newsracks including maintenance, installation and locations.

(7) Locations.

- a. Newsracks and modular newsracks shall be located only in the following locations on town rights-of-way within the town in a manner and location directed by the chief of police or his designee:
 1. Sunrise Avenue, southeast corner of Sunrise and Bradley, south side of Sunrise. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of 12 newsracks shall be located within the enclosure provided by the town, and a maximum of 12 nonpaid publications may be located in a modular unit at this location.
 2. Sunset Avenue, northeast corner of Sunset and Bradley, north side of Sunset. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of nine newsracks shall be located within the enclosure provided by the town, and a maximum of six nonpaid publications may be located in a modular unit at this location.
 3. North County Road, south side of Sunrise, west of North County Road. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of eight newsracks shall be located within the enclosure provided by the town, and a maximum of eight nonpaid publications may be located in a modular unit at this location.
 4. South County Road in front of Mobil station, west side of street. All newsracks and/or modular units shall be placed in the enclosure provided by the town. A maximum of six newsracks shall be located within the enclosure provided by the town, and a maximum of

three nonpaid publications may be located in a modular unit at this location.

5. South County Road, west side of South County Road just north of Chilean Avenue. All newsracks and/or modular units shall be placed in the enclosure provided by the town. A maximum of five newsracks shall be located within the enclosure provided by the town.
6. South County Road between Worth Avenue and Peruvian, east side of street. Modular units only, no newsracks. A maximum of 21 publications may be located within modular units at this location.
7. Peruvian, southeast corner of Peruvian and Coconut, south side of street. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of eight newsracks shall be located within the enclosure provided by the town, and a maximum of seven nonpaid publications may be located in a modular unit at this location.
8. Hibiscus between Peruvian and Chilean Avenue, east side of street. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of seven newsracks shall be located within the enclosure provided by the town, and a maximum of four nonpaid publications may be located in a modular unit at this location.
- ~~9. Worth Avenue, east end of the Esplanade, south side of street/100 block. Modular units only, no newsracks. A maximum of 18 publications may be located within modular units at this location.~~
- ~~10. South Ocean Boulevard, 2875 South Ocean Boulevard, east side of street. Modular units only, no newsracks. A maximum of 25 publications may be located within modular units at this location.~~

- (8) The color of the modular newsracks shall have forest green bases and forest green sides and doors. ~~A color sample is available in the office of the chief code compliance officer.~~
- (9) The controlling entity shall maintain each moveable fixture in a neat and clean condition, and in good repair at all times. Each moveable fixture shall be maintained so that:
- a. It is free of graffiti.
 - b. It is reasonably free of dirt and grease.
 - c. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
 - d. It is reasonably free of rust and corrosion in the visible metal areas thereon.
 - e. The clear plastic or glass parts thereon, if any, through which the publications are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration.
 - f. The paper or cardboard parts or inserts thereof are reasonably free of tears, and are not peeling or tearing.
 - g. The structural parts are not broken or unduly misshapen.
 - h. The surrounding area upon which the newsrack or modular newsrack is placed will also be maintained in a neat and orderly condition.
- (10) The use of a bench for advertising purposes is strictly prohibited.
- (11) Any newsrack or modular newsrack being installed, placed or maintained on a public right-of-way, street or sidewalk or other public property shall be installed in a safe and secure manner so as to prevent the newsrack or the modular newsrack from being stolen or becoming a hazard in severe weather. At any time the total weight of the newsrack or modular newsrack and any weighting device shall not be less than 125 pounds.
- (12) In the event of the issuance of a hurricane warning by any entity with jurisdiction to issue such a warning, the newsrack shall be secured to the ground or placed in such a manner so that the newsrack is parallel to the ground.
- ~~(13) The controlling entity of a modular newsrack or newsrack shall not recover or collect, from entities placing for distribution publications in a newsrack, or modular newsrack payments in excess of the actual cost of the newsrack or modular newsrack, and the actual reasonable costs for maintenance. The cost of~~

~~the modular newsrack may be prorated in proportion to the size of the individual module in a modular newsrack. The cost of a modular newsrack or newsrack may be paid over a 36-month period, or less, in equal monthly installments. The annual maintenance costs may be also paid in equal monthly installments. In no event, however, shall a controlling entity collect payments over the actual costs referred to above, once recaptured. The controlling entity shall file a document with the chief code compliance officer illustrating the monthly cost computations.~~

(13) The town may order the removal of modular newsracks from public rights-of-way and town property in order to serve as a controlling entity of modular newsracks to ensure uniformity and compatibility of style.

(14) Modular newsracks shall not be placed in a manner to obstruct other modular newsracks.

(15) Moveable fixtures shall be installed and maintained by the controlling entity or their agent or designee in conformity with existing town ordinances. Any moveable fixture found to be in violation of the town ordinances is subject to the enforcement provisions of section 106-296 and subject to abandonment where indicated by section 106-295

(Ord. No. 19-98, § 1, 3-9-99; Ord. No. 34-10, § 3, 1-11-11)

“Sec. 106-293 – Prohibited locations

(a) Landscaped areas. Moveable fixtures shall not be placed or installed or erected on any landscaped area within an improved public right-of-way or public property. The landscaped areas include, but are not limited to, those areas in which the following ground cover material is placed:

- (1) Decorative plants; or
- (2) Native plants maintained to match the surrounding flora.

(b) Public utilities. Moveable fixtures shall not be placed, installed or erected to obstruct the use of any public utility pole or structure. These areas are designated as follows:

- (1) Drainage structures. Moveable fixtures shall not be physically attached, chained or bolted to any drainage structure, inlet pipe or other physical object meant to carry water for drainage purposes.

- (2) Utility poles. Moveable fixtures shall not be physically attached, chained or bolted to a utility pole.
- (3) Fire hydrants. Moveable fixtures shall not be located within 15 feet of a fire hydrant.
- (c) Traffic control devices. Moveable fixtures shall not be physically attached, chained, bolted or erected to obstruct the function of traffic signals, traffic signs or pavement markings. These areas shall be designated as follows:
 - (1) Traffic signals.
 - a. Moveable fixtures shall not be physically attached, bolted or chained to a traffic signal pole.
 - b. Moveable fixtures shall not be placed in such a manner which obstructs the free pedestrian flow to and from a pedestrian traffic signal push button. In order to allow for the free pedestrian flow, and handicap access, to and from pedestrian traffic signal push buttons, moveable fixtures shall be placed at least 36 inches away from such pedestrian traffic signal push buttons.
 - (2) Traffic signs. Moveable fixtures shall not be physically attached, bolted or chained to a traffic sign or post used for the support of a traffic sign or signs.
- (d) Paved surfaces. No moveable fixture shall be placed, installed or erected directly on a paved surface which is intended primarily for the use of motor vehicles.
- (e) Sidewalks. Moveable fixtures placed or maintained on a sidewalk shall leave a clear area for traffic of not less than 40 inches.
- (f) Clear zones. Moveable fixtures shall not be installed, placed or erected within clear zones as defined in this section. Clear zones are defined as follows:
 - (1) The area measured within four feet of the face of a six-inch high vertically faced curb. Where the four-foot minimum is impractical, the minimum may be reduced to two and one-half feet.
 - (2) In all other locations, the moveable fixture shall be located no less than ten feet away from the edge of the pavement. If there is not ten feet available, the moveable fixture shall be located as far away from the edge of the pavement as possible.
- (g) Sight areas. Moveable fixtures shall not be placed, attached, installed or erected within the sight areas defined in this section. For purposes of this section, sight areas extend vertically from a point commencing three feet above the pavement elevation, and encompass the

triangular area of property located at a corner formed by the intersection of two or more public rights-of-way, with two sides of the triangular area extending 25 feet from their point of intersection along the edge of pavement, and the third side being a line connecting the ends of the other two lines. (See Figure 1, attached to Ord. No. 19-98). All obstructions to the required sight distance shall be removed within the area shown in Figure 1.

- (h) Other areas. Moveable fixtures shall not be placed, installed or erected in any of the areas defined in this section.
 - (1) On any town property unless the location has been specifically designated by the town manager or any authorized representative.
 - a. ~~The town manager or the duly authorized town representative shall designate locations at town facilities for the placement of moveable fixtures.~~
 - b. ~~The town shall prepare a map for each town facility illustrating the designated locations for the placement of moveable fixtures. The location maps shall be available for inspection at the office of the town clerk.~~
 - (2) The area within the medians of a divided roadway.
 - (3) Newsracks or modular newsracks may not be placed in any location other than those locations specified within section 106-292 of this article. Where warranted by the quantity of newspaper sales, the chief code compliance officer of police or his or her designee may allow a double newsrack, not more than 40 inches wide, otherwise complying with the requirements of section 106-292
 - (4) Additional newsracks and modular newsracks at the locations described herein and locations in addition to those described herein may be added subject to the consent of the chief code compliance officer of police or his or her designee in the event warranted by evidence provided by the publishers and distributors. Application for additional newsracks and modular newsracks and additional locations shall be made with the code compliance officer chief of police or his or her designee and shall be acted upon by the code compliance officer enforcement manager within ten days of the date of the application. In the event the code compliance officer enforcement manager fails to act, or in the event the application is denied, an appeal may be taken to the town council, such appeal to be filed in writing within ten days of the code compliance officer's enforcement manager's actions or inaction. The town council shall act upon the appeal within 30

days of the filing of the notice of appeal with the town clerk. ~~Additional newsracks necessary as a result of extraordinary news events may be added at the locations described herein without application, however, in no event shall said newsrack be in place in excess of 14 days. This exemption from application shall apply only to coin-operated newsracks.~~

- (5) Moveable fixtures shall not be placed on any roadway, bike path or swale area in front of, to the rear of, or to the side of a single-family residence with in the town.

(Ord. No. 19-98, § 1, 3-9-99)

“Sec. 106-294 – Insurance and indemnification

- (a) Insurance. Every controlling entity other than a governmental entity or agency which places or maintains a newsrack or modular newsrack on a public right-of-way or public property shall provide to the ~~code compliance officer~~ enforcement manager a current certificate of insurance. The Town requires comprehensive general liability insurance coverage with limits of liability not less than \$1,000,000 each occurrence/aggregate. The Town of Palm Beach shall be endorsed as an additional insured under the general liability coverage. It shall be an affirmative obligation to advise the Town's risk manager 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 violation of town ordinance. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular service or change in service. The code enforcement manager shall submit the certificate of insurance to the Town's risk manager for review and approval. ~~naming the town as an additional insured in respect to the newsracks. Such insurance shall be comprehensive general liability or commercial general liability coverage on a form no more restrictive than the latest edition of the comprehensive general liability policy or commercial general liability filed by the insurance services office. Minimum limits of total coverage shall be \$300,000.00 per occurrence combined single limit for bodily injury liability and property damage liability with a thirty day notice of cancellation. Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance, subject to the approval of the town's risk coordinator. Insurance under this section shall run continuously with the presence of the applicant's newsrack(s) or modular newsrack(s) in the town's rights-of-way, and any termination or lapse of such insurance shall be a violation of this section, subject to the appropriate remedy by the code enforcement division pursuant to the town's code of ordinances and the enforcement provisions of this chapter.~~

- (b) Indemnification. Every controlling entity ~~other than a governmental entity or agency~~ which places or maintains a newsrack or modular newsrack on a public right-of-way, public sidewalk, street or swale in the town shall execute and deliver a written agreement under which it agrees to indemnify, hold harmless and defend the town, its officers, agents and employees from any loss, liability or damage sustained by any person as a result of the installation, use and/or maintenance of a modular newsrack or newsrack within the town. This shall not be construed to affect in any way the town's rights, privileges and immunities as set forth in F.S. § 768.28.

(Ord. No. 19-98, § 1, 3-9-99)

“Sec. 106-296 – Enforcement”

- (a) Correction of violation. Upon determination by a code compliance enforcement officer that a moveable fixture has been installed, used or maintained in violation of this chapter, an order to correct the violation shall be issued to the controlling entity. If a newsrack or modular newsrack is considered abandoned, it will be posted and an order will not be issued.
- (b) The order to correct the violation shall specifically describe the violation and may suggest actions necessary to correct the condition or violation. Such order shall be mailed by certified mail, return receipt requested, to the controlling entity.
- (c) Failure to properly correct the violation within 15 days of the receipt of the order shall result in the offending moveable fixture being removed by the town. Any moveable fixture removed by the town thereunder shall be stored at the controlling entity's expense for a period of 30 days. The moveable fixture shall be released upon a proper showing of ownership and payment of removal, administrative and storage charges. The administrative charge is \$55.00 and the storage charge is \$2.00 per day, up to a maximum of 30 days. In the event the moveable fixture is not claimed within the 30-day period, the moveable fixture may be sold at public auction and the proceeds applied first to removal, administrative and storage charges, and the remainder, if any, then paid into the general fund of the town.
- (d) If the moveable fixture is posted as abandoned and not removed within seven days from the date of posting, or the town is not contacted by the controlling entity within seven days from receipt of an order to correct the violation, the town may remove the moveable fixture immediately. The town shall store the moveable fixture for 30 days and if not claimed within that time, the town may dispose of the moveable fixture in any manner it deems appropriate. If the moveable fixture is claimed, the entity claiming the moveable fixture shall pay for

all removal, administrative and storage charges prior to release of the fixture. If the charges are not paid within 15 days of claim being made, the town may dispose of the moveable fixture.

- (e) At least ten days prior to the public auction, the town clerk shall publish a description of the moveable fixture, the location from where it was removed, and notice of the auction in a newspaper of general circulation in the town. Any publication may include multiple listings of moveable fixtures. The town shall also provide the controlling entity identified on the moveable fixture, or if otherwise known, with written notification of the auction by certified mail, return receipt requested. Provided, however, that the town manager, or his designee, may dispose of the moveable fixture in any manner he sees fit, including negotiating the release of the moveable fixture to the controlling entity for less than full payment of all storage charges if the town manager, or his designee, is of the opinion that such disposal will be more advantageous to the town than auctioning off the moveable fixture.

(Ord. No. 19-98, § 1, 3-9-99)

“Sec. 106-297 – Appeals.”

- (a) Any controlling entity aggrieved by any order, finding or determination taken under the provisions of this article other than abandonment of a newsrack or modular newsrack, (hereinafter an appellant) may file an appeal ~~with the~~ to the ~~code enforcement board for the town.~~ town council. The appellant must effect their appeal within 15 days after receipt of the order mailed to the appellant pursuant to this article. In order to effect the appeal, the appellant must deliver their letter of appeal, briefly stating the basis of their appeal, to the ~~code enforcement board.~~ town clerk. A hearing before the ~~code enforcement board~~ town council shall be scheduled on the appeal no later than ~~30~~ 45 days following the receipt of the letter of appeal, unless the parties mutually agree to an extension thereof. The appellant shall be given at least seven days written notice of the time and place of the hearing. The ~~board~~ town council shall give the appellant and any other interested party a reasonable opportunity to be heard in order to show cause why the fixture is not violating this article. At the conclusion of the hearing the ~~board~~ town council shall make a final and conclusive determination. ~~The determination shall be reduced to writing and signed by the board and filed in the office of the town clerk within 15 days of the hearing and a copy shall be sent to the appellant. The decision of the board shall be effective when rendered. The decision of the board may be appealed as provided for by law.~~

~~(b) Where the newsrack or modular newsrack is considered abandoned, the controlling entity may take an immediate appeal to the circuit court as provided by law.~~

(b) During the pendency of an appeal, the removal of the moveable fixture shall be stayed pending final disposition of the appeal, except if abandonment of the newsrack or modular newsrack occurs in violation of sections 106-295(a), (b), (d), (e) and adversely effects the distribution of newspapers, news periodicals or advertising circulars from that location.

(c) The town shall reimburse the controlling entity any storage charges in the event the decision on appeal is rendered in favor of the controlling entity.

(Ord. No. 19-98, § 1, 3-9-99)

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of May, 2015, and for second and final reading on this 9th day of June, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: June 9, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE 18-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinance at Chapter 62, Marine Structures; Article II, Bulkheads, Seawalls and Groins on Atlantic Ocean, at Sections 62-36, 62-37 and 62-38; and Amending Article III, Bulkhead and Pierheads on Lake Worth, Section 62-72; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

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

Supporting Documents

- [Memorandum dated May 29, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Ordinance 18-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 9, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

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

Re: Ordinance 18-2015- Amending Chapter 62
First Reading

DATE: May 29, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve the first reading of Ordinance 18-2015 amending Chapter 62 of the Town of Palm Beach Code of Ordinances. The ORS committee has reviewed and approved this Ordinance.

GENERAL INFORMATION

Construction of bulkheads, seawalls and groins within the Town of Palm Beach are required to meet the provisions of Chapter 62, Article II of the Town Code. In addition, these activities are also regulated by the other federal and state agencies including the U. S. Corp of Engineers and the Florida Department of Environmental Regulation.

At present, the Town's controlling document for the location of these structures is generally referred to as the bulkhead line but more specifically the "Official Bulkhead and Groin Plat of the Town of Palm Beach, Florida". According to Town Code, bulkheads (seawalls) erected along the Atlantic Ocean are to be erected on the bulkhead line unless granted a variance under provisions of the code. An original copy of the map has recently been located.

The Florida Department of Environmental Protection (FDEP) does not necessarily recognize the town bulkhead line as the specified location for bulkheads to be erected on the Atlantic Ocean. The Department may allow replacement seawalls to be constructed up to eighteen inches seaward of an existing seawall or may require new or replacement seawalls to be constructed a considerable distance landward of the bulkhead line or, in some cases, may not allow any new seawall to be constructed at all.

The location of the bulkhead line is also relied upon in certain sections of Chapter 134 of the Town Code, i.e. for the purposes of determining lot size and the location, setbacks, etc., of various upland structures from the bulkhead line.

It is the intent of the following proposed code revisions to provide a method to separate the use of the bulkhead line;

- 1.) to provide the required location of new bulkhead and reconstructed bulkhead and allowing bulkheads to be erected along the Atlantic Ocean which meet the requirements of the FDEP, and the Town of Palm Beach, and to minimize the number of variances required from the Town.
- 2.) to facilitate land use decisions which rely on the location of the bulkhead line, such as lot size, building setbacks, etc.

It is staff's recommendation that bulkheads should be erected along the Town bulkhead line except;

- 1.) where the proposed bulkhead is to be located landward of the bulkhead line or;
- 2.) where the proposed bulkhead is no further than twelve inches seaward of the existing bulkhead.

In cases where the proposed bulkhead is further than twelve inches seaward of the existing bulkhead, a variance should be required pursuant to section 134-201.

It is also staff recommendation that the Town should not require that the official bulkhead line be re-platted each time a seawall is constructed either landward or waterward of the existing bulkhead line. This does not reflect current practice.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact related to this item.

TOWN ATTORNEY REVIEW

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

Attachment

cc: John C. Randolph, Town Attorney
Jane Struder, Director of Finance
Eric Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer

ORDINANCE NO. 18-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCE AT CHAPTER 62, MARINE STRUCTURES; ARTICLE II, BULKHEADS, SEAWALLS AND GROINS ON ATLANTIC OCEAN, AT SECTIONS 62-36, 62-37 AND 62-38; AND AMENDING ARTICLE III, BULKHEAD AND PIERHEADS ON LAKE WORTH, SECTION 62-72; 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 62, Marine Structures; Article II, Bulkheads, Seawalls and Groins on Atlantic Ocean; at Sections 62-36, 62-37 and 62-38 to read as follows:

CHAPTER 62 MARINE STRUCTURES

ARTICLE II.

BULKHEADS, SEAWALLS AND GROINS ON ATLANTIC OCEAN

“Sec. 62-36. - Plat adopted; custody.

(a) *Adopted by reference.* Subject to the provisions of section 62-1, that certain plat entitled "Official Bulkhead and Groin Plat of the Town of Palm Beach, Florida," prepared under the supervision of the officials of the town, consisting of 13 sheets in one volume, and each sheet bearing the signature of the members of the town council, the town clerk and the mayor, together with all addenda, monuments and markings appearing thereon, is hereby made a part of this article in the same manner and to the same effect as if herein contained at length in full.

(b) *Location and custody.* The plat referred to in subsection (a) of this section shall remain in the custody of the town clerk at all times. It shall, during the office hours of the town clerk, be open to inspection and examination by any person interested. The plat may be viewed in electronic format on the Town's website at <http://www.townofpalmbeach.com>.

~~Sec. 62-37. - Amendment to plat.~~

~~Subject to the provisions of section 62-1, the bulkhead lines along the shores of the Atlantic Ocean between the north and south limits shall be adjusted and remapped so that the new town bulkhead line shall be located no further east than any existing adjacent bulkhead.~~

Sec. 62-3837. - Bulkheads, groins to accord with plat; variances.

~~All bulkheads and groins erected along the Atlantic Ocean in the town shall be erected on the lines and in the location and of the length and dimensions as shown on the "Official Bulkhead and Groin Plat of the Town of Palm Beach, Florida," unless the town council shall find and determine that circumstances require a variance pursuant to sections 134-171, 134-172, 134-173 and 134-201. In such case, application shall be made to the town council, setting forth the reason and justification based on the variance criteria identified in 134-201 why a variance should be granted; and in such case the determination of the town council shall be final. All bulkheads shall be erected along the Official Ocean Bulkhead and Groin Plat of the Town of Palm Beach, Florida, except where the proposed bulkhead is to be located landward of the bulkhead line or except where the proposed bulkhead is no further than twelve inches seaward of the existing bulkhead. In cases where the proposed bulkhead is further than twelve inches seaward of the existing bulkhead, a variance shall be required pursuant to section 134-201. In such case, application shall be made to the Town Council setting forth the reason and justification, based on the variance criteria identified in section 134-201, why a variance should be granted; and, in such case, the determination of the Town Council shall be final."~~

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 62, Marine Structures; Article III, Bulkheads and Pierheads on Lake Worth; at Section 62-72 to read as follows:

**CHAPTER 62 MARINE STRUCTURES
ARTICLE III.
BULKHEADS AND PIERHEADS ON LAKE WORTH**

“Sec. 62-72. - Custody and control of plats, sketch.

The plats referred to in section 62-71 shall remain in the custody and control of the town clerk at all times; they shall, during the office hours of the town clerk, be open to inspection and examination of any person interested but shall not be removed from such office. [The plat may be viewed in electronic format on the Town's website at http://www.townofpalmbeach.com.](http://www.townofpalmbeach.com)”

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 _____ day of June, 2015, and for second and final reading on this _____ day of July, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

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