TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 13, 2014

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

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

B. Scholarship Awarded by the Palm Beach Country Club.

C. Presentations by Applicants for the Landmarks Preservation Commission.

D. Presentations by Applicants for the Planning and Zoning Commission.

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. CONSENT AGENDA

A. MINUTES

1. MINUTES: APRIL 8, 2014 — Page 7
   Approval of the Minutes of the Regular Town Council Meeting.

   Susan A. Owens, Town Clerk

2. MINUTES: APRIL 8, 2014 — Page 21
   Approval of the Minutes of the Special Town Council Meeting - Closed Door Session.

   Susan A. Owens, Town Clerk

3. MINUTES: APRIL 9, 2014 — Page 25
   Approval of the Minutes of the Regular Town Council Meeting.

   Susan A. Owens, Town Clerk

4. Approval of Major Matters Considered by the Architectural Commission at its Meeting of April 23, 2014, With the Exception of Case #A-018-2014, 1144 North Ocean Boulevard, Which is Being Appealed to the Town Council on Wednesday, May 14, 2014. — Page 40

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

B. RESOLUTIONS

1. RESOLUTION NO. 60-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the National Police Officers Memorial Fund from the Town of Palm Beach Police Department's State Forfeiture Fund. — Page 59

   Kirk W. Blouin, Director of Public Safety

2. RESOLUTION NO 62-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement for Water Distribution System Upgrades, Rehabilitation, and Replacement with the City of West Palm Beach. — Page 70

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

3. RESOLUTION NO. 63-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Mock Roos & Associates, Inc., in the Amount of $86,135 for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation, and Establishing a Construction Phase Budget of $95,000. — Page 84

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

4. RESOLUTION NO. 64-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-30 and Approving a Construction Contract to Hinterland Group, Inc., for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation, in the Amount of $1,205,730, and Establishing a Construction Phase Budget of $1,350,000. — Page 93

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

5. RESOLUTION NO. 65-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $530,851, to Xylem Water Solutions, for the Purchase of Four Pumps and Accessories as Quoted under RFQ 77-2014, and Establishing an Overall Budget of $550,000. Page 104

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

6. RESOLUTION NO. 66-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to All Florida Tree and Landscape, Inc., in the Amount of $39,675 for Coconut Palm Tree Trimming and Pruning Services, and Establishing a Project Budget of $42,000. Page 113

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

7. RESOLUTION NO. 75-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2014 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances. Page 117

   Jane Struder, Director of Finance

C. OTHER

1. Approval of Request by the City of West Palm Beach for $10,000 Contribution to the City's Fourth on Flagler Event. Page 121

   Peter B. Elwell, Town Manager

2. Authorization to Reject All Bids for South Fire Roof Replacement, Bid No. 2014-26. Page 125

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

3. Approval of Request for Underground Utilities Assessment Area for El Bravo Way, North Side of the Street, Having Rear Yard Frontage along Island Road (El Bravo Way Underground Utilities Assessment Area). Page 128

   Thomas G. Bradford, Deputy Town Manager

4. Authorization to Reject All Bids for FY2014 Interim Sand Haul Project, RFP No. 2014-13. Page 131

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

5. Authorization to Consider Ordinance No. 9-2014, Rescinding PUD-5 Comprehensive Plan Change, Prior to 5:00 p.m. at Both Public Hearings. Page 134

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

IX. BOARD/COMMISSION ANNUAL REPORT

A. Code Enforcement Board. Page 136

Kirk W. Blouin, Director of Public Safety

X. PUBLIC HEARINGS

A. <u>RESOLUTION NO. 69-2014</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Removal of Historic or Specimen Trees from Properties Located Within the Town of Palm Beach; Adding Newly Designated Historic or Specimen Trees; Providing for the Recording of Said Designations; and Providing That a Copy of this Resolution Be Recorded in the Public Records of Palm Beach County, Florida. Page 142

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

XI. REGULAR AGENDA

A. Old Business

1. Flagler Memorial Bridge Page 160
   Project Update.
   TIME CERTAIN: 11:45 AM

   Geoffrey Parker, New Millennium Engineering

2. Flagler Memorial Bridge
   Summary of Administrative Actions to Mitigate Traffic Congestion. Page 161

   Peter B. Elwell, Town Manager

3. Flagler Memorial Bridge
   Proposed Adjustments to Construction Work Hours to Further Mitigate Bridge Related Traffic Congestion. Page 167

   <u>RESOLUTION NO. 70-2014</u> A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Temporarily Amending the Permissible Hours for Construction in Order to Reduce Traffic Congestion in Town Resulting from the Flagler Memorial Bridge Closure.

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

4. Update on Potential Traffic Impacts of Construction Projects at North Ocean Boulevard Seawall Replacement, Lake Towers, Nightingale Trail/La Puerta Way, and East Inlet Drive. Page 172

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

B. New Business

1. Procedures for Balloting in Appointment of Members to the Landmarks Preservation and Planning & Zoning Commissions. Page 177

   Peter B. Elwell, Town Manager

2. Landmarks Preservation Commission Appointments. Page 180

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

3. Planning and Zoning Commission Appointments. Page 182

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

XII. ORDINANCES

XIII. ANY OTHER MATTERS

XIV. ADJOURNMENT

PLEASE TAKE NOTE:

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

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 8, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- **Minutes of the Town Council Meeting Held on April 8, 2014**

MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, APRIL 8, 2014

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Tuesday, April 8, 2014, 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 Wildrick led the Pledge of Allegiance.

III. CERTIFICATION OF ELECTION RESULTS

A. RESOLUTION NO. 49-2014 A Resolution of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Election Held on the 25th Day of March, 2014.
Susan A. Owens, Town Clerk

Town Clerk Owens announced the March 25, 2014, election results.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 49-2014. On roll call, the motion carried unanimously.

(Clerk's Note: Item No. V., Mayor's Comments, was taken out of order and heard at this time.)

IV. PRESENTATIONS

A. Flagler Memorial Bridge Project Update. [Geoffrey Parker, New Millennium Engineering]

Geoffrey Parker, New Millennium Engineering, provided an update on the Flagler Memorial Bridge Project, the project schedule, and the construction options being considered. He stated that the bridge will close on May 1, 2014, and will reopen on or before November 1, 2014.

Ryan Hamrick, P.E., Project Manager, PCL Civil Contractors, Inc., provided additional information regarding the project.

Discussion ensued regarding the need to close the bridge, the plans for the temporary bridge, hours of construction, traffic impacts and mitigation efforts, and the efforts of the Mayor, Town Staff, and residents regarding this project.

Council President Wildrick stated that he will be adding a health and safety report on the actions being taken to minimize the impacts of the closure to the next agenda.

1. Maintenance Memorandum of Agreement Between FDOT and the Town.
   [H. Paul Brazil, P.E., Director of Public Works]

   Director of Public Works Brazil provided an overview of the agreement.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Diamond, to approve the Maintenance Memorandum of Agreement between Florida Department of Transportation (FDOT) and the Town. On roll call, the motion carried unanimously.

2. PCL Request to Temporarily Store and Reconstruct Bridge Pylons in Bradley Park.
   [H. Paul Brazil, P.E., Director of Public Works]

   Director of Public Works Brazil provided an overview of PCL's request.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve PCL's request to temporarily store and reconstruct bridge pylons in Bradley Park. On roll call, the motion carried unanimously.

B. Presentations by Applicants for the Code Enforcement Board.

The following applicants provided a presentation to the Town Council:

- Jack Cohen
- Madelyn Greenberg
- Matthew Natale
- W. Anthony Dowell
- Thomas W. Parker
- Scotch Peloso

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio expressed her concerns regarding the Flagler Memorial Bridge closure and expressed her gratitude to residents Leo Vasilio and Llwyd Ecclestone for their assistance to the Town in this matter.

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Wildrick spoke regarding the PUD-5 special election and the deepening and widening of the Lake Worth Inlet. He requested that Mayor Coniglio report back to the Council on the expansion monthly, and that all concerned citizens and organizations contact the Mayor so that we can all speak as one voice.

Mayor Coniglio implored the community to stay involved in this project.

Town Manager Elwell spoke regarding the Town's recent computer network problems and thanked the Information Systems Staff for their efforts in restoring the system.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Ned Barnes, Palm Beach Civic Association, spoke regarding the deepening and widening of the Lake Worth Inlet project.

John Corey, 436 Australian Avenue, expressed his concerns regarding safety on Royal Poinciana Way.

Discussion ensued regarding Americans with Disabilities Act (ADA) compliance, crosswalk improvements, and installing "No Right Turn on Red" signage.

Mayor Coniglio stated that she would contact FDOT regarding the repainting of their crosswalks.

VIII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

WITHDRAWN: Item No. IX.B.3., Resolution No. 52-2014, was withdrawn from the agenda.

PULLED FROM CONSENT: Item No. IX.C.4, Par 3 Clubhouse funding, was pulled from the Consent Agenda and placed under New Business as Item No. 10.

PULLED FROM CONSENT: Item No. IX.C.1, Traffic Signalization Project, was pulled from the Consent Agenda and placed under New Business as Item No. 11.

MOVED: All Old Business items were moved to New Business to be discussed with

Item No. XI.B.7.

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

A. MINUTES

1. MINUTES: FEBRUARY 11, 2014
Approval of the Minutes of the Regular Town Council Meeting
Deferred from the March 11, 2014, Town Council Meeting.
Susan A. Owens, Town Clerk

2. MINUTES: FEBRUARY 28, 2014
Approval of the Minutes of the Special Town Council Meeting
Susan A. Owens, Town Clerk

3. MINUTES: MARCH 11, 2014
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk

4. MINUTES: MARCH 12, 2014
Approval of the Minutes of the Regular Town Council Meeting
Susan A. Owens, Town Clerk

5. Approval of Major Matters Considered by the Architectural Commission at its Meeting of March 26, 2014.
John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 50-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to All Florida Tree and Landscape, Inc., in the Amount of $63,200 for Tree Trimming and Pruning Services, and Establishing a Project Budget of $69,500.
H. Paul Brazil, P.E., Director of Public Works

2. RESOLUTION NO. 51-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract

Extension to Richard Maxwell, Inc., DBA King Tree Service, for Consulting Arborist Services in the Amount of $33,750, and Establishing a Project Budget of $37,125.
H. Paul Brazil, P.E., Director of Public Works

3. RESOLUTION NO. 52-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Fullcover Roofing Systems, in the Amount of $128,854, for Replacing the Roof on the South Fire Station and Establishing a Construction Phase Budget of $155,000.
H. Paul Brazil, P.E., Director of Public Works ***- This item was withdrawn.***

4. RESOLUTION NO. 53-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-27 and Approving a Construction Contract to TLC Diversified, Inc., for the Pump Stations A-5 and A-6 Improvements, in the Amount of $485,982, and Establishing a Construction Phase Budget of $540,000.
H. Paul Brazil, P.E., Director of Public Works

5. RESOLUTION NO. 54-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., for the Pump Stations A-5 and A-6 Improvements, in the Amount of $70,150, and Establishing a Construction Phase Engineering Services Budget of $78,000.
H. Paul Brazil, P.E., Director of Public Works

6. RESOLUTION NO. 55-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to the Whiting-Turner Contracting Company, for Construction Manager at Risk for Pre-Construction Phase Services for the North Flagler Drive Force Main Improvement Project, in an Amount Not To Exceed $60,681, and Establishing a Pre-Construction Phase Budget of $65,000.
H. Paul Brazil, P.E., Director of Public Works

7. RESOLUTION NO. 56-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Renewal of the Concession Agreement for the Town of Palm Beach Tennis Facilities between the Town of Palm Beach and NetResults Tennis, LLC and Authorizing the Town Manager to Execute the Same on Behalf of the Town.
Jay Boodheshwar, Director of Recreation and Special Projects

8. RESOLUTION NO. 61-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing Johnson

Controls, Inc. as the Sole Provider for the Townwide Security and Surveillance Project; and Establishing a FY2014 Equipment Replacement Fund Budget of $75,000 from the Town's Equipment Replacement Contingency Fund for the Purpose of Continuing Said Project Within the Contingency Amount During the Remainder of FY2014; and Authorizing the Town Manager to Take Actions Necessary to Continue the Build-out of Said Project.
Kirk W. Blouin, Director of Public Safety

C. OTHER

1. Authorization to Complete Traffic Signalization Project During Season.
H. Paul Brazil, P.E., Director of Public Works ***- This item was pulled from Consent and heard under New Business as Item No. 11.***

2. Authorization to Consider Ordinance Nos. 1-2014, 2-2014, 3-2014 and 7-2014 Prior To 5:00 p.m.
John S. Page, Director of Planning, Zoning and Building

3. Authorization to Submit a Florida Emergency Medical Services Matching Grant Request.
Kirk W. Blouin, Director of Public Safety

4. Appropriation of Privately Contributed Funds to the Par 3 Clubhouse Project Budget.
Jay Boodheshwar, Director of Recreation and Special Project ***- This item was pulled from Consent and heard under New Business as Item No. 10.***

5. Approval of Investment Advisory Committee Appointments.
Jane Struder, Director of Finance

6. Approval of Recreation Advisory Commission Appointments.
Jay Boodheshwar, Director of Recreation and Special Projects

X. BOARD/COMMISSION ANNUAL REPORT

A. Architectural Commission (ARCOM).
Nikita Zukov, Vice-Chairman, Architectural Commission

Vice-Chairman Zukov provided an overview of the Annual Report.

Discussion ensued regarding complaints received regarding ARCOM members inserting personal preferences into their decisions, how some members have treated applicants, and the Commission’s charge.

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

XI. REGULAR AGENDA

A. Old Business

1. Possible Removal of Bruce Langmaid from the Planning and Zoning Commission.
Deferred from the March 12, 2014, Town Council Meeting.
William J. Diamond, President Pro Tem ***- This item was moved to New Business as Item No. XI.B.7.a.***

2. Landmarks Preservation Commission Appointments.
Deferred from the March 12, 2014, Town Council Meeting.
John S. Page, Director, Planning, Zoning and Building ***- This item was moved to New Business as Item No. XI.B.7.b.***

B. New Business

1. Consideration of Scheduling an Attorney/Client Session Regarding Roger Dale Corbin vs Town of Palm Beach, Case No. 13-80106-CIV-MARRA/MATTHEWMAN, pending in the United States District Court, Southern District of Florida. Discussion of this Matter to Begin Immediately Following this Regular Town Council Meeting in the Town Council Chambers, 360 South County Road, Palm Beach, Florida. Attorney/Client Session Attendees: Mayor Gail L. Coniglio; Town Council Members William J. Diamond, Richard M. Kleid, Michael J. Pucillo, Penelope D. Townsend, Robert N. Wildrick; Town Manager Peter B. Elwell; Attorney John C. Randolph; Margaret L. Cooper Esq., and Court Reporter from Pleasanton, Greenhill, Meek & Marsaa, Court Reporters.
John C. Randolph, Town Attorney

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve the scheduling of the Attorney/Client Session regarding Roger Dale Corbin vs Town of Palm Beach. On roll call, the motion carried unanimously.

2. Coastal Protection Matters

a. Coastal Protection Program Monthly Report.

Coastal Coordinator Weber provided an overview of the Coastal Protection Program monthly report.

Richard Hunegs, 3360 S. Ocean Blvd., Save Our Shores (SOS), requested that the Town Council write to the U.S. Army Corps of Engineers (USACE) requesting that equal weight and consideration be given to all relevant plans, and spoke regarding the need for a uniform standard for 25-year storm protection for the entire island.

Eileen Curran, 2778 S. Ocean Blvd., SOS, spoke in support of Mr. Hunegs' comments, and regarding the history of the groin installation and restoration efforts and their effects.

Discussion ensued regarding 15 versus 25-year storm protection plans, USACE consideration of all proposed recommendations from the Environmental Impact Study (EIS) process, legal and permitting issues, the status of bidding out the 2014-2015 renourishment project, and why different levels of protection are required.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to direct Mayor Coniglio to send a letter to the Army Corps of Engineers expressing the Town's desire for a renourishment project that provides 25-year storm protection and a fair and equal evaluation of all plans submitted during the EIS process. On roll call, the motion carried unanimously.

(Clerk's Note: The following item was heard after Item No. XI.B.2.d., Resolution No. 58-2014.)

b. Status Report re: Federal Funding for Beaches.

Town Manager Elwell provided a brief summary of Staff's efforts to obtain federal funding for its beach projects.

c. RESOLUTION NO. 57-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to CB&I Coastal Planning & Engineering, Inc., in the Amount of $140,001, for Groin Rehabilitation Design and Permitting, and Establishing a Design and Permitting Phase Budget of $154,000.

Director of Public Works Brazil stated that Staff is working on a preliminary work plan and determining which groins should be the priorities. Staff will be coming back with a multi-year plan and will be working towards permitting the projects as a whole program.

Discussion ensued regarding the removal of the groins in Reach 2 from the rehabilitation project, the Beach Management Agreement, the installation of the existing groins, design options for the groins, and the possible removal of existing groins.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve Resolution No. 57-2014. On roll call, the motion carried unanimously.

d. RESOLUTION NO. 58-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Woods Hole Group, Inc., in the Amount of $68,479 for Supplemental Analyses of the Coastal Management Program, and Establishing a Task Budget of $75,000.
H. Paul Brazil, P.E., Director of Public Works

Director of Public Works Brazil provided an overview of Woods Hole Group's recommendations and the need for supplemental analysis of the Coastal Management Program.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve Resolution No. 58-2014. On roll call, the motion carried unanimously.

Mayor Coniglio requested that next month's Coastal Protection Program Report include an update on the 2014-2015 renourishment project, the seawalls from Wells Road to Sunrise Avenue, and the North Ocean Boulevard seawall replacement.

3. Discussion of Upcoming FPL Hardening Projects and Potential Undergrounding Projects.

Robert Weiss, FPL Account Manager, provided an overview of FPL's summer work plan for hardening and potential undergrounding projects.

Mario Rodriguez, FPL Senior Engineer, provided additional information regarding the projects.

Responding to Council President Wildrick, Ethel Issac-Williams, FPL External Affairs Manager, spoke regarding the hardening plan, undergrounding costs, and potential funding for it.

John Leer, FPL Lead Manager for Undergrounding, provided additional information regarding the projects and cost estimate options for undergrounding.

Council President Wildrick requested that FPL provide the Town with a non-binding cost estimate for undergrounding.

Town Manager Elwell spoke regarding the impacts of allowing this work while the Flagler Memorial Bridge is closed.

Ms. Issac-Williams spoke regarding the availability of funding for the undergrounding.

Discussion ensued regarding the level of disruption undergrounding would cause, how long it would take, tariffs, and potential funding assistance.

Staff was directed to further define the parameters regarding the potential undergrounding of FPL's proposed projects, and to report back at the June 10, 2014, Town Council meeting.

a. RESOLUTION NO. 59-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in an Amount Not-to-Exceed $85,350 to Keshavarz & Associates, Inc., for Design, Bid and Construction Phase Engineering Services in Conjunction with the North County Road Underground Utilities Project, and Establishing a Project Budget of $94,000.
H. Paul Brazil, P.E., Director of Public Works

No action taken based upon the above discussions and action.

4. Comprehensive Annual Financial Report (Annual Audit) for Fiscal Year Ended September 30, 2013.
N. Ronald Bennett, CPA - Nowlen, Holt & Miner, P.A.

Ron Bennett, Nowlen, Holt, & Miner, provided a brief overview of the Comprehensive Annual Financial Report for fiscal year ended September 30, 2013.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to accept the Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2013. On roll call, the motion carried unanimously.

5. Long Term Financial Plan (LTFP) Update.
Peter B. Elwell, Town Manager and Jane Struder, Director of Finance

Due to the time, Town Manager Elwell reported on the Long Term Financial Plan's bottom line and stated that the presentation will be posted on the Town's website.

6. Top Townwide Budget Priorities for FY15.
Peter B. Elwell, Town Manager

Town Manager Elwell presented an overview of the top Townwide budget priorities identified by the Town Council for FY15.

Discussion ensued regarding some of the items being priorities versus goals, those items not in the top five possibly being addressed during the budgetary process, and having the Finance and Taxation Committee provide additional recommendations.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve the top Townwide budget priorities for FY 15. On roll call, the motion carried unanimously.

7. Discussion of Town Boards and Commissions.
William J. Diamond, Town Council President Pro Tem

Council President Pro Tem Diamond expressed his concerns with the recent recommendations of the Planning and Zoning and Landmarks Preservation Commissions.

Discussion ensued regarding the activities of these two Commissions and the Architectural Commission.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to dismiss all members of the Planning and Zoning and Landmarks Preservation Commissions and to re-notice those items scheduled to come before these two commissions to allow the new commissioners time to review them. On roll call the motion carried 3-2, with Council Members Kleid and Pucillo dissenting.

A. Possible Removal of Bruce Langmaid from the Planning and Zoning Commission.
Deferred from the March 12, 2014, Town Council Meeting.
William J. Diamond, President Pro Tem

No action taken based upon the above discussions and action.

B. Landmarks Preservation Commission Appointments.
Deferred from the March 12, 2014, Town Council Meeting.
John S. Page, Director, Planning, Zoning and Building

No action taken based upon the above discussions and action.

8. Request for Landmarks Preservation Commission To Consider Placing Individually Contributing Properties on Royal Poinciana Way Under Consideration For Potential Designation as Town Landmarks.
Penelope D. Townsend, Town Council Member

Discussion ensued regarding Town Council mandates to the Commission, diluting the list of designated properties, the PUD-5 proponents' and opponents' desire for preservation, expediting appointments to the Landmarks Preservation Commission, not being able to hear designation reports after May 1st, and postponement of the Flagler Memorial Fountain project.

Staff was directed to advertise the Planning and Zoning and Landmarks Preservation Commissions openings as expeditiously as possible and to place the appointments to these commissions on the May 13, 2014, Council meeting agenda.

9. Appointments to the Code Enforcement Board.
Kirk W. Blouin, Director of Public Safety

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, to ratify the following Code Enforcement Board appointments:

- **Re-appointed as Regular Members: Madelyn Greenberg and W. Anthony Dowell**
- **Re-appointed as Alternate Members: Scotch Peloso and Matthew Natale**

On roll call, the motion carried unanimously.

The following items were pulled from the Consent Agenda:

10. Appropriation of Privately Contributed Funds to the Par 3 Clubhouse Project Budget.
Jay Boodheshwar, Director of Recreation and Special Projects

Director of Recreation and Special Projects Boodheshwar provided an overview of the donation and the proposed additional plans for the project.

Discussion ensued regarding ocean lighting, turtle season restrictions, and the need for a plan and costs for the proposed ocean lighting.

By consensus of the Town Council, the portion of this item related to the potential addition of ocean lighting at the Par 3 Clubhouse was deferred to the May 13, 2014, Town Council meeting.

Motion was made by Council Member Kleid, and seconded by Council President Pro Tem Diamond, to accept the privately contributed funds to the Par 3 Clubhouse Project Budget. On roll call, the motion carried unanimously.

11. Authorization to Complete Traffic Signalization Project During Season.
H. Paul Brazil, P.E., Director of Public Works

Discussion ensued regarding the traffic impacts of the project and performing the work the week before April 20, 2014, to minimize the impacts during the holidays.

Director of Public Works Brazil stated that the work could be performed the week before April 20, 2014.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Diamond, to authorize the completion of the Traffic Signalization Project during Season. On roll call, the motion carried unanimously.

XII. ORDINANCES – None

XIII. ANY OTHER MATTERS – None

XIV. ADJOURNMENT

There being no further business, the April 8, 2014, regular Town Council meeting was adjourned at 2:55 p.m.

APPROVED:

____
Robert N. Wildrick
Town Council President

ATTEST:

____
Susan A. Owens, MPA, MMC
Town Clerk

____
Date

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 8, 2014

Approval of the Minutes of the Special Town Council Meeting - Closed Door Session.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- **Minutes of the Special Town Council Meeting Held on April 8, 2014**

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, APRIL 8, 2014

I. CALL TO ORDER AND ROLL CALL

The Special Town Council meeting was called to order at 2:56 p.m. on Tuesday, April 8, 2014, in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. ROGER DALE CORBIN VS TOWN OF PALM BEACH, CASE NO. 13-80106-CIV- MARRA/MATTHEWMAN, pending in the United States District Court, Southern District of Florida.

F.S. 286.011(8) allows the Mayor, Town Council, and the Town Manager to meet in a Closed-Door Attorney/Client Session for the purpose of discussing strategy related to litigation.

Town Council President Wildrick announced the following:

a.) The Attorney/Client Closed-Door Session
b.) The estimated time is fifteen minutes
c.) The names of the persons attending:

Gail L. Coniglio, Mayor
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid, Town Council Member
Michael J. Pucillo, Town Council Member
Penelope D. Townsend, Town Council Member
Peter B. Elwell, Town Manager
John C. Randolph, Town Attorney

Margaret L. Cooper, Esq.
Pleasanton, Greenhill, Meek & Marsaa, Court Reporters

At 2:58 p.m., the persons attending the meeting (listed above) relocated from the Town Hall Council Chambers to the immediately adjacent conference room.

IV. RECONVENE SPECIAL TOWN COUNCIL MEETING IN THE TOWN HALL COUNCIL CHAMBERS

A.) Call to Order

The Special Town Council meeting was reconvened at 3:08 p.m., in the Town Council Chambers.

B.) Town Council President to Announce the Termination of the Attorney/Client Session

Town Council President Wildrick announced that the Town Council has met with their attorneys and has come to a conclusion and provided their recommendation to the Town's attorneys.

Town Manager Elwell stated that the Town had won summary judgment; and, that the only dispute left is related to attorney's fees incurred by the Town in defending against this case, which the Town is legally entitled to recover. The Town received a counteroffer from Mr. Corbin's attorney in the amount of $1,500, with a $500 down payment and then $100 to be paid per month for ten months. In consideration of the counteroffer, the Town would receive all proper releases and documentation indicating that there would be no appeal.

Discussion ensued regarding the repercussions if the payments were not made on time.

Town Manager Elwell stated that a condition of accepting the counteroffer is that, if any of the payments are not made in a timely manner, then the full amount of costs incurred by the Town would be owed.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve the counteroffer of $1,500 for reimbursement of the Town's attorney's fees, subject to timely payment pursuant to the repayment schedule stated above. On roll call, the motion carried unanimously.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the Special Town Council Meeting of Tuesday, April 8, 2014, was adjourned at 3:09 p.m.

APPROVED:

____
Robert N. Wildrick
Town Council President

ATTEST:

____
Susan A. Owens, MPA, MMC
Town Clerk

____
Date

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 9, 2014

Approval of the Minutes of the Regular Town Council Meeting.

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- **Minutes of the Town Council Meeting Held on April 9, 2014**

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, APRIL 9, 2014**

I. CALL TO ORDER AND ROLL CALL

The Regular Town Council meeting was called to order on Wednesday, April 9, 2014, at 9:47 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 Wildrick led the Pledge of Allegiance.

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio requested that updates on the Royal Poinciana Playhouse's progress be placed on the June and October 2014 agendas.

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council Member Pucillo and Council Member Kleid each spoke regarding their concerns over the complete removal of the members of the Landmarks Preservation and Planning and Zoning Commissions.

Discussion ensued regarding the removal of the Commission members.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Bob Vila, 690 Island Drive, spoke regarding the Landmarks Preservation Commission becoming politicized.

Donald Malasky, 13 Via Vizcaya, spoke regarding the lack of parking during the elections.

Rene Silvin, 331 Australian Avenue, spoke in opposition to the proposed renovation of the Mizner Memorial Fountain.

Orator Woodward, 251 El Bravo Way, spoke in opposition to the proposed renovation of the Mizner Memorial Fountain.

Caroline Seebohm, author and biographer, spoke in opposition to the proposed renovation of the Mizner Memorial Fountain.

VI. APPROVAL OF AGENDA

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, 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. 42-2014 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 337 Brazilian Avenue 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.
Deferred from the March 12, 2014, Town Council Meeting.
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio, Council President Pro Tem Diamond, and Council Members Kleid and Townsend spoke with the homeowners.

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

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that the Designation Report of the property known as 337 Brazilian Avenue be accepted and made a part of the record. On roll call, the motion carried unanimously.

Attorney Guy Rabideau, on behalf of Paul Friese and Sharon Grossman, property owners, provided an overview of the owners' opposition to the landmarking of the property.

Discussion ensued regarding the requirements for landmarking, the property being severely flood prone, the architecture, and the economic impacts of landmarking.

Motion was made by Council Member Pucillo, and seconded by Council President Pro Tem Diamond, to deny Resolution No. 42-2014. On roll call, the motion carried unanimously.

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Request for Waiver of Section 42-199, Hours For Construction Work at 301 Worth Avenue (Chanel) Per Letter Dated February 26, 2014, from Ean Bressack.
John S. Page, Director of Planning, Zoning and Building

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

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

Rick Alexander, representing Chanel, provided an overview of the store's request.

Discussion ensued regarding construction noise and the need to work when the store is closed.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, to approve the request for waiver of Section 42-199, Hours of Construction Work, at 301 Worth Avenue, subject to Staff recommendations. On roll call, the motion carried unanimously.

2. Extension of Time Schedule for Completion of Construction Per Town Code Chapter 18, Section 242-105.4.1.6 330 Island Road
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communication was declared: Mayor Coniglio spoke with Architect Gene Pandula, who advocated the position of his client.

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

Jane Day, President of Research Atlantica, Inc., on behalf of the property owner, provided an overview of the owner's request.

Architect Pandula provided additional information regarding the project.

Discussion ensued regarding traffic and parking difficulties on the street and the amount of time the project has taken.

John Finnell, J.W. Finnell Construction, provided additional information regarding the project.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve the request for waiver of Section 42-199, Hours of Construction Work, at 330 Island Road until November 26, 2014, with a fine of $855 per day to begin from that date through project completion. On roll call, the motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #3-2014 WITH VARIANCES The application of Capital Construction & Development, Inc. (Josh McAlees, President); relative to property commonly known as 215 Brazilian Avenue; described as Lot 5 and the West 84 feet of Lot 6, Block E of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a Site Plan Review to construct a two-story, four (4) unit, townhouse building with associated swimming pools and hardscape. Each unit will be approximately 5,300 square feet under air with basement garages. The following variances are proposed: to allow horizontal overlapping between individual dwelling units that is not permitted under the townhouse regulations; and, to not provide a 20 foot access to the interior of the block which is required under the townhouse regulations. [Attorney: Maura Ziska] [ARCOM Recommendation: Eliminate the chimneys on the townhouses.]
Deferred from the March 12, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

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

Zoning Administrator Castro provided Staff's comments.

Attorney Ziska, on behalf of Capital Construction & Development, Inc., provided an overview of the applicant's request.

Discussion ensued regarding onsite access, the use of the back alley, the sufficiency of the drainage plan, and the height of the chimneys.

Director of Public Works Brazil spoke regarding the drainage plan.

Ray Angle, 227 Brazilian Avenue, spoke in opposition to the height of the proposed chimneys.

Attorney Ziska stated that the entire property would be buffered by landscaping.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that the variances related to Site Plan Review #3-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that Site Plan Review #3-2014 be approved based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.

b. MODIFIED VARIANCE #10-2014 The application of K. Prescott Low and Susan T. Low; relative to property commonly known as 242 Jungle Road; described as Lengthy legal description on file; located in the R-A Zoning District. The modified Variance Application reflects a change from a 60kw generator to a 70kw generator. Applicants request permission to install a 70KW Generac QT070 generator in the northwest corner of their property with a front yard setback of 6 feet 8 inches in lieu of 35 foot minimum required and a side yard setback of 10 feet in lieu of the 12 feet 6 inches required. [Attorney: M. Timothy Hanlon]
Deferred from the March 12, 2014, Town Council Meeting.
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communication was declared: Council President Pro Tem Diamond spoke with Attorney Hanlon.

Attorney Hanlon, on behalf of K. Prescott and Susan T. Low, provided an overview of the applicants' request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Modified Variance #10-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met, subject to Staff recommendations. On roll call, the motion carried unanimously.

2. New Business

a. SPECIAL EXCEPTION #3-2014 WITH VARIANCE The application of Keith Frankel; relative to property commonly known as 1900 South Ocean Blvd.; described as Lengthy legal description on file; located in the R-AA Zoning District. The applicant is requesting a special exception to construct a 500 square foot beach cabana on an ocean parcel across the street from the main residence, which is located in the R-AA Zoning District; a variance is requested to allow the beach cabana with a setback of 26.83 feet from the designated Ocean Bulkhead Line established in Chapter 62 in lieu of the 150 foot minimum setback required. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning and Building

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

Attorney Ziska, on behalf of Keith Frankel, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Architect Mark Marsh provided additional information regarding the project.

Discussion ensued regarding the chimney height, Florida Departments of Environmental Protection and Transportation approvals, and the revetment setback.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Special Exception #3-2014 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, and that the variance related to Special Exception #3-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met, subject to staff conditions and the condition that the chimney height not exceed the height of the cabana roof. On roll call, the motion carried unanimously.

b. <u>SPECIAL EXCEPTION #4-2014</u> The application of Buccan (Piper Quinn); relative to property commonly known as 350 South County Road; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a special exception to modify a previously approved special exception use for the restaurant Buccan to allow a portion of the restaurant that fronts Australian Avenue (approved as restaurant office) to be used for a sandwich takeout counter for lunch hours (11:00 a.m. to 3:00 p.m.), Monday through Saturday. The restaurant's number of seats will remain the same and they will continue to follow the conditions of the approval. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Mayor Coniglio and Council Member Kleid spoke with a neighbor.

Attorney Ziska, on behalf of Buccan, provided an overview of the applicant’s request.

Discussion ensued regarding traffic and parking.

Zoning Administrator Castro provided Staff’s comments.

Attorney Schiller, Becker & Poliakoff, 625 N. Flagler Drive, West Palm Beach, on behalf of Melbourne House, 227 Australian Avenue, spoke in opposition to the request.

Parking/Code Enforcement Manager Houston spoke regarding a complaint from a resident who was in opposition to the request, illegal parking on South County Road and Australian Avenue, and the valet parking operations.

Motion was made by Council President Pro Tem Diamond that Special Exception #4-2014 shall be denied for the reason that the granting of the special exception will adversely affect the public interest and that the specific requirements of Section 134-229 have not been met. Motion died for lack of a second.

Motion was made by Council Member Pucillo, and seconded by Council Member Kleid, that Special Exception #4-2014 shall be granted based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met, subject to the conditions that provisions are made for off-street employee parking, there be no

seating, and that the applicant come back before the Town Council after six months of opening for a review of the restaurant's operations. On roll call, the motion carried 4-1, with Council President Pro Tem Diamond dissenting.

c. VARIANCE #14-2014 The application of 176 Sunset Avenue, LLC (John Flynn, Manager); relative to property commonly known as 176 Sunset Avenue; described as Lots 84 through 89, inclusive, according to the Plat thereof as recorded in the Plat Book 2, Page 6, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. A variance is requested to allow construction of a new two story, two-family residence with a height of 26.6 feet in lieu of the 23.5 foot maximum allowed and an overall height of 34.5 feet in lieu of the 31.5 foot maximum overall height allowed. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variances 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 communications were declared: Council President Pro Tem Diamond spoke with those who were in opposition to the project.

Attorney Ziska, on behalf of 176 Sunset Avenue, LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Robert Moore, 318 Bunker Ranch Road, West Palm Beach, on behalf of Mr. Schottenstein, the neighbor to the east, expressed his client's concerns regarding replacement of his ficus trees if they are damaged during construction.

Marianne Gorelick, 173 Main Street, expressed concern regarding flooding in her backyard, the noise coming from the pool equipment, and retention of the cabbage palm tree in the easement.

Discussion ensued regarding the drainage plans, the pool equipment, undergrounding the utility lines, lowering the elevation of the property, and the hardship.

Architect Michael Johnson provided additional information regarding the project.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, that Variance #14-2014 be denied for the reason that the

application does not meet the criteria set forth in Section 134-201(a), items 1 through 7. On roll call, the motion carried unanimously.

d. VARIANCE #15-2014 The application of International Yacht Collection, LLC; relative to property commonly known as 333 Peruvian Avenue, Suite #1; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant is requesting a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The Applicant is assuming the existing lease of the existing yacht broker office and proposes to continue the existing use. The proposed use does not meet the special exception uses requirement in Section 134-1109 (18) that there are at least 50% exiting office uses on all floors in the building or the requirement that there are more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Attorney: M. Timothy Hanlon]
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communication was declared: Council President Pro Tem Diamond spoke with Attorney Hanlon, who advocated the position of his client.

Attorney Hanlon, on behalf of International Yacht Collection, LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that Variance #15-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met, subject to the same conditions placed upon the previous owner. On roll call, the motion carried unanimously.

e. VARIANCE #16-2014 The application of Shakir Wissa; relative to property commonly known as 156 Clarke Avenue; described as Lot 21 of PRIMAVERA ESTATES (Ocean Section), according to the plat thereof as recorded in Plat Book 6, Page 82 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. A variance is requested to construct garage doors on the south side of the residence along the alley that will have a

5.2 foot rear yard setback in lieu of the 15 feet that would be required for a new 2 story building. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communication was declared: Council President Pro Tem Diamond spoke with Architect Pat Seagraves, who advocated for the project.

Attorney Ziska, on behalf of Shakir Wissa, provided an overview of the applicant's request.

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

Architect Seagraves provided additional information regarding the project.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Townsend, that Variance #16-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

f. <u>VARIANCE #17-2014</u> The application of Nancy McAllister; relative to property commonly known as 207 Mediterranean Road; described as Lot 101 BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the Plat thereof, on file in the office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 12, Page 15; located in the R-B Zoning District. A variance is requested to add an approximate 144 square foot addition to the existing 200 square foot pool cabana with a rear yard setback of 6.1 feet in lieu of ten feet minimum required. [Attorney: M. Timothy Hanlon]
John S. Page, Director of Planning, Zoning and Building

The following ex-parte communications were declared: Council President Pro Tem Diamond spoke with the property owner, Nancy McAllister, who advocated her position. Council Member Pucillo spoke with Attorney Hanlon, who advocated the position of his client.

Attorney Hanlon, on behalf of Nancy McAllister, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Kleid, that Variance #17-2014 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7, have been met. On roll call, the motion carried unanimously.

C. Other

(Clerk's Note: The following two items were moved to the end of the agenda.)

Council President Wildrick passed the gavel to Council President Pro Tem Diamond for the remainder of the meeting as he had to recuse himself on the remaining items.

Mayor Coniglio and Council President Wildrick recused themselves for the following two items, left the dais, and provided Memorandum of Voting Conflict Form 8b's to Town Clerk Owens.

1. Consideration of Del Frisco's Grille Restaurant Town-Serving Documentation, Special Exception No. 20-2012 with Variance
John S. Page, Director of Planning, Zoning and Building

Attorney Harvey Oyer, Shutts & Bowen, on behalf of Del Frisco's Grille Restaurant, provided an overview of their town-serving documentation.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Kleid, and seconded by Council Member Pucillo, to accept Del Frisco's Grille Restaurant's town-serving documentation. On roll call, the motion carried 4-0, with Council President Wildrick recused.

2. Rescission of Ordinance No. 5-2013 Relating to the PUD-5 Comprehensive Amendments.
John C. Randolph, Town Attorney

Town Attorney Randolph provided an overview of the potential rescission of Ordinance No. 5-2013.

Motion was made by Council Member Kleid, and seconded by Council Member Townsend, to direct Town Attorney Randolph to take all legal steps necessary to repeal Ordinance No. 5-2014. On roll call, the motion carried 4-0, with Council President Wildrick recused.

(Clerk's Note: At 12:44 p.m., the Town Council meeting was recessed to reconvene the Local Planning Agency meeting. The Town Council meeting was reconvened at 12:53 p.m.)

IX. ORDINANCES

A. First Reading

1. ORDINANCE NO. 1-2014 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 X, On- Street Parking Permits; Division 2, Residential Districts; Section 134- 2296, Issuance of Special Parking Permits Upon Application, to Include a New Subparagraph (d) to Provide for the Issuance of Temporary Group Permits; Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2328, Temporary Group Permits, to Provide for an Application Fee; 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 President Pro Tem Diamond, and seconded by Council Member Kleid, to approve Ordinance No. 1-2014, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 2-2014 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 X, On- Street Parking Permits; Division 2, Residential Districts; Section 134- 2293, Designation of Controlled Parking Residential Areas, to Delete Section 134-2293 in its Entirety; Amending Division 2, Residential Districts; Section 134-2295, Procedures for Determining Controlled Parking Residential Areas, to Require Website Maps and Proper Display of Permits; 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 President Pro Tem Diamond, and seconded by Council Member Townsend, to approve Ordinance No. 2-2014, on first reading. On roll call, the motion carried unanimously.

3. ORDINANCE NO. 3-2014 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 X, On- Street Parking Permits; Division 2, Residential Districts; Section 134- 2298, Enumerating Unlawful Acts; Section 134-2301, Penalties, Providing for Surrendering of Permits; Providing for a New Section 134-2302, Regarding Revocation of Decal/permit;

Amending Division 3, Residential Districts Adjacent to Commercial Districts; Section 134-2334, Enumerating Unlawful Acts; Providing for a New Section 134-2335, Penalties; Providing for a New Section 134-2336, Revocation of Decal/permits; 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 President Pro Tem Diamond, and seconded by Council Member Townsend, to approve Ordinance No. 3-2014, on first reading. On roll call, the motion carried unanimously.

(Clerk's Note: The following item was heard after Ordinance No. 8-2014.)

4. ORDINANCE NO. 7-2014 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Section 134-2 By Creating Definitions For Attic And Veterinarian Office; Section 134-2 By Modifying The Definitions For Building, Height Of, (Applicable To Lots Or Portions Of Lots East Of The State Of Florida Coastal Construction Control Line (CCCL), Individual Business Sign, Habitable Space And Story; Section 134-172 By Creating A One Thousand Foot Property Owner Notice Requirement For Variances That Exceed The Maximum Density Allowed In The Zoning District But Do Not Exceed The Maximum Density Allowed By The Underlying Future Land Use Designation On A Property; Section 134-261 By Adding 1,000 Foot Property Owner Notice Requirement In the Appropriate Location For A Comprehensive Plan Amendment, Zoning Text Amendment Or Zoning Change That Increases The Allowable Density Or Intensity; Sections134-1108, 134-1109, 134-1257 and 134-1259 By Allowing Veterinarian Office Uses In The C-TS And C-PC Zoning Districts As A Special Exception Use; Sections 134-1157, 134-1207 And 134- 1302 By Prohibiting A Veterinarian Office Use In The C-WA, C-OPI And C-B Zoning Districts Zoning Districts; Sections 134-2436 And 134-2437 By Modifying The Individual Business Sign Regulations To Allow Said Signs On The Back of Buildings In Certain Situations; Section 134-2439 By Clarifying That An Individual Business Sign Is Allowed Only To Advertise The Legal Business Name And The Nature Of The Business; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.
John S. Page, Director of Planning, Zoning and Building

Discussion ensued regarding the amendments the Local Planning Agency recommended to the Town Council.

Motion was made by Council President Pro Tem Diamond, and seconded by Council Member Pucillo, to approve Ordinance No. 7-2014, as amended by the Local Planning Agency, on first reading. On roll call, the motion carried unanimously.

5. ORDINANCE NO. 8-2014 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 118 of the Town Code of Ordinances Relating to Traffic and Vehicles, at Article III, Parking, Stopping and Standing; Division 1, Generally; at Section 118-86, Regulation Generally; Tow-Away Zones, at Paragraph (a); Amending Section 118-92, Penalty for Violating Parking Regulations Generally; 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 President Pro Tem Diamond, and seconded by Council Member Kleid, to approve Ordinance No. 8-2014, on first reading. On roll call, the motion carried unanimously.

X. ANY OTHER MATTERS – None

XI. ADJOURNMENT

There being no further business, the April 9, 2014, regular Town Council meeting was adjourned at 1:09 p.m.

APPROVED:

____
Robert N. Wildrick
Town Council President

ATTEST:

____
Susan A. Owens, MPA, MMC
Town Clerk

____
Date

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Minutes

Agenda Title

Approval of Major Matters Considered by the Architectural Commission at its Meeting of April 23, 2014, With the Exception of Case #A-018-2014, 1144 North Ocean Boulevard, Which is Being Appealed to the Town Council on Wednesday, May 14, 2014.

Presenter

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

Supporting Documents

- **Memorandum dated April 30, 2014 from John S. Page, Director of Planning, Zoning and Building**
- **Minutes of the Architectural Commission Meeting of April 23, 2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of April 23, 2014

Date: April 30, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 23, 2014.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of April 23, 2014.

GENERAL INFORMATION

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

Attachment

JSP:cmd

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

WEDNESDAY, APRIL 23, 2014, 9:00 a.m.

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

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

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

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

Robert J. Vila, Chairman	PRESENT
Nikita Zukov, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Ann L. Vanneck, Member	PRESENT
Henry Homes III, Member	PRESENT
Richard Sammons, Member	ABSENT (unexcused)
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Alternate Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT
Michael B. Small, Alternate Member	PRESENT

Let the record show that Mr. Gruss was a voting member for today's meeting.

Let the record show that a court reporter was present for the project at 390 N. Lake Way, A - 013 - 2014.

Staff Members Present: John S. Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission. Let the record show that John Randolph, Town Attorney, was present by phone for Item VII. Other Business.

III. PLEDGE OF ALLEGIANCE: (09:00:34 a.m.)

IV. **APPROVAL OF THE MINUTES FROM THE MARCH 26, 2014 MEETING: (09:01:04 a.m.)**
MOTION BY MR. HOMES FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

V. **APPROVAL OF THE AGENDA: (09:01:15 a.m.)**
MOTION BY MRS. VANNECK FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:01:21 a.m.)**
Mrs. Delp administered the oath at this time and throughout the meeting as necessary.

Let the record show that Mr. Page made reference to the voting conflict form filed by Mr. Sammons at the last meeting.

VII. **OTHER BUSINESS: (09:01:32 a.m.)**
*Let the record show that Town Attorney, John Randolph, participated by phone for this item.

ARCOM annual report update [Nikita Zukov, Vice Chairman]
Mr. Zukov stated that after he provided the annual report related to ARCOM at the April 8, 2014 Town Council meeting, he fielded many questions from the Town Council. He stated that the Town Council told him that ARCOM could "go the same way as the other boards, but not for the same reasons." Mr. Zukov relayed the directions of the Town Council as follows:

- Politeness toward applicants was stressed.
- Lecturing to architects is not acceptable.
- Comments such as "I don't like it" should not be made.
- Applicants/architects should be given clear direction as to what is expected or requested by the commission, especially in cases where a deferral is approved.
- ARCOM is to approve what is good for the Town of Palm Beach, not what any individual member likes or does not like.
- Be more polite and respectful to applicants and their representatives.

Mr. Zukov added his personal suggestion that it be a pre-requisite that members meet with each and every applicant who contacts them prior to a meeting to review the plans, if the member is able to do so. Mr. Vila thanked Mr. Zukov for attending the referenced Town Council meeting in his stead.

Mr. Page added the following comments relative to the Town Council's comments at the April 8, 2014 meeting:

- All comments and criticisms that come from ARCOM to the applicant are to be as respectful as possible.
- Commissioners should remember that each applicant comes before ARCOM with building plans and high hopes for a positive result.
- Critical comments, when appropriate, should be delivered in a constructive, helpful fashion.
- Commissioners should never make derogatory comments or quips about a project. Please pay particular attention to the way in which corrective comments are delivered.
- Commissioners represent the Town.

- When making critical comments, offer counter thoughts that might describe the desired changes you would like to see.
- "I don't like it" comments are not acceptable.
- Per code, all boards and commissioners with any advisory panel serve at the pleasure of the Council, and the Council members believe that you represent the Town, and they would like that message instilled in your work behaviors from this point forward.

Mr. Randolph suggested that members take the time to listen to the April 8, 2014 Town Council meeting online. He added the following comments:

- Be polite to your fellow residents who appear before you with their applications treating them the way you would want to be treated under similar circumstances.
- Follow the criteria set forth in the ordinance. Those criteria are specific in regard to the issuance of permits for demolition and for construction.
- The ordinance provides that if those criteria are met, the application "shall" be approved. Conditions may be applied when the proposed building or structure does not comply with the criteria, and those conditions shall be such as to bring the building or structure into conformity. If an application is disapproved, the commission is required, by code, to detail in its findings, the specific criterion or criteria that have not been met.
- The Town has been receiving complaints, directly to members of the Town Council, that often times, applicants are sent back to the drawing board with little indication of what ARCOM, as a full commission, wants.
- You are not there to re-design someone's home, but in sending them away, you should attempt to advise them as to the specific criteria that you do not feel are being met, i.e., excessively similar or dissimilar, etc.
- The ordinance criteria should be given to the members for reference at each meeting.
- The integrity of the entire process depends on the ARCOM members. ARCOM actions can be appealed to the Town Council or to the Circuit Court. "If the court finds that you have not followed your own criteria, your decision will be overturned and perhaps remanded back to you with direction to follow your criteria. That will happen after a great deal of expense on the part of the Town and the applicant."
- "I don't like it" does not work under our code.

Mr. Vila underscored Mr. Zukov's point about members meeting with applicants and doing so sufficiently in advance of the meeting to allow for plan changes, all in an effort to expedite projects as much as possible. Mr. Zukov added that ARCOM approved an average of 2+ homes/month within the last year.

VIII. PROJECT REVIEW (09:13:40 a.m.)

A. **MAJOR PROJECTS-OLD BUSINESS**: **(09:13:43 a.m.)**
B - 020 - 2014 New Two Family Dwelling
Address: 176 Sunset Avenue
Applicant: 176 Sunset Ave, LLC
Architect: Michael J. Johnson
Project Description: A new two-family, two-story dwelling. CBS construction with stucco exterior finish, cement tile roof, mahogany impact rated doors and windows, new swimming pool and hardscape, preliminary landscape plan. Building Color - white; Roof - Light grey concrete tile; Trim - grey

At the March ARCOM meeting, a motion carried that implementation of the proposed variance will not cause negative architectural impacts to the subject property, and a second motion carried for approval of the architecture as presented, except for the chimney which is to be eliminated. At the April Town Council meeting, however, the Town Council did not approve the variance for the project. This caused the project to be revised. The project now returns to ARCOM for review of the revised project.

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

ARCHITECTURAL PRESENTATION BY: Michael J. Johnson, Architect, and Daniel Menard, La Berge and Menard
LANDSCAPE PRESENTATION BY: Steve Kvarnberg, KVLA Design
OTHERS WHO TESTIFIED: Robert Moore, 318 Bunker Ranch Road, West Palm Beach

Mr. Lindgren read an e-mail into the record from Marion Gorelick, the neighbor to the rear, wherein she lists her concerns relative to pool equipment noise and drainage.

Mr. Johnson briefly introduced the project and then handed the presentation over to Daniel Menard. Mr. Menard presented the revised plans which reflect a lowered roof and lowered building height, a reduction in the height of both floors, removal of the chimney and bulls eye windows, and the addition of rain water leaders on the front facade. The project now meets code.

Under commission comments: Question the decision to remove the chimney and then replace it with rain leaders; rain leaders are odd looking…don't have this elsewhere in town; perhaps keep the chimney and modify it; perhaps nothing is best (no chimney and no rain leaders).

Mr. Kvarnberg presented the landscape/hardscape as preliminary only. He likewise presented revised plans in response to lowering the house and grade. As a result, some of the trees on the east property line will not be able to be saved. Some design elements include: Rear pools are in a flip orientation of each other; do not want to move the pool equipment, but can add a two or three sided wall around the pool equipment to address the neighbor's concern; drainage issues are resolved, even despite lowered grade; requesting permission to remove Ficus on east property line; will replace the hedges between this property and neighbor to east, Schottenstein, with a different type of hedge; Coconuts on the west side will be relocated; Callophyllum hedge proposed for three sides, along with slender palms for height; three large trees in the front of the property may serve to mitigate a chimney or the rain leaders; and, fencing only around the pool.

Under commission comments: Regret removal of Ficus hedge on east, but the choice of Callophyllum is a bonus along with the slender palms; glad that you are saving large Ficus on corner; partial wall around pool equipment is nice gesture to neighbor; consider site walls around the south, east and west sides to provide privacy for the rear yards; and, the rain leaders shown will not handle heavy Florida rains.

Robert Moore, on behalf of the Schottensteins, inquired as to the height of the hedge which will be installed between the two properties. Mr. Kvarnberg responded that he had met with Mr. Schottenstein and had told him that a 10 ft. tall Callophyllum hedge will be installed and can grow to 12 ft. or more.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED WITH NO RAIN LEADER IN THE CENTER, AND NO CHIMNEY, BUT IT IS ACCEPTABLE TO HAVE ONE RAIN LEADER ON EACH SIDE OF THE BUILDING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

B - 026 -2015 New Townhouses
Address: 215 Brazilian Avenue
Applicant: Capital Development Group International, LLC
Architect: Smith and Moore Architects, Inc.
Project Description: Construction of a four-unit, two-story townhouse building. Final hardscape and landscape.

At the March meeting, the project was heard, and a motion carried for deferral to the April meeting.

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

ARCHITECTURAL PRESENTATION BY: Harold Smith, Smith and Moore Architects, Inc.
LANDSCAPE PRESENTATION BY: Daniel Sugg, Cotleur and Hearing

Mr. Smith presented revised plans in response to comments made at the last meeting. Since the French Chateaux style presented last month was deemed inappropriate by ARCOM, the style has been changed to Mediterranean Revival in the Palladian motif. The Town Council has granted site plan approval and several variances for the project since last month. Changes include: new box bays in the rear; changes to fenestration; roof change to barrel tile with a 4/12 slope; retained a flat roof portion for equipment and skylights; reduced height of chimneys; re-designed glass entry doors; change to transoms; base is now running bond cast stone instead of linear; adjusted balusters; combination of pedimented and segmented pediments at windows; simplified balcony brackets, and other changes as presented.

Mr. Smith presented alternate elevations showing clay barrel tile shed roofs on the chimneys and the addition of balusters above the two front doors on the south elevation.

Under commission comments: Great improvement for Palm Beach; contiguous with neighborhood; approve of the new balusters and the new chimney caps; approve of how it mixes with the neighborhood; vast improvement; meets ordinance criteria; commend your scholarly re-design; tremendous improvement…job well done.

Daniel Sugg, Cottleur and Hearing, presented revised landscape/hardscape plans. Changes include: Revised front yard to make less formal; retained Canary Island Date Palms; and, other plant changes as presented.

Mr. Lindgren read an e-mail into the record from Fran Burns, President of the Brazilian of Palm Beach, representing the owners at 227 Brazilian Avenue, wherein it is stated that the majority of owners are in favor of the new Mediterranean design with either of the chimney designs.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, WITH THE PROVISO THAT THERE ARE BALUSTERS ON THE FRONT AND SIDES (AT THE BALCONIES) OVER THE ENTRIES, AND WITH THE OPTION A CHIMNEY CAPS, AND THE LANDSCAPE AS PRESENTED.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 027 - 2014 New Residence
Address: 266 Fairview Road
Applicant: William and Judith Cooley
Architect: Jeffrey Ray, Architect
Project Description: Construction of a new single family residence with landscape and hardscape approval requested. Two-story; Building Color - Beige; Roof - Tan Cement Tile; Trim - White

At the March meeting, the project was heard, and a motion carried to defer the project to the April meeting for further study. Please be advised that the applicant has requested deferral to the May meeting.

Call for disclosure of ex parte communication: No disclosures.

MOTION BY MRS. VANNECK FOR DEFERRAL OF B-027-2014 AT 266 FAIRVIEW ROAD TO THE MAY MEETING.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B. **MAJOR PROJECTS-NEW BUSINESS**: **(10:08:08 a.m.)**

B - 028 - 2014 Window Modification
Address: 100 Royal Palm Way, A-5
Applicant: Joseph and Sharon Muscarelle
Architect: Kirchhoff & Associates Architects, Thomas M. Kirchhoff, AIA, P.A.
Project Description: New window in existing condominium wall. Enlarge existing window in condominium wall.

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

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Kirchhoff & Associates

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above. He explained that some windows in other units of the condos within this building have experienced some modification in the past. The windows in question occur in the bathrooms of the condo unit. The new window units will be impact units to match other windows. Mr. Kirchhoff testified that the condo association approves of this change.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

B - 030 - 2014 Additions
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 234 Ocean Terrace
Applicant: David Lambert
Architect: Kirchhoff & Associates Architects, Thomas M. Kirchhoff, AIA, P.A.
Project Description: Additions and renovations to existing one-story residence including landscape and hardscape. The addition includes a new master bedroom suite and a Florida room. A new 2 car garage replaces the existing one-car garage.

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

ARCHITECTURAL PRESENTATION BY: Thomas M. Kirchhoff, Kirchhoff & Associates
LANDSCAPE PRESENTATION BY: Matt Jackman, Nievera Williams Design
ATTORNEY PRESENT: Maura Ziska, for the applicant

Mr. Kirchhoff presented the project in accordance with the submitted plans and as described above. The proposal results in a more Contemporary design, with all doors and windows replaced with clear glass, rather than the previous divided lite windows. Fenestration is surrounded by stone treatments to the facade. Stucco soffit will be replaced in bleached mahogany. The project includes demolition of the existing garage and rear terrace, in favor of a new 2-car garage, master bedroom suite and Florida room, and assorted fenestration changes. A variance is being requested for CCR. Mr. Lindgren read the variance request into the record.

Mr. Jackman presented the associated landscape/hardscape plans. Design elements include: Re-finish existing pool and add new cast stone coping; Coconut Palms in front; relocate existing front Foxtails to west side; Clusia hedge; cast stone walkway; cast stone driveway (24"x 24"); and generator placement in rear southeast corner.

Ms. Ziska explained the hardship with this property to justify the variance request.

Under commission comments: Troubled by request for variance; applaud that no second story was proposed; the Town Council will decide on the hardship.

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

Commission comments continued: Problem with the style of the house on a street that has mostly Bermuda houses; issue with the heaviness of the applied stone and the landscaping does not fit into the neighborhood either; not in keeping with rest of neighborhood; you have tried to take a simple Ranch style home and spruce it up…an improvement; the quality of the materials is good; nothing is heavy about the materials for a simple Contemporary; suggestion to only do the stone treatment on the entrance and not the two front windows; an elegant improvement to a commonplace house, and applaud the owner for not tearing it down, and not making it too big.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED 4-3, WITH MRS. VANNECK, MR. HOMES, AND MR. KNOWLES OPPOSED.

Let the record show that there was a short recess from 10:30 to 10:45 a.m.

Prior to moving forward with the agenda, Mr. Lindgren noted that the landscape architect had stated that this was preliminary landscape, but this was actually the final landscape/hardscape. Mrs. Vanneck stated that the landscape suits the house, but asked the landscape architect to soften the base of the building with Cat palms.

<u>B - 031 - 2014 Remodel/Style Change</u>
ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)
Address: 710 S. County Road
Applicant: Joan Granlund
Architect: Bridges, Marsh & Associates
Project Description: Remodel of existing 1920's Mission style guest house into Island style guest house with pitched roof and terrace.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges, Marsh & Associates
LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group
ATTORNEY PRESENT: Maura Ziska, for the applicant

Ms. Ziska reviewed the requested variances for the project for building height plane and side yard setback.

Mr. Marsh presented the project in accordance with the submitted plans and as described above. He explained that this guest house project is the first phase in re-development of this estate. The guest house, located in the northwest corner, is in deplorable condition, so the applicant wishes to renovate it and change its style. Changes include: Change out all of fenestration; add shutters and awnings; remove window a/c units; new simple railings, and, add pitched roof. Mr. Marsh later noted that an existing free-standing storage shed will be removed.

Mr. Lang presented the associated landscape/hardscape. Design elements include: Retain Sabal Palms, Schefflera, and buffering at the road as a courtesy to the neighbors. He indicated that he will return with full landscape/hardscape plan in the future.

Under commission comments, Mrs. Vanneck advised that Mr. Lang will have to remove the Schefflera from the site.

Mr. Page advised that the architect needs to be very careful not to replace more than 50% of the cubic volume.

Ms. Ziska provided a second explanation for the requested variances.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE(S) WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MRS. VANNECK WITH THE PROVISO THAT THE SCHEFFLERA ARE REMOVED.
MOTION CARRIED UNANIMOUSLY.

After the motion, Mr. Marsh showed the color samples for the guest house.

B - 032 - 2014 Addition
Address: 1930 S. Ocean Blvd.
Applicant: Lloyd Miller
Architect: Backen Gillam Kroeger Architects/Cristof Eigelberger
Project Description: A proposed two (2) story addition to the existing residence at 1930 S. Ocean Blvd. The proposed addition occurs at the northeast portion of the building with access from S. County Road from an existing driveway. The proposed building will have additional parking for the residence.

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

ARCHITECTURAL PRESENTATION BY: Cristof Eigelberger, Backen Gillam Kroeger

Mr. Eigelberger presented the project in accordance with the submitted plans and as described above. He explained that approximately 2000 sq. ft. is being added to the residence, adding a gym with views toward the lake, office, bathroom, and sitting room. Materials for the addition will match those used on the existing house.

Under commission comments: The pop-up clearstory over the office is totally not in keeping with the rest of the house; the east facing windows of the office at the second story are not in keeping with the style of architecture; the volume may meet code, but it drags the rest of the house in a powerful way…the addition looks like it is running the house; recommend that you scale down the addition so it is less prominent; the clearstory does not relate to anything else in the house…it has a commercial feel; it is detrimental to the rest of the house; the addition overwhelms the rest of the house; perhaps pull it back a few feet where it intersects the rest of the residence; re-study to lessen the impact of the addition to make it more in keeping with the house; perhaps place the office elsewhere; OK with two stories, but not with how it connects…make it fit in more nicely; OK with two stories, but the collision is objectionable; and, how about flipping the addition to the rear so the front remains intact.

MOTION BY MR. ZUKOV FOR DEFERRAL TO THE MAY MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

B - 033 - 2014 Alterations and Landscape/Hardscape
Address: 2323 Ibis Isle Road South
Applicant: 2323 Ibis Isle LLC
Architect: Smith and Moore Architects, Peter Papadopoulos
Project Description: Alterations to existing one-story residence. 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: Steve Parker, Parker Yannette Design Group

Mr. Papadopoulos presented the project in accordance with the submitted plans. He noted that a large existing Seagrape tree will be retained and the project will be designed around it. He explained that the project will add a master bedroom to the south side, a new guest room and a two-car garage, adding 648 sq. ft. of air conditioned space and a 300 sq. ft. loggia. Other design elements include plan changes which allow views of the water from the front door, change fenestration to impact, strip off existing facade and re-do with smooth white stucco; add height to master bedroom; and, front door, garage door, and garden gates in horizontally planked bleached wood.

Mr. Parker presented the landscape/hardscape with design elements to include: Preserve the existing Seagrape; preserve and relocate existing Pandanis; preserve much of existing landscape buffer; remove existing driveway, walkways and pool; simple landscape in rear; relocate driveway to east and construct new driveway in brushed concrete with sod strips; new pool; create privacy; and, add bleached mahogany entry gate with two columns which are hidden in the Clusia hedge.

Commission comments indicated strong support for the project.

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

B - 034 - 2014 Addition
Address: 263 El Pueblo Way
Applicant: Liza Pulitzer and Robert Calhoun
Architect: SKA Architect + Planner, Patrick W. Segraves, A.I.A.
Project Description: Addition of new two-car garage to be 462 square feet. New garage will be connected to existing two-car garage and office with a breezeway that will be 120 square feet.

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

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

Mr. Segraves presented the project in accordance with the submitted plans and as described above for the new two-car garage addition. Members commented that the addition retains the style and scale of the existing house and is in keeping with old Florida.

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

B - 035 - 2014 Front entry/Landscape/Hardscape
Address: 162 East Inlet Drive
Applicant: David and Jill Shulman
Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.
Project Description: Renovation of existing front entry and entry wall and gates. Final landscape and hardscape will also be included.

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

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

Mr. Segraves presented the project in accordance with the submitted plans and as described above. He explained that the front door is located too close to the garage. As such, the front entrance will be relocated to the center of the courtyard. Other design elements include: Fenestration changes; new wooden front door with cast stone surround; raised planter; reduce driveway openings from 16 ft. to 12 ft.; Chicago brick driveway; and, simple front landscape plan as presented by Mr. Segraves.

Under commission comments: Vast improvement on interior and exterior; front door so small and tucked into the corner…it should make more of a statement.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, BUT MOVE THE FRONT DOOR TO THE CENTER AND RE-ARRANGE THE POWDER ROOM.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

B - 036 - 2014 Landscape/Hardscape
Address: 1840 S. Ocean Blvd.
Applicant: Dr. Ernst and Nataly Langner
Architect: Mario Nievera, Nievera Williams Design
Project Description: Proposed complete hardscape and landscape plans

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

LANDSCAPE PRESENTATION BY: Mario Nievera, Nievera Williams Design

Mr. Nievera presented the project in accordance with the revised plans as distributed to the members at the meeting. Design elements include: Attempt to remove parking from the front door area to preserve views; service drive to north leading to garages; guest parking to south; pool located under a roof; driveway in 4" grey cobblestone pre-cast with cast stone banding and grass joints; cast stone and French limestone paving in rear; fountain off main stairway facing west; garden walkway in rear leading to fountain; formal, geometric garden in rear; 4 large Date Palms in rear; south fountain with two very simple bowls; landscape material as presented; and, two ornate black aluminum driveway gates (18 ft. wide and 8 ft. tall) and two side gates.

Under commission comments: The gates are so ornate and Baroque, but are hanging on simple piers; gates need re-study; lack of vegetation on the east side along the road; re-study and simplify the gates; like the gates…they are exuberant and different; request that you visually depict the gates and piers; simplify the gates and provide a South Ocean Boulevard rendering.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, EXCEPT FOR THE GATES WHICH NEED TO COME BACK, ALONG WITH AN ELEVATION.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

IT WAS CLARIFIED THAT THE GATES AND ELEVATION WERE DEFERRED TO THE MAY MEETING.

B - 037 - 2014 Demolition
Address: 229 Orange Grove Road
Applicant: Mr. and Mrs. Chris Holbrook
Architect: MP Design & Architecture, Inc., Michael Perry
Project Description: Demolition of existing residence

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

Mr. Perry provided the demolition report for this home which Henry Harding designed as his own home in 1948. The property has been vacant and is very run down. Only perimeter landscaping will remain. A hedge will be added along the road to match the hedge of the property owner next door. That property owner has purchased this property.

MOTION BY MR. ZUKOV FOR APPROVAL OF THE DEMOLITION, WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.

C. **MINOR PROJECTS - OLD BUSINESS**: **(12:11:42 a.m.)**

A - 013 - 2014 Fenestration Change
Address: 390 N. Lake Way
Applicant: 390 North Lake Way, LLC
Architect: Carlos Martin
Project Description: Change of fenestration from that previously approved. (ARCOM #B-028-2013 and ARCOM #A-004-2014)

At the March meeting, the project was heard, and a motion carried for deferral to the April meeting for further study.

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

ARCHITECTURAL PRESENTATION BY: Attorney Frank Lynch and Carlos Martin, Architect

Mr. Lynch returned with clarified drawings depicting the original approval, the January approval, and the current proposal. The current proposal shows a reduction of one mullion in the fenestration throughout the house.

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

D. **MINOR PROJECTS - NEW BUSINESS** **(12:15:17 a.m.)**

A - 016 - 2014 Roof modification
Address: 674 Island Drive
Applicant: Rick Holton
Architect: Jacqueline Albarran, Architect P.A.
Project Description: Remove non-original parapet and gabled entry roof. Restore original hip roofs to match existing remaining roofs on sides and rear.

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

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran, Architect P.A.

Mrs. Albarran presented the project in accordance with the submitted plans and as described above. She reviewed the history of changes to this home. The existing house is the result of the cumulative changes performed by approximately five different architects over time. The current proposal would restore the original roof, correct inappropriate earlier changes, and associated fenestration changes as presented.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

A - 017 - 2014 Landscape/Hardscape Modification
Address: 268 Jamaica Lane
Applicant: Carl Asplundh Jr.
Architect: Environment Design Group/Frank Meroney
Project Description: Revising the existing drive to reduce the amount of existing hardscape. The front yard garden will be increased and planting will be adjusted accordingly.

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

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

Mr. Meroney presented the landscape/hardscape in accordance with the submitted plans and as described above. Design elements include: Reduce two curb cuts to one; create more privacy and more garden space in front yard; and, 8' Ficus hedge along the front with some gates; 12' hedge at garage and motor court; and, other landscape material as presented.

Under commission comments: Nice job: understand the need for privacy; why choose Ficus for the hedge?; issue with the difference between the 8' hedge and the 12' hedge; the change is too drastic on a small property; recommend that you place a palm back in the corner; questioning the gate lighting; and, questioning the need for gates.

MOTION BY MR. HOMES FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.

MOTION AMENDED ADDING THE PROVISO THAT THERE BE A SWOOP IN THE HEDGE FROM 8' TO 12' AND THAT A PALM BE PLACED IN THE CORNER.
MOTION CARRIED UNANIMOUSLY.

A - 018 - 2014 Window Modification
Address: 1144 N. Ocean Blvd.
Applicant: Lauren and Clement Mimun
Architect: None listed
Project Description: Request to go to no muntins on newly installed tinted impact windows

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

ARCHITECTURAL PRESENTATION BY: Lauren Mimun, property owner

Ms. Mimun stated that impact windows have been installed at her residence, and have been installed without muntins. Though muntins were approved for the windows, Ms. Mimun stated that it is their preference to have clear glass. She showed photos of the former windows and the new windows as installed.

Mr. Lindgren stated that he was unaware that the windows were already installed. A building permit had been submitted for the window change, but it was reviewed/returned for ARCOM approval. No staff approval was granted either. Mr. Lindgren noted that the permit will have to be researched to see if it was issued and what notes were made relative to the muntins. Ms. Mimun testified that the permit had been issued.

MOTION BY MR. HOMES TO DEFER TO THE END OF THE MEETING.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

After the last project was heard, discussion returned to this project. Mr. Page reported that a permit had been issued for the windows on December 16, 2013, for windows to match the existing windows, i.e., with muntins. The windows have been installed, but the permit is not finaled. At this point, the muntins should be applied to the windows, but the owner does not want to install the muntins. As such, the owner is present today to request approval for that change.

Under commission comments: The windows are not that troublesome without the muntins; this is a Mediterranean Revival house; would like to see both styles of window side by side…the aesthetics will be different; the vertical windows in the middle of the building are just terrible without the muntins; why are these muntins going to be "applied" instead of true divided lites; problem when something is applied for to be replaced as existing, and now they want to change it; if this was a new project, we would want mullions; from an aesthetic standpoint, having windows in this style house without mullions is a travesty; you have a hodge podge now; the house does not resemble what it should; and, we would like to see this concluded as approved with muntins.

MOTION BY MR. HOMES TO DENY THE REQUEST AS IT IS AESTHETICALLY INAPPROPRIATE AND IN VIOLATION OF THE ORIGINAL PERMIT ISSUED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.

A - 020 - 2014 Entry Door Modifications
Address: 241 Mockingbird Trail
Applicant: Scott Johnson
Architect: Glidden Spina + Partners, Keith Spina
Project Description: Shift location of entry door to east to accommodate expanded interior family room. Replace existing entry door with new and add sidelites.

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Danny Brown, Glidden Spina + Partners

Mr. Brown presented the project in accordance with the submitted plans and as described above. In addition, shutters will be removed, and a revised drawing was presented reflecting that. The project will give new emphasis to the entry.

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

A - 022 - 2014 Modifications
Address: 1900 S. Ocean Blvd.
Applicant: Keith Frankel
Architect: Bridges, Marsh & Associates
Project Description: Minor adjustments to plan due to setbacks, changes to family room roof, and other adjustments per comments from staff.

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

ARCHITECTURAL PRESENTATION BY: Mark Marsh, Bridges, Marsh & Associates

Mr. Marsh presented the project in accordance with the submitted plans and as described above. He explained that the project for this home was approved by ARCOM last fall, but the owner would now like the house moved further to the west. Other changes include: Reduce the wing at the southwest corner; removed part of basement; change to family room fireplace; fenestration changes and additions; and, change from solid balustrade to metal.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.
MOTION SECONDED BY MR. HOMES.
MOTION CARRIED UNANIMOUSLY.

XI. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (12:59:09 a.m.) None

XII. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (12:59:11 a.m.)

Mr. Homes reported that Bricktops has erected one of the lights they have requested to illuminate the awnings. Mr. Homes described it as very unobtrusive, emitting just a small amount of light. Since many of the members had not yet seen the light, they were asked to go by to see the light between now and the next meeting. This will be carried on next month's agenda.

Concerns were raised about the size of the new house at 270 El Bravo Way. Staff was asked to make sure that the project being built adheres to the ARCOM approved plans.

Staff was asked for an update relative to the project at 330 Island Road. Mr. Page reported that the owner was before the Town Council last month to request an extension on the permit. That permit was to expire at the end of May. The Town Council authorized that the permit be extended to just before Thanksgiving. If the project is not finished at that time, daily fines will be imposed.

Staff was asked for an update relative to the project at 160 Royal Palm Way. Mr. Page reported that this project will likely be in front of the Town Council for additional changes in July. No application has been filed to date. The project may have to return to ARCOM also.

Members commented about the large number of vehicles which are present on a daily basis at 1045 South Ocean Boulevard, the Borislow property. Staff noted that there are no code prohibitions as to the number of cars which may be parked in a driveway or motor court. Also, parking on an unimproved lot is not a violation as long as the vehicles belong to the owner or his guests.

Mr. Vila noted that at least 3 Town Council members attended the ARCOM meeting today. He suggested that ARCOM members may wish to attend Town Council meetings as well.

Mrs. Vanneck, in consideration of the Town Council's conduct directive to ARCOM, commented that in the past year, there have been several applicants who have been very disrespectful to ARCOM, even though ARCOM members tried to be respectful to them. Mr. Zukov, having received the direction from the Town Council when he gave the ARCOM report, stated that he and Chairman Vila are to stop any unpleasant exchanges whether initiated by the applicant or by an ARCOM member. Mr. Vila added that civility must be maintained at all times.

XIII. ADJOURNMENT: (01:11:45 a.m.)

MOTION BY MR. HOMES TO ADJOURN THE MEETING AT 1:23 P.M.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Wednesday, May 28, 2014 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach, Florida.

Respectfully submitted,

Robert J. Vila, Chairman
ARCHITECTURAL COMMISSION

cmd

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 60-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the National Police Officers Memorial Fund from the Town of Palm Beach Police Department's State Forfeiture Fund.

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated April 21, 2014, from Kirk W.Blouin, Director of Public Safetu**
- **Resolution No. 60-2014**
- **Forfeiture Expenditure, Attachment #1**
- **Forfeiture Expenditure, Attachment #2**
- **Forfeiture Expenditure, Attachment #3**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Contribution to National Law Enforcement Officers Memorial Fund from State Forfeiture Fund
Resolution No. 60-2014

Date: April 21, 2014

STAFF RECOMMENDATION

Staff requests the Mayor and Town Council approve an expenditure of $2,000 from the Town of Palm Beach Police Department's State Forfeiture Fund to the National Law Enforcement Officers Memorial Fund.

GENERAL INFORMATION

Pursuant to F.S. 932.7055 (5)(b) (Disposition of liens and forfeited property) (Attachment #1) it is requested that Town Council approve a contribution to the National Law Enforcement Officers Memorial Fund using funds in the Palm Beach Police Department's State Forfeiture account to support the National Law Enforcement Museum currently under construction in Washington, D.C.

For review and pursuant to F.S. 932.7055 (5) (c) is the request letter from Craig W. Floyd, Chairman and CEO of the National Honorary Campaign Committee (Attachment #2) and a letter from the Department of Justice, Criminal Division (Attachment #3) certifying that such a donation is a permissible use of forfeited funds.

FUNDING/FISCAL IMPACT

The Town of Palm Beach Police Department's State Forfeiture Fund has a balance of $14,544.73 and expenditure of these funds is in accordance F.S. 932.7055.

TOWN ATTORNEY REVIEW

F.S. 932.7055 (5) (b) and (c) and Resolution No. 60-2014 has been reviewed and approved by the Town Attorney for legal form, process, and sufficiency.

KWB/lsg

Attachments

RESOLUTION NO. 60-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING PAYMENT TO THE NATIONAL POLICE OFFICERS MEMORIAL FUND FROM THE TOWN OF PALM BEACH POLICE DEPARTMENT'S STATE FORFEITURE FUND.

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

Section 1: The Town Council authorizes the Palm Beach Police Department to contribute $2,000 to the National Police Officers Memorial Fund to support the National Law Enforcement Museum.

Section 2: The Town Council authorized the contribution from the Palm Beach Police Department's State Forfeiture Fund pursuant to F.S. 932.7055 (5) (b) and (c), attached hereto as Exhibit A.

PASSED AND ADOPTED IN A REGULAR, ADJOURNED SESSION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH THIS 13TH DAY OF MAY, 2014.

______________________________	______________________________
Gail L. Coniglio, Mayor	Robert N. Wildrick, Town Council President
	______________________________
	William J. Diamond, Council President Pro Tem
	______________________________
	Richard M. Kleid, Town Council Member
	______________________________
ATTEST:	Michael J. Pucillo, Town Council Member
______________________________	______________________________
Susan A. Owens, MMC, Town Clerk	Penelope D. Townsend, Town Council Member

Attachment #1

Select Year: 2013 Go

The 2013 Florida Statutes

Title XLVII CRIMINAL PROCEDURE AND CORRECTIONS	Chapter 932 PROVISIONS SUPPLEMENTAL TO CRIMINAL PROCEDURE LAW	View Entire Chapter

932.7055 Disposition of liens and forfeited property.—

(1) When a seizing agency obtains a final judgment granting forfeiture of real property or personal property, it may elect to:

(a) Retain the property for the agency's use;

(b) Sell the property at public auction or by sealed bid to the highest bidder, except for real property which should be sold in a commercially reasonable manner after appraisal by listing on the market; or

(c) Salvage, trade, or transfer the property to any public or nonprofit organization.

(2) Notwithstanding subsection (1), a seizing agency must destroy any image and the medium on which the image is recorded, including, but not limited to, a photograph, video tape, diskette, compact disc, or fixed disk made in violation of s. 810.145 when the image and the medium on which it is recorded is no longer needed for an official purpose. The agency may not sell or retain any image.

(3) If the forfeited property is subject to a lien preserved by the court as provided in s. 932.703(6)(b), the agency shall:

(a) Sell the property with the proceeds being used towards satisfaction of any liens; or

(b) Have the lien satisfied prior to taking any action authorized by subsection (1).

(4) The proceeds from the sale of forfeited property shall be disbursed in the following priority:

(a) Payment of the balance due on any lien preserved by the court in the forfeiture proceedings.

(b) Payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property.

(c) Payment of court costs incurred in the forfeiture proceeding.

[1](d) Notwithstanding any other provision of this subsection, and for the 2013-2014 fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund before October 1, 2001. This paragraph expires July 1, 2014.

(5)(a) If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned therefrom shall be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

(b) These funds may be expended upon request by the sheriff to the board of county commissioners or by the chief of police to the governing body of the municipality, accompanied by a written certification that the request complies with the provisions of this subsection, and only upon appropriation to the sheriff's office or police department by the board of county commissioners or the governing body of the municipality.

(c) An agency or organization, other than the seizing agency, that wishes to receive such funds shall apply to the sheriff or chief of police for an appropriation and its application shall be accompanied by a written certification that the moneys will be used for an authorized purpose. Such requests for expenditures shall include a statement describing anticipated recurring costs for the agency for subsequent fiscal years. An agency or organization that receives money pursuant to this subsection shall provide an accounting for such moneys and shall furnish the same reports as an agency of the county or municipality that receives public funds. Such funds may be expended in accordance with the following procedures:

1. Such funds may be used only for school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes as the board of county commissioners or governing body of the municipality deems appropriate.

2. Such funds shall not be a source of revenue to meet normal operating needs of the law enforcement agency.

3. After July 1, 1992, and during every fiscal year thereafter, any local law enforcement agency that acquires at least $15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s). The local law enforcement agency has the discretion to determine which program(s) will receive the designated proceeds.

Notwithstanding the drug abuse education, drug treatment, drug prevention, crime prevention, safe neighborhood, or school resource officer minimum expenditures or donations, the sheriff and the board of county commissioners or the chief of police and the governing body of the municipality may agree to expend or donate such funds over a period of years if the expenditure or donation of such minimum amount in any given fiscal year would exceed the needs of the county or municipality for such program (s). Nothing in this section precludes the expenditure or donation of forfeiture proceeds in excess of the minimum amounts established herein.

(6) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(a) The Department of Law Enforcement, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Forfeiture and Investigative Support Trust Fund as provided in s. 943.362 or into the department's Federal Law Enforcement Trust Fund as provided in s. 943.365, as applicable.

(b) The Division of Alcoholic Beverages and Tobacco, the proceeds accrued pursuant to the Florida Contraband Forfeiture Act shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund or into the department's Federal Law Enforcement Trust Fund as provided in s. 561.027, as applicable.

(c) The Department of Highway Safety and Motor Vehicles, the proceeds accrued pursuant to the Florida Contraband Forfeiture Act shall be deposited into the Department of Highway Safety and Motor

Vehicles Law Enforcement Trust Fund as provided in s. 932.705(1)(a) or into the department's Federal Law Enforcement Trust Fund as provided in s. 932.705(1)(b), as applicable.

(d) The Fish and Wildlife Conservation Commission, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Game Trust Fund as provided in ss. 379.338, 379.339, and 379.3395 or into the Marine Resources Conservation Trust Fund as provided in s. 379.337.

(e) A state attorney's office acting within its judicial circuit, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the State Attorney's Forfeiture and Investigative Support Trust Fund to be used for the investigation of crime and prosecution of criminals within the judicial circuit.

(f) A school board security agency employing law enforcement officers, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the School Board Law Enforcement Trust Fund.

(g) One of the State University System police departments acting within the jurisdiction of its employing state university, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into that state university's special law enforcement trust fund.

(h) The Department of Agriculture and Consumer Services, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Agricultural Law Enforcement Trust Fund or into the department's Federal Law Enforcement Trust Fund as provided in s. 570.205, as applicable.

(i) The Department of Military Affairs, the proceeds accrued from federal forfeiture sharing pursuant to 21 U.S.C. ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19 U.S.C. s. 1616a shall be deposited into the Armory Board Trust Fund and used for purposes authorized by such federal provisions based on the department's budgetary authority or into the department's Federal Law Enforcement Trust Fund as provided in s. 250.175, as applicable.

(j) The Medicaid Fraud Control Unit of the Department of Legal Affairs, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Department of Legal Affairs Grants and Donations Trust Fund to be used for investigation and prosecution of Medicaid fraud, abuse, neglect, and other related cases by the Medicaid Fraud Control Unit.

(k) The Division of State Fire Marshal in the Department of Financial Services, the proceeds accrued under the Florida Contraband Forfeiture Act shall be deposited into the Insurance Regulatory Trust Fund to be used for the purposes of arson suppression, arson investigation, and the funding of anti-arson rewards.

(l) The Division of Insurance Fraud of the Department of Financial Services, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the Insurance Regulatory Trust Fund as provided in s. 626.9893 or into the Department of Financial Services' Federal Law Enforcement Trust Fund as provided in s. 17.43, as applicable.

(7) If more than one law enforcement agency is acting substantially to effect the forfeiture, the court having jurisdiction over the forfeiture proceedings shall, upon motion, equitably distribute all proceeds and other property among the seizing agencies.

(8) Upon the sale of any motor vehicle, vessel, aircraft, real property, or other property requiring a title, the appropriate agency shall issue a title certificate to the purchaser. Upon the request of any law enforcement agency which elects to retain titled property after forfeiture, the appropriate state agency shall issue a title certificate for such property to said law enforcement agency.

(9) Neither the law enforcement agency nor the entity having budgetary control over the law enforcement agency shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of the budget for the law enforcement agency.

History.—s. 5, ch. 92-54; s. 2, ch. 92-290; s. 21, ch. 94-265; s. 479, ch. 94-356; s. 5, ch. 95-265; s. 72, ch. 96-321; s. 41, ch. 96-418; s. 2, ch. 98-387; s. 3, ch. 98-389; s. 4, ch. 98-390; s. 5, ch. 98-391; s. 2, ch. 98-392; s. 2, ch. 98-393; s. 2, ch. 98-394; s. 61, ch. 99-245; s. 2, ch. 2000-147; ss. 26, 79, ch. 2002-402; s. 1923, ch. 2003-261; s. 37, ch. 2003-399; s. 3, ch. 2004-39; s. 38, ch. 2004-234; s. 16, ch. 2004-344; s. 23, ch. 2005-3; s. 19, ch. 2005-71; s. 2, ch. 2005-109; s. 5, ch. 2005-117; s. 11, ch. 2006-26; s. 20, ch. 2006-176; s. 21, ch. 2006-305; s. 7, ch. 2007-14; s. 10, ch. 2007-73; s. 10, ch. 2008-153; s. 207, ch. 2008-247; s. 7, ch. 2009-82; s. 8, ch. 2010-153; s. 18, ch. 2011-47; s. 31, ch. 2012-88; s. 15, ch. 2012-119; s. 4, ch. 2013-5; s. 12, ch. 2013-41.

[1]**Note.**—Section 12, ch. 2013-41, amended paragraph (4)(d) "[i]n order to implement Specific Appropriations 1211 and 1216 of the 2013-2014 General Appropriations Act."

National Law Enforcement
MUSEUM
A MATTER OF HONOR

March 19, 2014

Dear Law Enforcement Executive:

I am writing to respectfully request that your agency consider donating a portion of your asset forfeiture funds to support the National Law Enforcement Museum currently under construction in Washington, D.C.

The National Law Enforcement Officers Memorial Fund honors the service and sacrifice of fallen law enforcement officers from throughout the United States of America. Currently there are 19,981 names of fallen heroes on the Memorial walls. In addition to honoring those law enforcement professionals who have died in the line of duty, the Memorial Fund is currently building the National Law Enforcement Museum. Authorized by the United States Congress, the Museum will be adjacent to the Memorial and will honor the service and sacrifice of all law enforcement professionals—past, current and future. The 55,000 square foot facility and the exhibitions have already been designed. More than 15,000 artifacts have been acquired. We broke ground on October 14, 2010, and expect to be open to the public in 2016.

In 2008, the United States Department of Justice, Asset Forfeiture and Money Laundering Section, rendered an opinion that allows state and local law enforcement agencies to donate up to 15% of their federal asset forfeiture (RICO) funds directly to the National Law Enforcement Officers Memorial Fund to support the Museum campaign, "A Matter of Honor" (see attached opinion letter).

The Department of Justice opinion states in part: ". . . the National Law Enforcement Museum would serve not only as a memorial to law enforcement officers, but would also serve an important law enforcement educational purpose through programs and activities such as a clearinghouse and library for law enforcement research and information, exhibits on drug enforcement activities and law enforcement history, and as a recruitment tool for law enforcement. Such programs and activities would, in our view, be supportive of, consistent with, and serve a law enforcement purpose. Accordingly, we have concluded that State and local law enforcement agencies may, as part of their support for community-based, nonprofit organizations and subject to the 15 percent limitation rule, donate equitable sharing funds to the National Law Enforcement Officers Memorial Fund."

901 E STREET, NW SUITE 100 WASHINGTON, DC 20004-2025 WWW.LAWENFORCEMENTMUSEUM.ORG 202.737.3400 FAX 202.737.3405 MUSEUM@NLEOMF.ORG

More than 200 law enforcement agencies from across the nation have already donated over $1.6 million in asset forfeiture funds to support the Museum campaign. We are hopeful that your agency will consider making an asset forfeiture gift and become a important part of this historic initiative to finally and fully tell the story of American law enforcement.

If you have any questions please feel free to contact me directly at 202-737-7132 or Craig@nleomf.org, or John Shanks, Director Law Enforcement Relations, at 202-737-8529 or JShanks@nleomf.org.

Sincerely,

Craig W. Floyd

CRAIG W. FLOYD
Chairman and CEO

Attachment

Attachment #3

U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

APR 1 1 2008

Mr. Craig W. Floyd
Chairman & CEO
National Law Enforcement Officers Memorial Fund, Inc.
400 7th Street, NW
Suite 300
Washington, D.C. 20004

Re: Donation of Equitable Sharing Funds

Dear Mr. Floyd:

This is in response to your letter dated February 8, 2008, requesting that the Asset Forfeiture and Money Laundering Section (AFMLS) permit State and local law enforcement agencies to donate a portion of the funds received under the Department of Justice Equitable Sharing Program to the National Law Enforcement Officers Memorial Fund. After careful consideration, we have determined that such donations would be a permissible use of equitable sharing monies on the part of State and local agencies, as set forth below.

Under Department of Justice equitable sharing regulations, as set forth in the *Guide to Equitable Sharing* (*Guide*) (March 1994), a participating law enforcement agency is permitted to use up to 15 percent of the total federal equitable sharing received by that agency during the two most recent fiscal years to support community-based programs by private, nonprofit organizations that are "supportive of and consistent with a law enforcement effort, policy, or initiative." Such programs can include, for example, drug abuse treatment and drug and crime prevention education. AFMLS also permits the limited use of shared funds to pay the costs for modest commemorative plaques, displays, or memorials that serve to recognize or memorialize a law enforcement officer's contributions. According to the information provided by your organization, the National Law Enforcement Museum would serve not only as a memorial to law enforcement officers, but would also serve an important law enforcement educational purpose through programs and activities such as a clearinghouse and library for law enforcement research and information, exhibits on drug enforcement activities and law enforcement history, and as a recruitment tool for law enforcement. Such programs and activities would, in our view, be supportive of, consistent with, and serve a law enforcement purpose. Accordingly, we have concluded that State and local law enforcement agencies may, as part of their support for community-based, nonprofit organizations and subject to the 15 percent limitation rule, donate equitable sharing funds to the National Law Enforcement Officers Memorial Fund.

Under Department of Justice guidelines, law enforcement agencies normally may not transfer cash to a community-based organization, but instead may either directly pay specific expenses on behalf of the supported organization, or reimburse the organization by check for their expenditures on itemized expenses for their eligible programs. In light of the practical difficulties involved with respect to a providing financial support for a facility prior to groundbreaking or while under construction, AFMLS will temporarily waive this rule and permit law enforcement agencies to directly donate equitable sharing monies to the National Law Enforcement Memorial Fund for the purpose of constructing the Museum. Once construction is completed, however, and the Museum begins operation, law enforcement agencies will no longer be permitted to transfer cash to the Memorial Fund or the Museum. Instead, agencies may either directly pay specific expenses on behalf of the Museum, or reimburse the Museum by check for expenditures on itemized expenses for specific programs and activities.

If you have any questions, please contact AFMLS Deputy Chief Nancy L. Rider or Senior Trial Attorney Steven H. Schlesinger at (202) 514-1263.

Sincerely,

Richard Weber, Chief
Asset Forfeiture and Money
Laundering Section

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO 62-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Town Manager to Execute an Interlocal Agreement for Water Distribution System Upgrades, Rehabilitation, and Replacement with the City of West Palm Beach.

Presenter

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

Supporting Documents

- **Memorandum dated April 25, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 62-2014**
- **Interlocal Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To:	Mayor and Town Council
Via:	Peter B. Elwell, Town Manager
From:	H. Paul Brazil, P.E., Director of Public Works
Re:	Authorize the Town Manager to Execute an Interlocal Agreement with the City of West Palm Beach for Water Distribution System Upgrades, Rehabilitation, and Replacement **Resolution No. 62-2014**
Date:	April 25, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 62-2014, authorizing the Town Manager to execute an Interlocal Agreement with the City of West Palm Beach (City) for water distribution system upgrades, rehabilitation, and replacement.

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.

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 surcharge on the Town customer's monthly water bills. In years past, interlocal agreements and budgets were established based on specified individual projects or groups of projects with an overall annual budget of $800,000.

Due to the Town's increased construction schedule as a result of the Accelerated Capital Improvement Program, it has become necessary to increase the annual budget for water system improvements. The existing reserve funds in the R&R account are approximately $2.4 million and the agreement stipulates that all of those funds or the current reserves less 10 percent be available to the Town annually, as agreed by the Town and City. To further facilitate the coordination of the projects, the Town has agreed to manage the water distribution portion of the design and construction within each overall project, and track those costs accordingly. By doing so, both the Town and the City will save significant design and construction costs.

Therefore, Staff recommends that the Town Council approve Resolution No. 62-2014, authorizing the Town Manager to execute an Interlocal Agreement with the City of West Palm Beach for water distribution system upgrades, rehabilitation, and replacement.

FUNDING/FISCAL IMPACT

The funding for all projects under this Interlocal Agreement is fully contained within the R&R reserve fund as established by the original Retail Water Service and Franchise Agreement of June 16, 1999, which became effective October 1, 1999.

TOWN ATTORNEY REVIEW

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

If approved by Town Council, the draft Interlocal Agreement (see attached) will be forwarded the City of West Palm Beach. If there are minor changes, the Town Manager shall be authorized to execute the final Interlocal Agreement pursuant to the approval of the Town Attorney. In the event there are significant changes, Staff will return to the Town Council for further consideration.

Attachment

cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer

RESOLUTION NO. 62-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT FOR WATER DISTRIBUTION SYSTEM UPGRADES, REHABILITATION, AND REPLACEMENT WITH THE CITY OF WEST PALM BEACH.

* * * *

WHEREAS, the Water Franchise Agreement signed June 16, 1999, between the Town of Palm Beach (Town) and the City of West Palm Beach (City) identified existing water mains serving the Town and owned by the City located within the road right-of-way that required improvement (Town CIP); and

WHEREAS, the Town and City entered into an Interlocal Agreement for the water distribution system upgrades, rehabilitation, and replacement; and

WHEREAS, the City is upgrading its water distribution system within the Town limits as part of on-going Town projects, at a significant cost saving to the City and Town; and

WHEREAS, it is the intent of the Town and the City to enter into an Interlocal Agreement setting forth the responsibilities of both parties relating to water distribution improvements; and

WHEREAS, a copy of the proposed Interlocal Agreement is attached hereto as Exhibit A; and

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

Section 1. The Town Manager is hereby authorized to execute the Interlocal Agreement with the City of West Palm Beach water service in the manner and form attached hereto.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 13th day of May 2014.

______________________________ Gail L. Coniglio, Mayor	______________________________ Robert N. Wildrick, Town Council President
	______________________________ William J. Diamond, Council President Pro Tem
	______________________________ Richard M. Kleid, Town Council Member
ATTEST:	______________________________ Michael J. Pucillo, Town Council Member
______________________________ Susan A. Owens, MMC, Town Clerk	______________________________ Penelope D. Townsend, Town Council Member

AGREEMENT

THIS AGREEMENT made and entered into by and between the TOWN OF PALM BEACH, FLORIDA, hereinafter referred to as the "TOWN," and the CITY OF WEST PALM BEACH, FLORIDA, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the Water Franchise Agreement signed June 16, 1999, between the TOWN and the CITY identified existing water mains serving the TOWN and owned by the CITY located within the road right-of-way that required improvement (Town CIP); and

WHEREAS, the CITY and TOWN have agreed to review the Town's capital improvement program on an annual basis, to mutually agree on necessary renewal and replacement projects (Town R&R Projects), and coordinate both Town CIP and Town R&R projects with the Town's capital improvement program, and

WHEREAS, the CITY and TOWN have reviewed the projects to be undertaken during the period of May 1, 2014 to November 1, 2017, with the projects */* roadways identified on Attachment "A," and

WHEREAS, the CITY and TOWN have agreed that it is in the best interests of both entities to have the TOWN hire consultants to design the work and to administer and inspect the construction with review and oversight by the CITY, and

WHEREAS, the CITY and TOWN have agreed that it is in the best interests of both entities to have the TOWN hire contractors to perform the work and to directly manage the project with review and oversight by the CITY, and

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida lnterlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, this Agreement will provide for the duties and responsibilities of the parties in this matter;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. The above recitations are true and correct.
2. The TOWN and CITY hereby set forth the duties and responsibilities of the parties regarding the upgrading of the CITY's water lines by replacing the existing water mains on various roadways within the limits of various capital improvement projects scheduled for the period from May 1, 2014 to November 1, 2017 within the dedicated rights-of-ways in the TOWN (hereinafter referred to as the "2014 - 2017 Town of Palm Beach Water Main Improvements.")
3. The TOWN and CITY have agreed to establish a budget of two-million, four-hundred thousand dollars ($2,400,000) or the total amount of reserve funds less 10 percent, whichever is greater over the period from May 1, 2014 to November 1, 2017 for the 2014 - 2017 Town of Palm Beach Water Main Improvements.
4. The CITY will be responsible for the costs of the 2014 - 2017 Town of Palm Beach Water Main Improvements, including all associated materials. An annual budget and schedule of projects will be mutually agreed to by the CITY and TOWN, to be established by June 1, 2014 this year and by May 1 each year thereafter.
5. Upon full execution of this Agreement, the CITY agrees to pay the TOWN, within ten (10) business days of the establishment of annual budget project schedule, the estimated costs of the annual budget. The CITY will pay these costs with funds from the Town of Palm Beach Account within the City's Renewal and Replacement Fund. This amount may be adjusted in case of an approved Change Order pursuant to this Agreement. The TOWN shall place said money into an interest-bearing account and all accrued interest shall be credited to the Town of Palm Beach Account within the City's Renewal and Replacement Fund. After completion of the 2014 - 2017 Town of Palm Beach Water Main Improvements, any monies remaining in the account shall be refunded to the City within forty-five (45) days. If the estimated budget, including interest thereon, is insufficient

to cover the actual costs of the 2014 - 2017 Town of Palm Beach Water Main Improvements, the Town shall immediately notify the City of any shortfall. The CITY will pay upon receipt of the final accounting.

6. The TOWN will utilize a consultant ("Consultant") selected from a list of civil engineering firms pre-qualified by the Town to perform the 2014 - 2017 Town of Palm Beach Water Main Improvements.

7. The TOWN will utilize a contractor ("Contractor") either selected from a list of utility contractors pre-qualified by the Town or contractor or Construction Manager at Risk by public bid or CCNA selection process to perform the 2014 - 2017 Town of Palm Beach Water Main Improvements.

8. The TOWN will design the 2014 - 2017 Town of Palm Beach Water Main Improvements which will be incorporated into the TOWN's contract with the Contractor. The TOWN's Contractor shall install the 2014 - 2017 Town of Palm Beach Water Main Improvements in accordance with CITY standards and shall provide materials and reconstruct the roadways in accordance with TOWN standards. The TOWN will provide the water main materials and appurtenances under separate contract.

9. The TOWN's Contractor will furnish all testing, field survey control, and related work for the 2014 - 2017 Town of Palm Beach Water Main Improvements. The TOWN will provide to the CITY a monthly report on quantities installed. The TOWN will invite the CITY's representative to all progress meetings relating to the 2014 - 2017 Town of Palm Beach Water Main Improvements, including constructability meeting, final utility coordination meeting, and preconstruction meeting.

10. The CITY will provide resident inspection of Contractor progress and will inform the TOWN of any objections concerning the 2014 - 2017 Town of Palm Beach Water Main Improvements performed by the TOWN's Contractor. The TOWN, or its designee, will perform observations necessary to certify the 2014 - 2017 Town of Palm Beach Water Main Improvements and to provide necessary forms

as well as as-builts documentation to the City for submittal to the Palm Beach County Health Department for clearance for use of the water main.

10. As a condition of this Agreement, the CITY shall have the right to review and approve the contract and any Change Orders between the TOWN and the Consultant, as it relates to the 2014 - 2017 Town of Palm Beach Water Main Improvements portion of the Project.

11. As a condition of this Agreement, the CITY shall have the right to review and approve the contract and any Change Orders between the TOWN and the Contractor, as it relates to the 2014 - 2017 Town of Palm Beach Water Main Improvements portion of the Project.

12. Any Change Orders pertaining to the 2014 - 2017 Town of Palm Beach Water Main Improvements must be approved in writing by the CITY in advance of the commencement of the work. No substitutions of materials are permitted without CITY's written approval.

13. Upon completion and acceptance of the 2014 - 2017 Town of Palm Beach Water Main Improvements by the CITY, the CITY shall own, control and maintain all water mains and services replaced under this Agreement subject, however, to the terms of the Water Franchise Agreement between the TOWN and the CITY dated June 16, 1999.

14. The TOWN's Contractor shall prepare a complete set of as-built information/drawings for the 2014 - 2017 Town of Palm Beach Water Main Improvements in accordance to the CITY's latest requirements.

15. Upon completion of the 2014 - 2017 Town of Palm Beach Water Main Improvements and acceptance in writing by the CITY, the TOWN shall, within thirty (30) days, furnish the CITY with a final and complete accounting of all costs incurred in connection with the 2014 - 2017 Town of Palm Beach Water Main Improvements performed. All costs, records and accounts shall be subject to audit by a representative of the CITY.

16. Each party shall be liable for its own actions and negligence and, to the extent permitted under Florida law, the CITY shall indemnify, defend and hold harmless the TOWN against any actions, claims or damages arising out of the CITY's negligence in connection with this Agreement, and the TOWN, to the extent permitted by Florida Law, shall indemnify, defend and hold harmless the CITY against any actions, claims or damages arising out of the TOWN 's negligence in connection with this Agreement. However, nothing in this paragraph shall be interpreted as a waiver of the TOWN's or the CITY's sovereign immunity or the limitations relating thereto as contained in Florida Statute Section 768.28. The TOWN shall ensure that the Contractor hired to perform the work described in this Agreement will indemnify, defend, and hold harmless the CITY against any actions, claims or damages arising out of the Contractor's negligence and shall name the CITY as an additional insured on any certificates of insurance provided to the TOWN in connection with the 2014 - 2017 Town of Palm Beach Water Main Improvements.

17. The TOWN agrees that the CITY shall be a third party beneficiary of all required performance bonds and/or guaranties obtained by the TOWN in connection with the 2014 - 2017 Town of Palm Beach Water Main Improvements portion of the project.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement the day and year herein above written.

TOWN OF PALM BEACH, FLORIDA	**CITY OF WEST PALM BEACH, FLORIDA**
By:__________________________ Peter B. Elwell, Town Manager	By:__________________________ Jeri Muoio, Mayor
Date: ___________2014	Date: _____________2014
ATTEST:	**ATTEST:**
__________________________ Town Clerk: Susan Owens	__________________________ City Clerk:
Approved as to Legal Form and Sufficiency:	**Approved as to Legal Form and Sufficiency:**
__________________________ John C. Randolph Attorney for the Town of Palm Beach	__________________________ Attorney for the City of West Palm Beach
RECOMMEND APPROVAL:	**RECOMMEND APPROVAL:**
__________________________ H. Paul Brazil, P.E. Date Director of Public Works	__________________________ Scott Kelley, P.E. Date Assistant City Manager

ATTACHMENT "A"

2014 - 2017 TOWN OF PALM BEACH WATER MAIN IMPROVEMENTS

Project	Street	Limits
D-4 Pump Station Improvements - Construction	North Lake Way	Via Tortuga to Tangier Avenue
Pump Stations A-39, A-41, A-42, & A-43 Emergency Gen	South Ocean Boulevard	Sloan's Curve to Southern Town Limits
E-3, Garden Road to Cherry Lane / E-2 Force Main Linin	North Lake Way / Lake Trail	Monterey Road to Cherry Lane
400 Block Worth Avenue Drainage Upgrades	Worth Avenue	Cocoanut Row to South Lake Drive
Town Hall Square	South County Road	Brazilian Avenue to Chilean Avenue
North Ocean Boulevard Seawall	North Ocean Boulevard	Country Club Road to Bahama Lane
D-10 Pump Station Improvements - Construction	North Lake Way	List Road to Via Marila
Sanitary Sewer Force Main Lining	Royal Palm Way	South Lake Drive to South Oceam Boulevard
	South Ocean Boulevard	Royal Palm Way to Barton Avenue
	Barton Avenue	South Ocean Boulevard to Royal Poinciana Way
	South County Road	Barton Avenue to Royal Poinciana Way
	Royal Poinciana Way	South County Road to Flagler Memorial Bridge
General Drainage Improvements (Pre-Paving Program)	Various	Island-wide
General Curb / Gutter / Sidewalk ADA Improvements (Pn	Various	Island-wide
Bradley Place Improvements	Bradley Place	Royal Poinciana Way to Wells Road
Sanitary Sewer Upgrades	Various	Island-wide
Stormwater Pump Station Rehabilitation	Various	Island-wide
D-2 to D-9 Drainage Basin Interconnect	North Lake Way	Mediterranean Road to Palmo Way
D-6 to D-7 Drainage Basin Interconnect	South Lake Drive	Royal Palm Way to Worth Avenue
Mast Arm Replacements / Upgrades	Various	Island-wide
Lake Trail / Flagler Memorial Bridge / Bradley Park Imprc	Lake Trail	Sunset Avenue to Royal Poinciana Way
Royal Poinciana Way Median Sidewalks	Royal Poinciana Way	South County Road to Flagler Memorial Bridge
Street Lighting Improvements	Various	Island-wide
Street Lighting Upgrades - South Ocean Blvd., Sloan's *Cw*	South Ocean Boulevard	Sloan's Curve to Lake Avenue
General Paving Program	El Bravo Way	All
	South Woods Road	North Lake Way to Lake Trail
	Peruvian Avenue	Cocoanut Row to South Ocean Boulevard
	Cocoanut Row	Royal Palm Way to Peruvian Avenue
	Hibiscus Avenue	Royal Palm Way to Peruvian Avenue

Project	Street	Limits
General Paving Program (Continued)	South Ocean Boulevard	Royal Palm Way to Hammon Avenue
	South Ocean Boulevard	El Bravo Way to Via Marina
	Queens Lane	North Lake Way to Lake Trail
	Brazilian Avenue	All
	Cherry Lane	North County Road to North Lake Way
	Dunbar Road	All
	Fairview Road	All
	Kenlyn Road	All
	List Road	All
	Mockingbird Trail	All
	Monterey Road	All
	Ocean Terrace	All
	Onondaga Avenue	All
	Orange Grove Road	All
	Palmo Way	All
	Seaspray Avenue	Cocoanut Row to Lake Trail
	Southland Road	North County Road to North Lake Way
	Sunset Avenue	North County Road to Bradley Place
	Via Marila	All
	Wells Road	All
	Clarendon Avenue	All
Ejector Pump Stations Upgrades	Ibis Way North	All
	Kings Road	All
	Lagomar Road	All
	Oceanview Road	All
	Pare Monceau	All
	Regents Park Drive	All
	Seagrape Circle	All
	Travers Way	All
	Via Agape	All
	Via Bellaria	All
	Via Del Lago	All
	Via Del Mar	All
	Via Palma	All

Project	Street	Limits
Ejector Pump Stations Upgrades (Continued)	Woodbridge Road	All
E-6 Pump Station Improvements	Tangier Avenue	Lake Way to Lake Trail
Stormwater Corrugated Pipe Replacement Program	Various	Island-wide
Utility Undergrounding	Bradley Place	Royal Poinciana Way to Atlantic Avenue
	Bradley Place	South of Dunbar Road to North of Everglades Avenue
	Island Road	South County Road to 270 El Bravo Way
	East Inlet Drive	All
	Nightingale Trail / La Puerta Way	North Ocean Boulevard to North Lake Way
	North County Road	Wells Road to Country Club Road
	Root Trail	North County Road to North Ocean Boulevard

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 63-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Mock Roos & Associates, Inc., in the Amount of $86,135 for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation, and Establishing a Construction Phase Budget of $95,000.

Presenter

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

Supporting Documents

- **Memorandum dated April 29, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 63-2014**
- **Mock Roos Proposal**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Approve a Purchase Order for Construction Phase Engineering Services for the E-3 Garden Road to Tangier Avenue Force Main Rehabilitation Accelerated Capital Improvement Program
Resolution No. 63-2014

DATE: April 29, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 63-2014, approving a purchase order for a construction phase engineering services to Mock Roos & Associates, Inc., for the E-3 Garden Road to Tangier Avenue Force Main Rehabilitation in the amount of $86,135 and establishing a construction phase engineering services budget of $95,000.

GENERAL INFORMATION

Staff received construction bids for the E-3 Garden Road to Cherry Road Force Main Rehabilitation on April 25, 2014. The proposed project consists of lining the existing force main along the Bike Path and returning the force main back to full service. In a companion Town Council item, staff will be recommending Town Council award the construction contract to the lowest responsive bidder.

The construction phase engineering services will include 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 Mock Roos & Associates, Inc., in the amount of $86,135. Staff also recommends a contingency of $8,865 for a total construction phase budget of $95,000.

FUNDING/FISCAL IMPACT

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

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
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 63-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR CONSTRUCTION PHASE ENGINEERING SERVICES TO MOCK ROOS & ASSOCIATES, INC., IN THE AMOUNT OF $86,135 FOR THE E-3 GARDEN ROAD TO CHERRY LANE FORCE MAIN REHABILITATION, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $95,000.

* * * * *

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

<u>Section 1.</u> The Town Council of the Town of Palm Beach hereby awards a contract to Mock Roos & Associates, Inc., in an amount of $86,135 for Construction Phase Engineering Services for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation project, and establishes a construction phase budget of $95,000.

<u>Section 2.</u> The Town Manager is hereby authorized and directed to execute this purchase order on behalf of the Town of Palm Beach for this improvement.

<u>Section 3.</u> 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 13th day of May 2014.

____
Gail L. Coniglio, Mayor

____
Robert N. Wildrick, Town Council President

____
William J. Diamond, Council President Pro Tem

____
Richard M. Kleid, Town Council Member

ATTEST:

____
Michael J. Pucillo, Town Council Member

____
Susan A. Owens, MMC, Town Clerk

____
Penelope D. Townsend, Town Council Member

April 29, 2014

Mr. Michael Roach, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No.: B2057.40
Subject: Professional Construction Phase Services
E-3 Forcemain Rehabilitation Project

Dear Mr. Roach:

We are submitting the attached *Proposal To Provide Construction Phase Services for the E-3 Forcemain Rehabilitation Project*. Please review the attached documents and return one signed copy of the *Proposal* to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be $86,135.

If you have any questions please contact me at 683-3113, extension 293. Thank you for using Mock•Roos on this project. We look forward to working with you.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Enclosure
Copies: Bookkeeping

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Proposal To Provide Construction Phase Services
For the E-3 Forcemain Rehabilitation Project

Services to be provided by: Mock•Roos

L

Services provided to ("Town"): Town of Palm Beach

Proposal Date: April 29, 2014

Proposal Terms

A. Project Description:

The Town of Palm Beach is moving forward with construction of the E-3 Forcemain Rehabilitation project during the summer/fall of 2014. Mock•Roos will provide the professional services as outlined under **B. Scope of Services** below.

B. Scope of Services:

1. Pre-Construction Activities

a. Provide the Contractor with up to 4 sets of Conformed Contract Drawings for the Contractor to review and for use during construction, 3 signed and sealed sets of Construction Drawings for use in Contractor's Permit Application and Records if required, and provide one CD containing the Project AutoCAD (version 2013) drawings for the contractor's use preparing Record Drawings (one CD to the Town and 1 signed and sealed set of specifications and drawings to the Town).

b. Prepare for and conduct a Pre-Construction meeting with the Contractor and the Town. Prepare and distribute the pre-construction meeting minutes.

c. Provide Mock•Roos staff to review Contractor's fabrication shop drawing and engineering submittals for conformance with the Contract Documents. Up to two reviews per shop drawing submittal are included to address comments as appropriate. Provide hard copies with a submittal log to the Contractor and Town.

2. Construction Activities

a. Coordinate construction start and periodic project schedule reviews with the Town and Contractor.

b. Attend weekly onsite construction meetings between the Contractor, the Town, and Mock•Roos during the construction period.

c. Attend periodic meetings as requested by the Town during the project.

d. Provide a Mock•Roos field representative to perform site observations of the Contractor's Work delineated in the construction drawings during the active construction period. It is assumed that 24 hours per week will be dedicated for 4 months). Prepare and review Mock•Roos field observation reports.

e. Review, recommend, and prepare minor field directive changes, as requested by the Contractor or the Town.

f. Assist Town with review and process Change Order requests (total of two included).

g. Attend monthly onsite pay application review meetings between the Contractor (meetings are anticipated to coincide with the construction meetings), Contractor's subcontractors, Mock•Roos, and the Town. Provide review and payment recommendations for the Contractor's monthly pay applications and one final pay application.

h. Perform substantial completion walk-through(s) with the Contractor, Mock•Roos, and the Town. Prepare and distribute the EJCDC "substantial completion statements" and associated punch lists.

i. Perform one "final completion walk-through" with the Contractor, Mock•Roos, and the Town.

4. Post Construction Activities

a. Provide Mock•Roos staff to review and distribute closeout package provided by the contractor, including test data, densities, submittals, applicable permit(s).

b. Review Contractor's record drawing submittal to check for conformance with the Contract Documents and the design intent.

c. Coordinate construction closeout with the Contractor and Town.

C. Additional Services:

1. Any services not included in the Scope of Services will be considered Additional Services.

2. Additional Services can be provided upon Mock•Roos receiving a revised scope of services and approved change order from the Town.

D. Fees and Rates:

1. The total fee to provide the Scope of Services on an hourly basis with a not to exceed fee of $86,135.

2. Mock•Roos can provide Additional Services at the Mock•Roos hourly rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

E. Conditions:

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal within 30 days of its date.

2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

F. Acceptance and Authorization to Proceed:

1. This proposal is acceptable and Mock•Roos has authorization to proceed with the Scope of Services. This authorization becomes valid upon Mock•Roos receiving a Purchase Order for these services.

MOCK•ROOS

Signed: ______________________ 4/29/14

Name: Garry G. Gruber, P.E.

Title: Vice President

Date: April 29, 2014

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Town of Palm Beach
E-3 Forcemain Rehabilitation
Construction Phase Services

Task Description	Corporate Officer	Senior Project Engineer	Engineer II	Field Representative	Administrative Assistant	Subtotal
	Labor Classification					
Labor Hourly Billing Rate	$175.00	$155.00	$110.00	$90.00	$20.00	
Total Hours	60	149	51	503	58	
Task 1: Pre-Construction Activities						
a. Provide Contract Documents for Construction		2	3		2	$ 680
b. Pre-Construction Meeting & Minutes	2	2	2	4	2	$ 1,280
c. Process Shop Drawings	2	8	16		4	$ 3,430
Task 2: Construction Activities						
a. Initial Project Coordination/Schedule reviews		4	4		2	$ 1,100
b. Weekly Field Progress Meetings and Minutes	25	65		50	15	$ 19,250
c. Perodic Meetings at the Town's Request	16	16				$ 5,280
d. Construction Field Observation and Reports		16		442	12	$ 42,500
e. Field Change Directives		4	4		4	$ 1,140
f. Change Orders	4	8	4		4	$ 2,460
g. Review Pay Applications & Recommendation Letter	2	8	8		4	$ 2,550
h. Substantial Completion Walk-Through and Punch List	3	6		3	2	$ 1,765
i Final Completion Walk-Through	2	2		2	1	$ 860
Task 3: Post Construction Activities						
a. Process Final Paperwork - Project Closeout	2	4	4		4	$ 1,490
b. Review Contractor Provided Record Drawings		2	4	2		$ 930
c. Coordination with Contractor and Town	2	2	2			$ 880
d. Permit Closeout					2	$ 40
Subtotal	$ 10,500	$ 23,095	$ 5,610	$ 45,270	$ 1,160	

Total Mock•Roos Direct Labor	$ 85,635
Reimbursibles	$ 500
Project Total	**$ 86,135**

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 64-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2014-30 and Approving a Construction Contract to Hinterland Group, Inc., for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation, in the Amount of $1,205,730, and Establishing a Construction Phase Budget of $1,350,000.

Presenter

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

Supporting Documents

- **Memorandum dated April 30, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 64-2014**
- **Request from Hinterland Group for 24-Hour Work Periods**
- **Mock Roos Review of Bids**
- **Bid Tab Sheets**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Award Bid No. 2014-30 and Approve a Construction Contract for the E-3 Garden Road and Cherry Lane Force Main Rehabilitation
Accelerated Capital Improvement Program 2
Resolution No. 64-2014

Date: April 30, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 64-2014 awarding Bid No. 2014-30 and approving a construction contract to Hinterland Group, Inc., for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation in the amount of $1,205,730 and establishing a construction phase budget of $1,350,000.

In addition, staff recommends that Town Council grant a waiver to Sections 42-196 and 199 of the Town of Palm Beach Code of Ordinances, to allow for extended work hours with staff requesting up to 15 individual and separate occasions of 24 hours of continuous work.

GENERAL INFORMATION

Contained within the current Accelerated Capital Improvement Program is the study, design and construction of the E-3, Garden Road to Cherry Lane Avenue Force Main Rehabilitation.

The E-3 force main, constructed in 1956, runs along the bike trail from the E-3 Pump Station located at Garden Road on the trail and runs south to Cherry Lane where the sewer system turns into gravity main and continues flowing south to the E-6 Pump Station at Tangier Avenue. The E-3 force main is the main artery for the sewage flows for the north end of the Island. As part of the Accelerated Capital Improvement Programs, the Town was to evaluate, replace or rehabilitate the aging infrastructure. The E-3 force main was considered to be replaced or rehabilitated due to its age, its proximity to the lake, and to avoid potential failures that would result in hundreds of gallons of sewage in the intracoastal.

Completion of this project will require closure of Lake Trail from Via Marila to Plantation Road for the safety of the public as there will be multiple open trenches for the insertion of the liners. These trenches will be approximately 20 feet in length and 6 feet in width making Lake Trail unpassable. Another reason for the total closure of Lake Trail is the contractor will have to install temporary bypass pipes and pumps along portions of the entire length of the project as the E-3 Force Main is an active system that can't be shut down, except for short durations. Residents along the path will still have access out their back entrances or gates to their docks, but will be asked not to walk on the Trail. Lake Trail will be open from Via Marila north and from Plantation Road south.

The Town received four (4) bids from the Town's pre-qualified underground utility contractors on April 25, 2014. The lowest responsive bid was from Hinterland Group, Inc. They remained the lowest bidder after item 14 on the bid tabulation was deleted from the scope of work, for the amount of $1,205,730. Staff recommends awarding the contract to Hinterland Group, Inc. and establishing a construction phase budget of $1,350,000.

SPECIAL CONDISDERATIONS

This project consists of installing a pressure rated liner in the existing E-3 force main running along Lake Trail from Garden Road to Cherry Lane.

The pressure pipe liners include woven carbon fibers to provide the final pipeline with reinforcement, giving the pipe a pressure class strength rating. To achieve this pressure class rating, the liner requires additional cook/cure time, typically 12-16 hours.

During the cook/cure operations, the contractor will have one boiler truck, an operator and a foreman onsite. The boiler equipment is enclosed within the truck and is relatively quiet. However, due to the close proximity of the work to adjacent residential properties, the contractor will be required to erect additional sound attenuation devices as necessary. All other work not associated with the liner's cook/cure process would adhere to the standard 8 a.m. to 6 p.m. normal work hours.

We used this same process last summer with no issues on the E-6 force main, a similar project in size and scope of work. Although this method will require isolated extended work hours, lining of this pressure pipe in lieu of a conventional dig-up and replace method offers the Town a cost savings of up to $550,000. The lining method also offers reduced impacts to the pathway and residents during construction.

Staff recommends a waiver to Section 42-196 and Section 42-199 of the Town Code of Ordinances allowing construction on 15 separate one day occasions to be a continuous 24 hours, as necessary. These events will not be consecutive and the contractor, with the assistance of Public Works staff, will notify those residents in the immediate area prior to each event.

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: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Charles R. Langley, P.E., Senior Project Engineer
Doug Terry, Water Resources Division Manager
Lynda Cummings, Purchasing Agent

RESOLUTION NO. 64-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2014-30 AND APPROVING A CONSTRUCTION CONTRACT TO HINTERLAND GROUP, INC., FOR THE E-3 GARDEN ROAD TO CHERRY LANE FORCE MAIN REHABILITATION, IN THE AMOUNT OF $1,205,730, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF $1,350,000.

* * * * *

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. 2014-30 and approves a construction contract to Hinterland Group, Inc., in the amount of $1,205,730 for the E-3 Garden Road to Cherry Lane Force Main Rehabilitation Project, and establishes a construction phase budget of $1,350,000.

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 13th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

HINTERLAND GROUP, INC.
5401 N. Haverhill Rd. Unit 114
West Palm Beach, FL 33407
Phone: 561-640-3503
Fax: 561-640-3504

April 28, 2014

Michael Roach, P.E.
Project Engineer
Town of Palm Beach

RE: 24 Hour Work Periods for E-3 Force Main Rehabilitation Project

Dear Michael,
We would like to make a request for Fifteen (15) non-consecutive 24 hour work periods over the course of our E-3 Force Main Rehabilitation project. This request includes time for the installation, cutting, baking and proper curing period for the CIPP liner that will be used to rehabilitate the force main piping.

In order to maintain wastewater flow during the rehabilitation of this pipeline, Hinterland Group, Inc. will be performing bypass pumping for the duration of this project. All efforts will be made to meet and/or exceed the noise reduction requirements set forth in Town ordinance 42-199.

Residents will receive at a minimum 48 hours of notice prior to any construction in the area of their homes, in an attempt to reduce disturbance.

If you have any questions regarding the information provided above, please don't hesitate to contact us.

Sincerely,

Chase Rogers
Project Manager
Hinterland Group, Inc.

MOCK • ROOS
ENGINEERS • SURVEYORS • PLANNERS

April 30, 2014

Mr. Michael Roach, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029

Ref. No.: B2057.01
Subject: Professional Construction Phase Services for the Replacement of the E-3 Forcemain Rehabilitation Garden Road to Cherry Lane

Dear Mr. Roach:

On April 24, 2014 a total of four (4) bids were received from Town prequalified Contractors for the subject project. The bids received were as follows:

1.	Hinterland Group, Inc.	$1,205,730.00
2.	D. S. Eakins Construction Corporation	$1,425,092.72
3.	Johnson-Davis, Inc.	$1,471,200.00
4.	Man-Con Incorporated	$1,813,700.00

As requested by the Town, Mock•Roos reviewed the apparent low bidder's bid for completeness, as well as the bid tabulation prepared by the Town. Based on our review, the apparent low bidder, Hinterland Group, Inc. submitted a complete and responsive bid. Hinterland Group is also one of the Town's prequalified contractors.

Based on the above, we recommend award of the project to Hinterland Group, Inc. in the amount of $1,205,730.00. Our recommendation to award is based on our review of the project and the bidders from an engineering perspective and based on the Town's selection of prequalified contractors. We recommend that you seek advice of legal council relative to other issues regarding legalities of award of this contract.

If you have any questions or comments regarding this recommendation or the project, please call me at 683-3113 extension 293. I would be happy to meet with you to discuss this bid further.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.
Vice President

GGG:jeh
Copies: William Francis
Paul Brazil

I:\pb__\pb__e3__\b2057.01\letter of recommendation-ggjh.docx

Mock, Roos & Associates, Inc.
5720 Corporate Way, West Palm Beach, Florida 33407-2066, (561) 683-3113, fax 478-7248

TOWN OF PALM BEACH

Bid No. 2014-30

E-3 Forcemain Rehabilitation

Garden Road to Cherry Lane

TABULATION

		Vendor:	D.S. Eakins Construction Corporation			Hinterland Group, Inc.		
		Address:	1481 Kinetic Road			5401 Haverhill Road, Unit 115		
			Lake Park, FL 33403			West Palm Beach, FL 33407		
		Telephone:	561-842-0001			561-640-3503		
		Fax:	561-842-0009			321-633-7067		
		Contact:	D. Steven Eakins Jr.			Daniel Duke III		
Line	**Description**	**Unit**	**Qty**	**Price per Unit**	**Total**	**Qty**	**Price per Unit**	**Total**
1	Mobilization/Demobilization	LS	1	$ 110,744.60	$ 110,744.60	1	$ 60,000.00	$ 60,000.00
2	Maintenance of Traffic	LS	1	$ 26,750.00	$ 26,750.00	1	$ 2,500.00	$ 2,500.00
3	Insurance and Indemnification	LS	1	$ 15,000.00	$ 15,000.00	1	$ 500.00	$ 500.00
4	Performance and Payment Bond	LS	1	$ 15,000.00	$ 15,000.00	1	$ 32,000.00	$ 32,000.00
5	12" Cast Iron Forcemain Rehabilitation							
	A. Using Cured-in-place Liner Method*	LF	3500	$ 171.62	$ 600,670.00	3500	$ 179.00	$ 626,500.00
	B. Using Pipe Bursting Method*	LF	0	$ -	$ -	0	$ -	$ -
6	12" Cast Iron Forcemain Rehabilitation from Manhole 271 to Manhole 272 (Property 345) using Cured-in-Place Liner Method	LF	225	$ 335.58	$ 75,505.50	225	$ 230.00	$ 51,750.00
7	15" VCP Gravity Sewer Rehabilitation from Manhole 273 to Manhole 272 (Property 345) using Cured-in-Place Liner Method	LF	185	$ 124.03	$ 22,945.55	185	$ 168.00	$ 31,080.00
8	12" Cast Iron Forcemain Rehabilitation for Properties 980, 970, 958 and 940 using Cured-in-Place Liner Method	LF	800	$ 181.83	$ 145,464.00	800	$ 179.00	$ 143,200.00
9	By-Pass Pumping Systems	LS	1	$ 167,454.33	$ 167,454.33	1	$ 80,000.00	$ 80,000.00
10	Manhole Restoration	EA	27	$ 4,289.26	$ 115,810.02	27	$ 4,600.00	$ 124,200.00
11	Furnish and Install 12" Plug Valve Box	LS	1	$ 20,044.00	$ 20,044.00	1	$ 8,500.00	$ 8,500.00
12	Furnish and Install 6" Plug Valve	LS	1	$ 17,023.60	$ 17,023.60	1	$ 6,500.00	$ 6,500.00
13	Replacement Manhole 271	LS	1	$ 67,681.12	$ 67,681.12	1	$ 14,000.00	$ 14,000.00
15	General Contingency	LS	1	$ 25,000.00	$ 25,000.00	1	$ 25,000.00	$ 25,000.00
		Total	$		1,425,092.72	$		1,205,730.00

Added remarks to bid submitted

TOWN OF PALM BEACH

Bid No. 2014-30

E-3 Forcemain Rehabilitation

Garden Road to Cherry Lane

TABULATION

Vendor:	D.S. Eakins Construction Corporation	Hinterland Group, Inc.
Address:	1481 Kinetic Road	5401 Haverhill Road, Unit 115
	Lake Park, FL 33403	West Palm Beach, FL 33407
Telephone:	561-842-0001	561-640-3503
Fax:	561-842-0009	321-633-7067
Contact:	D. Steven Eakins Jr.	Daniel Duke III

ALTERNATE

Line	Description	Unit	Qty	Price per Unit	Total	Qty	Price per Unit	Total
8A	12" Cast Iron Forcemain Replacement from Properties 980,970,958 and 940 using Direct Bury Method. See drawing 43-43-03-14 – Sheet C 1-6	LF	800	$ 219.26	$ 175,408.00	800	$ 300.00	$ 240,000.00

*Note: The combined quantity for 5.A and 5.B should total 3500 linear feet.

Bid Opened on April 25, 2014 at 2:00 PM

Opened by:
John Cmar

Witnessed by:
Adis Pedraza

TOWN OF PALM BEACH

Bid No. 2014-30
E-3 Forcemain Rehabilitation
Garden Road to Cherry Lane
TABULATION

		Vendor:	**Johnson-Davis, Inc.**			**Man-Con Incorporated**		
		Address:	604 Hillbrath Dr.			3460 SW 11th Street		
			Lantana, FL 33462			Deerfield Beach, FL 33442		
		Telephone:	561-588-1170			954-427-0230		
		Fax:	561-585-5252			954-427-8133		
		Contact:	Scott J. Johnson			Guy A. Mancini		
Line	**Description**	**Unit**	**Qty**	**Price per Unit**	**Total**	**Qty**	**Price per Unit**	**Total**
1	Mobilization/Demobilization	LS	1	$ 76,000.00	$ 76,000.00	1	$ 60,000.00	$ 60,000.00
2	Maintenance of Traffic	LS	1	$ 11,000.00	$ 11,000.00	1	$ 20,000.00	$ 20,000.00
3	Insurance and Indemnification	LS	1	$ 11,000.00	$ 11,000.00	1	$ 18,500.00	$ 18,500.00
4	Performance and Payment Bond	LS	1	$ 23,000.00	$ 23,000.00	1	$ 28,500.00	$ 28,500.00
5	12" Cast Iron Forcemain Rehabilitation							
	A. Using Cured-in-place Liner Method*	LF	0	$ -	$ -	0	$ -	$ -
	B. Using Pipe Bursting Method*	LF	3500	$ 200.00	$ 700,000.00	3500	$ 285.00	$ 997,500.00
6	12" Cast Iron Forcemain Rehabilitation from Manhole 271 to Manhole 272 (Property 345) using Cured-in-Place Liner Method	LF	225	$ 300.00	$ 67,500.00	225	$ 360.00	$ 81,000.00
7	15" VCP Gravity Sewer Rehabilitation from Manhole 273 to Manhole 272 (Property 345) using Cured-in-Place Liner Method	LF	185	$ 120.00	$ 22,200.00	185	$ 160.00	$ 29,600.00
8	12" Cast Iron Forcemain Rehabilitation for Properties 980, 970, 958 and 940 using Cured-in-Place Liner Method	LF	800	$ 270.00	$ 216,000.00	800	$ 360.00	$ 288,000.00
9	By-Pass Pumping Systems	LS	1	$ 100,000.00	$ 100,000.00	1	$ 125,000.00	$ 125,000.00
10	Manhole Restoration	EA	27	$ 6,500.00	$ 175,500.00	27	$ 4,000.00	$ 108,000.00
11	Furnish and Install 12" Plug Valve Box	LS	1	$ 14,000.00	$ 14,000.00	1	$ 5,300.00	$ 5,300.00
12	Furnish and Install 6" Plug Valve	LS	1	$ 5,000.00	$ 5,000.00	1	$ 3,300.00	$ 3,300.00
13	Replacement Manhole 271	LS	1	$ 25,000.00	$ 25,000.00	1	$ 24,000.00	$ 24,000.00
15	General Contingency	LS	1	$ 25,000.00	$ 25,000.00	1	$ 25,000.00	$ 25,000.00
		Total	$ 1,471,200.00			$ 1,813,700.00		

Extension error on Item 10: submitted bid shows $104,000.00 (unit price prevails); Total on submitted bid shows $1,879,700.00

TOWN OF PALM BEACH

Bid No. 2014-30

E-3 Forcemain Rehabilitation

Garden Road to Cherry Lane

TABULATION

Vendor:	**Johnson-Davis, Inc.**	**Man-Con Incorporated**
Address:	604 Hillbrath Dr.	3460 SW 11th Street
	Lantana, FL 33462	Deerfield Beach, FL 33442
Telephone:	561-588-1170	954-427-0230
Fax:	561-585-5252	954-427-8133
Contact:	Scott J. Johnson	Guy A. Mancini

ALTERNATE

Line	Description	Unit	Qty	Price per Unit	Total	Qty	Price per Unit	Total
8A	12" Cast Iron Forcemain Replacement from Properties 980,970,958 and 940 using Direct Bury Method. See drawing 43-43-03-14 – Sheet C 1-6	LF	800	$ 300.00	$ 240,000.00	800	$ 450.00	$ 360,000.00

*Note: The combined quantity for 5.A and 5.B should total 3500 lin

Bid Opened on April 25, 2014 at 2:00 PM

Opened by:
John Cmar

Witnessed by:
Adis Pedraza

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 65-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of $530,851, to Xylem Water Solutions, for the Purchase of Four Pumps and Accessories as Quoted under RFQ 77-2014, and Establishing an Overall Budget of $550,000.

Presenter

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

Supporting Documents

- **Memorandum dated April 21, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 65-2014**
- **RFQ 77-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on May13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Approve a Purchase Order for D-4 Pump Station Pumps
Accelerated Capital Improvement Program – Phase 2
Resolution No. 65-2014

Date: April 21, 2014

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 65-2014 approving a purchase order to Xylem Water Solutions for three (3) 150 HP pumps and one (1) 70 HP pump with accessories in the amount of $530,851 as per RFQ 77-2014, and establish a total budget of $550,000.

GENERAL INFORMATION

The construction of the D-4 Pump Station Improvements is part of the 2nd Phase of the Accelerated Capital Improvement Program and is schedule to be constructed starting in May 2015. In order to start as early as possible so as to not work into season, long lead items have been identified and staff would like to proceed with the purchase at this time. The Town also saves the sales tax on this purchase.

Public Works staff worked with the Purchasing Division to secure a sole source quote from Xylem Water Solutions. The Public Works Water Resources Division has standardized on Flygt Storm Water Pumps for use in our storm water pump stations. Xylem is the sole source provider of Flygt pumps in the state of Florida. Delivery of these pumps is expected to take 12 to 16 weeks after issuance of the purchase order. Staff has established a storage and delivery schedule that will not incur additional costs to the Town.

FUNDING/FISCAL IMPACT

Sufficient funds were budgeted in the 2013 Bond Series for these purchases.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 65-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF $530,851, TO XYLEM WATER SOLUTIONS, FOR THE PURCHASE OF FOUR PUMPS AND ACCESSORIES AS QUOTED UNDER RFQ 77-2014, AND ESTABLISHING AN OVERALL BUDGET OF $550,000.

*   *   *   *   *

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 in the amount of $530,851, to Xylem Water Solutions for the purchase of three 150 HP pumps and one 70 HP pump and accessories, and establishes an overall budget of $550,000.

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

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further actions as may be necessary to effectuate the purchase of these pumps, including any necessary storage fees 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 13th day of May 2014.

____
Gail L. Coniglio, Mayor

____
Robert N. Wildrick, Town Council President

____
William J. Diamond, Council President Pro Tem

____
Richard M. Kleid, Town Council Member

____
Michael J. Pucillo, Town Council Member

ATTEST:

____
Susan A. Owens, MMC, Town Clerk

____
Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 77-2014

DRAINAGE PUMPS FOR D-4 PUMP STATION

INTENT AND SCOPE

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

PLANS AND SPECIFICATIONS

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

- Specifications issued by Kimley-Horn and Associates, referred to as Section 11100 "Drainage Pumps", 14 pages (Revised 20140324), and Preliminary Plan Sheets C-04 & M-04.
- The pumps and accessories shall meet all aspects listed in the referenced specifications, Section 11100 Drainage Pumps

SCHEDULE OF BID ITEMS

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

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

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

1. TERMS	2. F.O.B.	3.SHIPMENT VIA	4. QUOTATION VALID
Net 30	Destination		FOR 90 days

Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost
1	MAIN PUMPS Flygt Model P7081/706; Each pump shall be equipped with a 150 HP submersible electric motor, connected for operation on 460 volts, 3 phase, 60 Hertz, 4 wire service with lengths of power and signal cable sufficient to reach the MCC and control cabinet in the electrical room. Pumps to be supplied with motor, tubes with discharge tee, mounting brackets, power cable, MAS monitoring unit and accessories.	3	EA	138,080.00	414,240.00

Company Name: Xylem WATER Solutions Authorized Signature:

2.	DUTY PUMPS Flygt Model P7061/605; Each pump shall be equipped with a 70 HP submersible electric motor, connected for operation on 460 volts, 3 phase, 60 Hertz, 4 wire service with lengths of power and signal cable sufficient to reach the MCC and control cabinet in the electrical room. Pump to be supplied with motor, tube with discharge tee, mounting brackets, power cable, MAS monitoring unit and accessories. Relay Units	1	EA	$ 104,539.00	$ 104,539.00
3.	Start-up/Training, one (1) day / impact wrench	1	L.S.	$ 1,665.00	$ 1,665.00
4.	Freight (delivery of four (4) pumps)	1	L.S.	$ 10,407.00	$ 10,407.00
	TOTAL				$ 530,851.00

Estimated time for delivery upon receipt of Purchase Order: 12-16 weeks

REMARKS: ______

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

Firm: Xylem WATER Solutions

*Signature: [signature] Name/Title: Steve Kiss, Branch Mgr.

Address: 1730 10th St. W., Riviera Beach, FL Zip: 33404

Federal ID#: 45-2080074

Telephone Number: (561) 848-1200 Fax: (561) 848-1299

Date: 4-10-14

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

Name of Bidder's Contact Person: Steve Kiss

Address: 1730 10th St. W., Riviera Beach, FL 33404

Phone Number: 561-848-1200 Fax Number: 561-848-1299

E Mail
Address: steve.kiss@KYLEMINC.com

General Conditions, Instructions and Information for Bidders

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

1. GENERAL INFORMATION

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

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

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

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

For information concerning this bid, please contact:

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

2. PRICE/DELIVERY

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

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

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

3. FEDERAL AND STATE TAX

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

4. ACCEPTANCE / REJECTION

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

5. ALTERNATIVES / APPROVED EQUAL / DEVIATIONS

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

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

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

6. NO BID

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

7. NON-COLLUSION

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

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

8. CONFLICT OF INTEREST

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

9. LEGAL REQUIREMENTS

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

(a) Vendors doing business with the TOWN are prohibited from discriminating against any employee, applicant or client because of race, creed, color, national origin, sex, age or non-disqualifying physical or mental disability, with regard to but not limited to the following: employment practices, rates of pay or other compensation methods, and training selection.

(b) Identical Tie Bids/Proposals shall be awarded in accordance with the preference established in Section 287.087, Florida Statutes, to a vendor submitting the attached Drug-Free Workplace Certification form properly completed and certified. In the event that tie bids are received either from vendors who have all submitted a Drug-Free Workplace Certification or none of whom who have submitted such certification, the award will be made in accordance with TOWN purchasing procedures pertaining to tie bids.

(c) A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity, crime may not submit a bid on a contract to provide any goods or services to a public entity may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO(Currently $25,000) for a period of 36 months from the date of being placed on the convicted vendor list.

10. UNIFORM COMMERCIAL CODE

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

11. MISTAKES

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

12. AVAILABILITY OF FUNDS

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

13. EEO STATEMENT

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

14. BID FORMS

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

15. CONTRACTUAL AGREEMENT

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

16. SUBCONTRACTING

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

17. INFORMATION

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

18. AWARDS

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

19. PRICES QUOTED

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

20. PAYMENT

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

21. DISCOUNT

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

22. CERTIFICATIONS

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

23. LICENSES AND PERMITS

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

***24.* COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH**

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

25. <u>MATERIAL SAFETY DATA SHEET</u>

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

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

26. <u>SAFETY REGULATIONS</u>

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

27. <u>CODES AND REGULATIONS</u>

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

28. <u>INDEMNIFICATION</u>

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

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

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 66-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to All Florida Tree and Landscape, Inc., in the Amount of $39,675 for Coconut Palm Tree Trimming and Pruning Services, and Establishing a Project Budget of $42,000.

Presenter

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

Supporting Documents

- **Memorandum dated April 23, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 66-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorizing a Contract Extension for Coconut Palm Tree Trimming and Pruning Services
Resolution No. 66-2014

Date: April 23, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 66-2014 authorizing the third twelve month extension of the coconut palm tree trimming contract with All Florida Tree and Landscape Inc. in the amount of $39,675 for coconut tree trimming and pruning services, and establishing a project budget of $42,000.

GENERAL INFORMATION

This operation consists of trimming and pruning all coconut palm trees in the right of way from Dunbar Road south to Via Marina. This also includes any coconut palm tree in the Town parks or medians. The program includes trimming twice per year, in the spring and the fall. The trimming and pruning are performed under the supervision of the Parks supervisor and/or the Town's arborist.

All Florida Tree was awarded the coconut palm tree trimming contract through Bid No. 2010-10 on October 25, 2010 and has performed satisfactorily. The contract provides for the option of (4) twelve-month renewals with all original terms, conditions and pricing.

Please note that coconut palms which are adjacent to major right of ways have been trimmed in advance of the upcoming closure of the Flagler Memorial Bridge.

FUNDING/FISCAL IMPACT

Sufficient funds are available in the FY14 Public Works Department budget and in the proposed FY15 budget to complete this work. A contingency amount (5%) is included in the overall project budget, to allow for unforeseen tasks and emergency 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.

Attachment

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

RESOLUTION NO. 66-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO ALL FLORIDA TREE AND LANDSCAPE, INC., IN THE AMOUNT OF $39,675 FOR COCONUT PALM TREE TRIMMING AND PRUNING SERVICES, AND ESTABLISHING A PROJECT BUDGET OF $42,000.

*　　*　　*　　*　　*

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

Section 1: The Town of Palm Beach hereby approves a contract extension to All Florida Tree and Landscape, Inc. for the annual amount of $39,675 and establishing a project budget of $42,000. 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 FY2014 and include seven months of FY2015, subject to an approved budget.

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 13th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 75-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Designating Town Depositories for Fiscal Year 2014 Pursuant to Section 2-517 of the Town Code of Ordinances and Designating Parties to Sign Checks or Warrants on Behalf of the Town Pursuant to Section 2-36 of the Town Code of Ordinances.

Presenter

Jane Struder, Director of Finance

Supporting Documents

- **Memorandum dated May 1, 2014, from Jane Struder, Finance Director**
- **Resolution No. 75-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Re: Amendment to the Designation of Town Depositories and Parties Authorized to Sign Checks or Warrants on Behalf of the Town for Fiscal Year 2014
Resolution No. 75-2014

Date: May 1, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Resolution No. 75-2014 amending the designation of the Town depositories to include Qualified Public Depositories for fiscal year 2014.

GENERAL INFORMATION

The Investment Advisory Committee has recommended that we invest funds in Certificates of Deposit with Florida Qualified Public Depositories. A Qualified Public Depository (QPD) is any bank, savings bank or savings association that is located in Florida and has deposit insurance under the Federal Deposit Insurance Act and has procedures and practices for accurate identification, classification, reporting and collateralization of public deposits and has been designated by the Chief Financial Officer of the State of Florida as a qualified public depository. The Resolution amends Resolution No. 122-2013 adopted at the September 10, 2013 Town Council meeting to allow for deposits in Qualified Public Depositories.

TOWN ATTORNEY REVIEW

Town Attorney has reviewed and approved the Resolution for legal form and sufficiency.

js

Attachment

RESOLUTION NO. 75-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, DESIGNATING TOWN DEPOSITORIES FOR FISCAL YEAR 2014 PURSUANT TO SECTION 2-517 OF THE TOWN CODE OF ORDINANCES AND DESIGNATING PARTIES TO SIGN CHECKS OR WARRANTS ON BEHALF OF THE TOWN PURSUANT TO SECTION 2-36 OF THE TOWN CODE OF ORDINANCES.

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

Section 1. Pursuant to Section 2-517 of the Town Code of Ordinances, the Town Council hereby designates the following financial institutions as depositories for Fiscal Year 2014:

1) Wells Fargo Bank (Checking and Merchant Accounts)
2) Florida League of Cities (Excess Funds)
3) PFM Asset Management LLC (Excess Funds)
4) State Street Bank (Custody Account)
5) TD Wealth Management (Custody Account)
6) Qualified Public Depositories per Florida State Statute 280.02

Section 2. Pursuant to Section 2-36 of the Town Code of Ordinances, funds may be withdrawn from the Town's bank accounts referenced in Section 1, upon checks, warrants, or wire transfers duly signed by the Town Manager and the Town's Finance Director.

In the absence of or as may be designated by the Town Manager, the Deputy Town Manager may sign checks, warrants, or wire transfers in the place and instead of the Town Manager.

In the absence of or as may be designated by the Finance Director, the Assistant Finance Director or the Accounting Supervisor may sign checks, warrants, or wire transfers in the place and instead of the Finance Director.

The Town Manager and Deputy Town Manager are not authorized to countersign each other's signatures; nor are the Finance Director, the Assistant Finance Director, and the Accounting Supervisor authorized to countersign each other's signatures.

Section 3. To open a new account, all current authorized account signatures will sign the appropriate paperwork. To close an existing account, the financial institution will be notified by letter signed by the Finance Director or Town Manager.

Section 4. The Town Clerk is hereby directed to furnish a certified copy of this Resolution to Wells Fargo Bank, Florida League of Cities, N.A., PFM Asset Management LLC, TD Wealth Management and State Street Bank

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of May 2014.

______________________________	______________________________
Gail L. Coniglio, Mayor	Robert N. Wildrick, Town Council President
	______________________________
	William J. Diamond, Council President Pro Tem
	______________________________
	Richard M. Kleid, Town Council Member
	______________________________
ATTEST:	Michael J. Pucillo, Town Council Member
______________________________	______________________________
Susan A. Owens, MMC, Town Clerk	Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Consent - Other

Agenda Title

Approval of Request by the City of West Palm Beach for $10,000 Contribution to the City's Fourth on Flagler Event.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- **Memorandum dated April 23, 2014, from Peter B. Elwell, Town Manager**
- **Letter dated April 7, 2014, from Cinde Martin, City of West Palm Beach Sponsorship Consultant**
- **Sponsorship Benefits**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Request by the City of West Palm Beach for Town Sponsorship of the City's Fourth on Flagler Event

Date: April 23, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council authorize the expenditure of $10,000 from the General Fund Contingency for the Town to once again be an official sponsor of the City of West Palm Beach's Fourth on Flagler July 4th Celebration.

GENERAL INFORMATION

Attached is a letter dated April 7, 2014, from Cinde Martin, Sponsorship Consultant for the City of West Palm Beach, requesting that the Town be an official sponsor of the Fourth on Flagler event. The attachment to Ms. Martin's letter identifies the publicity activities through which the Town's sponsorship would be announced and identifies other benefits of sponsorship.

The Town has previously sponsored this event, including last year for $10,000. Since many Palm Beach residents enjoy the Fourth on Flagler fireworks, we believe this Town sponsorship is fair, provides a public benefit, and is good intergovernmental relations. Therefore, staff recommends Town Council approval of this request.

FUNDING/FISCAL IMPACT

If Town sponsorship of the Fourth on Flagler event is approved by the Town Council, the $10,000 cost for this sponsorship will be expended from the General Fund Contingency Account.

Attachments

PBE:cek

cc: Jane Struder, Finance Director

The City of West Palm Beach

"The Capital City of the Palm Beaches"

April 7, 2014

Mr. Peter Elwell
Town of Palm Beach
Correspondence via e-mail

Dear Mr. Elwell,

We are so grateful to have had your past support for the City of West Palm Beach's 4th on Flagler celebration.

It's our 26th Anniversary this year and we are respectfully requesting the Town of Palm Beach again serve as a sponsor and donate a minimum of $ 10,000 (like last year) to the event.

I've attached an outline of the benefits you have historically received. Let me know if we should revisit them. We look forward to working with you on this year's 4th on Flagler!

Sincerely,

Cinde A. Martin
Sponsorship Consultant

"An Equal Opportunity Employer"

OFFICIAL SPONSORSHIP
Town of Palm Beach

THURSDAY, JULY 4, 2014
Attendance approximately 150,000
Join the City Of West Palm Beach for South Florida's largest and best Fourth of July Celebration. Celebrating our 26th year, 4th on Flagler has become the largest, free community celebration in Palm Beach County. This year we will be celebrating Palm in a BIG way. We invite the Town of Palm Beach to join us in providing this community service for all residents.

The celebration is heavily promoted on television and we welcome our new radio partners, Palm Beach Broadcasting which includes 97.9 WRMF, WIRK 103.1, SUNNY 107.9 and X 102.3 with The Palm Beach Post supplying our print ads. This year's National Acts will be Ryan Star and The Lost Trailers. Our main entertainment will be provided by the Palm Beach Pops plus live entertainment on the rock and roll stage, great food and beverage and plenty of good ole' Americana fun.

Benefits include:

- Corporate Display Areas; one (1) 10x10 tent on Flagler Drive
- Media Recognition
  - Corporate Inclusion in select print ads to run in The Palm Beach Post
- Website Inclusion
- Collateral Inclusion
  - Corporate Inclusion 2.5K Event Brochures
  - Corporate Inclusion 500 Event Posters
  - Corporate Inclusion 10K Direct Mail Postcards
- Prominent Signage at Event
  - One (1) 8ft banners (company to supply) hung in high traffic area
- VIP Ticket Package for Event
  - 1 VIP Parking Pass
  - 14 Tickets to the VIP Hospitality Area
- Right to pre and post event promotions (with City's prior approval)
- First right of refusal

PACKAGE VALUE - $ 15+K ANNUALLY

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Consent - Other

Agenda Title

Authorization to Reject All Bids for South Fire Roof Replacement, Bid No. 2014-26.

Presenter

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

Supporting Documents

- **Memorandum dated April 30, 2014, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

TO: Mayor and Town Council

VIA: Peter B. Elwell, Town Manager

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

RE: Authorization to Reject All Bids for the Replacement of the South Fire Station Roof Project

DATE: April 30, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council reject all bids related to Bid No. 2014-26 for the FY2014 South Fire Station Roof Replacement Project, and authorize a $5,000 increase in the design/bid phase budget from $10,000 to $15,000.

GENERAL INFORMATION

The roof replacement project at the South Fire Station was advertised (Bid No. 2014-26) and five bids were received. The low bidder subsequent to the bid opening, indicated their bid would be withdrawn due to an error. The second low bidder's bid amount was considerably higher than the architect's estimated range which was $116,800 to $124,100. Given that the second low bid and all other remaining bids were substantially above the Town's estimate for the job, it is recommended that all bids be rejected.

Town staff also recommends that the project requirements be reviewed with the architect and roofing consultant, and that revised bid documents be re-solicited as appropriate. Staff would seek any necessary Town Council authorizations or approvals prior to award of any future roof replacement projects.

FUNDING/FISCAL IMPACT

There is no cost associated with rejecting these bids, with the exception of additional bid-phase services provided by the architect. Those additional costs are expected to be minor, and authorization to increase the design/bid phase budget by $5,000 is requested.

PURCHASING REVIEW

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

cc: Jane Struder, Finance Director
Eric B. Brown, P.E., Assistant Director of Public Works
William Francis, P.E., Town Engineer
Brett Madison, Facilities Maintenance Manager
Lynda Cummings, Purchasing Agent
Mark Marsh, Bridges Marsh & Associates

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Consent - Other

Agenda Title

Approval of Request for Underground Utilities Assessment Area for El Bravo Way, North Side of the Street, Having Rear Yard Frontage along Island Road (El Bravo Way Underground Utilities Assessment Area).

Presenter

Thomas G. Bradford, Deputy Town Manager

Supporting Documents

- **Memorandum dated May 2, 2014, from Thomas G. Bradford, Deputy Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: Consideration of Approval of Request for Underground Utilities Assessment Area for El Bravo Way, North Side of the Street, Having Rear Yard Frontage along Island Road (El Bravo Way Underground Utilities Assessment Area)

Date: May 2, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council give approval to proceeding with an underground utility (UG) assessment area for the El Bravo Way Underground Utilities Assessment Area. 88% of the benefitting property owners have affirmatively signed the petition granting their approval of the project and the special assessment process, subject to receipt of a binding cost estimate from FPL. This exceeds the Town Council adopted 67% requirement. This process results in the requestors of the service paying for 100% of the improvement based on the benefits received from the conversion of overhead lines to underground service.

GENERAL INFORMATION

From time to time property owners approach the staff on the subject of converting overhead utility lines to underground service. The latest request to convert to UG service pertains to all single-family homes on the north side of El Bravo Way which are hereinafter referred to as the El Bravo Way Underground Utilities Assessment Area. 88% of the property owners have affirmatively signed the Town petition previously approved by the Town Council. There are only 8 properties in the El Bravo Way Underground Utilities Assessment Area and 7 owners affirmatively signed the petition. Current Town Council policy requires not less than 67% of the property owners to approve of the conversion. The property owners submitted the petition on April 7, 2014. The overhead lines and facilities contemplated for burial are mostly visible along the south side of Island Road. If completed, all lines along Island Road and west of South County Road to the extreme ends of Everglades Island will be underground.

If approved to go forward by the Town Council, conceptual design activities will commence for the purpose of facilitating an FPL binding cost estimate which has been requested by the residents. A construction commencement date is dependent on numerous factors including provision of easements, if applicable.

Once all of the costs are finalized they will be used to begin the assessment process beginning no later than December of the year of construction completion for placement of the project cost on the property tax bills of the benefitting property owners the following November.

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. Internal financing provides the advanced funding of this conversion work and upon completion of the work, the Town recoups its expended fund, plus interest and fees through the special non-ad valorem process spelled out in F.S. 197.3632. The final cost is converted to long term financing.

cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
William Francis, Town Engineer
Chuck Langley, Senior Projects Engineer,
Maziar Keshavarz, Keshavarz and Associates
Gary Schottenstein

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TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Consent - Other

Agenda Title

Authorization to Reject All Bids for FY2014 Interim Sand Haul Project, RFP No. 2014-13.

Presenter

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

Supporting Documents

- **Memorandum dated April 24, 2014, from H. Paul Brazil, P.E., Director of Public Works**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Authorization to Reject All Bids for FY2014 Interim Sand Haul Project
RFP No. 2014-13

DATE: April 24, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council reject all bids related to RFP No. 2014-13 for the FY2014 Interim Sand Haul Project.

GENERAL INFORMATION

The Town solicited bids in late 2012 for Mid-Town Beach Nourishment. Due to dredging work already planned for winter 2013/2014, the bids that were provided far exceeded the Town's estimates. Town Council rejected all bids for the beach nourishment project and directed staff to re-solicit bids in April 2014. A bid solicitation for beach nourishment was advertised on April 20, 2014. Town staff will return to Town Council in July 2014 with the bid results.

Following rejection of the bids, Town Council directed Town staff to solicit bids for a possible interim sand placement project to take place in spring 2014 (before May 1). The purpose of the interim project would be to truck haul sand should conditions in Reach 3 worsen from their winter condition. Bids for RFP No. 2014-13 for the FY2014 Interim Sand Haul Project were opened on January 6, 2014.

Due to the mild conditions that were persistent through January, February, and March, shoreline conditions did not worsen. In some locations, the shoreline conditions improved. Therefore, there was no need for Town Council to award the bid and authorize construction of the interim project. With sea turtle nesting season now underway, sand placement cannot occur until November 1, 2014 (unless an emergency has been declared).

The current low bidder for the project is no longer required to honor the unit costs for sand placement as the 90-day hold has elapsed. Because the project is no longer valid, Town staff recommends that Town Council officially reject all bids.

In an effort to have a contractor remain on stand-by should a beach emergency arise, Town staff recommends that Town Council approve a bid solicitation for a continuing services contract for hauling and placement of sand. Such a contract would include the dry beach placement of truck-hauled sand in any area of the Town that may be impacted during the 2014 hurricane season. This activity is already permitted through the FDEP Beach Management Agreement (BMA) and would only require an Individual Project Approval (IPA) request from the Town and approval from FDEP before construction could commence.

The Town will request a proposal from one of our pre-approved consulting firms to assist Town staff in development of the bid solicitation. It is expected that the cost of the engineering work will not exceed the Town Manager's authorization limit. Should a proposal exceed the Town Manager's authorization limit, Town staff will return to Town Council for approval.

We anticipate requesting Town Council to authorize a continuing services contract at the July 2014 Town Council meeting.

FUNDING/FISCAL IMPACT

There is no cost associated with rejecting these submittals. Sufficient funds exist in the Coastal Management Program to have a purchase order issued to a coastal engineering consultant to assist with bid development of a continuing contract for sand hauling.

Emergency sand haul projects are not included in the Town's Coastal Management Program budget. Any emergency work would need to come from the General Fund Contingency. Should a State of Emergency be declared by the Federal Government for our area, similar to Tropical Storm Fay, the Town is positioned to receive reimbursement through FEMA.

PURCHASING REVIEW

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

cc: Shore Protection Board
Robert Weber, Coastal Coordinator
Lynda Cummings, Purchasing Agent

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Consent - Other

Agenda Title

Authorization to Consider Ordinance No. 9-2014, Rescinding PUD-5 Comprehensive Plan Change, Prior to 5:00 p.m. at Both Public Hearings.

Presenter

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

Supporting Documents

- **Memorandum dated April 28, 2014, from John S. Page, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Request to Consider Ordinance No. 9-2014 prior to 5:00 p.m. at Both Public Hearings Rescinding PUD-5 Comprehensive Plan Change

Date: April 28, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the public hearings on Ordinance No. 9-2014 at the Town Council meetings at which it is to be heard prior to 5:00 p.m.

GENERAL INFORMATION

Florida Statutes require the Town Council to hold at least one of two public hearings to adopt a comprehensive plan amendment or zoning amendment ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have a hearing at another time. Staff is requesting that the Town Council elect to conduct both public hearings on Ordinance No. 9-2014 during the course of normal Council business. This may occur before 5:00 p.m.

PBE:jsp:pc

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lindgren, AICP, Planning Administrator

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Board/Commission Annual Report

Agenda Title

Code Enforcement Board.

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- **Memorandum dated April 22, 2014, from Kirk W.Blouin, Director of Public Safety**
- **Annual Report Fine List**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Annual Report – Code Enforcement Board

Date: April 22, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council hear the presentation of the Annual Report for 2013/2014 by Harris S. Fried, Chairman of the Code Enforcement Board.

GENERAL INFORMATION

The following information is a summary of the activities of the Code Enforcement Board for the past year. Raychel Houston, Code Enforcement Manager is prepared to address the Town Council with additional comments regarding the Code Enforcement Board and answer any questions.

The Code Enforcement Board consists of 9 members (7 regular members and 2 alternates). Harris S. Fried was re-elected as Chairman at the April 2014 meeting and James M. Ballentine, Jr. was re-elected as Vice Chairman. The remaining regular members are Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, W. Anthony Dowell and Robert Donnelley. The alternates are Scotch Peloso and Matthew Natale.

From May 2013 through April 2014, the Code Enforcement Board heard 110 new code violation cases, 24 fine consideration cases, 16 requests for fine reductions, 1 foreclosure hearing and 2 cases as old business. During this same period of time, the Town of Palm Beach collected $1,071,524.86 in fines ordered by the Code Enforcement Board and $12,150.00 in Code Enforcement administrative fees.

As of April 22, 2014, there are 6 properties with daily running fines which total $1,276,250.00, 33 properties with non-running fines totaling $387,127.84 and 12 non-property owners with non-running fines totaling $4,050.00. Liens in favor of the Town have been filed against property owners where applicable.

Notice of Code Violation Citations written and collected from May 2013 to April 2014 in which the violator admits to guilt and pays the fine thereby avoiding a Code Board appearance totaled $37,050.00.

At the present time, the Code Enforcement staff is comprised of 1 civilian manager who also manages the parking enforcement function of the police department, a parking/code enforcement specialist and 2 full time code enforcement officers.

Code enforcement staff handled 1,236 complaints from May 1, 2013 through April 22, 2014 of which 507 were self-initiated by the code enforcement officers. There were 2,009 inspections completed, 480 code violation written warnings, 278 notice of violations letters issued, 283 Notice of Violation Citations issued and 146 Board Orders issued. Staff also wrote 55 Right of Way violations for construction parking incidents.

Attached is a list of all properties with current outstanding code enforcement fines.

Attachment

KWB/rh

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Due	Comments	Homestead/Foreclosure Status
06-2042	Robert & Louisa Dean	232 Cherry Lane	10/19/2006	$150.00			10/19/2006	10/19/2006	$150.00	$150 CEB 10/19/06	Homesteaded/Cannot Foreclose
07-2073	Robert & Beverly Lowden	129 Chilean Ave.	3/15/2007	$150.00	$477.84	$250.00	3/14/2007	7/31/2007	$35,377.84	$150 CEB Cost 3/15/07;$250/day start 3/14/07,end 7/31/07; Adv fee $477.84	Homesteaded/Cannot Foreclose
07-2277	Susan Gibson	226 Pendleton Ave.	9/20/2007	$150.00		$250.00	9/29/2007	3/20/2008	$43,400.00	$150 CEB 9/20/07; $250/day start 9/29/07, end 3/20/08 (sewer)	Homesteaded/Cannot Foreclose
07-2277	Susan Gibson	226 Pendleton Ave.	9/20/2007			$250.00	10/17/2007	4/22/2014	$594,750.00	$250/day start 10/17/07 (doors and windows)	Homesteaded/Cannot Foreclose
07-2363	Violet Alexander	259 Oleander Ave.	2/20/2007	$150.00	$8,600.00		2/20/2007	2/20/2007	$4,750.00	$150 CEB 2/20/07p; 3 different violations/CEB fine reduction$4000 on 2/21/08	Homesteaded/Cannot Foreclose
08-2497	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave.C-19	5/15/2008	$150.00	$250.00		5/15/2008	5/15/2008	$400.00	$150 CEB and $250 Fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2498	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave.C-19	5/15/2008	$150.00	$250.00		5/15/2008	5/15/2008	$400.00	$150 CEB and $250 Fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2499	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave. C-19	5/15/2008	$150.00	$500.00		5/15/2008	5/15/2008	$650.00	$150 CEB and $500 Fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2500	C.J.'s Simply Gourmet Inc.	235 Sunrise Ave. C-19	5/15/2008	$150.00	$500.00		5/15/2008	5/15/2008	$650.00	$150 CEB and $500 fine on 5/17/08	Commercial/Foreclosure costs exceed balance due
08-2585	Charles W. Smith	242 Cherry Lane	11/20/2008	$150.00		$200.00	12/16/2008	3/6/2009	$16,000.00	$200/day start 12/16/08 ends 3/6/09; in foreclosure with bank	Not Homesteaded; Lender foreclosure action in progress
10-2691	Joseph Cain	893 S. County Rd.	1/21/2010	$150.00		$75.00	1/27/2010	2/16/2010	$1,650.00	$75/day;start 1/27/10, end 2/16/10	Not Homesteaded; Foreclosure costs exceed balance due
10-2706	Susan C. Lee	287 Pendleton Ave.	4/15/2010	$150.00		$250.00	4/10/2010	4/22/2014	$368,400.00	$250/day;start 4/10/10	Non-Homesteaded; Owner Occupied
10-2708	Robert A. & Louisa A. Dean	232 Cherry Lane	4/15/2010	$150.00		$75.00	4/10/2010	4/20/2010	$900.00	$75/day;start 4/10/10,end 4/20/10	Homesteaded; Cannot Foreclose
CE 10-182	Florida Capital Management	237 Brazilian Ave.	8/19/2010	$150.00		$250.00	8/3/2010	3/10/2011	$54,750.00	CEB costs paid on 8/2/10; $250/day;start 8/3/10, ended 3/10/11; reduction by board of $30,000.00 on 4/21/11; to be paid by 6/15/11 or returns to original amount; paid $150 admin on 8/2/10	Not Homesteaded/fine reduction hearing 4/21/11
CE 11-200	Charles W. Smith	242 Cherry Lane	6/16/2011	$150.00		$250.00	6/14/2011	9/18/2012	$115,500.00	$150 CEB paid; $250/day start 6/14/11, fine stopped 9/18/12	Not Homesteaded; bank foreclosure pending
CE 11-1241	Fiori	350 S. County Rd., Ste. 100	9/15/2011	$150.00			9/15/2011	9/15/2011	$150.00	$150 CEB on 9/15/11	Not Homesteaded/commercial property
CE 11-1539	B 17 LLC	220 Onondaga Ave.	1/19/2012	$150.00	$125.00		1/19/2012	1/19/2012	$275.00	$150 CEB on 1/19/12 and $125 fine	Not Homesteaded
CE 11-1629	Reynco Inc.	242 Colonial Lane	1/19/2012	$150.00	$125.00		1/19/2012	1/19/2012	$275.00	$150 CEB on 1/19/12 and $125 fine	Not Homesteaded

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Due	Comments	Homestead/Foreclosure Status
CE 12-16	Robert & Beverly Lowden	129 Chilean Ave.	3/22/2012	$150.00	$0.00	$250.00	4/7/2012	4/22/2014	$186,400.00	$150 CEB on 3/22/12 and $250 fine start 4/7/12	Homesteaded
CE 12-19	Paul Pomfret	168 Reef Rd.	2/23/2012	$150.00	$125.00		2/23/2012	2/23/2012	$275.00	$150 CEB on 2/23/12 and $125 fine	Homesteaded
CE 12-86	Armenta Landscape AKA Armenta Earch & Stone Enterprise	2875 S. Ocean Blvd.	3/22/2012	$150.00	$250.00		3/22/2012	3/22/2012	$400.00	$150 CEB on 3/22/12 and $250 fine	violator not property owner
CE 12-315	James R. Thompson Est.	211 Caribbean Rd.	4/19/2012 and 5/17/12	$150.00	$0.00	$250.00	5/1/2012	1/14/2013	$64,650.00	$150 CEB on 4/19/12 and $250 day fine start 5/1/12 per BO dated 5/17/12; fine stopped 1/14/13 with compliance; abatement line imposed and paid/removed	Not Homesteaded
CE 12-389	Christopher & Andrea Kaufmann	434 Seaspray Ave.	5/17/2012	$150.00	$0.00		5/17/2012	5/17/2012	$150.00	$150 CEB on 5/17/12	Homesteaded
CE 12-729	Tucker's Tree Service	1080 N. Ocean Blvd.	6/21/2012	$150.00	$125.00		6/21/2012	6/21/2012	$275.00	$150 CEB on 6/21/12 and $125 fine	violator not property owner
CE 12-893	Cornelia M. Lorentzen	353 Seaspray Ave.	9/20/2012	$150.00	$0.00	$0.00	9/20/2012	9/20/2012	$150.00	$150 CEB on 9/20/12	Not Homesteaded
CE 12-1093	Tamara Jean Fisher	164 Seminole Ave.	9/20/2012	$150.00	$0.00	$0.00	9/20/2012	9/20/2012	$150.00	$150 CEB on 9/20/12	Homesteaded
CE 12-1095	Margaret K. Hoffmeier	155 Root Trl.	9/20/2012 and 10/18/12	$150.00	$0.00	$100.00	9/29/2012	4/17/2013	$20,150.00	$150 CEB on 9/20/12; $100 daily fine start 9/29/12 as of CEB Order on 10/18/12; fine stop 4/17/13	Not Homesteaded
CE 13-6	Sandell Corp.	111 Atlantic Ave.	2/21/2013	$150.00	$0.00	$0.00	2/21/2013	2/21/2013	$150.00	$150 CEB on 2/21/13	Not Homesteaded
CE 13-249	Jennifer Condie	264 Seminole Ave.	4/18/2013	$150.00	$250.00	$0.00	4/18/2013	4/18/2013	$400.00	$150 CEB on 4/18/13 and $250 CEB fine, taxi	violator not property owner
CE 13-406	Jackie Rogers	240 Worth Ave., #M	5/16/2013	$150.00	$125.00	$0.00	5/16/2013	5/16/2013	$275.00	$150 CEB on 5/16/13 and $125 CEB fine	violator not property owner
CE 13-411	Jackie Rogers	240 Worth Ave., #M	5/16/2013	$150.00	$250.00	$0.00	5/16/2013	5/16/2013	$400.00	$150 CEB on 5/16/13 and $250 CEB Fine	violator not property owner
CE 13-433	Louisa A. Dean	232 Cherry Lane	7/18/2013	$150.00	$0.00	$250.00	7/18/2013	4/22/2014	$69,650.00	$150 CEB on 7/18/13; $250/day on 8/15/13	Homesteaded
CE 13-481	Jennifer Condie	100 Block of Bradley Pl.	6/20/2013	$150.00	$250.00	$0.00	6/20/2013	6/20/2013	$400.00	$150 CEB on 6/20/13 and $250 CEB Fine	violator not property owner
CE 13-575	Gayle P. Petersen Tr.	151 Reef Rd.	7/18/2013	$150.00	$125.00	$0.00	7/18/2013	7/18/2013	$125.00	$150 CEB on 7/18/13 and $125 CEB Fine; paid admin costs only 8/14/13	Homesteaded
CE 13-680	Shorehaven LLC	445 Brazilian Ave.	8/15/2013 and 9/19/13	$150.00	$0.00	$250.00	9/14/2013	4/22/2014	$55,150.00	$150 CEB on 8/15/13; $250/day start 9/14/13 per 9/19/13 BO	Commercial property
CE 13-765	Sandell Corp.	111 Atlantic Ave.	8/15/2013	$150.00	$2,500.00	$0.00	8/15/2013	8/15/2013	$2,650.00	$150 CEB on 8/15/13 and $1,250.00 fine on 8/15/13	Not Homesteaded
CE 13-777	160 Royal Palm LLC	160 Royal Palm Way	10/17/2013	$150.00	$0.00	$250.00	10/15/2013	12/3/2013	$12,250.00	$150 CEB on 9/19/13 - paid; $250/day start on 10/15/13 per 10/17/13 BO; chiller turned off as of 12/3/13 so compliance reached	commercial property

Code Enforcement Board Costs and Fines as of 4/22/2014

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs or Fine Assessed or started	Current Date or Date Fine Stopped	Total Due	Comments	Homestead/Foreclosure Status
CE 13-815	Jay Villa DBA JV Wood Floors	340 Royal Poincina Way, Ste. 330	9/19/2013	$150.00	$125.00	$0.00	9/19/2013	9/19/2013	$275.00	$150 CEB on 9/19/13 and $125 fine	violator not property owner
CE 13-930	MB Ventures of Palm Beach	253 Royal Poinciana Way	2/20/2014	$150.00	$0.00	$250.00	2/17/2014	3/20/2014	$7,750.00	$150 CEB on 11/21/13; CEB paid; $250/day start 2/17/14 per 2/20/14 BO; fine stopped 3/20/14	commercial property
CE 13-965	Sandell Corp.	111 Atlantic Ave.	12/19/2013	$150.00	$2,500.00	$0.00	12/19/2013	12/19/2013	$2,650.00	$150 CEB on 12/19/13 and $2,500.00 fine	Not Homesteaded
CE 13-1130	Xavier T. Willis	766 Hi Mount Rd.	12/19/2013	$150.00	$250.00	$0.00	12/19/2013	12/19/2013	$400.00	$150 CEB on 12/19/13 and $250.00 fine	violator not property owner
CE 13-1238	Vivian Wilson & Certified Management Inc.	249 Miraflores Dr.	1/16/2014	$150.00	$250.00	$0.00	1/16/2014	1/16/2014	$400.00	$150 CEB on 1/16/14 and $250 fine	violator not property owner
CE 13-1239	Malquane R. Jackson & Certified Management Inc.	201 El Vedado Rd.	1/16/2014	$150.00	$250.00	$0.00	1/16/2014	1/16/2014	$400.00	$150 CEB on 1/16/14 and $250 fine	violator not property owner
14-128	Arij Gasiunasen	260 Clarke Ave.	3/20/2014	$150.00	$0.00	$0.00	3/20/2014	3/20/2014	$150.00	$150 CEB on 3/20/14	Homesteaded
14-152	Ellis & Nancy Parker	2165 Ibis Isle Rd. #8	3/20/2014	$150.00	$0.00	$250.00	4/15/2014	4/22/2014	$1,900.00	$150 CEB on 3/20/14; $250/day start 4/15/14 per 4/17/14 BO	Homesteaded
14-173	Maximilian & Louise Kaufmann	256 Seminole Ave.	4/17/2014	$150.00	$0.00	$0.00	4/17/2014	4/17/2014	$150.00	$150 CEB on 4/17/14	Not Homesteaded
14-180	Ocean Via Realty LLC & Hojo Partners LLC	2880 S. Ocean Blvd.	4/17/2014	$150.00	$0.00	$0.00	4/17/2014	4/17/2014	$150.00	$150 CEB on 4/17/14	Commercial property
14-190	Oleander Ventures LLC	252 Oleander Ave.	4/17/2014	$150.00	$0.00	$0.00	4/17/2014	4/17/2014	$150.00	$150 CEB on 4/17/14	Not Homesteaded
14-207	Nixon Home Improvement	200 Block of Royal Poinciana Way	4/17/2014	$150.00	$125.00	$0.00	4/17/2014	4/17/2014	$275.00	$150 CEB and $125 fine on 4/17/14	violator not property owner
14-244	J.F. Brennan Properties & JBPB Holdings Inc.	145 Woodbridge Rd.	4/17/2014	$150.00	$0.00	$0.00	4/17/2014	4/17/2014	$150.00	$150 CEB on 4/17/14	Not homesteaded
14-257	Axel Ulrich Trust	1485 Via Manana	4/17/2014	$150.00	$0.00	$0.00	4/17/2014	4/17/2014	$150.00	$150 CEB on 4/17/14	Homesteaded
									$1,667,427.84		

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 69-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing for the Removal of Historic or Specimen Trees from Properties Located Within the Town of Palm Beach; Adding Newly Designated Historic or Specimen Trees; Providing for the Recording of Said Designations; and Providing That a Copy of this Resolution Be Recorded in the Public Records of Palm Beach County, Florida.

Presenter

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

Supporting Documents

- **Memorandum dated May 2, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Resolution No. 69-2014**
- **Designation Letter - Four Arts**
- **Designation Letter - Bethesda by the Sea**
- **Designation Recommendation for Lakeside Park**
- **Designation Recommendation for Bradley Park**
- **De-Designation Letter - 250 Sanford Avenue**
- **De-Designation Letter - 1342 North Lake Way**
- **De-Designation Letter - 340 Garden Road**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May13, 2014

To: Mayor and Town Council

Via: Peter B. Ewell, Town Manager

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

Re: Historic/Specimen Trees De-Designations and Designations
Resolution No. 69-2014

Date: May 2, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 69-2014 authorizing the removal and addition of the noted trees from the Town's list of designated historic or specimen trees.

GENERAL INFORMATION

The Town has completed the annual survey of the condition of the designated historic and specimen trees as required by Section 126-59 of the Town's Code of Ordinances. In the course of that inspection, the Town's Arborist found the Gumbo Limbo at 1342 North Lake Way, the Ironwood tree at 250 Sanford Avenue, and the Golden Shower at 340 Garden Road, to be in poor condition and no longer of specimen quality. It is his opinion that these trees should be removed from the list of the Town's historic/specimen trees. The property owners will then be authorized to remove the trees if desired.

The Town Arborist has also recommended that the following five (5) trees be added to the Town's list. They are the Mahogany tree at 141 South County Road (Bethesda by the Sea), the Tropical Almond & Old Man Palm at 2 Four Arts Plaza, the Sapodilla at Bradley Park (Town property) and the Silk Floss at Lakeside Park (Town property). Subject to Town Council approval, these newly designated trees will be recorded with the Palm Beach County Clerk.

We have reviewed these recommendations with the Garden Club and they agree with the changes. The required notification letters were sent to the owners, per the ordinance requirement. Those letters are attached along with the Town Arborist's reports on all of the trees. All of the affected property owners agree with these recommendations.

TOWN ATTORNEY REVIEW

The Town Attorney has reviewed this resolution and approved it for legal form and sufficiency.

Attachments

cc: John Page, Director of Planning, Zoning & Building Department
Eric B. Brown, P.E., Assistant Director of Public Works/Operations
Brett Madison, Facilities Maintenance Division Manager
Rob Walton, Chief Code Compliance Officer
Keith Risley, Bethesda by the Sea
Ervin Duggan, Society of the Four Arts
Mr. and Mrs. Joseph Sambuco, North Lake Way
340 Garden Road LLC
Mr. Mathew B. Lorentzen, Sanford Avenue
Vicky Hunt, President, Garden Club of Palm Beach
Ann Blades, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

RESOLUTION NO. 69-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE REMOVAL OF HISTORIC OR SPECIMEN TREES FROM PROPERTIES LOCATED WITHIN THE TOWN OF PALM BEACH; ADDING NEWLY DESIGNATED HISTORIC OR SPECIMEN TREES; PROVIDING FOR THE RECORDING OF SAID DESIGNATIONS; AND PROVIDING THAT A COPY OF THIS RESOLUTION BE RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

* * * * *

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

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

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

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

<u>Section 1</u>. Trees designated as historic or specimen shall be <u>ADDED</u> to the following described properties:

PCN/Legal	**Location**	**Count**	**Common Name**	**Botanical Name**
<u>50-43-43-23-01-000-0010</u> PENDLETON TR E G IN	Bethesda by the Sea	1	Mahogany	Swietenia Mahogani
<u>50-43-43-22-00-000-1010</u> 22-43-43, NE ¼ LYG NLY OF & ADJ TO ROYAL POINCIANA WAY R/W, LYG S OF & ADJ TO PB2P6 & LYG BET INTRACOASTAL WATERWAY & BRADLEY PL R/W (LESS LAKE TRAIL R/W)	Bradley Park	1	Sapodilla	Manilkara Zapota
<u>50-43-43-23-05-020-0010</u> ROYAL PARK ADD N 1557.35 FT OF BLK 20	320 S. Lake Dr.	1	Silk Floss	Ceiba Speciosa

50-43-43-23-05-021-0010 2 Four Arts Plaza 1 Tropical Almond Terminalia Catappa
ROYAL PARK ADD LT 1 & LAND LYG W OF LT 1 (LESS E 43 FT), LT 2 & LAND LYG W OF LT 2 (LESS LAKE DR), N 14

50-43-43-23-05-000-0000 2 Four Arts Plaza 1 Old Man Palm Coccothrinaz Crinita
ROYAL PARK ADD LT 1 & LAND LYG W OF LT 1 (LESS E 43 FT), LT 2 & LAND LYG W OF LT 2 (LESS LAKE DR), N 14

Section 2. Trees designated as historic or specimen shall be REMOVED from the following described properties:

PCN/Legal	Location	Count	Common Name	Botanical Name
50-43-42-34-10-000-0090	1342 North Lake Way	1	Gumbo Limbo	Bursera Simarouba
EDEN VILLA LT 9 W OF LAKE WAY				
50-43-43-14-05-000-0150	250 Sanford Avenue	1	Ironwood Tree	Krugiodendrum Ferrum
WALTON ADD PB REV LT 15				
50-43-43-03-20-000-0220	340 Garden Lane	1	Golden Shower	Cassia Fistula
EDEN PROPERTIES LT 22				

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 13th day of May 2014.

Gail L. Coniglio, Mayor

Robert N. Wildrick, Town Council President

William J. Diamond, Council President Pro Tem

Richard M. Kleid, Town Council Member

ATTEST:

Michael J. Pucillo, Town Council Member

Susan A. Owens, MMC, Town Clerk

Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Office of the Town Manager

April 21, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ervin Duggan, The Society of the Four Arts
2 Four Arts Plaza
Palm Beach, FL 33480

SUBJECT: Historic/Specimen Tree Designations – Tropical Almond & Old Man Palm

Dear Mr. Duggan:

This letter is to inform you the Tropical Almond (Terminalia Catappa), in the Four Arts Sculpture Garden and the Old Man Palm (Coccothrinax Crinita), in the Four Arts Demonstration Garden, have been determined to be worthy additions to the Town's Historic/Specimen Tree list. The recommendations were made by the Town's Arborist, Richard Maxwell. Mr. Maxwell's report will be available upon request.

Per the Town's Code of Ordinance No. 126-57, the necessary resolutions for designating the tree will be on the Town Council Agenda for the May 13, 2014 meeting. You are invited to attend the Town Council meeting to raise concerns or express opinions pertaining to the designation. If the resolution passes, it will be recorded in the public records of Palm Beach County. This recording ensures purchasers of the property on which he Historic/Specimen trees are located will be made aware of this designation and their significant heritage will be preserved.

Should you have any questions, please do not hesitate to contact Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440, prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:tcm
Enclosure
Cc: H. Paul Brazil, Director of Public Works
Eric Brown, Assistant Public Works Director
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Public Works Office Manager
Vicky Hunt, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411
E-mail: townmanager@townofpalmbeach.com • Website: www.townofpalmbeach.com

Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: New
Latin Name: Terminalia catappa
Common Name: Tropical Almond
Address: Four Arts Sculpture Garden

Date: 4/22/2014
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 43" including monstero vine
Canopy Spread: 79'
Location on Property: Southeast corner of garden

Leaf to Wood Mass Ratio: Good
Limb/Branch Structure: Good

Defects: Yes — Comments: Some large "crossing branches" in upper canopy, natural grafting occuring

Decay: Yes — Comments: One spot what looks to be an old lightning strike

Conks/Fruiting Bodies Present: No — Comments:

Co-Dominant Branches: Yes — Comments: Acceptable for species type & age

Included Bark: No — Comments:

Pruning: None

Fertilization: Yes

Ornamental Pest Control: None

Classification Recommendation: Keep
Overall Rating: Good

Additional Comments: Old specimen for this species. The garden design worked around this existing tree.

Maintenance Agreement: Year:

Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: New
Latin Name: Cocothrinax crinita
Common Name: Old Man Palm
Address: Four Arts Garden

Date: 4/22/2014
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 15" including compressed "beard"
Canopy Spread: 13.5'
Location on Property: SW corner of garden

Leaf to Wood Mass Ratio: N/A
Limb/Branch Structure: Excellent

Defects: No Comments:

Decay: N/A Comments:

Conks/Fruiting Bodies Present: No Comments:

Co-Dominant Branches: N/A Comments:

Included Bark: N/A Comments:

Pruning: None

Fertilization: Yes

Ornamental Pest Control: None

Classification Recommendation: Keep
Overall Rating: Excellent

Additional Comments: Nice specimen of rare tree.

Maintenance Agreement: Year:

TOWN OF PALM BEACH

Office of the Town Manager

April 21, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Keith Risley, Bethesda by the Sea
141 S County Rd.
Palm Beach, FL 33480

SUBJECT: Historic/Specimen Tree Designation – Mahogany

Dear Mr. Risley:

This letter is to inform you the Mahogany (Swietenia Mahogoni), located on your property at 141 S County Rd., has been determined to be a worthy addition to the Town's Historic/Specimen Tree list. This recommendation was made by the Town's Arborist, Richard Maxwell. Mr. Maxwell's report is available upon request.

Per the Town's Code of Ordinance No. 126-57, the necessary resolutions for designating the tree will be on the Town Council Agenda for the May 13, 2014 meeting. You are invited to attend the Town Council meeting to raise concerns or express opinions pertaining to the designation. If the resolution passes, it will be recorded in the public records of Palm Beach County. This recording ensures purchasers of the property on which he Historic/Specimen trees are located will be made aware of this designation and their significant heritage will be preserved.

Should you have any questions, please do not hesitate to contact Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440, prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:tcm
Enclosure
Cc: H. Paul Brazil, Director of Public Works
Eric Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Public Works Office Manager
Vicky Hunt, President, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

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E-mail: townmanager@townofpalmbeach.com • Website: www.townofpalmbeach.com

Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: New
Latin Name: Swietenia mahogani
Common Name: Mahogany
Address: Bethesda by the Sea

Date: 4/22/2014
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 24"
Canopy Spread: 33'
Location on Property: Right next to road (Via Bethesda, mid property)

Leaf to Wood Mass Ratio:	Good	Bare now about to flush
Limb/Branch Structure:	Good	Pretty good considering its age.
Defects:	Yes	Comments: One bad storm damaged main vertical lead.
Decay:	No	Comments:
Conks/Fruiting Bodies Present:	No	Comments:
Co-Dominant Branches:	Yes	Comments:
Included Bark:	No	Comments:
Pruning:	None	
Fertilization:	Yes	
Ornamental Pest Control:	None	
Classification Recommendation:	Keep	
Overall Rating:	Good	

Additional Comments: Old tree with old tree problems, but tolerable and worthy of designation due to rarity of species on island and age of tree.

Maintenance Agreement: Year:

Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: New
Latin Name: Chorisia speciosa
Common Name: Silk Floss
Address: Lakeside Park

Date: 4/22/2014
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 30.8"
Canopy Spread: 38'
Location on Property: Between road & bike trail. South end of park between dock 1 & 2

Leaf to Wood Mass Ratio: N/A — Dormant. Previous inspections yield Excellent ratio
Limb/Branch Structure: Good — Minor crossing of some smaller limbs

Defects: No — Comments:

Decay: No — Comments:

Conks/Fruiting Bodies Present: No — Comments:

Co-Dominant Branches: No — Comments:

Included Bark: No — Comments:

Pruning: Other: — Remove new interior vertical suckers

Fertilization: Yes

Ornamental Pest Control: None

Classification Recommendation: Keep
Overall Rating: Excellent

Additional Comments: This is a young to middle age tree with excellent shape and structure. High visibility spot. Will be one of the stars of the program in decades to come.

Maintenance Agreement: — Year:

Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: New
Latin Name: Manilkara zapota
Common Name: Sapodilla
Address: Bradley Park

Date: 4/22/2014
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 49"
Canopy Spread: 51'
Location on Property: NW corner of park

Leaf to Wood Mass Ratio: Excellent
Limb/Branch Structure: Good
Defects: No — Comments:

Decay: No — Comments:

Conks/Fruiting Bodies Present: No — Comments:

Co-Dominant Branches: Yes — Comments: Dominant central lead with several large main secondary branches.

Included Bark: Yes — Comments: Just a little on east facing main secondary branch

Pruning: Clean/deadwood
Thin

Fertilization: Yes

Ornamental Pest Control: None

Classification Recommendation: Keep
Overall Rating: Excellent

Additional Comments: The tree has new leaves flushed and also has some fruit.

Maintenance Agreement: Year:

TOWN OF PALM BEACH

Office of the Town Manager

April 21, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Matthew B. Lorentzen
250 Sanford Avenue
Palm Beach, FL 33480-3620

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Ironwood

Dear Mr. Lorentzen:

This is to inform you that the Ironwood tree located on your property at 250 Sanford Avenue has been recommended for de-designation and removal from the historic and specimen tree list. This recommendation was made by the Town's arborist, Richard Maxwell, on August 28, 2013 while he was doing the Town's annual inspection of historic and specimen trees. At that time Mr. Maxwell noted the tree was in poor condition and was no longer of specimen quality. Mr. Maxwell's report will be available upon request.

Per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the May 13, 2014 meeting. You are invited to attend to express your opinions or concerns pertaining to this action.

Should you have any questions, please do not hesitate to contact Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440 prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:tcm
Attachment
cc: H. Paul Brazil, Director of Public Works
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Vicky Hunt, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

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Town of Palm Beach

Historic and Specimen Tree Evaluation Worksheet

Tree #: 45
Latin Name: Krugiodendron Ferrum
Common Name: Ironwood
Address: 250 Sanford

Date: 8/28/2013
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: There are 3 leads: 12", 9", 19". The 19" forks at 4 1/2'
Canopy Spread: 37'
Location on Property: SW area of back yard, 15' W of east prop line, 22' N of S prop line

Leaf to Wood Mass Ratio: Fair
Limb/Branch Structure: Poor
Defects: Yes — Comments: Tree has massive rot and decay throughout, significant die back, and many fruiting bodies and conks. The branch structure is poor. I recommend removing the tree from the Historic/Specimen tree list and de-designating.
Decay: Yes — Comments:
Conks/Fruiting Bodies Present: Yes — Comments:

Co-Dominant Branches: Yes — Comments:

Included Bark: Yes — Comments:

Pruning: Other: — Remove tree

Fertilization: Good Nutrition - Continue existing program

Ornamental Pest Control: None

Classification Recommendation: Remove
Overall Rating: Poor

Additional Comments:

Maintenance Agreement: No — Year: 2013

TOWN OF PALM BEACH

Office of the Town Manager

April 21, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. and Mrs. Joseph Sambuco
1342 North Lake Way
Palm Beach, FL 33480-3142

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Gumbo Limbo

Dear Mr. Sambuco:

This is to inform you that the Gumbo Limbo tree located on your property at 1342 North Lake Way has been recommended for de-designation and removal from the historic and specimen tree list. This recommendation was made by the Town's arborist, Richard Maxwell, on August 21, 2013 while he was doing the Town's annual inspection of historic and specimen trees. At that time Mr. Maxwell noted the tree was in poor condition and was no longer of specimen quality. Mr. Maxwell's report will be available upon request.

Per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the May 13, 2014 meeting. You are invited to attend to express your opinions or concerns pertaining to this action.

Should you have any questions, please do not hesitate to Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440 prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:tcm
Attachment
cc: H. Paul Brazil, Director of Public Works
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Vicky Hunt, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

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Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: 14
Latin Name: Bursera Simarouba
Common Name: Gumbo Limbo Tree
Address: 1342 North Lake Way

Date: 8/21/2013
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 33.5"
Canopy Spread: 55'
Location on Property: Far SW corner of property, West of bike trail, 17' from seawall

Leaf to Wood Mass Ratio: Fair
Limb/Branch Structure: Fair
Defects: Yes — Comments: Awkward, atypical structure, girdling roots

Decay: Yes — Comments: Decay at stub cuts

Conks/Fruiting Bodies Present: No — Comments:

Co-Dominant Branches: Yes — Comments:

Included Bark: Yes — Comments:

Pruning: Clean/deadwood — Fix the stubs. Parts of the tree are over the Bike Trail. Inspected one low branch facing east. It has rot, decay, and is directly over the Bike Trail. Remove the Entire branch (12' x 10") back to the crotch at the trunk. This limb has sawdust and ambrosia beetles. Remove ASAP
Fertilization: Good Nutrition - Continue existing program

Ornamental Pest Control: None

Classification Recommendation: Remove
Overall Rating: Poor

Additional Comments: Unique trunks and branch structure. Other photos: ficus abuse/ butchery at the north end of the property on the seawall. Due to pest damage I am recommending de-designation.

Maintenance Agreement: Yes — Year: 2013

TOWN OF PALM BEACH

Office of the Town Manager

April 21, 2014

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

340 Garden Road, LLC
222 Lakeview Ave., Ste. 1500
West Palm Beach, FL 33401

SUBJECT: Historic/Specimen Tree
Recommendation for De-Designation – Golden Shower

Dear Property Holder:

This is to inform you that the Golden Shower tree located on your property at 340 Garden Road has been recommended for de-designation and removal from the historic and specimen tree list. This recommendation was made by the Town's arborist, Richard Maxwell, on August 21, 2013 while he was doing the Town's annual inspection of historic and specimen trees. At that time Mr. Maxwell noted the tree was in poor condition and was no longer of specimen quality. Mr. Maxwell's report will be available upon request.

Per the Town's Code of Ordinance No. 126-57, the necessary resolution for de-designating the tree will be on the Town Council Agenda for the May 13, 2014 meeting. You are invited to attend to express your opinions or concerns pertaining to this action.

Should you have any questions, please do not hesitate to contact Brett Madison, Facilities Maintenance Division Manager, at (561) 838-5440 prior to the date of the meeting.

Sincerely,

Peter B. Elwell
Town Manager

PBE:tcm
Attachment
cc: H. Paul Brazil, Director of Public Works
Eric B. Brown, Assistant Director of Public Works
Brett Madison, Facilities Maintenance Division Manager
Nancy Boyer, Office Manager
Vicky Hunt, Garden Club of Palm Beach
Richard Maxwell, Town Arborist

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Town of Palm Beach
Historic and Specimen Tree Evaluation Worksheet

Tree #: 53
Latin Name: Cassia Fistula
Common Name: Golden Shower
Address: 340 Garden Road

Date: 8/21/2013
Prepared By: King Tree Service
Certified Arborist: Richard Maxwell

DBH: 24.35"
Canopy Spread: 28'
Location on Property: 14' E of WPL, towards N end of lot

Leaf to Wood Mass Ratio: Fair
Limb/Branch Structure: Poor
Defects: Yes — Comments: Massive wounds from old pruning cuts

Decay: — Comments:

Conks/Fruiting Bodies Present: No — Comments:

Co-Dominant Branches: No — Comments:

Included Bark: No — Comments:

Pruning: Structural

Fertilization: Good Nutrition - Continue existing program

Ornamental Pest Control: Other: Some leaf damage due to chewing bugs

Classification Recommendation: Remove
Overall Rating: Poor

Additional Comments: The tree has massive wounds, huge suckers, and terrible structure. It is in bloom a little. It is not worthy of Historical/Specimen Status. Recommend de-designating.

Maintenance Agreement: No — Year: 2013

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Flagler Memorial Bridge
Project Update.
TIME CERTAIN: 11:45 AM

Presenter

Geoffrey Parker, New Millennium Engineering

Supporting Documents

- NONE

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Flagler Memorial Bridge
Summary of Administrative Actions to Mitigate Traffic Congestion.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- **Memorandum dated May 8, 2014, from Peter B. Elwell, Town Manager**
- **Flagler Memorial Bridge Closure Action Plan**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Summary of Actions to Mitigate Traffic Congestion
During Closure of the Flagler Memorial Bridge

Date: May 8, 2014

STAFF RECOMMENDATION

This is an informational item regarding matters that have been addressed within staff's authority. No action is required, but staff will welcome any specific direction Town Council believes is necessary or appropriate.

GENERAL INFORMATION

In preparation for closure of the Flagler Memorial Bridge for up to 6 months beginning May 12, 2014, Town staff has applied lessons learned from prior unplanned bridge closures, incorporated suggestions received from affected citizens, and collaborated with FDOT, Palm Beach County, the City of West Palm Beach, the US Coast Guard, and others, to implement a variety of measures intended to reduce traffic congestion and assist the traveling public.

Both our collaborative actions and our unilateral actions are set forth in a summary "Action Plan" that has been distributed to the public and posted on the Town's website. A copy of that document (updated as of May 1) is attached. Minor changes to the document will be made on May 9, at which time it will again be distributed to the public and re-posted to the Town's website. We will continue to update the document, as needed, throughout the time the Flagler Bridge is closed.

As you know, staff actions on this matter first emphasized maintaining public safety and protecting against delayed EMS transport of critically ill or injured patients to local hospitals. Several separate but coordinated actions have been taken to accomplish that essential goal. We then moved on to a wide variety of other actions intended to reduce the public's inconvenience during the bridge closure.

Staff will be happy to answer any questions from the Town's elected officials or the public, and to discuss potential modifications to the plan if Town Council has any substantive concerns.

PBE:
Attachment
cc: All Department Directors

FLAGLER MEMORIAL BRIDGE CLOSURE

ACTION PLAN

SUMMARY

Beginning at 6:00am, Monday, May 12, 2014, the Flagler Memorial (North) Bridge will be closed to all vehicular and pedestrian traffic for approximately six months, to allow PCL Construction to build the main foundations for the replacement bridge before reopening the existing bridge to traffic by November 1, 2014. During this closure, drivers will be detoured to the Royal Park Bridge to cross the Intracoastal Waterway.

To ensure life safety for all residents, employees, and visitors, as well as optimal flow of traffic during the rush hour periods throughout this extended period, the Town has developed multiple plans in coordination with the Florida Department of Transportation (DOT), US Coast Guard, Palm Beach County, City of West Palm Beach, and bridge contractors. In furtherance of the Town's news release dated April 24, 2014, the following summary provides the current status of all actions, including some new information about the ongoing planning for the upcoming bridge closure. The most important new or updated information is highlighted in the yellow sections below.

TRAFFIC MANAGEMENT

Royal Park Bridge/Flagler Drive Intersection: Prohibition of left hand turns at the intersection of Royal Park Bridge and Flagler Drive and closure of the pedestrian crosswalk at the west end of the bridge have been approved. Target date for implementation is May 7 (at the conclusion of the breakdown from Sunfest). The handicap accessible pedestrian path under the bridge will remain open to provide for a safe and uninterrupted route for north/south foot traffic.

Prior to May 7, affected travel lanes will be repainted, traffic signals will be reprogrammed, and warning signs in Palm Beach and West Palm Beach will alert motorists to the changes. These adjustments will allow traffic lights to remain green for longer periods of time in the east/west directions. Other green lights in the east/west corridor in West Palm Beach also will be extended to promote longer periods of free flowing traffic between Palm Beach and I-95. The actual duration of each green cycle will be adjusted frequently throughout the day in relation to the actual amount and direction of congestion occurring at each intersection.

Delivery Vehicles: Vehicles (including delivery trucks) are prohibited from parking in travel lanes. Designated loading/unloading zones or legal parking spaces must be used when making deliveries to island businesses and residences. Violators will be ticketed or towed.

Traffic Flow: To ensure optimal traffic flow on and off the island throughout the day, the following actions will be implemented:

- Town staff, as well as County staff, will actively monitor key intersections on and off the island and will manually control traffic lights to ensure proper flow of traffic. (At some locations, this will be by remote control. At others, traffic signals will be physically controlled at the intersection.)

- Palm Beach police officers will be stationed at key intersections on the island during the peak morning and evening rush hour periods. West Palm Beach police officers will do the same in West Palm Beach.

- The designated route to the Royal Park Bridge will be via South County Road (both northbound and southbound) to Royal Palm Way. During the peak traffic periods, preference will be given to east/west traffic on Royal Palm Way versus perpendicular roads such as Cocoanut Row and Hibiscus Avenue, so drivers are strongly encouraged to use South County Road to access Royal Palm Way. This will allow police officers to maintain a nearly continuous flow of traffic on County Road and Royal Palm Way.

BRIDGE SCHEDULES

The US Coast Guard has approved the following special bridge opening schedules for the Royal Park and Southern Boulevard bridges, effective on May 12, 2014:

- Royal Park Bridge
    - Will open once per hour (at quarter past the hour), with no openings during morning peak from 7:16am to 9:14am and evening peak from 4:16pm to 6:14pm (i.e. no openings at 8:15am and 5:15pm)

- Southern Boulevard Bridge
    - Will open twice per hour (on the hour and half-hour), with no openings during morning peak from 7:31am to 9:29am and evening peak from 4:01pm to 5:59pm (i.e. no openings at 8:00am, 8:30am, 9:00am, 4:30pm, 5:00pm, and 5:30pm)

The above schedules will be in effect Monday through Friday. On weekends, when land based travel is less congested and waterway traffic is more congested, the bridges will remain on their usual schedules, as follows:

- Royal Park Bridge
    - Will open twice per hour (at the quarter hour and three-quarter hour)

- Southern Boulevard Bridge
    - Will open twice per hour (on the hour and half-hour)

COMMUNICATIONS

Town Website: The Town's website (townofpalmbeach.com) has been updated to include specific information about the upcoming closure and our traffic management efforts, as well as general information about the Flagler Bridge project. Please check the website for updates and sign up for "Emergency Traffic Alerts" by clicking on the "Stay Informed" button on the home page and following the prompts to register your email and cell phone number to receive the latest information. Emergency alerts will only be issued when there is an unexpected incident that impacts traffic and not for the normal daily fluctuations of congestion levels.

Traffic Cameras: Live streaming video feeds from the Royal Park and Southern Boulevard bridges (and possibly from other key locations) will soon be accessible on the Town's website. The Town is actively working to implement this system and hopes to have it "go live" prior to May 12. These cameras will be accessible to the public via a streaming network and will be able to be accessed on any computer, smart phone, or other device capable of streaming data.

Interactive Maps: In addition to the live video feeds, the Town recommends using online interactive maps to monitor traffic congestion in real time.

From your desktop or laptop, go to www.maps.google.com.

- Type in the Town's zip code: 33480
- In the search bar, type the word "traffic" and press enter to view live traffic.

If you have a smart phone such as an iPhone or a tablet, select the Maps Application.

- Type in 33480.
- Enable the "Show Traffic" feature.

Green lines on the map indicate normal traffic flow. Yellow or orange lines indicate slower than normal traffic. Red lines indicate stopped traffic or severe congestion.

You can use the zoom and click+drag features on your smartphone, computer, or tablet to zoom in and out, and move in any direction on the map to see traffic conditions on Palm Beach and in the adjacent mainland areas.

MEDICAL TRANSPORTATION

The Town's Fire-Rescue and Police Departments have been coordinating and training with partner agencies in the county to ensure the effective response to and treatment of all patients.

Alternate routes to area hospitals have been identified and Opticom systems (which allow Fire-Rescue to change upcoming traffic lights to green while in route) will be used to ensure the fastest travel times.

Three additional landing zones have been identified in Palm Beach for Trauma Hawk helicopters, bringing our total to 6 landing zones throughout the town. Trauma Hawk will be called more frequently to ensure that patients in potentially life threatening situations receive the quickest possible care.

OTHER ACTIONS TO REDUCE TRAFFIC CONGESTION

The following actions will help reduce traffic congestion during the peak morning and evening rush hour periods:

- The Town will flex employee schedules to spread out rush hour impacts and also will encourage carpooling among Town employees.

- The Town's Public Works crews (sanitation, trash, etc.) will begin routes at daybreak.

The Town is also encouraging businesses on the island to flex their employee work schedules (to spread out rush hour impacts) and to promote carpooling.

Finally, Town staff will propose changing the permitted summer construction hours to minimize construction vehicles during peak traffic hours. The details of that recommendation are still being developed and will be presented at the May 13 Town Council meeting.

HURRICANE EVACUATION

In the unlikely event of an evacuation for an approaching storm, the Flagler Bridge will not be available for movement off the island. Any Town decision to order an evacuation will be made in coordination with Palm Beach County's Division of Emergency Management. Any such decision will likely be made earlier than in past years to ensure sufficient clearance times for vehicles leaving Palm Beach. Traffic patterns are subject to change and may include the using both sides of certain roads (temporary "one way" off the island) to assist in the movement of evacuating traffic.

RUMOR CONTROL HOTLINE

The Town will activate its Rumor Control Hotline on May 5. The hotline will be staffed by VIPS (Volunteers in Police Service). The Hotline phone number is 561-227-7070 and will be active Monday through Friday from 7:30am to 9:30am and from 4:00pm to 6:30pm.

(Last Update: May 1, 2014)

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Flagler Memorial Bridge
Proposed Adjustments to Construction Work Hours to Further Mitigate Bridge Related Traffic Congestion.

RESOLUTION NO. 70-2014 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Temporarily Amending the Permissible Hours for Construction in Order to Reduce Traffic Congestion in Town Resulting from the Flagler Memorial Bridge Closure.

Presenter

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

Supporting Documents

- **Memorandum dated April 24, 2014, from John S. Page, Director of Planning, Zoning and Building**
- **Resolution No. 70-2014**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Construction Work Hours
Adjustments to Reduce Bridge Congestion
Resolution No. 70-2014

Date: April 24, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council adopt Resolution No. 70-2014 to amend permissible hours for construction work on the Island in order to reduce traffic congestion during the Flagler Memorial Bridge closure. Amended hours, if approved, would automatically re-set to those normally required by Code when the Flagler Memorial Bridge is reopened to traffic.

GENERAL INFORMATION

Town Code Section 42-199 specifies permissible construction work hours, which vary depending upon time of year:

- December – April: 8:00 am to 5:00 pm, except Saturday, Sunday and legal holidays (with quiet work only until 9:00 am).
- May – November: 8:00 am to 6:00 pm, except Sunday and legal holidays.
- Construction work in the C-WA (Commercial, Worth Avenue District) is restricted to the hours of 8:00 am to 8:00 pm May – October only.

The Town Council amended said Ordinance in April of 2013 to read as follows:

> "The Town Council, in its discretion, for the benefit of the health, safety and welfare of the residents of the Town may, by resolution, temporarily amend the hours for construction work referenced herein."

The upcoming summer months are consistently a busy time for construction on the Island, and construction traffic will undoubtedly add to bridge complications. PZB staff, with feedback from other Departments, identified a number of options for altering permissible construction hours in order to minimize congestion. Options ran the gamut from constricting, shifting, staggering and/or expanding hours. No option will be perfect in the sense of eliminating congestion, but reducing construction traffic during peak morning and late afternoon commutes is expected to prove helpful. Each alternative presented a different set of pros and cons, but the one best suited, in the opinion of staff, is as follows:

Expand the 10 hour work day to 12 hours, 7:00 am to 7:00 pm, Monday through Friday. Allow Saturday work from 9:00 am to 5:00 pm. Continue the full prohibition of any construction work on Sundays and Holidays.

This recommendation creates a working window of up to 12 hours each weekday; however summer heat and employee work schedules make the possibility of 12 hour shifts unlikely. We don't anticipate any significant increase in disruption at any particular location. On the upside, contractors can flex their workdays to avoid peak traffic times, and because building hours are not curtailed, contractors will not be hindered from completing building projects in a timely fashion. This recommendation includes Saturday work because traffic impacts are expected to decrease on weekends when office employees are not commuting to the Island, and because the Code traditionally allows Saturday work between May and November. If Saturdays are rejected by the Council, the revised 12 hour weekdays would still produce a 60 hour workweek (the same as now permitted by Code between May and November).

The recommended construction hours identified above are presented to the Council following in-house feedback by various Town Departments and also by 30 contractors who provided input on the array of alternatives considered by staff. We cannot know with any certainty what difficulties and/or complaints might be generated, however the Council has the discretion to amend these hours by simple Resolution at any time of its pleasing, so subsequent changes could be made when the actual impacts are known.

TOWN ATTORNEY REVIEW

Resolution No. 70-2014 has been approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: William C. Bucklew, Building Official

RESOLUTION NO. 70-2014

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, TEMPORARILY AMENDING THE PERMISSIBLE HOURS FOR CONSTRUCTION IN ORDER TO REDUCE TRAFFIC CONGESTION IN TOWN RESULTING FROM THE FLAGLER MEMORIAL BRIDGE CLOSURE.

WHEREAS, the Town Council intends to facilitate safe and orderly traffic movement throughout the Town during the temporary period while the Flagler Memorial Bridge closure is in effect; and

WHEREAS, numerous precautions and cooperative efforts are being undertaken to minimize traffic movement impediments caused by said bridge closure; and

WHEREAS, at its May 13, 2014 meeting, the Town Council determined that traffic congestion would be ameliorated if temporary alterations to the permissible construction hours are implemented;

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

<u>Section1:</u> The foregoing recitals are hereby ratified and confirmed.

<u>Section 2:</u> Permissible construction hours are temporarily amended commencing immediately and continuing until the Flagler Memorial Bridge is reopened for public usage.

Section 3: Temporary, amended construction hours shall be 7:00 am to 7:00 pm, Monday through Friday; 9:00 am to 5:00 pm on Saturdays; and no work allowed on Sundays or Holidays.

PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach this 13th day of May 2014.

Gail L. Coniglio, Mayor	Robert N. Wildrick, Town Council President
	William J. Diamond, Council President Pro Tem
	Richard M. Kleid, Town Council Member
ATTEST:	Michael J. Pucillo, Town Council Member
Susan A. Owens, MMC, Town Clerk	Penelope D. Townsend, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Update on Potential Traffic Impacts of Construction Projects at North Ocean Boulevard Seawall Replacement, Lake Towers, Nightingale Trail/La Puerta Way, and East Inlet Drive.

Presenter

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

Supporting Documents

- **Memorandum dated April 25, 2014, from H. Paul Brazil, P.E., Director of Public Works**
- **Construction Schedule**

TOWN OF PALM BEACH

Information for Town Council Meeting on May 13, 2014

TO: Mayor and Town Council

VIA: Peter Elwell, Town Manager

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

RE: Update on Potential Traffic Impacts – North Ocean Boulevard Seawall Replacement, Lake Towers, Nightingale Trail/La Puerta Way, and East Inlet Drive
Accelerated Capital Improvement Program Phase II / Other Capital Improvement Projects

DATE: April 25, 2014

STAFF RECOMMENDATION

Town staff recommends that the Town Council consider adjusting the construction schedule for the Accelerated Capital Improvement Program Phase II and other Capital Improvement Projects due to potential traffic impacts as a result of possible closures of the Flagler Memorial Bridge.

GENERAL INFORMATION

The Florida Department of Transportation will close the Flagler Memorial Bridge on May 12, 2014.

Since staff's last update to Town Council, it has been established that the bridge will close on May, 12, 2014 and reopen prior to November 1, 2014. Foundation construction will commence at the bascule piers, the mechanical portions of the existing bridge will be unlocked and taken out of gear in order to attempt to limit mechanical and structural damage due to movement, and the existing bridge will be allowed to settle. It has been presented by FDOT and their representatives that since the redundant pin pile foundation has been installed, they expect settlement to be minimal and the bridge will be able to be repaired. It is possible that the bridge could be repaired prior to November 1; however, staff has based its considerations on "worst-case". The backup plan is to design and construct a temporary bridge. That design has been initiated; however, design and construction time would be on the order of 10 to 12 months from now, resulting an opening near March 2015.

Travel at this intracoastal crossing would be restored prior to final completion of the new bridge since the phasing of the construction calls for constructing one half of the new bridge and opening it to traffic, and then constructing the other half of the bridge. At the present time and based on the current production rates, the first half of the new bridge is scheduled to be opened to traffic in February 2016. FDOT has considered an accelerated schedule that would open the first half of the new bridge to traffic in October 2015.

As a result of the announcement that the bridge was closing on May 12, 2014, all non-essential projects and/or those having a significant impact to the Right-of-Way or on traffic flow, have been delayed. In addition, all non-essential utility projects planned by other utility companies have been delayed and all Right-of-Way permits are being reviewed with these critical considerations. Emergency work will be evaluated on a case by case basis. Based on the above, the adjusted construction schedule is attached.

The following projects have been presented at previous Town Council meetings and could possibly be constructed as scheduled; however, the combined impacts of these projects given the Flagler Bridge closure could be onerous.

- North Ocean Boulevard Seawall Replacement

  This project will cause significant and extended impacts to traffic exiting and entering the north end of Palm Beach. The Town has invested years of very visible planning for this project and some residents are eagerly expecting its construction in 2014. Although the wall needs to be replaced, it is not in imminent danger and staff believes that deferring this project until 2015 will not present a threat to public safety. It is imperative that a decision to proceed or not be made immediately, in order to meet the phased construction schedule that has been coordinated with turtle season and next season.

  We have met with the Palm Beach Country Club to evaluate alternatives that may minimize impacts to the community. The Country Club has been very generous in offering the use of their property. Unfortunately we have not been able to develop an alternative that will allow more than one lane of traffic through the construction site.

- Utility Undergrounding Work

  We are in different phases of design for neighborhood overhead utility undergrounding projects. While the scope of these utility projects vary they tend to be very disruptive to traffic under normal circumstances.

  The final designs for projects are not complete. We continue to work with FPL and our consultants. We will return to Town Council on a case by case basis and request direction concerning proceeding with construction while the bridge is closed to traffic.

  These projects include:

  1. <u>Lake Towers</u> - While the majority of the project is on private property, there will be impacts to Bradley Place including lane closures.
  2. <u>Nightingale Trail/La Puerta Way</u> -While the majority of the project impacts will be on residential side streets, we anticipate lane closures on North Lake Way and North Ocean Boulevard.

3. East Inlet Drive – Substantial impacts to East Inlet Drive and North Ocean Boulevard are anticipated.

Regardless of the construction schedule, the design of all projects will continue as planned and will be ready for construction when traffic conditions allow. During the design period, it will be necessary to have short-term, periodic lane closures (lasting hours, not days) on applicable roadways for investigative activities such as surveying, geotechnical activities, and utility location services.

FUNDING/FISCAL IMPACT

There is no financial impact associated with these recommendations, other than the potential for increased construction costs if these projects are delayed. Any such cost increases are expected to be minimal.

Attachment
cc: Eric B. Brown, P.E., Assistant Director of Public Works
William K. Francis, P.E., Town Engineer
Doug Terry, Water Resources Division Manager
Brett Madison, Facilities Maintenance Division Manager
Charles Langley, P.E., Senior Project Engineer
Michael Roach, P.E., Project Engineer
Jeffrey Sanon, P.E., Project Engineer

ESTIMATED CONSTRUCTION SCHEDULE
2014 - 2017 TOWN OF PALM BEACH ACIP / GENERAL CAPITAL IMPROVEMENTS

Project	Street	Limits	Estimated Construction Start
Ejector Pump Stations Upgrades	Clarendon Avenue	All	5/1/2014
General Paving Program	El Bravo Way	All	5/1/2014
Ejector Pump Stations Upgrades	Ibis Way North	All	5/1/2014
Ejector Pump Stations Upgrades	Kings Road	All	5/1/2014
Ejector Pump Stations Upgrades	Lagomar Road	All	5/1/2014
Ejector Pump Stations Upgrades	Oceanview Road	All	5/1/2014
Ejector Pump Stations Upgrades	Parc Monceau	All	5/1/2014
General Paving Program	Queens Lane	North Lake Way to Lake Trail	5/1/2014
Ejector Pump Stations Upgrades	Regents Park Drive	All	5/1/2014
Ejector Pump Stations Upgrades	Seagrape Circle	All	5/1/2014
Pump Stations A-39, A-41, A-42, & A-43 Emergency Generators / AC	South Ocean Boulevard	Sloan's Curve to Southern Town Limits	5/1/2014
General Paving Program	South Woods Road	North Lake Way to Lake Trail	5/1/2014
Ejector Pump Stations Upgrades	Travers Way	All	5/1/2014
Ejector Pump Stations Upgrades	Via Agape	All	5/1/2014
Ejector Pump Stations Upgrades	Via Bellaria	All	5/1/2014
Ejector Pump Stations Upgrades	Via Del Lago	All	5/1/2014
Ejector Pump Stations Upgrades	Via Del Mar	All	5/1/2014
Ejector Pump Stations Upgrades	Via Palma	All	5/1/2014
Ejector Pump Stations Upgrades	Woodbridge Road	All	5/1/2014
E-3, Garden Road to Cherry Lane / E-2 Force Main Lining	North Lake Way / Lake Trail	Monterey Road to Cherry Lane	6/1/2014
North Ocean Boulevard Seawall	North Ocean Boulevard	Country Club Road to Bahama Lane	7/1/2014
Town Hall Square	South County Road	Brazilian Avenue to Chilean Avenue	7/1/2014
Sanitary Sewer Force Main Lining	Barton Avenue	South Ocean Boulevard to Royal Poinciana Way	5/1/2015
Bradley Place Improvements	Bradley Place	Royal Poinciana Way to Wells Road	5/1/2015
Utility Undergrounding	Bradley Place	South of Dunbar Road to North of Everglades Avenue	5/1/2015
Utility Undergrounding	Bradley Place	Royal Poinciana Way to Atlantic Avenue	5/1/2015
General Paving Program	Cocoanut Row	Royal Palm Way to Peruvian Avenue	5/1/2015
Utility Undergrounding	East Inlet Drive	All	5/1/2015
General Paving Program	Hibiscus Avenue	Royal Palm Way to Peruvian Avenue	5/1/2015
Utility Undergrounding	Island Road	South County Road to 270 El Bravo Way	5/1/2015
Utility Undergrounding	Nightingale Trail / La Puerta Way	North Ocean Boulevard to North Lake Way	5/1/2015
D-4 Pump Station Improvements - Construction	North Lake Way	Via Tortuga to Tangier Avenue	5/1/2015
D-10 Pump Station Improvements - Construction	North Lake Way	List Road to Via Marila	5/1/2015
General Paving Program	Peruvian Avenue	Cocoanut Row to South Ocean Boulevard	5/1/2015
Utility Undergrounding	Root Trail	North County Road to North Ocean Boulevard	5/1/2015
Sanitary Sewer Force Main Lining	Royal Palm Way	South Lake Drive to South Oceam Boulevard	5/1/2015
Sanitary Sewer Force Main Lining	Royal Poinciana Way	South County Road to Flagler Memorial Bridge	5/1/2015
Sanitary Sewer Force Main Lining	South County Road	Barton Avenue to Royal Poinciana Way	5/1/2015
Sanitary Sewer Force Main Lining	South Ocean Boulevard	Royal Palm Way to Barton Avenue	5/1/2015
General Paving Program	South Ocean Boulevard	Royal Palm Way to Hammon Avenue	5/1/2015
General Paving Program	South Ocean Boulevard	El Bravo Way to Via Marina	5/1/2015
E-6 Pump Station Improvements	Tangier Avenue	Lake Way to Lake Trail	5/1/2015
General Paving Program	Brazilian Avenue	All	5/1/2016
General Paving Program	Cherry Lane	North County Road to North Lake Way	5/1/2016
General Paving Program	Dunbar Road	All	5/1/2016
General Paving Program	Fairview Road	All	5/1/2016
General Paving Program	Kenlyn Road	All	5/1/2016
General Paving Program	List Road	All	5/1/2016
General Paving Program	Mockingbird Trail	All	5/1/2016
Utility Undergrounding	North County Road	Wells Road to Country Club Road	5/1/2016
D-2 to D-9 Drainage Basin Interconnect	North Lake Way	Mediterranean Road to Palmo Way	5/1/2016
General Paving Program	Palmo Way	All	5/1/2016
General Paving Program	Ridgeview Drive	Slope Drive to North County Road	5/1/2016
General Paving Program	Seaspray Avenue	Cocoanut Row to Lake Trail	5/1/2016
D-6 to D-7 Drainage Basin Interconnect	South Lake Drive	Royal Palm Way to Worth Avenue	5/1/2016
General Paving Program	Sunset Avenue	North County Road to Bradley Place	5/1/2016
General Paving Program	Via Marila	All	5/1/2016
400 Block Worth Avenue Drainage Upgrades	Worth Avenue	Cocoanut Row to South Lake Drive	5/1/2016
Lake Trail / Flagler Memorial Bridge / Bradley Park Improvements	Lake Trail	Sunset Avenue to Royal Poinciana Way	5/1/2017
General Paving Program	Monterey Road	All	5/1/2017
General Paving Program	Ocean Terrace	All	5/1/2017
General Paving Program	Onondaga Avenue	All	5/1/2017
General Paving Program	Orange Grove Road	All	5/1/2017
Royal Poinciana Way Median Sidewalks	Royal Poinciana Way	South County Road to Flagler Memorial Bridge	5/1/2017
General Paving Program	Southland Road	North County Road to North Lake Way	5/1/2017
General Paving Program	Wells Road	All	5/1/2017
General Drainage Improvements (Pre-Paving Program)	Various	Island-wide	5/1/14 - 5/1/17
General Curb / Gutter / Sidewalk ADA Improvements (Pre-Paving Program)	Various	Island-wide	5/1/14 - 5/1/17
Sanitary Sewer Upgrades	Various	Island-wide	5/1/14 - 5/1/17
Stormwater Pump Station Rehabilitation	Various	Island-wide	5/1/14 - 5/1/17
Stormwater Corrugated Pipe Replacement Program	Various	Island-wide	5/1/14 - 5/1/17
Street Lighting Upgrades - South Ocean Blvd., Sloan's Curve to Lake Avenue	South Ocean Boulevard	Sloan's Curve to Lake Avenue	5/1/15 - 5/1/16
Mast Arm Replacements / Upgrades	Various	Island-wide	5/1/15 - 5/1/16
Street Lighting Improvements	Various	Island-wide	5/1/15 - 5/1/16

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Procedures for Balloting in Appointment of Members to the Landmarks Preservation and Planning & Zoning Commissions.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- **Memorandum dated May 8, 2014, from Peter B. Elwell, Town Manager**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 13, 2014

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Recommended Procedures for Appointment of Members to the Landmarks Preservation Commission and Planning & Zoning Commission

Date: May 8, 2014

STAFF RECOMMENDATION

Staff recommends that Town Council follow the procedures set forth below in appointing new members to the Landmarks Preservation Commission and the Planning & Zoning Commission.

If the Town Council prefers some other voting procedure, staff strongly recommends that the procedure be identified and approved by a vote of the Council before balloting begins.

GENERAL INFORMATION

To ensure a fair, transparent, and orderly process for the Town Council's selection of the new appointees, staff recommends the following:

Applicable to Both Commissions

1. Appointments will be made to one Commission at a time. In alphabetical order, balloting will first occur for the Landmarks Preservation Commission, followed by the Planning & Zoning Commission.

2. A minimum of three votes (simple Council majority) is necessary for any applicant to be appointed.

3. Staggered terms of 3-years, 2-years, and 1-year will be assigned to the seven voting members.

4. The three alternates will each be appointed for a 3-year term and their terms will not be staggered. (Alternates' term expirations will naturally become staggered as subsequent Commission membership changes occur.)

5. Initial 3-year and 2-year terms will be considered full terms (over 18 months in duration), meaning those individuals will be eligible to serve second terms if so appointed. New members assigned to 1-year terms (less than 18 months in duration) will be eligible to

serve two additional full 3-year terms if so appointed. (This is consistent with the Town's longstanding practice regarding partial terms for all boards and commissions, and it complies with a specific Town Code requirement for the Planning & Zoning Commission.)

6. All appointed Commissioners will begin their service anew. (Former members that may be reappointed will not be slotted into their former terms.)

7. A. The first round of balloting will be to appoint three members to the 3-year terms.

   B. The second round of balloting will be to appoint two members to the 2-year terms.

   C. The third round of balloting will be to appoint two members to the 1-year terms.

   D. The final round of balloting will be to appoint three alternates.

8. During each round of balloting, several ballots may be required in order to narrow the field (until the applicable number of applicants have received at least 3 votes) and to break ties. The specific process of tallying votes, breaking ties, and narrowing the field will be the same as we always use when Town Council is making Commission appointments. John Page will oversee the process for these particular appointments (as he always does when the appointments are to a Commission that is staffed by the Planning, Zoning, and Building Department) and Town Attorney Randolph and I will assist Mr. Page, as needed.

9. At the conclusion of the balloting, the Town Council will adopt a motion to ratify the results of the balloting.

<u>Applicable Only to the Landmarks Preservation Commission</u>

10. Town Code *requires* that at least two, but not more than three, members be licensed architects. Three Florida registered architects appear on the ballot.

11. Town Code *allows* one member (but not more than one member) to be a non-resident, and limits such non-resident members to a 1-year term.

12. If a non-resident is appointed during the first round of balloting, then four persons (rather than three) will be assigned seats in that round, followed by a second round to elect two persons, and a third round to elect one person (7 total). The same principal will apply if a non-resident is appointed during the second round of balloting.

13. Two non-resident architects and one resident architect have applied. Since only one of the non-residents can be appointed and since a minimum of two architects must be appointed, the resident architect, Nikita Zukov, must be appointed. If Mr. Zukov and one of the non-resident architects are not appointed during the first two rounds of voting, then the third round of voting will only be to select one of the two non-resident architects.

PBE:
cc: John S. Page, Director of Planning, Zoning, and Building
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Landmarks Preservation Commission Appointments.

Presenter

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

Supporting Documents

- **Landmarks Preservation Commission Applicants**

LANDMARKS PRESERVATION COMMISSION

Next appointment date: May 13, 2014, Town Council meeting

Openings advertised via news release: April 8, 2014

Deadline to submit applications: May 2, 2014, 5:00 p.m.

Number of openings: 7 regular members, 3 alternate members

Applicants

	NAME
1	Jacqueline Albarran * A
2	Kevin Asbacher * A
3	Kevin Byrne
4	Kim Coleman
5	Dragana Connaughton
6	William Cooley
7	Ted Cooney
8	Leta Foster
9	Tim Gannon
10	Alicia Grace
11	Page Lee Hufty
12	George Leder
13	Rachel Lorentzen
14	Joseph Pubillones *
15	Jane Scott
16	Richard Silvin
17	Sara Simovich
18	William Strawbridge
19	Keith Williams *
20	Orator Woodward
21	Carol Wyett
22	Nikita Zukov A

* Non-resident applicants=4 Total
A=State of Florida licensed architect=3 Total

Updated: 5/8/2014 11:24 AM

TOWN OF PALM BEACH

Town Council Meeting on: May 13, 2014

Section of Agenda

Regular Agenda - New Business

Agenda Title

Planning and Zoning Commission Appointments.

Presenter

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

Supporting Documents

- **Planning & Zoning Commission Applicants**

PLANNING AND ZONING COMMISSION

Next appointment date: May 13, 2014, Town Council meeting

Openings advertised via news release: April 9, 2014

Deadline to submit application: May 2, 2014, 5:00 p.m.

Number of openings: 7 regular members and 3 alternate members

Applicants

	NAME
1	Marilyn Beuttenmuller
2	Jeff Cloninger
3	Lewis Crampton
4	Randolph Guthrie
5	Kevin Kenny
6	Martin Klein
7	Carol LeCates
8	Carol Mack
9	Susan Markin
10	Danielle Moore
11	Larry Ochstein
12	Richard Pollock
13	Michael Scharf
14	Michael Spaziani
15	Susan Watts
16	Floyd Wideman, Jr.

Updated: 5/8/2014 11:28 AM