



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MAY 12, 2015

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

- A.** Recognition of William O. Cooley, Landmarks Preservation Commission, From May 2014 Through March 2015
- B.** Recognition of Timothy O'Hara, Recreation Advisory Commission, From April 2008 Through April 2015

IV. PRESENTATIONS

- A.** The Honorable Bill Hager, Florida House of Representatives, District 89
- B.** Flagler Memorial Bridge Update
Geoffery Parker, New Millennium Engineering

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF AGENDA

IX. CONSENT AGENDA

A. MINUTES

1. MINUTES: APRIL 14, 2015
Approval of the Minutes of the Regular Town Council Meeting Page 10
Susan A. Owens, Town Clerk
2. MINUTES: APRIL 14, 2015
Approval of the Minutes of the Special Town Council Meeting/Closed Door Session Page 30
Susan A. Owens, Town Clerk
3. MINUTES: APRIL 15, 2015
Approval of the Minutes of the Regular Town Council Meeting Page 33
Susan A. Owens, Town Clerk
4. MINUTES: APRIL 15, 2015
Approval of the Minutes of the Local Planning Agency Meeting Page 45
Susan A. Owens, Town Clerk
5. Approval of Major Matters Considered by the Architectural Commission at its Meeting of April 22, 2015 Page 48
John S. Page, Director of Planning, Zoning and Building

B. RESOLUTIONS

1. RESOLUTION NO. 51-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$567,130.48, to Xylem Water Solutions, for the Purchase of Pumps and Accessories as Quoted Under RFQ 70-2015, and Establishing an Overall Budget of \$595,000. Page 68
- RESOLUTION NO. 52-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$419,836.20, to Pantropic Power, for the Purchase of (4) Generators and Accessories as Quoted Under RFQ 86-2015 and RFQ 87-2015, and Establishing an Overall Budget of \$440,500. Page 76
- RESOLUTION NO. 53-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$155,600, to C.C. Controls Corporation, for the Purchase of (2) Pump Control Panels and Accessories as Quoted Under RFQ 71-2015 and RFQ 72-2015, and Page 94

Establishing an Overall Budget of \$164,500.

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

2. RESOLUTION NO. 59-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Interlocal Agreement Between Palm Beach County and the Town of Palm Beach for the Reimbursement of Emergency Medical Services Grant Equipment and Authorizing the Application for Funds From the Palm Beach County Emergency Medical Services Program in the Amount of \$17,880.00 and Establishing a Budget of \$17,880.00 in Fiscal Year 2015 to be Used for the Purchase of Four (4) EMS Tablets for the Improvement and Expansion of EMS Services for the Town; and Authorizing the Town Manager to Execute This Purchase on Behalf of the Town. Such Funds Shall Not Supplant Existing EMS Budget. Page 103
Kirk W. Blouin, Director of Public Safety
3. RESOLUTION NO. 60-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for Pump Stations D-8 and D-14 Fuel Tank Replacements to Kimley-Horn and Associates, Inc., in the Amount of \$36,635, and Establishing a Construction Phase Engineering Services Budget of \$41,000. Page 114
H. Paul Brazil, P.E., Director of Public Works
4. RESOLUTION NO. 61-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-26 and Approving A Purchase Order to Murray Logan Construction, Inc., for the Pump Stations D-8 and D-14 Fuel Tank Replacements, in the Amount of \$218,000, and Establishing a Construction Phase Budget of \$240,000. Page 123
H. Paul Brazil, P.E., Director of Public Works
5. RESOLUTION NO. 62-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Guaranteed Maximum Price (GMP) Contract to Burkhardt Construction, Inc., in the Amount of \$5,982,800.69 for the D-4 and D-10 Pump Station Improvements. Page 128
H. Paul Brazil, P.E., Director of Public Works
6. RESOLUTION NO. 63-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Universal Electric of Florida, Inc., and C.R. Dunn, Inc., for Electrical Maintenance and Repair Services in a Cumulative Total Amount Not-To-Exceed \$174,000. Page 151
H. Paul Brazil, P.E., Director of Public Works
7. RESOLUTION NO. 64-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFQ No. 76-2015 to Auxis, LLC in the Amount of \$45,672.00 and Establishing a Project Budget of \$48,000.00 for the Completion of an Operations Assessment and Security Audit of the Office of Information Systems; Page 156

and Authorizing the Town Manager to Execute this Purchase on Behalf of the Town.

Jay Boodheshwar, Deputy Town Manager

8. RESOLUTION NO. 67-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-16 and Approving a Purchase Order to Hydra Service, Inc., of DeBary, Florida, in the Amount of \$37,865.00 for the Replacement of a Vertical Turbine Irrigation Pump at the Palm Beach Par 3 Golf Course, and Establishing a Purchase Budget of \$41,700. Page 163

Rod Gardiner, Acting Director of Recreation

C. OTHER

1. Acceptance of a Donation of \$50,000 from the Palm Beach Police Foundation for the Expansion of the Existing Town-wide Security and Surveillance System. Page 170

Kirk W. Blouin, Director of Public Safety

X. BOARD/COMMISSION ANNUAL REPORT

- A. Code Enforcement Board Page 173
Harris S. Fried, Chair

- B. Planning and Zoning Commission Page 179
Susan Markin, Chair

XI. COMMITTEE REPORTS

- A. Report of the Public Works Committee Meeting of April 1, 2015 Page 182
Danielle H. Moore, Chair

- B. Report of the Ordinances, Rules and Standards Committee Meeting of April 2, 2015 Page 185
Penelope D. Townsend, Chair

XII. REGULAR AGENDA

A. Old Business

1. Coastal Update Page 189
H. Paul Brazil, P.E., Director of Public Works

2. Townhall Square Fundraising Update by Bill Bone
Thomas G. Bradford, Town Manager

3. Funding for Continued Opposition to the Proposed Deepening and Widening of the Lake Worth Inlet and for Sand Placement Related Matters Page 191
Thomas G. Bradford, Town Manager

B. New Business

1. Consolidation of the August 2015 Town Council Meetings Into One Meeting on August 11, 2015
Michael J. Pucillo, Town Council President
2. Top Townwide Budget Priorities for FY16
Thomas G. Bradford, Town Manager Page 195
3. Underground Utilities
 - a. Request for Approval to Proceed with Nightingale Trail/La Puerta Way Neighborhood UG Project Using 20-Year Financing Plan
Allison Wren and Jack Flagg Page 199
 - b. Appointments to the Underground Utilities Task Force
Thomas G. Bradford, Town Manager Page 202
 - c. Town-Wide Utility Undergrounding Sequencing and Phasing Report
Maziar Keshavarz Page 245
 - d. Summary of Preliminary Undergrounding Financing Plan
Michael J. Pucillo, Town Council President
4. Public Safety Senior Management Retirement Issues
Michael J. Pucillo, Town Council President
5. Approval of the Selection Committee Members for Audit Services
Jane Struder, Director of Finance Page 366

XIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 8-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs and Limousines, at Section 130-31, Definitions, to Include a New Definition of Point of Origin, Amend the Definition of Prearranged Charter and Include a New Definition of Vehicles for Hire; Providing a New Section 130-107 Titles Prearranged Charters; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Deferred from the March 10, 2015 Town Council Meeting. Page 368
- ORDINANCE NO. 10-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, so as to Include From Chapter 130, Vehicles for Hire, Section 130-107 as a Class III Violation; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Deferred from the March 10, 2015 Town Council Meeting.
Thomas G. Bradford, Town Manager Page 387
2. ORDINANCE NO. 14-2015 An Ordinance Rescinding Ordinance No. 2- Page 390

2015 in its Entirety; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

B. First Reading

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

Page 397

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

2. ORDINANCE NO. 16-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places; at Article XIII, Moveable Fixtures in the Right-of-Way; at Section 106-291, Certificate of Compliance Required; at Section 106-292, Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; at Section 106-293, Prohibited Locations; at Section 106-294, Insurance and Indemnification; at Section 106-296, Enforcement; at Section 106-297, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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Jay Boodheshwar, Deputy Town Manager

XIV. ANY OTHER MATTERS

XV. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

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

evidence upon which the appeal is to be based.

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

PUBLIC HEARINGS:

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

COMMUNICATIONS FROM CITIZENS:

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

OTHER AGENDA ITEMS:

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

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

**Town of Palm Beach
Meeting Schedule**

5/6/15

Mon 05/11/2015 02:00 PM	Finance and Taxation Committee Meeting	Council Chambers
Tue 05/12/2015 09:30 AM	Town Council Meeting	Council Chambers
Wed 05/13/2015 09:30 AM	Town Council Meeting (Development Review Matters)	Council Chambers
Thu 05/14/2015 09:00 AM	Shore Protection Board Meeting	Council Chambers
Fri 05/15/2015 09:00 AM	Retirement Board Meeting	Council Chambers
Tue 05/19/2015 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 05/20/2015 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers
Mon 05/25/2015 04:00 AM	MEMORIAL DAY	TOWN HALL CLOSED
Thu 05/28/2015 09:00 AM	Shore Protection Board Meeting	Council Chambers
Tue 06/09/2015 09:30 AM	Town Council Meeting	Council Chambers
Wed 06/10/2015 09:30 AM	Town Council Meeting (Development Review Matters)	Council Chambers
Tue 06/16/2015 09:30 AM	Planning and Zoning Commission Meeting	Council Chambers
Wed 06/17/2015 09:30 AM	Landmarks Preservation Commission Meeting	Council Chambers

Thu 06/25/2015 09:00 AM	Shore Protection Board Meeting	Council Chambers
Fri 07/03/2015 04:00 AM	FOURTH OF JULY (observed)	TOWN HALL CLOSED
Tue 07/14/2015 09:30 AM	Town Council Meeting	Council Chambers
Wed 07/15/2015 09:30 AM	Town Council Meeting (Development Review Matters)	Council Chambers

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 14, 2015

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 14, 2015](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON TUESDAY, APRIL 14, 2015**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Tuesday, April 14, 2015, at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. RECOGNITIONS

- A. Danielle H. Moore Recognition for Service on the Planning and Zoning Commission
Gail L. Coniglio, Mayor

Mayor Coniglio recognized Danielle H. Moore for her service.

- B. Recognition of Daniel McDonnell, Recreation Advisory Commission, from April 2008 through April 2015
Gail L. Coniglio, Mayor

Mayor Coniglio recognized Daniel McDonnell for his service.

- C. Recognition of Larry Ochstein, Code Enforcement Board from June 2003 to April 2015
Gail L. Coniglio, Mayor

Mayor Coniglio recognized Larry Ochstein for his service.

IV. PRESENTATIONS

- A. Planning and Zoning Commission Presentations by Applicants
John S. Page, Director of Planning, Zoning, and Building

The following applicants provided presentations to the Town Council:

Martin I. Klein

Larry Ochstein

Rick Pollock

Kenneth Walker

B. Code Enforcement Board Presentations by Applicants

Kirk W. Blouin, Director of Public Safety

The following applicants provided presentations to the Town Council:

James M. Ballentine, Jr.

Camilo Garcia

Matthew Natale

Jay N. Nisberg

Scotch Peloso

Cynthia Van Buren

C. Recreation Advisory Commission Presentations by Applicants

Rod Gardiner, Acting Director of Recreation

The following applicants provided presentations to the Town Council:

Dr. G. Ellen Howe

Linda Wartow

Alexandra Woodfield

Leslie Harlow Wyrzes

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

Mayor Coniglio announced that Geoffrey Parker will be providing an update on the Flagler Bridge construction at the May 12, 2015, Town Council meeting. She also spoke regarding sand placement legislation and the Planning and Zoning Commission.

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pro Tem Kleid spoke regarding the Lake Worth Casino Beach Complex and the parking study items referred to the Planning and Zoning Commission.

Council Member Townsend spoke regarding a letter sent to Director Blouin regarding police officers going above and beyond.

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Rosemary Reder, 106 Hammon Ave., spoke regarding the Blessing of the Fleet at the Port, Flags for Freedom, the American Flag Society, and the need to honor veterans.

David Leavitt, 1480 Via Manana, spoke regarding Palm Beach Island Cats, the need for animal trapper permits, and in support of allowing three charitable solicitations a year.

Robert Davidow, 2100 S. Ocean Blvd., spoke regarding the Reach 8 Beach Nourishment Project.

(Clerk's Note: Mayor Coniglio was not present for the comments of the following speaker.)

Nick Coniglio, 201 El Dorado Ln., spoke regarding a recent code violation regarding his children's swing set, and requested that the Town Council stay any fines while he prepares his variance application.

Council President Pucillo clarified that the Town Council does not have such authority over the Code Enforcement Board.

Pat Cooper, 265 Orange Grove Rd., Palm Beach Civic Association, spoke regarding union negotiations, fast tracking capital projects, and fiscal sustainability.

Joanna Myers, 101 El Vedado Rd., spoke regarding beach loss and restoration.

VIII. APPROVAL OF AGENDA

The following changes were made to the Agenda:

PULLED FROM CONSENT: Item No. IX.C.3., Finance & Taxation Committee Study Matters, was pulled from the Consent Agenda and placed at the beginning of New Business.

PULLED FROM CONSENT: Item No. IX.B.5., Resolution No. 44-2015, was pulled from the Consent Agenda and placed under New Business after the above item.

PULLED FROM CONSENT: Item No. IX.C.5., Ordinances, Rules, & Standards Committee Study Matters, was pulled from the Consent Agenda and placed under New Business after the above item.

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

IX. CONSENT AGENDA

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

A. MINUTES

1. MINUTES: MARCH 10, 2015

Approval of the Minutes of the Regular Town Council Meeting

Susan A. Owens, Town Clerk

2. MINUTES: MARCH 10, 2015

Approval of the Minutes of the Special Town Council Meeting/Closed

Door Session – Rampell

Susan A. Owens

3. MINUTES: MARCH 10, 2015

Approval of the Minutes of the Special Town Council Meeting/Closed

Door Session – Blackner and Stone

Susan A. Owens

4. MINUTES: MARCH 11, 2015

Approval of the Minutes of the Local Planning Agency Meeting

Susan A. Owens

5. MINUTES: MARCH 11, 2015

Approval of the Minutes of the Regular Town Council Meeting

Susan A. Owens

6. Approval of Major Matters Considered by the Architectural Commission
at its Meeting of March 25, 2015

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

B. RESOLUTIONS

1. RESOLUTION NO. 39-2015 A Resolution of the Town Council of the
Town of Palm Beach, Palm Beach County, Florida, Approving the
Purchase of Meraki Networking Equipment on TCPN Contract R5110 to
GovConnection, Inc. in the Amount of \$48,900 and Establishing a Budget
of \$55,000 for Purchases in Fiscal Year 2015; and Authorizing the Town
Manager to Execute This Purchase on Behalf of the Town.

Jay Boodheshwar, Deputy Town Manager

2. RESOLUTION NO. 40-2015 A Resolution of the Town Council of the
Town of Palm Beach, Palm Beach County, Florida, Approving an
Interlocal Agreement with Palm Beach County for the Provision of Digital
Imaging Services, Authorizing the Town Manager to Execute the
Agreement on Behalf of the Town, and Providing an Effective Date.

Susan A. Owens, Town Clerk

3. RESOLUTION NO. 41-2015 A Resolution of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No 2015-27 to Pemica Inc. (Items 1 Through 4) in the Amount of \$67,214.16 and to Vetsource Mobility (Items 5 Through 25) in the Amount of \$29,823.54 for a Total Amount of \$97,037.70 and Awarding RFQ No. 80-2015 to Vetsource Mobility in the Amount of \$9,040.00 for a Total Award of \$106,077.70 and Establishing a Budget of \$115,000.00 for Purchases in Fiscal Year 2015 for Getac Tablet Mobile Data Computers and Accessories; and Authorizing the Town Manager to Execute This Purchase on Behalf of the Town.

Jay Boodheshwar, Deputy Town Manager

4. RESOLUTION NO. 43-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Payment to the Municipal Public Safety Communications Consortium (MPSCC) of Palm Beach County.

Kirk W. Blouin, Director of Public Safety

5. RESOLUTION NO. 44-2015 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.

Rod Gardiner, Acting Director of Recreation – Moved to New Business

6. RESOLUTION NO. 45-2015 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-02 and Approving a Purchase Order to Design Lab Inc. in the Amount of \$36,880.14 for the Purchase of Uniforms for the Palm Beach Fire Rescue Department, Establishing an Annual Budget of \$40,500.00.

Kirk W. Blouin, Director of Public Safety

7. RESOLUTION NO. 46-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-08 and Approving a Purchase Order to Zimmerman Tree Service, in an Amount Not-to-Exceed \$174,271 for Tree Trimming and Pruning Services, and Establishing a Project Budget of \$183,000.

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

8. RESOLUTION NO. 47-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 121218 for Design Phase Engineering Services for the Ibis Way and Island Road Bridge Repairs Project, in the Amount of \$5,600, for a Revised Total Budget of \$19,000.

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

9. RESOLUTION NO. 48-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for the D-12 Pump Station Electrical Repairs and Modifications to Kimley-Horn & Associates, Inc., in the Amount of \$29,300, and Establishing a Design and Bid Phase Engineering Services Budget of \$33,000.
H. Paul Brazil, P.E., Director of Public Works
10. RESOLUTION NO. 49-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-24 and Approving a Purchase Order to Campany Roof Maintenance, in the Amount of \$125,303, for the Removal and Replacement of the Roof on the South Fire Station and Establishing a Total Project Budget of \$151,000.
H. Paul Brazil, P.E., Director of Public Works
11. RESOLUTION NO. 57-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase Of Lenevo Desktops and Laptops on TCPN Contract R5110 to GovConnection, Inc. in the Amount of \$80,465 and Establishing a Budget of \$85,000 for Purchases in Fiscal Year 2015; and Authorizing the Town Manager to Execute This Purchase on Behalf of the Town.
Jay Boodheshwar, Deputy Town Manager
12. RESOLUTION NO. 58-2015 A Resolution of the Town Council of the Town Of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-07 and Approving A Purchase Order to Rossman Enterprises Inc., DbA Clean Air Concepts, in the Amount of \$52,102.95 for the Updating and Modernization of the Vehicle Exhaust Removal Systems in Each of the Town's Three Fire Rescue Stations.
Kirk W. Blouin, Director of Public Safety

C. OTHER

1. Authorization for Town Contribution of \$12,000 to the City of West Palm Beach for the Fireworks Display at the City's Fourth on Flagler Event.
Thomas G. Bradford, Town Manager
2. Authorization of a Selection Committee for Civil Engineering Consultants
H. Paul Brazil, P.E., Director of Public Works
3. Request of the Finance and Taxation Committee to Study Matters Pursuant to Section 2-61 and/or Section 2-62 of the Town Code of Ordinances. – ***Moved to New Business***
4. Appointments to the Investment Advisory Committee

Jane Struder, Director of Finance

5. Request of the Ordinances, Rules, and Standards Committee to Study Maintenance of Parkway Strips

Jay Boodheshwar, Deputy Town Manager – Moved to New Business

6. Waiver of Charitable Solicitation Permit Fees and Late Fees for Four Arts King Library

Susan A. Owens, Town Clerk

X. BOARD/COMMISSION ANNUAL REPORT

- A. Annual Report - Architectural Commission (ARCOM)

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

Vice Chair Ann Vanneck provided an overview of the Annual Report.

Discussion ensued regarding the “excessively dissimilar” Code provision.

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

XI. COMMITTEE REPORTS

- A. Report on the Ordinances, Rules, and Standards Committee Meeting of March 5, 2015

Penelope D. Townsend, Council Member

Council Member Townsend provided an overview of the Report, and requested the Town Council’s direction regarding the following items:

- Charitable Solicitation Permit length
- Number of allowable charitable solicitations per year
- Medical marijuana
- Registration of short-term rentals

Discussion ensued regarding charitable solicitations and the need to study the remaining items.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to accept the Report of the Ordinances, Rules, and Standards Committee meeting of March 5, 2015. On roll call, the motion carried unanimously.

By consensus of the Town Council, the Ordinances, Rules, & Standards Committee was authorized to continue their study of charitable solicitation permit length and the number of allowable charitable solicitations per year.

- 1 B. Report of the Public Safety Committee Meeting of March 16, 2015
2 Council Member Wildrick provided an overview of the Report.
3

4 **By consensus of the Town Council, the Report of the Public Safety Committee**
5 **Meeting of March 16, 2015, was accepted.**
6

- 7 1. RESOLUTION NO. 54-2015 A Resolution of the Town Council of the
8 Town of Palm Beach, Palm Beach County, Florida, Authorizing and
9 Approving a Purchase Order to Duval Ford in the Amount of \$135,075 for
10 the Purchase of Four (4) 2015 Ford Interceptor Utility Vehicles, as
11 Previously Considered and Approved by the Town Council During the
12 FY2015 Budget Process and Included in the Town's Equipment
13 Replacement Program; Establishing a Budget of \$140,000 and Providing
14 an Effective Date.

15 *Kirk W. Blouin, Director of Public Safety*
16

17 **Motion was made by Council Member Townsend, and seconded by Council**
18 **Member Moore, to approve Resolution No. 54-2015. On roll call, the motion carried**
19 **unanimously.**
20

- 21 2. Recent Fire Incidents (Progress on Finding Gas Valves)
22

23 Deputy Fire Rescue Chief Donatto provided an overview of the recent fire
24 incidents and Staff's progress on obtaining the locations of the gas valves
25 from Florida Public Utilities.
26

- 27 3. Police Boat Delivery and Decals
28

29 *Robert N. Wildrick, Chair*

30 Council Member Wildrick stated that he had received a request from the
31 Palm Beach Police Foundation to affix their decal to the new police boat.
32

33 Director of Public Safety Blouin reported that delivery of the boat is
34 expected sometime this week, provided an overview of its features, spoke
35 in support of the Police Foundation decal, and spoke regarding disposition
36 of the old boat.
37

38 Discussion ensued regarding the requested decal.
39

40 **By consensus of the Town Council, the Palm Beach Police Foundation was**
41 **authorized to affix their decal to the new police boat.**
42

43 **XII. REGULAR AGENDA**
44

- 45 A. Old Business
46

1. Gary L. Marder and Caren Marder vs Town of Palm Beach, Case No. 502015CA002765XXXXMB AY, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, 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 Michael J. Pucillo, Richard M. Kleid, Danielle Hickox Moore, Penelope D. Townsend, Robert N. Wildrick; Town Manager Thomas G. Bradford; Town Attorney John C. Randolph, and Court Reporter from Pleasanton, Greenhill, Meek, and Marsaa, Court Reporters.

John C. Randolph, Town Attorney

Motion was made by Council Member Moore, and seconded by Council Member Townsend, to approve the scheduling of an Attorney/Client Session regarding Gary L. Marder and Caren Marder vs Town of Palm Beach. On roll call, the motion carried unanimously.

2. Town Hall Square Historic District Project

- a. Memorial Fountain Restoration Update

Director of Public Works Brazil and Mark Rabinovitch, Conservation Solutions, provided an update on the restoration and spoke regarding their findings related to the original colors of the Fountain.

Discussion ensued regarding the new colors found and informing the granting agency of the change in restoration plans.

By consensus of the Town Council, Conservation Solutions, Inc.'s color recommendations were approved.

- b. Review and Approval of Revised Town Hall Square Project Site Plan

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

Director Brazil provided an overview of the revised Town Hall Square Project Site Plan.

By consensus of the Town Council, approval of the revised Town Hall Square Project Site Plan was reaffirmed.

3. Request to Consider Ordinance No. 13-2015 Prior to 5:00 p.m. at Public Hearing

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

Director Page provided an overview of the request.

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to approve consideration of Ordinance No. 13-2015 prior to 5:00 p.m. at the public hearing. On roll call, the motion carried unanimously.

4. Townwide Underground Utilities Project

- a. Update-Construction Manager vs. Construction Manager at Risk/CM vs. Low Bid
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the differences between Construction Manager, Construction Manager at Risk/CM, and low bid project management options.

Discussion ensued regarding the differences between public and private sector undergrounding projects, the need for the right consultants and partners, engineering, financing, legalities, negotiation, previous Construction Manager at Risk projects, previous small scale undergrounding projects, how the project would be bid, costs, having the Utilities Task Force review project management options, and bid timing.

- b. Underground Utilities Task Force –
RESOLUTION NO. 50-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida Creating an Underground Utilities Task Force; Providing for Method of Appointment; Providing for an Effective Date.
Thomas G. Bradford, Town Manager
H. Paul Brazil, P.E., Director of Public Works

Town Manager Bradford provided a draft resolution to the Town Council and sought direction regarding the following provisions:

- Task Force composition and membership requirements
- Whether members can serve on multiple boards
- Whether the Chair should be an elected official

Discussion ensued regarding the above matters and having the Task Force provide financing recommendations.

Motion was made by Council Member Wildrick, and seconded by Council President Pucillo, to approve the “Appointees shall not be a member of another Town board or commission.” provision. On roll call, the motion carried 3-2, with Council President Pro Tem Kleid and Council Member Moore dissenting.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to delete the “Matters related to financing the cost of the program shall not be considered by the Task Force.” provision. On roll call, the motion carried unanimously.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, to approve Resolution No. 50-2015, as amended below:

- “Matters related to financing the cost of the program shall not be considered by the Task Force.” provision was deleted.
- The Underground Utilities Task Force shall consist of ~~seven (7)~~ five (5) members.
- Appointees are required to be registered electors or taxpayers in the Town.
- “The Chair of the Task Force shall be an elected official of the Town as chosen by the Town Council.” provision was deleted.
- ...the members of the Underground Utilities Task Force shall elect from among themselves a Chair and a Vice Chair.

On roll call, the motion carried unanimously.

(Clerk’s Note: The Following Item was Heard After Resolution No. 56-2015, under New Business)

5. 2016 Election Update
Susan A. Owens, Town Clerk

Town Attorney Randolph stated that the Town has the ability to change its 2016 election date to March 15, 2016, by ordinance.

Mayor Coniglio spoke regarding correspondence she received from Palm Beach County Supervisor of Elections (SOE) Susan Bucher related to her office’s concerns regarding the Town conducting its own election.

Town Clerk Owens provided an update on Staff’s preparations for the 2016 election and spoke regarding the SOE’s concerns.

Discussion ensued regarding extending the election cycle, absentee ballots, and preparing to conduct a standalone election.

By consensus of the Town Council, the decision to keep the February 2, 2016, election date was reaffirmed and Staff was directed to begin providing monthly updates on election preparations to the Town Council this summer.

B. New Business

The Following Three Items were Pulled from the Consent Agenda:

- Request of the Finance and Taxation Committee to Study Matters Pursuant to Section 2-61 and/or Section 2-62 of the Town Code of Ordinances

Director of Finance Struder provided an overview of the request.

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to approve the request of the Finance and Taxation Committee. On roll call, the motion carried unanimously.

- RESOLUTION NO. 44-2015 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.

Rod Gardiner, Acting Director of Recreation

Deputy Town Manager Boodheshwar provided an overview of the renewal.

Discussion ensued regarding the selection of Net Results, the success of the Tennis Program, having the Recreation Advisory Board review the renewal, and putting the agreement back out for bid next year.

Thomas Thomas, 240 Phipps Plaza, spoke in opposition to the renewal.

Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to approve Resolution No. 44-2015. On roll call, the motion carried 3-2, with Council Members Townsend and Wildrick dissenting.

By consensus of the Town Council, Staff was directed to put the Tennis Facilities Concession Agreement out for bid next year.

- Request of the Ordinances, Rules, and Standards Committee to Study Maintenance of Parkway Strips

Jay Boodheshwar, Deputy Town Manager

Deputy Town Manager Boodheshwar provided an overview of the request.

Discussion ensued regarding potential legal implications of requiring maintenance of parkway strips.

Motion was made by Council Member Townsend, and seconded by Council Member Wildrick, to approve the request of the Ordinances, Rules, and Standards Committee. On roll call, the motion carried unanimously.

1. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2014. [N. Ronald Bennett, Nowlen, Holt, and Miner P.A.]

Jane Struder, Director of Finance

Ron Bennett, Nowlen, Holt, & Miner, provided an overview of the Comprehensive Annual Financial Report.

Discussion ensued regarding having the Finance and Taxation Committee study whether to reallocate portions of the unassigned fund balance.

By consensus of the Town Council, the Finance and Taxation Committee was directed to study whether or not to reallocate portions of the unassigned General Fund balance to the Coastal Management Program.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to accept the Comprehensive Annual Financial Report for Fiscal Year ended September 30, 2014. On roll call, the motion carried unanimously.

(Clerk's Note: At 1:20 p.m., the Town Council recessed for lunch; at 1:47 p.m., the Town Council reconvened the meeting.)

2. Coastal Matters

a. Coastal Update

Robert Weber, Coastal Coordinator

Coastal Coordinator Weber provided an update on the coastal conditions.

Director of Public Works Brazil spoke regarding the joint sand quality sampling with the Coalition to Save Our Shores (SOS), and provided an overview of the Town's results.

Council President Pucillo requested that the results from SOS's consultant be provided at the May 12, 2015, Town Council meeting.

Discussion ensued regarding what a Reach 7 truck haul vs. dredged sand vs. combo renourishment project would entail, costs and funding options, utilizing borrow areas, the Beach Management Agreement, whether less sand would be needed if a larger grain size was utilized, modeling, changing wave action, and whether larger grain sand stays better during storms.

Dr. Mike Jenkins, Applied Technology and Management, Inc., provided additional technical information on the sand samples studied.

Connie Gasque, 167 Root Trl., spoke regarding sand loss in Reach

3, rocks not being screened, and the need to dig deeper when sampling sand.

Brenton Textor, 2890 Farragut Ln., West Palm Beach, spoke regarding his background and environmental concerns.

Richard Hunegs, 3360 S. Ocean Blvd., spoke regarding the Reach 8 Project, the Surfrider lawsuit, the need to complete the EIS, FEMA requirements for reimbursement, sand grain size, the condition of Reach 8, project timing, and using borrow sites.

- b. Proposed Groin Rehabilitation Execution Plan
Thomas Pierro, P.E., Director, Coastal Planning and Engineering, Inc., a CB&I Company

Thomas Pierro, Coastal Planning and Engineering, Inc., provided an overview of the current condition of the groins and the proposed Groin Rehabilitation Execution Plan.

Discussion ensued regarding criteria for determining whether a groin needs replacement or rehabilitation, removal of groins on private property, treating the groins as a system, educating owners, mitigation requirements, groin ownership, private owners not allowing the Town to take out their groins, and safety, access, and liability issues.

Robert Davidow, 2100 S. Ocean Blvd., spoke regarding the flow of sand to Reaches 7 and 8.

Further discussion ensued regarding the goal of the Plan, project costs, and funding options.

Brenton Textor, 2890 Farragut Ln., West Palm Beach, spoke regarding groins, jetties, and sand movement.

By consensus of the Town Council, Staff was authorized to continue with the planning phase of the Plan.

By consensus of the Town Council, the Finance and Taxation Committee was directed to study funding options for the proposed Plan.

- c. RESOLUTION NO. 55-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for Continued Engineering and Environmental Professional Services for Additional Analyses in Preparation of the Final EIS for Reach 8 to CB&I Coastal Planning

& Engineering, Inc., in the Amount of \$449,397, and Establishing a Budget of \$489,000.

Director of Public Works Brazil provided an overview of the purchase order increase.

Attorney John Eubanks, 605 N. Olive Ave., West Palm Beach, representing Bukk Carleton, spoke in support of completing the EIS.

Discussion ensued regarding the amount of sand the Army Corps of Engineers will allow to be placed in the water, mitigation costs, the desire for sand underwater, bridging the gap between using mined versus dredged sand, FEMA reimbursement requirements, the importance of creating an engineered beach, unresolved questions from the draft EIS, reimbursement from Palm Beach County, and sand grain size.

Richard Hunegs, 3360 S. Ocean Blvd., spoke regarding Judge Meale's determinations regarding sand grain size, being consistent, dune renourishment, having a constructed beach, mitigation, money spent on consultants, and the approved plans.

Further discussion ensued regarding the permitting process, modeling, and continuing the EIS.

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to approve Resolution No. 55-2015, subject to the provision that Palm Beach County pay their share of the EIS costs. On roll call, the motion carried unanimously.

- d. RESOLUTION NO. 56-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing Existing Purchase Order No. 131437 to Applied Technology & Management, Inc., for Project Required Nighttime Sea Turtle Nesting Monitoring, in the Amount of \$68,200, and Increasing the Project Budget from \$356,923.60 for a Revised Total Budget of \$425,123.60.

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

Director Brazil provided an overview of the purchase order increase.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 56-2015. On roll call, the motion carried unanimously.

3. Meeting Minutes
Susan A. Owens, Town Clerk

Town Clerk Owens provided an overview of switching from summary to action minutes.

Anita Seltzer, 44 Cocoanut Row, spoke in opposition to changing the meeting minutes format.

Discussion ensued regarding the previous switch from verbatim to summary minutes and the benefits of the current meeting minutes format.

Motion was made by Council Member Townsend, and seconded by Council President Pro Tem Kleid, to approve the continued use of the current summary meeting minutes format.

4. Update of the Comprehensive Plan Pursuant to F.S. 163.3191
John S. Page, Director of Planning, Zoning, and Building

Director Page provided an update on the status of the Comprehensive Plan.

Discussion ensued regarding having Staff prepare recommendations for Town Council consideration within 60 days.

By consensus of the Town Council, Staff was directed to review the Comprehensive Plan for any necessary updates and to come back before the Town Council in 60 days with their recommendations.

5. Waiver to Town Code for Construction Dates, Hours, and Noise for Tree Trimming by Florida Power & Light for Reliability Issues
H. Paul Brazil, P.E., Director of Public Works

Director Brazil provided an overview of the waiver request.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Townsend, to approve a waiver to the Town Code for construction dates, hours, and noise for tree trimming by Florida Power & Light. On roll call, the motion carried unanimously.

6. Presentation of the 2015-2025 Long Term Financial Plan
Jane Struder, Director of Finance

Director Struder provided a presentation on the 2015-2025 Long Term Financial Plan.

Discussion ensued regarding the amount of cash on hand available for the Coastal Management Program and the Town's reserve percentage.

By consensus of the Town Council, the 2015-2025 Long Term Financial Plan was approved.

7. Appointments to Planning and Zoning Commission
John S. Page, Director of Planning, Zoning, and Building

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to ratify the following Planning and Zoning Commission appointment:

- **Regular Member: Martin I. Klein**

On roll call, the motion carried unanimously.

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

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

- **Regular Members: James M. Ballentine, Jr., Cynthia Van Buren, and Matthew Natale**
- **Alternate Member: Jay Nisberg**

On roll call, the motion carried unanimously.

9. Recreation Advisory Commission Appointments
Rod Gardiner, Acting Director of Recreation

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

- **Regular Members: Dr. G. Ellen Howe and Alexandra M. Woodfield**
- **Alternate Members: John C. Hartz, Leslie H. Wyrzes, and Linda Wartow**

On roll call, the motion carried unanimously.

XIII. ORDINANCES

By consensus of the Town Council, all of the remaining agenda items were deferred to the April 15, 2015, Town Council meeting, to be heard after the development review items.

A. Second Reading

1. a. ORDINANCE NO. 11-2015 An Ordinance of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances to Rescind Chapter 18, Buildings and Building Regulations, in its Entirety and Adopting a New Chapter 18, Buildings and Building Regulations in the Manner and Form Attached Hereto; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. – ***Deferred to the April 15, 2015, meeting.***

b. ORDINANCE NO. 12-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Adopting the Town of Palm Beach Florida Building Code Administrative Amendments in the Manner and Form Attached Hereto; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date. – ***Deferred to the April 15, 2015, meeting.***

c. RESOLUTION NO. 37-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting the ARCOM Project Designation Manual As Referenced In Chapter 18, Article III of the Code of Ordinances of the Town Of Palm Beach; Providing an Effective Date. – ***Deferred to the April 15, 2015, meeting.***

d. RESOLUTION NO. 38-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Adopting New Fees Related To Construction Permits; Providing an Effective Date.
John S. Page, Director of Planning, Zoning, and Building – Deferred to the April 15, 2015, meeting.

2. ORDINANCE NO. 8-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs and Limousines, at Section 130-31, Definitions, to Include a New Definition of Point of Origin, Amend the Definition or Prearranged Charter and Include a New Definition of Vehicles for Hire; Providing a New Section 130-107 Titles Prearranged Charters; Providing for Severability; Providing for Repeals of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.
Deferred from the March 10, 2015 Town Council Meeting. – Deferred to the April 15, 2015, meeting.

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

an Effective Date.

Deferred from the March 10, 2015 Town Council Meeting.

*Thomas G. Bradford, Town Manager – **Deferred to the April 15, 2015, meeting.***

B. First Reading

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

*John C. Randolph, Town Attorney – **Deferred to the April 15, 2015, meeting.***

XIV. ANY OTHER MATTERS – None

XV. ADJOURNMENT

There being no further business, the April 14, 2015, regular Town Council meeting was adjourned at 5:04 p.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 14, 2015

Approval of the Minutes of the Special Town Council Meeting/Closed
Door Session

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Town Council Meeting Held on April 14, 2015](#)

**MINUTES OF THE SPECIAL TOWN COUNCIL MEETING
HELD ON TUESDAY, APRIL 14, 2015**

I. CALL TO ORDER AND ROLL CALL

The special Town Council meeting was called to order at 5:06 p.m. on Tuesday, April 14, 2015, in the Town Council Chambers. All of the elected officials were found to be present.

II. APPROVAL OF AGENDA

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

III. Gary L. Marder and Caren Marder vs Town of Palm Beach, Case No. 502015CA002765XXXXMB AY, pending in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, 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 Pucillo announced the following:

- a.) The Attorney/Client Closed-Door Session
- b.) The estimated time is thirty minutes
- c.) The names of the persons attending:
 - Gail L. Coniglio, Mayor
 - Michael J. Pucillo, Town Council President
 - Richard M. Kleid, Town Council President Pro Tem
 - Danielle Hickox Moore, Town Council Member
 - Penelope D. Townsend, Town Council Member
 - Robert N. Wildrick, Town Council Member
 - Thomas G. Bradford, Town Manager
 - John C. Randolph, Town Attorney
 - Pleasanton, Greenhill, Meek & Marsaa, Court Reporters

At 5:07 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 5:20 p.m., in the Town Council Chambers.

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

Town Council President Pucillo announced the termination of the Attorney/Client Session and that the Town Council has provided direction to the Town Attorney in regards to this matter.

V. ANY OTHER MATTERS – None

VI. ADJOURNMENT

There being no further business, the special Town Council Meeting of Tuesday, April 14, 2015, was adjourned at 5:20 p.m.

APPROVED:

ATTEST:

Michael J. Pucillo
Town Council President

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 15, 2015

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 15, 2015](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING
HELD ON WEDNESDAY, APRIL 15, 2015**

I. CALL TO ORDER AND ROLL CALL

The regular Town Council meeting was called to order on Wednesday, April 15, 2015, at 9:36 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. COMMENTS OF MAYOR GAIL L. CONIGLIO – None

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

Council President Pucillo requested that a discussion be held during the May 12, 2015, Town Council meeting regarding consolidating the August Town Council meetings into one day.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Robert Moore, 318 Bunker Ranch Road, representing Mr. and Mrs. Richard Lubin, 244 Jamaica Lane, and Mr. and Mrs. James Wearn, 260 Jamaica Lane, requested a stay of any actions regarding the property located at 253 Jamaica Lane, pending his clients' appeal.

Town Attorney Randolph responded that the Architectural Commission's deferral of the landscaping element is not automatically stayed during the appeal process.

Discussion ensued regarding consideration of the structure and the landscaping separately, ARCOM's conditions of approval, and notice.

VI. APPROVAL OF AGENDA

The following changes were made to the Agenda:

ADDED: The following items were deferred from the April 14, 2015, Town Council meeting and added to the end of Item No. IX., in the following order:

- Ordinance No. 11-2015
- Ordinance No. 12-2015
- Resolution No. 37-2015
- Resolution No. 38-2015
- Ordinance No. 8-2015
- Ordinance No. 10-2015

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

VII. DEVELOPMENT REVIEWS

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

A. Time Extensions and Waivers

1. Request for One Year Time Extension, Special Exception No. 7- 2014 with Site Plan Review and Variance 8 Golfview Road
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communications were declared: Council President Pucillo and Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of the property owner of 8 Golfview Road, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Motion was made by Council Member Moore, and seconded by Council Member Townsend, to approve a one-year time extension, until May 2016, for Special Exception No. 7- 2014 with Site Plan Review and Variance at 8 Golfview Road. On roll call, the motion carried unanimously.

B. Variances, Special Exceptions, and Site Plan Reviews

1. New Business
 - a. SPECIAL EXCEPTION #10-2015 WITH SITE PLAN REVIEW AND VARIANCE The application of Eric Stein, Manager; relative to property commonly known as 285 Colonial Lane, described as Lot 35 and the East 50 feet of Lot 36, El Encanto Plat No. 2,

1 according to the plat thereof, recorded in Plat Book 13, Page 14, of
 2 the Public Records of Palm Beach County, Florida; located in the
 3 R-B Zoning District. The Applicant is requesting Special
 4 Exception with Site Plan Review approval to continue demolition
 5 and reconstruction of a one story house into a two story house
 6 which has exceeded the maximum demolition of more than 50%
 7 by cubic footage. The Special Exception with Site Plan Review is
 8 required because the house is located on a portion of platted lots
 9 that are 84 feet in depth in lieu of the 100 foot minimum required.
 10 The request is to allow more demolition of the south first floor wall
 11 and roof trusses (which are in disrepair due to termite damage) to
 12 accommodate the second floor dormer windows which were
 13 previously approved. The following variance is being requested to
 14 build back the garage in the same location with a second floor
 15 addition: to allow an angle of vision for the house to be 122
 16 degrees (to match existing garage prior to demolition) in lieu of the
 17 116 degree maximum allowed for a lot with a width of 150 feet.
 18 [Attorney: Maura Ziska, Esq.]

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

20
 21 The following ex-parte communications were declared: Council
 22 President Pucillo, Council President Pro Tem Kleid, and Council
 23 Members Moore and Townsend spoke with Attorney Ziska, who
 24 advocated the position of her client.
 25

26 Attorney Ziska, on behalf of Eric Stein, provided an overview of
 27 the applicant's request.
 28

29 Zoning Administrator Castro provided Staff's comments.
 30

31 Discussion ensued regarding the extent of the demolition and the
 32 reasons for it.
 33

34 Architect Campion Platt provided additional information regarding
 35 the condition of the structure.
 36

37 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
 38 **Member Moore, that Special Exception #10-2015 shall be granted based upon the**
 39 **finding that such grant will not adversely affect the public interest and that the**
 40 **applicable criteria set forth in Section 134-229 of the Town Code have been met,**
 41 **that the site plan review related to Special Exception #10-2015 be approved based**
 42 **upon the finding that the approval of the site plan will not adversely affect the**
 43 **public interest and that the Council certifies that the specific zoning requirements**
 44 **governing the individual use have been met and that satisfactory provision and**
 45 **arrangement has been made concerning Section 134-329, items 1 through 11, and**
 46 **that the variance related to Special Exception #10-2015 be granted and find, in**
 47 **support thereof, that all of the criteria applicable to this application as set forth in**

Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

- b. SPECIAL EXCEPTION #11-2015 WITH VARIANCE The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to properties commonly known as 375 South County Road and 330 Peruvian Avenue, described as lengthy legal descriptions on file; located in the C-TS Zoning District. The Applicant is requesting Special Exception to modify a previously approved special exception and condition of approval to allow for the off-site required parking of twenty two (22) vehicles to be located at 330 Peruvian Avenue in lieu of the Apollo Parking lot which will require the following variance request: Request for a variance to allow the off-site required parking lot to be 1,185 feet as measured along the nearest public or permanent private pedestrian walkway in lieu of the 500 maximum distance. [Attorney: Maura Ziska, Esq.]

The following ex-parte communications were declared: Council President Pucillo, Council President Pro Tem Kleid, and Council Members Moore and Townsend spoke with Attorney Ziska, who advocated the position of her client.

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

Zoning Administrator Castro provided Staff's comments.

Parking/Code Enforcement Manager Houston spoke regarding parking enforcement difficulties and options, BrickTop's previous Code violations, and the valet parking study conducted by the Parking Committee.

Discussion ensued regarding the availability of the proposed parking lot, parking enforcement options, the prohibition of valet parking at lunch, and the impacts to BrickTop's if the request is denied.

Burt Handelsman, owner of proposed parking lot, stated for the record that 22 of the parking spaces in the lot would be made available to BrickTop's.

Attorney Ziska added that the spaces will be available within 30 days as the current tenants are on month to month leases.

Town Attorney Randolph stated that confirmation would be needed to ensure that the lot is not over-leased.

BrickTop's owner, Joe Ledbetter, and General Manager, John Becker, provided additional assurances that their employees will only park in the proposed lot.

Robert Moore, 315 Bunker Road, West Palm Beach, requested assurance that those parking spaces allotted to Renato's would not be abandoned.

Attorney Jane Rankin, Kubicki Draper, representing, Love III, LLC, stated that she sent a letter to Zoning Administrator Castro on March 5, 2015, confirming the proposed lot's ability to accommodate parking spaces for both BrickTop's and Renato's.

Motion was made by Council Member Moore, and seconded by Council Member Townsend, that Special Exception #11-2015 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 execution of a parking agreement, to be approved by Staff, verifying the location of 22 parking spaces dedicated for the exclusive use of BrickTop's employees and including a means of readily identifying all vehicles belonging to BrickTop's employees. On roll call, the motion carried unanimously.

Motion was made by Council Member Moore, and seconded by Council Member Townsend, that the variance related to Special Exception #11-2015 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met, subject to execution of a parking agreement, to be approved by Staff, verifying the location of 22 parking spaces dedicated for the exclusive use of BrickTop's employees and including a means of readily identifying all vehicles belonging to BrickTop's employees. On roll call, the motion carried unanimously.

(ii) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road Deferred from the June 11, 2014, September 10, 2014, October 15, 2014, December 10, 2014, and January 14, 2015, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building

Zoning Administrator Castro clarified that, after looking further into the matter, lunch and dinnertime valet parking was allowed in 2010 approval, and stated that all previous conditions of approval have been met.

Parking/Code Enforcement Manager Houston stated that the last

Code Enforcement issue, related to deliveries, was in December, 2014, and that there have not been any issues since then.

Discussion ensued regarding the need for BrickTop's to appear before the Town Council again in six months.

It was the consensus of the Town Council that BrickTop's did not need to return in six months for additional review of its operations.

- c. VARIANCE #8-2015 The application of William H. Sned, III, Manager of 240 Atlantic Ave LLC; relative to property commonly known as 240 Atlantic Avenue, described as Lots 21 and 22, ORANGE GROVE PARK, according to the Plat thereof, as recorded in Plat Book 5, Page 97, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The Applicant is requesting variances to allow construction of a new 3,140 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 5,000 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District; to allow lot coverage to be 32.8% in lieu of the 30% maximum allowed; and, to allow a swimming pool to have a 6.87 foot rear yard setback in lieu of the 10 foot minimum required. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning, and Building

The following ex-parte communications were declared: Mayor Coniglio and Council Member Wildrick spoke with William Sned, manager of the property, who advocated his position. Council President Pucillo, Council President Pro Tem Kleid, and Council Members Moore and Townsend spoke with Attorney Ziska, who advocated the position of her client. Council Member Moore stated, for the record, that Mr. Sned is a personal friend of hers.

Discussion ensued regarding possible conflicts of interest. None were identified.

Attorney Ziska, on behalf of 240 Atlantic Ave LLC, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding lot coverage, the nature of the property, the size of the variance, and a letter from a neighbor expressing concern regarding construction parking.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, that Variance #8-2015 be granted and find, in support thereof, that

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

- d. VARIANCE #9-2015 The application of Meat Market; relative to property commonly known as 191 Bradley Place, described as Lot 19, Block 4, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The Applicant is requesting a variance to allow the air conditioning equipment on the rooftop of the existing restaurant "Meat Market" to have a sound-screening wall to be 7 feet tall in lieu of the 5 foot maximum allowed. [Attorney: Maura Ziska, Esq.]
John S. Page, Director of Planning, Zoning, Building

The following ex-parte communications were declared: Council President Pucillo, Council President Pro Tem Kleid, and Council Member Townsend spoke with Attorney Ziska, who advocated the position of her client.

Attorney Ziska, on behalf of Meat Market, provided an overview of the applicant's request.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the equipment height and noise it generates, and code requirements.

Motion was made by Council Member Moore, and seconded by Council Member Wildrick, that Variance #9-2015 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.

Responding to Attorney Ziska, Parking/Code Enforcement Manager Houston stated that the daily code enforcement fine will cease accumulating once the screening is installed and noise tests show that the levels meet Code.

IX. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 5-2015 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 134 Of The Town Code Of Ordinances Titled Zoning At Article XI, Signs, Division 2, Residential Districts, Section 134-2409, Temporary Political Signs Pertaining To Specific Elections, At Subparagraph (2) Relating To

Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Amending Chapter 134, Article XI, Signs, Divisions 3, Commercial Districts, Section 134-2444, Titled Temporary Signs Pertaining To Time Limits; Amending Section 134-2446 Titled Temporary Political Signs Pertaining To Specific Election At Subparagraph (2) Relating To Maximum Number Of Signs, At Subparagraph (6) Relating To The Time Limit For Placement Of Signs, And At Subparagraph (7) Relating To Illegally Placed Signs; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to adopt Ordinance No. 5-2015, on second and final reading. On roll call, the motion carried unanimously.

B. First Reading

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

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

Motion was made by Council Member Townsend, and seconded by Council Member Moore, to approve Ordinance No. 13-2015, on first reading. On roll call, the motion carried unanimously.

The following items were deferred from the April 14, 2015, Town Council meeting:

Second Reading

- 1a. ORDINANCE NO. 11-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances to Rescind Chapter 18, Buildings and Building Regulations, in its Entirety and Adopting a New Chapter 18, Buildings and Building Regulations in the Manner and Form Attached Hereto; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

1 **Motion was made by Council Member Townsend, and seconded by Council**
2 **Member Moore, to adopt Ordinance No. 11-2015, on second and final reading. On**
3 **roll call, the motion carried unanimously.**
4

- 5 1b. ORDINANCE NO. 12-2015 An Ordinance of the Town Council of the
6 Town of Palm Beach, Palm Beach County, Adopting the Town of Palm
7 Beach Florida Building Code Administrative Amendments in the Manner
8 and Form Attached Hereto; Providing for Severability; Providing for
9 Repeal of Ordinances in Conflict; Providing for Codification; Providing
10 an Effective Date.
11

12 **Motion was made by Council Member Townsend, and seconded by Council**
13 **Member Moore, to adopt Ordinance No. 12-2015, on second and final reading. On**
14 **roll call, the motion carried unanimously.**
15

- 16 1c. RESOLUTION NO. 37-2015 A Resolution of the Town Council of the
17 Town of Palm Beach, Palm Beach County, Florida, Adopting the
18 ARCOM Project Designation Manual As Referenced In Chapter 18,
19 Article III of the Code of Ordinances of the Town Of Palm Beach;
20 Providing an Effective Date.
21

22 **Motion was made by Council Member Moore, and seconded by Council Member**
23 **Townsend, to approve Resolution No. 37-2015. On roll call, the motion carried**
24 **unanimously.**
25

- 26 1d. RESOLUTION NO. 38-2015 A Resolution of the Town Council of the
27 Town of Palm Beach, Palm Beach County, Florida, Adopting New Fees
28 Related To Construction Permits; Providing an Effective Date.
29 *John S. Page, Director of Planning, Zoning, and Building*
30

31 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**
32 **Member Townsend, to approve Resolution No. 38-2015. On roll call, the motion**
33 **carried unanimously.**
34

- 35 2. ORDINANCE NO. 8-2015 An Ordinance of the Town Council of the
36 Town of Palm Beach, Palm Beach County, Florida, Amending the Town
37 Code of Ordinances at Chapter 130, Vehicles for Hire, Article II, Taxicabs
38 and Limousines, at Section 130-31, Definitions, to Include a New
39 Definition of Point of Origin, Amend the Definition or Prearranged
40 Charter and Include a New Definition of Vehicles for Hire; Providing a
41 New Section 130-107 Titles Prearranged Charters; Providing for
42 Severability; Providing for Repeals of Ordinances in Conflict; Providing
43 for Codification; Providing an Effective Date.
44 *Deferred from the March 10, 2015 Town Council Meeting.*
45

Town Attorney Randolph stated that the ordinance, as drafted, provides that companies would have to show a permit from their point of origin; however, in lieu of a permit, Palm Beach County has entered into temporary operating agreements with companies such as Uber and Lift. The ordinance would need to be amended to reflect this, or the matter could be deferred to see what action the State Legislature takes regarding the matter.

Council President Pucillo suggested waiting a month for the Legislature to act, and if not, the Town Council could address the matter at the May 12, 2015, Town Council meeting.

Motion was made by Council Member Townsend, and seconded by Council Member Wildrick, to defer Ordinance Nos. 8-2015 and 10-2015 to the May 12, 2015, Town Council meeting. On roll call, the motion carried unanimously.

(Clerk's Note: Ordinance No. 10-2015 is a companion ordinance to Ordinance No. 8-2015.)

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

Deferred from the March 10, 2015 Town Council Meeting.

Thomas G. Bradford, Town Manager

See above motion.

First Reading

1. ORDINANCE NO. 14-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, an Ordinance Rescinding Ordinance No. 2-2015 in its Entirety; Providing For Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing An Effective Date.

John C. Randolph, Town Attorney

Town Attorney Randolph stated that, after adoption, the Town received correspondence stating that this ordinance conflicted with state law. He added that he reviewed the matter, concurs, and is recommending that the ordinance be rescinded. Furthermore, he advised the Town Council that he will be reviewing the remainder of this Code section to determine if

further amendments are necessary.

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

IX. ANY OTHER MATTERS

Council Member Moore spoke regarding a situation brought forward during public comment at yesterday's Town Council meeting regarding a code violation issued for a play set, and the owner's need to get a variance in order to put it back up.

Discussion ensued regarding this particular Code provision and others, such as the prohibitions on basketball hoops and skateboarding, being outdated and the need to review the Code for such provisions.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to direct Staff to review the Town Code for potential outdated provisions regarding temporary play structures, skateboarding, basketball hoops, and similar matters for possible referral to the Planning and Zoning Commission or the Ordinances, Rules, and Standards Commission. On roll call, the motion carried unanimously.

XI. ADJOURNMENT

There being no further business, the April 15, 2015, regular Town Council meeting was adjourned at 11:52 a.m.

APPROVED:

Michael J. Pucillo
Town Council President

ATTEST:

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Minutes

Agenda Title

MINUTES: APRIL 15, 2015

Approval of the Minutes of the Local Planning Agency Meeting

Presenter

Susan A. Owens, Town Clerk

Supporting Documents

- [Minutes of the Local Planning Agency Meeting Held on April 15, 2015](#)

**MINUTES OF THE LOCAL PLANNING AGENCY MEETING
HELD ON WEDNESDAY, APRIL 15, 2015**

I. CALL TO ORDER AND ROLL CALL

The Local Planning Agency meeting was called to order at 9:30 a.m. on Wednesday, April 15, 2015, in the Town Council Chambers. On roll call, all of the members were found to be present.

II. COMMUNICATIONS FROM CITIZENS – None

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

Zoning Administrator Castro provided an overview of the item and spoke regarding the existing parks.

Motion was made by Agency Member Kleid, and seconded by Agency Member Townsend, to recommend approval of Ordinance No. 13-2015 to the Town Council. On roll call, the motion carried unanimously.

1 **IV. ADJOURNMENT**

2
3 There being no further business, the Local Planning Agency meeting of Wednesday,
4 April 15, 2015, was adjourned at 9:35 a.m.
5

6
7 APPROVED:
8

9
10
11
12 _____
13 Michael J. Pucillo
14 Chair

15 ATTEST:

16
17
18 _____
19 Susan A. Owens, MPA, MMC
20 Town Clerk

21
22 _____
23 Date

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Minutes

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated April 27, 2015 from John S. Page, Director of Planning, Zoning and Building](#)
- [Minutes of the Architectural Commission Meeting of April 22, 2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approval of the Architectural Commission Meeting Minutes of April 22, 2015

Date: April 27, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the major items that were approved by ARCOM at the regularly scheduled meeting of April 22, 2015.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission recommends that the Town Council approve the major items which were considered at the regularly scheduled meeting of April 22, 2015.

GENERAL INFORMATION

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

Attachment

JSP:cmd



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

WEDNESDAY, APRIL 22, 2015, 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: (09:00:07 a.m.)

Robert J. Vila, Chairman	PRESENT
Ann L. Vanneck, Vice Chairman	PRESENT
Kenn Karakul, Member	PRESENT
Richard Sammons, Member	ABSENT (unexcused)
Peter I. C. Knowles II, Member	PRESENT
Martin D. Gruss, Member	ABSENT (unexcused)
Robert N. Garrison, Member	PRESENT
Alexander C. Ives, Alternate Member	PRESENT (arrived at 9:05 a.m.)
Michael B. Small, Alternate Member	PRESENT
Maisie Grace, Alternate Member	PRESENT

Let the record show that Mr. Small was a voting member today.

Let the record show that Mr. Ives was a voting member today.

Let the record show that Ms. Grace was a voting member until 9:05 a.m. when Mr. Ives arrived.

Staff members present: John S. Page, Director of Planning, Zoning and Building, John Lindgren, Planning Administrator, Paul Castro, Zoning Administrator, for one project, and Cynthia Delp, Secretary to the Architectural Commission. John C. Randolph, Town Attorney, was present for the majority of the meeting.

III. **PLEDGE OF ALLEGIANCE: (09:00:15 a.m.)**

IV. **APPROVAL OF THE MINUTES FROM THE MARCH 25, 2015 MEETING: (09:00:28 a.m.)**

**MOTION BY MR. GARRISON FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

V. **APPROVAL OF THE AGENDA: (09:00:40 a.m.)**

**MOTION BY MR. GARRISON FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY: (09:00:59 a.m.)**

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

VII. **OTHER BUSINESS: (09:01:16 a.m.)**

Mrs. Vanneck reported the results of her meeting with the Town Council. The Town Council questioned whether the verbiage of “excessively dissimilar” should be changed in the ordinance. Mrs. Vanneck had responded that this terminology is sufficiently vague to the advantage of ARCOM in the decision-making process. Secondly, the Town Council advised that the issue of two stories is a zoning matter and is not in the purview of ARCOM.

Mr. Page discussed the voting conflict filed last month by Mr. Sammons relative to the project at 475 N. County Road.

VIII. **PROJECT REVIEW: (09:02:50 a.m.)**

A. **MAJOR PROJECTS-OLD BUSINESS: (09:02:52 a.m.)**

Applicant: Palm Beach Country Club

B - 019 - 2015 Gates

Address: 760 N. Ocean Blvd.

Architect: Tom Youchak

Project Description: Installation of three (3) aluminum swinging gates (black finish) that will be set back from the edge of N. Ocean Blvd. 22.5 feet and will open inwards. As a minor addition to this application, a 600 kw generator in the maintenance yard not visible from anywhere has been added.

At the March meeting, a motion carried to approve the generator as presented, and to defer the gates for re-study. ***Please note that the applicant has submitted a letter advising that the gates have been withdrawn from the project at this time.***

**MOTION BY MRS. VANNECK TO WITHDRAW THE GATES FROM THE PROJECT.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

[B - 020 - 2015 New Residence](#)

Address: 657 Island Drive

Applicant: 657 Island LLC

Architect: Kirchhoff & Associates Architects

Project Description: New two-story residence in the Island Colonial style. New hardscape and landscape. Roof: Wood shingle

At the March meeting, a motion carried to approve the architecture, and defer the landscaping (to April).

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

LANDSCAPE PRESENTATION BY: Fernando Wong, Fernando Wong Outdoor Living Design

Mr. Wong returned to ARCOM with revised plans and all four landscape elevations in response to the comments made at the March meeting. Design elements include: Street side-Canary Date Palms, Ficus hedge, Mona Lavender for color, Ficus Green Island, assorted palms, Palmetto, Chinese Fan Palms, sculpted Silver Buttonwood at the base of the main volume of building, Agaves, and Purple Bougainvillea on the facade. Internal courtyard at garage-Ficus Green Island Mona Lavender, White Bird of Paradise and Bay Rum for fragrance.

Commission Comments: Concern that Lavender does not do well here; Ficus hedge blocking the door is very square and does not relate well...do something softer and more welcoming; the side elevations should be prepared to show the view as seen from outside the property; there is a problem on the west side...insufficient screening...the palms do not provide enough shade; agree that more shading needed on west side...perhaps Buttonwoods; generally a beautiful job; and, nice color palette.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, WITH AT LEAST TWO (2) MORE TREES ON THE WEST SIDE FOR SHADE.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

[B - 022 - 2015 New Residence](#)

Address: 488 Island Drive

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

Architect: Roger P. Janssen, Dailey Janssen Architects

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

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

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

ARCHITECTURAL PRESENTATION BY: Roger Janssen, Dailey Janssen Architects

LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Mr. Janssen presented revised plans pursuant to comments made at the March meeting. Changes include: Simplification of roof lines; shifted master wing to east; eliminated second floor hip above entrance; reconfigured entry to a hip roof pavilion with arched entrance; changed dormer of

garage and accessory structure to gable ends; reconfigured dormers; eliminated pergola flanking living room entry and replaced with trellis against the wall; connected accessory structure to main house with trellis/pergola; changed fenestration from casements to Bahamian double hung sash windows with Colonial shutters at second floor; reorganized fenestration; introduced open balcony at master bedroom; introduced base level arcade for ground level loggia; eliminated pergola at kitchen; and, eliminated fireplace and chimney at master wing. Mr. Janssen showed a design alternative on the Elmo projector for the entry pavilion with a gable end instead of hip.

Commission Comments: Great job simplifying roof; prefer the design alternative for the entry pavilion; perhaps you can remove the second floor window behind entry pavilion; like the way you joined the whole house together; shutters are questionable; why are there shutters on the second floor only?...jarring; good re-do...like proportions and fenestration; too many windows lined up on west facade; issue with area where garage attaches to main house on east elevation...it needs to be its own building...it collides and does not read right; two bullet hole windows at dining room are not successful; lites are all different on the north facade...re-study; given this unique site, did you consider any other design styles?...how will this proposal fit into the neighborhood?; unique property with majestic scenic views; we have a dual responsibility...this property is able to enjoy views, but everyone around this property is able to enjoy this property as part of their view; this design is not impressive enough for the surroundings; perhaps do something more Mediterranean to anchor this site and fit in with the properties across the way; do not hedge in the property; we are required to protect the scenic views, and you are not doing that with this design; we cannot dictate style...we can only suggest; I don't agree that this is so out of place, but am concerned about the second floor shutters; too many windows on west elevation, first and second floor...re-study; too many windows...too crowded together...too many shutters; perhaps add porches on the east and north elevations to add charm and break the roof line; do not understand the horizontal line at the entrance; generally speaking, terrific job since last month; prefer alternate design of front entrance; reduce dormer proportions; re-study fenestration on west facade; and, re-consider the shutters.

MOTION BY MR. GARRISON TO DEFER THE ARCHITECTURE TO THE NEXT MEETING AND COME BACK WITH ELEVATION B (THE ALTERNATE DESIGN) AS A PART OF THE HOUSE, AND RE-STUDY THE WEST ELEVATION, AND ADD PORCHES PER MR. KARAKUL'S SUGGESTION, AND RE-STUDY THE GARAGE DORMERS.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED 4-3, WITH MRS. VANNECK, MR. IVES, AND MR. SMALL OPPOSED.

It should be noted, for the record, that Mr. Randolph advised against the inclusion of any phrase like "but not limited to" within the above motion for deferral.

Dustin Mizell requested that he be allowed to present the presented the landscape/hardscape for the first time, despite the deferral of the architecture. He indicated that existing landscaping will be removed from the site with the exception of a beautiful Plumeria tree in the east corner which will be preserved. Design elements include: Formal entrance with gates, motor court and Canary Island Date Palms which transitions to informal landscape/hardscape; at entrance, courtyard with Adonidia Palms, fountain, and pots; crushed rock drive with paver bandings; Coconut Palms randomly planted in varying sizes; dining terrace with bosque of Canary Island Date Palms; long pool oriented north/south; informal rock steps, coral stones, and boulders leading down toward water; and, Bougainvillea at the trellises.

Commission Comments: Add another Coconut Palm to soften the garage; do not care for sand beach and stones...awkward, does not compliment the house, and is not consistent with the style; on the east side: bend the palms, double the palms, add plantings against the house; add more screening on the west side; more plantings and more imagination because this is important...it can't look like the budget ended with the house; the hardscape does not fit in with this formal house; west elevation: neighbor deserves privacy from this house; the kitchen has the best views on the property...you have the opportunity to focus on the views to the southeast and block the views to the driving range at the Everglades Club, and feature the views of Casa Leone across the water; mix trees with Palm trees to be more successful; and, at the east elevation, block views at the garage and service door.

**MOTION BY MRS. VANNECK TO DEFER THE LANDSCAPE TO NEXT MONTH.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 6-1, WITH MR. SMALL OPPOSED.**

[B - 023 - 2015 Demolition and New Residence](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 240 Atlantic Avenue

Applicant: William H. Sned III

Architect: Roger P. Janssen/Dailey Janssen Architects

Project Description: Demolition of existing structure, hardscape and landscape; Construction of new two-story residence with hardscape, landscape and pool. Roof-Terra Cotta Barrel Tile; Building Color-Off White; Trim Color-White

At the March meeting, a motion carried for approval of the demolition as presented, with the typical caveats. A second motion carried that implementation of the proposed variances will not cause negative architectural impacts to the subject property. A third motion carried to approve the house and the landscaping, except for the front door, chimney, and windows which are to be re-studied and deferred to April. The applicant was instructed to bring a stucco sample and to include scale figures in the plans.

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

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

Mr. Janssen presented revised plans in response to comments at the March meeting. Changes include: Decreased dimension of chimney; alteration to entry canopy (now engaged to chimney) and door (solid mahogany frame with glass door); and changed the muntin configuration of the fenestration (windows are now proposed with 3 lites vertically and 1 lite wide). He presented a photo of the proposed sponge finished Palm Beach texture stucco.

Commission Comments: The front door should be more grand...the shed roof and door are not successful; you have increased the size of the chimney to now crunch into the front door; question the logic of the windows as there is an opportunity to create a small jewel; the entrance is still a problem with two different elements crashing...the front door and chimney; the 3 lite door, 9 ft. x 3'4", looks commercial; could do transom and side lites with smaller door; scale figures not included in mini-sets; will never see this elevation; the plan is forcing the door; OK with 9 ft. door...no one will see it from street; and looks too tall...8 ft. would be better.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, EXCEPT FOR THE 8 FT. AT THE ENTRANCE DOOR. (*Door is to be 8 ft. rather than 9 ft.*)
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.

Let the record show that there was a short recess from 10:09 a.m. to 10:23 a.m.

B - 026 - 2015 New Residence

Address: 253 Jamaica Lane

Applicant: 253 Jamaica Lane, LLC

Architect: SKA Architect + Planner/Patrick W. Segraves

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

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

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

ARCHITECT PRESENT: Patrick W. Segraves, SKA Architect + Planner

LANDSCAPE PRESENTATION BY: Stephanie Portus, Krent Wieland Design

ATTORNEY PRESENT: M. Timothy Hanlon for the applicant

OTHERS WHO TESTIFIED: James McCartney Wearn and Robert L. Moore

Let the record show that Mr. Ives stated that he lives within 200 feet of the subject property. Mr. Randolph asked Mr. Ives directly whether he felt he could render a fair and objective opinion in this matter based upon the evidence heard here today. Mr. Ives answered in the affirmative, but was willing to recuse himself if there was any objection to him voting on this matter. Mr. Randolph advised that Mr. Ives should only recuse himself if his vote would inure to his special private gain or loss. Mr. Ives responded with “no, not at all”.

Let the record show that last month’s approval with conditions has been appealed by James McCartney Wearn.

Mr. Randolph advised that Mr. Wearn, who had submitted a request that the landscape be deferred until after the appeal has been settled, be permitted to speak first. Mr. Hanlon took exception to that deviation from normal ARCOM practice, but asked that he be given time to speak also.

James Wearn, 260 Jamaica Lane, submitted a deferral request on April 16, 2015, in order that the appeal might be settled first. He maintained “that it is usual and commonplace practice and procedure in our town that when an appeal, as here, is taken to the Town Council, any further consideration of an action on the project is stayed and the status quo until final disposition of the appeal.” He requested the testimony of Robert L. Moore, who had been the former Director of Planning, Zoning and Building for many years to attest to the common procedure in such matters. Despite an objection by Mr. Garrison to hearing from Mr. Moore, Mr. Randolph advised that Mr. Moore should be permitted to speak as this is a public hearing.

Robert Moore, 318 Bunker Ranch Road, testified that normally, under an appeal to the Town Council in prior years, it was always considered as one appeal, i.e., the house and landscape/hardscape. He maintained that it would make sense to defer the landscaping until the results of the appeal are known.

Mr. Vila opined that the landscaping is separate from the architecture, which has been appealed. He felt that ARCOM should extend the courtesy to allow the landscaping to be heard. Mrs. Vanneck stated that the right of the owner is primary, and the owner wants to present the landscaping. Mr. Randolph advised that if ARCOM reviews the landscaping today, and approves it, that approval should be subject to the Town Council's review of the appeal relative to the architecture. Mr. Ives spoke in favor of the requested deferral.

Attorney Tim Hanlon clarified his client's position that there is a separation between a decision for the architecture and a decision for the landscaping, each one appealable in its own regard; and, that the landscaping was deferred last month to this month, to a date certain, and should be heard today.

MOTION BY MR. GARRISON THAT WE HEAR THE LANDSCAPING AS PRESENTED TODAY.

MOTION SECONDED BY MRS. VANNECK.

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

Stephanie Portus, with Krent Wieland Design, presented revised plans pursuant to the comments made at the last meeting. Changes include: Decreased driveways to 12 ft. in width; increased amount of landscaping at the roadway to soften the house; increased amount of landscaping at garage doors; replaced arcade of palms at roadway with more casual leaning palms; added Magnolias at side and in front of garage doors (plan shown with Magnolias at 12 ft., 16 ft. and 20 ft. in height, but 16 ft. preferred by L.A. so architecture is not hidden); additional 2 Magnolias in center of front elevation; east and west elevation-staggered palms; and, rear-16 ft. Traveler's Palms and Podocarpus hedge.

Mr. Lindgren read two letters into the record: (1) Letter from Sidney Roberts, 265 Jamaica Lane, objecting to the project; and (2) Letter from Richard and Kathleen Lubin, 244 Jamaica Lane, objecting to the project and requesting additional site screening.

Patrick Segraves clarified that there is a 6 ft. site wall that screens in the equipment pad, and as such, meets code requirements.

Commission Comments: Prefer the 16 ft. Magnolias, but do not add the two center ones...address the vegetation flanking the front door instead; Perhaps add taller palms on the east and west sides to break the roof line; 4 ft. Podocarpus on the sides does not do the job...8 ft. is recommended, as well as additional trees to soften the sides of the house; continue the scale of the Coconuts along the street around the house and to the back and break the roof line at several places; the front door area is not soft enough...perhaps the lights should be moved closer; agree that two center Magnolias should be removed from the plan; it is important to avoid anything in a line...do a variety of sizes; and, perhaps defer the landscaping due to all of these issues.

Mr. Wearn noted that the 6 ft. wall referenced by Mr. Segraves is not shown on the plans. He also noted there is no fence or wall around the pool. Mr. Segraves responded that the back yard is

screened in and there will be a fence around the back yard. All of the equipment will be screened with a 6 ft. wall.

Mr. Wearn commented relative to the landscaping: The low level landscaping proposed is acceptable, but from the mid-section toward the front, the landscaping is too thin and not bulky enough; requested dense landscaping in those areas, akin to the rear landscaping; advocated for substantial additional landscaping in the front; suggested front landscaping similar to that which occurs at 268 Jamaica Lane; and, suggested that the owner be required, because of the mass and bulk of the structure, to maintain approved landscape site screening and cover.

**MOTION BY MRS. VANNECK TO DEFER THE LANDSCAPE TO NEXT MONTH,
CONSIDERING THE COMMENTS MADE.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

[B - 027 - 2015 New Residence](#)

Address: 156 Seagate Road

Applicant: Mr. and Mrs. Mark Saur

Architect: Roger P. Janssen/Dailey Janssen Architects

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

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

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

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

Mr. Janssen presented revised plans pursuant to comments from the March meeting. Changes include: Shifted driveway entrance further to the east to help buffer the garage; decreased roof and beam height by 2 ft.; decreased window head heights from 9 ft. to 8 ft.; lowered the entry feature; pushed the garage wing back in by 1 ft. and narrowed it; changed from gable roof to hip roof along entire length and eliminated the dormers; revised single garage door to two garage doors; in the rear-eliminated the gable in favor of a hip roof and eliminated the dormers; stair element no longer reads as a tower; changed shed roof to gable roof; and, east side – eliminated dormers and hip roof replaced gable roof.

Commission Comments: The design is less successful since you lowered it; you lost the charm by adding this massive hip roof...the scale between the main house and garage is backwards; the scale of the previous design was more compatible (house and garage); perhaps, you might raise it by 1 ft. and re-study the garage; the proportions were not good in the original design, but are worse in the revised design...the architect should re-study for the best proportions; issue with windows on east elevation; re-study the front; like the double chimneys; it needs cottage-like proportions; the original front elevation was too massive; like having the two different roof heights and like the smaller front door; and, the hip roof does not work here...too dominant...how about flipping the gable so it does not face the street?

MOTION BY MR. GARRISON TO DEFER FOR RE-STUDY BASED ON THE COMMENTS THAT THE PROPORTIONS BETWEEN THE ONE STORY AND THE TWO STORY NEED TO BE RE-STUDIED AND RE-PRESENTED BASED ON THE COMMENTS OF THE COMMISSION.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B. MAJOR PROJECTS-NEW BUSINESS: (10:52:45 a.m.)

B - 024 - 2015 Landscape/Hardscape

Address: 142 Via Palma

Applicant: Mrs. Marisa E. Neckles

Architect: Paradelo & Fleck Design

Project Description: Alterations to existing hardscape and landscape in front yard; adding driveway to front entry and steps leading to front door

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

LANDSCAPE PRESENTATION BY: Andre Paradelo, Paradelo & Fleck Design

Mr. Paradelo presented the project in accordance with the submitted plans and as described above. Design elements include: Front: Add access with double entry; Old Chicago brick with cast stone; add stucco columns with cast stone cap on each side of driveway entrances; new semi-circular steps and landing at front door (variance approved); low retaining wall at motor court; create garden court with triple Adonidia Palms and motor court; railing at front door matches metal work at faux balconies; pleached Ficus trees to flank and frame driveway entrances; existing Ficus hedge at road remains; Date Palms close to front door; Podocarpus, Gardenia, and Lavender; existing Ficus hedge on east side to remain; reduced size of brick area on west driveway, and, soften walls with white Bougainvillea and white Confederate Jasmine; and retain columns located in sight triangle if possible.

Commission Comments: Nice job; prefer that columns be retained, if allowable; the 3 pleached trees may be too wide; good solution to difficult situation; and, stairs too grand.

MOTION BY MR. GARRISON FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 031 - 2015 Addition

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 315 Eden Road

Applicant: Reinhard Brandner

Architect: Jason P. Drobot, Brasseur & Drobot

Project Description: The project includes a 185 sq. ft. addition to the existing master bedroom located at the southeast corner of the existing residence. Existing landscape will be removed to accommodate the new addition.

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

ATTORNEY PRESENT: Maura Ziska for the applicant

ARCHITECTURAL PRESENTATION: Jason Drobot, Brasseur & Drobot Architects

Ms. Ziska explained the variance request for angle of vision.

Mr. Drobot presented the project in accordance with the submitted plans and as described above for this master bedroom addition which basically just pushes the existing front facade forward 10 ft. to match the wing on the other side of the property.

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

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KARAKUL FOR APPROVAL OF THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED UNANIMOUSLY.

B - 033 - 2015 Time Extension

Address: 214-216 Sunset Avenue and 219-231 Royal Poinciana Way

Applicant: T3 Family Investments, LLC

Architect: Parker Yannette Design Group

Project Description: Time extension request for demolition of all existing improvements, outbuildings and appurtenances and landscaping removal

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

ATTORNEY PRESENT: Frank Lynch for the applicant

LANDSCAPE PROFESSIONAL PRESENT: Steve Parker with Parker Yannette

Mr. Lynch stated that the demolition request is unchanged (but will expire without extension approval), but an application has been filed, Site Plan Review #13-2014, which is pending at the Town Council level. The plans have changed and will return to ARCOM most likely at the May meeting. The plans have changed such that the only variances required for the project are for parking issues. Mr. Lynch requested a one year extension on the demolition approval.

Mrs. Vanneck referenced the conditions of the original demolition approval which would remain. They are as follows:

“The following conditions were placed on the demolition approval:

1. If construction is not to begin within thirty days subsequent to demolition, the lot shall be completely sodded and irrigated so as to assure that the property will have a neat and clean landscaped appearance; this is also required by code (Sec. 18-206(4)).
2. All exotic and invasive plant species shall be removed from the site.

ARCOM also requested that 1) the gas station be demolished first with remediation done for the gas tanks, 2) demolition be completed by November 1st, & 3) the demolition not be done during the season.

In addition, however, it was requested that a new hedge be installed quickly in an effort to hide the gas station. Mr. Lynch was amenable to that request.

MOTION BY MR. GARRISON THAT THE EXTENSION BE GRANTED FOR ONE YEAR, AND THAT A 12 FT. HEDGE BE INSTALLED IN THE GROUND (IN FRONT OF THE GAS STATION) WITHIN 60 DAYS, AND THAT WHEN THE DEMOLITION OCCURS, ALL CONCRETE AND EVERYTHING ON THAT SITE SHALL BE DEMOLISHED, AND ALL NORMAL CAVEATS RELATED TO DEMOLITION (SODDING AND IRRIGATING) ARE CARRIED FORTH; AND, IT IS PART OF THE MOTION THAT THE MITIGATION OF THE GAS STATION HAPPENS FIRST. MOTION SECONDED BY MRS. VANNECK. MOTION CARRIED UNANIMOUSLY.

Let the record show that 30 days was first contemplated as a timeline, but after discussion, 60 days was allowed. Steve West, Parker Yannette, asked if hedge material in pots was acceptable, or whether concrete had to be removed. The Commission's response was that concrete should be removed. He recommended Ficus or a palm variety, trimmed and irrigated.

B - 035 - 2015 Demolition

Address: 218 La Puerta Way

Applicant: Champion Venture Holdings LLC

Architect: Manuel D. Fernandez, V3 Architectural Group

Project Description: Demolition of existing residence inclusive of all landscaping

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

Mr. Fernandez presented the project in accordance with the submitted plans for demolition of this one story residence built in 1950 and designed by John Volk, together with the pool and landscaping.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED, BUT THE APPLICANT MUST PROVIDE PERIMETER LANDSCAPING, AND SOD AND IRRIGATE WITHIN 30 DAYS.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

B - 036 - 2015 Landscape/Hardscape

Address: 184 Bradley Place

Applicant: Jay Denger, Parc Regent Condo Association

Architect: Mario Nievera

Project Description: New maintenance equipment ramp. New driveway with grade and material modifications. New fountain feature. Landscape beautification.

Call for disclosure of ex parte communication: No disclosures

LANDSCAPE PRESENTATION BY: Grace Whelton, Nievera Williams Design

Ms. Whelton presented the project in accordance with the submitted plans and as described above. Design elements include: Regrade (provide longer slope, so not so steep) and resurface (pavers with contrasting band) the existing driveway; increase driveway width at juncture of sloped driveway to flat area; replace concrete curbs with Belgian block; new sleek, elongated fountain with water spills; new small ramp on the service side for access by landscapers;

Landscape additions: Green Island Ficus; Bougainvillea shrubs; Hibiscus; Bougainvillea attached to existing Royal Palm trunks; and vines to grow on portico facade.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. IVES.

MOTION CARRIED UNANIMOUSLY.

[B - 037 - 2015 Addition](#)

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 230 S. Ocean Boulevard

Applicant; John Ceriale

Architect: Jose A. Gonzalez, Gonzalez Architects

Project Description: A 135 sq. ft. extension of an existing non-conforming rear porch to match existing home

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

ARCHITECTURAL PRESENTATION BY: Jose Gonzalez, Gonzalez Architects

Mr. Gonzalez presented the project in accordance with the submitted plans and as described above. He explained that a variance had previously been approved, about a year ago, for this project, but the plans at that time included a glass topped loggia. That glass topped loggia has been abandoned with the current plans. The current plans show previously approved glass railings, but add illuminated bollards. Mr. Castro offered some comments relative to the previous approval.

Mr. Lindgren explained the two variances requested for the project, namely, variances for street side yard setback and lot coverage.

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

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

There was a comment that the illuminated bollards are terrible. Mr. Gonzalez agreed to propose their removal to the client.

MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, EXCEPT FOR THE LIGHTED BOLLARDS.

MOTION SECONDED BY MR. GARRISON.

MOTION CARRIED UNANIMOUSLY.

[B - 038 - 2015 Landscape/Hardscape](#)

Address: 476 S. Ocean Boulevard

Applicant: Janina Radtke Trust

Architect: John Lang, Lang Design Group

Project Description: Final landscape and hardscape

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

LANDSCAPE PRESENTATION BY: John Lang, Lang Design Group
OTHERS WHO TESTIFIED: Robert Wood
ATTORNEY PRESENT: Jack McDonald for the applicant

Mr. Vila recused himself, but upon consultation with Mr. Randolph, withdrew his recusal.

Mr. Lang presented the project in accordance with the submitted plans. Mr. Lang stated that the landscape/hardscape had been previously reviewed on a preliminary basis. Since then, changes were made to the plans. He noted that one of the neighbors objects to the proposed plans. In addition to the landscape/hardscape, Mr. Lang indicated that he will present a small window change.

Design elements include: Simple front landscape to maintain views of the ocean: Coconuts, Green Island Ficus and Clusia; driveway to north side; rectangular pool in southwest area; north side: hand selected palms for height and Clusia hedge; rear: hand selected material for height and an existing 7.5 ft. wall with very little visual access to the neighbor; wood screen wall at recessed a/c unit; south side: added 3 Coconuts to soften; other landscape material as presented; and, gates and walls as presented. Mr. Lang continued with the neighbor's points of contention. He explained that the original submittal included 14 ft. hedges, but they are difficult to find in good quality. As such, Mr. Lang revised the submission advocating for 10 ft. quality Clusia hedges which the neighbor opposes. The neighbor is concerned about the wood wall at the a/c units, which Mr. Lang felt was a non-issue since it is an extra barrier. The neighbor was likewise concerned about too many pieces of equipment in the setback. As such, the equipment was moved out of the setback.

As for the fenestration change, the semi-circular transom on the west elevation was abandoned for a 4 lite rectangular transom.

Commission Comments: On the west elevation, lean the palms so there is no gap; surprised by gap on west side, and this must be mitigated; obtain as many 14 ft. Clusia as you can to mix with the 10 ft. ones...so it is at least ½ and ½ and they alternate; east elevation needs more palms and softening; need more palms in the front to frame it: driveway and pedestrian gates read heavy; and, add another 3-5 palms in varying heights in the front.

Robert Wood, 116 Gulfstream Road, discussed his concerns relative to the project as a follow-up to the letter which he had submitted and which was distributed to the neighbors. He listed his objections that a palm tree was removed from the west wall; the 7 Clusia which were planned, were removed from the plans, and that the height of the Clusia was reduced from 14 ft. to 10 ft. He maintained that the wall separating the two properties does not provide him adequate privacy. Mr. Wood testified that he had done his own search for 14 ft. Clusia, and was able to find quite a few very easily.

Attorney Jack McDonald stated that this is a perfect example where the neighbor can help himself by planting screening material on his own property. He felt it was unfair to ask the applicant to do more than is required to satisfy the neighbor. "There is no reason, based on Mr. Wood's letter, that you should reject what's been asked for."

Commission Comments: We look at these individually; this is the second landscape plan; we protect the neighbors and want him to fill in the holes; the original submitted plan included more

screening; at the preliminary approval, we made it clear that the house was not to be visible; the view from the second floor is the real issue, i.e., the views from the second floor of this house into the Woods property.

**MOTION BY MRS. VANNECK TO APPROVE, EXCEPT 50% CLUSIA AT 14 FT. AND 50% CLUSIA AT 10 FT.; GET THE 14 FT. CLUSIA AS BEAUTIFUL AS POSSIBLE ON THE WEST SIDE; FILL IN AND MITIGATE THE HOLE THAT YOU HAVE...HOOK THEM OVER THE CLUSIAS, AND THE SAME ON THE SOUTH SIDE; AND ADD 5 COCONUT PALMS IN THE FRONT; AND ON THE WINDOW, IF THE TWO WINDOWS ARE THE SAME HEIGHT, APPROVE THE REVISED.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

B - 039 - 2015 Addition and Modifications

Address: 218 List Road

Applicant: Austin Willis

Architect: Michael J. Johnson

Project Description: Proposed demolition of a recent addition at the south side of the house. Addition of a new master bedroom on the northeast corner of the house. Reconfiguration of existing windows. Restoration of front terrace and 2nd floor rear terrace, with new railing designs. Replacing existing shutters and cladding the house in brick veneer.

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

ARCHITECTURAL PRESENTATION BY: Michael J. Johnson, Architect and Daniel Menard, LaBerge and Menard, Design Architect
LANDSCAPE PRESENTATION BY: Don Skowron

It was noted that landscaping was not part of the advertised project, as that verbiage was not included on the application. Mr. Lindgren advised that the Commission could review it, and direct staff to administratively approve it, if viewed as sufficiently minor.

Mr. Menard presented the project in accordance with the submitted plans and as described above to remove an earlier addition and construct a new addition to the east for the master bedroom and office, together with a general renovation/restoration of the house addressing many rotting and/or deteriorated areas. Design elements include: Change configuration of roof; simplify and go back to brick facades, painted white; dark Royal blue shutters on first and second floor; roof: pale concrete tile; and, replace railing with aluminum Chippendale railing painted black.

Commission Comments: The Chippendale railing is a mistake...the existing railing is probably original; the partial hip has such a high ridge...decrease the massing there; great to have the house restored rather than razed; great job to restore in brick; agree about the railings; lower the roof of the addition; and, the ornamentation under the windows on the new addition is unnecessary.

**MOTION BY MR. KARAKUL FOR APPROVAL AS PRESENTED, BUT MAINTAIN THE EXISTING RAILINGS, LOWER THE ROOF PITCH, AND REMOVE THE ORNAMENTATION UNDER THE WINDOWS.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

Don Skowron continued with the landscape/hardscape stating that the client wants to make the property feel as large as possible so they can live property line to property line. Other than a few major plants on site, the landscaping is “pretty dated” and does not contribute to the client’s program. Design elements include: Maintain Royal Palms; Ficus hedge around entire property; change circular driveway to one way driveway with one entrance; Adonidia Palms in front courtyard; new garden at master bedroom wing; re-worked pathways, a/c and pool equipment; existing pool remains as is; add grass in pool area; simple landscape with Coconut Palms, Pygmy Date Palms; Green Island Ficus; color added to front; basically, grass, trees and palms; and add another half of a Seagrape to create one large Seagrape.

Commission Comments: Add height at the pedestrian gate and parking area...seems out of balance; attractive, but can we approve it?; can it be staff approved?; there are only 3 elevations here...what happened to the west side?...other than a wall, there is no landscape there.

Mr. Skowron responded that the client is willing to plant a hedge on the west side at 10-12 ft. in height.

After consideration of the project, Mr. Lindgren felt that the landscape, if handled separately, would have been processed as a minor project, which requires no notice to surrounding property owners.

**MOTION BY MRS. VANNECK FOR APPROVAL AS SUBMITTED, EXCEPT MITIGATE THE DRIVEWAY ON THE WEST SIDE FOR INCREASED HEIGHT AND INSTALL A 12 FT. HEDGE ON THE WEST SIDE IN THE SERVICE AREA, AND STAFF CAN ADMINISTRATIVELY APPROVE THE LANDSCAPING.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.**

[B - 040 - 2015 Modifications](#)

Address: 157 Everglade Avenue

Applicant: Mr. and Mrs. James Clark

Architect: MP Design & Architecture

Project Description: Relocate garage doors to the original location. Door and window changes at south, east and west elevations and associated changes as presented on these drawings.

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

ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design & Architecture

LANDSCAPE PRESENTATION BY: Matt Jackman, Nievera Williams Design

Mr. Perry presented the project pursuant to the submitted plans and as described above. Design elements include: Restore garage to original location with two cypress garage doors; re-center front door; add two pairs of French doors to living room; add/change fenestration as presented; change all windows and doors to hurricane rated; remove pergola at master bedroom; change cast stone balustrade to aluminum railing and add aluminum railing in other location(s) as presented; modify eave; and, lower loggia walls where pool will be removed.

Matt Jackman continued with the landscape/hardscape pursuant to the submitted plans, with design elements to include: Remove hardscape in various locations; new driveway (cast stone

with synthetic turf joints); driveway openings at 12 ft.; removed raised pool; new pool (11 ft. x 48 ft.) re-use as many existing palms as possible; 3 water features spit into pool; new fire pit with seating area in rear corner of property with existing and additional screening; 2 large Bismarck Palms on either side of pool; 10 ft. hedge in front; Ficus trees on axis with front door; flowering shrubs in front; and, raise depressed area of yard.

Commission Comments: Add a big tree with overhang to soften garage entrance; it's an urban house...adding more trees there complicates it; great job to restore...don't think another tree is necessary.

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

C. [MINOR PROJECTS - OLD BUSINESS: \(12:53:38 a.m.\)](#) None

D. [MINOR PROJECTS-NEW BUSINESS: \(12:53:39 a.m.\)](#)

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

Address: 219 Chilean Avenue

Applicant: C. Dean Metropoulos

Contractor: Glenn Simmons

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

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

Mrs. Delp stated that she had been handed a note that the applicant had to leave to get to the hospital.

MOTION BY MRS. VANNECK TO DEFER TO NEXT MONTH.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.

[A - 024 - 2015 Signage](#)

Address: 2875 S. Ocean Blvd. #208

Applicant: Bethesda Health Physician Group, Inc.

Architect: John Holt

Project Description: Install Bethesda Health Physician Group on exterior of building

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: David Miller

Mr. Miller presented the request for signage in accordance with the submitted plans and as described above. The signage consists of dimensional bronze aluminum letters pinned off the building, with no illumination. Mr. Miller indicated that the Town Council had previously approved the variance for this signage on the second floor level.

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

[A - 026 - 2015 Landscape/Hardscape](#)

Address: 335 Crescent Drive

Applicant: John Thorndike

Architect: Lewis & Associates

Project Description: Install a rear yard 6 ft. site wall on property with new 4 ft. Clusia Guttifera hedge to be planted along wall

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

ARCHITECTURAL PRESENTATION BY: John Thorndike

Mr. Thorndike, the owner, presented the project in accordance with the submitted plans and as described above to remove an existing deteriorated fence and replace it with the proposed 6 ft. stucco wall with 4 ft. Clusia planted against it on the N. County Road side of the wall.

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

[A - 027 - 2015 Addition & Modifications](#)

Address: 1350 N. Ocean Boulevard

Applicant: Bill Bryan

Architect: Jacqueline Albarran, Architect P.A. (SKA Architect + Planner)

Project Description: 19 sq. ft. first floor extension under an existing second floor. Replace single French door with a pair of French doors to match existing on same facade. Remove existing non-operable fake shutters.

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

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran, Architect P.A. (SKA Architect + Planner)

Mrs. Albarran presented the project for this small infill addition underneath the second floor terrace, as described above.

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

IX. [COMMUNICATIONS FROM CITIZENS \(3 MINUTE LIMIT PLEASE\):](#) (01:03:19 a.m.) None

X. COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (01:03:23 a.m.)

Mr. Page reported that two appeals will be heard by the Town Council at the May 13, 2015 meeting: 253 Jamaica Lane and 475 N. County Road. As Mr. Vila and Mrs. Vanneck will not be able to attend that meeting, Mr. Garrison will attend. *(Note: After the meeting, Mr. Garrison informed staff that he also would not be able to attend the Town Council meeting. Mr. Knowles will attend.)*

Mr. Garrison commented that he is a proponent of continuing ARCOM's current practice of treating the architecture and the landscape/hardscape as separate issues for review to be fair to the applicant.

There was a question relative to appeals and who has standing to file an appeal. Mr. Page will check with Mr. Randolph relative to that issue.

There was discussion relative to preliminary landscape approvals, especially with regard to the 476 S. Ocean Boulevard project.

XI. ADJOURNMENT:

**MOTION BY MRS. VANNECK TO ADJOURN THE MEETING AT 1:26 P.M.
MOTION SECONDED BY MR. IVES.
MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Robert. J. Vila, Chairman
ARCHITECTURAL COMMISSION

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The next meeting of the Architectural Commission will be held on Wednesday, May 27, 2015 at 9:00 a.m. in the Town Council Chambers, 2nd Floor, Town Hall, 360 S. County Road, Palm Beach.

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

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

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

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

Presenter

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

Supporting Documents

- [Memorandum dated April 20, 2015, from H. Paul Brazil, P.E. Director of Public Works](#)
- [Resolution No. 51-2015](#)
- [RFQ 70-2015](#)
- [Resolution No. 52-2015](#)
- [RFQ 86-2015](#)
- [RFQ 87-2015](#)
- [Resolution No. 53-2015](#)
- [RFQ 71-2015](#)
- [RFQ 72-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

RE: Approve a Purchase Order for Material Purchases for the D-4 and D-10 Pump Station Improvements
Resolution No. 51-2015 Drainage Pumps
Resolution No. 52-2015 Emergency Generators
Resolution No. 53-2015 Pump Control Equipment

DATE: April 20, 2015

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 51-2015 approving a purchase order to Xylem Water Solutions for (3) 215 hp pumps and (1) 70 hp duty pump with accessories in the amount of \$567,130.48, Resolution No. 52-2015 approving a purchase order to Pantropic Power for (4) generators in the amount of \$419,836.20, and Resolution No. 53-2015 approving a purchase order to C. C. Controls Corporation for pump control equipment in the amount of \$155,600 for a combined materials purchase of \$1,142,566.68, and establishing a total materials purchase budget of \$1,200,000 with contingency.

GENERAL INFORMATION

The construction of the D-4 and D-10 Pump Station Improvements is part of the 2nd Phase of the Accelerated Capital Improvement Program and is scheduled to be constructed starting in June 2015. In order to start as early as possible, long lead time items have been identified and staff would like to proceed with the purchase at this time. The Town will also save approximately \$100,405.06 in sales tax on these purchases.

Public Works staff worked with the Purchasing Division to secure a sole source quote from Xylem Water Solutions and C.C. Controls for the pumps and pump control equipment, respectively. 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. In addition, the Public Works Water Resources Department has standardized the pump station pump controls with equipment from C.C. Controls. C.C. Controls is the sole source provider of C.C. Controls pump controls. The generators will be purchased from Pantropic Power using the Florida Sheriff's Association Bid No. 14-12-09104 contract. Deliveries of these materials are expected to take 12 to 16 weeks after issuance of the purchase order. Staff has established a storage and delivery schedule so that the Town will not incur any additional costs.

Material Cost Breakdown

Item No.	Material	Vendor	Quantity	Total Cost	Total Cost with Contingency
1	P.S. D-10 Pumps	Xylem Water Solutions	4	\$567,130.48	\$595,000.00
2	P.S. D-4 Generators	Pantropic Power	2	\$219,870.10	\$230,500.00
3	P.S.D-10 Generators	Pantropic Power	2	\$199,966.10	\$210,000.00
4	P.S. D-4 Pump Controls	C. C. Controls	1	\$68,900.00	\$72,500.00
5	P.S. D-10 Pump Controls	C. C. Controls	1	\$86,700.00	\$92,000.00
	Total			\$1,142,566.68	\$1,200,000.00

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

These resolutions have been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

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

RESOLUTION NO. 51-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$567,130.48, TO XYLEM WATER SOLUTIONS, FOR THE PURCHASE OF PUMPS AND ACCESSORIES AS QUOTED UNDER RFQ 70-2015, AND ESTABLISHING AN OVERALL BUDGET OF \$595,000.

* * * * *

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 \$567,130.48, to Xylem Water Solutions for the purchase of (3) 215 HP main pumps and (1) 70 HP duty pump and accessories, and establishes an overall budget of \$595,000.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 70-2015**

DRAINAGE PUMPS FOR D-10 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 attached herewith:

- Specifications issued by Kimley-Horn and Associates, referred to as Section 11100 "Drainage Pumps", 14 pages, and Preliminary Plan Sheets M-1 & M-5.
- 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 UNTIL	
Net 30		Destination					
Item	Description /Specifications			Qty.	Unit	Unit Cost	Extended Cost
1.	MAIN PUMPS Flygt Model P7081/735; Each pump shall be equipped with a 215 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	\$ <u>146,787.71</u>	\$ <u>440,363.14</u>

Company Name: Xylem Water solutions Authorized Signature: [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	\$ <u>114,200.84</u>	\$ <u>114,200.84</u>
3.	Start-up/Training, one (1) day	1	L.S.	\$ <u>997.50</u>	\$ <u>997.50</u>
4.	Freight (delivery of four (4) pumps)	1	L.S.	\$ <u>11,569.00</u>	\$ <u>11,569.00</u>
TOTAL (Lines 1 through 4)					\$ <u>567,130.48</u>

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

REMARKS: _____

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

Firm: Xylem Water Solutions

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

Address: 15132 Park of Commerce Blvd / 102 Zip: 33478

Federal ID#: 45-2080074

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

Date: 3/31/15

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

Name of Bidder's Contact Person: Steve Kiss / Brian Stengle

Address: 15132 Park of Commerce Blvd Suite 102, Jupiter, FL 33478

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

E-Mail Address: Steve.Kiss@Xyleminc.com

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Town of Palm Beach
RFQ 70-2015 – Drainage Pumps for D-10 Pump Station
Proposal Must Be Received by 2pm Tuesday, March 31, 2015

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.

RESOLUTION NO. 52-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$419,836.20, TO PANTROPIC POWER, FOR THE PURCHASE OF (4) GENERATORS AND ACCESSORIES AS QUOTED UNDER RFQ 86-2015 AND RFQ 87-2015, AND ESTABLISHING AN OVERALL BUDGET OF \$440,500.

* * * * *

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 \$419,836.20, to Pantropic Power for the purchase of generators and accessories, and establishes an overall budget of \$440,500.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 86-2015**

Generators for D4

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the **Florida Sheriff's Association's Bid No. 14-12-0904**, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the **Florida Sheriff's Association for Bid No. 14-12-0904** shall apply.

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 equipment called for within the specified time for the following price:

1. TERMS		2. F.O.B.		3. SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30		DESTINATION					
Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost		
1.	FSA Specification No. 62 – 2015 Caterpillar D125 with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone. Includes the following items: • ULLIST_I - UL 2200 LISTED PACKAGE GEN SET • C09DE48_I - C9 60Hz 300eKW • OGNAR70_I - LC6124B AREP ALT 70 • GFR001_I - GROUND FAULT RELAY • EMCCAS3_I - GEN RUNNING & FAULT RELAY • EMCCPLH_I - CONTRO PANEL MOUNTING LEFT • EMCLAM1_I - LOCAL ANNUN NFPA99-110/CSA282 • CT0605A_I - 600:5 CT RATIO • CBK0601_I - 600A SINGLE MANUAL CB	1	EA	<u>\$42,000.00</u>	<u>\$42,000.00</u>		

Company Name: PANTROPIC POWER

Authorized Signature: Robert L. Hogue

	FSA Specification No. 62 – 2015 Caterpillar D125 continued – • PWRCTRH_I - POWER CENTER - RH MOUNTED • NTS1_I - NEUTRAL BAR NTS1 • CBLG002_I - CB CABLE GP ABB/T6-800/600 • NCBG002_I - NEUTRAL CABLE GP 800A • STDNAR_I - STD NARROW SKID BASE • CBKSHD1_S - SHEET METAL SHROUD • GENMTG_I - GEN MOUNTING DUCT PLATE • STDRAD_I - STANDARD RADIATOR • SGTF_I - RADIATOR GUARD AND DUCT FLANGE • STDAIR_I - STD AIR CLEANER - LIGHT DUTY • BTC1028_I - BATTERY CHARGER 10 AMP DUAL • HTRCG01_I - HEATERS CONTROL GROUP				
2.	C9 300 kW - Upgrade generator package – 300kW. Includes the following items: • STANDBY_I - STANDBY POWER • CERTESE_I - EPA STATIONARY EMERGENCY • NONCSA_I - NO CSA CERTIFICATION • NONIBC_I - NO IBC CERTIFICATION • 60H0480_I - 60HZ 480 VOLT (WYE) • KW00300_I - 60 Hz, 300 kW • EMCP42_I - EMCP4.2 CONTROL PANEL • LANENGO_I - ENGLISH INSTRUCTION LANGUAGE • MSEPGGN_I - GENERAL EPG • MSCEC77_I - PUBLIC OR CIVIL SERVICES • MWCODEF_I - STANDBY POWER • STDELEC_I - STANDARD ELECTRONIC GOVERNOR • SINGLE_I - SINGLE CIRCUIT BREAKER • NOSUSE_I - NO SUSE DECALS & FILMS • NONSBFT_I - NO SUB BASE FUEL TANK REQD • NOENCLO_I - NO ENCLOSURE REQUIRED • STDIVR_I - INTEGRATED VOLTAGE REGULATOR • CATDEC_I - CAT DECALS • STDTEST_I - STD TESTING - GENERATOR SET	1	EA	\$ <u>11,683.80</u>	\$ <u>11,683.80</u>
3.	CBKAC11_I - AUXILIARY CONTACTS	1	EA	\$ <u>314.10</u>	\$ <u>314.10</u>
4.	CBKAC11_I - QTY AUX CONTACTS (CBKAC11_I)	1	EA	\$ <u>314.10</u>	\$ <u>314.10</u>
5.	EXCFF25_S - FLEXIBLE EXHAUST CONNECTION 25	1	EA	\$ <u>188.10</u>	\$ <u>188.10</u>

Company Name: PANTROPIC POWER

Authorized Signature: Robert T. Payne

6.	PMEXCI3_I - PERMANENT MAGNET EXCITATION 03	1	EA	\$ <u>810.00</u>	\$ <u>810.00</u>
7.	SHK0012_I - SPACE HEATER 12	1	EA	\$ <u>414.90</u>	\$ <u>414.90</u>
8.	BAT2423_I - O/SIZE BATTERY SET - INSTALLED	1	EA	\$ <u>1,108.80</u>	\$ <u>1,108.80</u>
9.	BATDS03_I - BATTERY DISCONNECT SWITCH	1	EA	\$ <u>163.80</u>	\$ <u>163.80</u>
10.	JWH0027_I - JACKET WATER HEATER 2KW 240VAC	1	EA	\$ <u>653.40</u>	\$ <u>653.40</u>
11.	ECQ5GT1_I - PLATINUM PLUS 60MO 2,500HR	1	EA	\$ <u>1,420.00</u>	\$ <u>1,420.00</u>
12.	TRSGEN7_I - PGS TEST REPORT @ 0.8 PF	1	EA	\$ <u>309.00</u>	\$ <u>309.00</u>
13.	EXHAUST SYSTEM includes the following items: - JHS-08X-90029753, EM, J-Series, 8" Hospital Grade Cylindrical Silencer, Side Inlet / End Outlet, Type B Mounting Legs, 304SS - Two (2) BNG-8-304, 8" ANSI Flange Nut, Bolt, and Ring Gasket Set, 304SS - FLEX-08X-90029754, 8" ANSI Floating Flange / 5" CAT Flange Flex Assembly, 304SS - BNGCT-05-304, 5" Caterpillar Flange Nut, Bolt, and Ring Gasket Set, 304SS - WTS-08-304, 8" 304 Stainless Steel Wall Thimble - RCP-08-304, 8" Pipe Rain Cap, 304SS	1	EA	\$ <u>12,990.00</u>	\$ <u>12,990.00</u>
14.	LOADBANK - ON-SITE RESISTIVE LOADBANK	1	EA	\$ <u>1,505.00</u>	\$ <u>1,505.00</u>
15.	FSA Specification No. 62 – 2015 Caterpillar D125 with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone. Includes the following items: - ULLIST_I - UL 2200 LISTED PACKAGE GEN SET - C18DE6E_I - C18 60HZ PKG 600 CERTESE - OGNAR65_I - LC7024J AREP CIP ALT 65. - EMCLAM1_I - LOCAL ANNUN NFPA99-110/CSA282 - EMCCAS3_I - GEN RUNNING & FAULT RELAY	1	EA	\$ <u>42,000.00</u>	\$ <u>42,000.00</u>

Company Name: PAWTROPIC

Authorized Signature: Robert T. Lagana

	FSA Specification No. 62 – 2015 Caterpillar D125 continued - • GFR001_I - GROUND FAULT RELAY • PWRCTR_H_I - POWER CENTER - RH MOUNTED • SINGLE_I - SINGLE CIRCUIT BREAKER • NONNTD_I - NOT REQUIRED • NOSUSE_I - NO SUSE DECALS & FILMS • CT1005A_I - 1000:5 CT RATIO • CBLG001_I - CB CABLE GP ABB/T7-1200 • NCBG003_I - NEUTRAL CABLE GP 1200A • NOENCLO_I - NO ENCLOSURE REQUIRED • NONMUF_I - NOT REQUIRED • STDNAR_I - STD NARROW SKID BASE • NONSBFT_I - NO SUB BASE FUEL TANK REQD • STDAIR_I - STD AIR CLEANER - LIGHT DUTY • BTC1028_I - BATTERY CHARGER 10 AMP DUAL • HTRCG01_I - HEATERS CONTROL GROUP				
16.	C18 600kW – Upgrade Generator Package – 600 kW. Includes the following items: • STANDBY_I - STANDBY POWER • CERTESE_I - EPA STATIONARY EMERGENCY • NONCSA_I - NO CSA CERTIFICATION • NONIBC_I - NO IBC CERTIFICATION • 60H0480_I - 60HZ 480 VOLT (WYE) • KW00600_I - 60 Hz, 600 kW W/Fan • LANENGO_I - ENGLISH INSTRUCTION LANGUAGE • MSEPGGN_I - GENERAL EPG • MSCEC77_I - PUBLIC OR CIVIL SERVICES • MWCODEF_I - STANDBY POWER • EMCCPLH_I - CONTRO PANEL MOUNTING LEFT • CBK0603_I - 1200A SINGLE MANUAL CB • NTS12_I - NEUTRAL BAR NTS1200 • STDRAD_I - STANDARD RADIATOR • SGT_F_I - RADIATOR GUARD AND DUCT FLANGE • STDIVR_I - INTEGRATED VOLTAGE REGULATOR • CATDEC_I - CAT DECALS • STDTEST_I - STD TESTING - GENERATOR SET	1	EA	\$ <u>57,143.70</u>	\$ <u>57,143.70</u>
17.	CBKAC11_I - QTY AUX CONTACTS (CBKAC11_I)	1	EA	\$ <u>314.10</u>	\$ <u>314.10</u>
18.	CBKAC11_I - AUXILIARY CONTACTS	1	EA	\$ <u>314.10</u>	\$ <u>314.10</u>
19.	EXCFF28_S - FLEXIBLE EXHAUST CONNECTION 28	1	EA	\$ <u>485.10</u>	\$ <u>485.10</u>
20.	CBKSHD1_S - SHEET METAL SHROUD	1	EA	\$ <u>188.10</u>	\$ <u>188.10</u>

Company Name: PANTROPIC POWER

Authorized Signature: Robert J. Byrne

RFQ No. 86-2015 – Generators for D4

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21.	SHK0012_I - SPACE HEATER 12	1	EA	\$ 414.90	\$ 414.90
22.	PMEXCI4_I - PERMANENT MAGNET EXCITATION 04	1	EA	\$ 810.00	\$ 810.00
23.	BAT2423_I - O/SIZE BATTERY SET - INSTALLED	1	EA	\$ 1,108.80	\$ 1,108.80
24.	BATDS03_I - BATTERY DISCONNECT SWITCH	1	EA	\$ 163.80	\$ 163.80
25.	JWH0059_I - JACKET WATER HEATER 240 VAC	1	EA	\$ 1,093.50	\$ 1,093.50
26.	ECQ5GT1_I - PLATINUM PLUS 60MO 2,500HR	1	EA	\$ 1,700.00	\$ 1,700.00
27.	TRSGEN7_I - PGS TEST REPORT @ 0.8 PF	1	EA	\$ 309.00	\$ 309.00
28.	EXHAUST SYSTEM includes the following items: - JHS-10X-90029748, EM, J-Series, 10" Hospital Grade Cylindrical Silencer, Side Inlet / End Outlet, 304SS, Type B Mounting Legs - FLEX-10X-90026289, 10" ANSI Floating Flange / 8" CAT Flange Flex Assembly, 304SS Ends with 321SS Flex - BNGCT-08-304, 8" Caterpillar Flange Nut, Bolt, and Ring Gasket Set, 304SS - BNG-10-304, 10" ANSI Flange Nut, Bolt, and Ring Gasket Set, 304SS - WTS-10-304, 10" 304 Stainless Steel Wall Thimble - RCP-10-304, 10" Pipe Rain Cap, 304SS	1	EA	\$ 16,200.00	\$ 16,200.00
29.	One (1) SRS100 Day tank includes the following items: - Reliant Series 100 Secondary Containment Tank, UL Labeled. White. Florida EQ # 732 - STD SRS Controller 1 Power Available Light, High Alarm, Low Alarm, Leak Alarm - OPT065-E One (1) Drain hand valve, 3/4" NPT, fire rated (50-400 gal) - OPT080-B One (1) Solenoid valve, AC, 3/4" NPT - OPT070-A One (1) Priming tee and check valve assembly (2-17 GPM pumps) - OPT060-A Fuel strainer (standard 1-25 GPM pumps) - OPT088-B One (1) Manual shut-off valve, 3/4" fire rated - OPT345 One (1) Duplex pump controller - PUMP Two (2) 2 GPM Cast Iron mechanical seal pump - OPT645 Two (2) 1/3 HP, 115V AC, single phase, 60 Hertz motor, TEFC - OPT088-B Two (2) Manual shut-off valve, 3/4" fire rated	1	EA	\$ 21,900.00	\$ 21,900.00

Company Name: PANTROPIC POWER

Authorized Signature: Robert J. [Signature]

RFQ No. 86-2015 – Generators for D4

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	One (1) SRS100 Day tank continued – • OPT015 One (1) Auxiliary hand pump, piston type, 1" NPT • OPT212 One (1) Digital level indicator, 115 V AC • OPT212-A One (1) Type 4X wall-mount enclosure • OPT063-A One (1) Vent cap, 1 1/2" NPT (10,25 gal) • OPT390 One (1) Fuel rise pump-out control with check valve • PUMP One (1) 7 GPM Cast Iron mechanical seal pump • OPT745 One (1) 1/2 HP, 230/115V AC, single phase, 60 Hertz motor, TEFC • OPT093-A One (1) Fusible link valve, 1" NPT • Manual 1 Instruction Manual • FLORIDA Florida EQ # 732 (Day tank controller)				
30.	LOADBANK - ON-SITE RESISTIVE LOADBANK	1	EA	\$ 1,850.00	\$ 1,850.00
TOTAL (ITEMS 1 THRU 30):				\$ 219,870.10	

REMARKS: _____

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

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: PAN TROPIC POWER

*Signature: Robert J. Lagune Name/Title: SALES / ENGINEER

Address: 8205 NW 58TH ST., MIAMI, FL Zip: 33166

Federal ID#: 59-2749643

Telephone Number: (305) 477-3329 Fax: (305) 477-1943

Date: 4/21/2015

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

Name of Bidder's Contact Person: ROBERT COSGROVE
Address: 8205 NW 58TH ST, MIAMI, FL 33166
Phone Number: (305) 477-3329 Fax Number: (305) 477-1943
Email
Address: ROBERT-COSGROVE@PANTROPIC.COM

Remainder of page intentionally left blank

Town of Palm Beach
RFQ 86-2015 – Generators for D4
Proposal Must Be Received by Wednesday, April 22nd, 2015 AT 2:00 PM

General Conditions, Instructions and Information for Bidders

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

1. GENERAL INFORMATION

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

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

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

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

For information concerning this bid, please contact:

Town of Palm Beach
Purchasing Department
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 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. MATERIAL SAFETY DATA SHEET

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

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

26. SAFETY REGULATIONS

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

27. CODES AND REGULATIONS

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

28. INDEMNIFICATION

To the fullest extent allowed by law the Contractor shall protect, defend, reimburse, indemnify and hold harmless the Town of Palm Beach, and the Town's officers, agents, employees free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, attorneys or other professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, cause or causes of action of 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
REQUEST FOR QUOTATION
RFQ No. 87-2015**

Generators for D10

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with the Florida Sheriff's Association's Bid No. 14-12-0904, which covers and includes all required equipment and freight, necessary for and reasonably incidental for full and complete execution of this purchase.

All terms, conditions and specifications of the Florida Sheriff's Association for Bid No. 14-12-0904 shall apply.

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 equipment called for within the specified time for the following price:

1. TERMS		2. F.O.B.		3. SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30		DESTINATION					
Item	Description /Specifications	Qty	Unit	Unit Cost	Extended Cost		
1.	FSA Specification No. 62 – 2015 Caterpillar D125 with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone. Includes the following items: • NACERT_I - UL2200 Listing and CSA Cert • NAC176P_I - D150-8 480v 60Hz • OGNSEZ9_I - LC5014D 60Hz SE ALT Z9 • CB2251B_I - 225A First Breaker (b) • SHTAUX_I - Shunt Trip & Auxiliary Cont. • NOSUSEA_I - No SUSE, Only Neutral Bar (a) • Battery Charger - 10 Amp NFPA	1	EA	\$ <u>42,000.00</u>	\$ <u>42,000.00</u>		
2.	C6.6 150 kW - Upgrade generator package – 150kW. Includes the following items: • STANDBY_I - STANDBY POWER APPLICATION 02 • CERTESE_I - EPA STATIONARY EMERGENCY • NOTREQD_I - NO IBC CERTIFICATION • VOP601_I - 60Hz 3PH 480/277v	1	EA	\$ <u>0</u>	\$ <u>0</u>		

Company Name: PANTROPIC POWER

Authorized Signature: Robert J. Guyre

	C6.6 150 kW - Upgrade generator package – 150kW continued - • KVA0187_I - 187 KVA W/FAN • EMCP42_I - EMCP4.2 Common Control Panel • ENGLISH_I - English Language • MSEPGGN_I - DIESEL or GAS EPG • MSCEC77_I - PUBLIC OR CIVIL SERVICES • MWCODEF_I - STANDBY POWER • NOENCLO_I - No Enclosure. • NOFSBTC_I - No Sub Base Tank (c) • STDVIB_I - Standard Vibration Isolator • NFPA_I - NFPA 110 Upgrade • WCA1_I - Low Coolant temp alarm 69/80F • ACREC_I - AC Receptacle • GOVE9_I - ADEM Governor • 3POLE_I - 3POLE CB • NO2NDCB_I - No Second Breaker • NOTRQD_I - NO POWER TERMINAL STRIP • B1T_I - Lead Acid Battery DRY • EMCENGU_I - ENGLISH DISPLAY UNITS • TOOLK1_S - 1 Toolkit • TSTR_I - Factory Test Report				
3.	VFRCON_I - Volt Free Cont & Gen Run Relay	1	EA	\$ <u>61.20</u>	\$ <u>61.20</u>
4.	PAA1_I - Local Alarm Horn c/w mute	1	EA	\$ <u>49.50</u>	\$ <u>49.50</u>
5.	WSS1_I - Low Coolant shutdown circuit	1	EA	\$ <u>152.10</u>	\$ <u>152.10</u>
6.	WHH_I - Coolant Heater(90/130F)	1	EA	\$ <u>203.40</u>	\$ <u>203.40</u>
7.	WTF1B_I - Radiator Transition Flange (b)	1	EA	\$ <u>210.60</u>	\$ <u>210.60</u>
8.	AH1H_I - Anti-Condensation Heater	1	EA	\$ <u>189.90</u>	\$ <u>189.90</u>
9.	IVR12_1 - IVR12 Permanent magnet	1	EA	\$ <u>850.50</u>	\$ <u>850.50</u>
10.	CPOB_I - Control Panel Options Box	1	EA	\$ <u>456.30</u>	\$ <u>456.30</u>
11.	ECP5GT1_I - PLATNIUM 5YR 2500HR S/BY Z1	1	EA	\$ <u>1,310.00</u>	\$ <u>1,310.00</u>
12.	PFT_I - Test at 0.8 Power Factor	1	EA	\$ <u>167.00</u>	\$ <u>167.00</u>

Company Name: PLANETROPIC POWER

Authorized Signature: Robert Thigpen

13.	EXHAUST SYSTEM includes the following items: - JHS-05X-205128, EM, J-Series, 5" Hospital Grade Cylindrical Silencer, Side Inlet / End Outlet, 304SS - TAUS-05X-90029716, EM, 5" Residential Grade Cylindrical Low Pressure Drop Silencer, Side Inlet / End Outlet, 304SS - FLEX-05X-90029717, 5" Flex Assembly, 3.5" FNPT Inlet / 5" ANSI Flange Outlet, 304SS - Four (4) BNG-05-304, 5" ANSI Flange Nut, Bolt, and Ring Gasket Set, 304SS - RFT-0550-304, 5" Carbon Steel Pipe Roof and Non-Combustible Wall Thimble, 304SS - The silencers are to be run in series with each other.	1	EA	\$ <u>6,246.80</u>	\$ <u>6,246.80</u>
14.	LOADBANK - ON-SITE RESISTIVE LOADBANK	1	EA	\$ <u>736.00</u>	\$ <u>736.00</u>
15.	FSA Specification No. 62 – 2015 Caterpillar D125 with all standard equipment as specified by the manufacturer for this model and FSA's base specification requirements, included and made part of the FSA contract as awarded by specification, by zone. Includes the following items: - ULLIST_I - UL 2200 LISTED PACKAGE GEN SET - C27DR69_I - LS1266 (C27DE69 REF) - OGNPMQF_I - GENERATOR 1402/1 PM EXC MQF - NOENCL1_I - NO ENCLOSURE - VIBIS67_S - STANDARD PACK ISOLATORS - VIBIS68_S - RADIATOR ISOLATORS LOOSE - AUXPNLL_I - AUXILIARY PLATE MOUNTING - LH - CVR0018_I - 1 LOCAL ANNUNCIATOR MODULES - ANNNFPA_I - 1ST LOCAL ANN NFPA 110/CSA282 - STDRAD_I - Standard radiator - COOL002_I - EXTENDED LIFE COOLANT 02 - DVR0005_I - DVR LOW VOLTAGE 4.2 PANEL - GRD0007_I - GUARD & SHIELD SYSTEM - UL 07 - CTS0008_I - SHORE POWER DISTRIBUTION BLOCK - PES1D1R_I - CBK UL 3P 1200A 100% LSI EO - BOTCBLR_I - BOTTOM CABLE ENTRY NO SHROUD - PCR0009_I - 1400 P/S7 3P BOT - SUPCBL1_I - Support Cable Group - CVR0011_I - SIDE COVER GROUP QTY 1 - CVR0013_I - REAR COVER GROUP QTY 1	1	EA	\$ <u>42,000.00</u>	\$ <u>42,000.00</u>

Company Name: PANTROPIC POWER

Authorized Signature: Robert J. Haynes

	FSA Specification No. 62 – 2015 Caterpillar D125 continued - • NGRDCNC_I - NEUTRAL GND CONNECTION • WIREF42_I - EMCP4.2 BREAKER WIRING P • BAT2431_I - STANDARD BATTERY 31 • BTC1032_S - BATT CHARGER 10A NFPA LOOSE • ACLSE02_I - AIR CLEANER - SINGLE ELEMENT				
16.	C27 750kW – Upgrade Generator Package – 750 kW. Includes the following items: • STANDBY_I - STANDBY POWER • CERTESE_I - EPA STATIONARY EMERGENCY • 60H0480_I - 60HZ 480 VOLTS • KW00750_I - 750 KW W/FAN • GENT080_I - 80 DEG GENERATOR TEMP RISE • EMCP42_I - EMCP4.2 COMMON CONTROL PANEL • ENGGEN1_I - ENGLISH (STD) • LANENGO_I - ENGLISH LANGUAGE OPTION • MSEPGGN_I - DIESEL or GAS EPG (non-rental) • MSCEC70_I - ENERGY UTILITIES (NON-NUCLEAR) • MWCODEF_I - STANDBY POWER • STDBSE1_I - STANDARD BASE • NONSUBF_I - NO SUB BASE FUEL TANK • STDGOV_I - STANDARD GOVERNOR • NOCWBEC_I - NO COLD WEATHER BUNDLE • NOLVRAY_I - LOUVERS NOT AVAILABLE • ACDNOAV_I - AC DISTRIBUTION NOT AVAILABLE • NOFULSP_I - NO FUEL FILL SPILL CONTAINMENT • NOFLS01_I - NO FUEL LEVEL SWITCH • UIPBBHS_I - CONTROL PANEL MOUNT REAR (STD) • CUSTCNR_I - CUSTOMER CONNECTION MTG RH STD • AUXPNLL_I - AUXILIARY PLATE MOUNTING – LH • NOENCLT_I - NO INTERIOR ENCLOSURE LIGHT • NOTREQD_I - NOT REQUIRED • NOANNC2_I - NO ANNUNCIATOR 2 REQUIRED • 3000AMP_I - 3000 AMPS • NOCBKL1_I - NO CB ON LEFT OF SET • NOCBKB1_I - NO CB ON REAR OF SET • NOBUSBR_I - NO BUSSBAR REQUIRED • NOWIRLT_I - NO LEFT WIRING REQUIRED • NOWIRRR_I - NO REAR WIRING REQUIRED	1	EA	\$ <u>82,566.90</u>	\$ <u>82,566.90</u>

Company Name: PANTROPIC POWER

Authorized Signature: Robert T. Layman

17.	PANLGTS_I - PANEL LIGHT INSTALLED	1	EA	\$ <u>234.90</u>	\$ <u>234.90</u>
18.	VANDALD_I - VANDAL DOOR - EMCP	1	EA	\$ <u>142.50</u>	\$ <u>142.50</u>
19.	JWH0124_I - JACKET WATER HEATER 220/240v	1	EA	\$ <u>2,869.50</u>	\$ <u>2,869.50</u>
20.	RADDFL1_I - Radiator Duct Flange L1	1	EA	\$ <u>394.50</u>	\$ <u>394.50</u>
21.	SHK0023_I - SPACE HEATER 23	1	EA	\$ <u>113.40</u>	\$ <u>113.40</u>
22.	ECP5GT1_I - PLATNIUM 5YR 2500HR S/BY Z1	1	EA	\$ <u>2,410.00</u>	\$ <u>2,410.00</u>
23.	TRSGEN7_I - PGS TEST REPORT @ 0.8 PF	1	EA	\$ <u>318.00</u>	\$ <u>318.00</u>
24.	EXHAUST SYSTEM includes the following items: - JHS-10X205131, EM, J-Series, 10" Hospital Grade Cylindrical Silencer, Side Inlet / End Outlet, 304SS, - TAUS-10X-90029715, EM, 10" Residential Grade Cylindrical Low Pressure Drop Silencer, Side Inlet / End Outlet, 304SS - FLEX-10X-90029784, 10" ANSI Floating Flange / CAT Flange Flex Assembly, 304SS - RFT-1075-304, 10" Carbon Steel Pipe Roof and Non- Combustible Wall Thimble, 304SS - Four (4) BNG-10-304, 10" ANSI Flange Nut, Bolt, and Ring Gasket Set, 304SS - BNGCT-08-304, 8" Caterpillar Flange Nut, Bolt, and Ring Gasket Set, 304SS - The silencers are to be run in series with each other.	1	EA	\$ <u>13,248.00</u>	\$ <u>13,248.00</u>
25.	LOADBANK - ON-SITE RESISTIVE LOADBANK	1	EA	\$	\$ <u>3,036.00</u>
TOTAL (ITEMS 1 THRU 25):				\$ <u>199,966.10</u>	

REMARKS: _____

The undersigned further declares that he proposes to furnish the equipment called for within the specified time for the following price:

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.

Company Name: PANTROPIC POWER Authorized Signature: Robert Flayman

Firm: PANTROPIC POWER

*Signature: Robert T. Layman Name/Title: SALES ENGINEER

Address: 8505 NW 58TH ST., MIAMI, FL Zip: 33166

Federal ID#: 59-2749643

Telephone Number: (305) 477-3329 Fax: (305) 477-1943

Date: 4/21/2015

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

Name of Bidder's Contact Person: ROBERT COSGROVE

Address: 8505 NW 58TH ST., MIAMI, FL 33166

Phone Number: (305) 477-3329 Fax Number: (305) 477-1943

Email Address: ROBERT_COSGROVE@PANTROPIC.COM

Remainder of page intentionally left blank

Town of Palm Beach
RFQ 87-2015 – Generators for D10
Proposal Must Be Received by Wednesday, April 22nd, 2015 AT 2:00 PM

General Conditions, Instructions and Information for Bidders

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

1. GENERAL INFORMATION

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

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

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

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

For information concerning this bid, please contact:

Town of Palm Beach
Purchasing Department
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. MATERIAL SAFETY DATA SHEET

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

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

26. SAFETY REGULATIONS

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

27. CODES AND REGULATIONS

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

28. INDEMNIFICATION

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

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

RESOLUTION NO. 53-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER IN THE AMOUNT OF \$155,600, TO C.C. CONTROLS CORPORATION, FOR THE PURCHASE OF (2) PUMP CONTROL PANELS AND ACCESSORIES AS QUOTED UNDER RFQ 71-2015 AND RFQ 72-2015, AND ESTABLISHING AN OVERALL BUDGET OF \$164,500.

* * * * *

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 \$155,600, to C.C. Controls Corporation for the purchase of pump controls and accessories, and establishes an overall budget of \$164,500.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 71-2015**

D-4 Pump Control Equipment

INTENT AND SCOPE

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

PLANS AND SPECIFICATIONS

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

- Specifications issued by Kimley-Horn and Associates, referred to as Section 16900 "Instrumentation and Control Systems", 20 pages, Section 16915 "Telemetry Sub-System", 4 pages, Section 16960 "SCADA System", 6 pages and Plan Sheets E-4, I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, I-11, and I-12.
- The control equipment and accessories shall meet all aspects listed in the referenced specifications, Section 16900 Instrumentation and Control Systems, Section 16915 Telemetry Sub-System, and Section 16960 SCADA System
- Reference Proposal submitted by John C. Stock on 03/27/2015

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 within the specified time for the following price; and guarantees that parts and service for the articles listed below are available within the State of Florida, to wit:

1. TERMS Net 30		2. F.O.B. Destination		3.SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Item	Description /Specifications			Qty	Unit	Unit Cost	Extended Cost
1.	Furnish and install pump control panel, telemetry sub-system, SCADA, control cabinets, wiring, control system components and accessories, field instruments, spares parts, programming, and any other items for a complete and functional system, as per specifications.			1	EA	\$ <u>86,700</u>	\$ <u>86,700⁰⁰</u>
2.	Freight			1	L.S.		\$ <u>INC.</u>
TOTAL (Lines 1 and 2)							\$ <u>86,700.00</u>

Company Name: C.C. CONTROL CORP Authorized Signature: John C. Stock

Estimated time for delivery upon receipt of Purchase Order: 120 days

Estimated time for early delivery of cans: N/A days

REMARKS: DELIVERY CONTINGENT UPON TIMELY REVIEW
AND APPROVAL OF SUBMITTALS.

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: C.C. CONTROL CORP.

*Signature: John C. Stock Name/Title: ESTIMATOR

Address: 5760 CORPORATE WAY Zip: 33407

Federal ID#: 65-0344348

Telephone Number: (561) 293-3975 Fax: (561) 293-3976

Date: 3/27/2015

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

Name of Bidder's Contact Person: John C. Stock

Address: 5760 CORPORATE WAY W.P.B., FL 33407

Phone Number: 561 293-3975 Fax Number: 561 293-3976

E Mail Address: jstock@cccontrolcorp.com

Town of Palm Beach
RFQ 71-2015 – D-4 Pump Control Equipment
Proposal Must Be Received by Tuesday, March 31, 2015 AT 2:00 PM

General Conditions, Instructions and Information for Bidders

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

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951 Old Okeechobee Road, Suite "D"
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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.

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- (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.

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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.

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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.

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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.

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

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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.

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

21. DISCOUNT

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

22. CERTIFICATIONS

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

23. LICENSES AND PERMITS

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

24. COMPLIANCE WITH OCCUPATIONAL SAFETY AND HEALTH

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

25. MATERIAL SAFETY DATA SHEET

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

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

26. SAFETY REGULATIONS

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

27. CODES AND REGULATIONS

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

28. INDEMNIFICATION

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

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



**TOWN OF PALM BEACH
REQUEST FOR QUOTATION
RFQ No. 72-2015**

D-10 Pump Control Equipment

INTENT AND SCOPE

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

PLANS AND SPECIFICATIONS

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

- Specifications issued by Kimley-Horn and Associates, referred to as Section 16810 "Pump Control Panel", 4 pages, Section 16915 "Telemetry Sub-System", 4 pages, Section 16960 "SCADA System", 6 pages and Plan Sheets E-4, E-6, E-8, E-9, E-10, E-11, E-12, E-13, E-14, and CL-1.
- The control equipment and accessories shall meet all aspects listed in the referenced specifications, Section 16810 Pump Control Panel, Section 16915 Telemetry Sub-System, and Section 16960 SCADA System.
- Reference Proposal submitted by John C. Stock on 03/27/2015

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 within the specified time for the following price; and guarantees that parts and service for the articles listed below are available within the State of Florida, to wit:

1. TERMS		2. F.O.B.		3.SHIPMENT VIA		4. QUOTATION VALID UNTIL	
Net 30		Destination					
Item	Description /Specifications			Qty	Unit	Unit Cost	Extended Cost
1.	Furnish and install pump control panel, telemetry sub-system, SCADA, control cabinets, wiring, control system components and accessories, field instruments, spares parts, programming, and any other items for a complete and functional system, as per specifications.			1	EA	\$ <u>68,900</u>	\$ <u>68,900⁰⁰</u>
2.	Freight			1	L.S.		\$ <u>INC</u>
TOTAL (Lines 1 and 2)							\$ <u>68,900.00</u>

Company Name: CC CONTROL CORP Authorized Signature: John C. Stock
Estimated time for delivery upon receipt of Purchase Order: 120 days

Estimated time for early delivery of cans: N/A days

REMARKS: DELIVERY CONTINGENT UPON TIMELY REVIEW
AND APPROVAL OF SUBMITTALS

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: C. C. CONTROL CORP.
*Signature: John C. Stock Name/Title: ESTIMATOR
Address: 5760 CORPORATE WAY W.P. Bch Zip: 33407
Federal ID#: 45-0344348
Telephone Number: (561) 293-3975 Fax: (561) 293-3975
Date: 3/27/2015

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

Name of Bidder's Contact Person: JOHN C. STOCK
Address: 5760 CORPORATE WAY W.P. Bch, FL 33407
Phone Number: 561 293-3975 Fax Number: 561 293-3976
E Mail Address: JSTOCK@CCCONTROLCORP.COM

Town of Palm Beach
RFQ 72-2015 – D-10 Pump Control Equipment
Proposal Must Be Received by Tuesday, March 31, 2015 AT 2:00 PM

General Conditions, Instructions and Information for Bidders

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

1. GENERAL INFORMATION

These documents constitute the complete set of specification requirements and bid forms. Bid Proposal response is to be filed 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 287.067, 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.

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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.
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- (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.
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- (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.

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

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

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

Contractor acknowledges and agrees that TOWN would not enter into a contract without this indemnification of TOWN by Contractor, and that TOWN's entering into a contract shall constitute good and sufficient consideration for this indemnification. These provisions shall survive the expiration or earlier termination of the Contract. Nothing in this Contract shall be construed to affect in any way the TOWN's rights, privileges, and immunities as set forth in Florida Statutes 766.28.

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

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

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- [Memorandum dated April 28, 2015, from Kirk W. Blouin, Director of Public Safety](#)
- [Resolution No. 59-2015](#)
- [Interlocal Agreement for EMS Grant Reimbursement](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Palm Beach County Emergency Medical service grant reimbursement
Resolution No: 59-2015

Date: April 28, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Palm Beach County Emergency Medical Service grant request.

GENERAL INFORMATION

This grant program is administered under section 163.01, Florida Statutes. The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by chapter 401, part II, Florida Statutes, to dispense grant funds. Forty five percent (45%) of these funds are made available to the 67 Boards of County Commissioners throughout the State to improve and expand pre-hospital Emergency Medical Services in their county.

The prehospital EMS projects may include, but not be limited to, increasing existing levels of EMS, evaluation, community education, injury-prevention programs, training in cardiopulmonary resuscitation and other lifesaving and first aid techniques.

Palm Beach Fire Rescue is requesting four (4) mobile tablets and associated hardware in the grant request. This project will allow responders to be more efficient in the collection, interpretation, and feedback of data utilizing technology while improving the healthcare service delivery to the residents and visitors to the Town of Palm Beach. The County agrees to reimburse the Town from its 2014-2015 EMS state grant funds for the purchase, and the Town agrees to accept the said reimbursement under the terms and conditions of the EMS State grant.

FUNDING/FISCAL IMPACT

Fire-Rescue will use the Grant Equipment (001.40.417.526.60.64.09) to fund the project cost of the grant request. The Town of Palm Beach portion of the grant is \$0.00 with up to \$17,880.00 (100%) funding received from approved Palm Beach County Emergency Medical service grant reimbursement program.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

JD

Attachment: Palm Beach County Emergency Medical Service grants reimbursement agreement.

cc: Jane Struder, Director of Finance
Kirk W. Blouin, Public Safety Director
Darrel Donatto, Deputy Fire Rescue Chief
Adis Pedraza, Purchasing Manager
John Randolph, Town Attorney

RESOLUTION NO. 59-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE TOWN OF PALM BEACH FOR THE REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES GRANT EQUIPMENT AND AUTHORIZING THE APPLICATION FOR FUNDS FROM THE PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES PROGRAM IN THE AMOUNT OF \$17,880.00 AND ESTABLISHING A BUDGET OF \$17,880.00 IN FISCAL YEAR 2015 TO BE USED FOR THE PURCHASE OF FOUR (4) EMS TABLETS FOR THE IMPROVEMENT AND EXPANSION OF EMS SERVICES FOR THE TOWN; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS PURCHASE ON BEHALF OF THE TOWN. SUCH FUNDS SHALL NOT SUPPLANT EXISTING EMS BUDGET.

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal 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, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by Chapter 401, Part II, Florida Statutes, to dispense grant funds. Forty-five percent (45%) of these funds are made available to the 67 Boards of County Commissioners (BCCs) throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS) in their county; and

WHEREAS, DOHEMS County grants are only awarded to Boards of County Commissioners (BCC), however, each BCC is encouraged to assess its countywide EMS needs and establish priorities before submitting a grant application; and

WHEREAS, the COUNTY may reimburse and disburse the State trust funds to licensed emergency medical providers; and

WHEREAS, the COUNTY agrees to reimburse the TOWN from its FY2014-2015 EMS State grant funds for the purchase of four (4) Tablets and accessories ("EQUIPMENT" or "EMS equipment") and the Town agrees to accept said reimbursement under the terms and conditions of the EMS State grant and this Agreement.

WHEREAS, the total amount to be paid by the COUNTY from its FY2014-2015 EMS grant funds for the purchased EMS Equipment as reimbursement to the TOWN under this Agreement shall not exceed a total amount of seventeen thousand and eight hundred and eighty dollars (\$17,880.00).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Town Council of the Town of Palm Beach hereby approves the Interlocal Agreement between Palm Beach County and the Town of Palm Beach for the reimbursement of Emergency Medical Services grant equipment and authorizes the acceptance of The Palm Beach County Emergency Medical Service grant request for the purchase of four (4) tablets and associated equipment not to exceed a total amount of seventeen thousand eight hundred eighty dollars (\$17,880.00).

Section 2. 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 said equipment to be used for the improvement and expansion of EMS services for the town.

PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of May, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

INTERLOCAL AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE TOWN OF PALM BEACH FOR THE
REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES GRANT EQUIPMENT

THIS INTERLOCAL AGREEMENT (“Interlocal Agreement” or “Agreement” or “contract”) is made as of the ____ day of _____, 2015, by and between the Board of County Commissioners, Palm Beach County, a political subdivision of the State of Florida (herein referred to as COUNTY), and the Town of Palm Beach a municipal corporation of the State of Florida (herein referred to as the TOWN), each one constituting a public entity as defined in Part I of Chapter 163, Florida Statutes.

WITNESSETH

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal 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, Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

WHEREAS, The Department of Health, Bureau of Emergency Medical Services (DOHEMS) is authorized by Chapter 401, Part II, Florida Statutes, to dispense grant funds. Forty-five percent (45%) of these funds are made available to the 67 Boards of County Commissioners (BCCs) throughout the State to improve and expand pre-hospital Emergency Medical Services (EMS) in their county; and

WHEREAS, DOHEMS County grants are only awarded to Boards of County Commissioners (BCC), however, each BCC is encouraged to assess its countywide EMS needs and establish priorities before submitting a grant application; and

WHEREAS, the COUNTY may reimburse and disburse the State trust funds to licensed emergency medical providers; and

WHEREAS, the COUNTY agrees to reimburse the TOWN from its FY2014-2015 EMS State grant funds for the purchase of four (4) Panasonic Tablets and accessories (“EQUIPMENT” or “EMS equipment”) and the Town agrees to accept said reimbursement under the terms and conditions of the EMS State grant and this Agreement.

Now, therefore, in consideration of the mutual promises contained herein, COUNTY and TOWN agree as follows:

ARTICLE 1 – RECITALS

The above recitals are true, correct and incorporated herein.

ARTICLE 2 - REPRESENTATIVE/MONITORING POSITION

The COUNTY'S representative/Agreement monitor during the term of this Agreement shall be Sally Waite, whose telephone number is (561) 712-6484.

The TOWN'S representative/contact monitor during the term of the Agreement shall be Chief Darrel Donatto, whose telephone number is (561) 227-6492.

ARTICLE 3 - PAYMENT TO TOWN

The total amount to be paid by the COUNTY from its FY2014-2015 EMS grant funds for the purchased EMS Equipment as reimbursement to the TOWN under this Agreement shall not exceed a total amount of seventeen thousand and eight hundred and eighty dollars (\$17,880.00).

The TOWN shall purchase the EQUIPMENT and submit the required documentation for reimbursement (referenced in Article - 4) to the COUNTY Representative at least ninety (90) days before the expiration of the FY2014-2015 EMS State Grant. Approved documentation will be processed by the County Finance Department for payment to the TOWN.

ARTICLE 4 - GRANT PROGRAM REQUIREMENTS

TOWN SHALL:

- A. Comply with general requirements, and conditions of the State EMS County Grant Program.
- B. Submit to the COUNTY Representative on or before September 30, 2015 copies of paid receipts, invoices, or other documentation acceptable to the Palm Beach County Finance Department to establish that the purchase of the EQUIPMENT was incurred by the TOWN.
- C. Immediately return the purchased EQUIPMENT to the COUNTY, should the TOWN cease to operate its pre-hospital emergency medical services during the life of the equipment.
- D. Submit a training report to the COUNTY'S Division of Emergency Management to include a sign in sheet, date, title and contact number of the persons trained for the EQUIPMENT within 90 days of the effective date of this Agreement. This report shall include all of the necessary training provided for the EQUIPMENT and will be the responsibility of the TOWN purchasing the EQUIPMENT to provide the training. TOWN's failure to satisfactorily complete the training in the timeframe provided shall constitute a breach of contract. As such, COUNTY may terminate this Agreement and demand return of the EQUIPMENT.

ARTICLE 5 – LIABILITY/INDEMNIFICATION

Each party to this Agreement shall be liable for its own actions and negligence. To the extent permitted by law, and without waiving sovereign immunity beyond the limits set forth at Sec. 768.28, Florida Statutes, the TOWN agrees to indemnify, defend and hold harmless the COUNTY against any actions, claims or damages arising out of the TOWN'S use, care and maintenance of the EQUIPMENT.

ARTICLE 6 – FILING

A copy of this Interlocal Agreement will be filed with the Clerk of Circuit Court in and for Palm Beach County.

ARTICLE 7 - AVAILABILITY OF FUNDS

The COUNTY'S performance and obligation to pay under this Agreement is contingent upon annual appropriations from the FY2014-2015 EMS State grant funds. On-going costs for EMS, maintenance and replacement of the EQUIPMENT is the responsibility of the TOWN and will not be funded under this grant program. Such costs remain the responsibility of the TOWN. The COUNTY shall have no further obligation to the TOWN, or any other person or entity.

ARTICLE 8 – REMEDIES

This Interlocal Agreement shall be governed by the laws of the State of Florida. Any legal action necessary to enforce the Interlocal Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity, by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

No provision of this Contract is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Contract, including but not limited to any citizen or employees of the COUNTY and/or the TOWN.

ARTICLE 9 – ARREARS

The TOWN shall not pledge the COUNTY'S credit or make it a guarantor of payment or surety for any Interlocal Agreement, debt, obligation, judgment, lien, or any form of indebtedness. The TOWN further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this Interlocal Agreement.

ARTICLE 10 - ACCESS AND AUDITS

The COUNTY shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit during normal business hours, at the TOWN'S place of business.

Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the TOWN, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

ARTICLE 11 – NONDISCRIMINATION

The TOWN warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression or genetic information.

TOWN has submitted to COUNTY a copy of its non-discrimination policy which is consistent with the above, as contained in Resolution R-2014-1421, as amended, or in the alternative, if TOWN does not have a written non-discrimination policy, it has acknowledged through a signed statement provided for COUNTY affirming their non-discrimination policy conforms to R-2014-1421, as amended.

ARTICLE 12- AUTHORITY TO PRACTICE

The TOWN hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct pre-hospital emergency medical services during the life of the equipment. Proof of such licenses and approvals shall be submitted to the COUNTY's representative upon request.

ARTICLE 13 – SEVERABILITY

If any term or provision of this Interlocal Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Interlocal Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Interlocal Agreement shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 14 – NOTICE

All notices required in this Interlocal Agreement shall be sent by certified mail, return receipt requested, hand delivery or other delivery service requiring signed acceptance. If sent to the COUNTY, notices shall be addressed to:

Sally Waite, EMS Manager
20 South Military Trail

West Palm Beach, FL

With copy to:

Palm Beach County Attorney's Office
301 North Olive Ave. – 6th Floor
West Palm Beach, Florida 33405

If sent to the TOWN, notices shall be addressed to:

Chief Darrel Donato
360 North County Road
Palm Beach, FL 33480

ARTICLE 15 - ENTIRETY OF CONTRACTUAL AGREEMENT

The COUNTY and the TOWN agree that this Interlocal Agreement sets forth the entire Interlocal Agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Interlocal Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

ARTICLE 16 - EXPIRATION OF INTERLOCAL AGREEMENT

This Interlocal Agreement shall automatically expire in five (5) years or upon the expiration of the life of the EQUIPMENT, whichever comes first, in accordance with the State EMS County Grant Program. At such time, the TOWN may dispose of said EQUIPMENT as surplus property with no further municipal purpose.

ARTICLE 17 - EFFECTIVE DATE

This Interlocal Agreement shall become effective when signed by both the COUNTY and the TOWN.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Interlocal Agreement on behalf of the COUNTY and TOWN has hereunto set its hand the day and year above written.

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

TOWN OF PALM BEACH

By: _____
Vincent J. Bonvento
Director of Public Safety

By: _____
Kirk W Blouin
Public Safety Director

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By _____
County Attorney

By _____
John C Randolph
Town Attorney

APPROVED AS TO TERMS
AND CONDITIONS

APPROVED AS TO TERMS
AND CONDITIONS

By _____
Division Director

By _____
Thomas G Bradford
Town Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 60-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for Pump Stations D-8 and D-14 Fuel Tank Replacements to Kimley-Horn and Associates, Inc., in the Amount of \$36,635, and Establishing a Construction Phase Engineering Services Budget of \$41,000.

Presenter

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

Supporting Documents

- [Memorandum dated April 16, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 60-2015](#)
- [Kimley-Horn Proposal](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Approve a Purchase Order for Construction Phase Engineering Services for the
Pump Stations D-8 and D-14 Fuel Tank Replacements
Accelerated Capital Improvement Program - Phase 2
Resolution No. 60-2015

DATE: April 16, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 60-2015 approving a purchase order for construction phase engineering services to Kimley-Horn and Associates, Inc. (Kimley-Horn), for the Pump Stations D-8 and D-14 Fuel Tank Replacements in the amount of \$36,635 and establishing a construction phase engineering services budget of \$41,000.

GENERAL INFORMATION

The D-8 and D-14 pump stations are located at North Lake Way and Country Club Road and the Northwest corner of the Society of the Four Arts, respectively. The two fuel tanks have been in service for many years and are in need of replacement to secure the integrity of the fuel system, therefore, enhancing the reliability of the stations. The new tanks will comply with local and state regulating agencies.

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

Staff has negotiated a Construction Phase Engineering Services contract with Kimley-Horn, in the amount of \$36,635. Staff also recommends a contingency of \$4,365 for a total construction phase budget of \$41,000.

FUNDING/FISCAL IMPACT

Funding for the construction phase of this project is fully contained within the Town's Accelerated Capital Improvement Program - Phase 2.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 60-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR PUMP STATIONS D-8 AND D-14 FUEL TANK REPLACEMENTS TO KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$36,635, AND ESTABLISHING A CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$41,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for construction phase engineering services for Pump Stations D-8 and D-14 Fuel Tank Replacements to Kimley-Horn and Associates, Inc., in the amount of \$36,635, and establishes a construction phase engineering services budget of \$41,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on this 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



March 19, 2015

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

RE: Construction Phase Services Proposal - Fuel Tank Replacement at D-8 and D-14 Stormwater Pump Stations

Dear Jeff,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the Fuel Tank Replacements at D-8 and D-14 Storm Water Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

Project Understanding

The Town of Palm Beach is currently in the bid phase of the Fuel Tank Replacements at D-8 and D-14 Storm Water Pump Stations. Kimley-Horn has been requested by the Town to provide construction phase services for the project. The project is expected to begin in June 2015 and have a duration of approximately 4 months.

Scope of Services

Construction Phase Services

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

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

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

Progress Meetings. Kimley-Horn will attend biweekly progress meetings during the four month project construction duration (up to 9 progress meetings). Subconsultant team members will attend meetings as appropriate for the work being discussed that week.

Visits to Site and Observation of Construction. Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected four (4) month construction duration in order to observe the progress of the Work (up to

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

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

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

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

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

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

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

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

- Review concrete test results provided by Contractor's testing firm
- Review density testing results provided by Contractor's testing firm

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

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

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

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

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

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

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

Additional Services

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

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

Information Provided By the Town

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

- Access to the site.

Schedule

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

Fee and Billing

Kimley-Horn will perform the services described in this Scope of Services on an hourly basis in accordance with our Contract with the Town. It is recommended that a budget of \$36,635 be established for this work. A breakdown of this fee is attached to this proposal.

Closure

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

We appreciate the opportunity to propose these services to you.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



By: David R. Bardt, P.E.
Senior Vice President

Attachment

K:\WPB_Civil\General\Lee\Proposals\Palm Beach\D-8 and D-14 Construction Phase Services\D-8 and D-14 Fuel Tank Replacement - Construction Phase Services.docx

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 61-2015 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2015-26 and Approving A Purchase Order to Murray Logan Construction, Inc., for the Pump Stations D-8 and D-14 Fuel Tank Replacements, in the Amount of \$218,000, and Establishing a Construction Phase Budget of \$240,000.

Presenter

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

Supporting Documents

- [Memorandum dated April 20, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 61-2015](#)
- [Bid Tab Sheet](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

RE: Award Bid 2015-26 and Approve a Purchase Order for the Pump Stations D-8 and D-14 Fuel Tank Replacements
Accelerated Capital Improvement Project – Phase II
Resolution No. 61-2015

DATE: April 20, 2015

STAFF RECOMMENDATION

Staff recommends that Town Council approve Resolution No. 61-2015, awarding Bid No. 2015-26, and approve a purchase order to Murray Logan Construction, Inc., for Pump Stations D-8 and D-14 Fuel Tank Replacements, in the amount of \$218,000 and establishing a construction phase budget of \$240,000.

GENERAL INFORMATION

The D-8 and D-14 pump stations are located at North Lake Way and Country Club Road and the Northwest corner of the Society of the Four Arts, respectively. The two fuel tanks have been in service for many years and are in need of replacement to secure the integrity of the fuel system, therefore, enhancing the reliability of the stations. The new tanks will comply with local and state regulating agencies.

The Town received four bids from the Town's prequalified pump station contractors on April 6, 2015. A copy of the tabulation sheet is attached. The bids ranged from \$218,000 to \$264,000.

The lowest responsive responsible bid was from Murray Logan Construction, Inc., in the amount of \$218,000. Staff recommends awarding the contract to Murray Logan Construction, Inc., and establishing a construction phase budget of \$240,000.

FUNDING/FISCAL IMPACT

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

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachments

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

RESOLUTION NO. 61-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2015-26 AND APPROVING A PURCHASE ORDER TO MURRAY LOGAN CONSTRUCTION, INC., FOR THE PUMP STATIONS D-8 AND D-14 FUEL TANK REPLACEMENTS, IN THE AMOUNT OF \$218,000, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$240,000.

* * * * *

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

Section 1. The Town Council of the Town of Palm Beach hereby awards Bid No. 2015-26 and approves a purchase order to Murray Logan Construction, Inc., in the amount of \$218,000, for the Pump Stations D-8 and D-14 Fuel Tank Replacements, and establishes a construction phase budget of \$240,000.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

**TOWN OF PALM BEACH**

Bid No. 2015-26

Bid Name: D-8 and D-14
FUEL TANK REPLACEMENTS**TABULATION**

TOWN OF PALM BEACH Bid No. 2015-26 Bid Name: D-8 and D-14 FUEL TANK REPLACEMENTS TABULATION				Vendor:		MURRAY LOGAN CONSTRUCTION, INC.		TLC DIVERSIFIED, INC.		INTERCOUNTY ENGINEERING, INC.		HINTERLAND GROUP, INC.	
Address:				313 65TH TRAIL N. WEST PALM BEACH, FL 33413		2719 17TH STREET EAST PALMETTO, FL 34221		1925 NW 18 STREET POMPANO BEACH, FL 33069		5401 N. HAVERHILL ROAD, UNIT 114 WEST PALM BEACH, FL 33407			
Telephone:				561-686-3948		561-478-2025		954-972-9800		561-640-3503			
Fax:				561-686-7465		561-478-7159		954-974-0042		321-633-7067			
Contact:				DAVID LOGAN		THURSTON LAMBERSON		MAURICE A. HYNES		DANIEL DUKE III			
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total		
1	Mobilization/Demobilization	1	LS		\$ 5,600.00		\$ 20,716.00		\$ 9,750.00		\$ 10,000.00		
2	Performance and Payment Bonds	1	LS		\$ 4,000.00		\$ 2,043.00		\$ 6,000.00		\$ 6,000.00		
3	Insurance and Indemnification	1	LS		\$ 8,000.00		\$ 114.00		\$ 2,100.00		\$ 2,000.00		
4	D-8 Fuel Tank Closure	1	LS		\$ 4,000.00		\$ 5,957.00		\$ 2,625.00		\$ 4,500.00		
5	D-8 Demolition	1	LS		\$ 12,000.00		\$ 12,953.00		\$ 13,700.00		\$ 22,000.00		
6	D-8 Temporary Fuel System	1	LS		\$ 3,000.00		\$ 1,709.00		\$ 6,000.00		\$ 10,000.00		
7	D-8 Fuel Tank Support Slab	1	LS		\$ 10,400.00		\$ 9,239.00		\$ 8,400.00		\$ 12,000.00		
8	D-8 Fuel Tank and Fuel Tank Accessories	1	LS		\$ 29,000.00		\$ 45,184.00		\$ 43,590.00		\$ 45,000.00		
9	D-8 Fuel Piping Replacement	1	LS		\$ 21,000.00		\$ 17,025.00		\$ 20,790.00		\$ 15,000.00		
10	D-8 Restoration	1	LS		\$ 3,000.00		\$ 8,444.00		\$ 3,000.00		\$ 7,500.00		
11	D-14 Fuel Tank Closure	1	LS		\$ 4,000.00		\$ 5,957.00		\$ 2,625.00		\$ 4,500.00		
12	D-14 Demolition	1	LS		\$ 12,000.00		\$ 5,902.00		\$ 9,000.00		\$ 20,000.00		
13	D-14 Temporary Fuel System	1	LS		\$ 3,000.00		\$ 1,709.00		\$ 9,450.00		\$ 12,000.00		
14	D-14 Fuel Tank Support Slab	1	LS		\$ 10,000.00		\$ 7,444.00		\$ 8,800.00		\$ 14,000.00		
15	D-14 Fuel Tank and Fuel Tank Accessories	1	LS		\$ 32,000.00		\$ 39,562.00		\$ 38,000.00		\$ 45,000.00		
16	D-14 Diesel Day Tank Replacement	1	LS		\$ 38,000.00		\$ 19,318.00		\$ 39,000.00		\$ 18,000.00		
17	D-14 Fuel Piping Replacement	1	LS		\$ 14,000.00		\$ 20,216.00		\$ 19,000.00		\$ 12,000.00		
18	D-14 Restoration	1	LS		\$ 5,000.00		\$ 4,998.00		\$ 3,500.00		\$ 4,500.00		
Total				\$	218,000.00	\$	228,490.00	\$	245,330.00	\$	264,000.00		

Bid Opened on April 6, 2015 at 2:00 PM

Opened by: Ilyse S. Valdivia

Witnessed by: Angel Lopez

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated May 1, 2015, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 62-2015](#)
- [RFQ No. 2015-11 - GMP](#)
- [Mock Roos Recommendation for Award](#)
- [Exhibit A - D4D10 Budget Analysis](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Award Guaranteed Maximum Price (GMP) Contract for D-4 and D-10 Pump Station Improvements
Accelerated Capital Improvement Program – Phase 2
Resolution No. 62-2015

DATE: May 1, 2015

STAFF RECOMMENDATION

Town staff recommends that Town Council approve Resolution No. 62-2015 awarding a Construction Manager at Risk (CMAR) contract for D-4 and D-10 Pump Station Improvements for a Guaranteed Maximum Price (GMP) amount not to exceed \$5,982,800.69 and authorize the Town Manager to execute a contract with Burkhardt Construction, Inc.

Staff also recommends that the Town Council grant a waiver of the Town Code of Ordinances Sections 42-198 and 42-199 to allow work on Town property to continue during season.

GENERAL INFORMATION

The D-4 and D-10 Pump Stations are two of the Town's main Storm Water Pump Stations, which are located at 445 N. Lake Way and 1060 N. Lake Way North, respectively. Due to the age and condition of the pump stations, it is necessary to perform improvements to meet the station demands. At the November 13, 2014, Town Council meeting, the Town Council approved a Request for Qualifications for a Construction Manager at Risk (CMAR) for the project.

The Consultants Competitive Negotiation Act (CCNA) process, in accordance with Florida Statutes, Chapter 287.055 includes establishing a review team that evaluates the qualifications submitted by the firms that express an interest in the project. Letters of Interest and Statements of Qualifications were received from three (3) construction management firms. The selection committee met on December 15, 2014, to review the submittals. The selection committee consisted of Michael J. Pucillo, Council Member and at that time Public Works Committee Chair; Cheryl Somers, Assistant Finance Director; John Page, Director of Planning, Zoning and Building; Charles R. Langley, P.E., Senior Project Engineer; Jeffrey M. Sanon, P.E., Project Engineer; and William K. Francis, P.E., Town Engineer (non-voting). In addition, purchasing staff oversaw and assisted with the selection committee's review process.

The selection committee determined that a presentation would be necessary to better assess the

contractor's qualifications and asked the three (3) firms to return and make oral presentations on December 22, 2014, to determine final rankings.

The selection committee's opinion was that the qualifications of Burkhardt Construction, Inc., best met the Town's requirements for this scope of work and at the January 13, 2015 Town Council Meeting, the Council approved the ranking of the Construction Manager at Risk selection committee and Burkhardt Construction, Inc. was awarded a pre-construction agreement by Resolution 03-2015. The Town Manager was authorized to enter into an agreement for pre-construction services with Burkhardt Construction, Inc. to develop a GMP for the D-4 and D-10 Pump Station Improvements Project using a CMAR approach.

Burkhardt Construction, Inc. submitted a proposed GMP to the Town on April 24, 2015 based on 90% plans for \$6,123,974.56. Staff worked with Mock Roos and Associates (MRA) and Kimley-Horn and Associates (KHA) to review the draft GMP. Staff and the consultants reviewed the general conditions, project management fees, and profit, and found them to be a lower percentage than previous CMAR projects with the Town. In addition, the consultants reviewed the direct construction costs and compared them to recently awarded projects of similar scope in other municipalities. The direct costs proposed were found to be less than those projects. While the proposed direct costs are somewhat higher than originally budgeted, the consultants have noted that this seems to be the trend in the south Florida construction industry, which statistically has shown an increase in construction costs of 20 to 30 percent annually over the past several years. Since the project is actually a combination of five (5) individual projects that were grouped together, staff and the consultants believe there to be a significant value to the CMAR fees and expect that the cost of the project would be consistent with the proposed GMP if it were bid to the public since the bid would certainly include significant management fees, only buried within unit costs, general conditions, and / or mobilization.

It should also be noted that the project is actually a combination of five (5) projects within the Accelerated Capital Improvement Program – Phase 2 which also caused the total GMP to be slightly higher than the original project cost estimate. While the cost of the two (2) primary project (D-4 Pump Station and D-10 Pump Station) were slightly higher than our engineers' estimates due to the market conditions discussed above, the additional three (3) projects (D-4 / D-10 Electrical Upgrades, E-6 Pump Station, and Tangier Avenue Drainage Improvements) increased the scope and as such increased the project cost as well. Most of these additional costs were already accounted for in other budget line items of the ACIP 2 and its contingency. Therefore, the ACIP 2 budget is balanced and no other projects within the ACIP 2 program are impacted.

Public Works, Purchasing, and Finance negotiated a final GMP with Burkhardt Construction, Inc. that resulted in a lower GMP of \$5,982,800.69. Staff is working with the Town Attorney and Risk Manager to develop contract documents.

A summarized copy of the final GMP is attached and a summary of the major components is as follows:

Direct Costs	\$ 4,613,866.33
General Conditions	\$ 288,034.36
Construction Phase Project Management	\$ 368,900.00
Profit	\$ 427,000.00
Construction Contingency	\$ 285,000.00
Total Guaranteed Maximum Price (GMP)	\$ 5,982,800.69

Note: Authorization for Material Purchases of \$1,142,566.88 for the D-4 and D-10 Improvement Project via Request for Quotation (RFQ) is also being considered at the May 12, 2015 Town Council meeting. A purchase order for \$530,851.00 has been previously issued for a portion of the materials in FY2014. The total materials purchase of \$1,673,417.68 will provide the Town with approximately \$100,405.06 in tax savings. The materials purchase and the GMP costs combine for a total construction budget of \$7,656,218.37.

SPECIAL CONSIDERATIONS

There will be periodic short duration lane closures in front of the stations for equipment and material deliveries, causing a minor impact to traffic. In addition, the west end of Via Marila will be closed to traffic for the duration of the project. No access to residences will be impacted other than all traffic will need to enter and exit Via Marila on the east end at North Ocean Boulevard.

We will also have one short term closure of Northlake Way at both the D-4 and D-10 pump stations so that FPL can set a transformer with a crane. The closure will be less than one (1) hour and will be done outside peak traffic hours and possibly on a weekend morning.

Due to the complexity of this project, it will be necessary to continue work past December 1, 2015 into "the season". Site work and station construction will occur during the summer months and quieter, interior work would extend into season. This has been our approach to previous similar projects.

The project is anticipated to be completed by February 2016 provided that construction commences in June. Staff is requesting that Town Council grant a waiver of the Town Code of Ordinances sections 42-198 and 42-199, however, work will be limited to the interior with little impact to traffic. In the event construction is delayed to next year, it would be necessary to re-bid the majority of the project, and as discussed above, would most likely result in a 20 to 30 percent increase on the order of over \$1,000,000.

FUNDING/FISCAL IMPACT

Funding for this project is fully contained within the 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. The Town Attorney will review the CMAR Contract for legal form and sufficiency prior to execution by the Town Manager.

Attachments

cc: Jane Struder, Director of Finance
John Page, Director of Planning, Zoning and Building
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
Jeffrey M. Sanon, P.E., Project Engineer
Doug Terry, Water Resources Division Manager
Brett Madison, Facilities Maintenance Manager
Adis Pedraza, Purchasing Manager
Mark Kleisley, Burkhardt Construction, Inc.

RESOLUTION NO. 62-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED A GUARANTEED MAXIMUM PRICE (GMP) CONTRACT TO BURKHARDT CONSTRUCTION, INC., IN THE AMOUNT OF \$5,982,800.69 FOR THE D-4 AND D-10 PUMP STATION IMPROVEMENTS.

* * * * *

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 authorizes the Town Manager to execute a contract with Burkhardt Construction, Inc. for the D-4 and D-10 Pump Station Improvements Project for a not-to-exceed amount of \$5,982,800.69.

Section 2. 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 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



Guaranteed Maximum Price (GMP)

RFQ No. 2015-11

**D-4 and D-10 Pump Station Improvements
Construction Manager at Risk Services**

**Revised on 5/1/2015 by:
Burkhardt Construction, Inc.
1400 Alabama Avenue, Suite 20
West Palm Beach, Florida 33401
561.659.1400**



**BURKHARDT
CONSTRUCTION, INC.**

TCM 5-12-15

Town of Palm Beach

D-4 Storm Water Pump Station Improvements D-10 Storm Water Pump Station Improvements E-6 Lift Station and Tangier Avenue Pavement Improvements

G.M.P. Based on 90% Bid Documents

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President of Operations
1400 Alabama Ave., #20
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town of Palm Beach**
Attn: Jeff Sanon, P.E.
951 Old Okeechobee Road
West Palm Beach, FL 33401
TEL: (561) 227-7024
FAX: (561) 835-4691

Engineer: **Kimley-Horn and Associates** **Mock Roos**
Attn: Jason R. Lee, P.E. Attn: Garry Gruber, P.E.
1920 Wekiva Way, Suite 200 5720 Corporate Way
West Palm Beach, FL 33411 West Palm Beach, FL 33407
TEL: (561) 845-0665 TEL: (561) 683-3113
FAX: (561) 863-8175 FAX: (561) 478-7248

Project: **D-4 and D-10 Storm Water Pump Station Improvements
E-6 Lift Station and Tangier Avenue Improvements**

Plans: GMP Based on 90% Bid Documents BCI Received on 2/9/15
Complete Plan Log attached

Location: Town of Palm Beach

Date: 4/24/2015, REV. 4/30/15, REV. 5/1/15

Total Direct Construction Costs (Attached Exhibit "A's")		\$ 4,613,866.33
D-4 Pump Station Direct Costs	\$ 1,889,805.49	
D-10 Pump Station Direct Costs	\$ 2,354,691.84	
E-6 Lift Station and Tangier Direct Costs	\$ 369,369.00	
General Conditions		\$ 288,034.36
Construction Phase Project Management		\$ 368,900.00
Profit		\$ 427,000.00
Contingency		\$ 285,000.00
Total Guaranteed Maximum Price (G.M.P.)		\$ 5,982,800.69

Town of Palm Beach Direct Purchase Materials

D-4 Generators Per RFQ 86-2015 (Pantropic Power)	\$ 219,870.10
D-10 Generators Per RFQ 87-2015 (Pantropic Power)	\$ 199,966.10
D-4 Pumps Per RFQ 77-2014 (Xylem Water Solutions)	\$ 530,851.00
D-10 Pumps Per RFQ 70-2015 (Xylem Water Solutions)	\$ 567,130.48
D-4 CC Controls Per RFQ 71-2015 (C.C. Control Corp)	\$ 86,700.00
D-10 CC Controls Per RFQ 72-2015 (C.C. Control Corp)	\$ 68,900.00
Total (Not Included in GMP)	\$ 1,673,417.68

Town of Palm Beach

D-4 Storm Water Pump Station Improvements D-10 Storm Water Pump Station Improvements E-6 Lift Station and Tangier Avenue Pavement Improvements

G.M.P. Based on 90% Bid Documents

GENERAL CONDITIONS

From: **Burkhardt Construction, Inc.**
Attn: Marc Kleisley, Vice President of Operations
1400 Alabama Ave., #20
West Palm Beach, FL 33401
Ph: (561) 659-1400
Fax: (561) 659-1402

Owner: **Town of Palm Beach**
Attn: Jeff Sanon, P.E.
951 Old Okeechobee Road
West Palm Beach, FL 33401
TEL: (561) 227-7024
FAX: (561) 835-4691

Engineer: **Kimley-Horn and Associates**
Attn: Jason R. Lee, P.E.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
TEL: (561) 845-0665
FAX: (561) 863-8175

Mock Roos
Attn: Garry Gruber, P.E.
5720 Corporate Way
West Palm Beach, FL 33407
TEL: (561) 683-3113
FAX: (561) 478-7248

Project: **D-4 and D-10 Storm Water Pump Station Improvements**
E-6 Lift Station and Tangier Avenue Improvements

Plans: GMP Based on 90% Bid Documents BCI Received on 2/9/15
Complete Plan Log attached

Location: Town of Palm Beach

Proposal Date: 4/24/2015, REV. 4/30/15, REV. 5/1/15

Item Description					Amount
BASED ON A 8 MONTH DURATION					
MOBILIZATION (move-in, move-out)					\$0.00
TRANSPORT	\$65.00 /	Hr	x	0	\$0.00
EQUIPMENT	\$35.00 /	Hr.	x	0	\$0.00
SUBCONTRACTOR MOBILIZATION(S) INCLUDED IN THEIR DIRECT CONSTRUCTION COSTS					
PROJECT FIELD OFFICE					\$35,446.00
OFFICE	\$1,000.00 /	mo.	x	0	\$0.00
YARD	\$1,000.00 /	mo.	x	0	\$0.00
EMPLOYEE PARKING FEES	\$500.00 /	mo.	x	0	\$0.00
WORK PLATFORM FOR YARD	\$200.00 /	mo.	x	0	\$0.00
CONSTRUCTION YARD LIGHTING	\$500.00 /	mo.	x	0	\$0.00
OFFICE FURNISHINGS	\$500.00 /	mo.	x	0	\$0.00
COMPUTERS	\$300.00 /	mo.	x	8	\$2,400.00
PROCORE MANAGEMENT SOFTWARE	\$500.00 /	mo.	x	8	\$4,000.00
SUBMITTAL SOFTWARE	\$4,000.00 /	ls	x	1	\$4,000.00



COPY MACHINE	\$350.00 /	mo.	x	8	\$2,800.00
FAX MACHINE	\$100.00 /	mo.	x	0	\$0.00
INTERNET SERVICE	\$150.00 /	mo.	x	8	\$1,200.00
CELLULAR TELEPHONE	\$500.00 /	mo.	x	8	\$4,000.00
TELEPHONE	\$150.00 /	mo.	x	8	\$1,200.00
FEDERAL EXPRESS MAILINGS	\$100.00 /	mo.	x	8	\$800.00
POSTAGE	\$50.00 /	mo.	x	8	\$400.00
PHOTOGRAPHS					\$0.00
AERIAL PHOTOS					
D-10 PUMP STATION	\$110.00 /	mo.	x	8	\$880.00
D-4 PUMP STATION	\$110.00 /	mo.	x	8	\$880.00
E-6/TANGIER	\$110.00 /	mo.	x	5	\$550.00
JOB PHOTOS	\$50.00 /	wk	x	35	\$1,750.00
PRE-CONSTRUCTION VIDEO	\$1,386.00 /	ls	x	1	\$1,386.00
PLAN REPRODUCTION COST/PRINTING	\$200.00 /	set	x	10	\$2,000.00
OFFICE SUPPLIES	\$50.00 /	mo.	x	8	\$400.00
FIRST AID SUPPLIES	\$50.00 /	mo.	x	8	\$400.00
WATER SERVICE	\$35.00 /	mo.	x	0	\$0.00
SANITARY SERVICE	\$50.00 /	mo.	x	0	\$0.00
ELECTRIC SERVICE	\$200.00 /	mo.	x	0	\$0.00
GARBAGE SERVICE	\$25.00 /	mo.	x	8	\$200.00
CONSTRUCTION WATER	\$500.00 /	mo.	x	8	\$4,000.00
JOHN DEERE GATOR (1)	\$500.00 /	mo.	x	0	\$0.00
ICE	\$275.00 /	mo.	x	8	\$2,200.00

BONDS

GENERAL BOND	\$5,982,800.00	x	1.25%	\$74,785.00
SUBCONTRACTORS BONDS				\$74,785.00

PARTNERING INITIATIVES

NOTICES, LETTERS, INFORMATION MEETINGS	\$3,500.00
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INSURANCE

					\$111,553.36
GENERAL INSURANCE	\$5,871,229.36	x	1.90%		\$111,553.36
Commercial General Liability					
Comprehensive Automobile Liability					
Owner Idemnification					
Professional (Errors/Omissions) Liability					
Excess/Umbrella Liability					
ADD'L INSUREDS	\$100.00 /	ea.	x	0	\$0.00
ADDED INSURANCES					
Railroad protective Liability Ins.					NOT INCLUDED
Builders Risk Insurance					BY OWNER
Installation Floater					BY OWNER
Flood Insurance					BY OWNER
SUBCONTRACTORS' INSURANCE					INCLUDED IN THEIR DIRECT COSTS

SANITARY SERVICES

JOB TOILET (2ea.)					\$5,250.00
D-10 PUMP STATION	\$250.00 /	mo.	x	8	\$2,000.00
D-4 PUMP STATION	\$250.00 /	mo.	x	8	\$2,000.00
E-6/TANGIER	\$250.00 /	mo.	x	5	\$1,250.00

TESTING COSTS

DENSITIES					\$20,000.00
PRESSURE					
PROCTORS					
BACTERIOLOGICAL					
CONCRETE CYLINDERS					
ENGINEERING & REPORTING					
TV'ING OF INSTALLED LINES					

FEES						\$7,500.00
TOPB BUILDING DEPT. PERMIT FEES		NONE ANTICIPATED				NO FEE PERMIT
PERMIT SUBMISSION AND EXPEDITING						\$2,500.00
SFWMD DEWATERING PERMIT						\$5,000.00
SURVEYING						\$27,500.00
LAYOUT & ASBUILTS		AVIROM & ASSOC.	\$26,000.00 /	LS	x	1
ALLOWANCE FOR RESTAKING			\$1,500.00 /	LS	x	1
& DRAFTING						
SMALL HAND TOOLS/EQUIPMENT RENTAL						\$2,500.00
ALLOWANCE (GENERAL)						\$2,500.00
HANDLING, STORAGE, UN-LOADING OF OWNER DIRECT PURCHASE MATERIALS						INCL IN SUBS DIRECT COSTS
GENERAL CONDITIONS TOTAL						\$288,034.36



Town of Palm Beach

D-4 Storm Water Pump Station Improvements
D-10 Storm Water Pump Station Improvements
E-6 Lift Station and Tangier Avenue Pavement Improvements

D-4 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description		Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal	
MAINTENANCE OF TRAFFIC	MOT PLAN	1	LS	\$150.00	\$22,746.00				BOBS	150	150	
	WORK ZONE SIGNS	2760	E/D	\$0.40	1,104.00				BOBS	1104	1104	
	STEADY BURN &/OR FLASHING LIGHTS	2760	E/D	\$0.30	828.00				BOBS	828	828	
	POST MOUNTING FOR ADVANCE WARNING SIGNS	10	EA	\$65.00	650.00				BOBS	650	650	
	SALES TAX FOR MOT DEVICES	1	LS	\$164.00	164.00				BOBS	164	164	
	MOT / SAFETY DEVICE SET-UP & MAINTENANCE	1	LS	\$500.00	500.00				ALLOWANCE	500	500	
	CONTINUOUS SITE CLEANING / DEBRIS REMOVAL	1	LS	\$500.00	500.00				ALLOWANCE	500	500	
	DANGER RIBBON	25	ROL	\$14.00	350.00				ALLOWANCE	350	350	
	ROADWAY FLAGMEN	1	LS	\$11,000.00	11,000.00			MURRAY LOGAN	11000		11000	
	6' H CHAIN LINK FENCE W/ WINDSCREEN	1	LS	\$3,500.00	3,500.00				ALLOWANCE	3500	3500	
	FURNISH, INSTALL AND MAINTAIN GRAVEL TRACKING PADS	1	LS	\$3,000.00	3,000.00			MURRAY LOGAN	3000		3000	
	ALLOWANCE FOR SPECIALTY SIGNAGE	1	LS	\$1,000.00	1,000.00					1000	1000	
	DEMOLITION/CLEARING & GRUBBING	NPDES	8	MO	\$500.00	\$26,890.00				BCI	4000	4000
		SILT FENCE	1	LS	\$5,000.00	5,000.00			MURRAY LOGAN	5000		5000
TURBIDITY BARRIER (DOUBLE ROW)		1	LS	\$10,500.00	10,500.00			MURRAY LOGAN	10500		10500	
CONCRETE SIDEWALK REMOVAL & DISPOSAL		820	SF	\$2.00	1,640.00			BIG D PAVING	1640		1640	
SAW CUT EXISTING CONCRETE / ASPHALT		1	LS	\$1,000.00	1,000.00			BIG D PAVING	1000		1000	
CHAINLINK FENCE REMOVAL AND DISPOSAL		40	LF	\$5.00	200.00			BIG D PAVING	200		200	
PRIVATE PROPERTY RESTORATION		1	LS	\$1,000.00	1,000.00				ALLOWANCE	1000	1000	
ROLL OFF DUMPSTER		10	PUL	\$355.00	3,550.00			ALLOWANCE	3550		3550	
EARTHWORK AND GRADING		D4 PUMPSTATION EARTHWORK	1	LS	\$6,800.00	\$14,331.50			MURRAY LOGAN	6800		6800
		GRADE / COMPACT FOR SIDEWALKS	838	SF	\$1.50	1,257.00			BIG D PAVING	1257		1257
		12" COMPACTED SUBGRADE	1,183	SF	\$1.50	1,774.50			BIG D PAVING	1774.5		1774.5
		FINAL DRESSING AND FINISH GRADING	1	LS	\$2,000.00	2,000.00				ALLOWANCE	2000	2000
		FINAL CONSTRUCTION CLEAN	1	LS	\$2,000.00	2,000.00				ALLOWANCE	2000	2000
		PAINT VALVE BOXES, INLETS AND MANHOLES	1	LS	\$500.00	500.00				ALLOWANCE	500	500
	WATER / SEWER / STORM	ODOR CONTROL SYSTEM	1	LS	\$35,200.00	\$65,700.00			MURRAY LOGAN	35200		35200
		ADJUST MANHOLES TO GRADE	2	EA	\$15,250.00	30,500.00			MURRAY LOGAN	30500		30500
		FRANCHISE UTILITIES (CATV, PHONE, FPL)	1	LS	\$3,865.00	\$8,545.00			CR DUNN	3865		3865
	FPL OVERHEAD TO UNDERGROUNDING CONVERSION	1	LS	\$4,680.00	4,680.00			CR DUNN	4680		4680	
	FPL ENGINEERING/INSTALLATION FEES		BY OWNER							0		
	D4 STORM DRAINAGE OUTFALL	STORM OUTFALL COMPLETE TO INCLUDE: REMOVE AND REPLACE 8+/- LF OF 58"X91" RCP	1	LS INCL	\$157,800.00	\$157,800.00			JOHNSON-DAVIS	157800		157800



D-4 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
CONCRETE JACKET PER FDOT INDEX 280 REMOVE AND RECONSTRUCT HEADWALL REMOVE, CLEAN, REINSTALL MANATEE GATE INSTALL AND MAINTAIN DOUBLE ROW OF TURBIDITY BARRIER RIP RAP WEIR TEMPORARY SHEETING AS NECESSARY DEWATERING AS NECESSARY PROTECTION OF EXISTING UTILITIES AS NECESSARY TEMPORARY MANATEE SIGNAGE REMOVE AND REPLACE EXISTING HEDGE TO MATCH REMOVE/REPLACE/RESTORE AREA IN KIND AS REQUIRED M.O.T. (ADVANCED WARNING SIGNS/SAFETY FENCE ETC.) TRENCH SAFETY	838	SF	\$6.00	\$5,028.00			BIG D PAVING	5028		5028
CONCRETE CONSTRUCTION										
6" CONCRETE W/ WIRE MESH	838	SF								
D4 PUMP STATION WETWELL / MECHANICAL										
PARTIAL STRUCTURAL DEMOLITION INCLUDING: GRATING AND SUPPORTS EQUIPMENT/HOUSE KEEPING PADS REMOVE PORTION OF PUMP WALL PER S-09 MECHANICAL DEMOLITION COMPLETE INCLUDING: PUMPS AND DISCHARGE LINES SUBMERSIBLE PUMP, PIPING AND MOTOR CABLES KEEL COOLER, COOLANT LINES AND SUPPORTS BLOWERS PLENUM AND SILENCERS DUTY FAN AND AND SILENCER STILLING WELL SILENCER AND DUCT WORK MUFFLERS AND EXHAUST PIPING EXHAUST THIMBLES AND SEAL OPENING SKID MOUNTED HYDRAULIC PUMP, MOTORS, OIL TANK COPPER WATER LINE AND HOSEBIBS	1	LS	\$30,200.00	\$889,484.11			MURRAY LOGAN	30200		30200
STRUCT. CONCRETE REPAIRS / WETWELL REHABILITATION (ALLOWANCE) FILL CONCRETE PRECAST BEAM SEAT W/ NON SHRINK GROUT FILL EXISTING SUMP W/ REINFORCED CONCRETE FILL PIPE CHASE W/ NON SHRINK GROUT AND WWF INSTALL OWNER DIRECT PURCHASE PUMP PACKAGES TEMP STRUCTURE TO MAINTAIN 1 OPERATIONAL PUMP AT ALL TIMES INCLUDING: MECHANICAL (ELECTRICAL & TEMP CONTROLS BY CRDUNN)	1	LS	\$30,400.00	30,400.00			MURRAY LOGAN	30400		30400
FLAP GATES SPLITTER PLATES AND VORTEX CONES PUMP DIVIDER WALLS SEDIMENT WALLS PUMP WALL CONCRETE TRENCH AND AND SUMP FUEL PIPING STAINLESS STEEL AND DAY TANK PUMP VENTING LIQUID LEVEL CONTROL HOUSEKEEPING PADS WETWELL PUMP SUPPORT BEAMS, CHANNELS, CONNECTIONS ETC.	1	LS	\$26,000.00	26,000.00			MURRAY LOGAN	26000		26000
	1	LS	\$3,100.00	3,100.00			MURRAY LOGAN	3100		3100
	1	LS	\$1,400.00	1,400.00			MURRAY LOGAN	1400		1400
	1	LS	\$1,800.00	1,800.00			MURRAY LOGAN	1800		1800
	1	LS	\$133,085.10	133,085.10			MURRAY LOGAN	133085.1		133085.1
	1	LS	\$98,000.00	98,000.00			MURRAY LOGAN	98000		98000
	1	LS	\$25,000.00	25,000.00			MURRAY LOGAN	25000		25000
	1	LS	\$21,000.00	21,000.00			MURRAY LOGAN	21000		21000
	1	LS	\$16,000.00	16,000.00			MURRAY LOGAN	16000		16000
	1	LS	\$1,500.00	1,500.00			MURRAY LOGAN	1500		1500
	1	LS	\$14,000.00	14,000.00			MURRAY LOGAN	14000		14000
	1	LS	\$3,500.00	3,500.00			MURRAY LOGAN	3500		3500
	1	LS	\$60,712.00	60,712.00			MURRAY LOGAN	60712		60712
	1	LS	\$15,400.00	15,400.00			MURRAY LOGAN	15400		15400
	1	LS	\$6,500.00	6,500.00			MURRAY LOGAN	6500		6500
	1	LS	\$9,600.00	9,600.00			MURRAY LOGAN	9600		9600
	1	LS	\$52,200.00	52,200.00			MURRAY LOGAN	52200		52200



D-4 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
DISCHARGE PIPING (SS, CORTEN, DIP AND PVC) HATCHES AND MISC. METALS GRATING , GRATING BEAMS, SEAT AND CONNECTIONS INSTALL OWNER DIRECT PURCHASE GENERATOR PACKAGES GENERATOR EXHAUST SILENCERS EXHAUST PIPING; THIMBLES, RAIN FLAPPERS COMPLETE HOIST, HOIST BEAM COLUMN & FOOTER AND HOIST BEAM COMPLETE STILLING WELL ALL SS BRACKETS AND SUPPORTS DEWATERING AS NECESSARY PERFORMANCE AND PAYMENT BOND PREMIUM FUEL FOR TESTING EQUIPMENT D4 PUMP STATION BUILDING SUPERVISION AND MANAGEMENT MOBILIZATION/GENERAL CONDITIONS MAINTENANCE OF TRAFFIC FINAL CONSTRUCTION CLEAN DEMOLITION LAYOUT SOIL CONSOLIDATION SOIL POISON / TREATMENT CONCRETE SEALER CONCRETE AND REBAR PRE-CAST CONCRETE CONCRETE CUTTING AND BORING CMU WALL REPAIRS PRECAST MISC. PRECAST PRIVACY WALL (ALLOWANCE) METAL GATE MISC. METALS ROUGH CARPENTRY EXTERIOR TRIM ROOF WATERPROOFING MEMBRANE BUILT UP ROOF W. INSULATION MISC. SHEET METAL AND FLASHING SCUPPERS, GUTTERS AND DOWNSPOUTS CAULKING / EXPANSION CONTROL WATERPROOFING INSULATION FIRE SAFING (ALLOWANCE) DOORS, FRAMES & HARDWARE LOUVERS ACCESS DOORS LATH & TRIM STUCCO PAINTING WALLS & CEILING EPOXY / SEAL FLOORS SIGNAGE FIRE EXTINGUISHERS MISC. SHELVING PLUMBING FLOOR & ROOF DRAINAGE FANS	1	LS	\$36,400.00	\$	36,400.00		MURRAY LOGAN	36400		36400
	1	LS	\$1,700.00	\$	1,700.00		MURRAY LOGAN	1700		1700
	1	LS	\$24,000.00	\$	24,000.00		MURRAY LOGAN	24000		24000
	1	LS	\$73,987.01	\$	73,987.01		MURRAY LOGAN	73987.01		73987.01
	1	LS	\$30,800.00	\$	30,800.00		MURRAY LOGAN	30800		30800
	1	LS	\$44,400.00	\$	44,400.00		MURRAY LOGAN	44400		44400
	1	LS	\$32,000.00	\$	32,000.00		MURRAY LOGAN	32000		32000
	1	LS	\$4,400.00	\$	4,400.00		MURRAY LOGAN	4400		4400
	1	LS	\$10,000.00	\$	10,000.00		MURRAY LOGAN	10000		10000
	1	LS	\$54,200.00	\$	54,200.00		MURRAY LOGAN	54200		54200
	1	LS	\$28,200.00	\$	28,200.00		MURRAY LOGAN	28200		28200
		NIC								
				\$252,960.00						
	1	LS	\$38,298.00	\$	38,298.00		BUTLER	38298		38298
	1	LS	\$16,258.00	\$	16,258.00		BUTLER	16258		16258
	1	LS	\$6,396.00	\$	6,396.00		BUTLER	6396		6396
	1	LS	\$504.00	\$	504.00		BUTLER	504		504
	1	LS	\$18,890.00	\$	18,890.00		BUTLER	18890		18890
		INCL								
		INCL								
		INCL								
		INCL								
	1	LS	\$30,200.00	\$	30,200.00		BUTLER	30200		30200
	1	LS	\$1,702.00	\$	1,702.00		BUTLER	1702		1702
		INCL								
	1	LS	\$4,505.00	\$	4,505.00		BUTLER	4505		4505
		INCL								
	1	LS	\$45,000.00	\$	45,000.00		BUTLER	45000		45000
	1	LS	\$2,553.00	\$	2,553.00		BUTLER	2553		2553
		INCL								
		INCL								
		INCL								
		INCL								
	1	LS	\$13,166.00	\$	13,166.00		BUTLER	13166		13166
	1	LS	\$4,880.00	\$	4,880.00		BUTLER	4880		4880
		INCL								
	1	LS	\$516.00	\$	516.00		BUTLER	516		516
		INCL								
		INCL								
	1	LS	\$2,000.00	\$	2,000.00		BUTLER	2000		2000
	1	LS	\$21,896.00	\$	21,896.00		BUTLER	21896		21896
	1	LS	\$11,035.00	\$	11,035.00		BUTLER	11035		11035
		INCL								
		INCL								
	1	LS	\$5,674.00	\$	5,674.00		BUTLER	5674		5674
	1	LS	\$19,779.00	\$	19,779.00		BUTLER	19779		19779
		INCL								
	1	LS	\$200.00	\$	200.00		BUTLER	200		200
	1	LS	\$332.00	\$	332.00		BUTLER	332		332
	1	LS	\$400.00	\$	400.00		BUTLER	400		400
	1	LS	\$5,165.00	\$	5,165.00		BUTLER	5165		5165
		INCL								
	1	LS	\$3,611.00	\$	3,611.00		BUTLER	3611		3611



D-4 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
D4 PUMP STATION ELECTRIC ELECTRICAL DEMOLITION COMPLETE INCLUDING: CC AND CONTROL PANEL / RTU REMOVAL DISCONNECT PUMPS AND FAN ELECTRIC GENERATOR SYSTEM / ATS / DAY TANK INTERIOR AND EXTERIOR LIGHTING SYSTEM WET WELL PUMPS AND RELATED SYSTEMS MAIN POWER SERVICE FEEDER AND METER JUNCTION BOXES / PULL BOXES / ENCLOSURES D4 METER AND SERVICE E 7 METER ND SERVICE D3 DISCONNECT FURNISH AND INSTALL ELECTRICAL COMPONENT PACKAGE INCLUDING: CONDUITS AND WIRE INSTALL ODP GENERATOR COMPONENT PACKAGES INSTALL ODP CC CONTROLS COMPONENT PACKAGES INSTALL ODP PUMP COMPONENT PACKAGES INTERIOR AND EXTERIOR LIGHTING SYSTEM AUTOMATIC TRANSFER SWITCH DRY TYPE TRANSFORMERS PANELBOARDS AUTOTRANSFORMER REDUCED VOLTAGE STARTER INSTRUMENTATION AND CONTROL SYSTEMS TELEMETRY SUB SYSTEMS SCADA SYSTEMS START UP AND TESTING TEMP. ELECTRIC COMPONENTS TO MAINTAIN ONE OPERATIONAL PUMP DURING D-4 MODIFICATIONS E-7 ODOR CONTROL ELECTRICAL COMPLETE	1	LS								
			</							

Town of Palm Beach

D-4 Storm Water Pump Station Improvements
D-10 Storm Water Pump Station Improvements
E-6 Lift Station and Tangier Avenue Pavement Improvements

D-10 DIRECT CONSTRUCTION COSTS
GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
MAINTENANCE OF TRAFFIC MOT PLAN WORK ZONE SIGNS STEADY BURN &/OR FLASHING LIGHTS VARIABLE MESSAGE BOARD POST MOUNTING FOR ADVANCE WARNING SIGNS SALES TAX FOR MOT DEVICES MOT / SAFETY DEVICE SET-UP & MAINTENANCE CONTINOUS SITE CLEANING / DEBRIS REMOVAL DANGER RIBBON ROADWAY FLAGMEN 6' H CHAIN LINK FENCE W/ WINDSCREEN FURNISH, INSTALL AND MAINTAIN GRAVEL TRACKING PADS ALLOWANCE FOR SPECIALTY SIGNAGE	1 2760 2760 56 10 1 1 1 25 1 1 1 1	LS E/D E/D E/D EA LS LS LS ROL LS LS LS LS	\$150.00 \$0.40 \$0.30 \$30.00 \$65.00 \$265.00 \$500.00 \$500.00 \$14.00 \$11,000.00 \$4,500.00 \$3,000.00 \$1,000.00	\$25,527.00 150.00 1,104.00 828.00 1,680.00 650.00 265.00 500.00 500.00 350.00 11,000.00 4,500.00 3,000.00 1,000.00				BOBS BOBS BOBS BOBS BOBS BOBS BOBS ALLOWANCE ALLOWANCE 11000 3000	150 1104 828 1680 650 265 500 500 350 11000 4500 3000 1000	150 1104 828 1680 650 265 500 500 350 11000 4500 3000 1000
DEMOLITION/CLEARING & GRUBBING NPDES SILT FENCE TURBIDITY BARRIER (DOUBLE ROW) CONCRETE SIDEWALK / DRIVEWAY REMOVAL & DISPOSAL SAW CUT EXISTING CONCRETE/ ASPHALT SITE WALL REMOVAL SAWCUT AND REMOVE CONCRETE PAD FOR LANDSCAPE AND FUEL LINES HEDGE REMOVAL (SOUTH PROPERTY LINE) HEDGE REMOVAL (NORTH PROPERTY LINE) CLEAR AND GRUB PRIVATE PROPERTY RESTORATION ROLL OFF DUMPSTER	8 1 1 1258 1 104 1 104 102 1 1 5	MO LS LS SF LS LF LS LF LF LS LS PUL	\$500.00 \$5,000.00 \$10,500.00 \$5.00 \$1,000.00 \$20.00 \$2,500.00 \$25.00 \$25.00 \$5,000.00 \$1,000.00 \$355.00	\$44,295.00 4,000.00 5,000.00 10,500.00 6,290.00 1,000.00 2,080.00 2,500.00 2,600.00 2,550.00 5,000.00 1,000.00 1,775.00			MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN ALLOWANCE ALLOWANCE	BCI 5000 10500 6290 1000 2080 2500 2600 2550 5000 ALLOWANCE ALLOWANCE	4000 5000 10500 6290 1000 2080 2500 2600 2550 5000 1000 1775	4000 5000 10500 6290 1000 2080 2500 2600 2550 5000 1000 1775
EARTHWORK AND GRADING D10 PUMPSTATION EARTHWORK EXCAVATE / GRADE / COMPACT GRADE / COMPACT FOR CONCRETE WORK 12" COMPACTED SUBGRADE FINAL DRESSING AND FINISH GRADING FINAL CONSTRUCTION CLEAN PAINT VALVE BOXES, INLETS AND MANHOLES	1 1 1 1,344 1 1 1	LS LS LS SF LS LS LS	\$6,800.00 \$250.00 \$250.00 \$2.00 \$2,000.00 \$2,000.00 \$500.00	\$14,488.00 6,800.00 250.00 250.00 2,688.00 2,000.00 500.00			MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN MURRAY LOGAN ALLOWANCE ALLOWANCE ALLOWANCE	6800 250 250 2688 2000 2000 500		6800 250 250 2688 2000 2000 500
WATER / SEWER / STORM ADJUST MANHOLE TO GRADE AND REHABILITATE	1	EA	\$16,000.00	\$16,000.00			MURRAY LOGAN	16000		16000
FRANCHISE UTILITIES (CATV, PHONE, FPL) FPL OVERHEAD TO UNDERGROUNDING CONVERSION ROADWAY RESTORATION FOR UNDERGROUNDING (ALLOWANCE) CONSTRUCT TRANSFORMER PAD FPL ENGINEERING/INSTALLATION FEES	1 1 1 1 BY OWNER	LS LS LS LS BY OWNER	\$10,599.00 \$10,000.00 \$1,280.00 \$	\$21,879.00 10,599.00 10,000.00 1,280.00			CR DUNN CR DUNN	10599 0 1280	10000	10599 10000 1280 0



D-10 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Amount		Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
			Unit Price	Amount						
REMOVE FLOOR DRAIN AND GROUT PVC DRAIN LINE		INCL								
REMOVE GENERATOR PLUG FOR E-3 LIFT STATION		INCL								
STRUCT. CONCRETE REPAIRS / WETWELL REHABILITATION (ALLOWANCE)	1 LS		\$26,000.00	\$ 26,000.00			MURRAY LOGAN	26000		26000
SAW/CUT WALLS AS NECESSARY	1 LS		\$6,200.00	\$ 6,200.00			MURRAY LOGAN	6200		6200
FILL EXISTING SUMP W/ REINFORCED CONCRETE	1 LS		\$1,300.00	\$ 1,300.00			MURRAY LOGAN	1300		1300
INSTALL OWNER DIRECT PURCHASE PUMP PACKAGES	1 LS		\$136,713.05	\$ 136,713.05			MURRAY LOGAN	136713.05		136713.05
TEMP STRUCTURE TO MAINTAIN 1 OPERATIONAL PUMP AT ALL TIMES INCLUDING: MECHANICAL (ELECTRICAL AND TEMP CONTROLS BY CR DUNN)	1 LS		\$100,700.00	\$ 100,700.00			MURRAY LOGAN	100700		100700
FLAP GATES	1 LS		\$25,000.00	\$ 25,000.00			MURRAY LOGAN	25000		25000
SPLITTER PLATES AND VORTEX CONES	1 LS		\$21,000.00	\$ 21,000.00			MURRAY LOGAN	21000		21000
HEADWALLS / PUMP DIVIDER WALLS	1 LS		\$26,600.00	\$ 26,600.00			MURRAY LOGAN	26600		26600
SEDIMENT WALLS	1 LS		\$1,500.00	\$ 1,500.00			MURRAY LOGAN	1500		1500
PUMP WALL	1 LS		\$13,800.00	\$ 13,800.00			MURRAY LOGAN	13800		13800
CONCRETE TRENCH AND SUMP	1 LS		\$3,500.00	\$ 3,500.00			MURRAY LOGAN	3500		3500
FUEL PIPING STAINLESS STEEL AND DAY TANK	1 LS		\$61,700.00	\$ 61,700.00			MURRAY LOGAN	61700		61700
PUMP VENTING	1 LS		\$23,900.00	\$ 23,900.00			MURRAY LOGAN	23900		23900
STILLING WELL	1 LS		\$4,400.00	\$ 4,400.00			MURRAY LOGAN	4400		4400
LIQUID LEVEL CONTROL	1 LS		\$6,500.00	\$ 6,500.00			MURRAY LOGAN	6500		6500
HOUSEKEEPING PADS	1 LS		\$9,600.00	\$ 9,600.00			MURRAY LOGAN	9600		9600
WETWELL PUMP SUPPORT BEAMS, CHANNELS, CONNECTIONS ETC.	1 LS		\$50,100.00	\$ 50,100.00			MURRAY LOGAN	50100		50100
DISCHARGE PIPING (SS, CORTEN, DIP AND PVC)	1 LS		\$36,300.00	\$ 36,300.00			MURRAY LOGAN	36300		36300
HATCHES AND MISC. METALS	1 LS		\$5,500.00	\$ 5,500.00			MURRAY LOGAN	5500		5500
GRATING , GRATING BEAMS, SEAT AND CONNECTIONS	1 LS		\$42,000.00	\$ 42,000.00			MURRAY LOGAN	42000		42000
INSTALL OWNER DIRECT PURCHASE GENERATOR PACKAGES	1 LS		\$71,996.61	\$ 71,996.61			MURRAY LOGAN	71996.61		71996.61
GENERATOR EXHAUST SILENCERS	1 LS		\$31,000.00	\$ 31,000.00			MURRAY LOGAN	31000		31000
EXHAUST PIPING, THIMBLES, RAIN FLAPPERS COMPLETE	1 LS		\$44,000.00	\$ 44,000.00			MURRAY LOGAN	44000		44000
VENTILATION INTAKE/EXHAUST SILENCERS	1 LS		\$42,200.00	\$ 42,200.00			MURRAY LOGAN	42200		42200
HOIST, HOIST BEAM COLUMN & FOOTER AND HOIST BEAM COMPLETE	1 LS		\$39,000.00	\$ 39,000.00			MURRAY LOGAN	39000		39000
REMOVE, STORE, RE-INSTALL RE-LOCATED WETWELL LADDER	1 LS		\$1,800.00	\$ 1,800.00			MURRAY LOGAN	1800		1800
ALL SS BRACKETS AND SUPPORTS	1 LS		\$10,000.00	\$ 10,000.00			MURRAY LOGAN	10000		10000
DEWATERING AS NECESSARY	1 LS		\$54,200.00	\$ 54,200.00			MURRAY LOGAN	54200		54200
PERFORMANCE AND PAYMENT BOND PREMIUM	1 LS		\$28,900.00	\$ 28,900.00			MURRAY LOGAN	28900		28900
FUEL FOR TESTING EQUIPMENT (ALLOWANCE)		NIC								
D10 PUMP STATION BUILDING				\$493,350.00						
SUPERVISION AND MANAGEMENT	1 LS		\$23,800.00	\$ 23,800.00			MURRAY LOGAN	23800		23800
MOBILIZATION/GENERAL CONDITIONS	1 LS		\$13,200.00	\$ 13,200.00			MURRAY LOGAN	13200		13200
MAINTENANCE OF TRAFFIC	1 LS		\$9,200.00	\$ 9,200.00			MURRAY LOGAN	9200		9200
FINAL CONSTRUCTION CLEAN	1 LS		\$6,400.00	\$ 6,400.00			MURRAY LOGAN	6400		6400
DEMOLITION	1 LS		\$33,000.00	\$ 33,000.00			MURRAY LOGAN	33000		33000
LAYOUT	1 LS		\$8,700.00	\$ 8,700.00			MURRAY LOGAN	8700		8700
SOIL CONSOLIDATION	1 LS		\$3,600.00	\$ 3,600.00			MURRAY LOGAN	3600		3600
SOIL POISON / TREATMENT	1 LS		\$600.00	\$ 600.00			MURRAY LOGAN	600		600
CONCRETE SEALER	1 LS		\$2,500.00	\$ 2,500.00			MURRAY LOGAN	2500		2500
CONCRETE AND REBAR	1 LS		\$40,000.00	\$ 40,000.00			MURRAY LOGAN	40000		40000
PRE-CAST CONCRETE	1 LS		\$29,400.00	\$ 29,400.00			MURRAY LOGAN	29400		29400
CONCRETE CUTTING AND BORING	1 LS		\$7,300.00	\$ 7,300.00			MURRAY LOGAN	7300		7300
CMU WALL REPAIRS	1 LS		\$105,000.00	\$ 105,000.00			MURRAY LOGAN	105000		105000
PRECAST MISC.	1 LS		\$10,000.00	\$ 10,000.00			MURRAY LOGAN	10000		10000
METAL LADDERS	1 LS		\$14,000.00	\$ 14,000.00			MURRAY LOGAN	14000		14000



D-10 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

[illegible]

D-10 DIRECT CONSTRUCTION COSTS

GMP Based on 90% Bid Documents BCI Received on 2/9/15

Prepared by Burkhardt Construction, Inc.

Item Description	Quantity	U/M	Unit Price	Amount	Labor	Equipment	Material	Subcontractor	General/Rental	Subtotal
LANDSCAPING DL - ARECA PALM FM - INDIAN / CUBAN LAUREL FIG FICUS HEDGE SPACED AS NEEDED TO MATCH EXISTING (ALLOWANCE) MULCH PLANTING SOIL/SOIL AMENDMENTS SOD/SOIL PREPARATION PAINTED TREE BRACES PRE-EMERGENT/POST-EMERGENT TEMP. WATERING LANDSCAPE MAINTENANCE DURING CONSTRUCTION (ALLOWANCE) 1 YEAR LANDSCAPE MAINTENANCE				\$25,147.18						
	5	EA	\$585.00	\$			LOPEZ GROUP	2925		2925
	38	EA	\$248.00	\$			LOPEZ GROUP	9424		9424
	95	LF	\$88.42	\$			LOPEZ GROUP	8399.9		8399.9
	1	EA	\$838.28	\$			LOPEZ GROUP	838.28		838.28
	2206	SF	\$0.11	\$			LOPEZ GROUP	250		250
	1	LS	\$300.00	\$			LOPEZ GROUP	300		300
	1	LS	\$68.00	\$			LOPEZ GROUP	68		68
	1	LS	\$150.00	\$			LOPEZ GROUP	150		150
	3	MO	\$264.00	\$			LOPEZ GROUP	792		792
	1	LS	\$2,000.00	\$			LOPEZ GROUP	2000		2000
		NIC								
				\$0.00						
				-						
IRRIGATION (N.I.C.) IRRIGATION SYSTEM	1	NIC	\$0.00	\$						0
				\$2,354,691.84	500	500	1000	2317389.84	35302	2354691.84

D-10 DIRECT CONSTRUCTION COSTS

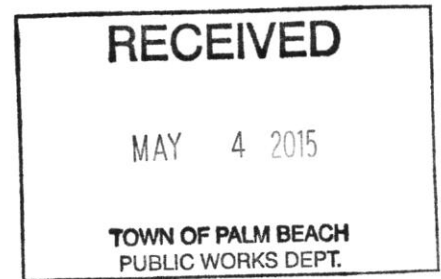


MOCK • ROOS

ENGINEERS • SURVEYORS • PLANNERS

May 1, 2015

Mr. Jeff Sanon, P.E.
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480-2029



Ref. No.: B5002.00
Subject: D-4 Stormwater Pump Station Improvements
D-10 Stormwater Pump Station Improvements
E-6 Wastewater Pump Station and Tangier Avenue Pavement Improvements
Recommendation for Award

Dear Jeff:

In January 2015 the Town Council approved Burkhardt Construction (Burkhardt) as the Town's Construction Manager (CM) @ Risk to manage and implement this multi-faceted project. Mock•Roos and Kimley-Horn are the design engineers of record for the various proposed improvements associated with this project and are the primary team members of the consulting Team selected by the Town to provide engineering during construction services for the project. Mock•Roos and Kimley-Horn both have first-hand experience and have a history of successfully working with Burkhardt and the Town completing various projects delivered under Construction Manager @ Risk, and fully understand the level of effort required by Burkhardt to manage subcontractors who are performing the work.

As requested by the Town, Mock•Roos and Kimley-Horn reviewed the draft Guaranteed Maximum Price (GMP) submitted by Burkhardt (dated April 24, 2015). Review included comparison of the subcontractor's bid items to numerous other similar pump station projects, some bid as recently as January 2015. Based on our review, we determined that the majority of the subcontractor's bid items represented fair and prudent market value. However, some items were identified as being redundant as the same item appeared to be included under two different subcontractor's scope of work. In addition, a few items were determined to require further discussion with Burkhardt before an evaluation could be performed.

On April 30, 2015, Mock•Roos and Kimley-Horn attended a GMP review meeting with Burkhardt representatives at the Town's Public Works office and offered comments and/or posed questions to Burkhardt. This meeting was also attended by key staff members from both the Town's Public Works and Purchasing departments. At this meeting the Town's Purchasing staff provided information

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Mr. Jeff Sanon

May 1, 2015

Page 2

demonstrating that Burkhardt's proposed CM related fees for this project were comparable to those approved on previous Town CM @ Risk projects.

Based on the discussions and comments at this review meeting, Burkhardt revised and submitted a final GMP on May 1, 2015. Based on review of the final GMP, it appears that all comments were adequately addressed.

Therefore, based on our review of Burkhardt's GMP submitted on May 1, 2015, we recommend that the Town award the project to Burkhardt for the offered GMP amount of \$5,982,800.69. We further recommend that you seek advice of legal counsel 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.

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry Gruber, P.E.
Vice President

GGG:jeh

Copies: Paul Brazil
William Francis
Kevin Schanen
Marc Kleisley

D-4 / D-10 Pump Station Improvements / ACIP 2

Project	Total Original Budget	Budget					Funding Sources								
		ACIP 1 - Eng	ACIP 2 - Eng	DF Equipment	GMP / ACIP 2	Total	Difference	ACIP 1	ACIP 2 / D-4	ACIP 2 / D-10	ACIP 2 / Drainage	ACIP 2 / San Pump	ACIP 2 / SW Pump	Contingency	Total
D-4 Pump Station Improvements	\$ 2,775,000	\$ 242,928	\$ 197,921	\$ 697,000	\$ 2,215,177	\$ 3,353,026	\$ 578,026	\$ 242,928	\$ 2,983,650					\$ 160,835	\$ 3,387,413
D-10 Pump Station Improvements	\$ 2,664,000	\$ 120,740	\$ 275,797	\$ 853,000	\$ 3,086,780	\$ 4,336,317	\$ 1,672,317	\$ 120,740		\$ 3,858,620				\$ 208,011	\$ 4,187,371
Subtotal	\$ 5,439,000	\$ 363,668	\$ 473,718	\$ 1,550,000	\$ 5,301,957	\$ 7,689,343	\$ 2,250,343	\$ 363,668	\$ 2,983,650	\$ 3,858,620	\$ -	\$ -	\$ -	\$ 368,846	\$ 7,574,784
D-3 / D-4 Electrical Upgrades	\$ 444,000	\$ 54,406	\$ 23,426	\$ 200,000	\$ 262,181	\$ 540,013	\$ 96,013	\$ 54,406					\$ 485,607	\$ 25,903	\$ 565,916
E-6 Pump Station Improvements	\$ 214,230	\$ 62,625	\$ 31,550		\$ 353,117	\$ 447,292	\$ 233,062	\$ 62,625			\$ 447,292	\$ 447,292		\$ 21,455	\$ 531,372
Tingler Avenue Drainage / Paving	\$ 129,925	\$ 29,856	\$ 29,856		\$ 65,545	\$ 95,401	\$ (34,524)				\$ 42,693	\$ 52,708		\$ 4,576	\$ 99,977
Subtotal	\$ 788,155	\$ 117,031	\$ 84,832	\$ 200,000	\$ 680,843	\$ 1,082,706	\$ 294,551	\$ 117,031	\$ -	\$ -	\$ 42,693	\$ 500,000	\$ 485,607	\$ 51,934	\$ 1,197,265
Total	\$ 6,227,155	\$ 480,699	\$ 558,550	\$ 1,750,000	\$ 5,982,800	\$ 8,772,049	\$ 2,544,894	\$ 480,699	\$ 2,983,650	\$ 3,858,620	\$ 42,693	\$ 500,000	\$ 485,607	\$ 420,780	\$ 8,772,049

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated April 28, 2015, from H. Paul Brazil, P.E. Director of Public Works](#)
- [Resolution No. 63-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

TO: Mayor and Town Council

VIA: Tom Bradford, Town Manager

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

RE: Authorization to Extend Electrical Maintenance and Repair Services Contracts
Resolution No. 63-2015

DATE: April 28, 2015

STAFF RECOMMENDATION

Town staff recommends that the Town Council approve Resolution No. 63-2015 to authorize the second twelve-month extension of the Electrical Maintenance and Repair Services contracts to Universal Electric of Florida, Inc., and C.R. Dunn, Inc., in a cumulative total amount not-to-exceed \$174,000.

GENERAL INFORMATION

Universal Electric of Florida, Inc., and C.R. Dunn, Inc., were awarded the Electrical Maintenance and Repair Services contract, per Bid No. 2013-06, via Resolution No. 85-2013. Universal Electric performs services on the street light systems, in Town buildings and on the Town docks. C. R. Dunn performs work on the traffic signals and in the Town's pump and lift stations. The exact dollar amount of work issued in any given category of work will depend on the required work during that year and the facility requiring the work based upon rates agreed to in the original contract in the total amount not to exceed \$174,000.

During the previous year the contractors performed and completed a variety of projects at various Town facilities. Universal Electric and C. R. Dunn have both performed satisfactorily and the contract provides for the option of four (4) twelve-month renewals.

FUNDING/FISCAL IMPACT

Sufficient funds are available within the FY15 and proposed FY16 budgets to complete this work.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

Attachment

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

RESOLUTION NO. 63-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A CONTRACT EXTENSION TO UNIVERSAL ELECTRIC OF FLORIDA, INC., AND C. R. DUNN, INC., FOR ELECTRICAL MAINTENANCE AND REPAIR SERVICES IN A CUMULATIVE TOTAL AMOUNT NOT-TO-EXCEED \$174,000.

* * * * *

WHEREAS, a contract was awarded on June 11, 2013 to Universal Electric of Florida, Inc., and C. R. Dunn, Inc., to provide electrical maintenance and repair services; and

WHEREAS, Universal Electric of Florida, Inc., and C. R. Dunn, Inc. have provided acceptable service under that contract; and

WHEREAS, that contract allows for four (4) twelve-month extensions.

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

Section 1. The second contract extension for electrical maintenance and repair services from Universal Electric of Florida, Inc., and C. R. Dunn, Inc., is approved. Costs for services performed pursuant to these contracts shall be as stated therein but shall not exceed a cumulative amount of \$174,000 for a period of twelve months, beginning June 11, 2015 and ending June 10, 2016.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 12th day of May 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

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

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum Dated May 1, 2015, from Jay Boodheshwar, Deputy Town Manager](#)
- [Resolution No. 64-2015](#)
- [RFQ No 76-2015](#)
- [Bid Tabulation for RFQ No. 76-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Award of RFQ No. 76-2015 for an Operations Assessment and Security Audit of the
Office of Information Systems
Resolution No. 64-2015

Date: May 1, 2015

STAFF RECOMMENDATION

Staff recommends Town Council adopt Resolution No. 64-2015 awarding RFQ (Request for Quotes) No.76-2015 and approving a purchase order to Auxis, LLC in the amount of \$45,672.00, and establish a project budget of \$48,000.00 for the completion of an operations/organizational assessment and security audit of the Office of Information Systems.

GENERAL INFORMATION

The Office of Information Systems (IS) is a Division of the Town Manager's Office. There are currently six employees in the Office. The IS Manager oversees all the operations for information technology for the Town. There are three IS Specialists who handle day to day tasks within the Office. One of the Specialist positions is currently vacant and will remain so until this proposed project is complete. There are also two System Analysts who work on projects and handle software operations specific to Public Safety and Public Works and a GIS Coordinator who works with all Departments on all aspects of GIS related projects. The Town is in the process of hiring one more Systems Analyst to handle the work load of the various administrative departments. The Town also employs a Document Management Coordinator in the Town Clerk's Office, who manages all Laserfiche operations within the Town with guidance from the IS Manager.

The Town's hardware infrastructure consists of 11 facilities connected via fiber optics using over 50 Cisco switches and routers. Wireless access is provided with 40 wireless access points for both private and public use. There are 450 computers and various devices connected to this infrastructure. They consist of desktops, laptops and mobile devices. We support each of these devices running Windows 7. There are over 75 servers that provide software, network, authentication and various specialized applications to all Departments within the Town. The Town uses a virtualized environment to support these servers. The use of Active Directory on a

Windows 2012 server provides authentication to over 400 users and at least 10 major software applications.

In response to the Town's increasing reliance on information technology to conduct its business in the most effective and efficient way possible, the Office of Information Systems has been in the state of change/growth for the last several years. To ensure pro-active planning for the future and verification that our networks, software, domains, files, and directories are secure, RFQ No. 76-2015 was issued to obtain pricing in accordance with State of Florida Contract No. 973-561-010-1, Project Area 1: Analysis and Design, for the provision of information technology consulting services to complete an operations/organizational assessment of the Office of Information Systems and security audit of the Town's networks, software applications, active directories, domains, and data/file shares.

RFQ No. 76-2015 requested pricing for the completion of five tasks, including (1) assessment of IS operations/organizational structure, (2) review of active directory and domain security, (3) review of data and file share security, (4) review of software applications security, and (5) review of network and internet security. Four proposals were received from companies under State Contract 973-561-010-1, ranging from \$45,572.00 to \$112,398.00 to complete said tasks. The proposal received from Auxis, LLC was determined to be the lowest and responsible bidder. See attached. The five tasks are anticipated to take approximately 8 weeks to complete.

PURCHASING REVIEW

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department. Award of RFQ No. 76-2015 to Auxis, LLC is hereby recommended as the lowest responsive and responsible bidder.

TOWN ATTORNEY REVIEW

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

FUNDING/FISCAL IMPACT

Funding for the operations assessment and security audit will be fully contained in the FY2015 Information Systems operating budget. No additional appropriation is required.

Attachments

Cc: Department Directors
Spencer Wilson, Information Systems Manager
Adis Pedraza, Purchasing Manager

RESOLUTION NO. 64-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFQ NO. 76-2015 TO AUXIS, LLC IN THE AMOUNT OF \$45,672.00 AND ESTABLISHING A PROJECT BUDGET OF \$48,000.00 FOR THE COMPLETION OF AN OPERATIONS ASSESSMENT AND SECURITY AUDIT OF THE OFFICE OF INFORMATION SYSTEMS; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THIS PURCHASE ON BEHALF OF THE TOWN.

* * * * *

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

Section 1. The Town of Palm Beach, RFQ No. 76-2015, is hereby awarded to Auxis, LLC. in the amount of \$45,672.00, and establishing a project budget of \$48,000.00 for the provision of Information Technology consulting services to complete an operations/ organizational assessment of the Office of Information Systems and security audit of the Town's networks, software applications, active directories, domains, and data/file shares.

Section 2. The Town Manager is hereby authorized to execute a contract on behalf of the Town of Palm Beach for the provision of information technology consulting services with Auxis, LLC.

Section 3. The Town Manager, or his designee, is hereby authorized and directed to take such further legal actions as may be necessary to effectuate the provision of information technology consulting services to the Town of Palm Beach.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of May, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro Tem

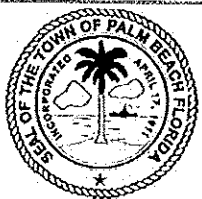
Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member



Due Date: April 24, 2015 at 2:00 p.m.

INTENT AND SCOPE

It is the intent to obtain pricing, in accordance with *State of Florida Contract No. 973-561-010-1, Project Area 1: Analysis & Design*, which covers and includes all required labor, materials, equipment and freight necessary for and reasonably incidental for full and complete execution of this project. All terms, conditions and specifications of State Contract No. 973-561-010-1 shall apply.

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 they have carefully examined the specifications and is thoroughly familiar with its provisions and with the type of services called for therein.

Attachment "A" describes the Statement of Work.

Attachment "B" describes the Quotation Guidelines and Requirements.

The attachments are to be considered part of this Request for Quotation (RFQ).

The undersigned further declares that he proposes to furnish Information Technology Services, as specified, for the following price:

Line	Description	Lump Sum Price
1	Task 1 – Operations Assessment, as described in Statement of Work	\$22,900
2	Task 2 – Active Directory and Domain Security, as described in Statement of Work	\$4,840
3	Task 3 – Data and File Share Security, as described in Statement of Work	\$6,638
4	Task 4 – Software Applications Security, as described in Statement of Work	\$2,347
5	Task 5 – Network and Internet Security, as described in Statement of Work	\$8,947
TOTAL		\$45,672

REMARKS: Enclosed you will find the SOW with the detailed activities for each task and the estimates.
Please let us know if you need references. We have just concluded a similar assessment for the City of Delray Beach besides other private organizations.

Company Name: Auxis, LLC

Authorized Signature: R. D. Uge

The Proposer certifies that this proposal is submitted in accordance with the specification in its entirety and with full understanding of the conditions governing the aforementioned procurement. The undersigned representative submits this proposal and certifies that they are an authorized representative of the Proposer who may legally bind the Proposer and has read and agreed to Other Terms and Conditions attached hereto.

Firm: Auxis, LLC
*Signature: R. Alvarez Name/Title: CEO
Address: 8151 Peters Road, Plantation, FL 33324 suite 3500 Zip: 33324
Federal ID#: 27-2408457
Telephone Number: (954) 236-4000 Fax: (954) 236-6853
Date: April 24, 2015

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

Name of Bidder's Contact Person: Jose Alvarez

Address: 8151 Peters Road, Suite 3500

Phone Number: 954 - 871-4455 Fax Number: 954-236-6853

E Mail

Address: jose.alvarez@auxis.com



TOWN OF PALM BEACH
RFQ No. 76-2015
Bid Name: I.S. Operations Overview
and Security Audit
TABULATION

Vendor:		Aptuity Solutions		Auxix, LLC		RADgov, Inc.		Unisys Corporation	
Address:		2765 West Cypress Creek Road Ft. Lauderdale, FL 33309		8151 Peters Road, Suite 3500 Plantation, FL 33324		6750 N. Andrews Ave., Suite 200 Fort Lauderdale, FL 33309		12030 Bear River Rd. Boynton Beach, FL 33473	
Telephone:		954-254-0993		954-236-4000		954-938-2800		561-866-8683	
Fax:		954-756-8074		954-236-6853		954-938-2004		n/a	
Contact:		Jay Provenzano		Jose Alvarez		Clarisey Lee		Joanne Diorio	
Line	Description	Qty	Unit	Price per Unit	Total	Price per Unit	Total	Price per Unit	Total
1	Task 1 – Operations Assessment, as described in Statement of Work	1	LS	\$ 11,000.00	\$ 11,000.00	\$ 22,900.00	\$ 22,900.00	\$ 18,270.00	\$ 18,270.00
2	Task 2 – Active Directory and Domain Security, as described in Statement of Work	1	LS	\$ 11,000.00	\$ 11,000.00	\$ 4,840.00	\$ 4,840.00	\$ 19,380.00	\$ 19,380.00
3	Task 3 – Data and File Share Security, as described in Statement of Work	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 6,638.00	\$ 6,638.00	\$ 19,380.00	\$ 19,380.00
4	Task 4 – Software Applications Security, as described in Statement of Work	1	LS	\$ 14,000.00	\$ 14,000.00	\$ 2,347.00	\$ 2,347.00	\$ 30,452.00	\$ 30,452.00
5	Task 5 – Network and Internet Security, as described in Statement of Work	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 8,947.00	\$ 8,947.00	\$ 24,916.00	\$ 24,916.00
Total				\$	56,000.00	\$	45,672.00	\$	112,398.00
				Provided resume		Provided SOW, COI & W-9		Provided resume, SOW & references	
								Provided SOW (with exceptions), contract change form, documentation request, employee task list & time chart; STATED PAYMENT TERMS	

Quotes received by April 24, 2015 at 2:00 PM

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Resolutions

Agenda Title

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

Presenter

Rod Gardiner, Acting Director of Recreation

Supporting Documents

- [Memorandum dated May 1, 2015, from Rod Gardiner, Acting Director of Recreation](#)
- [Resolution 67-2015](#)
- [Bid No. 2015-16 Tabulation - Vertical Stainless Steel Pump](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Rod Gardiner, Acting Director of Recreation

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

Date: May 1, 2015

STAFF RECOMMENDATION

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

GENERAL INFORMATION

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

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

FUNDING/FISCAL IMPACT

Funding for this project will come from the Other Machinery and Equipment account, but will be paid out of the reserve for the Par 3 Golf Course Maintenance & Improvement Fee. Additionally, approximately \$5,000 was budgeted this fiscal year for installation based on an obtained estimate.

PURCHASING REVIEW

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

TOWN ATTORNEY REVIEW

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

RECREATION ADVISORY COMMISSION RECOMMENDATION

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

cc: Jay Boodheshwar, Deputy Town Manager
Jane Struder, Director of Finance
John C. Randolph, Town Attorney
Adis Pedraza, Purchasing Agent
Tony Chateauvert, Golf Course Manager
Tim Campbell, Golf Course Superintendent

RESOLUTION NO. 67-2015

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

* * * * *

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

Section 1: The Town Council of the Town of Palm Beach hereby awards Bid No. 2015-16, Vertical Turbine Stainless Steel Pump, and approves a purchase order to Hydra Service Inc., in the amount of \$37,865.00, with a purchase budget of \$41,700.00.

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of May, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Town Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

Resolution No. 67-2015

**TOWN OF PALM BEACH****Bid No. 2015-16**
**Bid Name: Vertical Turbine
Stainless Steel Pump
TABULATION**

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

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

LOWEST
 Opened by: John Cmar
 Witnessed by: Angel Lopez



TOWN OF PALM BEACH

Bid No. 2015-16

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

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

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

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

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

Opened by: John Cmar
Witnessed by: Angel Lopez

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Consent - Other

Agenda Title

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

Presenter

Kirk W. Blouin, Director of Public Safety

Supporting Documents

- [Memorandum dated May 1, 2015, from Kirk W. Blouin, Director of Public Safety](#)
- [Attachment A](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Acceptance of a Donation from Palm Beach Police Foundation

Date: May 1, 2015

STAFF RECOMMENDATION

Staff recommends Town Council accept a donation from the Palm Beach Police Foundation to Palm Beach Crime Watch in the amount of \$50,000 for use by the Palm Beach Police Department to purchase equipment and infrastructure as deemed necessary by the Director of Public Safety for the continued expansion and improvement of the Townwide Security and Surveillance System.

GENERAL INFORMATION

The Town embarked on the implementation of a Townwide Security and Surveillance System in July 2012. Upon completion of the initial phase, the system has progressed through various expansions using funds from various sources such as the Town's Equipment Replacement Fund, the General Fund, the departments donation account, and numerous donations made by the Palm Beach Police Foundation. The system continues to be an effective tool in preventing crime, solving investigations, and apprehending criminals.

FUNDING/FISCAL IMPACT

The Town will incur depreciation and maintenance expenses as can be expected with the capital expansion of the system.

KWB:lsg

cc: Jane Struder, Director of Finance



THE PALM BEACH POLICE FOUNDATION

April 27, 2015

John F. Scarpa
President

Tom Quick, Vice-Chairman
Mark Cook, Vice-Chairman
Palm Beach Crime Watch, Inc.
P.O. Box 3401
Palm Beach, FL 33480

David S. Mack
1st Vice President

Michael A. Belisle
2nd Vice President

Dear Tom and Mark,

Gerald Frank
Secretary / Treasurer

On behalf of the Board of Directors of the Palm Beach Police Foundation, I am enclosing a check in the amount of \$50,000.00 payable to Palm Beach Crime Watch, Inc. for follow through on our commitment to Leo Albert. This donation represents the remaining funds of that commitment and it is our understanding that this money will be sent to the Town of Palm Beach earmarked to enhance the camera surveillance system throughout the Town of Palm Beach.

E. Llwyd Ecclestone

Annie Falk

Mark E. Freitas

Again, we at the Foundation are very proud to partner with you, and to pledge our continued support to the programs that you provide to our Town.

Jeff Greene

Lawrence Herbert

We wish you every continued success.

Joel H. Kassewitz

Kind regards,

Michele Kessler

William I. Koch

John F. Scarpa
President and Co-Founder

Stephen A. Levin

Timothy Moran
Vice President Emeritus

Joel M. Pashcow

cc: PBPF Board of Directors
Director Kirk W. Blouin

John W.S. Preston

Matthew K. Smith

139 North County Road, Suite 20C, Palm Beach, FL 33480

Tel.: 561.820.8118 ~ Fax: 561.833.5933 www.pbpf.us

The Palm Beach Police Foundation, Inc. is a 501(c)(3) organization, created and supported by the town residents and the local business community independent of the Town of Palm Beach and contributions may be tax-deductible.

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Board/Commission Annual Report

Agenda Title

Code Enforcement Board

Presenter

Harris S. Fried, Chair

Supporting Documents

- [Memorandum dated April 24, 2015, from Kirk W. Blouin, Director of Public Safety](#)
- [Annual Report Fine List](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council
Via: Thomas G. Bradford, Town Manager
From: Kirk W. Blouin, Director of Public Safety
Re: Annual Report – Code Enforcement Board
Date: April 24, 2015



STAFF RECOMMENDATION

Staff recommends the Town Council hear the presentation of the Annual Report for 2014/2015 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 2015 meeting and James M. Ballentine, Jr. was re-elected as Vice Chairman. The remaining regular members are Madelyn Greenberg, Cynthia Van Buren, W. Anthony Dowell, Robert Donnelley and Matthew Natale. The alternates are Scotch Peloso and Jay Nisberg.

From May 2014 through April 2015, the Code Enforcement Board heard 84 new code violation cases, 16 fine consideration cases, 13 requests for fine reductions, 4 foreclosure hearings and 2 cases as old business. During this same period of time, the Town of Palm Beach collected \$191,575.00 in fines ordered by the Code Enforcement Board and \$7,800.00 in Code Enforcement administrative fees.

As of April 24, 2014, there are 9 properties with daily running fines which total \$1,517,600.00, 29 properties with non-running fines totaling \$413,102.84 and 19 non-property owners with non-running fines totaling \$6,275.00. Liens in favor of the Town have been filed against property owners where applicable.

Information for Town Council Meeting: 5/12/15

April 24, 2015

Page 2

Notice of Code Violation Citations written and collected from May 2014 to April 2015 in which the violator admits to guilt and pays the fine, totaled \$35,900.00.

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 1 full time code enforcement officer. We are in the process of hiring an additional code enforcement officer to replace the officer who retired in December, 2014.

Code enforcement staff handled 1,299 complaints from May 1, 2014 through April 24, 2015 of which 517 were self-initiated by the code enforcement officers. There were 2301 inspections completed, 543 code violation written warnings, 322 notice of violation letters issued, 220 Notice of Violation Citations issued and 122 Board Orders issued. Staff also wrote 52 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	Publish paper letter	Nature of Violation
CE 10-182	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	1/3/2011	
CE 11-200	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	1/3/2011	
CE 12-16	Susan Gibson	226 Pendleton Ave.	9/20/2007			\$250.00	10/17/2007	4/24/2015	\$686,500.00	\$250/day start 10/17/07 (doors and windows)	Homesteaded/Cannot Foreclose	1/3/2011	
CE 12-19	Palm Beach International Properties	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	1/3/2011	
CE 12-86	Palm Beach International Properties	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	1/3/2011	
CE 12-389	Palm Beach International Properties	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	1/3/2011	
CE 12-729	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	1/3/2011	
CE 12-1093	Susan C. Lee	287 Pendleton Ave.	4/15/2010	\$150.00		\$250.00	4/10/2010	4/24/2015	\$460,150.00	\$250/day; start 4/10/10	Non-Homesteaded; Owner Occupied	1/3/2011	
CE 13-6	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	1/3/2011	
CE 13-249	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 13-433	Flori	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	Homesteaded/commercial property		
CE 13-481	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		
CE 13-515	Robert & Beverly Lowden	129 Chilean Ave.	3/22/2012	\$150.00	\$0.00	\$250.00	4/7/2012	4/24/2015	\$278,150.00	\$150 CEB on 3/22/12 and \$250 fine start 4/7/12	Homesteaded		
CE 13-516	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 13-517	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 13-518	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 13-519	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 13-520	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 13-521	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 13-522	Jennifer Condle	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 13-523	Louisa A. Dean	232 Cherry Lane	7/18/2013	\$150.00	\$0.00	\$250.00	7/18/2013	6/4/2014	\$80,400.00	\$150 CEB on 7/18/13; \$250/day on 8/15/13; fine stopped 6/4/14	Homesteaded		
CE 13-524	Jennifer Condle	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		

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	Publish paper letter	Nature of Violation
CE 13-175	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 13-176	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 13-815	Jay Villa DBA JV Wood Floors	340 Royal Poinciana 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 13-965	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		
CE 14-152	Ellis & Nancy Parker	2165 Ibis Isle Rd. #8	3/20/2014	\$150.00	\$0.00	\$250.00	4/15/2014	7/23/2014	\$24,900.00	\$150 CEB on 3/20/14; \$250/day start 4/15/14 per 4/17/14 BO; final permit issued, compliance reached on 7/23/14	Homesteaded		
CE 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	\$150.00	\$150 CEB and \$125 fine on 4/17/14; \$125 fine paid 4/28/14	violator not property owner		
CE 14-696	Tesla Motors	172 Worth Ave.	6/14/2014		\$250.00	\$0.00	6/14/2014	6/14/2014	\$250.00	Found out after CEB date that check bounced. This amount is still owed	violator not property owner		
CE 14-700	HPA Solida Inc.	235 Sunrise Ave. #1101 AKA MZ-A	8/21/2014	\$150.00	\$250.00	\$0.00	8/21/2014	8/21/2014	\$400.00	\$150 CEB and \$250 fine on 8/21/14	violator not property owner		no permit - demo of floor & wood paneling
CE 14-784	Frank Pultrone	300 Blk. S. Ocean Blvd.	8/21/2014	\$150.00	\$75.00	\$0.00	8/21/2014	8/21/2014	\$225.00	\$150 CEB and \$75 fine on 8/21/14	violator not property owner		Beach after hours
CE 14-785	Heidi D. Franklin	300 Blk. S. Ocean Blvd.	8/21/2014	\$150.00	\$75.00	\$0.00	8/21/2014	8/21/2014	\$225.00	\$150 CEB and \$75 fine on 8/21/14	violator not a property owner		Beach after hours
CE 14-952	Joseph Toussaint	300 Blk. S. Ocean Blvd.	9/18/2014	\$150.00	\$250.00	\$0.00	9/18/2014	9/18/2014	\$400.00	\$150 CEB and \$250 fine on 9/18/14	violator not a property owner		Taxi Violation
CE 14-1018	John W. Saulis	Clarke Beach	10/16/2014	\$150.00	\$75.00	\$0.00	10/16/2014	10/16/2014	\$225.00	\$150 CEB and \$75 fine on 10/16/14	violator not a property owner		Intox beverage on beach
CE 14-1023	Meat Market Palm Beach LLC & NDL Palm Beach Property LLC	191 Bradley Pl.	1/15/2015	\$150.00	\$0.00	\$100.00	1/1/2015	4/24/2015	\$11,300.00	\$150 CEB on 11/20/14, paid; \$100/day start 1/1/15 per 1/15/15 BO	Commercial property		AC unit too loud
CE 14-1091	160 Royal Palm LLC	160 Royal Palm Way	10/16/2014	\$150.00	\$0.00	\$250.00	9/22/2014	12/7/2014	\$19,150.00	\$250 fine starting 9/22/14 per 10/16/14 Board Order; last time over reading 12/6/14, fine stopped (put in as 12/7/14 on list as calculates to 12/6/14)	Commercial property		AC unit too loud
CE 14-1118	Jeyanandaran Sundarampillai Tr.	233 Royal Poinciana Way	12/18/2014	\$150.00	\$0.00	\$250.00	11/29/2014	4/24/2015	\$36,500.00	\$150 CEB on 11/20/14; paid on 12/3/14. \$250/day per BO 12/18/14 starting on 11/29/14	Commercial property		Construction w/o permits
CE 14-1150	Morgan T. McDonald	Clarke Beach	11/20/2014	\$150.00	\$125.00	\$0.00	11/20/2014	11/20/2014	\$225.00	\$150 CEB and \$125 fine on 11/20/14; partial payment \$50 on 1/5/15	violator not a property owner		dog on beach
CE 14-1152	Colony Hotel Inc.	155 Hammon Ave.	12/18/2014	\$150.00	\$0.00	\$50.00	12/31/2014	4/11/2015	\$5,050.00	\$150 CEB on 12/18/14; paid; \$50/day on 12/31/14 per 1/15/15 BO; compliance on Monday, 4/13/15, put in system as 4/11/15 to calculate only till Friday 4/10/15	Commercial property		Construction w/o permits
CE 14-1160	Bricktop's & Three Seventy Five South County Assoc.	375 S. County Rd.	1/15/2015	\$150.00	\$0.00	\$100.00	1/15/2015	4/15/2015	\$9,000.00	\$150 CEB on 11/24/14, paid; \$100/day start 1/15/15 per 1/15/15 BO; fine stopped on 4/15/15	Commercial property		Failure to comply with conditions of grants or variance
CE 14-1212	160 Royal Palm LLC	160 Royal Palm Way	12/18/2014	\$150.00	\$0.00	\$250.00	1/10/2015	4/24/2015	\$26,150.00	\$150 CEB on 12/18/14; \$250/day fine start 1/10/15 per 1/15/15 BO	Commercial property		Work outside approvals

Case #	Name	Address	Date Board Order	CEB costs	Non-Running Fine	Daily Running Fine	Date Costs Assessed or started	Current Date or Date Fine Stopped	Total Due	Comments	Homestead/Foreclosure Status	Publish paper letter	Nature of Violation
CE 14-1220	Milton Andrew Taylor III & Certified Management Inc.	167 Clarendon Ave.	11/20/2014	\$150.00	\$250.00	\$0.00	11/20/2014	11/20/2014	\$400.00	\$150 CEB and \$250 fine on 11/20/14	violator not a property owner		Soliciting w/o permit
CE 14-1309	Joseph D. Nereus & Palm Beach Yellow Cab	100 Bk. Australian Ave.	12/18/2014	\$150.00	\$150.00	\$0.00	12/18/2014	12/18/2014	\$150.00	\$150 CEB AND \$150 fine on 12/18/14; \$150 CEB paid on 12/18/14	violator not property owner		Taxi Violation
CE 14-1373	Aegis Roofing Enterprise Inc.	288 S. County Rd.	1/15/2015	\$150.00	\$125.00	\$0.00	1/15/2015	1/15/2015	\$275.00	\$150 CEB Admin on 1/15/15 and \$125 fine on 1/5/15	violator not property owner		Construction on Sunday
CE 14-1360	Robert & Beverly Lowden	129 Chilean Ave.	2/19/2015 and 3/19/15	\$150.00	\$0.00	\$250.00	2/27/2015	4/24/2015	\$14,150.00	\$150 CEB on 2/19/15; \$250/day starting 2/27/15 per 3/19/15 BO	Homesteaded		debris on property
CE 14-1388	CSC Brazilian LP	301 Australian Ave.	3/19/2015	\$150.00	\$0.00	\$0.00	3/19/2015	3/19/2015	\$150.00	\$150 CEB on 3/19/15	Commercial Property		Expansion of non-conforming use
CE 15-4	Hals Realty Assoc. LTD	401 S. County Rd.	3/19/2015	\$150.00	\$0.00	\$0.00	3/19/2015	3/19/2015	\$150.00	\$150 CEB on 3/19/15	Commercial property		overgrown hedges, no screening
CE 15-57	224 Atlantic LLC	224 Atlantic Ave.	3/19/2015	\$150.00	\$0.00	\$250.00	4/11/2015	4/24/2015	\$3,400.00	\$150 CEB on 3/19/15; \$250/day start 4/11/15 per 4/16/15 BO	Not Homesteaded		Violation of special exception
CE 15-88	Zachary Butema & ISS List	196 Via Del Mar	3/19/2015	\$150.00	\$250.00	\$0.00	3/19/2015	3/19/2015	\$400.00	\$150 CEB and \$250 fine on 3/19/15	violator not property owner		Soliciting w/o permit
CE 15-104	Millan E.A.T. LLC	330 Island Dr.	3/19/2015	\$150.00	\$0.00	\$0.00	3/19/2015	3/19/2015	\$150.00	\$150 CEB on 3/19/15	Not Homesteaded		Landmark altered without permission; no permit
CE 15-120	Three Pearls LLC	189 Bradley Pl.	3/19/2015	\$150.00	\$0.00	\$50.00	4/1/2015	4/30/2015	\$1,600.00	\$150 CEB on 3/19/15; \$50/day start 4/1/15 per 4/16/15 BO	Commercial property		No permit
CE 15-114	Antoine Ophanessian	145 Chilean Ave.	4/16/2015	\$150.00	\$0.00	\$0.00	4/16/2015	4/16/2015	\$150.00	\$150 CEB on 4/16/15	Homesteaded		No permit/BTR
CE 15-138	Palm Beach Towers Condo	144 Coconut Row	4/16/2015	\$150.00	\$0.00	\$0.00	4/16/2015	4/16/2015	\$150.00	\$150 CEB on 4/16/15	Condo		No permit
CE 15-165	Jytki Salminen	198 Via Linda	4/16/2015	\$150.00	\$0.00	\$0.00	4/16/2015	4/16/2015	\$150.00	\$150 CEB on 4/16/15	Vacant Lot		no sod
									\$1,936,827.84				

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Board/Commission Annual Report

Agenda Title

Planning and Zoning Commission

Presenter

Susan Markin, Chair

Supporting Documents

- [Memorandum dated May 1, 2015 from John S. Page, Director of Planning, Zoning and Building](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Annual Report - Planning and Zoning Commission

Date: May 1, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council hear and accept the Planning and Zoning Commission Annual Report for 2014.

GENERAL INFORMATION

The newly constituted Planning and Zoning Commission was appointed on May 13, 2014. The Commission held its first meeting on August 19, 2014. Susan Markin and Michael Sharf were elected as Chair and Vice Chair respectively. Both officers were re-elected on April 21, 2015. The zoning activities that the Planning and Zoning Commission have undertaken over the last nine months are as follows:

1. Studied the variance and comprehensive plan amendment history of the Town. From that review, the Commission took the following action:
 - Recommended changes to Chapter 134, Zoning, that would require super majority Town Council votes to approve variances, zoning text changes and comprehensive plan amendments. (Not adopted by the LPA and Town Council)
 - Recommended the Council consider placing a question on the February 3, 2015 election day ballot asking the voters if the Town's Charter should be amended to require super-majority Town Council votes to approve variances, zoning text amendments, zoning boundary changes, and comprehensive plan amendments. (Not placed on the ballot by the Town Council)
2. Recommended changes to Chapter 134, Zoning, to provide consistent language between sections of the Code regarding the reconstruction of nonconforming buildings and

structures, housing nonconforming uses, that are involuntarily demolished. (Adopted by the Town Council)

3. Considered on-street and off-street parking concerns in the Town. Consideration of alternatives to alleviate parking pressure in the Town including possible zoning text changes and on-island and off-island parking solutions. (Upon review of Commission-identified parking issues, the Town Council directed the Commission to study the issue of “shared parking,” including greater utilization of existing parking garages in the 100 block of Worth Avenue)
4. Recommended changes to temporary political sign zoning regulations related to the maximum number of temporary political signs allowed for display, the time limit for placement of those signs, and provisions for illegally placed signs. (Adopted by the Town Council)
5. Recommended to amend the Zoning Code to allow public parks as a permitted use and private parks as a special exception use in the C-TS Zoning District. (Adopted by the Town Council)

Future Items on the Commission agenda include the following:

- Study possible changes to the on-site and off-site shared parking zoning provisions to allow for more flexibility in solving parking pressure in the Town.
- Study changes to the Zoning Code which might include allowing more flexibility for the placement of accessory structures such as children’s play equipment, swing sets and basketball hoops, etc. on private residential property.
- Complete the evaluation and appraisal process of the Town’s Comprehensive Plan and make recommendation to the Local Planning Agency and Town Council. (Following further Council direction in upcoming months)

The Chair of the Planning and Zoning Commission is prepared to address the Town Council with comments regarding the Planning and Zoning Commission’s activities, and to answer any questions. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

TGB:jsp:pc

cc: Planning and Zoning Commissioners
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Committee Reports

Agenda Title

Report of the Public Works Committee Meeting of April 1, 2015

Presenter

Danielle H. Moore, Chair

Supporting Documents

- [Report of the Public Works Committee Meeting of April 1, 2015](#)

**REPORT OF THE PUBLIC WORKS COMMITTEE MEETING
HELD ON WEDNESDAY, APRIL 1, 2015**

I. CALL TO ORDER AND ROLL CALL

The Public Works Committee meeting was called to order on Wednesday, April 1, 2015, at 2:00 p.m., in the Town Council Chambers. On roll call, Chair Moore and Committee Member Pucillo were present.

II. APPROVAL OF AGENDA

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

III. PUBLIC WORKS DEPARTMENT OVERVIEW

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

Director Brazil provided an overview of the Public Works Department.

IV. DISCUSSION OF ONGOING PUBLIC WORKS PROJECTS WITH IMPACTS TO TRAFFIC

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

Director Brazil provided an overview of the ongoing Public Works projects with impacts to traffic.

V. LONG TERM ISSUES

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

- Regional Treatment Plant, Bio-Solids Project, and Capital Improvement Projects

Director Brazil provided an overview of the Regional Treatment Plant, Bio-Solids Project, and Capital Improvement Projects.

Town Engineer Francis provided additional information on the Town's share of the costs.

- Southern Boulevard Bridge Replacement

1 Director Brazil provided an overview of the Southern Boulevard Bridge Replacement
2 Project.

- 3
4 • Undergrounding

5
6 Director Brazil provided an overview of the Undergrounding Project.

7
8 Discussion ensued regarding recent power outages at the North end of Town, length
9 of the project, and how disruptive the Project will be.

10
11 **VI. ANY OTHER MATTERS – *None***

12
13 **VII. ADJOURNMENT**

14
15 There being no further business, the Public Works Committee Meeting of Wednesday,
16 April 1, 2015, was adjourned at 2:48 p.m.

17
18
19 APPROVED:

20
21
22
23
24
25 ATTEST:

26
27
28
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30
31
32
33

Danielle Hickox Moore
Chair

Susan A. Owens, MPA, MMC
Town Clerk

Date

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Committee Reports

Agenda Title

Report of the Ordinances, Rules and Standards Committee Meeting of April 2, 2015

Presenter

Penelope D. Townsend, Chair

Supporting Documents

- [Report of the Ordinances, Rules, & Standards Committee Meeting of April 2, 2015](#)

- 1 2. Review of Proposed Modifications to Chapter 62, Marine Structures,
2 Relative to Bulkheads (*H. Paul Brazil, Director of Public Works*)
3

4 Director Brazil provided an overview of the proposed modifications to
5 Chapter 62.
6

7 Town Attorney Randolph opined that the proposed amendments would not
8 have any Bert Harris taking implications.
9

10 Zoning Administrator Castro stated that the Town has no plans to replat
11 the bulkhead line.
12

13 Discussion ensued regarding consistency among the amendments and
14 adding a provision to Section 62-72 stating that the plat will also be
15 available digitally.
16

17 **It was the consensus of the Committee to direct Staff to ensure that Articles II and**
18 **III are consistent with each other before the amendments are brought before the**
19 **Town Council for final consideration.**
20

21 **It was the consensus of the Committee to approve the proposed modifications to**
22 **Chapter 62, as further amended, as follows:**

- 23 • **“The plat may be viewed in electronic format on the Town’s website**
24 **at <http://www.townofpalmbeach.com>.” was added to the end of Section 62-**
25 **72.**
26

- 27 3. Review Proposed Changes to Charitable Solicitation Permits (*Susan*
28 *Owens, Town Clerk*)
29

30 Town Clerk Owens provided an overview of the proposed changes to
31 Charitable Solicitation Permits.
32

33 Discussion ensued regarding the duration of a charitable solicitation event,
34 establishing an after the fact permit penalty, late fees, and the number of
35 events allowed per year.
36

37 **Motion was made by Committee Member Moore, and seconded by Chair**
38 **Townsend, to recommend that the Town Council approve an after the fact permit**
39 **penalty and adding a provision for evidence of engaging in charitable solicitation,**
40 **and to poll the full Town Council at the April 14, 2015, Town Council meeting to**
41 **determine an appropriate duration for a charitable solicitation and whether or not**
42 **to allow up to three permits per year.**
43

44 *(Clerk’s Note: Depending on the discussion at the April 14, 2015, Town Council*
45 *meeting, this item may come back before the Committee at its May 6, 2015, meeting.)*
46

1 B. New Business

2 1. Review Proposed Amendment to Code Regarding News Rack Locations
3 (*Raychel Houston, Code Enforcement and Parking Manager*)
4

5 Manager Houston provided an overview of the proposed amendments.
6

7 Discussion ensued regarding insurance indemnification, the administrative
8 fee, news rack locations, the news rack at the Australian Docks, visual
9 blight, Figure 1 attached to Ord. No. 19-98 (related to sight areas), and the
10 provision allowing additional news racks necessary as a result of
11 extraordinary news events.
12

13 **Chair Townsend passed the gavel to Committee Member Moore and made a motion**
14 **to recommend that the Town Council approve the proposed amendments, as further**
15 **amended, as follows:**

- 16 • **“...Additional newsracks necessary as a result of extraordinary news events**
17 **may be added at the locations described herein without application, however,**
18 **in no event shall said newsrack be in place in excess of 14 days. This**
19 **exemption from application shall apply only to coin-operated newsracks.” at**
20 **the end of Section 106-293(h)(4) was stricken.**

21 **The motion was seconded by Committee Member Moore. On call for a vote, the**
22 **motion carried unanimously.**
23

24 2. Schedule Future Meetings (*Jay Boodheshwar, Deputy Town Manager*)
25

26 Deputy Town Manager Boodheshwar provided an overview of the
27 proposed schedule for future meetings.
28

29 Discussion ensued regarding scheduling of the remaining study items,
30 seeking further direction from the Town Council regarding the study of
31 medical marijuana and parkway strips, and encouraging registration of
32 short-term rentals.
33

34 **It was the consensus of the Committee to approve the following schedule for the**
35 **remainder of 2015:**
36

37 **5/6/15**

38 **Possible codification of business association special events**
39 **Review previously proposed modifications to Chapter 66**
40 **Review Private Provider Program (*tentative*)**
41 **Charitable Solicitations (*tentative*)**
42

43 **7/16/15 (*Note: Meeting will begin at noon*)**

44 **Review new proposed modifications to Chapter 66**
45 **Review Resident Inspector in Chapter 18**
46 **Review Private Provider Program (*if not heard on 5/6/15*)**

1
2 **9/10/15**

3 **Update on revised FEMA Flood Maps**

4 **Review proposed modifications to Chapter 50**

5 **Review process for mail ballot for Underground Utility Assessment Program**

6 **Review Chapter 10 regarding animals**

7
8 **11/5/15**

9 **Items TBD**

10
11 **Other Potential Study Items (Pending 4/14/15 Town Council direction)**

12 **Maintenance of Parkway Strips**

13 **Medical Marijuana**

14
15 V. **ANY OTHER MATTERS** – *None*

16
17 VI. **ADJOURNMENT**

18
19 There being no further business, the Ordinances, Rules, and Standards Committee
20 Meeting of Thursday, April 2, 2015, was adjourned at 3:11 p.m.

21
22
23 APPROVED:

24
25
26
27 _____
28 Penelope D. Townsend
29 Chair

30
31
32 ATTEST:

33 _____
34 Susan A. Owens, MPA, MMC
35 Town Clerk

36 _____
Date

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Coastal Update

Presenter

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

Supporting Documents

- [Memorandum dated April 23, 2015, from H. Paul Brazil, P.E. Director of Public Works](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council
Via: Thomas G. Bradford, Town Manager
From: H. Paul Brazil, P.E., Director of Public Works
Re: Coastal Update
Date: April 23, 2015

STAFF RECOMMENDATION

Staff requests that Town Council review the general information and provide any direction as deemed necessary.

GENERAL INFORMATION

Robert Weber, Coastal Coordinator, will review the condition of the Palm Beach shoreline.

Attachments

cc. Shore Protection Board
Robert Weber, Coastal Coordinator

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Regular Agenda - Old Business

Agenda Title

Funding for Continued Opposition to the Proposed Deepening and Widening of the Lake Worth Inlet and for Sand Placement Related Matters

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated May 7, 2015, from Thomas G. Bradford, Town Manager](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Proposed Deepening and Widening of Lake Worth Inlet and Dry Beach Placement of Sand by the US Army Corps of Engineers (USACE); Selection of Professionals and Funding to Assist the Town with Lobbying and Potential Litigation

Date: May 7, 2015

STAFF RECOMMENDATION

Staff recommends the Town Council take the necessary actions to select professionals and allocate funding for the Town's continued opposition of the proposed deepening and widening of the Lake Worth Inlet as well as our efforts to secure placement of dredged sand from the Lake Worth Inlet onto the dry beach south of the Lake Worth Inlet by USACE and/or other agencies.

GENERAL INFORMATION

On June 10, 2014, the Town Council approved selection of professionals and associated funding for lobbying and litigation in regard to the deepening and widening of the Lake Worth Inlet in furtherance of their action taken on April 8, 2014, to oppose the project proposed by the USACE and the Port of Palm Beach to deepen and widen the Lake Worth Inlet. In addition, on May 8, 2014, the Town Council appropriated \$50,000 from the General Fund Contingency account to support the Everglades Law Center's efforts as the leader of the litigation team opposing the project and funding Greenberg Traurig for additional actions associated therewith. Subsequently, it was learned that Greenberg Traurig would not be able to represent the Town in any matter adverse to the Port of Palm Beach due to an identified conflict of interest. As a result of the identified conflict the Town engaged the firm of White & Case, specifically, Neil McAliley, in Miami to represent the Town in the Port litigation related to this matter.

The following actions were taken by the Town Council at their meeting on June 10, 2014:

1. Ratified the expansion of responsibility of Ballard Partners to represent the Town before agencies and officials of the State of Florida relative to the deepening and widening of the Lake Worth Inlet in addition to their general representation of the Town in Tallahassee. Ballard Partners services were increased temporarily to \$5,000 per month for this additional work.

2. Squire Patton Boggs was engaged to represent the Town before agencies and officials of the United States government relative to the deepening and widening of the Lake Worth Inlet.
3. An appropriation in the amount \$150,000 from the General Fund Contingency was approved for items 1 and 2 above.
4. The engagement of White & Case was ratified to represent the Town in litigation regarding the deepening and widening of the Lake Worth Inlet. An appropriation of \$50,000 from the General Fund Contingency was approved by the Town Council.

Thanks to the efforts of the professionals listed above, the Town was successful in stopping the originally proposed plan to deepen and widen the Lake Worth Inlet. Now, the Port of Palm Beach has announced a modified plan to deepen and widen the Lake Worth Inlet. It still presents many of the same concerns relative to the environment, recreational amenities, and concerns about the general health, safety, and welfare of the community. Accordingly, it is time to revisit the selection of professionals needed to facilitate the Town's opposition to the proposed deepening and widening of the Lake Worth Inlet and to facilitate the Town's efforts to have compatible dredged sand from the Lake Worth Inlet deposited by the USACE or any other agency directly on dry beach within the territorial limits of the Town of Palm Beach.

It is recommended the following professional selections and funding recommendations be approved for the reasons stated below:

1. Ballard Partners be retained for the dual purpose of representing the Town before agencies and officials of the State of Florida on the deepening and widening of the Lake Worth Inlet as well as for general representation for this and other State related matters. Ballard Partners was recently successful in enabling the Town to quash a major overhaul of Port of Palm Beach legislative authority at the Palm Beach County Legislative Delegation level. It is requested that \$30,000 be allocated from the proposed liquidation of the Squire Patton Boggs purchase order referenced in item 2 below.
2. Phil Bangert is no longer with Squire Patton Boggs. However, Mr. Bangert, who we wish to retain, is currently independent, but may join a small Washington law firm in the near future. Regardless, we wish to terminate the engagement of Squire Patton Boggs and engage the services of Phil Bangert either independently or with his potential new Washington law firm. If you approve this recommendation, this will free up funds previously allocated which we can use for the engagement of Phil Bangert. It is anticipated that we will expend \$5,000 per month for the services of Mr. Bangert which will be paid for by use of unexpended funds previously allocated to Squire Patton Boggs once the purchase order issued to Squire Patton Boggs is liquidated.

3. White & Case was previously retained to handle direct litigation with the Port of Palm Beach which Greenberg Traurig was unable to do because of a conflict of interest. To date, White & Case has expended approximately \$30,000. Therefore, approximately \$20,000 remains available for the services of White & Case. If litigation is initiated I will likely return to the Town Council for an additional funding allocation.
4. Greenberg Traurig is recommended to be retained for continued use for negotiations with USACE and litigation, if needed. For these services, Greenberg Traurig has a monthly retainer of \$2,500 with the Town. No additional funding is needed at this time.
5. It is recommended that we engage the firm of Foley & Lardner for pursuing the Town's opportunities for beach nourishment with the FDEP, USACE, and related Inlet dredging matters. The former Secretary of FDEP is located at the firm in the Jacksonville office which is also in close proximity to the USACE Jacksonville District Office. The former Deputy Secretary of FDEP is under contract at the firm. It is recommended the firm of Foley & Lardner be engaged by the Town for a \$5,000 per month retainer requiring a \$60,000 allocation from the FY2015 General Fund Contingency account.

We will continue to work closely with the Everglades Law Center and the Coalition to Save Our Inlet. We will keep the Town Council fully informed on all matters in this regard.

FUNDING/FISCAL IMPACT

This recommendation entails:

1. Funding allocation of \$30,000 to Ballard Partners from the proposed liquidation of the Squire Patton Boggs purchase order.
2. Funding allocation of \$60,000 to Phil Bangert or his new law firm from the proposed liquidation of the Squire Patton Boggs purchase order.
3. Termination of the Squire Patton Boggs agreement and liquidation of the related purchase order.
4. Funding allocation of \$60,000 from the FY2015 General Fund Contingency to Foley & Lardner for enhancing the Town's opportunities for beach nourishment as stated above.

TGB:cek

cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
Robert Weber, Coastal Coordinator
John C. Randolph, Town Attorney

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Top Townwide Budget Priorities for FY16

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated May 4, 2015, from Thomas G. Bradford, Town Manager](#)
- [Budget Priorities Score Sheet](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Top Townwide Budget Priorities for FY16

Date: May 4, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council pass a motion to adopt the top Townwide budget priorities for FY16. If the Mayor or any individual Town Council members believe that Town Council should adopt goals that differ from those set forth below, please be prepared to propose your alternative(s) for consideration at the May 12th meeting.

GENERAL INFORMATION

Attached to this memorandum is a spreadsheet which presents the results of your individual voting for the Townwide budget priorities for FY16. The Town Council's formal adoption of top budget priorities on May 12th will provide guidance to the Town staff as we prepare the FY16 budget. The declaration of formally adopted Townwide budget priorities also will communicate clearly and meaningfully to the public regarding the matters which are of greatest importance and urgency to the Town for the upcoming year.

If you accept the results of your voting without modification, then the top three budget priorities for FY16 will be as follows:

1. Continue with adoptions of the 10 Year Beach Management Program. FY2016 goals include sand placement in Reaches 7 and 8, extend Corps disposal area in Reach 2 and begin multi-year groin rehabilitation process. Re-assess plan to consider dredge vs mined sand. How to pay for groins timelines. Results of EIS.
2. Prepare the FY16 budget with no millage (property tax) rate increase and no dollar increase.
3. Develop a financing plan for the Townwide underground utilities project

Although thirteen additional items received at least one vote in your balloting process, none of the others received more than 7.7% of the overall voting support. That compares with 23% for the beach management item, 14% for the budget item, and 12% for the underground utilities item. For that reason, I recommend Town Council adopt only the above stated 3 items as the Town's top budget priorities for FY16.

A final reminder: This exercise is conducted in order to call special attention to the few highest priorities for action in any given fiscal year. The other items that received votes in this process and many other initiatives may (and probably will) also receive attention, funding, and action during FY16.

TGB:cek

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Department Directors

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TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Underground Utilities

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

Allison Wren and Jack Flagg

b. Appointments to the Underground Utilities Task Force

Thomas G. Bradford, Town Manager

c. Town-Wide Utility Undergrounding Sequencing and Phasing Report

Maziar Keshavarz

d. Summary of Preliminary Undergrounding Financing Plan

Michael J. Pucillo, Town Council President

Presenter

Supporting Documents

- [Memorandum dated May 7, 2015, from Thomas G. Bradford, Town Manager](#)
- [Memorandum dated May 4, 2015, from Thomas G. Bradford, Town Manager-Appointments](#)
- [Resolution No. 50-2015](#)
- [Letters and Resumes from Citizens Expressing Interest in Appointment to the Underground Utilities Task Force](#)
- [Memorandum dated April 24, 2015 from H. Paul Brazil, P.E., Director of Public Works](#)
- [Final Phasing and Sequencing Report-Keshavarz 1 of 2](#)
- [Final Phasing and Sequencing Report-Keshavarz 2 of 2](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Underground Utility Matters

Date: May 7, 2015

STAFF RECOMMENDATION

Staff recommends the Town Council consider the various underground utility matters appearing below and take any action deemed appropriate by the Town Council.

GENERAL INFORMATION

Nightingale Trail/La Puerta Way Neighborhood UG Project using 20-year financing

In 2013 residents of the Nightingale Trail/La Puerta Way neighborhood requested and received permission to proceed with an underground utilities project. After the Town made the decision to proceed with Townwide undergrounding, the residents of the Nightingale Trail/La Puerta Way neighborhood UG project decided to proceed with their project as planned. The residents requested a cost estimate which is estimated to be \$960,269. Sixty seven percent of the affected property owners must indicate they wish to proceed, subject to receiving 20-year financing from the Town's internal financing plan. I am told this requirement has been achieved, but am awaiting receipt of the documents confirming this. If the Town Council approves this request, staff will proceed with preparation of the necessary Funding Agreement and issuance of the necessary contract for the final design and contractor procurement documents. Neighborhood residents Allison Wren and Jack Flagg will be present to answer any questions you may have in this regard.

Appointments to the Underground Utilities Task Force

Please see my separate memorandum on this subject attached hereto.

Town-wide Utility Undergrounding Sequencing and Phasing Report

Please see Paul Brazil's memorandum of April 24, 2015, attached hereto regarding this subject. A presentation of the undergrounding sequencing and phasing report will be made by Maziar Keshavarz, President, Keshavarz and Associates, or his designee.

Summary of preliminary UG financing plan

PFM, the Town's financial consultants, are scheduled to provide a preliminary underground financing plan to the Finance and Taxation Committee at their meeting on May 11th. Town Council President Pucillo will give a summary of the financing plan information provided by PFM to the Finance and Taxation Committee.

TGB:cek

Attachment

cc: H. Paul Brazil, Director of Public Works
Jane Struder, Director of Finance
William Francis, Town Engineer
Maziar Keshavarz, President, Keshavarz & Associates, Inc.

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Appointments to the Town's Underground Utilities Task Force (UUTF)

Date: May 7, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint five applicants to the UUTF.

GENERAL INFORMATION

At your meeting on April 14th, the Town Council adopted Resolution No. 50-2015, a copy of which is attached hereto for your reference, which created the UUTF which shall consist of five members to be appointed by the Town Council from a list of interested residents. Appointees are required to be registered electors or taxpayers of the Town. Appointees shall not be a member of another Town board or commission. UUTF members are to be appointed by the Town Council at a public meeting no later than May 12, 2015. The first meeting of the UUTF shall be held in the month of June 2015. The deadline for submission of letters of interest and resumes was April 24, 2015. Based upon the foregoing, it is now time to appoint the members of the UUTF.

The citizens listed below wish to be considered for membership on the UUTF. Their expressions of interest and/or resumes are also attached.

- Tina Bilotti
- Dennis Bottorff
- John David Corey
- Lewis Crampton¹
- W. Anthony Dowell²

¹ Lew Crampton has withdrawn his name as he wishes to remain on the Planning and Zoning Commission

² Mr. Dowell is currently a member of the Code Enforcement Board, but has indicated that if appointed to the UUTF he will resign his seat on the Code Enforcement Board

- Susan Gary
- Donald Gulbrandsen
- Alan Miller
- Christopher Milliken
- Thomas Parker
- Wilbur Ross
- Leslie Shaw
- Jeffrey Smith

Some members of the Town Council have asked that I be prepared to make recommendations for appointment to the Task Force. I am prepared to do so based upon the requirements of Resolution No. 50-2015.

Regardless of my recommendations, it is the responsibility of the Town Council to appoint the members to the UUTF per Resolution No. 50-2015. Once you have made your appointments, staff will notify the successful applicants and proceed with setting up the first meeting of the UUTF in June, 2015.

TGB:cek

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
H. Paul Brazil, Director of Public Works
Kirk W. Blouin, Director of Public Safety
William Francis, Town Engineer
Charles Langley, Senior Projects Engineer

RESOLUTION NO. 50-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, CREATING AN UNDERGROUND UTILITIES TASK FORCE; PROVIDING FOR METHOD OF APPOINTMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council is investigating the possibilities of undergrounding utilities at various locations throughout the Town; and

WHEREAS, the Town Council wishes to use the expertise and advise of a committee of Town residents in regard to the undergrounding of utilities; and

WHEREAS, it is the desire of the Town Council to appoint an Underground Utilities Task Force to advise the Town Council in regard to undergrounding.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1: The Town Council hereby authorizes the formation of an Underground Utilities Task Force. The Underground Utilities Task Force shall be charged with the investigation and review of possibilities of undergrounding utilities throughout the Town.

Section 2: The Underground Utilities Task Force shall consist of five (5) members. These members shall be appointed by the Town Council from a list of interested residents. Appointees are required to be registered electors or taxpayers. Appointees shall not be a member of another Town board or commission.

Section 3: Members shall be appointed by the Town Council at a public meeting no later than May 12, 2015. The first meeting of the Underground Utilities Task Force shall be held during the month of June 2015. At that first meeting, the members of the Underground Utilities Task Force shall elect from among themselves a Chair and a Vice Chair. The term of office of the members of the Underground Utilities Task Force shall cease upon a date to be determined by Town Council, once it is determined that the purpose of such Underground Utilities Task Force has been accomplished. Upon that date, the Underground Utilities Task Force shall automatically dissolve.

Section 4: This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of April 2015.

Gail L. Coniglio
Gail L. Coniglio, Mayor

Michael J. Pucillo
Michael J. Pucillo, Town Council President

Richard M. Kleid
Richard M. Kleid, Council President Pro Tem

Danielle H. Moore
Danielle H. Moore, Town Council Member

Penelope D. Townsend
Penelope D. Townsend, Town Council Member

ATTEST:

Susan A. Owens
Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick
Robert N. Wildrick, Town Council Member





Fw: TPB Underground Utility Advisory Committee
Thomas G. Bradford
to:
Cheryl Kleen
05/01/2015 01:28 PM
Hide Details
From: Thomas G. Bradford/PalmBeach
To: Cheryl Kleen/PalmBeach@PalmBeach

Here is the Bilotti info.

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 05/01/2015 01:28 PM -----

From: "Mark Marsh" <mmm@bridgesmarsharchitects.com>
To: <TBradford@TownofPalmBeach.com>
Cc: "Margaret Bilotti" <msbilotti@att.net>
Date: 04/17/2015 11:10 AM
Subject: TPB Underground Utility Advisory Committee

Tom,

As discussed yesterday we would like to recommend Mrs. Tina Bilotti to be a member of the proposed Advisory Committee for Underground Utility review.

I have spoken to Mrs. Bilotti and she has agreed to serve on this Committee if selected. I understand that the deadline for applications is 4/24, unfortunately Mrs. Bilotti is out of the country on business and is not due back until 4/28.

I am sure that she would not mind being contacted by email if you would like to contact her directly to confirm her interest in serving on your Committee.

Please find below her contact information:

Mrs. Tina Bilotti
109 Jungle Rd.
Palm Beach, FL 33480

EMAIL: msbilotti@att.net
Phone: 561-820-9864

Kind regards,

M. Mark Marsh, AIA
Bridges, Marsh & Associates, Inc.
18 Via Mizner
Palm Beach, FL 33480

#561.832.1533
#561.832.1520 fax
mmm@bridgesmarsharchitects.com



Palm Beach Underground Utilities Task Force

Dennis Bottorff

to:

clerk@townofpalmbeach.com

04/16/2015 12:22 PM

Hide Details

From: Dennis Bottorff <dbottorff@councilcapital.com>

To: "clerk@townofpalmbeach.com" <clerk@townofpalmbeach.com>

CC: TMO

1 Attachment



2015 04 16 Dennis C Bottorff bio.docx

Dear Sir;

I am interested in serving on the Palm Beach Utilities Task Force. Please find attached a copy of my biographical sketch. In addition to comments in the bio, please note that I received a Bachelor of Engineering, with a major in electrical engineering in 1966, from Vanderbilt University, and a Masters of Business Administration from Northwestern University in 1968. If my credentials are of interest, I would be pleased to serve on this task force. Please feel free to contact me for any reason. My cell number is 615-308-3099.

Sincerely,

Dennis Bottorff



Dennis C Bottorff

Managing General Partner

30 Burton Hills Boulevard, Suite 576

Nashville, TN 37215

phone: (615) 255-3707

fax: (615) 255-3709

email: dbottorff@councilcapital.com

web: www.councilcapital.com

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RECEIVED

2015 APR 16 14:08 TWN CLERK

Dennis C Bottorff

Founding General Partner

As a successful financial services CEO, Denny created more than \$7 billion in realized shareholder value. During his 32-year career in banking, he led or was intimately involved with 29 acquisitions. Denny has been the key executive of four banks, including: President and then Chairman and CEO of Commerce Union, Vice Chairman and COO of Sovran Bank, President and COO of C&S Sovran, and President and CEO of First American National Bank. He led First American from a net loss to a sale to AmSouth for \$6.4 billion. With the merger of First American and AmSouth, he became Chairman of AmSouth until he left in 2000 to form Council Capital.

His corporate board experience includes serving as a member of the Board of Directors of 11 companies from pre-revenue startups to Fortune 500 companies. In 2007, as Chair of the Strategic Planning Committee of the Board of Directors of Dollar General Corporation, he oversaw the process that culminated in the sale of Dollar General to Kohlberg Kravis Roberts & Co. for \$7 billion. Denny is a Trustee Emeritus of the Vanderbilt University Board of Trustees, a board that he joined in 1991 and on which he served as Vice Chairman for 11 years. As Vice Chairman of the Vanderbilt University Board of Trustees, Denny twice chaired the search committees for a new Chancellor, including the most recent search concluded in early 2008. In 2006, he was nominated by the President of the United States to the board of the Tennessee Valley Authority (TVA), the nation's largest public utility, where he served as Chairman from April 2010 to January 2012.

Denny is Chairman of the Board of Council Capital portfolio company NuScript^{rx}, non-Executive Chairman of CapStar Bank and Board Member of Ingram Industries and the Nashville Health Care Council. He was previously a member of the Board of Council Capital portfolio companies MedSeek, Lancope, MEMX, AppForge and Benefit Informatics.

CC: TMO

JOHN DAVID COREY
327 Barton Avenue
Palm Beach, FL 33480

E-mail: johncorey84@gmail.com

Cell: 617-590-0886

Home: 561-408-2880

March 30, 2015

Ms. Susan Owens (via email)
Town of Palm Beach - Town Clerk
360 South County Road
Palm Beach, FL 33480

RE: Underground Utilities Task Force Appointment

Dear Ms. Owens:

I am interested in becoming a member of the ad hoc Palm Beach Underground Utilities Task Force. Please find attached my resume for your consideration. I have a Masters Degree in Real Estate Development from MIT, many years of experience building and developing residential and commercial properties and a great interest in improving the appearance and livability of the island. Most recently, I formed an advocacy group *Palm Beach Walks* that seeks to improve accessibility on the island for pedestrians and bicyclists in collaboration with town and county officials. My formal training and extensive practical experience will be helpful to assist in the successful completion of a comprehensive utility undergrounding plan in the upcoming years.

Sincerely,



John Corey

RECEIVED

2015 MAR 30 15:29 TOWN CLERK

JOHN DAVID COREY
327 Barton Avenue
Palm Beach, FL 33480

E-mail: johncorey84@gmail.com

Cell: 617-590-0886

Home: 561-408-2880

EDUCATION:

Sep 1999 – Sep 2000

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Master of Science in Real Estate Development
School of Architecture and Planning
Awarded John A. Lyons full fellowship

Jun 1996 – Aug 1996

LONDON SCHOOL OF ECONOMICS

Summer Programmes

Sep 1991 – Jun 1995

BOSTON COLLEGE SCHOOL OF MANAGEMENT

Bachelor of Science in Finance - Cum Laude
Dean's List: Spring 1992; Spring 1993; Spring 1995
Golden Key National Honor Society
Syracuse University – Semester Abroad in Florence, Italy

Sep 1982 – Jun 1991

MILTON ACADEMY

High School Diploma, June 1991

EXPERIENCE:

Sep 1996 – present

BOSTON INVESTMENT & DEVELOPMENT - Owner

Boston MA

- Founded company in 1996 to invest in underutilized properties
- Purchased, constructed and realized (sold or held) \$68,000,000 of real estate
- Current portfolio focuses on residential and commercial properties within greater Boston
- Acted as general contractor on several single family gut-rehabs in Beacon Hill, Boston, MA
- Massachusetts Licensed General Contractor
- Restored 3 unit 1925 Spanish Revival home in Miami Beach, FL
- Developed new 3,200SF single family house in Palm Beach, FL
- Developing new 4,000SF single family house in Palm Beach, FL

Jan 2011 – present

ROSALES + PARTNERS INC - Design Associate

Boston, MA

- Transportation and Bridge Design Firm
- Assist in the design of national transportation and infrastructure projects

Oct 1996 – May 1999

SPAULDING & SLYE COLLIERS, Investment Analyst

Boston, MA

- Integral part of Asset Management team responsible for all financial analysis
- Performed 10 Year DCF analysis for underwriting commercial real estate acquisitions
- Modeled cash flows for financings, dispositions, and long-term holds for principal-held properties
- Assisted asset manager of \$420 million commercial office real estate portfolio with financial modeling, investment performance, sell/hold analysis and client contact

CIVIC:

- Founder – Palm Beach Walks, Palm Beach, FL
- Board Member – Beacon Hill Civic Association (BHCA), Boston, MA
- Co-Chair – BHCA Tree Committee, Joint Charles Committee, 90th Anniversary Committee
- Graduate – City of Miami Beach Leadership Academy, Miami Beach, FL
- Past President – Bayshore Homeowners Association, Miami Beach, FL



Fw: Underground Utilities Task Force
Susan Owens to: Denise Carmona

03/30/2015 09:42 AM

History:

This message has been replied to.

Please process the attached, as well as those that came in while you were out.

Thank you,

Susan A. Owens, MPA, MMC

Town Clerk | Town of Palm Beach

360 South County Road

Palm Beach, FL 33480

561.838.5416 (ofc) | 561.838.5417 (fax)



Please be advised that under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone, (561) 838-5400, or in writing: 360 S. County Road, Palm Beach, FL, 33480.

----- Forwarded by Susan Owens/PalmBeach on 03/30/2015 09:41 AM -----

From: John David Corey <johncorey84@gmail.com>
To: sowens@townofpalmbeach.com
Cc: John David Corey <johncorey84@gmail.com>
Date: 03/29/2015 10:48 AM
Subject: Underground Utilities Task Force

Dear Ms. Owens:

Please find attached a cover letter and resume for my consideration to the ad hoc Underground Utilities Task Force.

Thank you,
John Corey
327 Barton Avenue
Palm Beach



JDC Underground Task Force Cover Letter.pdf



John Corey Resume 2015.pdf

LEWIS S. W. CRAMPTON
2335 SOUTH OCEAN BOULEVARD
PALM BEACH FLORIDA 33480

TO: Members of the Palm Beach Town Council:

FR: Lew Crampton

Please accept this letter as an expression of my interest in serving on the commission you will appoint to participate with you and Town staff in developing plans and priorities for implementing a Town-wide plan to place currently-exposed electrical and phone lines underground. This project has implications for the quality of life of residents in all parts of Town and will be a major consideration in developing operating and capital budgets now and in the future.

I have some experience in working through several of the issues involved in this project.

- As Commissioner of the Massachusetts Department of Community Affairs, I approved renewal projects taking place in every one of the state's 351 cities and towns. Several of these projects involved undergrounding of utilities in a variety of settings.
- As current chair of the City of West Palm Beach Sustainability Committee, I've worked with officials in that city to convert City-owned and FPL-owned cobra-headed lighting to LED status at considerable long term savings. I've worked with deputy City Manager Scott Pelley on this project – and several others – and could be helpful to Town staff in securing data and cooperation that would save money and take advantage of prior experience.
- As current chair of the Citizens Association of Palm Beach, I have access to an email network of approximately 1,500 URLs, a newsletter that is read by more than 500 people during season, and a schedule of meetings that could serve as an ideal platform for Town officials to keep South End citizens informed of progress on this project. Of course, no matter who is appointed by the Council to the undergrounding commission, the Citizens Association will cooperate in every way possible.

I hope this petition meets with Town staff and Town Council approval. I look forward to answering any questions you may have.

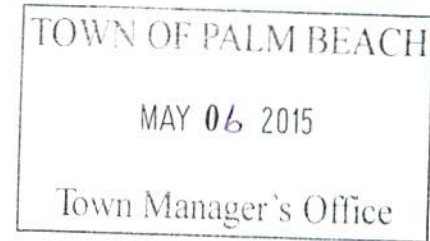


Lew Crampton

RECEIVED

2015 MAR 19 13:26 TOWN CLERK

LEWIS S. W. CRAMPTON
2335 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480



TO: MEMBERS OF THE TOWN COUNCIL

FR: LEW CRAMPTON

I am writing to request that my name be withdrawn from consideration for membership on the Town's soon-to-be-appointed Utilities Board. At the time I wrote to the Council expressing interest in the Utility Board position, the decision to bar participation on two Town boards or commissions had not yet been made.

I have no problem with the Council's decision to limit participation to one appointed Town board or commission. Recruiting new people to participate on Town decision-making bodies is an admirable goal.

That said, since I am already a member of the Town's Planning and Zoning Commission, I would prefer to stay on that body if it comes to a choice.

Thank you very much for your consideration. I look forward to serving the Town in my current capacity as a member of the Planning and Zoning Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lew Crampton".

Lew Crampton

(540-1520)



Re: Underground Utilities Task Force
W. Anthony Dowell to: Tom Bradford

05/03/2015 10:19 AM

Tom:

I prefer to be on the Underground Utilities Task Force and will resign from the Code Enforcement Board if appointed to UUTF.

Respectfully submitted.

W. Anthony Dowell

> On May 1, 2015, at 10:41 PM, TBradford@TownofPalmBeach.com wrote:

>

> Thank you for applying to serve on the Town's newly formed Underground Utilities Task Force. A copy of your resume and/or letter of interest has been provided to the Mayor and Town Council. Attached is Resolution No. 50-2015 which was adopted at the April 14, 2015, Town Council meeting establishing the Underground Utilities Task Force (UUTF). Appointments to the UUTF will be made at the May 12, 2015, Town Council meeting.

>

> It was the consensus of the entire Town Council as reflected in the attached resolution that a person cannot be on more than one Town board or commission, including the UUTF. That being the case, if you are a member of another Town board or commission, if you have not done so already, please let me know if you prefer to be on the UUTF or the stay on the board or commission you are already a member of so that this can be taken into account at the time that appointments are to be made.

>

> I will notify each of you of the results of the Town Council's appointments to the UUTF.

>

> Your willingness and civic-mindedness to serve the Town of Palm Beach is greatly appreciated.

>

> Thomas G. Bradford

> Town Manager

> Town of Palm Beach

> 360 South County Road

> P.O. Box 2029

> Palm Beach, FL 33480

> Telephone: (561) 838-5410

> Fax: (561) 838-5411

> Email: tbradford@townofpalmbeach.com

>

>

>

> <Resolution 050-2015 Undergrounding.pdf>



Underground Utilities Task Force
 W.Anthony Dowell to: townclerk
 Cc: "wildrick Robert N."

04/01/2015 03:45 PM

Town Council Members:

I would like to be a member of the Underground Utilities Task Force and am qualified for the following reasons:

1. I have lived in Palm Beach for fifty two years and have been working on this (mostly with Tom Bradford) since March 2003. I remain a year round resident and will stay involved.
- 2 Three field trips to Jupiter Island to monitor their burying project, a Lost Tree field trip, as well as many drives through Phipps Estates to see how well landscaping hides their transformers.
3. I spearheaded the East Inlet Drive petition to bury our utility lines. We got 75% yes votes which exceeded the Super Majority. We subsequently cast our lot with the Town's proposal.
4. Numerous meetings with Rod Macon (since retired) of FPL .
5. Several meetings with Danny Brannon, Engineer, who has done consulting work for the town regarding under grounding
6. Phone conversations with Judy Wesalo-Temel, municipal bond specialist in New York, referred by Dan Stanton.
7. Joint meetings with Tom Bradford and with North End neighbors.
8. I feel passionate about this and am comfortable overcoming/dealing with objections from naysayers. I do not easily take "no" for an answer.
9. Member Planning and Zoning Commission February 2006-June 2008
11. Member Code Enforcement Board June 2009 to present.

1960 BSBA University of Arkansas
 1960- -1968 Merrill Lynch, New York and Palm Beach
 2003 retired from Morgan Stanley

Respectfully submitted,
 W. Anthony Dowell

RECEIVED

2015 APR 1 16:19 TWN CLERK

SUSAN KEEGAN GARY
229 Onondaga Avenue
Palm Beach, Florida 33480
561.848.6123

TOWN OF PALM BEACH

APR 23 2015

Town Manager's Office

Tom
Dear Mr. Bradford,

I respectfully request appointment to serve you on the new committee on undergrounding.

I was employed for twenty five years as a Vice President of a global architecture, engineering and construction services company. I was directly involved in many \$100 million projects. My experience with planning, design and construction will be helpful to the committee.

I am familiar with the challenges and complexities of a major program such as this one. I worked beside our technical teams to provide strategy for mitigating community challenges, site issues, and offered "lessons learned" from other projects. I was a resource for the client and our team of professionals.

I maintain contacts with many of the design and construction industry leaders in the U.S. I have contacted companies who have offered to lend their expertise. They are available to provide advice and guidance.

In addition to my background in the industry, I have been a passionate advocate of undergrounding.

I learned that Florida Power & Light (FPL) would appear before the Town Council on October 14, 2014 requesting a decision to underground or "harden" our utilities. I recognized that the FPL presentation represented a unique opportunity --the Town had to make a decision on undergrounding.

I met with neighbors and determined that a consensus favored undergrounding. We organized, developed a strategy, coordinated with community groups and testified at the October 14, 2014 Town Council meeting. The Town Council unanimously voted to underground utilities. I would be pleased to assist you as a member of your new undergrounding committee to implement this decision.

I am a full time resident who cares deeply about completing this project successfully. I will work diligently using my knowledge and skills to provide guidance to the committee on the design and construction challenges.

Thank you for considering my request.

Best regards,

Susan
Susan Gary

P.S. I have sent copies to all council members and the mayor.

Susan Keegan Gary

Professional Profile

Serves as Executive Consultant to DLR Group -- architectural firm specializing in governmental projects.

Mrs. Gary served for twenty five years as a Vice President at AECOM, a global provider of architectural, engineering and construction services with over 100,000 employees and annual revenues of \$19 billion.

She managed business development of public safety facilities worldwide. Mrs. Gary has significant experience with federal, state and municipal governments in planning, design and construction.

Susan Gary has extensive executive level contacts across the engineering and construction industries. She is familiar with procurement methods, construction options, “best practices” and “lessons learned” as a result of working in the design and construction industry for more than two decades.

Served as Legislative Director for National Sheriffs’ Association, Washington, D.C.

Undergrounding

Mrs. Gary organized neighbors and mobilized community groups to testify before the Palm Beach Town Council in support of undergrounding. On October 14, 2014 Florida Power and Light (FPL) asked the Town Council to decide between “hardening” and undergrounding utilities. Mrs. Gary coordinated efforts with representatives of the Civic Association and the Neighborhood Alliance of Palm Beach. She conducted meetings and coordinated efforts with these groups and Town staff. She developed the strategy, the “talking points” and messaging for the effort.

Public Service

Mrs. Gary does not currently serve on any Palm Beach Town Boards or Commissions.

Board of Directors, Palm Beach Civic Association.

Mrs. Gary received “Crime Watcher Award” for work with the Palm Beach Crime Watch Program.

Graduate, Palm Beach Police Department Citizen’s Police Academy.

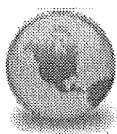
Graduate, Florida Executive Leadership Institute in Tallahassee.

Education

Master Degree in Public Administration (MPA) University of Arizona

Bachelor of Arts (BA) Albertus Magnus College

CC: TMO



expression of interest in underground utility task force

Donald Gulbrandsen

to:

townclerk

03/27/2015 10:08 AM

Hide Details

From: Donald Gulbrandsen <donalddg@gulbrandsen.com>

To: townclerk@townofpalmbeach.com

1 Attachment



Resume of Donald Gulbrandsen.docx

March 27, 2015

Town Council

360 South County Road

Palm Beach, FL 33480

To Whom it may Concern:

I would like to express my interest in serving on the Underground Utilities Task Force. I am excited about the project and its ultimate aesthetic impact on the island. I stick with projects to completion and have experience working on teams tackling complex problems. I would like to use my skills and experience to contribute to the success of the town and I believe the Task Force would be a good match.

If you think I am a good fit for the task force, please give me a call. I am happy to help. Please see my enclosed resume and feel free to call my local references.

Sincerely,

Donald Gulbrandsen.

cell: 561-846-2174

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2015 MAR 31 15:33 TOWN CLERK

Donald E. Gulbrandsen

Current Address:
217 Emerald Lane
Palm Beach, FL 33480

Summer Address
117 Sunnybranch Rd
Far Hills, NJ

Objective: To obtain a position on the Palm Beach Underground Utilities Task Force.

Education: Cornell University, College of Engineering, Ithaca NY,
Bachelor of Science in Chemical Engineering, 1983

Cornell University, College of Arts and Science, Ithaca, NY
Bachelor of Arts in History, 1984

Harvard Business School, Cambridge, MA
OPM 30, 3 year Executive Business program, 2002

Professional Experience:

Gulbrandsen Chemicals, Inc and Gulbrandsen Technologies, Inc,
1984- present
Founder, Owner, CEO
Started a "boot-strap" business in NJ upon graduation from college
that recycled byproduct chemicals with early family financial support.
Have steadily grown the enterprise over a 30 year span to include 7
global manufacturing locations and approximately 950 employees.
Company details can be found at www.gulbrandsen.com.

Relevant Skills and Experience:

1. Engineering

I have overseen construction of 7 chemical plants over 30 year span. 4 in North America, 3 in India. Early experience involved hands on field installation of all aspects of constructing a chemical process: piping, welding, electrical, structural, etc. Can read engineering drawings. Good working knowledge of electrical systems: transformers, substations, motor control, wiring, automation. I have deep desire for achieving "elegant engineering" which I define as an effective design using the least amount of capital with the lowest on-going cost of operation.

I have overseen the construction of a house on Palm Beach at 217 Emerald Ln from 2001- 2014. During the process I have become familiar with local Palm Beach codes and polices as well as local construction practices.

2. Teamwork skills

I am comfortable in many different team environments and roles ranging from being a contributing member on small project teams to leading a complex organization. I also enjoy and am effective working with many types of people including people with different personality styles, different cultures and different professional roles.

3. Marriage:

I have been married to Allison, my beautiful spouse, for 24 years. During this time I have learned humility, the art of compromise, listening skills and the value of humor.

Relevant Skills

1. Creative Problem Solver. I am able to quickly get to the heart of a problem and create compelling solutions.
2. Facilitator. I am able to help people come to amiable agreement through listening, asking the right questions, and advocating solutions that fits the needs of the interested parties. Through years of practice, I am to keep my emotions in check in stressful situations (most of the time).
3. Prioritizing. I like to focus on getting the Right Things Done.

Local affiliations:

Member of the Beach Club, Palm Beach
Member of the Palm Beach Chapter of WPO (World President's Organization)
Member of the Royal Poinciana Chapel

Local References:

Paul Wittmann, Wittmann Builders, Contractor for 217 Emerald Ln
Phone: 561-366-8187
Michael Perry, Architect for 217 Emerald Ln
Phone: 561-833-7575
Pastor Robert Norris
Phone: 561-655-4212



Fw: Underground Utilities Task Force Application
 Susan Owens to: Denise Carmona

04/02/2015 05:23 PM

Please process.

Thank you,

Susan A. Owens, MPA, MMC

Town Clerk | Town of Palm Beach
 360 South County Road
 Palm Beach, FL 33480
 561.838.5416 (ofc) | 561.838.5417 (fax)



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----- Forwarded by Susan Owens/PalmBeach on 04/02/2015 05:23 PM -----

From: "karenwoodson@palmbeachcivic.org" <karenwoodson@palmbeachcivic.org>
 To: "Susan A. Owens" <sowens@townofpalmbeach.com>
 Cc: Alan Miller <ahm27@bellsouth.net>
 Date: 04/02/2015 04:53 PM
 Subject: Underground Utilities Task Force Application

Ms. Owens,

Attached for your consideration is a cover letter and resume for Mr. Alan Miller. He has expressed great interest in the Underground Utilities Task Force and would like to be considered as a candidate to serve on that committee.

You may contact Mr. Miller at the following email address
 ahm27@bellsouth.net, and his home address is: 179 Bradley Place

Palm Beach, FL 33480

(561) 906-0040 (cell)

Thank you in advance for your consideration.

Karen S. Woodson
 Office Manager
 Palm Beach Civic Association
 139 N. County Road, Suite 33
 Palm Beach FL 33480
 (561) 655-0820
 Fax: (561) 655-1070

RECEIVED

2015 APR 3 8:27 TOWN CLERK

From: **Alan H. Miller** ahm0270@gmail.com
Subject: **Undergrounding Committee**
Date: **April 2, 2015 at 11:46 AM**
To: **SQwens@TownofPalmBeach.com**
Cc: **Ned Barnes** nedbarnes@palmbeachcivic.org



I would like to be considered to serve as an ad hoc member of the Task Force which is being established for Underground Utilities.

Enclosed is a resume which together with having lived and volunteered for over 30 years in Palm Beach demonstrates I have considerable knowledge and understanding of Palm Beach. I have been involved with The Civic Association for many years and worked with Al Flamm's Civic Association Advisory Committee for Undergrounding, which was deferred for budgetary reasons. I have volunteered and served during two hurricanes working with the Police Department as a Volunteer in Police Service. My experience includes serving on the PERC Commission. I have developed the L'Ermitage Condominium and built a house in Town.

Alan H Miller Biography

Born Boston, MA,
Wharton School, B.S. in Economics. Graduate work in business and engineering at
Northeastern University, Boston College and MIT.
(Completed evenings over 6 years. Tuition by Raytheon Company.)

EARLY CAREER

First employed by Raytheon in various line and staff functions. Promoted to Corporate Staff at age 26. Head project engineer for Company's first commercial microwave ovens, later marketed to public as the RADAR RANGE. Developed company-wide (40 plus plants) contracts for many commonly used supply items, e.g. small tools, wire and cable, office furniture and supplies, packaging materials, etc.

Recruited as Executive V-P for Hillcrest Foods, a major New England poultry producer. The company was vertically integrated from raising breeder eggs and later processing whole chickens or cut-up prepackaged parts. Additionally, Hillcrest operated feed mills, a trucking company and a commercial storage freezer.

CORPORATE OWNER

Recruited to relocate to North Carolina as President and later sole owner of Cellu Products Company. The business manufactured creped waddings and specialty papers, polyolefin films and foam sheet. Cellu also produced pressure sensitive coated films and tapes. Products not used for protective packaging applications were sold through distributors. All other materials were supplied directly as components used in disposable baby diapers, healthcare and a variety hospital, surgical and feminine sanitary products.

Miller invented DRILOC absorbent pads that are used to control excess moisture and improve the appearance of products packed and displayed in retail ready trays. The company had plants in five states and in Frankfurt Germany. In 1983 Miller sold the business to Sealed Air Corporation. (NYSE)

OTHER CORPORATE

Sealed Air Corporation Board, Chr. Compensation and Planning Committee.
Board of The Laird Group, PLC (LSE) for 10 years as President and CEO of Lairds North American businesses (\$500 million sales). These companies distributed rigid plastic tube and sheet throughout Canada and the US, specialty printed folding cartons, component parts for doors and windows
Part owner with Chesebrough Ponds in GEI. A machine vision company.

OTHER ACTIVITIES

The DRILOC pad was patented by Miller who has another seven patents issued for packaging methods and products.
Active for many many years in several professional and industrial associations: Technical Association of Pulp and Paper Industry, Society of Pulp and Paper Industry, Society of Plastics Engineers, Institute of Packaging Packaging Professional, Machine Vision Institute

PERSONAL AND COMMUNITY

Board of Trustees Lenoir-Rhyne University (Emeritus)
Kravis Center for the Performing Arts (Past Director and Life Trustee)
Palm Beach Civic Association (Executive Committee)
Member Palm Beach Country Club
Member Beach Club
Member Old Guard Society
Married. 3 children

CC:TMO



Re: Underground Utilities Task Force

Christopher Milliken

to:

Townclerk

03/18/2015 06:33 PM

Hide Details

From: Christopher Milliken <boise96@gmail.com>

To: Townclerk@townofpalmbeach.com

Dear Sirs:

I am most interested in being considered for membership on the Underground Utilities Task Force. My interest is mainly based on having consistent and reliable communication/electric service not only to the North End (my residence) but for the entire island as well. It is abundantly clear to me that a town such as Palm Beach should not lose power/communication capabilities every time it rains or the wind blows. It is absurd not to fix these deficiencies, and I am convinced that underground solutions are the answer. I greatly worry about the safety of the citizens of Palm Beach due to outages from storms.

As far as my CV is concerned, it is a pretty simple one;

A graduate of Clemson University in 1970 with a BS in Industrial Management.

1970-1977 Marshall Field and Company (Chicago, Il.) A variety of Merchandising positions including Buyer and Merchandise Manager.

1977-2005 Boise Cascade Corp (NYSE:BCC) and OfficeMax (NYSE OMX). Several management positions including Branch Manager, Region Manager, US Marketing Manager, SVP World Wide Operations Manager, President and Chief Executive Officer. When I retired (I am currently 70 years of age) the company had Revenues of \$9 billion, 1000 stores, 3 international subsidiaries, and 30,000 associates. Subsequently, OfficeMax has combined with Office Depot and is currently in merger discussions with Staples. I have a wide experience in operations, technology, finance, and marketing. I am not an engineer.

I have lived in Palm Beach for ten years (and have loved every minute). I am here from October until June, but would certainly be able to commute for all summer meetings.

I hope you will consider me for a position on the Task Force and am available to discuss any interest you may have at your convenience.

Sincerely,

Christopher C. Milliken

937 North Lake Way

561-863-1375 (R)

561-346-0601(C)

Thomas X. Parker
215 Jamaica Lane
Palm Beach, FL 33480
(561) 351-1157

CC: TMO

April 24, 2015

Susan Owens
Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

By e-mail

Dear Ms. Owens,

Please accept this letter as notification of my interest in appointment to the new Underground Utilities Task Force.

I enclose a brief curriculum vitae which includes my pertinent experience.

I look forward to learning the requirements and duties of membership when they are published.

Sincerely yours,

Thomas X. Parker

RECEIVED
2015 APR 23 8:54 TOWN CLERK

Thomas X. Parker
215 Jamaica Lane
Palm Beach, FL 33480
(561) 351-1157

Merrill Lynch 249 Royal Palm Way, Palm Beach, FL
Certified Financial Planner; Wealth Management Advisor

Prior Employment at other Financial Companies in Palm Beach and New York, NY
Smith Barney, Bear Stearns, Citibank
Trading and Underwriting of US Government and Federal Agency Debt

1994 Built branch office in Palm Beach for Eastbridge Capital, including outdoor excavation and burial of electrical and communications infrastructure. Extensive interaction with FPL and Bellsouth.

1991 Managed Restoration of golf course at The Creek Club in Locust Valley, NY
Hired and Interacted with Irrigation and Excavation Contractors

Education University of Virginia B.A., English 1974
 Cardinal Newman High School
 St. Ann School

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2015 APR 23 8:54 TWN CLERK

Thomas X. Parker
215 Jamaica Lane
Palm Beach, FL 33480

May 2, 2015

Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Ladies and Gentlemen of the Town Council:

I write to ask for your support of my application for appointment to our Town's Underground Utilities Task Force.

My parents brought me to Palm Beach in 1960, and I have enjoyed our wonderful community since. I attended St. Ann and Cardinal Newman High Schools in West Palm Beach, received a B.A. in English at the University of Virginia, and worked in the US Treasury Bond market in New York for eighteen years before returning to Palm Beach as a full-time resident in 1992. My wife Ginny and I have raised three children here, and we are now blessed with two grandchildren. Both of our daughters Kate and Julie are local residents; our son Tommy lives and works in Boston.

I am enthusiastic for an opportunity to serve the community I love, but would like to share with you my qualifications, so that your decision will be fully informed.

My career in New York included the responsibility for underwriting the debt of several Federal Agencies, including the Federal Farm Credit Banks and the Banks for Cooperatives, the Tennessee Valley Authority and the former Rural Electrification Administration. These are multi-billion dollar entities which fund with Federal sponsorship the infrastructure that supports American agriculture nationwide. As part of my duties I was required to become familiar with the major projects of these entities. I was also responsible for my employers' relationships with the Intermountain Power Agency, which generates 13 million megawatt hours of electric energy from two coal-fired units in western Utah, delivering power to Utah and Southern California.

While in New York, in 1991 I was responsible for a golf-course renovation project at The Creek Club in Locust Valley, NY, which included the installation of a new well and irrigation system requiring substantial excavation in environmentally sensitive areas. As such I interacted with our contractors and the New York State Department of Environmental Conservation, as the routing of our golf course caused us to install underground electric service and irrigation supply lines into an estuarine marsh that is inhabited by several protected species.

After moving back to Palm Beach, in 1994 I was responsible for the design and construction of a sophisticated bond-trading office in the Royal Poinciana Plaza for Eastbridge Capital, Inc. Our facility was located in what is now the back half of Del Frisco's restaurant. This installation required an electrical upgrade, and significant excavation around Bellsouth's communications vault underground in the

middle of the eastern lawn of the Plaza, and was accomplished under the watchful eye of the Town's building inspectors and Sidney Spiegel, the Plaza's landlord at the time. It is an understatement to say that during this project I demonstrated the ability to work in a cooperative manner with utilities and some difficult people. None of my neighbors in the Plaza were inconvenienced by loss of their power or their telephone service.

On behalf of our neighborhood, after Hurricane Wilma I implored the Florida Public Service Commission to mandate that a reluctant FPL replace with new equipment the transformers and poles along North Ocean Boulevard at the east end of Jamaica Lane, which had posed a fire hazard several times. The infrastructure was replaced, and has been problem-free since.

More recently, some members of the Council may remember a 2011 case involving my neighbor's oversized generator. Over a period of eighteen months, I demonstrated the ability to present a convincing case to the Council and to our citizens. The offending generator, which was found multiple times to be in violation of our Town's ordinances, was removed and replaced by a compliant machine that has restored my neighbors' peaceful enjoyment of our street. Several members of the Council and Town staff commended me for my thorough presentations, even-tempered demeanor and patience.

During the PUD-5 debate and referendum, I was a consistent advocate for civil and informed discourse, a skill which I pledge to apply to the Underground Utilities Task Force.

I believe that the burial of our electrical service will enhance our Town. If properly managed, it will improve the reliability and safety of our infrastructure, and enhance the beauty of our Town. I promise to serve with diligence and enthusiasm. I hope you will appoint me, and look forward to serving our community.

Please feel free to contact me with any questions.

Sincerely yours,

Thomas X. Parker
215 Jamaica Lane
teexparker@gmail.com
(561) 351-1157



Utilities Task Force

Ross, Wilbur L

to:

townclerk@townofpalmbeach.com

04/02/2015 03:34 PM

Hide Details

From: "Ross, Wilbur L" <wlross@wlross.com>

To: "townclerk@townofpalmbeach.com" <townclerk@townofpalmbeach.com>

History: This message has been forwarded.

To: Town Clerk, Palm Beach, Florida

I am eager to serve on the town's utilities task force and am uniquely qualified to do so.

For more than 50 years I have been investing in and providing advice to complicated entities undergoing major change. Over the years, these have totaled more than \$500 billion of assets. You probably are not aware though of the extent to which these have involved utilities including El Paso Electric, Jamaica Water and Utilities, Long Island Power Authority, Northeast Utilities, Public Service Company of New Hampshire, the Southern Company, Vermont Electric Cooperative and half a dozen co-generation and waste energy projects. For several years I also was retained by the Public Service Commission of Vermont as their financial advisor on rate making for the utilities in that state. Earlier, I had been appointed to the Joint Legislative Commission on an Energy Policy for New York State. At present, I chair the investment committee of a clean energy private equity joint venture with Huaneng Power, the largest electric utility in China. In terms of telecom, I served on the board of 360 Network, a leading U.S. optical fiber network for telecom and helped to negotiate its sale to Bell Telephone of Canada, helped a Korean telecom company acquire a telephony concession from the Brazilian government and was financial advisor to the largest telephone company in Australia.

I also have had considerable experience with large and complex construction and real estate development projects as chairman of the investment committee of two real estate investment funds jointly managed by my firm and renovation of the Gansevoort Hotel in South Beach and the \$150 million Ritz Carlton Hotel in Fort Lauderdale. My academic background includes an A.B. from Yale and an MBA with distinction from Harvard. Hilary and I have resided in Palm Beach for twelve years.

The Council typically discourages residents from serving on more than one commission but the board of the Pension Funds, on which I serve, only meets four times per year so it is not unduly time consuming and this task force will meet as needed over a period of many years. Therefore both commitments should be easy to manage and very few Palm Beach residents have the combination of experiences necessary to provide sound advice to the Palm Beach Town Council regarding the utility project.

If you need any further information please contact me at home, 561-655-2616 or through my New York office, 212-826-2111.

Best Regards,
Wilbur Ross

Confidentiality Note: The information contained in this message, and any attachments, may contain confidential and/or privileged material. It is intended solely for the person(s) or entity to which it is addressed. Any review,



Underground committee

Leslie Shaw

to:

tbradford, townmanager

04/21/2015 06:14 PM

Hide Details

From: Leslie Shaw <lshaw318@gmail.com>

To: tbradford@townofpalmbeach.com, townmanager@townofpalmbeach.com

Dear Tom,

Forgive the last minute interest, but I was concerned about a full commitment until I knew my summer schedule.

I would like to be considered for the committee and with the many hours I spent working on this idea while on the Town Council, that I have the knowledge to be able to make a contribution.

As a 30 year plus resident, I've experienced a few hurricanes and many outages to understand the need for this upgrade.

Regards,

Leslie

SMITH
ARCHITECTURAL
GROUP, INC.

March 26, 2015

Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Underground Utilities Task Force

Dear Town Clerk:

I would like to submit my qualifications as an Architect/Planner for consideration as a member of the Underground Utilities Task Force. I think my architecture and planning background would be an asset when converting to underground service.

Having been a fulltime resident of Palm Beach for 45 years, I believe I will bring a wealth of experience to the Task Force.

Attached is my resume for your review.

Thank you for your consideration.

Sincerely,



Jeffery W. Smith, AIA

RECEIVED

2015 MAR 30 13:50 TOWN CLERK

206 PHIPPS PLAZA, PALM BEACH, FLORIDA 33480
TEL: (561) 832-0202 FAX: (561) 832-3443

JEFFERY W. SMITH, AIA, PERSONAL EXPERIENCE RESUMÉ

POSITION

President, Smith Architectural Group, Inc., 1989
Architect and Planner

EDUCATION

Louisiana State University, Bachelor of Architecture, 1980
University of Miami, School of Architecture, 1976

<u>REGISTRATIONS</u>	Architect:	Florida	#9772
		New York	#026182
		Louisiana	#3391
		Colorado	#306522
		Illinois	#001-018691
		Texas	#18462
		Georgia	#RA011890
		Washington DC	#ARC100644
		Massachusetts	#31076

National Council of Architectural Registration Boards #28359

COMMUNITY ACTIVITIES

Chairman, Town of Palm Beach Architectural Commission, 1988-1993, 2010-2012
Member, Town of Palm Beach Architectural Commission, 1984-1993, 2006-2012
Chairman, Town of Palm Beach Landmarks Preservation Commission, 1995-2000
Member, Town of Palm Beach Landmarks Preservation Commission, 1995-2000
President, Palm Beach Chapter of the American Institute of Architects, 1989
Board of Governors, The Historical Society of Palm Beach County, 1998-1999
Member, Palm Beach Chapter of the American Institute of Architects, 1981-2015
Trustee, United Way, Town of Palm Beach, 2007-2009
Member, Town of Palm Beach Building Board of Adjustments and Appeals, 1985-2009
Trustee, Preservation Foundation of Palm Beach, 1996-2015
Member, Preservation Foundation of Palm Beach, 1989-2015
Member, National Trust for Historic Preservation
Member, Florida Trust for Historic Preservation
Member, Palm Beach County Historical Society
President, Fraternal Order of Police Associates, Palm Beach Lodge #19, 1990
Member, Fraternal Order of Police Associates, Palm Beach Lodge #19, 1990 - 2005
Member, The Institute of Classical Architecture and Art, 2012- 2015

Awards

- 2014 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through additions and renovations to "Pelican Hall", the residence of Mr. and Mrs. William Tiefel, Palm Beach*
- 2013 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration and Renovation of "Villa Artemis", the residence of Mr. and Mrs. E. Llwyd Ecclestone, Palm Beach*
- 2013 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of the Institute of Classical Architecture and Art, *Graff Jewelers, Palm Beach*
- 2012 Palm Beach Chapter of the American Institute of Architects *Excellence Award for the Residence of Mr. and Mrs. Stephen Dattels, Palm Beach*
- 2012 The Addison Mizner Medal for Excellence in Classical and Traditional Architecture, Florida Chapter of The Institute of Classical Architecture and Art, *Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2012 The Florida Association of the American Institute of Architects Award of Public Recognition as one of the top 100 buildings in the State of Florida as selected by its citizens in association with the *Florida Architecture: 100 Years 100 Places Competition for "Concha Marina", Jungle Road, Palm Beach*
- 2012 The Preservation Foundation of Palm Beach, Elizabeth L. and John H. Schuler Award for new construction, *Residence of Mr. and Mrs. Jeffrey Marcus, 240 Clarke Avenue, Palm Beach*
- 2010 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of "La Tonteria ", the residence of Mr. and Mrs. James Harpel, Palm Beach*
- 2008 Florida Trust for Historic Preservation *Award In Recognition of Outstanding Achievement in the Field of Infill Design the Henry M. Flagler Museum, Palm Beach*
- 2007 The Preservation Foundation of Palm Beach, Elizabeth L. and John H. Schuler Award for new construction *300 North Lake Way, Palm Beach*

- 2007 DCOTA Design Center of the America's Stars of Design 2007 award
for *Architecture*
- 2007 Palm Beach Chapter of the American Institute of Architects *Honor Award for
Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2007 U.S. Trust Tribute to Philanthropists award for *The Henry Morrison Flagler
Museum, Palm Beach*
- 2006 Palm Beach Chapter of the American Institute of Architects *Honor Award for
Design for "Villa Venezia", Palm Beach*
- 2006 The Associated General Contractor's of America *"Build Florida Award" for the
Flagler Keenan Pavilion at the Henry Morrison Flagler Museum, Palm Beach*
- 2005 The Associated General Contractor's of America *"Build Florida Award" for the
residence of Mr. and Mrs. Walter Racquet*
- 2004 Palm Beach Chapter of the American Institute of Architects *Honor Award for
Design for "Pietra Mar", Naples*
- 2004 Palm Beach Chapter of the American Institute of Architects *Honor Award for
Design for Graff Diamonds, Palm Beach*
- 2003 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding
Contribution to Palm Beach Heritage through Restoration of 220 El Bravo Way, Palm
Beach*
- 2003 Palm Beach Chapter of the American Institute of Architects *Honor Award for
Design for New York Penthouse, New York*
- 2003 Florida Trust for Historic Preservation *Award In Recognition of Meritorious
Achievement in the Field of Restoration/Rehabilitation for 220 El Bravo Way, Palm
Beach*
- 2002 Palm Beach Chapter of the American Institute of Architects *Honor Award for
Design for "Old Trees", Southampton, New York*

- 2001 Palm Beach Chapter of the American Institute of Architects *Award of Excellence for Historic Restoration for 220 El Bravo Way, Palm Beach*
- 2000 Palm Beach Chapter of the American Institute of Architects *Award of Design Excellence for "Joya del Mar", Palm Beach*
- 1999 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of L. Lauder Residence and R. Lauder Residence, Palm Beach*
- 1999 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for Casa Bendita, Palm Beach*
- 1999 American Institute of Architects *Award for Excellence in Architecture, State of Florida for "La Follia", Palm Beach*
- 1998 Garden Club of Palm Beach, *Civic Improvement Award For Dedication to Preserving the Architectural Integrity of Palm Beach and Having the Vision to Rescue our Threatened Heritage to be used in Creative Ways*
- 1996 Palm Beach Chapter American Institute of Architects *Award for Excellence in Architecture, "La Follia", Palm Beach*
- 1995 American Institute of Architects *Award for Excellence in Architecture, State of Florida, Historic Restoration of the Vitale Residence, Palm Beach*
- 1995 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of "Casa de Leoni", Palm Beach*
- 1995 The Preservation Foundation of Palm Beach, Ballinger Award for *Outstanding Contribution to Palm Beach Heritage through Restoration of 319 Brazilian Avenue, Palm Beach*
- 1994 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for the Historic Renovation of the Vitale Residence, Grace Trail, Palm Beach*
- 1994 Florida Trust for Historic Preservation *Award for Recognition of Meritorious Achievement in the Field of Residential Restoration for "Villa des Cygnes", Palm Beach*

- 1994 Florida Trust for Historic Preservation *Award for Recognition of Outstanding Achievement in the Field of Residential Renovation of "Casa de Leoni", Palm Beach*
- 1993 Palm Beach Chapter of the American Institute of Architects *Merit Award for Outstanding Contribution Towards Architecture Design for the design of Tiffany & Co., Palm Beach*
- 1993 American Institute of Architects *Award for Honor in Design, State of Florida Historic Restoration of "Concha Marina", Palm Beach*
- 1993 Florida Trust for Historic Preservation *Award for Outstanding Contribution to Preservation in the Field of Residential Restoration and Rehabilitation of an Historic Residential Structure "Concha Marina", Palm Beach*
- 1992 Florida Trust for Historic Preservation *Award for Meritorious Achievement in the Field of Residential Restoration and Rehabilitation of a Historic Residential Structure, Carriage House, Palm Beach*
- 1991 Florida Trust for Historic Preservation *Award for Outstanding Achievement in the Rehabilitation of an Historic Non-Residential Structure for the Town Hall, Palm Beach*
- 1991 Florida Trust for Historic Preservation *Award for Meritorious Achievement for Compatible New Construction in an Historic Environment for "La Villa dei Sogni", Palm Beach*
- 1991 Palm Beach Chapter of the American Institute of Architects *Certificate of Special Recognition for the design of the Courtyard Room addition, "La Villa dei Sogni", Palm Beach*
- 1990 The Preservation Foundation of Palm Beach, Ballinger *Award for Outstanding Contribution to Palm Beach Heritage through Restoration of "The Vicarage", Palm Beach*
- 1990 Palm Beach Chapter of the American Institute of Architects *Award for Excellence in Architecture for the Restoration of the Palm Beach Town Hall*

TELEVISED

Today's Classic Homes With Mitchell McDaniel, 2001

CNN, 2000 "Palm Beach Architecture – La Follia and Villa des Cygnes"

HGTV, 2000 "Spanish Architecture"

HGTV, 1997/1998 "Villa des Cygnes"

PUBLICATIONS

BOOKS

Palm Beach People, Harry Benson and Hilary Geary Ross, Powerhouse Books, 2014

The Detailed Interior: Decorating Up Close with Cullman & Kravis, Elissa Cullman and Tracey Pruzan, The Monacelli Press, 2013

Mario Buatta: Fifty Years of American Interior Decorating, Mario Buatta, Rizzoli International Publications, Inc., 2013

The Art of Classical Details: Theory, Design, and Craftsmanship, Phillip James Dodd, Images Publishing, 2013

Forever Green, Mario Nievera, Pointed Leaf Press, 2013

Alexa Hampton: The Language of Interior Design, Alexa Hampton, Clarkson Potter, 2010

Foreword: *Maurice Fatio: Palm Beach Architect*, Kim I. Mockler, Acanthus Press, New York, 2010

Bunny Williams' Point of View, Three Decades of Decorating Elegant and Comfortable Houses, Bunny Williams, Stewart, Tabori & Chang, 2007

Palm Beach Splendor, The Architecture of Jeffery W. Smith, Joyce C. Wilson, Rizzoli International Publications, Inc., 2005

Tiffany's Palm Beach, John Loring, Henry R. Abrams, 2005

Revised 2-11-15

Jeffery W. Smith, Resumé
Page Seven

A Decade of Art and Architecture 1992-2002: With an Introduction by Robert A.M. Stern, The Editors of The Classicist, *The Institute of Classical Architecture*, 2002

Palm Beach: An Architectural Legacy, Polly Anne Earl, Rizzoli International Publications, Inc., 2002

Villa El Sarmiento, The Story of a House, Caroline Seebom, David H. & Julia F. Koch, 2003

The Southern Garden, Lydia Longshore with the Editors of *Southern Accents*, Bullfinch Press, 2001

Celebration Pattern Book, Celebration, Florida, The Walt Disney Company, 1995

Private Palm Beach, Tropical Style, “Mediterranean Mystique” and “The Vicarage”. Jennifer Ash, Abbeville Press Inc., 1992

PERIODICALS

Art & Culture of Palm Beach County (Cultural Council of Palm Beach County) "Artists Share Work, Wisdom as Authors" Winter 2013 Volume 7 issue 2

Florida Design "Gracious and Elegant" Volume 22 Number 4 Winter 2012/2013

Period Homes (2008 Palladio Awards) “Jewelry for the Home” July 2008

Robb Report (Luxury Home Issue) “Top 30 Architects” Summer 2007

House and Garden (Renovation Issue) “The Sun King” February 2007

Palm Beach Cottages & Gardens “Deconstructing Palm Beach” November 2006

Palm Beach Daily News “Homage to Mizner” A winner November 19, 2006

The Palm Beach Post/Residences “Local experts share tips about hiring and working with Architects” February 19, 2006

Architectural Digest “Serenity Found on Biscayne Bay” April 2006

Palm Beach Illustrated “Paradise Found: The Munderts’ Epic Romance” February 2006

Revised 2-11-15

Architectural Digest "Looking Homeward" February 2006

Palm Beach Daily News/Grandeur "In a Mediterranean Mood" January 13, 2006

Palm Beach Cottages & Gardens "Splendid-What's New" January 2006

Panache "Architecture for the Ages" November/December 2005

Florida Design "Palm Beach Splendor" Volume 15 Number 4

Southern Accents "Palm Beach Baroque" Mimi Read. January/February 2005

House & Garden "Defining Moment" September 2004

Vanity Fair "Palm Beach Exclusive" February 2004

Architectural Digest "Eye for Understatement: Photographer Ellen Graham goes Anglo-Indian in Palm Beach" Amanda Vaill, April 2003

Quest "Gardens of Eden" David Patrick Columbia, February 2002

Palm Beach Life "Master of the House" Robert Janjigian, Spring 2002

Boca "At Home with the Smiths—The Architect of Megamansions finds his angle of repose" Joyce C. Wilson January/February 2002

Homestyle "In the Pink" Craig Kellogg. September 2001

The New York Times "Palm Beach's Ultraluxury Market Sizzles" Jon Nordheimer August 5, 2001

Forbes.com "Today's Best Architects" Felicia Paik. June 2001

Town & Country "Villa With a View" Anthony Barzilay Freund, June 2001

Southern Accents "Echoes of Italy" Philip Morris, January/February 2001

House Beautiful "Palm Beach Story" Martin Filler, December 2000

Architectural Digest "Tropical Glamour for Palm Beach—Evelyn and Leonard Lauder Gently Update their Family Retreat" Mitchell Owens, November, 2000

Town & Country "White Glove Contractors" Alexa Yablonski, October 2000

Revised 2-11-15

Architectural Digest “Palm Beach Story—Mediterranean Themes for an Oceanfront Villa in Florida” Mitchell Owens, May 2000

Florida Design “A Decade of Florida Design 1900-2000” Summer 2000
Volume 10 Number 2

Boca “Architect’s Casebook” Jeffery W. Smith, May/June 2000

Palm Beach Illustrated “Power House” February 2000

Quest “Livable Luxe” Trey Wegman, February 2000

Florida Caribbean Architect “Award for Excellence 1999 for La Follia, Palm Beach”,
Fall/Winter 1999-2000

Architectural Digest “Florida Formality—A Palm Beach Villa Is Lightened with Breezy French Grace” Mitchell Owens, December 1999

House and Garden “Beach Plums” William Norwich, December 1999

Palm Beach Illustrated “Kings of the Castles” Daphne Nikolopoulos, December 1999

Robb Report “Palm Beach Grand—At La Follia, Architect Jeffery Smith Mixes Fun with Formality to Resurrect the Society House Party Era” Barbara Dinerman, October 1999

The New York Times “Trouble in Paradise: The Changing of the Guard” Tracie Rozhon,
March 25, 1999

Quest “The House of Mirth” Kyra Larkin, March 1999

Robb Report “Power Players of Luxury for 1999” Interior Design and Architecture,
January 1999

Florida Design “Sandcastles By The Sea—La Follia Epitomizes the Romantic Glamour of Old Palm Beach” Barbara Marshall, Volume 8 Number 2

Chicago Tribune from the Wall Street Journal “Temples of the Wealthy” Felicia Paik,
May 23, 1998

The Wall Street Journal “The Home Front—When Too Big Isn’t Big Enough” Felicia Paik, May 1, 1998

W “Terry Town” James Reginato, May 1998

Florida Design “Concha Marina” Barbara Marshall, Volume 6 Number 4

Palm Beach Illustrated “Villa des Cygnes” January 1997

Architectural Digest “Palm Beach Renaissance-An Italianate Villa on the Florida Coast for Irwin and Terry Kramer” Aileen Mehle, December 1996

Florida Design “Casa Casuarina, Versace’s South Beach Estate” Roberta Klein, Volume 6 Number 2

Florida Design “Artful Living in Palm Beach.” Linda Marx, Volume 6 Number 1

Palm Beach Illustrated “Ballinger Award Winners, Casa de Leoni” January 1996

Florida Design “Artist Tom McKnight’s Palm Beach Home—Renate and Tom McKnight Combine a Love of Color, Travel and Art in Their House” Linda Marx, Volume 5 Number 4

Florida Architecture “Artistic Fantasy in a Private Domain” 55th Annual Edition, 1995

Florida Design “Concha Marina—Mizner’s Own Palm Beach Estate” Barbara Dinerman, Volume 4 Number 3

Florida Design “A Palm Beach Palace” Mary Doyle-Kimball, Volume 3 Number 4

Southern Accents “Villa des Cygnes—A Palm Beach Ugly Duckling Becomes a Swan” Marjorie Klein, September 1991

Metropolitan Home “Making a Jazz-Age Splash” Ziva Freiman, March 1989

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

RE: Town-Wide Utility Undergrounding Update and Project Delivery Methods

DATE: April 24, 2015

STAFF RECOMMENDATION

This item is informational only. Staff requests that the Town Council provide any additional direction deemed necessary.

GENERAL INFORMATION

At the October 14, 2014 Town Council meeting, the decision was made to study converting the entire Town's utility grid from overhead service to underground to avoid the installation of FPL hardened facilities and for potential reliability improvements.

At the November 13, 2014 Town Council meeting, then Deputy Town Manager Thomas Bradford updated Town Council on the status of Townwide Undergrounding. Town Council approved Resolution No. 180-2014 approving two year extensions to the professional service agreements with Brannon & Gillespie and Keshavarz and Associates (Keshavarz) for underground utility services. Town Council also approved Resolution No. 170-2014 approving a proposal for Keshavarz to prepare a project sequencing program for the Townwide Undergrounding.

Purchase Order No. 150533 was issued to Keshavarz on December 9, 2014 for the sequencing program development. Keshavarz held meetings with FPL, AT&T, Comcast, Florida Public Utilities, FDOT and Public Works to gather feedback necessary for developing the sequencing plan. Staff and the utility entities received the draft sequencing plan from Keshavarz on February 25, 2015 and have provided review comments to and met with Keshavarz for incorporation into the final plan which has since been received by staff.

The Executive Summary of the Final Report states that Keshavarz "selected a series of seven undergrounding sequencing options with total durations of 10, 12 and 18 years" and that "the Town is divided into 16, 10 and 16 phases respectively for those durations". "The 10 year option proposes two projects to be constructed simultaneously and for the individual project sizes to be roughly two pole mile or slightly more". "As a result of the comprehensive nature of the project,

FPL has confirmed that projects with less than three pole miles will, in fact, qualify for the 25% incentive as long as they remain a part of the Town-wide multi-phase project”.

Since the program is in such an early stage of development, with only preliminary design concepts and phasing, the established budget is preliminary as well. Staff has recommended that the Public Works Committee recommend to Town Council to consider hiring both the Design Consultant and Construction Manager at Risk (CMAR) for the Town-wide Undergrounding Program early to provide critical construction and budget analysis for project planning purposes. This will also allow for other capital improvement projects to be coordinated and / or budgeted during the process as well, so as to be more efficient and cost-effective.

The Design Consultant will need to be on board in late 2015/early 2016 in order to be ready for start of construction at the 2017 construction season.

FUNDING/FISCAL IMPACT

The recommended sequencing plan was provided by the Finance Director to PFM, the Town’s financial advisors, who will apply cost estimates to the sequencing program to derive a draw down schedule and a total need for funds. The Finance Director will be presenting initial recommendations to the Taxation and Finance Committee at their May 11, 2015 meeting.

PURCHASING REVIEW

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

cc: Jane Struder, Director of Finance
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
Adis Pedraza, Purchasing Manager



Town of Palm Beach

TOWN-WIDE UTILITY UNDERGROUNDING SEQUENCING AND PHASING REPORT



Prepared by:
KESHAVARZ & ASSOCIATES, INC.
711 N. Dixie Highway, Suite 201
West Palm Beach, FL 33401
April 15, 2015



TOWN-WIDE UTILITY UNDERGROUNDING SEQUENCING AND PHASING REPORT

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Section 1

Executive Summary

The findings of this report are intended to address the Town's needs with respect to the pace of expenses associated with a Town-wide effort to convert all remaining above ground utilities to underground installations. The total project budget has already been estimated by the Town at 85.4 million. As such, when combined or overlaid with the scenarios outlined in this report, the results should portray a sufficiently clear picture of how much money, at what intervals and for how long should the Town be prepared to pay for this undertaking.

Based on all of the information gathered, interviews held and the production of the Individual Model Schedules, we have selected a series of seven undergrounding sequencing options with total durations of 10, 12 and 18 years. The Town is divided into 16, 10 and 16 phases respectively for those durations.

The 10 year option proposes two projects to be constructed simultaneously and for the individual project sizes to be roughly two pole miles or slightly more. Each of the other options propose only one project to be constructed at a time with individual project sizes of roughly two or three pole miles or more.

As a result of the comprehensive nature of the project, FPL has confirmed that projects with less than three pole miles will, in fact, qualify for the 25% incentive as long as they remain a part of the Town-wide multi-phase project.

Meaningful cost savings could occur as a result of coordination with Florida Public Utilities (FPU) who is already engaged on a Town-wide pipe replacement project. These savings, which are related to road restoration, while not immediately available, could be achieved in the later years.

We have gathered information, assessed the needs and desires of the stakeholders and utilized our relevant and recent experience in conversion projects within the Town in an effort to present the most realistic yet varied and flexible set of options possible. It should therefore be noted that the Town may wish to choose one or more of those options as an ideal approach and make adjustments as the project progresses and actual experiences hone the validity of the assumptions made.



REFERENCE MATERIAL:

“FPL General Rules & Regulations for Electric Service”

“Conversion of Aerial to Underground Utilities Analysis”, Final Report by R.W. Beck, November 2006

City of Rancho Palos Verdes Public Works Department “Guidelines to Underground Utilities in Residential Neighborhoods”, June 2005

FPL Primary Maps

Comcast Suggested Phase Boundaries

Palm Beach County Road Atlas

Town of Palm Beach Town Council Meeting Agenda for October 14th, 2014, includes Cost Estimate

Meetings Held with Stakeholders as outlined in Exhibit 14 “Meeting Minutes”



Section 2

Introduction

2.1 BACKGROUND

The Town of Palm Beach has been focused and engaged in assessing the concept of “Undergrounding” towards the goal of protecting it’s above ground utilities comprising electric, phone and cable service over the last decade. In 2006, the Town commissioned a study titled “Conversion of Aerial to Underground Utilities Analysis” by “R.W. Beck, Inc.”. The purpose of this study was to “*perform a high level review of the current cost estimates the Town is utilizing in its analysis (Project)*”. At the time, the estimated cost for the undergrounding effort was “*roughly \$60.3 million*”. (see Exhibit 17). The current estimate for this undertaking is estimated at \$85.4 million by the Town (see Exhibit 16).

As a result of reasons unknown to the writer, this study did not trigger a Town-wide conversion process. In the following few years up to present times, the decision was made to perform undergrounding projects on an “as requested” basis by each neighborhood. While the pace of this effort has varied from year to year, it has indeed yielded a handful of completed projects and a few more are currently in the planning and design phase. Worth Avenue’s reconstruction also received the benefit of this approach. These smaller isolated projects have typically started with the efforts of a single motivated resident (The Champion). The Champion would then attempt to garner the support of his/her surrounding neighbors and through coordination with the then Deputy Assistant Town Manager, Tom Bradford, a logical project boundary would be determined. From that point, if two thirds of the residents within that boundary voted to go forward, the Town would proceed with the planning/design and construction process. The cost of the design and construction would then be assessed to all the residents of that particular street based on a model designed by “Willdan Financial Services” in October 2009 titled “Town of Palm Beach Utility Undergrounding Assessment Methodology”. That model determined a group of weighted factors that could be applied to each property within the Town.

While these projects have been successful, they have been on such a small scale that they have little effect on the overall appearance and utility reliability of the Town as a whole. Clearly a more comprehensive approach was needed.



In recent years there has clearly been increasing motivation by the residents of the Town to expand the undergrounding program to cover larger areas. This movement culminated in the October 14, 2014 Town Council meeting where FPL presented the need to improve or “Harden” large portions of the Town’s existing overhead utilities. That hardening effort, triggered by FPL’s recognition of their facilities’ conditions, would include replacement of many of the existing wood power poles with larger and taller concrete power poles. Within the context of previous and ongoing conversations between the residents, Council members, staff and consultant(s) regarding a more “regionalized rather than local” approach to undergrounding the Town, the hardening proposal by FPL became an added impetus to view the large scale undergrounding as an alternative whose time had perhaps come. (*see Exhibit 16*)

After in depth deliberations, the Council members and residents in attendance unanimously decided to again pursue the feasibility of undergrounding the entire Town.

The Town has consequently commissioned Keshavarz & Associates, Inc. (Consultant) to produce a **“Town-wide Utility Undergrounding Sequencing and Phasing Report”**. Given that the Town currently has a rough idea of the total costs involved, this report only focuses on how long it will take and how each yearly phase can progress into the next. The report, while prepared from a technical perspective, will additionally serve as a general schedule for the Town’s financial outlay per year through the completion of all phases; a schedule which was requested by Ms. Jane Struder, Town’s Director of Finance; a schedule that effects the financing of the budget for this endeavor in terms of timing the need for dispensation of funds.



2.2 OBJECTIVE

The primary objective of this report is to determine the timing milestones for expenses associated with the Town-wide effort of converting all remaining above ground electric, telephone communication and cable television to underground installations.

Our main goal in this report is to answer the question, “How long will it take to underground all the above ground utilities within the Town?” Secondary to that goal is answering the choices of starting points and how the phases can progress. While it may be necessary to allow construction activities outside of the usual Town mandated construction season, **our first consideration in this process is to minimize the inconvenience to the residents and business owners of the Town of Palm Beach.** To that end, our first assumption is that all intensive construction activities will be restricted to the construction season, being May 1st – November 30th. The next question then becomes, “How much work can be done each year?” or “how large a project can each phase be?”

The conclusions and findings of this report will ultimately assist the Town in determining the overall duration of this critical undertaking together with the milestones by which the cost of this undertaking will have to be expended.

It is not the objective of this report to estimate the cost of this Town-wide project since the Town has already estimated that cost at approximately \$85.4 million. (*see Exhibit 16*).



2.3 METHODOLOGY

The following steps comprise our approach methodology to preparing this report;

1. **Preliminary Meetings/Interviews and Coordination**

This is an information gathering effort at its heart. The critical issues and the stakeholders were identified based on our experience with a number of undergrounding projects we are involved with in the Town and elsewhere. Meetings were first held with the Town's staff and then with each of the stakeholders.

2. **Individual Model Project Sequencing plan**

In order to author a realistic schedule and sequencing plan, an example project was chosen representing actual boundaries and conditions. The project was analyzed with respect to various opportunities and constraints yielding a realistic schedule. That schedule was then extrapolated to the other projects in the Town to arrive at a total duration. This "model" schedule is the most important part of our effort as all of the yearly schedules and sequencing options are built upon two variations of "model" schedule, being two and three pole mile options. This schedule was prepared based on our experience, the review and input of the stakeholders and a contractor familiar with undergrounding. The schedule was also discussed during a second stakeholders meeting (Step 4 below) on March 25, 2015 (*see Exhibit 15*).

3. **Draft Preliminary Sequencing and Phasing Report**

The Town-wide Undergrounding Report includes all of our findings and the recommended options. It was first issued to Town staff for review and comment, and then to other stakeholders for information and comment.

4. **Project Stakeholders Consensus / Coordination Meeting**

This meeting held on March 25, 2015 was crucially important as it was this venue in which all assumptions, conditions and expectations outlined in the Program Sequencing Report were discussed with stakeholders towards the goal of securing commitments to the overall program.

5. **Finalize Preliminary Town of Palm Beach Town-wide Utility Undergrounding Sequencing and Phasing Report**

The subject report is now finalized after necessary revisions arising from steps 3 and 4 above. The finalized report is being submitted to Town staff for use in their presentation to Town Council.



Section 3

Stakeholders

STAKEHOLDERS – THEIR EXPECTATIONS, NEEDS AND LIMITATIONS

Meetings were held with all of the stakeholders to establish their expectations, needs and limitations. The issues discussed in these meetings were not limited to those affecting only scheduling matters, rather comprehensive discussions were held regarding the process of collaboration, design, construction, scheduling and funding. The meeting minutes attached as *Exhibit 15* outline all items discussed during each meeting. This section will sum up the stakeholder's input with a focus on our needs in producing this report.

For the purpose of producing this report, the Town of Palm Beach staff represented the interests of the Town's residents, property and business owners. As such, any reference in this report to the Town of Palm Beach as a stakeholder implies the collective interest of those patrons and Town staff as their representatives.

The stakeholders are as follows:

The Town of Palm Beach

Florida Power and Light (FPL)

Comcast

AT&T

The City of West Palm Beach (WPB)

Florida Public Utilities (FPU)

Florida Department of Transportation (FDOT)

The City of Lake Worth



3.1 Town of Palm Beach

Town staff recognizes that Town-wide undergrounding will be a crucial and significant effort. Design and initial coordination will be critically important steps, though staff is most concerned with the construction phase as the activities in that phase can result in significant inconvenience to the residents and business owners of the Town.

The Town staff understands the need for and has expressed willingness to support a plan that includes selective construction activities outside of the mandated construction season (May 1 through Nov. 30). However, they did make it clear the only plan which could be considered for this purpose is one that confines all heavy construction to their construction season. Regardless of these restrictions and all others that arise through the information gathered from the stakeholders, Town staff emphasized that the schedule, while realistic, must be tolerable by the residents and business owners.

The Town will also wish to seize this opportunity and implement concurrent drainage and roadway improvements into each phase. This approach will serve a duality of purpose which will result in minimization of interruption to the daily lives of patrons, as well as cost savings that are a result of doing all the necessary construction at one time. The magnitude of additional improvements that can be included will be determined during the preliminary investigation of each phase. This will be an intense effort and the Town has made it clear that these needs are best addressed by utilizing a Construction Manager at Risk.

The Town is inviting all other utility providers within the Town to utilize this opportunity and share in the cost of road restoration while updating their respective facilities along with this project. FPU has already engaged the Town in a cost sharing program. Further, the Town has offered to design and construct the City of WPB proposed Water System improvements as a part of the project, assuming that all costs associated with the Water System design and construction will be reimbursed by the City.



3.2 Florida Power and Light

All undergrounding projects in the Town have and will continue to be highly influenced by the rules and allowances outlined in FPL's "General Rules and Regulations for Electric Service". Historically, FPL offers a 25% discount for projects that underground at least three pole miles of existing overhead utilities. Naturally, this significant financial incentive must be considered when deciding how to split up the Town into manageable phases. It was, however, verified that the three pole mile requirement to get the 25% discount does not apply to each phase of a multi-phase project. As long as each phase starts where the previous left off and there is no more than one year lag between phases, the 25% discount is still applicable.

The FPL design team will be more involved in the design of these larger scale projects than they typically are with smaller projects. They do welcome collaboration, but all electrical engineering design decisions are ultimately made by FPL.

The following are items discussed that directly affect the timeline in the "Individual Model Project Schedule";

- FPL requires a detailed route and underground survey, depicting all existing utilities, to be used as a base map;
- This project will be managed by John Lehr with FPL and his team;
- FPL requires a deposit before they will begin the design work. That deposit is calculated by multiplying the overhead pole miles to be converted by \$1.20;
- FPL's design may take as much as 24 weeks to prepare;
- The Town will have 180 days from the time FPL provides the "Binding Cost Estimate" to obtain all required easements.
- Preliminary investigation into possible easement locations and collaboration with FPL can begin before the binding cost estimate is issued;
- An allowance of 16 weeks should be considered for delivery of special equipment. This includes the "Vista" switch cabinets which may be desirable over the standard switch cabinet as they are lower profile and easier to mask with landscaping;



- After the underground feeder lines, primary lines and transformers are activated, the Town will have 180 days to have all secondary services connected to homes and businesses. At that time the existing overhead lines will be deactivated and demolition of those lines could begin;
- FPL prefers the point of project commencement to be the north, south or both *ends* of the Town.
- FPL has stated that the work to switch over the feeder cables needs to be performed during December or January. The hotter weather during the construction season results in heavier electric demand and that can complicate the switching process.
- FPL has reviewed the project schedules and concurs that they are obtainable but aggressive for the following reasons:
 - o The major construction occurs during the storm season and FPL may have to send their crews to other areas in the event of an emergency; upon return from an emergency, FPL's priority is new service accounts versus underground conversions
 - o Removal of aerial facilities is contingent upon the other utility providers as they would need to have their facilities removed from the poles prior to the removal of the poles. This process has resulted in some delays in the past.

In general, FPL is concerned about their ability to confine their work to the Town's construction season. For this reason FPL has suggested that the majority of work be performed by the Town's contractor. Resident notification process and easement acquisitions can also be very time consuming. In spite of knowing this effort to be fairly challenging, FPL has pledged to assist as much as possible to achieve the project's goals.



3.3 AT&T

AT&T would prefer to begin design after FPL completes its design, although they are willing to be flexible and start design earlier as may be necessary. Similar to FPL, AT&T requires a deposit to begin design. The design could take 9 to 13 weeks to complete.

AT&T is also of the opinion that the ideal starting point would be the north or south ends of the island, then continue phases progressing from there. This would minimize service interruptions and would have less impact on the residents or the Town functions. Additionally, AT&T provides service to some other companies through their network. Alarm companies are an example. This represents another level of complication in both design and construction. AT&T does not allow independent contractors to perform its installation work. Conduit installation may be performed by the Town's contractor but all other work will be performed by AT&T union contractors. AT&T requires a significant lead time, up to 180 days to notify customers per their service agreements with the other companies prior to conversion.

“On ground” equipment requires an easement, smaller but similar to FPL transformers. These will need to be considered along with locations of easements for FPL and Comcast equipment. AT&T and Comcast facilities can share the same easement. It was suggested that FPL be responsible for removal of the power poles that are owned by AT&T which would significantly simplify the final stages of demolition of the existing overhead facilities. FPL has agreed to this option.



3.4 Comcast

Comcast would prefer to begin design after FPL completes its design, although they are willing to be flexible and start design earlier as may be necessary. Similar to FPL, Comcast requires a deposit to begin design. The design could take 9 to 13 weeks to complete.

Comcast has only two cable feeds into the Town, one on the north and one on the south end. Because of this, it is especially important to them that those be the starting points and as such, are somewhat insistent in commencing the process either from the north or south side of the Town. Comcast has provided a map that shows potential boundary lines.

“On ground” equipment requires an easement, smaller but similar to FPL transformers. These will need to be considered along with locations of easements for FPL and AT&T equipment. AT&T and Comcast facilities can share the same easement. Comcast has stated that they will be taking advantage of undergrounding and would attempt to upgrade all of their facilities to fiber optic, which will significantly improve the quality of their service.



3.5 City of West Palm Beach

The City of West Palm Beach owns and maintains the water distribution system in the Town of Palm Beach. Similar to the Town, the City will want to include system improvements where possible. This may be done in an opportunistic manner and concurrent with the undergrounding projects. The extent of improvements to be included will be determined during the preliminary investigation of each phase.

The City has expressed the desire for water main improvements to be constructed prior to undergrounding construction. This may be possible to be done in the same construction season though in some cases it may be necessary for water main construction to occur during the previous year. The Town has confirmed that in those instances, they would allow milling and overlay to be postponed until the next year in order to share costs. Extensive coordination between the Town and the City will be necessary in order to take advantage of as many of these opportunities as possible.

Currently, the Town is in an inter-local agreement with the City through which the City deposits funds into the “City Renewal and Replacement Fund” dedicated to the capital improvements of its infrastructure assets located within the Town. It is perhaps through this arrangement that the Town’s selected contractor for the undergrounding can also be compensated for the work on the City’s assets.

The City is in the process of developing a priority list of proposed water main improvements within the Town and will share this with the Town when completed.



3.6 Florida Public Utilities

FPU began the 10-year federal program “Bare Steel Replacement Project” over three years ago and has completed a large area of pipe replacement at the north end of the Town. FPU has approximately 7 years remaining under this federal program.

The scales of each of FPU’s yearly projects are similar to the phases proposed for utility undergrounding. It is our opinion that it will be much too intense a project to directly overlap our two construction efforts. However, if any of the undergrounding phases were to precede or follow a gas main replacement project, there may be an opportunity to split the cost of the milling and overlay. Obviously, the overlay would be performed after the second project was completed. Because FPU is already underway with yearly reconstruction, it will not be possible to coordinate phases until later in the overall undergrounding project. In as much as the shared overlay cost approach can yield to significant cost savings for the Town, special attention to an undergrounding sequencing approach conducive to realizing these savings is strongly advised.



3.7 Florida Department of Transportation

FDOT owns and maintains Royal Poinciana Way, Royal Palm Way, Southern Boulevard and State Road A1A. State Road A1A is common with South Ocean Boulevard south of Clarendon Avenue, and with South County Road between Clarendon Avenue and Royal Poinciana Way.

FDOT does not have any immediate plans for improvements to any of its roadways in the Town of Palm Beach which affect this project. They do however have plans to execute “Maintenance Activities” on all bridges. FDOT will allow installation of underground facilities within their rights-of-way. While a “Utility Installation Permit” will be required, no “Right-of-Way Agreement” will be required for undergrounding activities in their right-of-way’s. Switch cabinets and other above ground equipment can also be installed in FDOT right-of-way as long as the locations comply with clear zone requirements.



3.8 City of Lake Worth

The City of Lake Worth's Casino Building and Beach Complex is located in a land pocket within the Town's limits. Overhead feeder lines within the FDOT right-of-way fronting it service the entire complex.

Due to the limited potential of technical complexity of converting this facility to underground utilities, no meetings were held with the City of Lake Worth. It is assumed that their property will be viewed as any other property in the Town from a technical conversion standpoint. However, special considerations may be necessary from a fiscal standpoint.



Section 4

Analysis

4.1 INDIVIDUAL MODEL PROJECT SCHEDULE

Given the task at hand, our primary objective in this process was to minimize the inconvenience to the residents and business owners of the Town of Palm Beach. Though some construction activities will need to be performed outside of the Town's mandated construction season, our recommended scheduling and sequencing plan will only allow for light impact construction outside of the May 1st through November 30th time frame. At this time a great deal of coordination and discussions, with respect to defining the "Light Impact" as opposed to "Heavy Construction", has been had with the Town and other stakeholders. While a clear understanding regarding the allowable activities during the November to May season is in place amongst the stakeholders, some modifications may be implemented as a result of actual execution of those tasks once the projects begin.

Our next objective was to understand and follow the requirements and capture the financial allowances for large scale undergrounding projects as outlined in "FPL's General Rules and Regulations for Electric Service". FPL offers incentives for larger projects, up to 25% contributions towards construction and materials cost, if the project is to underground at least three pole miles of overhead feeder and primary lines. Through our preliminary meeting process, we discussed this scale project in detail and asked all appropriate parties about the feasibility of constructing this size project within the Town's construction season.

For real time evaluation and discussion purposes, we established an "Individual Model Project" area that includes mostly single family homes with a few multifamily properties and commercial properties generally located north of Royal Poinciana Way. This area was chosen because of its mixed use and the assumption is that it represents a moderate to difficult project setting relative to other areas in the Town. Given the need to include Town infrastructure improvements and City owned water main improvements, the stakeholders are concerned that a three pole mile project in any of the single family or commercial areas would be too large and intensive to confine heavy construction to the Town construction season.

Subsequent input from FPL has made clear that as long as the customer, in this case the Town, shows clear intent to ultimately construct a project larger than three pole miles, it can be phased with individual projects of less than three pole miles, yet still receive the 25% incentive. To qualify, each consecutive phase would need to be contiguous and separated by no more than one year.



In as much as our first consideration was to minimize the inconvenience to the residents and business owners, the total duration of the project did need to be minimized to the extent possible. Knowing this, and considering stakeholder's input, we came to the conclusion that a project of two or slightly more pole miles is ideal from various standpoints and also feasible within most of the Town. This individual project size minimizes the total impact in any one area at any one time and offers the added opportunity to construct two projects simultaneously.

Longer pole mile projects are feasible in the southern portions of the Town where there are fewer lateral lines. Both three pole mile projects and smaller projects will be addressed in our phasing options. Additionally, it may be possible to have two of these smaller projects constructed simultaneously, thus minimizing the impact to the residents. This approach also bodes well in accelerating the overall Town-wide undergrounding effort. While this would be an intense effort, the stakeholders agree that these needs must be made clear to the prospective bidders so that a contractor would be able to plan and mobilize accordingly. The Town has made it clear and we concur that these needs are best addressed by utilizing a Construction Manager at Risk.

All of these considerations have been incorporated into our Individual Model Project Schedule. This schedule confines all heavy construction and right-of-way restoration within the Town mandated construction season. Light construction and some of the work on private property is planned to be conducted outside the construction season.

All planning occurs in the previous year with bidding and preliminary construction activities occurring up to May 1. For the three pole mile project schedule, we are proposing that heavy construction may begin in April but after Easter. Our assumption is that an early start would be more acceptable than a late finish in order to avoid work during thanksgiving. After the intensive construction and through to the next construction season, the focus will be on transferring and connecting the utility services. The next construction season will include removal of the then deactivated aerial facilities, final landscape restoration and final certification. Depending on the intensity of the project, it may become necessary to move final milling and overlay to the second construction season. The overhead removal process may be as intense as the major construction since most of the aerial facilities are in the back lot areas and existing easements have not been maintained or enforced. The Individual Model Project Schedule runs for just under three years for the two or more pole mile options and for just over three years for the three or more pole mile options.



4.1.1 STARTING POINT

The answer to the question of “where to start” has been essentially arrived at by the needs of the three overhead utility owners. Older plans for Town-wide Undergrounding proposed to start at the north end of the island and progress south. This is still a viable option and the stakeholders each verified that is the ideal starting point. Comcast was especially clear on this as they do not have periodic feeds to the Town from the City of West Palm, rather only two feeds at the north and south ends of the Town. We suggest that a plan that starts from the south end of the island offers the same advantages.

All three utilities also cite the need to minimize “end conditions”. Any phased undergrounding project will require temporary transitions from the newly undergrounded utilities to the existing overhead utilities. This “end condition” typically involves the installation of a new concrete power pole with guy wires and one or two riser cables that connect the new underground cable to the existing overhead cable. The first phase of a plan that starts at the north end of the island would have one or two end conditions at its south boundary. The second phase would then remove those end conditions and construct one or two at its south boundary. Any other starting point other than the north or south ends would essentially double the number of “end conditions” for that first phase.

4.2 PHASING AND SEQUENCING

After much deliberations and analysis, we concluded that the simple answer to how the phases can progress, whether the starting point is the north or the south or both, is to simply progress inward from either end of the Town, with each phase starting where the previous left off. This is a viable option, although there are several issues to consider.

First, if the starting point is one end or the other, the residents on the opposite end of the Town will not see results until the final phases of the project. In *as* much as we have avoided political considerations in this report, the Town may see this as more significant an issue than the engineering/construction nuances focused on by the stakeholders. The plan of building two projects simultaneously alleviates this issue in part. No matter how the phases are sequenced, someone will be last.

The second issue to consider is if the project starts at both ends of the Town and progresses inward, the final two phases will be very close if not connected resulting in a large and somewhat central part of the Town to be under construction. This may represent a more than tolerable inconvenience to the residents and business owners of the Town.



The third issue to consider is the work being performed by Florida Public Utilities (FPU). FPU is currently replacing much of its gas mains throughout the Town in a sequence similar to what we are proposing for utility undergrounding. We advise against any proposal *under which* our project could overlap any of their phases and the stakeholders also agree that would simply be too much work being done in one area. Concurrently FPU's schedule is only determined through 2017. Further coordination will be required.

However, if a phase of undergrounding could precede or follow an FPU replacement phase, there could be considerable savings on restoration costs like milling and overlay. It may be possible to sequence some of the middle or later phases of undergrounding to capture these savings. This could contradict the effort to minimize end conditions, though the restoration savings would likely outweigh the expense and design effort involved in those end conditions. The sequencing options presented in this report will represent these possibilities.

The selection of phase lines is based on several factors. First the lines are selected to split phases into the desired pole mile length for that phasing option. We then looked at the overhead utilities around the phase lines. A sequencing plan from north or south inward will minimize end conditions but there are other ways to minimize end conditions with adjustment of the phase lines throughout the Town. Lastly, Comcast has prepared a map that shows potential phase boundaries. Where possible we have adjusted phase lines to accommodate Comcast's suggestions, though priority was given to FPL overhead facilities in this effort.

The existing FPL Intracoastal Waterway crossings were also mapped out and considered in the phasing protocol. All three overhead utilities are flexible in how phase boundaries can be cut, though there are ways to minimize expenses and equipment where new underground facilities will connect to the existing overhead facilities. These phase lines are our best approximation at this stage and they will likely be adjusted during the design of each phase.

4.3 TOTAL PROJECT DURATION

The total duration of the project is also a critical point of focus in terms of inconvenience to the Town. Knowing that there is slightly more than thirty-five (35) miles of overhead feeder and primary pole lines within the Town, and given the individual project size limitations agreed on by the stakeholders, we are anticipating the total effort could be divided into as many as 16 phases. Given the nearly three year duration of the Individual Model Project Schedule, it is clear that each phase will need to overlap with the next to achieve a realistic overall duration.

The overall schedule will be arranged so that similar work does not occur at the same time in close proximity. We will present an option with two simultaneous phases underway in distant areas of the Town, though we believe this is only possible with each of the two phases being two or slightly more pole miles. Our options present durations that range from 10 to 18 years. We believe that any schedule duration less than 10 years will lead to intense an effort for the majority of stakeholders to manage. This is based on stakeholder input and applying the individual schedule over the 16 two or slightly more pole mile phases. We also believe that any more than 18 years will simply be unacceptable to the patrons in the Town.



Section 5

Options

Our Phasing plan options are based on the two different individual phase sizes; Two or more pole mile projects, and three or more pole mile projects.

For each of those phase sizes we present a variety of overall phasing options. A total of seven (7) options were analyzed using four (4) two or more and three (3) three or more pole lines. We believe the two or more pole mile option is the only one of the two that presents an opportunity to construct two phases simultaneously as represented in Option A2. Regardless of what option is implemented it will be critical during the bidding phase to make clear to the contractor(s) the Town limitations and expectations.

Depending on whether one or two contractors are engaged for this approach, given these parameters, each contractor should be able to plan and mobilize accordingly. The role of the Contract Manager will be of utmost importance in monitoring progress through each individual phase. In the course of preparing this report we have consulted with a contractor regarding the feasibility of our assumptions.

It should also be noted that as each phase progresses there will be a learning curve to overcome. Large construction in the Town of Palm Beach will have a set of unique obstacles to overcome. It may be necessary to adjust the yearly phasing plan on an ongoing basis throughout the overall project, potentially adjusting from one phasing option to another.

The following is a brief explanation of each phasing option that has been analyzed and presented for review and consideration. Once the scope of the Town and City's infrastructure improvements for each phase are determined, a better, more realistic assessment of the planned schedule's feasibility will be made. Since those scopes are determined before the undergrounding design phase would begin, the opportunity will exist to adjust the overall scope to stay within the planned schedule.



5.1 Option A2

This option is based on two or more pole mile phases and progresses generally from both south to north and from north to south with two phases being constructed simultaneously. The total duration of this option is anticipated to be 10 years.

We believe this option represents the best opportunity to save on restoration costs by opportunistically following and preceding FPU construction phases in the mid to later phases of undergrounding.

5.2 Option B2

This option is based on two or more pole mile phases done one at a time and progresses from north to south. The total duration of this option is anticipated to be 18 years.

5.3 Option C2

This option is based on two or more pole mile phases done one at a time and progresses from south to north. The total duration of this option is anticipated to be 18 years.

5.4 Option D2

This option is based on two or more pole mile phases done one at a time and progresses in a manner that alternates from north to south. The total duration of this option is anticipated to be 18 years.

5.5 Option A3

This option is based on three or more pole mile phases and progresses from north to south. The total duration of this option is anticipated to be 12 years. We believe this options best represents FPL's intent in its efforts to estimate costs in the 2006 R W Beck report.

5.6 Option B3

This option is based on three or more pole mile phases and progresses from south to north. The total duration of this option is anticipated to be 12 years.

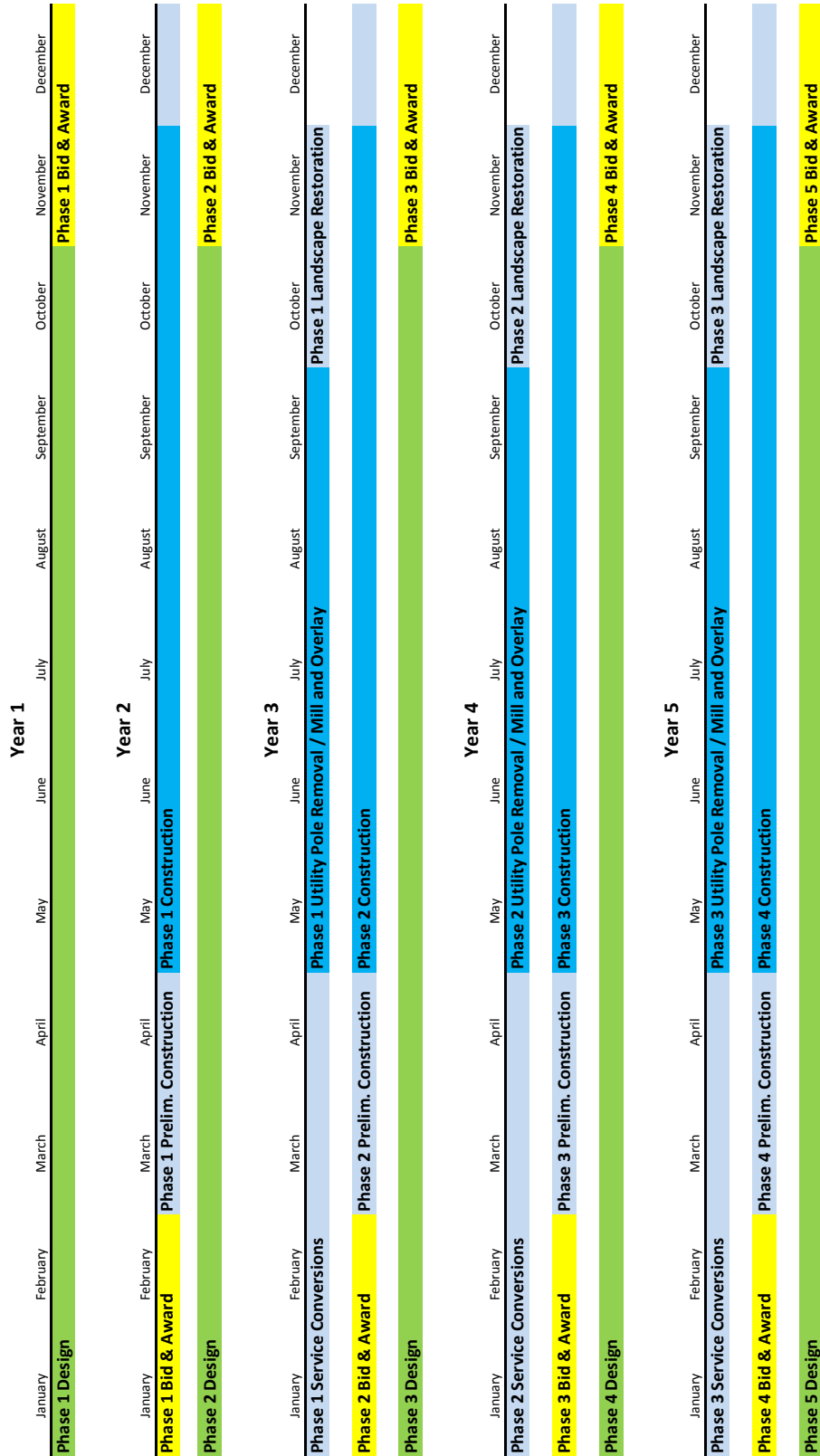
5.7 Option C3

This option is based on three or more pole mile phases and progresses in a manner that alternates from north to south. The total duration of this option is anticipated to be 12 years.

TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
INDIVIDUAL PROJECT SCHEDULE
2(+) POLE MILE PROJECTS EXHIBIT 1



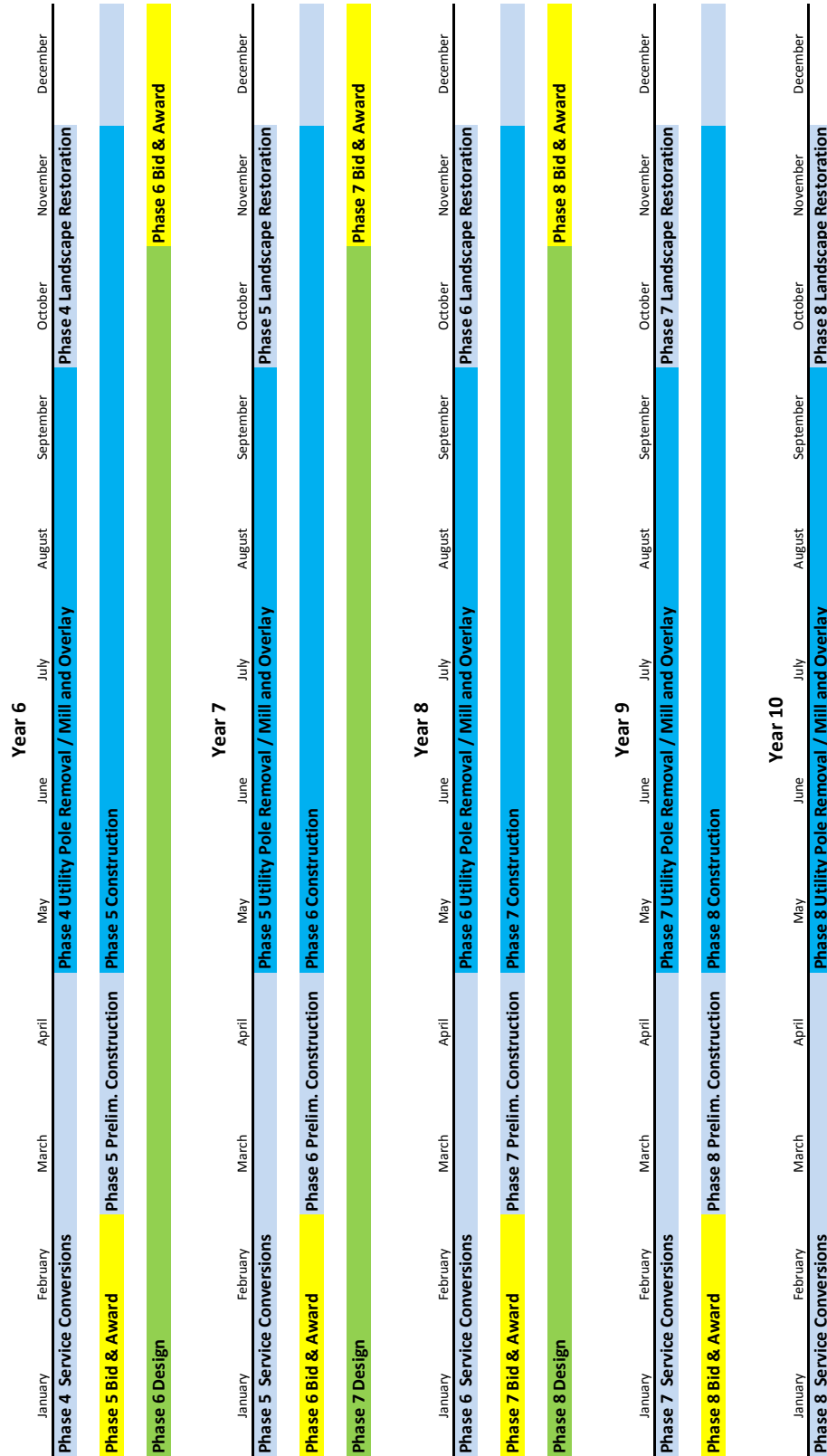
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Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT A2 (2) SIMULTANEOUS PHASES, EXHIBIT 2



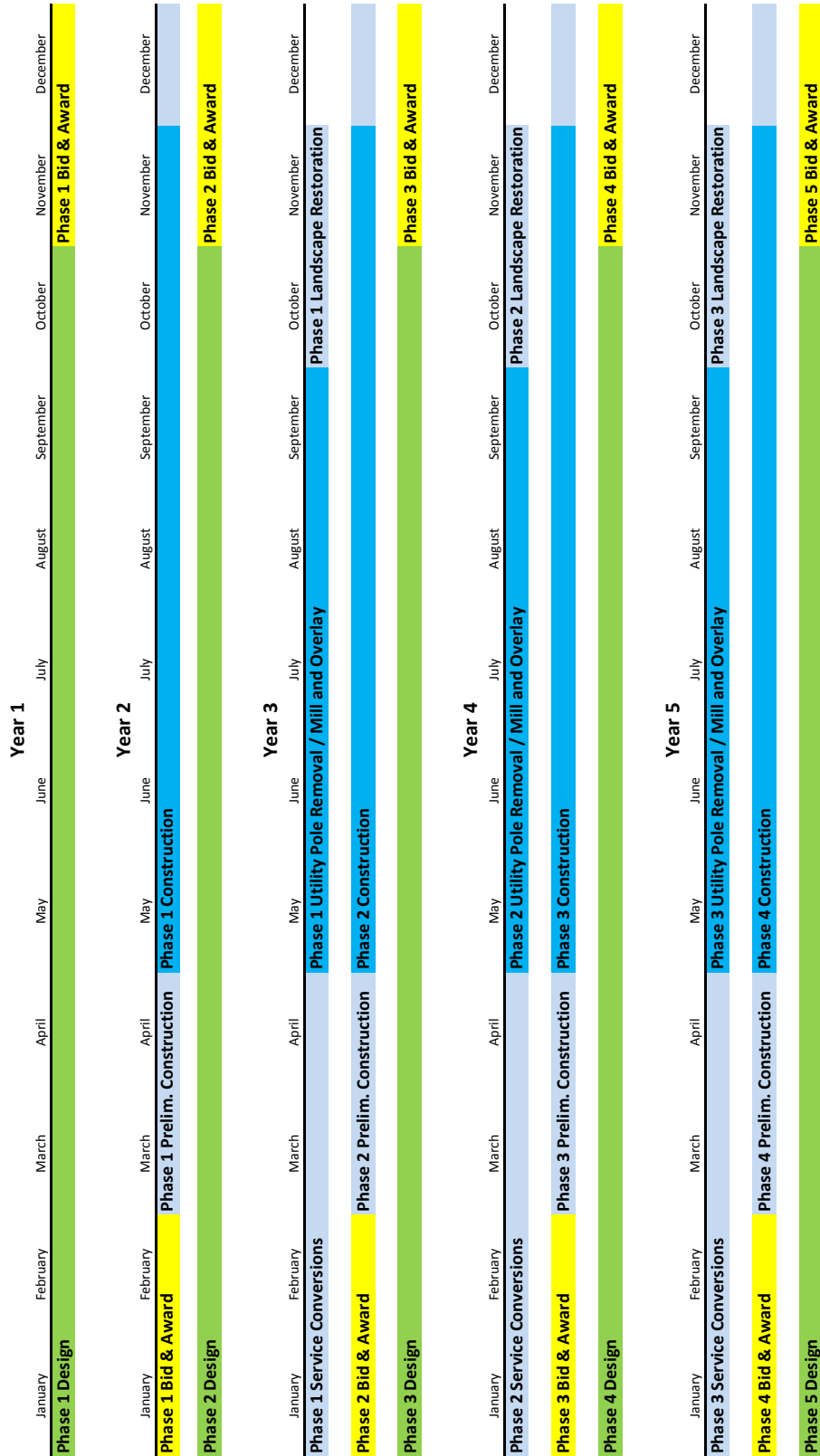
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Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. A2 (2) SIMULTANEOUS PHASES, EXHIBIT 2



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Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. B2, C2&D2, EXHIBIT 3



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Year 6											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 4 Service Conversions											
Phase 4 Utility Pole Removal / Mill and Overlay											
Phase 4 Landscape Restoration											
Phase 5 Bid & Award											
Phase 5 Prelim. Construction											
Phase 5 Construction											
Phase 6 Design											
Phase 6 Bid & Award											
Phase 7 Design											
Phase 7 Bid & Award											
Phase 8 Design											
Phase 8 Bid & Award											
Phase 9 Design											
Phase 9 Bid & Award											

Year 7											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 5 Service Conversions											
Phase 5 Utility Pole Removal / Mill and Overlay											
Phase 5 Landscape Restoration											
Phase 6 Bid & Award											
Phase 6 Prelim. Construction											
Phase 6 Construction											
Phase 7 Design											
Phase 7 Bid & Award											
Phase 8 Design											
Phase 8 Bid & Award											
Phase 9 Design											
Phase 9 Bid & Award											

Year 8											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 6 Service Conversions											
Phase 6 Utility Pole Removal / Mill and Overlay											
Phase 6 Landscape Restoration											
Phase 7 Bid & Award											
Phase 7 Prelim. Construction											
Phase 7 Construction											
Phase 8 Design											
Phase 8 Bid & Award											
Phase 9 Design											
Phase 9 Bid & Award											

Year 9											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 7 Service Conversions											
Phase 7 Utility Pole Removal / Mill and Overlay											
Phase 7 Landscape Restoration											
Phase 8 Bid & Award											
Phase 8 Prelim. Construction											
Phase 8 Construction											
Phase 9 Design											
Phase 9 Bid & Award											



**Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. B2, C2&D2, EXHIBIT 3**



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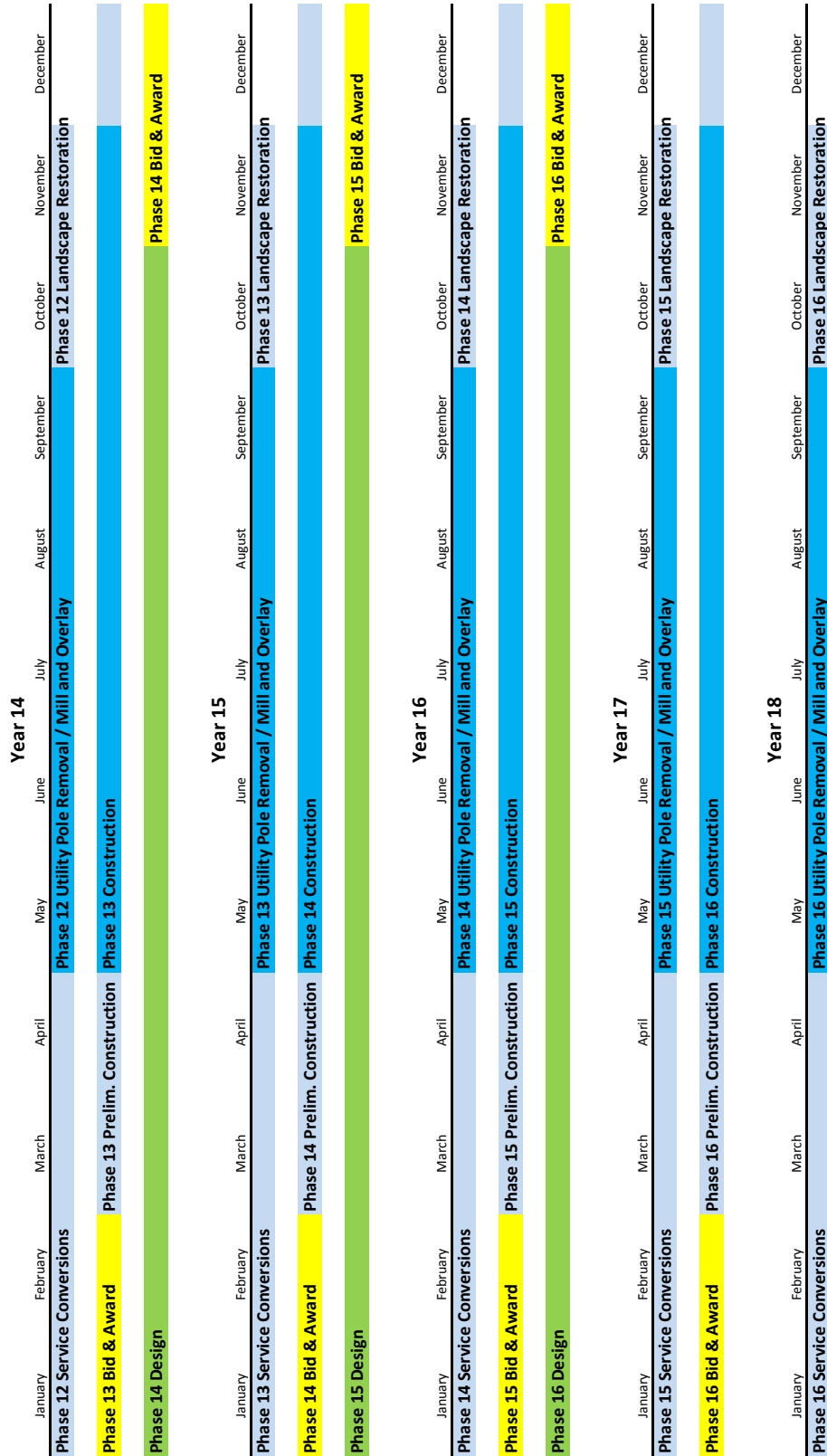
Year 10											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 8 Service Conversions											
Phase 8 Utility Pole Removal / Mill and Overlay											
Phase 9 Prelim. Construction											
Phase 9 Bid & Award											
Phase 10 Design											
Phase 10 Bid & Award											
Phase 10 Bid & Award											
Year 11											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 9 Service Conversions											
Phase 9 Utility Pole Removal / Mill and Overlay											
Phase 10 Prelim. Construction											
Phase 10 Bid & Award											
Phase 11 Design											
Phase 11 Bid & Award											
Year 12											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 10 Service Conversions											
Phase 10 Utility Pole Removal / Mill and Overlay											
Phase 11 Prelim. Construction											
Phase 11 Bid & Award											
Phase 12 Design											
Phase 12 Bid & Award											
Year 13											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 11 Service Conversions											
Phase 11 Utility Pole Removal / Mill and Overlay											
Phase 12 Prelim. Construction											
Phase 12 Bid & Award											
Phase 13 Design											
Phase 13 Bid & Award											



**Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. B2, C2&D2, EXHIBIT 3**



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Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. B2,C2&D2, EXHIBIT 3



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TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
OPTION A2 SEQUENCING MAP
2 SIMULTANEOUS PHASES

IT'S THE LAW!
CALL TWO (2) BUSINESS DAYS
BEFORE YOU DIG
SUNSHINE 811



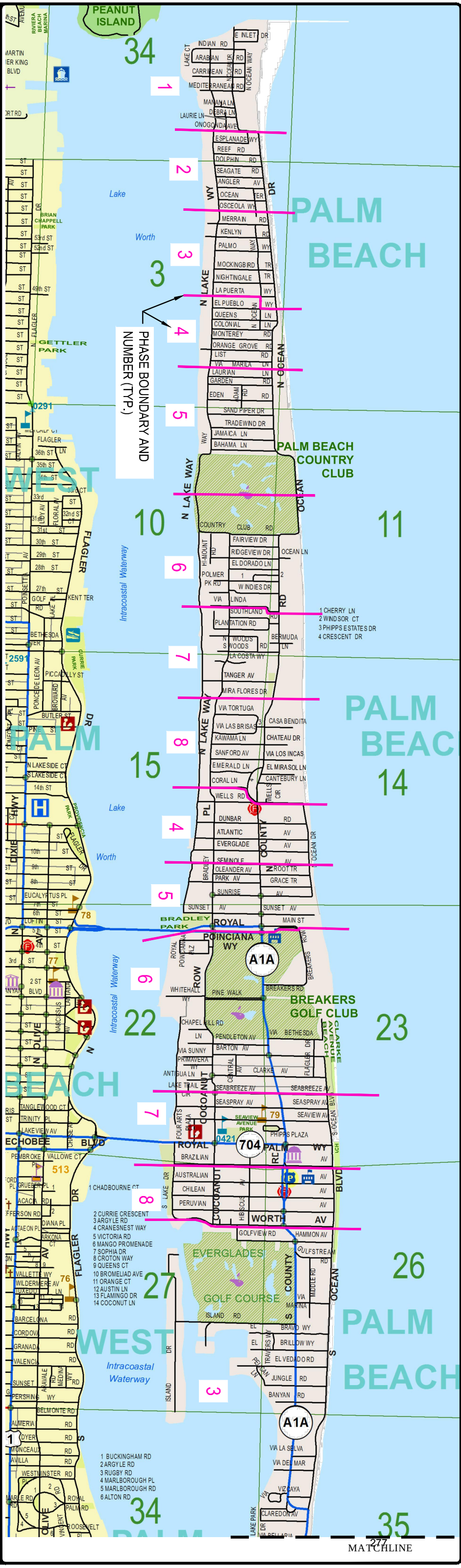
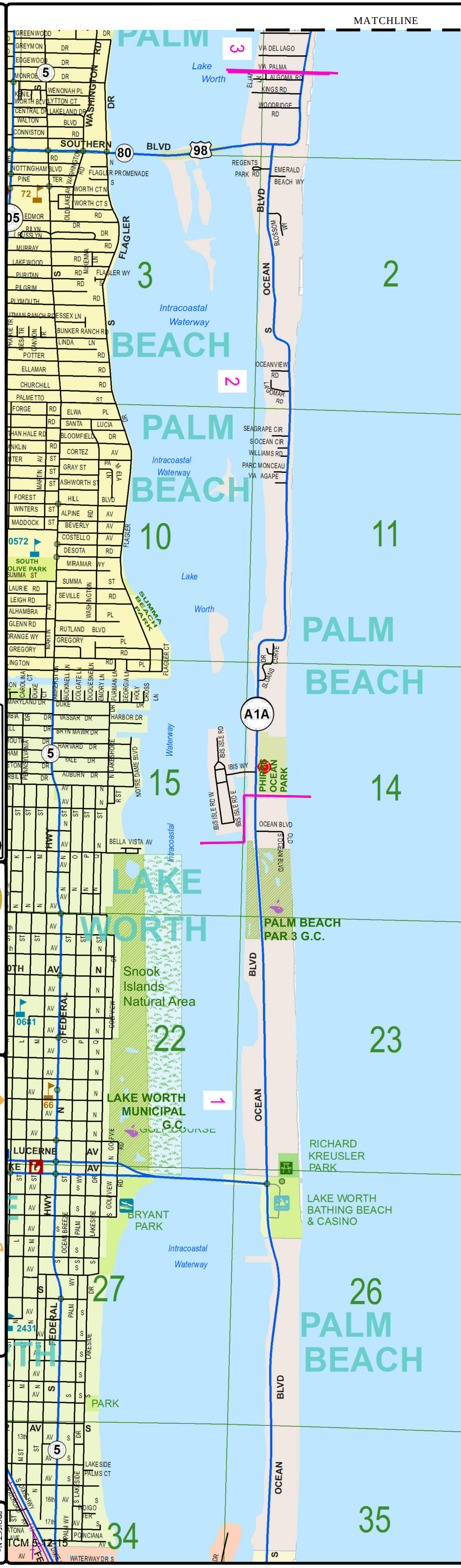
TOWN OF
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Allen T. Green III
P.E. 67401
Apr 09, 2015

PROJECT No.
13-1030
SHEET No.
EX. 4



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
OPTION B2 SEQUENCING MAP

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CALL TWO (2) BUSINESS DAYS
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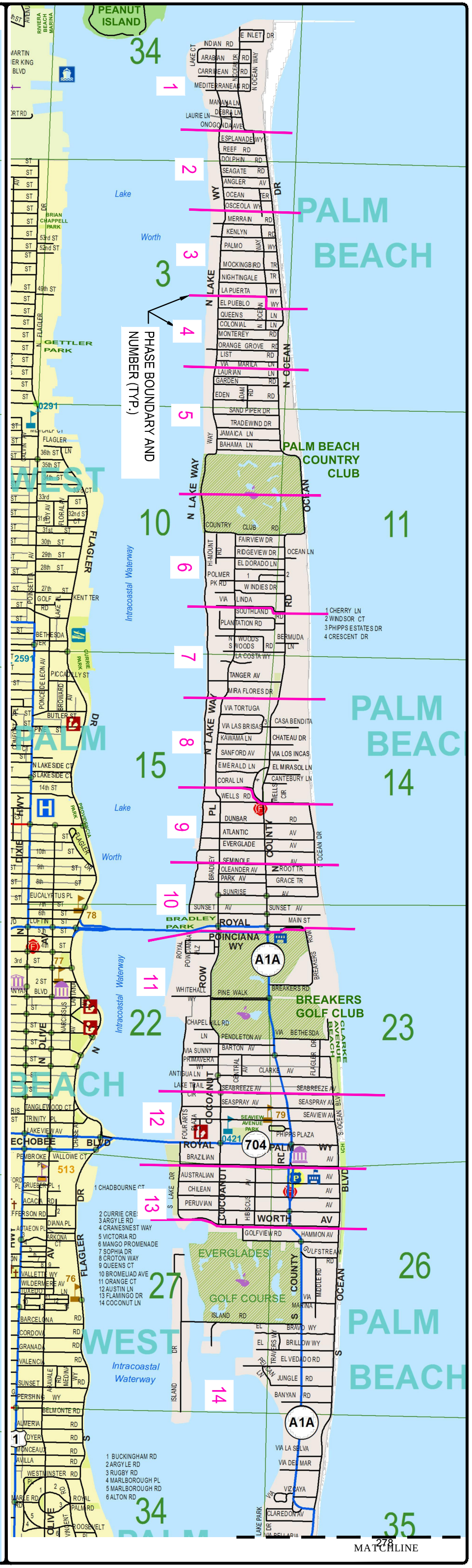
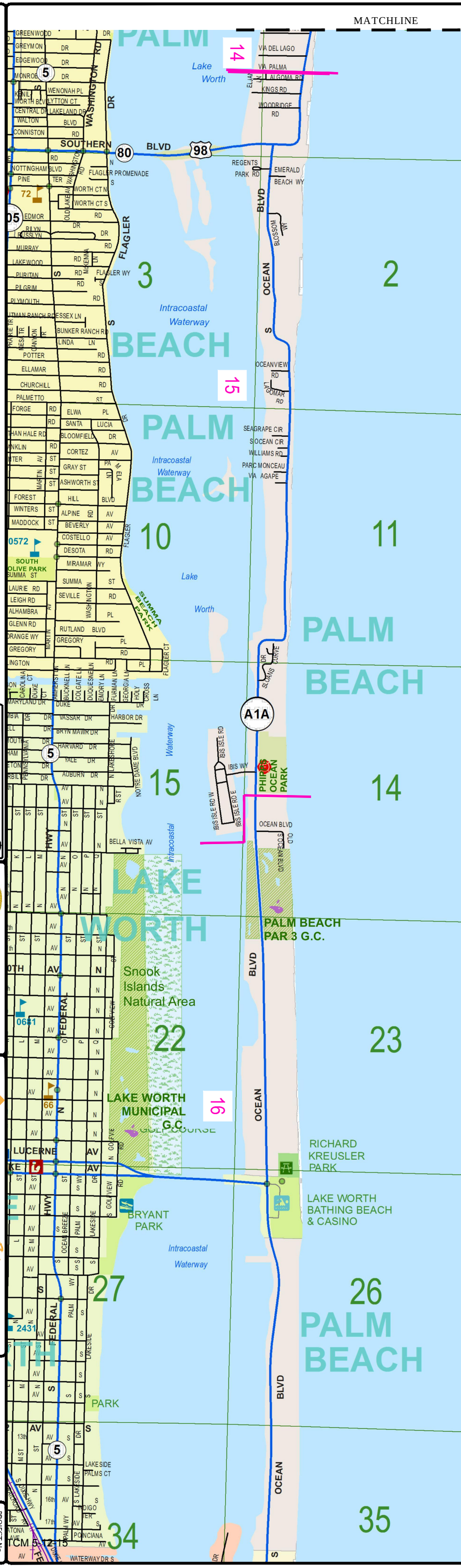
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Allen T. Green III
P.E. 67401
Apr 09, 2015

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13-1030
SHEET No.
EX. 5



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
OPTION C2 SEQUENCING MAP

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CALL TWO (2) BUSINESS DAYS
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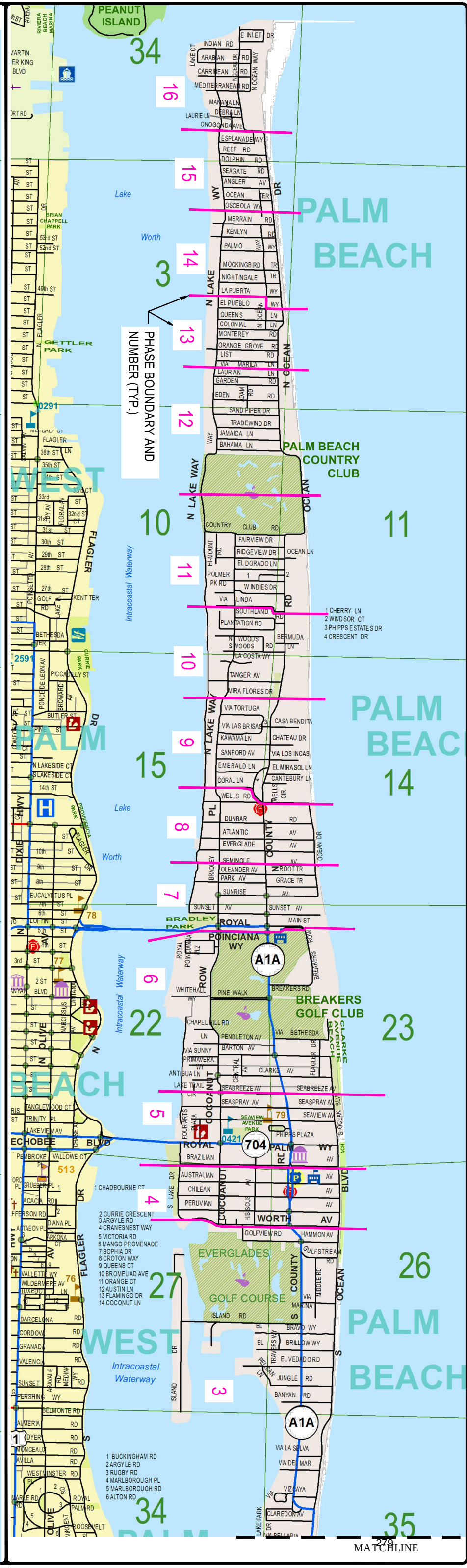
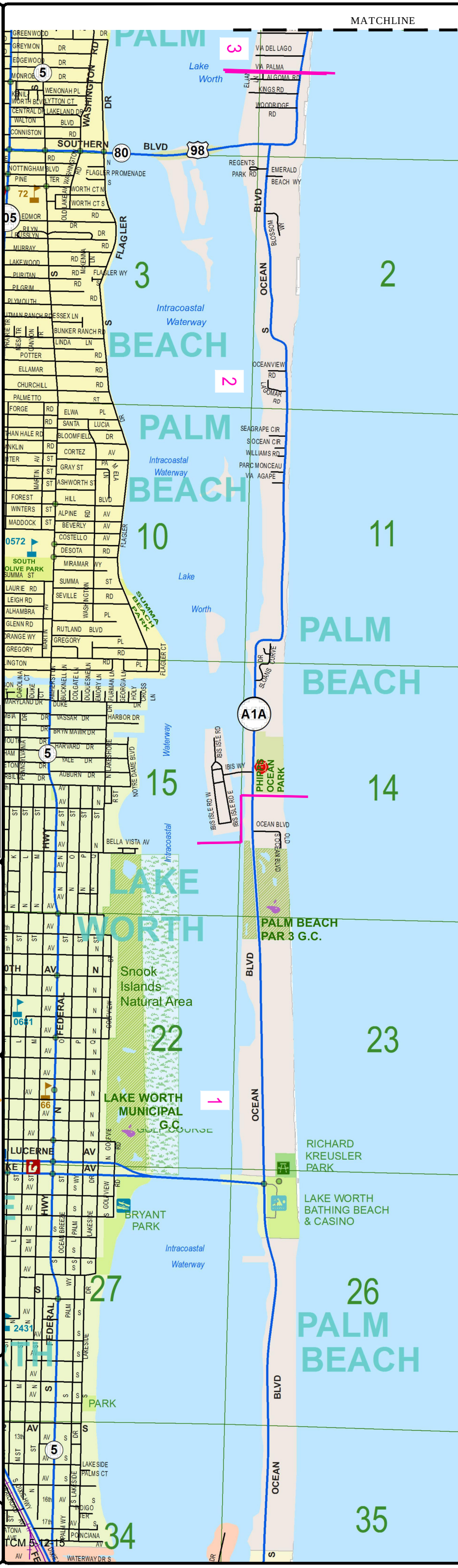
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Allen T. Green III
P.E. 67401
Apr 09, 2015

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EX. 6



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
OPTION D2 SEQUENCING MAP

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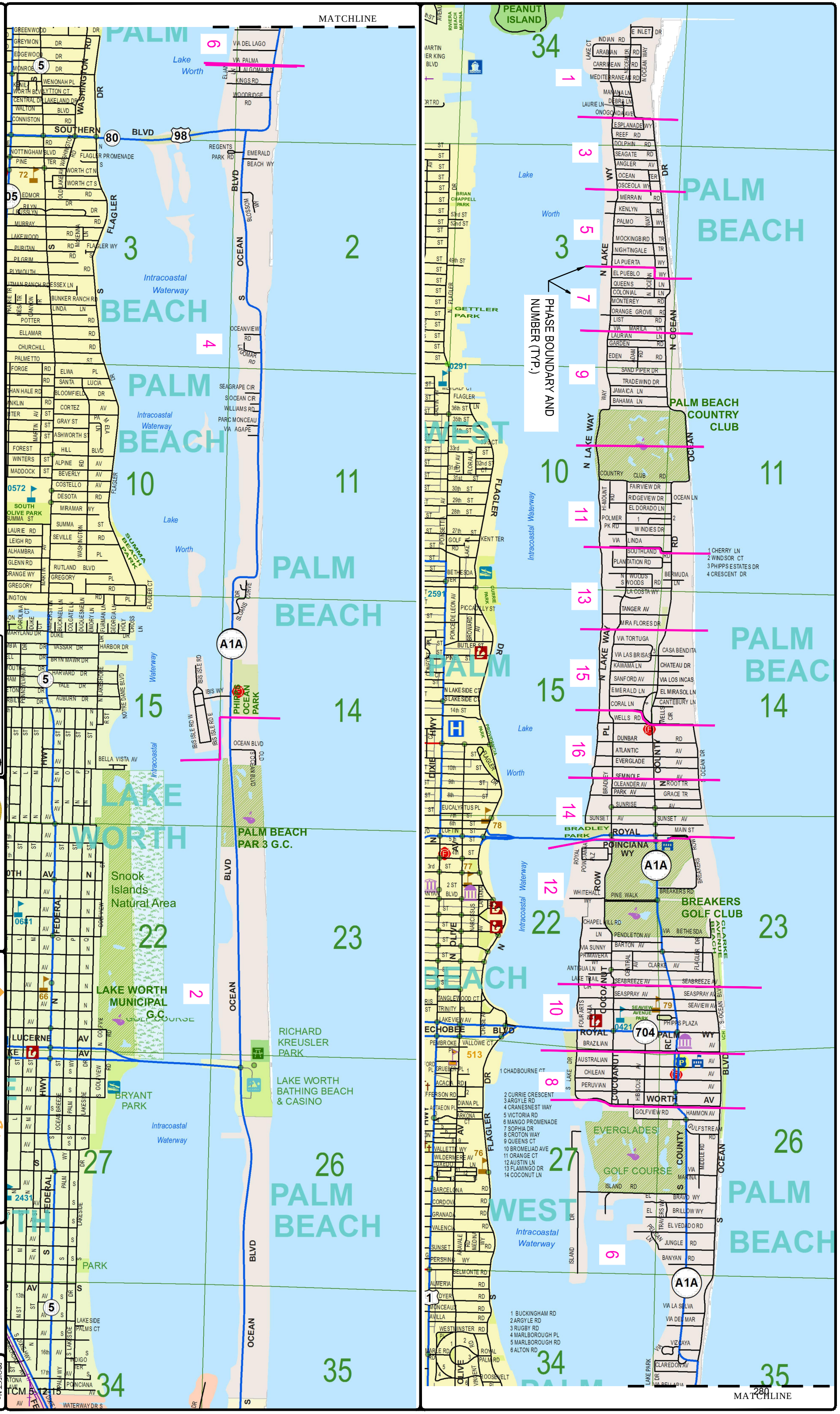
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Allen T. Green III
P.E. 67401
Apr 09, 2015

PROJECT No.
13-1030
SHEET No.
EX. 7



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
INDIVIDUAL PROJECT SCHEDULE
3(+) POLE MILE PROJECTS EXHIBIT 8



ID	Task Name	Duration	Start	Finish	September 1 10/25	November 1 11/29	January 1 1/3	February 1 2/7	April 1 4/13	June 1 6/26	August 1 8/20	October 1 10/14	December 1 12/18	February 1 2/21	April 1 4/26	June 1 6/11	August 1 8/5	October 1 10/9	December 1 12/14
1	Design Phase	310 days	Mon 10/5/15	Fri 12/9/16															
1	Project Kickoff, Depict Preliminary Project Boundary, Request Ballpark Estimate From FPL	20 days	Mon 10/5/15	Fri 10/30/15															
2	Begin Data Acquisition Process: Route Survey, Utility Coordination & Record Search	60 days	Mon 10/5/15	Fri 12/25/15															
3	Payment of Design Deposit to FPL (\$1.20 per Pole Mile)	0 days	Fri 12/25/15	Fri 12/25/15															
4	FPL Design	120 days	Mon 12/28/15	Fri 6/10/16															
5	Conceptual Town Design, Utility Corridor and Town Infrastructure Improvements	70 days	Mon 12/28/15	Fri 4/1/16															
6	Conceptual Easement Layout, Resident Negotiations and Easement Acquisition	250 days	Mon 12/28/15	Fri 12/9/16															
7	FPL Provides Binding Cost Estimate	0 days	Fri 6/10/16	Fri 6/10/16															
8	Payment of Deposit to Comcast and AT&T	0 days	Fri 5/13/16	Fri 5/13/16															
9	Comcast and AT&T Design	65 days	Mon 5/16/16	Fri 8/12/16															
10	Permitting for Town of Palm Beach Infrastructure	40 days	Mon 4/4/16	Fri 5/27/16															
11	Compile Construction Documents	60 days	Mon 7/11/16	Fri 9/30/16															
12	Permitting for Utility Undergrounding	40 days	Mon 8/22/16	Fri 10/14/16															
14	Payment of CIAC to FPL	0 days	Fri 12/9/16	Fri 12/9/16															
2	Bid Phase	80 days	Mon 10/17/16	Fri 2/3/17															
2	Bid Phase	80 days	Mon 10/17/16	Fri 2/3/17															
3	Construction Phase	485 days	Mon 2/6/17	Fri 12/14/18															
2	Town - Preliminary Construction Activities: MOT, Shop Drawing Review, Video & Order Materials needed by FP&L, Preliminary Mobilization	50 days	Mon 2/6/17	Fri 4/14/17															
3	Town - Full Mobilization, Dry Utility Conduit Installation (FP&L, Comcast, AT&T & Street Lighting), Splice Boxes, Concrete Pads, Temporary Restoration	120 days	Mon 4/17/17	Fri 9/29/17															
4	Town – Prepare Private Service Conversions (Install Conduits)	120 days	Mon 4/17/17	Fri 9/29/17															
5	Town – Construction of Town Infrastructure Improvements	100 days	Mon 5/15/17	Fri 9/29/17															
6	Utility Providers – Install Cables and equipment (Transformers, Cabinets, PME's, etc.)	80 days	Mon 8/7/17	Fri 11/24/17															
7	Landscape Restoration	50 days	Mon 9/18/17	Fri 11/24/17															
8	Right of Way Restoration / Pavement Overlay	40 days	Mon 9/18/17	Fri 11/10/17															
9	Utility Providers – Activate Underground Utilities	10 days	Mon 12/4/17	Fri 12/15/17															
10	Town / Utility Providers – Transfer Services (Install Service Lines, Panel Connections)	130 days	Mon 12/18/17	Fri 6/15/18															
11	AT&T & Comcast – De-activate Aerial Utilities, Removal of Aerial Facilities	100 days	Mon 4/16/18	Fri 8/31/18															
12	FP&L – De-activate Aerial Utilities, Remove Aerial Facilities	45 days	Mon 6/18/18	Fri 8/17/18															
13	FP&L – Remove Utility Lines & Poles	45 days	Mon 8/20/18	Fri 10/19/18															
14	Pavement Overlay	30 days	Mon 10/22/18	Fri 11/30/18															
15	Finalize Landscape Restoration	45 days	Mon 10/1/18	Fri 11/30/18															
16	Final Certification	10 days	Mon 12/3/18	Fri 12/14/18															
17	Project Complete	0 days	Fri 12/14/18	Fri 12/14/18															

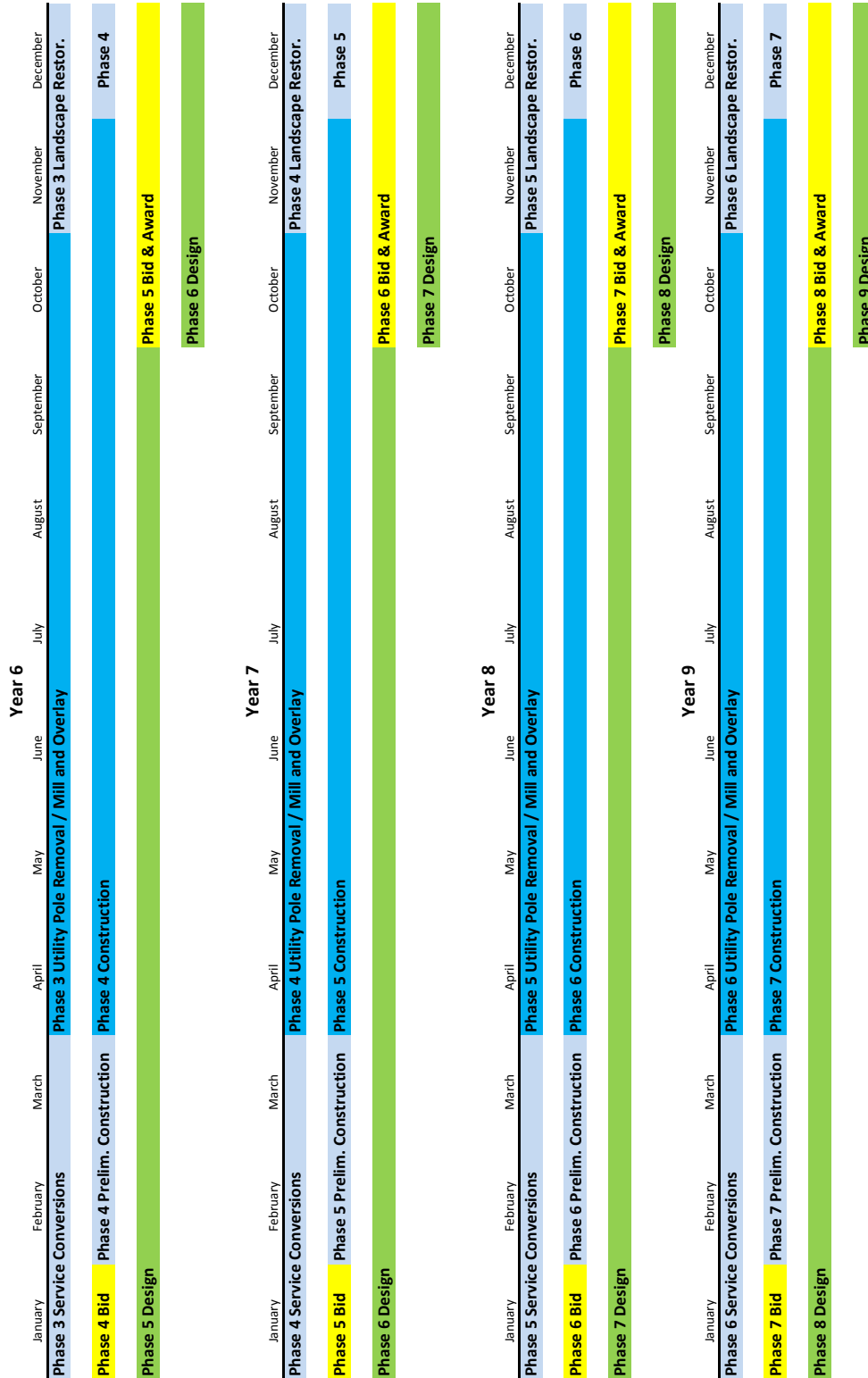
Year 1											
January	February	March	April	May	June	July	August	September	October	November	December
									Phase1 Design		
Year 2											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 1 Design									Phase 1 Bid & Award		
									Phase 2 Design		
Year 3											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 1 Bid	Phase 1 Prelim. Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1 Construction	Phase 1
Phase 2 Design									Phase 2 Bid & Award		
									Phase 3 Design		
Year 4											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions	Phase 1 Service Conversions
Phase 2 Bid	Phase 2 Prelim. Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2 Construction	Phase 2
Phase 3 Design									Phase 3 Bid & Award		
									Phase4 Design		
Year 5											
January	February	March	April	May	June	July	August	September	October	November	December
Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions	Phase 2 Service Conversions
Phase 3 Bid	Phase 3 Prelim. Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3 Construction	Phase 3
Phase 4 Design									Phase 4 Bid & Award		
									Phase 5 Design		



Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. A3,B3&C3, EXHIBIT 9



KESHAVARZ & ASSOCIATES



Town of Palm Beach
TOWN-WIDE UNDERGROUNDING
YEARLY SEQUENCE ALT. A3,B3&C3, EXHIBIT 9



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OPTION A3 SEQUENCING MAP

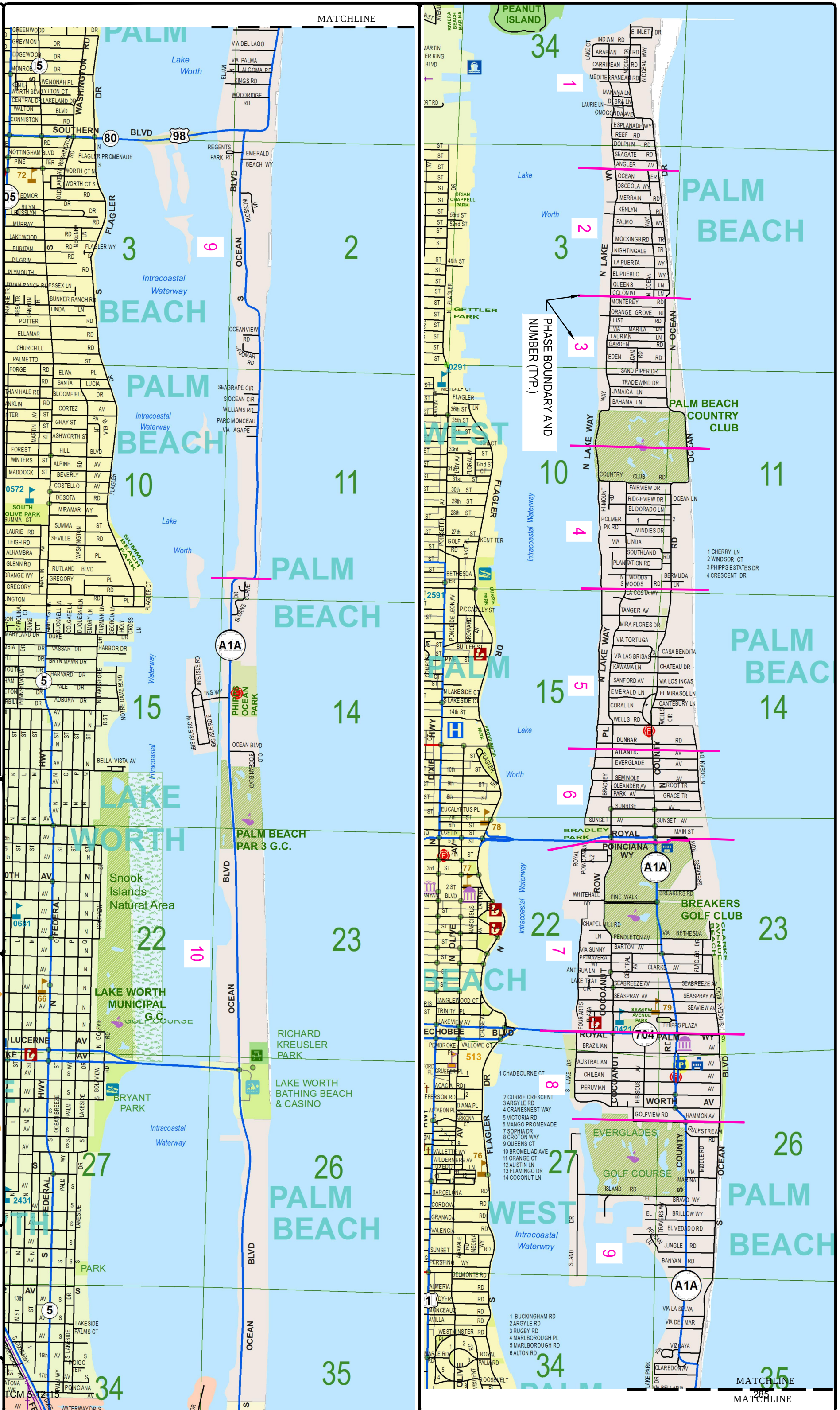
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Allen T. Green III
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Apr 09, 2015

PROJECT No.
13-1030
SHEET No.
EX. 10



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
OPTION B3 SEQUENCING MAP

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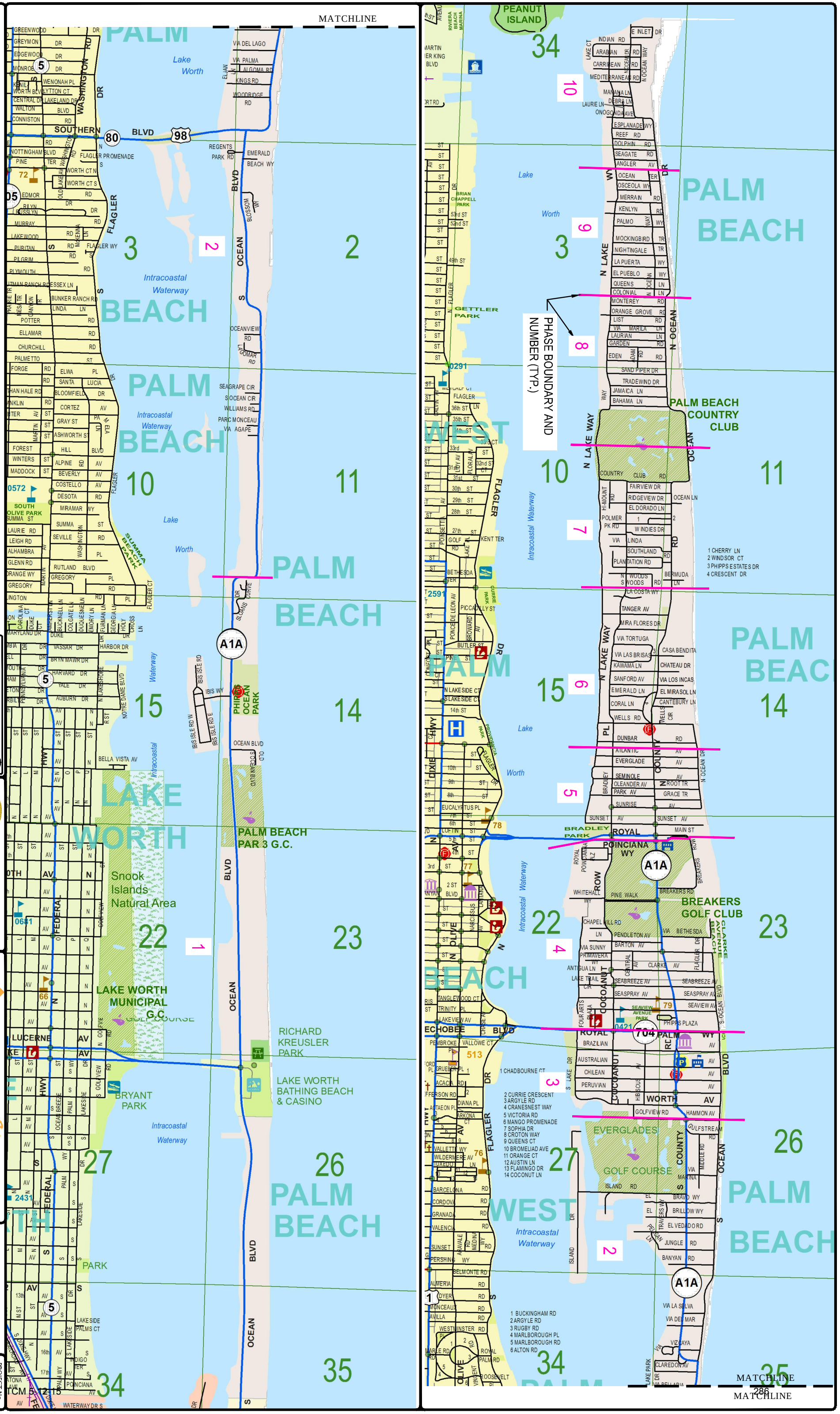
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Apr 09, 2015

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EX. 11



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
OPTION C3 SEQUENCING MAP

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BEFORE YOU DIG
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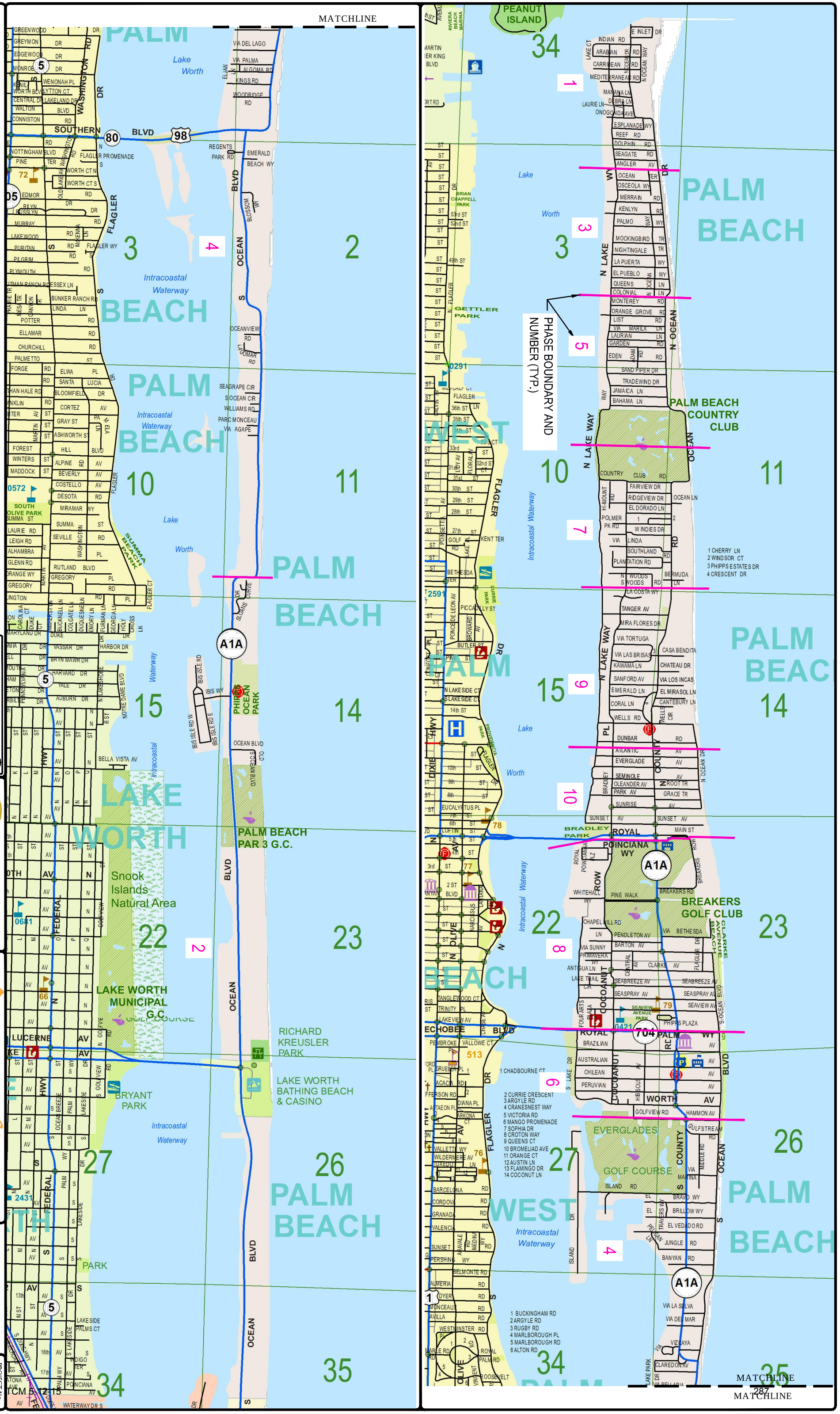
TOWN OF
PALM BEACH

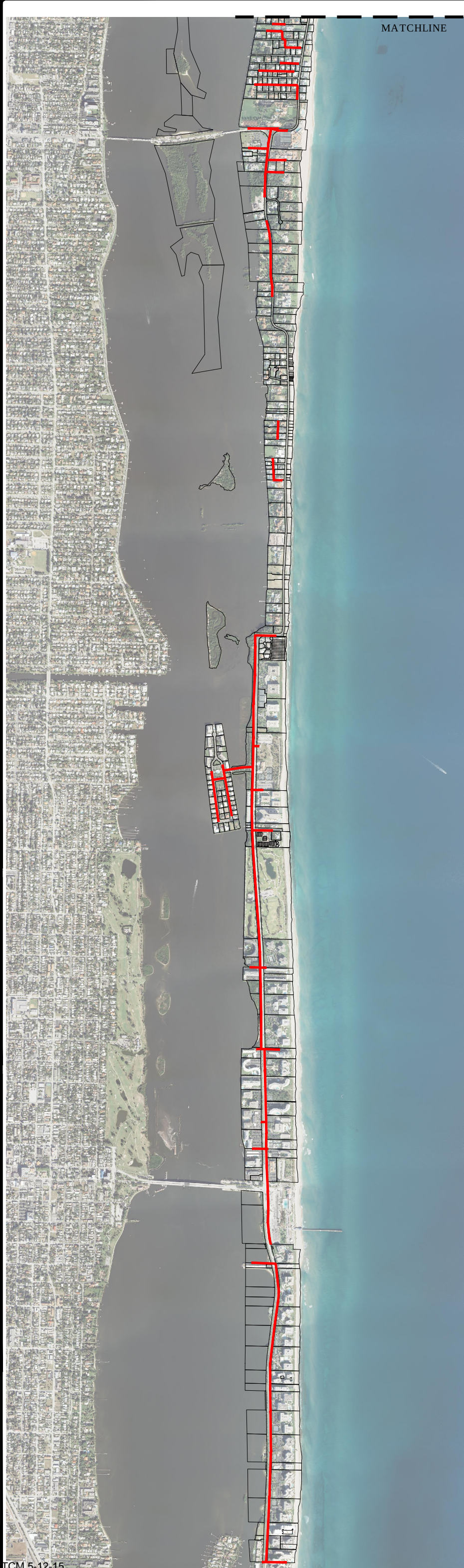
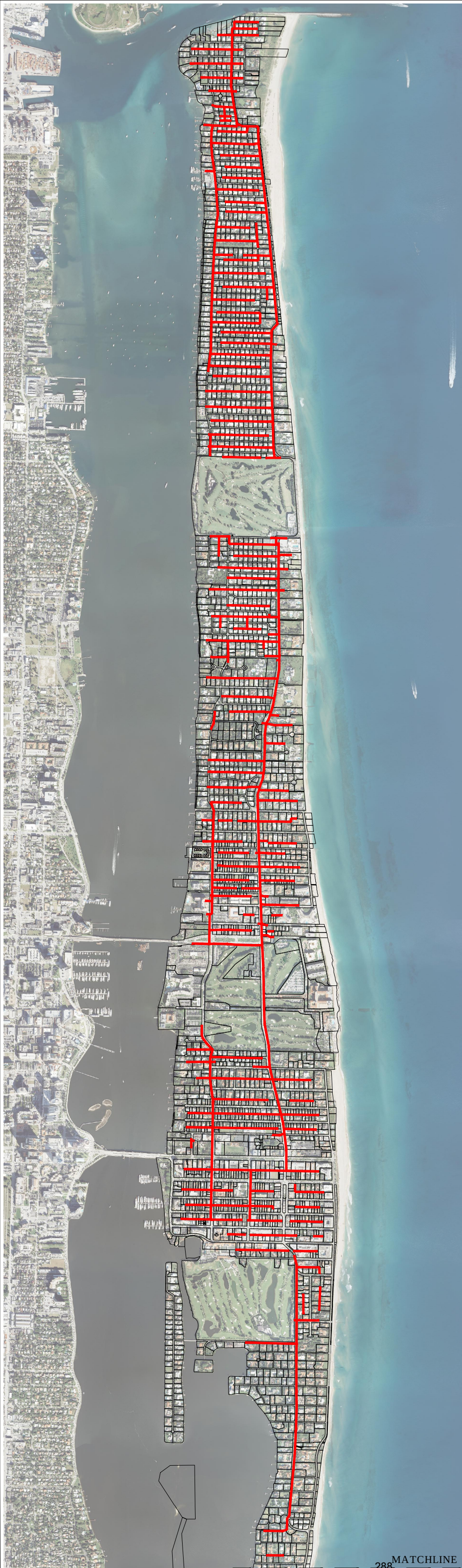


KESHAVARZ & ASSOCIATES
Civil Engineers • Land Surveyors
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Tel: (561) 969-9600 Fax: (561) 969-9796

Allen T. Green III
P.E. 67401
Apr 09, 2015

PROJECT No.
13-1030
SHEET No.
EX. 12





TOWN OF PALM BEACH TOWN-WIDE UNDERGROUNDING
ESTIMATED LOCATIONS OF EXISTING OVERHEAD FEEDER AND PRIMARY LINES

IT'S THE LAW !
CALL TWO (2) BUSINESS DAYS
BEFORE YOU DIG
SUNSHINE 811



TOWN OF
PALM BEACH



KESHAVARZ & ASSOCIATES
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711 North Dixie Highway, Suite 201
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Tel: (561) 689-9800 Fax: (561) 689-7476

Allen T. Green III
P.E. 67401
Apr 06, 2015

PROJECT No.
13-1-1030
SHEET No.
EX. 13

TCM 5-12-15

MATCHLINE

TCM 5-12-15



MATCHLINE



TOWN OF PALM BEACH TOWN-WIDE UNDERGROUND
COMCAST SUGGESTED PHASE BOUNDARIES

IT'S THE LAW !
CALL TWO (2) BUSINESS DAYS
BEFORE YOU DIG
SUNSHINE 811



TOWN OF
PALM BEACH



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Tel: (561) 689-9800 Fax: (561) 689-7476

Allen T. Green III
P.E. 67401
Apr 06, 2015

PROJECT No.
13-1030

SHEET No.
EX. 14



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Meeting Minutes
for
Town-Wide Utility Undergrounding
K&A Project No. 11-982

A meeting was held at the Town of Palm Beach Public Works with FPL on Tuesday, December 16th, 2014 at 1:00pm to discuss utility undergrounding for the entire island. Please see the attached “Sign In Sheet” for attendees.

The following was discussed:

- The Town is in the process of developing a preliminary sequencing plan to present to the Town Council; the Town has hired Keshavarz & Associates (K&A) to assist with this effort, a Town referendum will be conducted regarding the undergrounding in March 2015.
- The Town would like to divide the undergrounding into several projects. K&A has selected a “model project area” as the basis of discussion on creating a model schedule and construction process for the purposes of estimating project durations and sequencing for the overall project. The model area includes single family, multi-family residential and some commercial properties. A copy of this “model project area” together with the associated schedule was provided to the attendees.
- Additional meetings will be held with AT&T, Comcast, City of West Palm Beach, Florida Public Utilities and FDOT to acquire additional information to consider in determination of the sequencing plan.
- Based upon language from the FPL tariff, the Town has preliminarily identified 10 areas that could be individual undergrounding projects with a minimum length of 3-pole miles.
- The Town-wide is requesting flexibility on the 3-pole mile minimum criteria, as established in the tariff for a 25% incentive applied towards FPL undergrounding costs.
- The Town would like to explore the possibilities and logistics of adhering to the Town’s construction season to the extent possible.
- The Town construction season is from May to November. Any deviation of the construction season will require approval from the Town Council.
- The Town would like to see at least 6 pole miles completed in a year.



- FPL will try to accommodate the Town's needs where possible. A 3-pole mile project can be constructed in phases. Maximum of 1 year between phases.
- FPL's biggest concern is the north/south roads because that is where their feeder trunk is. The most economical is to minimize transition poles on the north/south routes.
- To begin their design, FPL will need a deposit of \$1.20 per LF of overhead removal for each individual project.
- It is critical for FPL to receive existing underground utility drawings and topographic information of property lines, driveways etc. prior to their design. Duration of design is a 10 to 16 week time frame. Some effort will be made to reduce that duration.
- Upon completion of design, FPL will provide the Town with a binding cost estimate, valid for 180 days. To initiate construction, the Town must pay the remaining portions of the Cost in Aid of Construction (CIAC). The \$1.20/LF design fee will be credited to the project.
- Upon activation/energization of the underground utilities, the Town will have 180 days to transfer all aerial services to the underground feeders or else the Town forfeits the 25% credit.
- FPL lay out is based on transformers and switch cabinets. The new transformers will be front lot; currently rear lot; they do not like to straddle properties. FPL suggests the Vista switch cabinet as it is smaller (waist high) even though more expensive.
- The tariff will allow the Town to install the FPL facilities or for the Town to contract with FPL to install the facilities. FPL does not install Comcast or AT&T conduit or facilities.
- FPL is in the process of generating a transformer map for the Town to assist in conceptual planning.
- FPL suggests the Town locate equipment and switch cabinets on Town owned property to the extent possible.
- All easements must be acquired prior to construction. FPL believes that easement acquisition will be the most time consuming part of the process.
- The Town will more than likely install the conduits, pull boxes and slabs for the project and will incorporate their decorative street lighting to replace existing overhead light poles or the existing FPL poles.
- FPL prefers to own the services up to the meter location.



- FPL prefers a 20' x 20 easement for capacitor banks; 10' x 10' easements for switch cabinets or transformers.
- FPL has agreed to review and comment on our model project schedule; comments have been received (Thank you).

Should your recollection and understanding of the items discussed during this meeting differ from the notes contained herein, please contact us immediately.

CC: All Attendees

SIGN IN SHEET

(Please print)

Townwide Utility Undergrounding FPL Meeting

December 16, 2014 - 1:00 PM

Name	Company	Telephone #/Email Address
Randy Welterfny	KESHAVARZ & Assoc.	561-689-8600 randy@keshavarz.com
Allen T. Green III	"	" agreeniii@keshavarz
PAUL BRAER	Town of Palm Beach	838-5440 paulbraer@townofpalmbeach.com
Chuck Langley	"	" cblangley@townofpalmbeach.com
BILL FRANCIS	TOWN OF PALM BEACH	561-838-5440 WFRANCIS@TOWNOFPALMBEACH.COM
Robert Weese	FPL	561-640-2209 robert.weese@fpl.com
JOHN LETHA	FPL	561-845-4624 JOHN.LETHA@FPL.COM
Mirta Signo-Dig	FPL	561-373-2092



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Meeting Minutes
for
Town-Wide Utility Undergrounding
K&A Project No. 11-982

A meeting was held at Florida Department of Transportation (FDOT) on Thursday, December 18th, 2014 at 9:30am to discuss utility undergrounding for the entire island. The following were in attendance:

Brett Drouin	FDOT
Chuck Langley, P.E.	Town of Palm Beach
Allen T. Green III, P.E.	Keshavarz & Associates, Inc.
Joan Sopczak	Keshavarz & Associates, Inc.

The following was discussed:

- The Town is in the process of developing a preliminary sequencing plan to present to the Town Council; the Town has hired Keshavarz & Associates (K&A) to assist with this effort.
- Additional meetings will be held with AT&T, Comcast, City of West Palm Beach and Florida Public Utilities for additional information to consider in determination of the preliminary sequencing plan.
- The Town would like to divide the undergrounding into several projects.
- The Town will more than likely install the conduits, pull boxes and slabs for the project and will incorporate their decorative street lighting to replace existing overhead light poles or the existing FPL poles.
- FDOT has no issue with undergrounding work in FDOT R/W as long as restoration is completed.
- FDOT will allow switch cabinets and other above ground equipment in their R/W as long as it meets clear zone criteria.
- FDOT will allow underground structures within the R/W; however any structure larger than 80 CF will be subject to additional regulations.
- If directional boring affects FDOT roadway, mill and overlay must be completed per FDOT Standards (millings belong to the State).



- Existing street lighting that is attached to power poles will be replaced with Town approved decorative street lights.
- The Town would like to explore the possibilities and logistics of adhering to the Town's construction season to the extent possible.
- Brett will forward FDOT's 5 year plan for work in the Town of Palm Beach to K&A.
- K&A will contact Tim Brock of FDOT for their 10 year plan for work in the Town of Palm Beach.
- No R/W agreement is needed for FDOT; however Utility Permits must be obtained by the utility providers prior to starting any work.

Should your recollection and understanding of the items discussed during this meeting differ from the notes contained herein, please contact us immediately.

CC: All Attendees
Mr. Tom Bradford
Mr. Paul Brazil, P.E.
Mr. William Francis, P.E.
Mr. Chuck Langley, P.E.

P:\11-982 ToPB Underground GEN\Doc's\Meeting Minutes\Meeting Minutes_FDOT_20141218.doc
711 N Dixie Highway, Suite 201 • West Palm Beach, FL 33401 • 561-689-8600 • fax 561-689-7476 • www.keshavarz.com



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Meeting Minutes
for
Town-Wide Utility Undergrounding
K&A Project No. 11-982

A meeting was held at the Town of Palm Beach Public Works with AT&T and Comcast on Monday, December 22nd, 2014 at 3:00pm to discuss utility undergrounding for the entire island. The following were in attendance:

Bill Francis	Town of Palm Beach
Chuck Langley	Town of Palm Beach
Thomas Bradford	Town of Palm Beach
Robert Lowen	AT&T
Darrell Davis	AT&T
Vic Beninate	AT&T
Jeannine McEnroe	Comcast
Derek Cooper	Comcast
Randy Wertepny	Keshavarz & Associates, Inc.
Allen T. Green III	Keshavarz & Associates, Inc.
Joan P. Sopczak	Keshavarz & Associates, Inc.

The following was discussed:

- The Town is in the process of developing a preliminary sequencing plan to present to the Town Council; the Town has hired Keshavarz & Associates (K&A) to assist with this effort.
- The Town would like to divide the undergrounding into several projects. K&A has selected a “model project area” as the basis of discussion on creating a model schedule and construction process for the purposes of estimating project durations and sequencing for the overall project. The model area includes single family, multi-family residential and some commercial properties. A copy of this “model project area” together with the associated schedule was provided to the attendees.
- Additional meetings will be held with City of West Palm Beach, Florida Department of Transportation and Florida Public Utilities to acquire additional information to consider in determination of the sequencing plan.
- Based upon language from the FPL tariff and discount offered, the K&A has preliminarily identified 10 areas that could be individual undergrounding projects with a minimum length of 3-pole miles.



- FPL allows flexibility on the 3-pole mile minimum criteria, as established in the tariff for a 25% incentive applied towards FPL undergrounding costs if the project is phased.
- The Town would like to explore the possibilities and logistics of adhering to the Town's construction season to the extent possible.
- The Town construction season is from May to November. Any deviation of the construction season will require approval from the Town Council.
- The Town will more than likely install the conduits, pull boxes for the project and will incorporate their decorative street lighting to replace existing overhead light poles or the existing FPL poles.
- The Town will incorporate other improvements (drainage etc.), where possible, with the undergrounding projects.
- Both AT&T and Comcast would prefer starting at the north end of the island and construct in progression to the south end and/or from the south to the north as this would be the most cost effective and efficient which will minimize service interruptions and would be less impact to residents.
- Comcast has two feeds into the Town; one on the northern end and one from Lantana.
- AT&T and Comcast strongly recommend to relocate any existing utility services is in the rear as it is beneficial to move the service to the front. There would be less disruption to the residents if all utility services are in the front.
- AT&T and Comcast are concerned with powering their services; may require overlap into next phase of project area due to powering.
- AT&T & Comcast recommend the Town upgrade the facilities during this process.
- Other providers share use of AT&T facilities, therefore AT&T will need to keep analog facilities in additional to digital/fiber facilities if the Town upgrades the service.
- Comcast will provide estimate of cost increase to upgrade system for the Town to consider.
- AT&T and Comcast were asked to identify their node boundaries for determining optimal project boundaries.
- AT&T and Comcast will require 5' x 5' easements and can share conduit trench and easements; separate hand holes away from roadway would be required. AT&T has pedestals that serve 8 to 12 houses. **Added note:** *If there is unpaved right-of-way and a pedestal or hand hole is needed and there is room to sufficiently set back the pedestal or hand hole from the edge of pavement and remain within the right-of-way, an easement may not be needed at such a location.*



- AT&T and Comcast ground their services off of FPL; AT&T suggests all utilities feed to house on the same side of resident's property.
- AT&T cut over work, preparation and/or clean up could be done off season.
- Tom Bradford stated that it may be best if resident is present for cut over to confirm service quality.
- The Town may want to consider AT&T small cell antennas in the decorative street light to enhance cell reception within the Town; Victor Beninate with AT&T will facilitate this option with Tom Bradford.
- AT&T may take up to 18 months (worst case) for service switch over s they are contractually required to notify certain customers 18 months in advance prior to service conversion.
- AT&T owns some of the utility poles on the island and are recommending for the Town to contract with FPL for the removal of all utility poles, inclusive of AT&T poles, to avoid confusion and limit the pole removal to one entity.
- AT&T currently has 80% of main lines underground in the Town; Comcast main lines are currently 50% underground.
- Time estimate of design for both AT&T and Comcast is 60 to 90 days.
- AT&T and Comcast to review and comment on our model project schedule.
- K&A will prepare a draft "Schedule & Sequencing Plan" and will meet with the stakeholders to discuss prior to finalizing before submitting for the Town Council.

Should your recollection and understanding of the items discussed during this meeting differ from the notes contained herein, please contact us immediately.

CC: All Attendees

SIGN IN SHEET

(Please print)

Townwide Utility Undergrounding

December 22, 2014 - 3:00 PM

Name	Company	Telephone #/Email Address
Bill Francis	Town of Palm Beach	(561) 838-5440 wfrancis@townofpalmbeach.com
Chuck Langley	Town of Palm Beach	(561) 838-5440 clangley@townofpalmbeach.com
Robert Lowen	ATT	(561) 357-6615 rl4510@att.com
Darrell Davis	ATT	(561) 357-6450 dd8715@att.com
Vic Beninate	ATT	(954) 801-4623 vb2674@att.com
Thomas G. Bradford	Town of Palm Beach	(561) 838-5410 tbradford@townofpalmbeach.com
Jeannine McEnroe	Comcast	(561) 436-9033 jeannine_mcenroe@cable.comcast.com
Derek Cooper	Comcast	(561) 436-9033 derek_cooper@cable.comast.com
Randy Wertepny	Keshavarz & Associates	(561) 689-8600 randy@keshavarz.com
Allen T. Green III	Keshavarz & Associates	(561) 689-8600 atgreen3@keshavarz.com
Joan Sopczak	Keshavarz & Associates	(561) 689-8600 joan@keshavarz.com



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Meeting Minutes
for
Town-Wide Utility Undergrounding
K&A Project No. 11-982

A meeting was held with the Town of Palm Beach Public Works Department on December 23, 2014 at 3:30pm regarding the Town-wide Utility Undergrounding project. The following were in attendance:

Paul Brazil, P.E.	Town of Palm Beach
Bill Thomas, P.E.	Town of Palm Beach
Chuck Langley, P.E.	Town of Palm Beach
Randy Wertepny, P.E.	Keshavarz & Associates, Inc.
Allen T. Green III, P.E.	Keshavarz & Associates, Inc.

The follow items were discussed at this meeting:

- Town is concerned that this project will involve work on private property in the Town and the magnitude of the costs to restore the private properties is non-quantifiable.
- They recognize that construction will have to occur year round and are recommending that only low impact work occur during the offseason.
- Work within the offseason shall be light duty only (pick-up truck).
- The Town requested that we request letters from FPL, Comcast and AT&T that state each of the utility provider's preferences for undergrounding.
- Town is urging that we construct 2 projects at a time, one from the north end working south and the other from the south end working north for several reasons, including potential political issues.
- Town would like the most realistic schedule to present to the Town Council, no matter the actual duration. One construction season should be used to determine the project magnitude (number of pole miles) and to determine the number of crews required by the utility providers to keep up with the schedule.
- Confirm with Comcast who can install the Comcast wiring and install their facilities.
- Do not include staggering of the service conversions on the schedule but include in the narrative.



- The Town feels that we should have one FPL approved contractor per each 2-3 regular undergrounding contractors.
- The Town would like FPL to determine transformer locations.
- The Town wishes us to determine milestones on our schedule for cash flow purposes; i.e. payment for FPL design due, FPL construction, etc.
- The Town wishes the overall schedule to depict the number of years for the project, start to finish and the number of years for heavy construction/disruption to be presented to the Town Council.

Should your recollection and understanding of the items discussed during this meeting differ from the notes contained herein, please contact us immediately.

CC: All Attendees



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Meeting Minutes
for
Town-Wide Utility Undergrounding
K&A Project No. 11-982

A meeting was held at the Town of Palm Beach Public Works with the City of West Palm Beach and Florida Public Utilities (FPU) on Monday, December 29th, 2014 at 1:00pm to discuss utility undergrounding for the entire island. Please see the attached “Sign In Sheet” for attendees.

The following was discussed:

- The Town is in the process of developing a preliminary sequencing plan to present to the Town Council; the Town has hired Keshavarz & Associates (K&A) to assist with this effort.
- Minimization of disruption to the Town residents is a priority during the undergrounding process.
- The intent of the meetings with the stakeholders is to acquire additional information to consider in determination of the sequencing plan.
- The Town construction season is from May *through* November. The Town would like to explore the possibilities and logistics of adhering to the Town’s construction season to the extent possible. Any deviation of the construction season will require approval from the Town Council.
- The Town will incorporate other improvements (drainage, sanitary sewer etc.), where possible, with the undergrounding projects.
- FPU began the 10-year federal program “Bare Steel Replacement Project” and has completed a large area of pipe replacement at the north end of the island. FPU has approximately 7.5 years remaining under this federal program.
- FPU is willing to work together to avoid any conflicts where possible and is willing to have their engineers, Magnolia River, meet with the Town and Keshavarz & Associates to go over their plans.
- FPU and the Town can potentially share in restoration costs when possible.
- FPU completed a risk analysis prior to start of pipe replacement.
- FPU is willing to mark up Keshavarz plans with their existing utilities.
- Magnolia River will be mapping FPU utilities and providing as-builts at the end of the project.



- The City of West Palm Beach is willing to work with the Town on civil improvements. Necessary water main replacements can be performed in an opportunistic manner following the undergrounding sequence.
- The City has completed an assessment on age of pipe and maintenance records for prioritizing pipe replacement.
- After preparation of the draft Sequencing Plan, K&A will hold additional meetings with stakeholders to discuss.
- The Town requires removal of any abandoned pipe encountered during construction.
- All entities can work together for the benefit of all, including Town residents.

Should your recollection and understanding of the items discussed during this meeting differ from the notes contained herein, please contact us immediately.

CC: All Attendees

SIGN IN SHEET

(Please print)

Townwide Utility Undergrounding

December 29, 2014 - 3:30 PM

Name	Company	Telephone #/Email Address
Suzanne Halverson	City of West Palm Beach	(561) 494-1075 shalverson@wpb.org
Jackson Loebig	City of West Palm Beach	(561) 951-7656 jloebig@wpb.org
Thomas G. Bradford	Town of Palm Beach	
Allen T. Green III	Keshavarz & Associates	(561) 689-8600 agreeniii@keshavarz.com
Dale Butcher	Florida Public Utilities Co. (F.P.U.C.)	(561) 602-3702 dbutcher@fpuc.com
Maziar Keshavarz	Keshavarz & Associates	(561) 689-8600 maziar@keshavarz.com
Randy Wertepny	Keshavarz & Associates	(561) 689-8600 randy@keshavarz.com
Doug Moreland	Florida Public Utilities Co. (F.P.U.C.)	dmoreland@fpuc.com
Danielle Manuel	Florida Public Utilities Co. (F.P.U.C.)	dmanuel@fpuc.com
Matt Ryan	Florida Public Utilities Co. (F.P.U.C.)	mryan@fpuc.com
Paul Brazil, P.E.	Town of Palm Beach	(561) 838-5440 pbrazil@townofpalmbeach.com
Chuck Langley, P.E.	Town of Palm Beach	(561) 838-5440 clangley@townofpalmbeach.com
Joan Sopczak	Keshavarz & Associates	(561) 689-8600 joan@keshavarz.com



KESHAVARZ & ASSOCIATES
Civil Engineers – Land Surveyors

Revised Meeting Minutes
for
Town-Wide Utility Undergrounding
K&A Project No. 11-982

A meeting was held at the Town of Palm Beach Public Works with all stakeholders on Wednesday, March 25th, 2015 at 2:00pm to share thoughts, concerns and suggestions regarding the Draft Phasing and Sequencing Report (DPSR) for town-wide undergrounding. Please see the attached “Sign In Sheet” for attendees.

The following was discussed:

Keshavarz & Associates (K&A)

- For the undergrounding effort it was determined that the Town needed to be divided into zones/phases and the goal is to disrupt as little life/routine on the island as possible.
- The Town wishes to take full advantage of a 25% savings through the conditions outlined in the FPL tariff.
- K&A selected up to 16 phases within the Town and a series of 7 undergrounding sequencing options with total durations of 10, 12 and 18 years; the 10 year option proposes two projects to be constructed simultaneously and for the individual project sizes to be approximately 2 pole miles; each of the other options propose only one project to be constructed at a time with individual project sizes of approximately 2 or 3 pole miles or more.
- The most aggressive option proposes 16 phases at 2 pole miles or more with 2 phases constructed simultaneously within a total duration of 10 years; starting from either end of the Town working inward; sharing restoration costs with Florida Public Utilities.
- Next less aggressive option proposes 12 years, 10 phases of at least 3 pole miles per year with 1 individual phase constructed at a time; working from one end to the other.
- The least aggressive option is 16 zones of 2 pole miles per year with 1 individual phase constructed at a time for a total duration of 18 years.
- Comments were received from the Town of Palm Beach, the City of West Palm Beach and FPL, after their review of the DPSR.
- The final report will be issued in 3 weeks. The purpose is to present it to the Town Council in May.

- The Town has not decided whether it will begin undergrounding from the north or south end; they may choose to begin at both ends concurrently.
- K&A will send the City of WPB a list of the streets already undergrounded within the Town.
- K&A requested the deadline for incoming comments on DPSR to be Friday afternoon, March 27, 2015.

Town of Palm Beach (ToPB)

- The Town stated that engineering needs take precedence in all decisions.
- The Town concedes that some work will have to happen in the winter season but will not permit heavy construction during this season. Utility service conversions are not considered heavy construction.
- If the Town uses their own contractor for dry utility conduit installation and/or cable pulling & equipment installation, no permit from the utility provider will be required; however an inspection will be required.
- The majority of the undergrounding infrastructure will be built within the limits of the road rights-of-way.
- One of the Town's main concerns is the work on private property to serve each individual residence and associated hardscape and landscaping.
- The Town will have a separate effort/team to secure the easements which must happen prior to the start of construction for the first phase.
- The Town offered to design and administer construction of the proposed potable water infrastructure improvements on behalf of the City of West Palm Beach. Work associated with this would be invoiced to the City. City to finalize a list of projects shortly.
- ToPB has no streetlighting plan; they have no current plan to switch to LED lighting. IF the Town has to install all new streetlights on a street they may utilize LED. If existing streetlights are on FPL poles the Town will install decorative streetlight poles to replace the existing lighting. The streetlight program is currently on hold pending the undergrounding effort.
- Nightingale and Lake Towers undergrounding projects will continue; El Bravo is pending, awaiting a decision from the residents.
- The Town will have a Citizen Task Force making recommendations on policy and project related issues. All requests for Task Force must be submitted by residents by April 3, 2015 at 5:00pm.

Florida Power & Light (FPL)

- FPL will design to sustain the service to the Town; their main concern is limitation of the construction season.

- FPL's concern is switching large circuits in the summer. Summer is FPL's greatest load and FPL feels it is best to switch circuits in December – January. At each subaqueous crossing to the mainland they would need a day to make the splice. They would prefer construction in the summer and transition in the winter.
 - The Town is concerned if and how this will impact the individual project schedules which now include 2 seasons of heavy construction and do not want to add a third season.
- Approximately 80% of homes have service currently in the rear. FPL can provide cable and conduit to reconnect service from the front lot ground transformer to the meter can; the cost would be included in FPL's cost estimate to the Town.
- FPL will remove as much as possible out of the rear lots; their intent is to pull both AT&T and FPL poles and as many rear hand holes that they can find; however due to the lush landscaping some hand holes may not be found.
- FPL stated less than 3 pole mile phases are acceptable under the Tariff as long as there is no more than one year between each phase.
- The majority of FPL services can be directional bored.
- If the report goes to the Town Council in May is there another vote by residents following and if so, when?
Town: The Town's vote by the residents may not be required. It will depend on the funding mechanism, which is not yet determined.
- FPL will design a system that emulates the existing overhead system.
- FPL will allow 2 pads on top of each other to elevate equipment over low level roadways or (as in Sanford Avenue) maximum 24" pad.

AT&T

- AT&T will let FPL take the lead.
- Most utilities are on the same side of the home with some exceptions.
- AT&T suggests getting a copy of the Utility Agreements utilized during the Jupiter Inlet Colony effort as a template and letting the utilities design the street by engineering/utility needs.
- AT&T would like to see the utility agreement previously made with the Town **by Robert Scheffel Wright** so as to understand their obligation and not have to redraft an agreement entirely.
- AT&T will install modern equipment with the potential of newer systems that could be installed in the future.

Comcast

- Comcast prefers off season for service cutover after infrastructure is in place. Comcast has moratoriums during the season (holidays & Superbowl).
- Comcast is concerned with the process of securing accessible easements; a place where the technicians can get to easily.
- Comcast will be upgrading to fiber optic during undergrounding.

Florida Public Utilities (FPU)

- FPU questioned if FPL will direct bury or use directional bore.
 - FPL/Town: Both, the Town will decide during the design process.
- FPU already has completed some infrastructure; by 2017 will be completed up to the north bridge.
- FPU agrees to cost share in the restoration work where possible.
- FPU would prefer TOPB to begin undergrounding work from south to north to avoid conflicts with their construction.
- FPU is concerned with the aggressive schedule as the **PSC** mandates FPU have all pipe replaced within 10 years for pre 1970 pipe (are currently 4 years into the program). FPU must meet the PFC deadline or will be fined.

City of West Palm Beach (WPB)

- WPB would prefer to install their new water mains first as it would not be as crowded in the corridor; there would be more space to relocate it.
- Amount of funding is limited for water main replacement; WPB has not yet identified the priorities for replacement.
- WPB would like to know which streets have already had the undergrounding completed as they are in the process of prioritizing which water mains need to be replaced. WPB would like a list of the undergrounding completed streets.
- WPB would like to concentrate on the streets that are within the undergrounding effort.
- WPB would like to see where the water main replacement fits into the schedule on the final report.
- The City may amend their Interlocal Agreement with the Town.

Should your recollection and understanding of the items discussed during this meeting differ from the notes contained herein, please contact us immediately.

CC: All Attendees

Town-Wide Utility Undergrounding Draft Phasing & Sequencing Report

March 25, 2015 - 2:00 PM

Name	Company	Telephone #/Email Address
Eric DeCesare	AT&T	(561) 746-3693, ed1499@att.com
Bill Francis	Town of Palm Beach	(561) 838-5440, wfrancis@townofpalmbeach.com
John Lehr	Florida Power & Light	(561) 845-4624, john.lehr@fpl.com
Robert Weese	Florida Power & Light	(561) 640-2209, robert.weese@fpl.com
Derek Cooper	Comcast	(561) 227-3485, derek_cooper@cable.comcast.com
Tom Bradford	Town of Palm Beach	
Joan Sopczak	Keshavarz & Associates, Inc.	

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 14, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Thomas G. Bradford, Deputy Town Manager

Re: FPL Hardening Plans and Neighborhood Underground (UG) Plans Relative to FPL Hardening Plans

Date: October 9, 2014

STAFF RECOMMENDATION

Staff recommends the Town Council hear the presentations on this subject matter and provide staff with direction on how to proceed. Policy questions to be considered are:

- 1) Shall FPL be allowed to improve system reliability on the island via their hardening plans?
- 2) Shall the Town pursue undergrounding in lieu of hardening? If so, shall undergrounding be done only in those areas impacted by FPL hardening plans or according to some other plan?

GENERAL INFORMATION

FPL Hardening Plans

FPL officials will be present to provide you with an overview of their hardening plans for the Palm Beach service area. Please see the attached exhibit marked as Attachment A to see the locations of FPL proposed hardening projects. Originally, hardening was a function of FPL's Storm Secure plan that was developed in response to the outages their electrical system incurred from the wrath of hurricanes experienced in the last decade. Hardening entails system upgrades to enable the electrical distribution system to withstand the effects of winds up to 150 miles per hour. Although hardening entails more than just different utility poles, what the average consumer sees is a taller, more substantial concrete pole.

Hardening originally applied to feeder lines as they are considered to be the backbone of the distribution system. Subsequently, the Florida Public Service Commission allowed FPL to expand the use of hardening to circuits that are in need of reliability upgrades. Most FPL proposed hardening in Town applies to feeder lines, but some hardening is being done to improve system reliability. It is important to note that when FPL hardens a feeder line in Town that feeder line is hardened on the mainland as well all the way back to the substation. This

means that whether the Town chooses to let FPL go forward with hardening in Palm Beach or to address increased reliability and infrastructure survivability via undergrounding, once completed Town residents will have the most secure electric service possible.

Many residents have expressed concern about the appearance of so called hardened facilities saying they look more commercial and detract from a residential neighborhood. One can gauge a general idea of what hardened utility poles will look like in comparison to what is most common in Town today. See the three pictures that appear below. The photo on the left is the most common sight in Town today being a wooden utility pole and the pictures on the right are akin to what will be installed for hardening standards using concrete poles.



Existing Pole Hardened Pole Hardened Pole

We should be appreciative of the fact that FPL is taking steps to make their electrical system serving Palm Beach more storm secure and reliable. FPL is under a tight timeline to get this work completed per the requirements of the Florida Public Service Commission (PSC). However, it is up to the Mayor and Town Council to decide whether or not hardening is the preferred method of improving reliability. Undergrounding can accomplish the same results, but comes with a cost which we will review below. Once a decision is made it should be considered to be final and irrevocable so that FPL can report to the PSC that reliability was improved one way or the other.

Proposed Neighborhood Underground Projects

Attachment A also shows where existing neighborhood underground conversion projects are located relative to FPL proposed hardening projects. Virtually every neighborhood project is impacted by FPL hardening plans. The impact has to do with the formula used to calculate FPL's charges for converting to UG. Today, the neighborhood projects mostly entail conversion of depreciated FPL assets, in some cases fully depreciated assets, to UG. If FPL hardening plans go forward and neighborhood UG projects follow, the existing assets will be replaced with new overhead facilities that will have no depreciation attached thereto and result in the cost of undergrounding being higher than it would have been if the other facilities were left in place until underground conversion commenced.

Accordingly, if hardening is not the preferred way to improve reliability the question that must be answered is how much undergrounding shall the Town attempt to do? At a minimum, if the Town says no to hardening then we must pursue undergrounding every line proposed to be hardened. However, it is not really feasible to underground only those lines proposed to be

hardened. For starters, one has to ask who would pay the cost if only the hardened lines were to be buried. It does not seem fair for only those property owners adjacent to the lines scheduled for hardening to bear the cost of undergrounding those lines. Many lines proposed to be hardened are along arterial roadways in Town. It makes little sense to only bury those facilities along the arterial roadway when they are usually connected to distribution facilities running both east and west. It would make more sense to include the areas adjacent to the arterial roadways where hardening is proposed and the areas east and west from that point because they are all part of the same integral distribution system.

How much will pursuit of various options likely cost? This and other questions have at least been answered in part by the information Town staff requested of FPL this past spring when it became known that FPL desired to pursue hardening in Town. In this regard, please see the exhibit marked as Attachment B, which is a letter to the Town dated June 27, 2014, from FPL's Project Manager for Distribution Underground, John Lehr, wherein Mr. Lehr provides ballpark cost estimates for various scenarios as requested by staff. These scenarios cover undergrounding options that include the entire spectrum from the entire Town to just the lines proposed by FPL for hardening. The Project Segment table appearing in John Lehr's letter is reproduced here:

Town of Palm Beach

Project Segment	Ballpark Estimate*	Non-Refundable Engineering Deposit
Entire Town	\$35,000,000	\$258,522
Wells Rd. North to the Inlet-Beach to Intracoastal	\$10,600,000	\$81,860
N. County (ROW) – Wells Rd. to Tangier Avenue	\$460,000	\$3,340
Well Rd. South to Royal Poinciana Way – Beach to Intracoastal	\$3,400,000	\$24,443
Royal Poinciana Way South to Barton Avenue - Beach to Intracoastal	\$1,400,000	\$11,724
Sloan's Curve to Southern Town Limits - Beach to Intracoastal	\$4,300,000	\$31,044
Sloan's Curve to Lake Avenue - Beach to Intracoastal	\$2,500,000	\$17,549
Lake Avenue to Southern Town Limits - Beach to Intracoastal	\$1,900,000	\$13,495
Northwood – 40332 -2015 (Green, Exhibit "B")	\$2,800,000	\$19,895
Terminal – 40213 – 2014 (Pink, Exhibit "B")	\$1,800,000	\$14,867
Evernia – 4011862 – 2015 (Yellow, Exhibit "B")	\$739,000	\$6,524
Belvedere – 402533 – 2015 (Orange, Exhibit "B")	\$1,030,000	\$6,740
Skypass Improvements – 2015 – (Blue, Exhibit "B")	\$1,800,000	Not Provided by FPL, but estimated to be \$14,867

**Ballpark cost is for FPL facilities only. AT&T and Comcast facilities are extra, as are restoration costs and other project related expenses.*

The reference to the non-refundable deposit is the cost charged by FPL to provide a binding cost estimate. A binding cost estimate is based on an engineered design and, once provided, must be accepted within 180 days. If accepted, the cost of the work cannot be exceeded by 10%. In all neighborhood projects pursued to date, the lowest cost scenario is where the Town, via its selected contractor, does the work of installing the conduit, transformers and other facilities, including running the necessary wires. It is this scenario that should be requested when seeking a binding cost estimate.

Since this ballpark cost estimate data applies to FPL only we must add AT&T and Comcast costs and project management, engineering, legal, surveying, site restoration and milling and resurfacing costs to come up with a complete accurate cost estimate. Town staff recommends that any large scale undergrounding effort be pursued using the Construction Manager at Risk (CM@Risk) construction format. Underground conversion projects will also incorporate any Town or public utility infrastructure work for which there is funding that needs to be done for convenience while construction is underway. The CM@Risk contractor will oversee and coordinate all of this in conjunction with Town project managers and provide a guaranteed maximum price. This will provide the lowest possible milling and resurfacing price to residents as the cost of paving will be equitably shared by all Town and public utility entities engaged in working within any given project area. The end result will also provide for state of the art utilities and public infrastructure for many years into the future for the benefit of Palm Beach citizens.

The table below is an order of magnitude estimate based on costs incurred for similar work in South Florida adjusted for inflation. It assumes FPL ballpark numbers are accurate. Contingency must be added and has been at 20 %. Costs in the table are based on the assumption that any UG project pursued by the Town will use FPL Vista type feeder switches which are sealed against water intrusion and are smaller in size and more easily screened with landscaping. This type switch has been used in other large scale UG projects on barrier island communities in South Florida.

Townwide Underground Order of Magnitude Cost Estimate, All Utilities

Project Engineering	\$5,400,000
CM@Risk Project Management	\$3,415,000
Legal Costs	\$725,500
Survey Costs	\$1,232,000
Utility Conversion Costs (FPL)	\$35,000,000
FPL GAF Discount @ 25%	(\$7,947,169)
Utility Conversion Costs (AT&T & Comcast)	\$8,900,000
Conversion of FPL Service Connections	\$10,075,000
Site Landscape/ Hardscape Restoration Costs (Excluding Asphalt)	\$1,500,000
Asphalt Milling and Resurfacing Costs (1)	\$12,840,000
Sub-Total Project Costs	\$71,140,331
Contingency @ 20%	\$14,228,066
Total Project Costs	\$85,368,397

(1) \$17,120,000 if every road in Town is milled and resurfaced with the following exceptions. This figure does not include Ocean Blvd. as we are underground on much of it and are typically on one side of

the street with overhead. South of Sloan's Curve is excluded as there is plenty of grass area and no paving should be needed. Roadway and milling costs are based on adopted Town standards and will decrease where costs are shared with other Town or public utility underground or roadway improvements. Pricing assumes \$30 per square yard and assumes smaller segments will be paved. If larger segments are paved at a time pricing could drop below \$30 per square yard. Assumes the entire street would be milled and resurfaced which may not be true in all cases. Assumes 214,000 linear feet of streets with an assumed width of 24 feet of pavement, which also is not true in all cases. (214,000ft X 24ft X 1yd/9sq ft X \$30 = \$17,120,000). Additional analysis may reveal a lower cost. For now, assumes about 75% of paving cost will be borne by underground projects.

If large projects are pursued by the Town, the goal should be to convert 3 pole miles of lines per project. If that is done the Town receives a 25% GAF discount passed on to property owners. For example, using the 3 pole mile size as a minimum project area target and focusing from north to south, from the Palm Beach Inlet to the north side of Ocean Terrace would constitute one such area and from the south side of Ocean Terrace to List Road would constitute another and so on.

If special assessments are to be used for funding and the Town Council wishes to use the petition process similar to what is currently done for small scale UG projects, we need to segue to a more efficient mailed petition process. The land areas involved in the 3 pole mile target project size are too great to rely on neighborhood UG champions going door-to-door to secure affirmative petition signatures of 67% of the project area property owners. In this scenario, we recommend that the Town employ a mailed petition that must be mailed back to the Town by a time certain and only those mailed petitions received by the Town will be counted. 67% of those petitions received must affirmatively approve the proposed underground assessment project. It is envisioned that the Town would provide a cover letter of explanation, the petition and a return envelope. The petition ballot and envelopes will be marked with the property's property control number. Both the cover letter and petition can make reference to, and provide the link to, the Town's website where detailed project information will appear. LLC's would receive an affidavit to execute and return with the signed petition. A Canvassing Board would be established to count ballots.

Please see Attachment C to review the Town Clerk's memorandum to me on this subject offering her opinions on how this process should be set up along with a draft of the proposed cover letter and petition ballot.

Large UG projects will require financing. If we use the assessment process to pay for undergrounding we can use special assessment bonds. Pursuing large scale UG projects over a number of years interjects complexity to financing. The complexity stems from the cost, the timing of the projects, the size and number of project areas and the use of the assessment methodology. This is not insurmountable, it just requires good planning. The Town may need to use short term debt, such as bank loans or lines of credit to fund the initial projects. Once the projects are completed, the Town could refinance the bank debt with special assessment bonds payable with the proceeds from the assessments charged to the property owners that benefit from the project. One benefit of larger projects is the financing allows for longer repayment terms than the Town can provide with its internal financing plan. Indeed, use of special assessment bonds can allow repayment over 30 years resulting in much lower annual assessments and spreading the cost over potentially several generations of property owners. The downside to

longer term bank and bond financing is that it comes with closing costs and requires arbitrage avoidance planning. Interest rates remain relatively low, but will not stay that way forever.

Current rates available for bank loans and special assessment bonds are shown in the following table:

Scenario	Term	Debt Type	Base Interest Rate ¹	Costs of Issuance ²	All-In Interest Rate
1	10 - Year	Bank Loan	3.25%	0.25%	3.50%
2	15 - Year	Bank Loan	3.95%	0.25%	4.20%
3	20 - Year	Bank Loan	4.45%	0.25%	4.70%
4	10 - Year	Bonds	3.10%	0.35%	3.45%
5	15 - Year	Bonds	3.80%	0.35%	4.15%
6	20 - Year	Bonds	4.30%	0.35%	4.65%
7	25 - Year	Bonds	4.50%	0.35%	4.85%
8	30 - Year	Bonds	4.70%	0.35%	5.05%

1. Estimated rate (net of cost of issuance)
2. Cost of issuance shown as a %, based on a \$10 million financing

Staff is prepared to work with our Financial Advisors at PFM to prepare a financing plan for these projects once the Town Council decides on the scope to be accomplished.

If the order of magnitude estimate of \$85,368,397 were to hold true and the Town Council wished to pursue general obligation bonds (GO) in lieu of the special assessment bonds referenced above, which would require a townwide referendum, to give you some idea of the cost to a property owner in Town in the GO scenario it is estimated to cost \$371 per \$1 million of taxable value. See the table below. The all in rate used was 3.69%, which included closing costs and assumes a 30 year term.

General Obligation Bond Scenario

	Current Millage	Millage Impact
Cost of Program		85,368,397
Property Tax Revenue Needed		4,729,165
Millage Rate	3.4058	0.3709
Taxable Value	13,421,075,355	13,421,075,355
Taxes Generated		4,729,165
Taxes Per \$1 million		371
Percentage Increase		10.9%

The down side to using GO is that it changes the cost allocation to one's property value instead of being based upon the direct benefits each property receives from the improvement as is the case when using the Town Council adopted UG assessment methodology.

Streetlights

We should take this opportunity to let you know that the subject of streetlights will come into play sooner or later. Some property owners will likely wish to add decorative streetlights while a UG project is underway. Project designers must know this as soon as possible. These costs will be extra as the Town's current policy in the Code of Ordinances is that the majority of property owners must approve of the same by petition to dovetail UG petition requirements. We were in the process of changing that to 67% of the property owners approving decorative streetlights by petition. An ordinance effectuating this change was deferred from a previous Town Council meeting and will appear for first reading on October 14.

Streetlights can be handled separately from the underground petition process. We can notify people within any approved project area early on in the process that, if they wish to have decorative streetlights installed, the Town requires a majority or 67% of the owners to affirmatively sign a Town prepared petition and that we must receive same by a time certain or it will not be done in conjunction with the current UG project. Alternatively, to keep things simple and move along with UG projects as fast as possible, the Town Council could place a moratorium on any new streetlight requests until all UG projects authorized are completed.

We have two pending streetlight projects funded with 2013 ACIP bond funds that are being held in abeyance pending Town Council direction relative to the FPL Hardening plans and any undergrounding decisions that you may make. Paul Brazil has two agenda items following this hardening/UG presentation that he wishes for the Town Council to consider. The first pertains to continued replacement of existing decorative streetlights that require full replacement due to age and condition. The second streetlight project is for placement of decorative streetlights from Sloan's Curve to Lake Worth Road which is also funded by the 2013 ACIP bond proceeds.

Conclusion

To summarize,

- 1) Increased reliability is highly desirable, but hardening provides desired reliability with an aesthetic impact in the opinion of many.
- 2) Hardening negatively impacts proposed neighborhood UG projects already on the books by making the cost to underground go up.
- 3) Undergrounding is a preferred alternative to hardening for increased reliability for many, but it is expensive.
- 4) Shall FPL be allowed to improve system reliability on the island via their hardening plans?
- 5) Shall the Town pursue undergrounding in lieu of hardening?

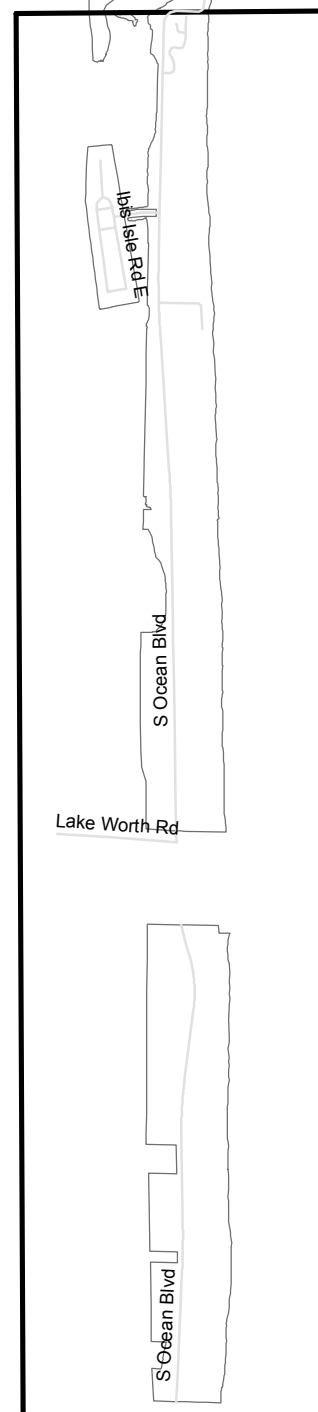
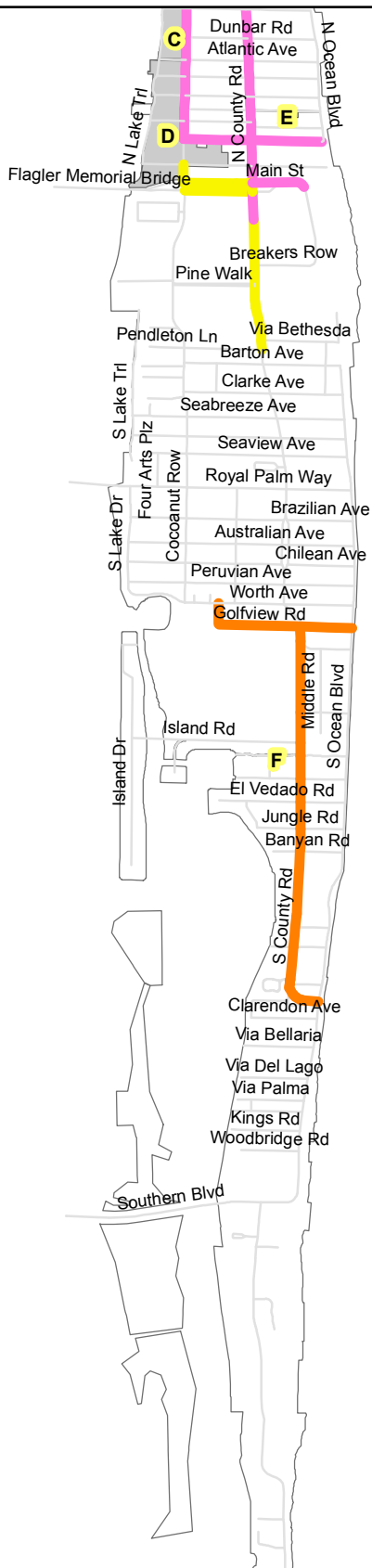
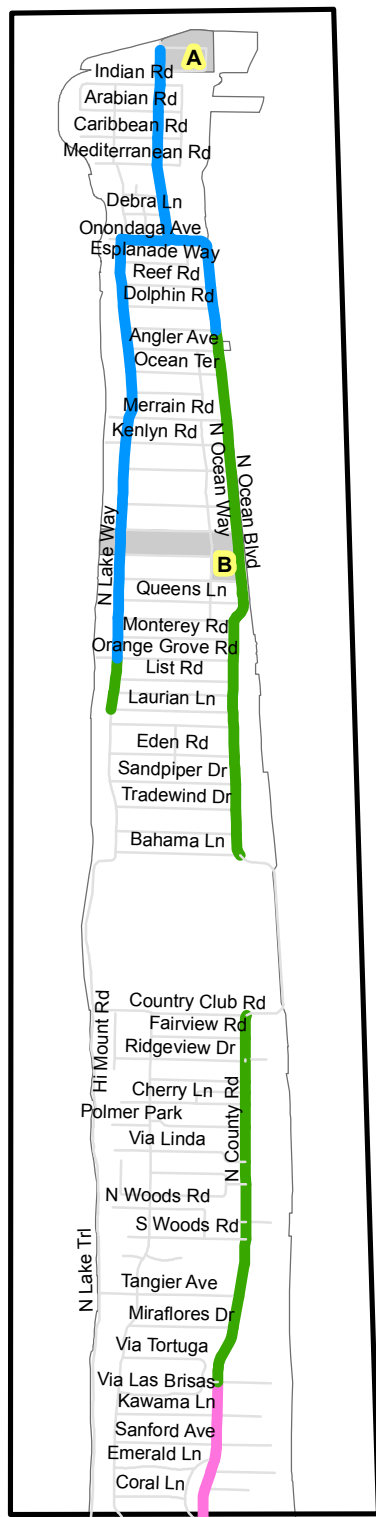
- 6) If the Town shall pursue undergrounding in lieu of hardening, shall undergrounding be done only in those areas impacted by FPL hardening plans or according to some other plan?
- 7) Shall the Town use the CM@Risk construction process to make the general contractor our design and construction partner in the process, with competitive price selection of subcontractors and a guaranteed maximum price?
- 8) Establishing UG project areas of 3 pole miles provides the 25% FPL GAF discount and the lowest possible price to residents. Shall this be a parameter for Town staff to pursue?
- 9) How shall the cost of UG be financed? General obligation bonds, bank loans or special assessment bonds?
- 10) If UG projects are to be paid by assessments shall 67% of the property owners within proposed project areas affirmatively approve the proposal as is done with neighborhood UG projects? The Town's process is not required by state law.
- 11) If a petition process is to be used, shall we shift to the mailed petition process to allow for it to be more efficient and require 67% of the respondents to affirmatively approve?
- 12) How shall the Town deal with streetlighting requests?

No final decisions need be made relative to hardening and undergrounding on October 14. You can consider this to be the first step in a thoughtful decision process. Staff stands ready to assist you in this decision making process in every way possible.

Numerous people helped me prepare different aspects of this report or provided information helpful to the process and I wish to acknowledge their help and publicly thank them for their time and efforts, as follows.

- H. Paul Brazil, Director of Public Works
- Jane Struder, Director of Finance
- Chuck Langley, Senior Projects Engineer
- Cory Cordero, GIS Specialist
- Susan Owens, Town Clerk
- Danny Brannon, P.E., Brannon and Gillespie
- Maziar Keshavarz, P.E., Keshavarz and Associates
- John Lehr, Project Manager for Distribution Underground, FPL

CC: H. Paul Brazil, Director of Public Works
 Jane Struder, Director of Finance
 William Francis, Town Engineer
 Chuck Langley, Senior Projects Engineer
 Susan Owens, Town Clerk
 John C. Randolph, Town Attorney
 Ethel Isaacs Williams, Regional Manager, External Affairs, FPL
 John Lehr, Project Manager for Distribution Underground, FPL
 Danny Brannon, P.E., Brannon and Gillespie
 Maziar Keshavarz, P.E., Keshavarz and Associates



Town of Palm Beach



Legend

FPL HARDENING PROJECTS

-
- | Category | Value |
|---------------------------|---------|
| 2015 Skypass Improvements | 332 |
| 2015 Northwood | 2131 |
| 2014 Terminal | 11862 |
| 2015 Evernia | 5-12-15 |
| 2015 Belvedere | 2533 |

UNDERGROUND PROJECTS

- A - East Inlet Drive
- B - Nightingale Trail / La Puerta Way
- C - Lake Towers
- D - Bradley Place
- E - Root Trail
- F - El Bravo Way

STAFF RECOMENDATION FOR UNDERGROUND

- ☐ 1 - North Inlet to Wells Rd
- ☐ 2 - Sloan's Curve to South Town Limits

Prepared for: October 1, 2014
Tom Bradford, Deputy Town Manager
Town of Palm Beach
Office: 561.227.5410
Email: tbradford@townofpalmbeach.com



TOWN OF PALM BEACH

JUN 27 2014

Town Manager's Office

June 27, 2014

Mr. Thomas G. Bradford
Deputy Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

**Re: Town of Palm Beach
Electric Facilities Conversion – Ballpark Estimate
Ballpark Cost Estimate – Various Locations throughout the Town
WR # 5580839**

Dear Mr. Bradford:

FPL welcomes the opportunity to assist you in examining the feasibility of converting from overhead electric distribution facilities to an underground system at the following location:

Various Locations throughout the Town in Palm Beach, Florida.

As per your request, the non-binding "ballpark" estimate to complete this conversion for the entire Town is \$35,000,000 (See Exhibit "A" & "B" for a Project/Cost breakdown). This estimate is provided strictly to assist you in preliminary decision making and it does not include the conversion of the existing streetlight system. It is not an offer from FPL to perform the requested conversion and should not be construed or used as such for detailed planning purposes. This represents an "order of magnitude" figure based on previous FPL experience and reflects the CIAC payment that the Town would ultimately need to make to FPL if the conversion were performed at this point in time. It is our experience that conversions in developed areas are the most complex and challenging types of construction. As such, this estimate likely will not precisely represent the Town's ultimate actual cost to convert, but can assist the Town in preliminary decision-making.

FPL estimates include only estimated charges to be paid by the Town to FPL. The costs of the following items are not included with the estimate and are the responsibility of the Town / residents. These potential costs should be included in future planning of the project:

- Site restoration (sod, landscaping, pavement, sidewalks, etc.)
- Rearrangement of customer electric service entrances (requires electrician) from overhead to underground. Also, additional customer expense if local inspecting authorities require customer wiring to be brought to current codes.
- Trenching/backfilling for service laterals.
- Removal and undergrounding of other utilities (e.g. telecom, CATV, etc.)
- Acquiring, describing, securing and recording of easements for underground facilities. In underground systems, major components formerly attached to poles must now occupy "at grade" appurtenances, e.g., ground level pad mounted transformers and switch cabinets.

Facilities of an underground distribution system will not be placed in road right-of-way, with the exception of cables required for crossings. (See special note below)

Note: Obtaining easements is typically the most difficult aspect of the conversion process; the time required to secure the easements may even exceed the 180 day binding estimate timeframe. FPL strongly suggests that all easements required for the conversion be described and secured prior to requesting the detailed cost estimate. Further, in some instances, the underground distribution system may be placed within the road right-of-way with the proper agreement.

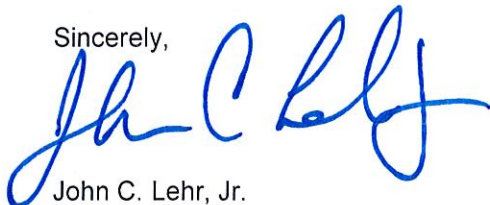
In 2007, the Public Service Commission approved FPL's 25% Governmental Adjustment Factor (G.A.F.) waiver for local government sponsored projects. In order to be eligible for the G.A.F. waiver a project must meet a series of criteria (see Attachment). Based on the preliminary information you provided for the proposed conversion area, this request, i.e. the entire Town, would qualify for the G.A.F. waiver.

After reviewing the "ballpark" estimate, if you decide to move forward with the conversion project, you may request a detailed and "binding" estimate. Due to the complexity and time required to estimate such a conversion, a non-refundable engineering deposit is required prior to beginning the estimating process, as set forth in the Florida Administrative Code 25-6.115. For this conversion project the amount of the required engineering deposit is \$258,522.00. If you decide to proceed with the work contained in the estimate, the amount of this deposit would be applied toward the estimated amount owed to FPL for the conversion. The work must commence within 180 days of the date the binding estimate is provided.

The request for the binding estimate must be in writing, and must describe in detail the facilities to be converted. Binding estimates are valid for 180 days, and would be subject to change in the event of a work scope change. Should actual FPL costs exceed the binding estimate amount, the customer may be responsible for those additional costs up to a maximum of 10% of the binding estimate amount. Payment of customer costs, easements (with opinion of title and recorded), agreements from other utilities/pole licensees, and execution of a Conversion Agreement would be required before commencement of construction.

If you have any questions or wish to consider a binding cost estimate, please call me at (561) 845-4624.

Sincerely,

A handwritten signature in blue ink, appearing to read "John C. Lehr, Jr.", is written over the word "Sincerely,".

John C. Lehr, Jr.
Project Manager, Dist. Underground
FPL

Attachments

cc: Mr. Peter Ewell – Town of Palm Beach
Mr. Bret Beck – FPL
Ms. Ethel Isaacs Williams – FPL
Mr. Erik Dillenkofer - FPL
Mr. John Lehr – FPL
Mr. Tom Allain – FPL



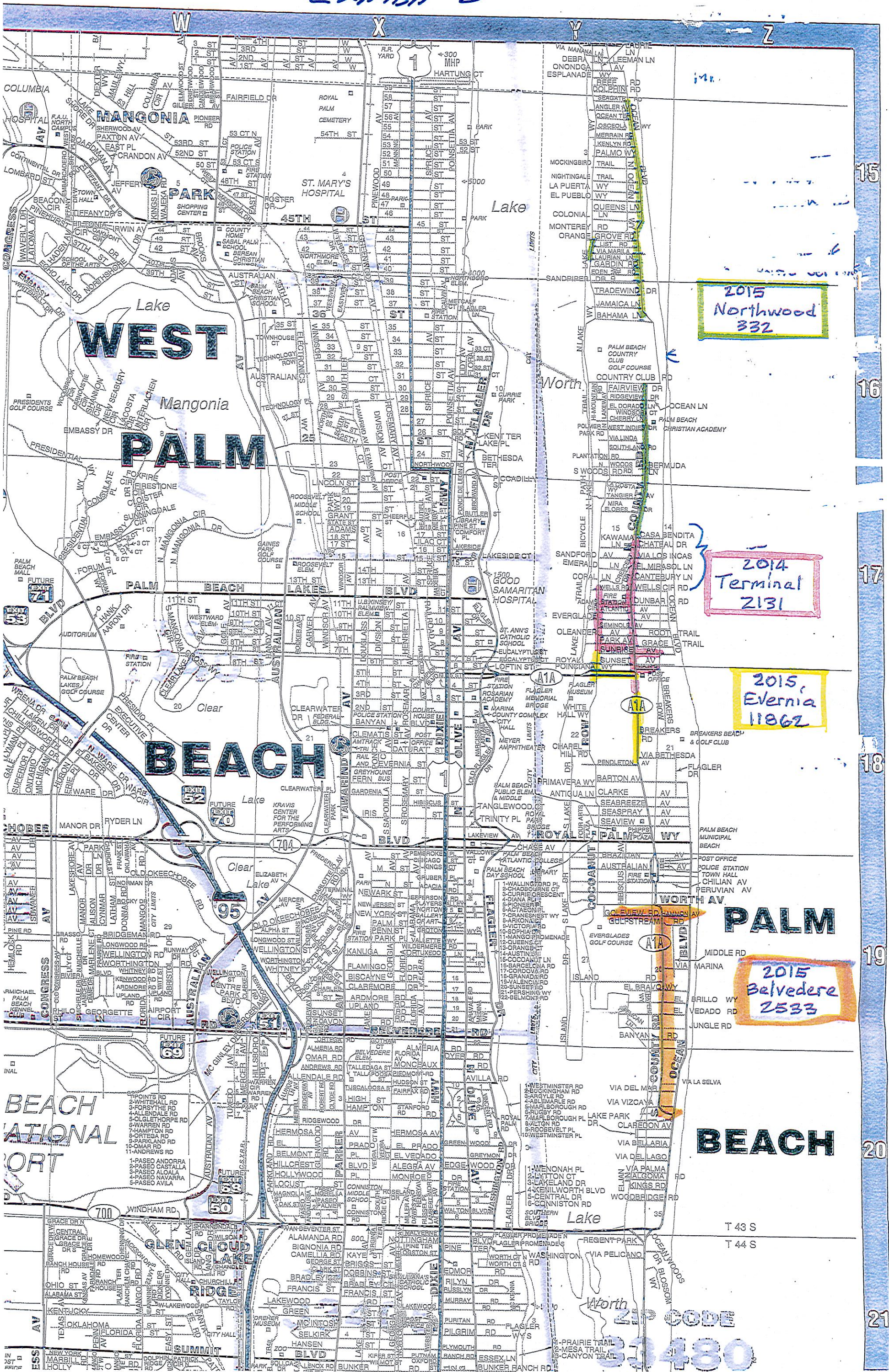
FPL

Exhibit "A"

Town of Palm Beach

Project Segment	Ballpark Estimate	Non-refundable Engineering Deposit
Entire Town	\$ 35,000,000	\$ 258,522
Wells Rd. North to the Inlet - Beach to Intra	\$ 10,600,000	\$ 81,860
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Terminal - 40213 - 2014 (Pink, Exhibit "B")	\$ 1,800,000	\$ 14,867
Evernia - 4011862 - 2015 (Yellow, Exhibit "B")	\$ 739,000	\$ 6,524
Belvedere - 402533 - 2015 (Orange, Exhibit "B")	\$ 1,030,000	\$ 6,740

EXHIBIT "B"



MEMORANDUM

To: Thomas G. Bradford, Deputy Town Manager
From: Susan A. Owens, MPA, MMC, Town Clerk *SAO*
Date: June 27, 2014
Re: Undergrounding Balloting Options

In furtherance of our conversation regarding procedures for conducting a Town-wide ballot on utilities undergrounding, I am proposing the following:

- Each ballot, mailing envelope, and return envelope shall contain the property identification number of the property. When the ballots are returned, the number on the ballot and the return envelope must match in order to be counted. This will help to ensure that only one ballot per parcel is counted.
- Each ballot will be embossed with the Town Seal to ensure the integrity of the ballot.
- The Town shall determine beforehand if postmarks will be allowed. As a point of reference, Florida Election Law generally does not accept postmarks for absentee ballots.
- For those properties that are owned by corporations, trusts, etc., the Town Attorney shall prepare an appropriate affidavit stating that the signatory is an authorized individual to vote on behalf of the property owner. Said affidavit must be included with the ballot, or the ballot will not be counted.
- The Town shall establish a three-person Canvassing Board to open and tabulate the ballots, determine voter intent, and review questionable ballots.

If you would like to discuss any of these options in further detail, please do not hesitate to contact me.



TOWN OF PALM BEACH

Town Manager's Office

November 1, 2014

John and Jane Doe
123 Mail Street
Palm Beach, FL 33480

Re: Underground Utilities Special Non-Ad Valorem Assessment Project; Petition

Dear Mr. and Mrs. Doe:

The Town Council of the Town of Palm Beach, working in conjunction with the local public utilities serving Palm Beach, has concluded that it would be beneficial for the Town and its residents, if the Town were to take the necessary steps to convert all overhead utility lines and facilities to underground service. The benefits are primarily related to aesthetics, safety and reliability of the primary public utility facilities serving properties in Palm Beach. In addition, by attempting to convert large areas of Town economies of scale are realized and FPL provides a 25% discount if the work is undertaken by local governments and three miles of lines are converted. Therefore, savings are possible if we work together to systematically convert the entire Town to underground service. Another factor considered is FPL's desire to "harden" some facilities as part of their on-going Storm Secure plan to improve their system's ability to withstand wind storms. This entails installing taller more substantive concrete poles over large areas of Town that many believe will further exacerbate aesthetic concerns with overhead facilities. In addition, hardened facilities will increase the cost of converting to underground service as they will not be fully depreciated assets as is much of the existing utility grid in Palm Beach.

Now is the time to act if property owners wish to do so. Underground utility projects are paid for by using special non-ad valorem assessments that are placed on one's property tax bill. Town policy requires that 67% of the property owners to be assessed approve of the proposed assessment program. Due to the large area being assessed 67% of the returned petitions will need to affirmatively approve of the assessment for a project to go forward.

Please go to the following link to learn more about the underground conversion process:

<https://townofpalmbeach.com/index.aspx?clientId=11397>

A petition specific to your property is attached. Please review it and return it to the Town at your earliest convenience, but by no later than Friday, November 28, 2014. Petitions received after this date will not be counted.

Sincerely,

Mayor and Town Council
Town of Palm Beach



TOWN OF PALM BEACH
Petition for Underground Utility Service

November 1, 2014

PCN: 50-43-44-11-02-000-0080

Description of Location of Proposed Underground Utility Conversion
Project _____

For additional information on the processes involved in Town underground utility conversion projects, the associated special non-ad valorem assessment process and financing go to the following link on the internet:

<https://townofpalmbeach.com/index.aspx?clientId=11397>

Property Proposed for Inclusion in the above described Underground Utility Conversion Project

Street Address	PCN	Owner ID	Print Owner Name	Owner Signature	Check Below to Approve	Check Below to Disapprove
123 Main Street	50434411020000080	Doe	John Doe	John Doe	X	X

CONDITIONS & PROCEDURES:

- Not less than 67% of all responding property owners must approve the utility conversion project as evidenced by signing and indicating approval on this mail-in petition. Town staff or utility personnel shall be the initial determiner of those properties affected and/or benefitting, subject to final approval by the Town Council.
- Underground utility lines and facilities will only be installed pursuant to industry and/or Town standards.
- Only one signature of applicable property owners of record at the listed address is required. Only one preference per property will be counted. Any indication of a split preference will be counted as an approval.
- *State signature requirements for Trust and LLC owners here.*
- Return to: Town of Palm Beach
Petition Processing
Town Clerk's Office
P.O. Box 2029
Palm Beach, FL 33480
- Return by: November 28, 2014

Place embossed
Town Seal here for
petition authenticity.

Final Report

CONVERSION OF AERIAL to UNDERGROUND UTILITIES ANALYSIS

**Town of Palm Beach
Palm Beach, FL**



November 2006



Town of Palm Beach
Palm Beach, Florida

CONVERSION OF AERIAL TO UNDERGROUND UTILITIES ANALYSIS

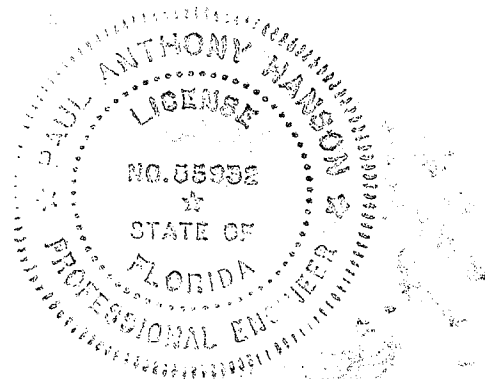
I hereby certify that this Conversion of Aerial to Underground Utilities Analysis was prepared by me or under my direct supervision and that we are duly registered professional engineers under the laws of the State of Florida.

Paul Anthony Hanson

Paul Anthony Hanson, P.E.
Project Manager
R.W. Beck, Inc.
400 Professional Park Drive - Suite 100
Goodlettsville, Tennessee 37072
Professional Engineer NO. 55932

Date: 11-01-06

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R. W. BECK, INC.
CONVERSION OF AERIAL to UNDERGROUND
UTILITIES ANALYSIS
Town of Palm Beach

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This report has been prepared for the use of the client for the specific purposes identified in the report. The conclusions, observations and recommendations contained herein attributed to R. W. Beck, Inc. (R. W. Beck) constitute the opinions of R. W. Beck. To the extent that statements, information and opinions provided by the client or others have been used in the preparation of this report, R. W. Beck has relied upon the same to be accurate, and for which no assurances are intended and no representations or warranties are made. R. W. Beck makes no certification and gives no assurances except as explicitly set forth in this report.

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Table ES-1
Underground Conversion Cost Summary

	Total Cost (w/o Joint Trenching)	Total Cost (with Joint Trenching)
FPL (CIAC)	\$49,878,300	\$51,336,400
BellSouth	\$6,001,000	\$5,400,000
Comcast	\$3,970,800	\$3,578,400
Total	\$59,850,100	\$60,314,800

The results of the options appear to be counter intuitive, since the joint use trench cost is higher than the separate trench option. However the justification or explanation of the relationship is:

- The joint trench option assumes a pathway will be provided on all backbone and tap circuit routes for ultimate use and conversion. The actual footage of the existing underground telephone plan is about 60% of the proposed route. Therefore there is excess conduit included in the joint trenching option.
- The installation method of the joint trench would utilize a different installed depth than the separated routes.
- The joint trench allowance stated by the cable company seems to understate the benefit.
- The completed system would provide a more efficient use of the space or “right-of-way”.
- The public should be exposed to less construction time with the joint trench approach.

The cost estimate also includes expenses which are the responsibility of the Town, but would not be direct payments to the Utilities. Project Management and owner’s expenses have been included and are approximately \$5.9 million of the total estimate for the joint trenching option. As discussed in the report, these items are necessary to coordinate a complex project and protect the Towns interest.

Details of the cost estimate are shown in Section 3.

EXECUTIVE SUMMARY

Introduction

The Town of Palm Beach Florida (Town) has been evaluating the potential benefits of a conversion of all overhead electrical and communications facilities within the city limits to underground, due to aesthetics and issues concerning reliability. The affected utilities would be Florida Power and Light (FPL), BellSouth and Comcast (collectively as the Utilities). Several studies have evaluated the related impacts and cost of such projects. These studies have been performed by internal as well as external entities. The recent hurricanes in Florida have further motivated such analyses, which are now a state-wide subject with discussions by the local utilities as well as the Public Service Commission. The Town is currently slated to have a referendum vote to determine citizens' interest and desire to initiate a requirement to underground all utilities within the city limits.

The Town has requested R. W. Beck, Inc. (R. W. Beck) to perform a high level review of the current cost estimates the Town is utilizing in its analysis (Project). This review evaluates the electric, telecommunications and cable television utilities (Utilities) in the area.

Findings

The analysis contained in this report finds that the costs of converting the existing overhead networks to underground of the Utilities in Palm Beach to be roughly \$60.3 million. These costs may be reduced by carefully coordinating the FPL conversion and replacement of existing telephone and Comcast overhead cable facilities. The cost was developed with two construction scenarios; the first was based on each utility performing individual trenching or boring functions and the second option is based on one entity performing the trenching or boring and conduit installation for the main line facilities. These costs are summarized in the following table for each Utility, with and without joint trenching:

This is not Palm Beach's first attempt to obtain an estimate of the cost of converting its overhead Utilities to underground. Prior attempts have produced different results, which are likely based on different assumptions. The following table summarizes cost estimates to date:

**Table ES-2
Cost Comparison**

	Cost	Notes
Palm Beach	\$62,000,000	Based on extrapolation from pilot project cost
JLSD	\$53,000,000	2004 Estimate- does not include FPL CIAC formula
R. W. Beck	\$60,314,800	Includes CIAC formula, Telecomm, Project Management and owner's expenses
FPL (Electric Only)	\$32,000,000	Does not include Telecomm

Additionally, the decision and ultimate negotiations with the Utilities should reflect the current regulation amendments under consideration. Current potential impact issues include:

- FPL's 25% allowance for conversion projects to municipals. This allowance is a product of the state-wide initiative to improve reliability to the Florida electric Grid. FPL is proposing this credit to foster a joint effort of the municipals and utility to improve the service to the area. Based on the estimate enclosed this could amount to approximately \$12 Million reduction in the overall cost of the project.
- FPL's current decision to change the design standards for distribution facilities. FPL is proposing designing its new distribution facilities to meet the NESC extreme wind criteria. If applied to the overhead credit or the conversion formula, the total cost to the Town should be reduced. Based on the enclosed estimate this could reduce the overall cost of the project by \$950,650.

Evaluation Material

The analysis conducted in this Project included the following data sources:

- Site visit to observe the condition, location and type of overhead facilities
- Local interview with the Town of Palm Beach's Deputy Town Manager
- Previous studies performed by JLSD Consulting Engineers
- FPL system maps provided August 2004
- FPL cost estimate for conversion dated December 2005
- Site interviews with the Bellsouth representatives
- Site interviews with Comcast representatives

- Census data from the Town records
- Additional detail of plant quantities from FPL
- Current PSC regulations
- FPL tariffs for underground conversion

General Assumptions

Due to the high-level nature of this assessment, a number of important assumptions are required. These assumptions are noted below.

- Overhead to underground conversion costs are limited to the primary providers of electric power and telecommunications services (e.g. FPL, BellSouth and Comcast). Wireless service providers, such as cellular telephony, are not included.
- While the system characteristics of future networks might be significantly different from the status quo, cost estimates strictly focus on replacing existing networks with their identical underground counterparts. Any incremental costs related to improvements in system characteristics (e.g. replacing overhead copper wire with underground fiber optic cable) would be the responsibility of that utility.
- This report is founded on high level cost analyses and is not intended to be used for budgetary purposes.
- This report does not include any in-depth system design considerations.
- The information contained in this report is based on two brief field inspections of the Town of Palm Beach, Florida, conversations with staff at FPL, Comcast and BellSouth and R. W. Beck's prior experience in related matters.
- Facilities would be installed inside the existing Right-of-Way to prevent private easements. Where this concept is not possible, private easement must be obtained; cost for easement acquisition is not included. This would require the Town to agree to "keep FPL whole" for future road work.
- Cost estimates are prepared based on typical industry standard practices and costs. Individual company overhead allocation will vary greatly and could significantly impact the cost. Cost savings may exist if the Town installs all equipment and donates installed facilities to FPL.
- Service entrances for a majority of the homes are already underground due to the existing town ordinance; therefore, no cost has been included for these private facility modifications. Cost has been included for the replacement of the underground FPL conductors to reflect the new location of the electric facilities.
- Electronic or node equipment for telephone and cable facilities are usually located at grade level in pad mounted cabinets, therefore the telephone and cable conversion cost assumes these will be re-used.

- Underground electric equipment type and installation practices were based on FPL standard design practices. Once design begins, other practices should be considered to increase reliability and storm responses. Items to consider would be subsurface style switchgear, concrete encased duct bank, and vacuum or SF₆ insulated switchgear. These items would impact overall cost and may improve reliability to the Town.
- The basic methodology of installation was assumed to be utilizing open trenching methods. Directional boring could be utilized to minimize the disturbances to the public. The cost impact would be negligible if a reduction in the number of spares was implemented. The Utilities have expressed a desire to utilize directional boring where practical.

Section 1

EXISTING PLANT SUMMARY

Section 1

EXISTING PLANT SUMMARY

1.1 Customer Base for Utility Services

One attribute that directly impacts the cost of underground services is Palm Beach's total customer base for utility services and the segment which is currently served by overhead systems. The overhead systems located in the Town of Palm Beach are primarily owned by FPL, Comcast and BellSouth. Adelphia previously owned some local assets, but these were acquired by Comcast during 2006. Wireless telephony facilities, such as cellular towers, are also expected to be located within Palm Beach, but are assumed to be outside of the scope of this analysis due to their limited visual impacts. The Palm Beach market is summarized in the following table.

Table 1-1
Customer Base

Market Segment	Number of Units
Single Family Housing	2,455
Condominium Buildings	116
Apartment Buildings	66
Business/Commercial	214
Total	2,851

1.2 Existing Overhead Plant - Comcast

Comcast's overhead plant in the Town is comprised of backbone fiber optic and coaxial lines (hard line plant) and service drops which connect the backbone system to customers (soft line plant). In addition, Comcast owns considerable head-end facilities, but these are not located in the Town. Verbal information provided by Comcast indicates that there is 37.21 miles of overhead hard line.

In contrast, Comcast does not have an estimate for the length of its soft line plant, but did indicate that individual service drops typically range from 100 to 150 feet (125 feet is average). This figure can easily be translated into an estimate for total soft line plant, if the number of Comcast customers were known. Unfortunately, Comcast was not able to provide any customer data; however, Comcast did provide some verbal estimates for its percentage of overhead customers by class, as shown in the following table. In the absence of actual customer counts, R. W. Beck applied its experience in such matters and finds that typical penetration rates for household cable television in Palm Beach could be 85%. Similarly, penetration rates for businesses range between

EXISTING PLANT SUMMARY

10% and 35%. Collectively, these data lay the foundation for estimating overhead customers, which are summarized below.

Table 1-2
Comcast's Customer Base

Market	Total Number	Overhead Customers	Penetration Rate (Average)	Overhead Customers
Residential	2,455	95%	85%	1,749
Apartments	66	10%	85%	5
Condominiums	116	10%	85%	9
Businesses	214	90%	22.5%	43
Total	2,851			1,806

Differences between the forecasted and actual number of overhead customers will directly affect the estimated number of required overhead conversions and resultant costs.

1.3 Existing Overhead Plant - BellSouth

Verbal communications with BellSouth indicated that it did not readily know its number of customers or length of its overhead networks. Consequently, this report includes several high-level assumptions in estimating the cost of system conversions.

The total number of accounts appears to be greatly different from the statistics provided by the Town. This has been attributed to the number of apartment and condo units per parcel and the number of individual accounts located on a single residential parcel.

Table 1-3
BellSouth's Customer Base

Market	Total Number	Overhead Customers	Penetration Rate (Average)	Overhead Customers
Residential	2,455	95%	100%	2,332
Apartments	66	10%	100%	7
Condominiums	116	10%	100%	12
Businesses	214	90%	100%	193
Total	2,851			2,544

1.4 Existing Overhead Plant - FPL

The existing electrical plant consists of mainly overhead 13kV construction. The Town is served by 12 inter-coastal crossings, which rise to an overhead configuration

at the first available location on the island. The majority of the backbone system is located along the roadside. The exact location in relation to private versus public property is unknown. The majority of the radial primary taps serving the residences in the town are located in a rear lot configuration. The service drops to a majority of the homes are currently underground due to the current Town regulation requiring new services be located underground.

FPL provided a summary of the existing electrical facilities serving the Town. These numbers will be utilized to develop an underground cost as well as an overhead replacement cost. Quantities provided by FPL are as follows:

**Table 1-4
FPL Electrical System Characteristics**

	Total
Number of existing electric meters	9,400 <i>(Residential – 8,000)</i> <i>(Non-Residential – 1,400)</i>
Number of Poles	1,970
Number of miles of OVH backbone lines	26
Number of miles of OVH tap lines	13
Number of miles of UG backbone lines	9
Number of miles of UG tap lines	24
Number of overhead transformers	800
Number of underground transformers	220

Section 2

COST DRIVERS AND ASSUMPTIONS

Section 2

COST DRIVERS AND ASSUMPTIONS

2.1 Introduction

There are a number of drivers that could have a significant impact on forecasting the cost of converting overhead utility systems to underground. Unfortunately, some of these drivers are relatively uncertain and cannot be fully explored until the design or detailed cost estimating process begins. In light of such issues, this section addresses the drivers that could significantly affect the high-level underground conversion costs that are presented here.

2.2 Project Management

An undertaking of this magnitude will require a substantial project management effort. A Project Manager would represent the Town, serve as a single point of contact between property owners and the construction effort, and requires a background in electric power and telecommunications systems. The Project Manager would be responsible for ensuring that the Town's concerns are met (e.g. minimize impacts to constituents, permitting and construction regulations). Additional responsibilities would include:

- Coordinating schedules between utilities (especially required for joint trenching) to avoid redundant street digs
- Coordinating effected roads to minimize road closures, delays and impacts to local constituents
- Reviewing and reporting on forecasted and actual budgets
- Conducting construction monitoring
- Coordinating the Town's internal permitting and construction staff

Costs related to project management have been estimated at 8% and are included in this analysis.

2.3 Legal

Construction may result in unfortunate impacts such as damage to property. It is not known whether such costs would be significant. The potential costs can not be forecasted and have not been included in this analysis.

2.4 Easements

Verbal feedback from the Utilities indicates that they are currently assuming that the Town will perfect all existing easements, as required, and obtain all newly required easements to provide necessary access for the Utilities. Consequently, the cost of obtaining easements has not been included in this estimate.

2.5 Conduit

The Utilities have not currently made a final determination whether its cable plant (e.g. coax, copper and fiber optic) should be directly buried or placed in conduit. Preliminary feedback indicates a preference for conduit and the utilities are assuming that such expense would be borne by the Town. In order to minimize the duration and number of construction activities in an area, the current preferred plan is to have one entity install all conduits for the project. The enclosed cost estimate reflects one party installing all conduits and individual installations.

2.6 Number of Conduits

The Town will need to assess the number of conduits to be placed in the backbone system. One option is to install only the minimum number of conduits that would be required to meet FPL's, BellSouth's and Comcast's immediate needs. However, an alternative approach would be to plan for long range growth and alternative competitive service providers to reduce the need for future street digs. This latter approach would likely install additional conduit at a higher cost. The estimate includes a prudent number of spares since the location and number of spares is impossible to forecast and would significantly impact the cost of the project.

2.7 Utilization of City Resources

The project, as currently defined, will require a significant amount of the Town's resources due to the coordination of road crossings, Right-of-Way definition, and underground facility locates.

These efforts would be in addition to the design and project management services defined earlier; therefore the estimate includes a 3% allowance for internal labor expenses.

2.8 Telecommunications Electronics

Since BellSouth and Comcast have not yet performed a detailed design of their underground systems, it is not yet feasible to identify or estimate the cost of required electronic equipment. It is assumed the existing equipment could be re-implemented since a majority of the equipment is already pad mounted at strategic locations

2.9 Cable (Coax, Copper and Fiber Optic)

There have been many significant technological advances in the field of telecommunications since the original Palm Beach networks were installed. One industry-wide change has been the replacement of traditional copper wire with fiber optic cable. Fiber optic cables are capable of carrying a great deal more traffic than their copper based counterparts.

Today, it appears that much of BellSouth's overhead and underground networks are comprised of copper circuits. If ordered to convert its overhead plant, BellSouth might wish to replace copper circuits with fiber optic cables.

Therefore a new underground cable plant is expected to be comprised of coax and fiber optics. Historically, voice based systems have extensively used copper wire for such projects. However, BellSouth has verbally indicated that it may replace much of its existing copper plant with fiber optics. This approach is commonly referred to as fiber to the curb (FTTC). FTTC has the capability to support significantly more and higher quality services than copper. For example, data or Internet transmission over copper wire is commonly limited to 640 Kbps for digital subscriber lines (DSL) and 1.544 Mbps for T1 lines. In contrast, FTTC is potentially suitable to support bandwidths that are 100 times greater. The basic impact is a potential increased level of service to the general population.

Even though this upgrade would provide an upgraded service to the City's population, the cost for the incremental capacity or capability of the new facilities should be the responsibility of the Utility and be deemed a betterment. See discussions below regarding betterment allowances.

2.10 No Betterment

The assessment conducted in this report assumes that the utilities would be permitted to only replace existing overhead assets with like underground ones. This stipulation is predicated on the concern that the Town of Palm Beach should not subsidize system improvements. However, it must be noted that telecommunications technologies and capabilities have improved significantly over time and it is possible that BellSouth and Comcast might wish to install significantly different infrastructure. For example, BellSouth's existing copper backbone lines might be replaced with fiber optic cable. Therefore allowances should be negotiated for perceived betterment.

2.11 Construction Methods

The Utilities face choices between directly burying cable or placing it in conduit, types of conduit, and boring versus trenching. Each choice is accompanied by several advantages and disadvantages. Direct bury is generally less expensive and faster to install while conduit offers more system security at a higher price.

2.12 Phased Implementation

For economic and technical reasons, each utility is likely to build-out its conversion on a different basis. For example, Comcast would be expected to convert its system on a node by node basis while FPL would be expected to do so on a feeder by feeder basis. A coordinated effort will be required to minimize the effects of the Town.

Minimizing construction related impacts and inconveniences to the local community can be accomplished, in part, by carefully coordinating the Utilities needs and scheduling the project in phases.

2.13 Damage to Foliage

The Town's weather encourages the fast, year long growth of numerous different types of foliage. Consequently, the roots of existing plants could become damaged during construction, thereby creating an unforeseen financial liability.

2.14 Joint Trenching

By using a common trench, the total cost of the proposed underground conversion could be reduced. However, Comcast and BellSouth have indicated that they may utilize different routes, especially for entrances to premises.

2.15 Construction Period

Ordinarily, utility related construction within Palm Beach is permitted only during part of the year. In order to expedite the project and meet expected schedules, the Utilities would benefit from being able to conduct construction throughout the year. Our understanding is that the Town has agreed to a year long construction schedule for this project.

2.16 Construction Permits

The Utilities may utilize contract and its own crews for this project. Ordinarily, there are limitations on the number of simultaneous vehicles that can work in the Town. Expeditiously completing this project may require a compromise in the number of allowed vehicles.

Section 3

ELECTRIC SYSTEM COST ESTIMATE

Section 3

ELECTRIC SYSTEM COST ESTIMATE

3.1 Electric System Cost Estimate

Current PSC and FPL tariffs (Section 6.3) include a stipulated formula for entities cost responsibilities for conversion of existing overhead electrical facilities to underground facilities. The tariff stipulates the cost of the electrical underground facilities will be based on the actual cost of installation with a 10% allowance for variation.

Current FPL regulations include a formula for an underground replacement project. The current formula is as follows:

$$CAIC = (UG + NBV + R) - (OH + SV)$$

CAIC = Contribution in Aid Of Construction

UG = Estimated cost to install the underground electric distribution facilities

NBV = net book value (book value less accumulated depreciation)

R = Removal cost of the overhead facilities

OH = Estimated cost of a new overhead electrical distribution facility was being installed

SV = Salvage value of the removed facilities

FPL provided a “Non binding” cost for the conversion of \$32,000,000. This estimate is the result of the above formula and FPL’s estimate of the components above. In order to obtain a detailed design estimate, the Town must pay a fee based on the requested study area. In addition, in order to develop a cost estimate to compare to the FPL estimate, the following assumptions were utilized:

- Main feeder circuits will be designed for 600 Amp Capacity (1000 MCM Aluminum conductor)
- Route will consist of direct embedded duct bank
- Sectionalizing cabinets with junction points will be utilized at tap points
- “PME style” switchgear will be used at potential switching points. Estimated at two switchgear per mile
- Sectionalizing cabinets will be estimated every 500 feet
- Branch circuits will be based on 200 Amp capacity
- Pad-mounted style cabinets will be assumed for switchgear location

ELECTRIC SYSTEM COST ESTIMATE

- Due to the nature of the island environment, the main feeder may require additional reinforcing to satisfy potential storm surge forces. The final design will need to identify the proper reinforcing.
- All single phase transformers were estimated at 50 KVA
- All three phase transformers were estimated at 150 KVA
- Street lighting will not be included in the estimate. This is a separate project being considered by the Town.
- Optional costs include conduits for telecommunication cables, but do not include relocation labor or other equipment needed to underground the cable and telephone facilities.
- Cost estimates do not include Right-of-Way or construction easement, permitting and/or acquisition costs.
- The location of the switchgear is assumed to be within the Right-of-Way of the road easement. FPL has recently agreed to utilize this space for facilities.
- Minor landscaping will be included for restoration; however disturbance of elaborate landscaping which is located within the Right-of-Way will require special attention.
- The conduit system will be installed by the Town of Palm Beach to facilitate one construction period and efficient use of space.
- Estimate assumes existing electrical services are underground and will not require additional service entrance work (i.e. panel and meter base work).
- Removal cost estimated at 15% of estimated construction cost.
- Overhead replacement costs estimated at \$200,000 per mile for three phase backbone system and \$100,000 for overhead three phase tap lines, and \$75,000 for overhead single phase lines.
- Estimates based on standard construction pricing.
- The breakdown provided by FPL did not differentiate between three phase and single phase tap lines. A 50/50 split was assumed.
- Salvage value was assumed to be equal to 50% of the replacement cost of the existing overhead transformers.

The derivation of the overhead replacement is outlined in Table 3-1:

Table 3-1
Estimated Replacement Cost of Overhead Electric Facilities

Unit	Quantity	Unit Cost	Extended Cost
Three Phase backbone	26	\$200,000	\$ 5,200,000
Three Phase Tap	6.5	\$100,000	\$650,000
Single phase Tap	6.5	\$75,000	\$487,500
Transformers	800	\$ 2,000	\$1,600,000
Services	1700	\$1,000	\$1,700,000
Total			\$ 9,637,500

These assumptions along with information provided by FPL and current industry pricing components will allow the derivation of each of the elements in the CIAC formula. The estimated components are as follows:

Table 3-2
Estimated Component

CIAC	With Joint Trenching	Without Joint Trenching
UG	\$52,470,134	\$53,928,311
NBV	\$6,400,000	\$6,400,000
R	\$1,445,625	\$1,445,625
OH	\$9,637,500	\$9,637,500
SV	\$800,000	\$800,000
Total	\$49,878,259	\$51,336,436

3.2 Storm-Hardened Overhead Construction Cost

The CIAC formula includes an overhead replacement cost factor (OH) that could be affected by a joint proposal filed on behalf of the Florida IOUs and currently under consideration by the Florida PSC. The purpose of this proposal is to mitigate the effects of severe storms on utility infrastructure and includes a provision to “storm-harden” overhead distribution facilities over and above those construction standards currently prescribed by National Electrical Safety Code (NESC). If the proposed construction guidelines are adopted, new distribution facilities would be designed to withstand extreme wind loading conditions up to 150 mph along some Florida coastal regions. The added costs associated with “storm-hardened” construction standards will be manifested primarily in the installation of higher ANSI-class poles. Typically, main feeders will require a heavy class concrete pole while overhead laterals will include wood poles with a much greater loading (moment) capacity than those installed under current standards.

ELECTRIC SYSTEM COST ESTIMATE

To estimate the impact of the proposed “storm-hardening” standards on future distribution construction costs, an NESC extreme-wind weather case of 56.7 psf (150 mph) was applied to a typical main feeder structure meeting NESC Light Loading District Grade C construction standards. The analysis used a typical wind span of 175 feet, .556kcmil ACSR conductor, #4/0 AWG ACSR neutral, and two communications cables on a 45 foot Class 2 wood pole. Under the extreme wind conditions specified, a Class H3 wood-equivalent concrete pole was required to meet proposed “storm-hardened” design standards. Similar analysis was applied to typical three-phase and single-phase overhead laterals.

To arrive at an estimate for the added cost impact of “storm-hardened” construction standards, material and labor cost differentials for the heavier class poles were used, in addition to an allowance for the utilization of higher capacity guying and higher strength insulators on main feeders. As a result, the total estimated impact of these proposed construction standards on the CIAC overhead replacement cost component is an increase of 10-15 percent.

Section 4

BELLSOUTH COST ESTIMATE

Section 4

BELLSOUTH COST ESTIMATE

4.1 Introduction

Estimating the cost of converting BellSouth's overhead telecommunications systems to underground has been pursued by verbally interviewing selected staff at BellSouth and utilizing R. W. Beck's existing data in similar matters. BellSouth's overhead system in the Town of Palm Beach is primarily comprised of main lines, laterals and service drops. At this point in time, BellSouth has not estimated the cost of converting its overhead facilities. The costs associated with converting each component are examined below.

The current Bellsouth Service tariff dated August 1 2006, addresses the requirements for requesting and executing a formal conversion study by Bellsouth.

It must noted that these costs are planning level estimates only and require further refinement before using for budgetary purposes.

4.2 BellSouth Cost Estimate – Main Lines

BellSouth verbally reported that its typical cost for converting overhead primary lines to underground is between \$121.21 per foot and \$132.66 per foot. It is R. W. Beck's opinion that while these unit costs appear to be high, they are suitable for the purposes of this study.

BellSouth does not currently have an estimate of the length of its total main line plant. However, an estimate can be derived by taking the total length of Ocean County or Lake Roads, since BellSouth's backbone system generally follows these roads. The length of these roads was measured from scaled maps that were provided by the Town of Palm Beach.

Based on these assumptions, the cost of converting BellSouth's main lines would be approximately \$2,395,000.

4.3 BellSouth Cost Estimate – Laterals

BellSouth verbally reported that its typical cost for converting overhead laterals to underground is between \$19.53 per foot and \$26.04 per foot (average cost is \$22.79 per foot). It is R. W. Beck's opinion that these costs are probably conservatively high, especially when accounting for the economies of scale that are available in converting a significant amount of the system at one time, but serve the objectives of this report.

Once again, BellSouth does not currently have an estimate of its total lateral overhead plant. Consequently, an estimate was derived by assessing the total length of all streets within Palm Beach that are served by overhead telephone systems. Based on these data, the total cost of laterals would be \$2,217,000.

4.4 BellSouth Cost Estimate – Service Drops

BellSouth verbally reported that its typical cost for converting overhead service drops to underground varies by type of customer. Reported cost estimates were \$250 for each residence and \$1,000 for each business, condominium and apartment building.

While BellSouth does not have an estimate of its total service drop plant or number of customers by class, an estimate was derived from the Town of Palm Beach's data bases. This source of information resulted in the following customer estimated class allocations:

- Residences: 2,455 (95% overhead)
- Apartment Buildings: 66 (10% overhead)
- Condominium Buildings: 116 (10% overhead)
- Businesses: 214 (90% overhead)

Based on the above assumed data and the previously derived underground service quantities, the total cost to convert all overhead service drops to underground would be roughly \$794,000.

4.5 BellSouth Cost Estimate – Summary

The above cost estimates assume that BellSouth would be pursuing its underground conversion alone, without any coordination with other utilities. However, earlier in this report it was pointed out that significant cost savings could be captured by joint trenching. The following table summarizes BellSouth's conversion costs with and without joint trenching.

Table 4-1
BellSouth Conversion Cost Estimate Summary

Conversion Cost		
	Without Joint Trenching	With Joint Trenching
Main Line Plant	\$2,395,000	\$2,395,000
Credit Joint Trenching	\$0	\$(540,635)
Lateral Plant	\$2,217,000	\$2,217,000
Service Drops	\$794,000	\$794,000
Palm Beach Expenses	\$162,000	\$146,000
Palm Beach PM	\$433,000	\$389,000
Subtotal	\$6,001,000	\$5,400,000

Section 5

COMCAST COST ESTIMATE

Section 5

COMCAST COST ESTIMATE

5.1 Introduction

Estimating the cost of converting Comcast's overhead cable television (CATV) networks to underground has been pursued by verbally interviewing selected staff at Comcast and utilizing R. W. Beck's existing data in similar matters. Comcast's overhead system in the Town of Palm Beach is primarily comprised of hard and soft line plant. The costs associated with converting each component are examined below.

The Hard line plant for a cable system is analogous to a backbone or main line system. The Soft Line plant for a cable system is analogous to the service laterals for an electric system

It must be noted that these costs are planning level estimates only and require further refinement before using for budgetary purposes.

5.2 Comcast Cost Estimate – Hard Line Plant

Verbal information provided by Comcast indicates that there is 37.21 miles of overhead hard line plant that costs roughly \$80,000 per mile (\$15.15 per foot) to convert to underground. These data assume that some boring would be required. This would result in a total hard line plant cost of \$2,976,800.

5.3 Comcast Cost Estimate – Joint Trenching Credits to Hard Line Plant

The above figure assumes that Comcast would not jointly trench its hard line plant with any other utility. However, if joint trenching were utilized, then conversations with Comcast indicate that a credit of roughly \$2.00 per foot could be realized. However, differences between system routes and requirements for each utility preclude the feasibility to assume that all of Comcast's hard line plant could be jointly trenched. For the purposes of this high-level analysis, it was assumed that 90% of Comcast's hard line plant, or 33.49 miles, could be jointly trenched.

Based on these assumptions, the potential joint trenching credit to the cost of Comcast's hard line plant is roughly \$354,000, causing the total hard line cost to be roughly \$2,623,000.

5.4 Comcast Cost Estimate – Soft Line Plant

The next step is to estimate the cost of converting Comcast's soft line plant by using its customer data noted in the preceding section and R. W. Beck's experience in related matters. Comcast indicated that the cost of converting a single residence, apartment building, condominium building or businesses would be roughly \$100 each. In addition, boring costs would be required to gain access beneath driveways and roads at a cost of \$7.00 per foot. Based on these assumptions, the cost of soft line plant conversion is summarized in the following table.

Table 5-1
Conversion Costs for Comcast's Soft Line Plant

Market	Number	Total Cost
Residential	2,455	\$456,000
Apartments	66	\$24,000
Condominiums	116	\$42,000
Businesses	214	\$79,000
Total	2,851	\$601,000

The above table indicates that the cost of converting Comcast's overhead soft line plant to underground would be roughly \$601,000. This figure assumes that there no credits available from joint trenching since each utility might enter the customer's premise from the either the front or back lot line.

5.5 Comcast Cost Estimate – Summary

In summary, the cost to convert Comcast's existing overhead system to underground would be roughly \$3.9 million without joint trenching and \$3.5 million with a credit for joint trenching, as shown in the following table.

Table 5-2
Comcast's Conversion Cost Estimate Summary

Conversion Cost		
	Without Joint Trenching	With Joint Trenching
Hard Line Plant	\$2,976,800	\$2,976,800
Soft Line Plant	\$601,000	\$601,000
Joint Trench Credit	N/A	\$ (354,000)
Subtotal	\$3,577,800	\$3,223,800
Palm Beach Expenses	\$107,000	\$96,700
Project Management	\$286,000	\$257,900
Total	\$3,970,800	\$3,578,400

Appendix A

ELECTRIC COST ESTIMATE

With Joint Trenching

ASSUMPTIONS FOR UNDERGROUND CONSTRUCTION:

171600	3 PHASE - FEEDER LENGTH								1. Cable is in non concrete encased conduit	
34320	1 PHASE - FEEDER LENGTH								2. Restoration Costs are part of trenching or boring unit.	
	SECONDARY CABLE								3. No Cost has been included for ROW clearing (This should be minimal).	
	TRANSFORMERS									

Without Joint Trenching

1. Cable is in non concrete encased conduit

2. Restoration Costs are part of trenching or boring unit.
3. No Cost has been included for ROW clearing (This should be minimal).

TCM 5-12-15

Appendix B

COMCAST COST ESTIMATE

Underground Conversion Cost Estimate: Comcast

Hard Line Plant: Comcast Sole Trench

Length	37.21 Miles
Cost per Foot	\$ 15.15 Per Foot
Cost per Mile	\$ 80,000 Per Mile
Subtotal Cost (Includes Boring and Conduit)	\$ 2,976,800

Hard Line Plant: Comcast and FPL Joint Trench

Length	37.21 Miles
Percent Feasible for Joint Trenching	90%
Trenching Cost	\$ 2.00 Per Foot
Trenching Cost per Mile	\$ 10,560 Per Mile
Trenching Cost	\$ 353,644
Cost without Joint Trenching	\$ 2,976,800
Joint Trenching Credit	\$ (353,644)
Total Hard Line Plant Cost	\$ 2,623,156

Soft Line Plant: Households

Total Households	2,455 Units
Overhead Service	95%
CATV Penetration Rate	85% Low Estimate
CATV Penetration Rate	85% High Estimate
Cost per Household	\$ 100.00 Each
Subtotal Cost - Low	\$ 198,241
Subtotal Cost - High	\$ 198,241
Subtotal Cost - Average	\$ 198,241
Total Households	2,455 Units
Boring Cost	\$ 7.00 Per Foot
Household Boring Length (Average Driveway)	30.00 Feet
Households Requiring Boring (Front Access)	50%
Boring Cost for Households	\$ 257,775
Household Cost - Low	\$ 456,016
Household Cost - High	\$ 456,016
Household Cost - Average	\$ 456,016

Soft Line Plant: Apartment Buildings

Total Apartment Buildings	66 Buildings
Overhead Service	10%
CATV Penetration Rate	85% Low Estimate
CATV Penetration Rate	85% High Estimate
Cost per Appartment	\$ 100.00 Each
Subtotal Cost - Low	\$ 561
Subtotal Cost - High	\$ 561
Subtotal Cost - Average	\$ 561
Total Apartment Buildings	66 Units
Boring Cost	\$ 7.00 Per Foot
Apartment Boring Length (Average Driveway)	50.00 Feet
Apartments Requiring Boring (Front Access)	100%
Boring Cost for Apartments	\$ 23,100
Apartment Cost - Low	\$ 23,661
Apartment Cost - High	\$ 23,661
Apartment Cost - Average	\$ 23,661

Underground Conversion Cost Estimate: Comcast

Soft Line Plant: Condominiums

Total Condominium Buildings	116	Buildings
Overhead Service	10%	
CATV Penetration Rate	85%	Low Estimate
CATV Penetration Rate	85%	High Estimate
Cost per Apartment	\$ 100.00	Each
Subtotal Cost - Low	\$ 986	
Subtotal Cost - High	\$ 986	
Subtotal Cost - Average	\$ 986	
Total Condominium Buildings	116	Units
Boring Cost	\$ 7.00	Per Foot
Condominium Boring Length (Average Driveway)	50.00	Feet
Condominiums Requiring Boring (Front Access)	100%	
Boring Cost for Condominiums	\$ 40,600	
Condominium Cost - Low	\$ 41,586	
Condominium Cost - High	\$ 41,586	
Condominium Cost - Average	\$ 41,586	

Soft Line Plant: Businesses

Total Businesses	214	Businesses
Overhead Service	90%	
CATV Penetration Rate	10%	Low Estimate
CATV Penetration Rate	35%	High Estimate
Cost per Apartment	\$ 100.00	Each
Subtotal Cost - Low	\$ 1,926	
Subtotal Cost - High	\$ 6,741	
Subtotal Cost - Average	\$ 4,334	
Total Businesses	214	Units
Boring Cost	\$ 7.00	Per Foot
Business Boring Length (Average Driveway)	50.00	Feet
Businesses Requiring Boring (Front Access)	100%	
Boring Cost for Businesses	\$ 74,900	
Business Cost - Low	\$ 76,826	
Business Cost - High	\$ 81,641	
Business Cost - Average	\$ 79,234	

Total Comcast

	Without Joint Trenching	With Joint Trenching
Hard Line Plant	\$ 2,976,800	\$ 2,976,800
Credit for Joint Trenching	\$ -	\$ (353,644)
Soft Line Plant (Residences)	\$ 456,016	\$ 456,016
Soft Line Plant (Apartments)	\$ 23,661	\$ 23,661
Soft Line Plant (Condominiums)	\$ 41,586	\$ 41,586
Soft Line Plant (Businesses)	\$ 79,234	\$ 79,234
Subtotal Comcast Conversion Cost	\$ 3,577,297	\$ 3,223,653
Town of Palm Beach Labor	107,318.90	96,709.59
Project Management	286,183.74	257,892.23
Total Comcast Conversion Cost	\$ 3,970,799	\$ 3,578,255

Appendix C

BELLSOUTH COST ESTIMATE

Underground Conversion Cost Estimate: BellSouth

Sample Conversion Project: Lateral Underground

Lateral Length	220	Feet
Total Lateral Cost	\$ 5,729.00	
Cost per Foot (Lateral - High)	\$ 26.04	Per Foot
Potential Savings Due to Scale	25%	
Cost per Foot (Lateral - Low)	\$ 19.53	Per Foot

Sample Conversion Project: Main Underground

Lateral Length	440	Feet, Each
Number of Laterals	4	
Unit Cost (Low)	\$ 19.53	
Unit Cost (High)	\$ 26.04	
Lateral Cost (Low)	\$ 34,374.00	Total
Lateral Cost (High)	\$ 45,832.00	Total
Lateral Cost (Average)	\$ 40,103.00	Total
Total Project Cost	\$ 167,037.00	
Less Lateral Cost (Low)	\$ (34,374.00)	
Cost of Main (High)	\$ 132,663.00	
Length of Main	1,000.00	Feet
Main Line Unit Cost (High)	\$ 132.66	Per Foot
Total Project Cost	\$ 167,037.00	
Less Lateral Cost (High)	\$ (45,832.00)	
Cost of Main (Low)	\$ 121,205.00	
Length of Main	1,000.00	Feet
Main Line Unit Cost (Low)	\$ 121.21	Per Foot
Cost of Main (Average)	\$ 126.93	Per Foot

Main Line Analysis

Total Length	94,358.97	Feet
Percent Overhead	20%	
Cost of Main (Average)	\$ 126.93	Per Foot
Total Main Line Cost	\$ 2,395,472.21	

Lateral Analysis

Total Length	216,217.95	Feet
Half of Total Length	108,108.98	Feet
Percent Overhead	90%	
Lateral Cost Per Unit (Low)	\$ 19.53	Per Foot
Total Cost of Laterals (Low)	\$ 1,900,298	
Total Length	216,217.95	Feet
Half of Total Length	108,108.98	Feet
Percent Overhead	90%	
Lateral Cost Per Unit (High)	\$ 26.04	Per Foot
Total Cost of Laterals (High)	\$ 2,533,730	
Total Cost of Laterals (Average)	\$ 2,217,014	

Service Drops

Number of Residences	2,455	
Residences Receiving Overhead Service	95%	
Cost to Convert Each Residence	\$ 250.00	Each
Total Cost to Convert Residences	\$ 583,062.50	
Number of Businesses	214	
Businesses Receiving Overhead Service	90%	
Cost to Convert Each Business	\$ 1,000.00	Each
Total Cost to Convert Businesses	\$ 192,600.00	
Number of Condominiums	116	
Condominiums Receiving Overhead Service	10%	
Cost to Convert Each Condominium	\$ 1,000.00	Each
Total Cost to Convert Condominiums	\$ 11,600.00	
Number of Apartment Buildings	66	
Apartment Buildings Receiving Overhead Service	10%	
Cost to Convert Each Apartment Building	\$ 1,000.00	Each
Total Cost to Convert Apartment Building	\$ 6,600.00	
Total Cost of Service Drops	\$ 793,862.50	

Total BellSouth

	Without Joint Trenching	With Joint Trenching
Main Lines	\$ 2,395,472.21	\$ 2,395,472.21
Credit for Joint Trenching	\$ -	\$ (540,634.88)
Laterals	\$ 2,217,014	\$ 2,217,014.13
Service Drops	\$ 793,863	\$ 793,862.50
Subtotal BellSouth Conversion Cost	\$ 5,406,348.84	\$ 4,865,713.96
Town of Palm Beach Labor	\$ 162,190	\$ 145,971
Project Management	\$ 432,508	\$ 389,257
Total BellSouth Conversion Cost	\$ 6,001,047	\$ 5,400,942

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Regular Agenda - New Business

Agenda Title

Approval of the Selection Committee Members for Audit Services

Presenter

Jane Struder, Director of Finance

Supporting Documents

- [Memorandum Dated May 1, 2015, from Jane Struder, Director of Finance](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Approval of the Selection of Committee Members for Audit Services

Date: May 1, 2015

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the Selection Committee Members for Town Audit Service as identified below.

GENERAL INFORMATION

The current contract for audit services which was awarded in 2010 to Nolen Holt and Miner, P.A., expired after the conclusion of the FY14 audit. The original terms of the agreement were for three years with one two year extension. Staff has issued an RFP for audit services with the contract award expected in July.

In researching State Statutes, Auditor Selection Guidelines established by the Auditor General, and best practices for auditor selection, we have determined that the auditor selection committee should be comprised of members with a basic understanding of government financial reporting, auditing, and internal control. The selection committee should not contain members of the Town Finance Department or Town staff. The Finance Director should act only in an advisory role, and not vote in the selection of the auditor.

In March we recommended that the Chairman of the Finance and Taxation Committee, and 2-4 other citizens from the community serve on the Committee. Since that time, we advertised twice for citizen members, but did not receive any resumes. We are recommending that the selection committee now consist of elected officials of the town. We recommend the Chairman and Town Council member on the Finance and Taxation Committee, Mr. Michael Pucillo and Mr. Richard Kleid serve on the committee, and the Town Council choose either the Mayor or one other Town Council member to serve on the committee for a total of 3 elected officials.

The selection committee will meet to review the proposals, interview the finalists and make a recommendation for a contract award to the Town Council. We expect the need for two meetings which are expected to occur in June 2015.

jls

Cc: Adis Pedraza, Purchasing Manager

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Ordinances - Second Reading

Agenda Title

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

Deferred from the March 10, 2015 Town Council Meeting.

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

Deferred from the March 10, 2015 Town Council Meeting.

Presenter

Thomas G. Bradford, Town Manager

Supporting Documents

- [Memorandum dated April 6, 2015, from John C. Randolph, Town Attorney](#)
- [Memorandum dated January 30, 2015, from John C. Randolph, Town Attorney](#)
- [Temporary Operating Agreement](#)
- [Ordinance No. 10-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John C. Randolph, Town Attorney

Re: Ordinance No. 8-2015
Amendment to Chapter 130, Vehicles for Hire

Date: April 6, 2015

STAFF RECOMMENDATION

It is requested that the Mayor and Town Council give further consideration to Ordinance No. 8-2015 and advise staff as to the direction to take in regard to said Ordinance. It is recommended that Ordinance No. 8-2015 not be adopted on second reading and that further action be deferred to a later date

GENERAL INFORMATION

At the Town Council meeting of March 10, 2015, the Town Council deferred second reading of Ordinance No. 18-2015 in anticipation of a Palm Beach County Commission meeting scheduled for March 18, 2015 at which the County Commission was to discuss the County's vehicle for hire ordinance and how the County might treat transportation network companies such as Uber and Lyft. A copy of the backup memorandum, dated February 10, 2015, relating to Ordinance No. 8-2015 and Ordinance No. 8-2015 are attached for reference.

The intent of Ordinance No. 8-2015 is to place in effect regulations which would apply to Uber and Lyft, as well as any other charter vehicles, requiring that said vehicles have a permit to operate from the permitting agency at their point of origin, which permit would presumably require vehicle inspections, chauffer permits for drivers and automobile liability insurance in a manner and form required by the permitting agency. Evidence of the permit and the requirements would be required to be provided to any occupant of a vehicle who requests that information and to any law enforcement officer of the Town who requests same.

The County Commission, at its meeting March 18, 2015, approved a Temporary Operating Agreement between the County and Rasier, LLC, a subsidiary of Uber Technologies, Inc. (Uber), allowing Uber to operate as a vehicle for hire company in Palm Beach County. A copy of that Temporary Operating Agreement ("TOA") is attached. The TOA does not require Uber to be permitted by the County, but requires that it comply with applicable insurance requirements, that Uber drivers meet certain requirements provided for in the

Agreement, that vehicles comply with certain safety inspections and that Uber comply with several other requirements, such as maintaining an agent for service of process in Florida, provide passenger receipts, that there be no solicitation or street hails, that rates be disclosed, that Rasier partners shall not use any marked taxi cabs of its own, etc. The Agreement provides that Rasier may operate in Palm Beach County so long as Rasier and Rasier Partners comply with the terms and conditions set forth in the Agreement and that the County shall suspend enforcement of its vehicle for hire code and other applicable vehicle for hire regulations against Rasier and Rasier Partners during the term of the Agreement unless such enforcement stems from a violation of any of the provisions of the Agreement.

Because Palm Beach county is not enforcing the provisions of its vehicle for hire code, it is apparent that Ordinance No. 8-2015, as drafted, will not be applicable, at least as it pertains to Palm Beach county. See, for example, the language in Ordinance No. 8-2015 that provides as follows:

“Prearranged charters not holding a permit within the Town are required to hold a permit from the regulating entity from their point of origin, . . .”

Under the TOA there will be no permit issued by the County. Ordinance No. 8-2015 provides further, at Section 130-107, that:

“Evidence of this permit and the requirements herein shall be provided to any occupant of a vehicle who requests said information and to any law enforcement officer of the Town who requests same.”

Since there will be no permit issued by Palm Beach County, this provision would not apply.

On the basis of all of the above, it is recommended that Ordinance No. 8-2015 not be adopted on second reading and, because the Florida legislature is considering legislation relating to transportation network companies during this legislative session, this matter be deferred for further consideration. At the very least, the ordinance under consideration needs to be amended. The amendments could be minor, deleting the requirements for permits, but requiring some evidence that Uber is in compliance with the terms forth in the TOA with the County, or it may require more substantive changes in regard to the manner in which the Town regulates all prearranged charters. Since the peak of the season is behind us, the summer months may provide an opportunity to further study this matter and consider the results of the legislative session so the Town is in a positon, prior to next season, to have regulations in place, if such regulations are indeed deemed necessary, to deal with this matter.

ATTACHMENTS

Memorandum dated February 10, 2015
Ordinance No. 8-2015
Temporary Operating Agreement

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TOWN OF PALM BEACH

Information for Town Council Meeting on: February 10, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John C. Randolph, Town Attorney

Re: Ordinance No. 8-2015
Amendment to Chapter 130, Vehicles for Hire

Date: January 30, 2015

STAFF RECOMMENDATION

The Ordinance Rules and Standards Committee recommends that the Town Council adopt Ordinance No. 8-2015 regulating vehicles for hire operating within the Town of Palm Beach.

GENERAL INFORMATION

At the December 4, 2014 meeting of the Ordinance Rules and Standards Committee meeting, there was lengthy discussion in regard to the effect that transportation network companies such as Uber and Lyft were having in regard to the vehicle for hire industry and the difficulty of enforcing regulations in the Town relating to transportation arranged with transportation network companies such as Uber and Lyft. The ordinance currently in effect in the Town exempts prearranged charters from having to have a permit from the Town. Further, our ordinance contains no requirements for prearranged charters to meet any regulations relating to insurance, automobile inspection or requirement for chauffeur's licenses. As a result, prearranged charters can operate in the Town without being permitted by any authority, thereby creating a public safety hazard for the public who may become customers of such charters.

Ordinance No. 8-2015 is an amendment to Section 130-31 of the Town Code which provides specifically as follows:

“Prearranged charters not holding a permit within the Town are required to hold a permit from the regulating entity from their point of origin, which permit evidences that the driver or drivers have chauffeur's permits, that the vehicle has been inspected and permitted by the permitting agency and that the driver and vehicle have the insurance required by the permitting agency.”

The ordinance goes on to define vehicles for hire to include "limousines, taxicabs or any vehicle arranged for hire either by telephone communication, through a dispatch system or via the internet, whereby arrangements are made to transport an individual or individuals for compensation within a vehicle operating on the streets located within the Town of Palm Beach."

Finally, at Section 130-107, it is provided that prearranged charters which do not comply with the requirement to be permitted by the permitting agency at their point of origin shall be in violation under Section 2-439, the citation fine schedule, of the Town Code for each separate violation. Section-2-439 of the Town Code should be amended simultaneously herewith to incorporate this new Section 130-107. A copy of that ordinance is attached.

This ordinance may not be the final answer in regard to dealing with Uber and Lyft vehicles in the Town of Palm Beach. Palm Beach County has been struggling with this problem and has been citing Uber and Lyft with thousands of dollars' worth of fines which are paid while Uber and Lyft continue to operate in contravention of the County's ordinance. I attended a County Commission workshop in regard to this matter on January 27, 2015, where this issue was discussed. Consideration was being given to declaring a moratorium on the operation of Uber and Lyft vehicles within the County. According to information provided at that meeting Uber and Lyft have been operating illegally in Palm Beach County since August 2014. I have been advised that Broward County has issued a cease and desist order to transportation network companies which have continued to violate Broward County's vehicle for hire ordinance. The bottom line is that Uber and Lyft should not be treated any differently than any other transportation companies within the Town or the County and should be subject to all of the same regulations. The purpose of this ordinance is to place in effect regulations which would apply to Uber and Lyft, as well as any other charter vehicles. If this ordinance does not provide an adequate remedy, then the Town Council may wish to consider further amendment to the ordinance.

Attached for the information of the Mayor and Town Council in regard to this matter are the minutes of the December 4, 2014, Ordinance Rules and Standards Committee meeting dealing with this subject.

ATTACHMENTS

Ordinance No. 8-2015

ORS Minutes of December 4, 2014

Ordinance amending Section 2-439, Citation Fine Schedule

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ORDINANCE NO. 8-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 130, VEHICLES FOR HIRE, ARTICLE II, TAXICABS AND LIMOUSINES, AT SECTION 130-31, DEFINITIONS, TO INCLUDE A NEW DEFINITION OF POINT OF ORIGIN, AMEND THE DEFINITION OF PREARRANGED CHARTER AND INCLUDE A NEW DEFINITION OF VEHICLES FOR HIRE; PROVIDING A NEW SECTION 130-107 TITLED PREARRANGED CHARTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division I, Generally; Section 130-31, Definitions, to include a new definition of *Point of Origin*, to amend the definition of *Prearranged Charter* and to include a new definition of *Vehicles for Hire* to read as follows:

Sec. 130-31. Definitions.

"Point of origin means the county or municipality with which the vehicle and the driver are registered and permitted.

"Prearranged charter means a written or telephone reservation made for a taxicab or limousine, which may or may not hold a permit within the town, made in advance by the person requesting service at the place of business of the vehicle for hire for the provision of service from the caller's location to a destination inside or outside the corporate limits of the town. Such reservation shall be documented in written form by the business. The written documentation designated herein shall be made available immediately upon the request of authorized code enforcement or law enforcement personnel of the town. The advance requirement does not apply to companies with authorized vehicle for hire contracts with Palm Beach International Airport

when said vehicles are responding to requests for travel between Palm Beach International Airport and a location within the town. Prearranged charters not holding a permit within the Town are required to hold a permit from the regulating entity from their point of origin, which permit evidences that the driver or drivers have chauffeur's permits, that the vehicle has been inspected and permitted by the permitting agency and that the driver and vehicle have the insurance required by the permitting agency."

"Vehicles for hire shall include limousines, taxicabs or any vehicle arranged for hire either by telephone communication, through a dispatch system or via the internet, whereby arrangements are made to transport an individual or individuals for compensation within a vehicle operating on the streets located within the Town of Palm Beach."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 130, Vehicles for Hire; Article II, Taxicabs and Limousines; Division 4, Operational Criteria; to include a new Section 130-107, titled Prearranged Charters, to read as follows:

"Sec. 130- 107 Prearranged charters.

Any vehicle qualifying as a prearranged charter as defined herein which does not hold a permit within the Town is required to be permitted by the permitting agency in its point of origin, which permit shall require vehicle inspections, a chauffeur's permit for drivers and automobile liability insurance in a manner and form required by the permitting agency. Evidence of this permit and the requirements herein shall be provided to any occupant of a vehicle who requests said information and to any law enforcement officer of the Town who requests same. Failure to have a chauffeur's permit, the required amount of liability insurance or evidence that the vehicle has met inspection requirements of the issuing agency and failure to evidence the permit of the issuing agency, each shall constitute a separate violation under Section 2-439 of the Town Code."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4 Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5 Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6 Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of February, 2015, and for second and final reading on this _____ day of March, 2015.

Gail L. Coniglio, Mayor

Town Council President

President Pro Tem

Town Council Member

ATTEST:

Town Council Member

Susan A. Owens, MMC, Town Clerk

Town Council Member

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Ordinance No 8-2015

Page 3 of 3

TEMPORARY OPERATING AGREEMENT

This Temporary Operating Agreement (hereinafter "Agreement") is entered into this ____ day of March, 2015, between PALM BEACH COUNTY, a political subdivision of the State of Florida, whose address is 301 N. Olive Avenue, West Palm Beach, Florida 33401 (hereinafter "County"), and RASIER, LLC, a Delaware limited liability company and subsidiary of Uber Technologies, Inc., commonly referred to as "Uber," whose address is 1455 Market Street, San Francisco, California 94103 (hereinafter "Rasier").

WHEREAS, Rasier is a transportation network company (TNC) that desires to continue operating in Palm Beach County; and

WHEREAS, regardless of how this form of transportation service is defined, it is the County's position that Rasier is performing vehicle-for-hire (VFH) services and is subject to its existing VFH regulations; and

WHEREAS, notwithstanding the above, County is currently reviewing its VFH regulations as they pertain specifically to TNCs and agrees to allow Rasier to operate in Palm Beach County during this review, subject to the terms and conditions set forth below.

NOW, THEREFORE:

I. County and Rasier agree as follows:

A. The following definitions shall apply to this Agreement:

"Rasier Partner" means an individual who uses a personal or noncommercial vehicle to provide transportation services requested through the Rasier digital platform in Palm Beach County.

"Rasier Partner Vehicle" means a personal or noncommercial vehicle that is used by a Rasier Partner to provide transportation services requested through the Rasier digital platform.

"Transportation Network Company" (TNC) means an individual, partnership, association, corporation, or other entity that uses a digital platform to connect passengers to drivers who use a personal or other noncommercial vehicle to provide for-hire ground transportation services.

"Transportation Network Company (TNC) Services" means transportation of a passenger between points chosen by the passenger and prearranged with a Rasier Partner through the Rasier platform. TNC services begin when a Rasier Partner accepts a request for transportation received through the Uber app, TNC services continue while the Rasier Partner transports the passenger in the Rasier Partner's vehicle, and terminate when the passenger reaches his or her intended destination and exits the Rasier Partner's vehicle.

- B. Rasier agrees solely for the purposes of this Agreement, that County has the authority to enter into this Agreement. Rasier does not waive its right to contest the applicability of any laws or rules to Rasier, the Rasier platform, or Rasier Partners offering services through the Rasier platform. The County does not waive any right or authority to pursue any available legal remedies to ensure Rasier and Rasier Partners operate legally in Palm Beach County.

II. Rasier agrees as follows:

- A. Insurance. Rasier shall comply with all applicable insurance requirements mandated by Florida laws pertaining to insurance, including but not limited to, automobile liability insurance, and shall provide proof of said compliance. The following is also required:
1. When logged into Rasier platform but not en route/with passenger: The following automobile liability insurance requirements shall apply during the time that a Rasier Partner is logged into the Uber platform and available to receive requests for transportation but is not en route to pick up a passenger or conducting a trip with a passenger:
 - (a) Automobile liability coverage which provides at least fifty thousand dollars (\$50,000) for bodily injury any one (1) person in any one (1) accident, one hundred thousand dollars (\$100,000) for bodily injury to all persons in any one (1) accident, and twenty-five thousand dollars (\$25,000) for property damage in any one (1) accident; in the event the Rasier Partner's own insurance is not available;
 2. When providing TNC Services: The following requirements shall apply:
 - (a) Provides primary commercial automobile liability insurance that recognizes the Rasier Partner's provision of TNC Services;
 - (b) Provides primary commercial automobile liability insurance of at least \$1,000,000 for death, personal injury and property damage;
 - (c) The coverage requirements of this paragraph 2. may be satisfied by any of the following: Automobile liability insurance maintained by the Rasier Partner; automobile liability insurance maintained by Rasier; or any combination of the immediately preceding two; and
 - (d) In any claims coverage investigation, Rasier shall cooperate with a liability insurer that also insures the driver's personal vehicle. Rasier shall include the relevant dates and times at which an incident occurred that involved the Rasier Partner while the Rasier Partner was logged into their digital network.

3. Insurance Deficiency. In every instance where insurance maintained by a Rasier Partner to fulfill the above insurance requirements has lapsed, failed to provide the required coverage, denied a claim for the required coverage, or otherwise ceased to exist, insurance maintained by Rasier shall provide the coverage required by this section beginning with the first dollar of a claim.
 4. Primary Coverage. Rasier shall submit documentation to County that it has secured primary automobile liability insurance coverage in the amount of at least \$1,000,000 per occurrence for the driver for incidents involving the driver while providing TNC Services. Rasier's policy shall provide blanket coverage for non-owned automobiles active on the Rasier platform.
 5. Certificate of Insurance/Additional Insured. Rasier shall provide to the County a certificate of insurance for the policy(ies) required herein, naming Rasier as the insured and an endorsement including the County as an additional insured. The policy(ies) shall be accompanied by a commitment from the insurer that such policy will not be canceled, modified, or coverage reduced without at least thirty (30) days' prior notice to the County.
 6. No contractual hold harmless required in the terms of service shall be used to evade the insurance requirements of this Agreement.
- B. Background Check. Prior to allowing a driver to be on its digital network, Rasier shall conduct a local, state and federal criminal background check and obtain and review the criminal history for each potential Rasier Partner to determine whether that person has been convicted within the previous five (5) years, regardless of adjudication, of a crime set forth in Sect. 19-277 (7)-(8) and (10)-(11) of the County's VFH Code or declared to be any one of the offenders under Sect. 19-227 (12) and (13). If it is determined that a person has been convicted of any of the foregoing, that person shall not be permitted to be a Rasier Partner. Rasier will maintain electronic records of such criminal history reports for the duration of this Agreement.
- C. Driver History Report. Prior to permitting a person to act as a Rasier Partner and quarterly thereafter, Rasier shall obtain and review a State of Florida Department of Highway Safety and Motor Vehicles traffic/driving history report for such person. Any person with: (1) more than three (3) moving violations in the three-year period prior to such check; (2) a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license); or (3) a "habitual traffic offender" classification, shall not be permitted to be a Rasier Partner. Rasier will maintain electronic records of such driving history reports for the duration of this Agreement.
- D. Driver Requirements. Rasier shall ensure that all Rasier Partners are at least twenty-one (21) years of age; possess a valid Florida driver's license or is

otherwise authorized to operate a motor vehicle in Florida pursuant to Section 322.031, Florida Statutes; and possess proof of vehicle registration and current automobile liability insurance. Rasier must secure proof of Rasier Partner's personal insurance. Rasier shall maintain accurate and up-to-date records of all Rasier Partners providing services through the Rasier platform. Rasier shall provide driver-related guidance materials to Rasier Partners. Rasier shall also take reasonable steps to notify Rasier Partners of their obligations under this Agreement.

- E. Driver Drug/Alcohol and Tobacco Use. Rasier shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any Rasier Partner, provide notice of the policy on its website, as well as the procedures to report a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a passenger complaint alleging a violation of the policy. The suspension shall last the duration of the investigation. Further, Rasier Partners are required to provide a smoke-free environment inside their vehicles when transporting a passenger.
- F. Driver/Vehicle Identification. Once a passenger and a Rasier Partner have been matched, Rasier's digital platform shall display for the passenger the name and photograph of the Rasier Partner as well as a description of the make, model and license plate number of the Rasier Partner Vehicle.
- G. Vehicles Used; Safety Inspection. Rasier Partners' Vehicles shall be street-legal four-door vehicles that are no more than ten (10) model years of age. No Rasier Partner Vehicle shall display a top light or electronic identification signage and shall not be marked with the word "taxi," "taxicab" or "cab." Within thirty (30) days of the effective date of this Agreement, all Rasier Partner vehicles currently operating shall have a safety inspection conducted by an automobile technician that is certified by the National Institute for Automotive Service Excellence (ASE). All Rasier Partner Vehicles entered into service after the effective date of this Agreement shall be inspected within 30 days of entry into service. Rasier Partners shall keep proof of their vehicle inspection with them at all times in their Rasier Partner Vehicle and produce a copy of same upon request by County during an investigation. Such procedure shall, at a minimum, include an inspection of the following components:
 - 1. Foot brakes;
 - 2. Emergency parking brake;
 - 3. Suspension/steering mechanism;
 - 4. Windshield;
 - 5. Rear window and other glass;
 - 6. Windshield wipers;
 - 7. Headlights;
 - 8. Taillights;
 - 9. Turn indicator lights;

10. Brake lights;
 11. Front seat adjustment mechanism;
 12. Doors (open/close/lock);
 13. Horn;
 14. Speedometer;
 15. Bumpers;
 16. Muffler and exhaust system;
 17. Condition of tires, including tread depth;
 18. Interior and exterior rear view mirrors; and
 19. Safety belts for driver and passengers.
- H. Customer Service. Rasier shall maintain a website and provide a 24-hour customer service telephone number or email address.
- I. Service of Process. Rasier shall maintain an agent for service of process in Florida.
- J. Passenger Receipt. Upon completion of a trip, Rasier shall transmit an electronic receipt to the passenger's email address or mobile application documenting the origination and destination of the trip and a description of the total amount paid, if any.
- K. No Solicitation or Street-Hails. Rasier Partners shall only accept rides booked through a digital platform and shall not solicit or accept street-hails.
- L. Rate Disclosure. It is understood that Rasier may offer service for compensation, no-charge, or suggested compensation. Rasier shall disclose rates used to determine any compensation or suggested compensation on its app and website. Before a trip is accepted, a rider must be able to view the estimated fare, suggested fare, or indication that no-charge is required for the trip.
- M. Surge-pricing. When Rasier utilizes surge-pricing through its software application in areas and times of high demand, the software application must: (1) Provide clear and visible indication that dynamic pricing is in effect prior to when a potential ride requests a ride; (2) Include a feature that requires riders to confirm that they understand that dynamic pricing will be applied in order for the ride request to be completed; and (3) Provide a fare estimator that enables the user to estimate the cost under dynamic pricing prior to requesting the ride.
- N. Taxicab Zones. Rasier Partners shall not use any marked taxicab zones.
- O. Accessibility. Rasier shall not allow Rasier Partners to refuse to accept a passenger who is disabled, or to charge a higher fare or additional fee to a person who is disabled, based on the person's disability, use of a support animal, wheelchair, crutches, or other mobility assistance device. Should exposure to a support animal cause a Rasier Partner an undue health burden, Rasier shall make

best efforts to connect the passenger with the support animal to an alternate driver. Rasier shall set aside a sum equivalent to five cents (\$0.05) for every ride originating in Palm Beach County up to \$25,000, and shall use those funds to support TNC riders who require wheelchair accessible accommodations.

- P. Community Outreach. Rasier shall conduct outreach to community organizations with wheelchair accessible vehicles to publicize Rasier's need for wheelchair accessible vehicles and drivers with the goal of providing services to all passengers. Rasier shall also conduct outreach to communities that are of lower social economic strata without adequate transit options with the goal of increased access to transportation options. Rasier shall report to the County the effectiveness of both outreach efforts on or before September 30, 2015.
- Q. Payment to County. Within ten (10) days from the effective date of this Agreement, Rasier shall pay to the County fifteen thousand dollars (\$15,000) to cover any administrative and regulatory costs associated with this Agreement and Rasier's operations in Palm Beach County for one year from the effective date of this Agreement. In the event this Agreement is not extended beyond September 30, 2015, Rasier's payment shall be credited toward any fee that it is required to pay under a subsequent Agreement or County ordinance governing TNC operations in the County such that Rasier's \$15,000 payment will apply toward one year of operations from the effective date of this Agreement.
- R. Airport. Rasier and Rasier Partners shall not operate any vehicles to or from the Palm Beach International Airport ("Airport") unless such operations are in compliance with the requirements of Exhibit "A" to this Agreement.
- S. Audit. Rasier must maintain accurate records as required under this Agreement. Upon the County's request, and no more than one time while this Agreement is in effect, Rasier shall make these records available for inspection to the County for purposes of conducting an audit of Rasier's compliance with this Agreement. This audit shall occur at Rasier's place or business or a mutually agreed setting in Palm Beach County.
- T. Complaint Investigation. In response to a specific complaint, the County may inspect, at Rasier's place of business or a mutually agreed setting in Palm Beach County, those records held by Rasier whose review is specifically necessary for the investigation and resolution of the complaint.
- U. Records; Confidentiality. The County shall not disclose any records obtained from Rasier pursuant to this Agreement or Exhibit "A" to this Agreement unless the County is required to do so by applicable law or court order or Rasier has consented to such release. In the event that a third party submits a request to the County for such records, the County shall, upon receipt of such request, notify Rasier that it has received a request and inform Rasier of whether it will release

the requested record(s) so that Rasier has an opportunity to take steps to prevent disclosure.

III. County agrees as follows:

- A. Rasier may operate in Palm Beach County so long as Rasier and Rasier Partners comply with the terms and conditions set forth in this Agreement.
- B. County shall suspend enforcement of the provisions in Article XI of Chapter 19 of its VFH Code and any other applicable VFH regulations against Rasier and Rasier Partners during the term of this Agreement unless such enforcement stems from a violation of any of the provisions of this Agreement.

IV. General Provisions:

- A. Effective Date/Term. This Agreement goes into effect on the date of approval by the Board of County Commissioners on behalf of the County and continues in full force and effect until and through September 30, 2015, unless otherwise extended by both parties in writing.
- B. Termination. Notwithstanding anything contained herein to the contrary, the County or Rasier may, with or without cause, terminate this Agreement upon thirty (30) days' written notice to the other party.
- C. Enforcement. County shall have the authority to enforce the requirements of this Agreement. Failure to adhere to the requirements of this Agreement by Rasier or any Rasier Partner may result in fines in an amount equal to the fines for similar violations under the County's VFH Code, or termination of this Agreement, at the County's discretion.
- D. No Recourse. No recourse shall be had against any elected official, director, officer, attorney, agent, or employee of Rasier or County, whether in office on the effective date of this Agreement or after such date, for any claim based upon this Agreement.
- E. No Other Arrangement Created. This Agreement will not be construed in any form or manner to establish a partnership, joint venture or agency, express or implied, nor any employer-employee or borrowed servant relationship by and between Rasier and County.
- F. Entirety of Agreement. This Agreement, including Exhibit "A," constitutes the entire Agreement between the County and Rasier. Any previous agreement, assertion, statement, understanding, or other commitment before the date of this Agreement, whether written or oral, shall have no force or effect. No agreement, assertion, statement, understanding, or other commitment during the term of this

Agreement, or after the term of this Agreement, shall have any legal force or effect unless properly executed in writing by Rasier and the County.

- G. Applicable Law and Venue. This Agreement is made, and shall be construed and interpreted under the laws of the State of Florida, and venue for any lawsuit concerning this Agreement shall lie in Palm Beach County, Florida.
- H. Notice. All official communications and notices required to be made under this Agreement shall be deemed made if sent, postage prepaid, to the addresses identified above to the attention of the signatories below.
- I. Indemnification. It is understood and agreed that Rasier and Rasier Partners are not agents, servants or employees of County or its Board of County Commissioners. Rasier shall indemnify and hold harmless the County and its elected officers and employees ("County Parties") from any damages against the County Parties arising directly from: (1) this Agreement; or (2) the acts or omissions of Rasier or Rasier Partners or their respective agents, employees, licensees or invitees ("Rasier Parties") in connection with TNC Services in the County, including at the Airport, when such acts were intentional, or acts of gross negligence or willful misconduct. The foregoing indemnification and hold harmless shall apply only if: (1) the County has asserted, at its own expense, the sovereign immunity defense or similar government immunity doctrine to the claim if such defense is relevant and a court has determined that the defense does not bar the claim; or (2) the County is not covered for the claim under the insurance policy described in section II(A)(5) of this Agreement. The indemnification and hold harmless shall also include all costs, reasonable attorney fees, and reasonable expenses incurred for such loss. Notwithstanding anything contained herein to the contrary, Rasier shall not be obligated to indemnify or hold harmless the County Parties for matters that are judicially determined to be attributable to the negligent or intentional acts or omissions of the County Parties. This Section shall survive the expiration or earlier termination of this Agreement. Nothing contained herein shall be construed as a waiver of sovereign immunity or the statutory limits of liability set forth in Section 768.28, Florida Statutes. The foregoing indemnification obligation is contingent upon the following: (i) the County shall provide Rasier with prompt written notice of any claim subject to indemnification hereunder, and (ii) any costs to be incurred by the County when it defends and/or settles each such claim are subject to Rasier's prior consent, which shall be reasonable.

[The remainder of this page intentionally left blank.]

DATED: _____

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, by its
BOARD OF County COMMISSIONERS

By: _____
Deputy Clerk

By: _____
SHELLEY VANA, MAYOR

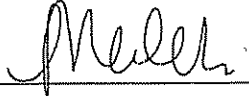
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APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

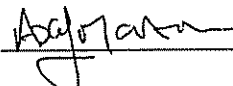
DATED: 03/09/2015


COUNTY ATTORNEY

DATED: 03/09/2015
ATTEST:



RASIER, LLC

By: 

Axel Martinez
Type or Print Name:

Manager
Title/Position:

EXHIBIT "A"
AIRPORT INTERIM OPERATING REQUIREMENTS

1. Rasier acknowledges that County owns and operates the Palm Beach International Airport ("Airport"), which is managed by and through its Department of Airports ("Department"). In addition to any other rules or requirements established by County by law or under this Agreement, Rasier and Rasier Partners shall comply with all applicable requirements of the Palm Beach County Airport Rules and Regulations adopted by County Resolution No. R-98-220, as now or hereafter amended, and any successor ordinance or resolution regulating activities or operations on the Airport ("Airport Regulations"), while engaging in ground transportation activities on the Airport, subject to the provisions of this Agreement.

2. In order to assist County in managing the number of commercial vehicles utilizing the Airport roadways and facilities, including, but not limited to, terminal and parking facilities, and to maintain the security of adjacent County-owned properties, Rasier shall establish a virtual perimeter around the Airport bounded by the following roadways: northern edge of Belvedere Road (North boundary); western edge of Military Trail (West boundary); eastern edge of Australian Avenue (East boundary); and southern edge of Southern Boulevard (South boundary) (hereinafter referred to as the "Geo-Fence"). Rasier Partners shall be prohibited from staging, loitering or parking within the Geo-Fence. In addition, if the Department determines a Rasier Partner is illegally staging on any adjacent County-owned properties, including, but not limited, to the Airport Centre complex located northwest corner of I-95 and Southern Boulevard or the County-owned properties located north of Belvedere Road and west of Military Trail, the Department may request the suspension or termination of the Rasier Partner in accordance with Section 8 below. In an effort to ensure Rasier Partners adhere to the foregoing requirements, Rasier shall block Rasier Partners from accepting passengers on the Uber app while located anywhere within the Geo-Fence. At all times during the term of this Agreement, County shall be capable of verifying that Rasier has incorporated the Geo-Fence through the Uber app. Rasier shall notify the Rasier Partners operating at the Airport of the requirements of this Agreement. Rasier acknowledges and agrees that it shall be the sole responsibility of Rasier and Rasier Partners to provide appropriate areas for the staging of Rasier Partner Vehicles while waiting for potential passengers.

3. Within fifteen (15) days of the date of this Agreement, Rasier shall issue to each Rasier Partner authorized to provide TNC Services on the Airport with trade dress that shall be affixed to a Rasier Partner Vehicle and shall identify the Rasier Partner as providing TNC Services for Rasier. Trade dress shall allow County to identify Rasier Partner Vehicles at a distance of up to fifty (50) feet at all times when such vehicles are within the Geo-Fence. Prior to issuance of the trade dress, the size, format and content of the trade dress shall be provided by Rasier to the Department for review and approval.

4. When providing TNC Services on the Airport, Rasier shall ensure that Rasier Partners comply with the following requirements:

- A. Each Rasier Partner authorized to provide TNC Services at the Airport shall affix the approved trade dress to their Rasier Partner Vehicle so that the trade dress is clearly visible from outside the Rasier Partner Vehicle

Exhibit "A"
Page 1 of 3

prior to entering the Geo-Fence.

- B. Every passenger picked or dropped off shall be documented by an electronic reservation before the Rasier Partner crosses the Airport's Geo-Fence. Rasier Partners shall not enter the Airport's Geo-Fence without a valid electronic reservation. Each Rasier Partner shall present his or her driver's license and electronic reservation for inspection to any Department, County or Palm Beach County Office Sheriff's Department representative or employee upon request. The electronic reservation shall include the first name of the person who requested the ride, the pickup location and first name of the Rasier Partner providing the service.
- C. Rasier Partners shall only load and unload passengers in those locations designated by the Department for the pickup and drop off passengers utilizing pre-arranged ground transportation services at the Airport ("Designated Areas"). The Designated Areas shall only be utilized for the active loading and unloading of passengers. Rasier Partners shall not leave a Rasier Partner Vehicle unattended in any Designated Area. Rasier acknowledges that the Designated Areas may be modified from time-to-time by the Department in its sole and absolute discretion.
- D. If a Rasier Partner is dropping a passenger off at the Airport, the Rasier Partner shall exit the Geo-Fence area upon completion of the drop off. Rasier Partners shall not loop or circle around the Airport access roads or other Airport roadways while waiting for a pick up or attempting to book a passenger for TNC Services. Rasier Partners shall not stop, park or loiter within the Geo-Fence while waiting for a passenger to arrange a trip through the Uber app.

5. In order to assist County in determining the impact of the TNC Services by Rasier Partners on the Airport roadways and facilities, Rasier shall provide to the Department a report that contains the following information on or before the twentieth (20th) day of each and every month while this Agreement remains in effect ("Monthly Report"):

- A. The total number of drop-offs by Rasier Partners at the Airport during the preceding calendar month.
- B. The total number of pickups by Rasier Partners at the Airport during the preceding calendar month.

The form and substance of the Monthly Report shall be reasonably acceptable to the Department.

6. The Monthly Report shall be delivered to the following address: Palm Beach County Department of Airports, Attn: Properties Division, 846 Palm Beach International Airport, West Palm Beach, Florida 33406, or to such other address as may be directed by Department from time to time. The Department may require the Monthly Report to be submitted electronically to

such e-mail addresses as may be designated by the Department.

7. Rasier shall pay to County an airport access fee of One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month ("Airport Access Fee") for the non-exclusive right of ingress and egress across the Airport access roadways by Rasier Partners for the conduct their permitted ground transportation operations hereunder in accordance with the terms, conditions and limitations of this Exhibit "A". The Airport Access Fee shall be paid in advance, without demand, deduction, hold back or set off on or before the first (1st) day of each and every month throughout the term of this Agreement and any extension thereof. If the effective date of this Agreement occurs on any day other than the first (1st) day of the month, Rasier shall pay the Airport Access Fee from the effective date to the first (1st) day of the following month on a per diem basis (calculated on the basis of the actual number of days in the month in which the effective date occurs). Any payment due hereunder for any other fractional month shall likewise be calculated and paid on a per diem basis. The Airport Access Fee shall be made payable to Palm Beach County and delivered to the following address: Palm Beach County Department of Airports, Attn: Finance Division, 846 Palm Beach International Airport, West Palm Beach, Florida 33406, or to such other address as may be directed by Department from time to time.

8. In the event the Department has reasonably determined that a Rasier Partner has violated the requirements of this Exhibit "A", Rasier shall suspend or terminate the Rasier Partner's authorization to engage in pick-ups at the Airport as directed by the Department. The Department's determination of whether to suspend or terminate the Rasier Partner's authorization to engage in pick-ups at the Airport shall depend on the nature of the violation and whether the Rasier Partner has previously violated the requirements of this Exhibit "A".

9. County, with the Department acting on behalf of County, may terminate the provisions of this Exhibit "A", with or without cause, upon thirty (30) days prior written notice to Rasier.

ORDINANCE NO. 10-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2, ADMINISTRATION; ARTICLE V, CODE ENFORCEMENT; DIVISION 3, PROCEDURE; SECTION 2-439, CITATION FINE SCHEDULE, SO AS TO INCLUDE FROM CHAPTER 130, VEHICLES FOR HIRE, SECTION 130-107 AS A CLASS III VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2, Administration; Article V, Code Enforcement; Division 3, Procedure; Section 2-439, Citation Fine Schedule, to include Section 130-107 of the Code as a Class III violation as follows:

Sec. 2-439. Citation fine schedule.

CHAPTER 130 VEHICLES FOR HIRE

Article II Taxicabs and Limousines

Division 2 Certificate of Public Convenience and Necessity and Permit

CODE SECTION		CLASS
Sec. 130-61	Required; Permits Under Common Ownership of Certificate Holder; Revocation . . .	III
	<i>"Division 4. Operational Criteria</i>	
Sec. 130-105	Certain acts prohibited	I
Sec. 130-106	Condition of vehicle	II
Sec. 130-107	Prearranged charters	III

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can

be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of February, 2015, and for second and final reading on this _____ day of March, 2015.

Gail L. Coniglio, Mayor

Town Council President

President Pro Tem

Town Council Member

Town Council Member

Susan A. Owens, MMC, Town Clerk

Town Council Member

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TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Ordinances - Second Reading

Agenda Title

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

Presenter

John C. Randolph, Town Attorney

Supporting Documents

- [Memorandum dated April 1, 2015, from John C. Randolph, Town Attorney](#)
- [Ordinance No. 14-2015](#)
- [Ordinance No. 2-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John C. Randolph, Town Attorney

Re: Ordinance No. 14-2015
Rescinding Ordinance No. 2-2015 – Animal and Wildlife Regulations

Date: April 1, 2015

STAFF RECOMMENDATION

Staff recommends the adoption of Ordinance No. 14-2015 on first reading.

GENERAL INFORMATION

Subsequent to the adoption of Ordinance No. 2-2015 on second reading, a copy of which Ordinance is attached hereto, it has been determined that the State has preempted local regulation in this area to the Florida Fish and Wildlife Conservation Commission. See Chapter 68A of the *Florida Administrative Code* which provides as follows:

“Florida law provides that the state legislative power over captive wildlife was transferred to the Florida Fish and Wildlife Conservation Commission. The effect of the transfer of that portion of the state’s legislative power was to divest the state legislature of authority to regulate the possession and sale of captive wildlife, and vest that power in the commission. The commission therefore assumed the regulatory authority that the legislature had prior to the transfer. As such, the rules adopted by the commission are tantamount to legislative acts, and become the governing law of the state. **Any and all laws in conflict with the commission’s rules and are consequently void.**”

On the basis of the above, it is recommended that the Town Council adopt Ordinance. 14-2015 rescinding Ordinance No. 2-2015 in its entirety.

ATTACHMENTS

Ordinance No. 2-2015

Ordinance No. 14-2015, rescinding Ordinance No. 2-2015

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ORDINANCE NO. 14-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RESCINDING ORDINANCE NO. 2-2015 IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted on second reading, on February 10, 2015, Ordinance No. 2-2015; and

WHEREAS, certain regulations contained therein are preempted to the State; and

WHEREAS, the Town Council, therefore, desires to rescind Ordinance No. 2-2015 in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Ordinance No. 2-2015 is hereby rescinded in its entirety.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this ____ day of April, 2015, and for second and final reading on this ____ day of May, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

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ORDINANCE NO. 2-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN OF PALM BEACH CODE OF ORDINANCES AT CHAPTER 10, ANIMALS, ARTICLE I, IN GENERAL, AT SECTION 10-10, TEMPORARY PERMITS, TO PROVIDE ADDITIONAL CONDITIONS, RESTRICTIONS AND REQUIREMENTS FOR PERMIT ISSUANCE AND MODIFYING THE LOCATIONS WITHIN TOWN WHERE ANIMAL AND WILDLIFE TEMPORARY PERMITS MAY BE ISSUED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 10, Animals; Article I, In General, to read as follows:

"Sec. 10-10. - Temporary permits.

(a) Permits may be granted for the temporary possession of animals otherwise prohibited under this chapter in connection with either a special event, as said term is defined in this Code or in regard to a private event, subject to the following conditions:

(1) Application shall be filed with the town clerk at least 30 days prior to the event at which the temporary possession permit is requested. An application fee is hereby authorized and shall be paid upon filing of the application with the town clerk. The application fee shall be established by adoption of a resolution of the town council and may be amended by adoption of a resolution of the town council. The 30-day period may be waived by the town manager if it is determined by the town manager that good cause exists for waiving the period and further providing that all other requirements set forth in this section are met.

(2) A temporary possession permit shall be approved by the town manager if:

- a. The application for a temporary possession permit pertains to wildlife as allowed herein, a state exhibition permit is required and the applicant agrees to abide by the most recently adopted rules and regulations designated as the Wildlife Code of the state as promulgated by the fish and wildlife conservation commission or its successor organization as designated by the state.
- b. The permit is for a period of time no longer than 12 hours and the applicant has specified in their application specific times the animals will be present at the property in question and, if different, the specific times the animals will be on display.

- c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the property address where the animals are intended to be displayed, the location on the property where the animals will be displayed and the location of the people that will be in attendance to view the animals to be displayed.
- d. If the animal or animals to be exhibited require a licensed or permitted handler as determined by the state or Town and adequate proof is submitted that a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state will be responsible for the handling of any animal permitted. In addition, the handler must certify to the Town a sufficient number of licensed and permitted handlers will be present to handle the animal or animals for the duration of the special event. If the animal or animals to be exhibited do not require a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state the applicant shall indicate to the Town the name, address and telephone number of the proposed animal handler and the animal handler shall certify to the town that a sufficient number of handlers will be present to handle the animal or animals for the duration of the special event.
- e. Class III wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, wildlife not requiring a permit pursuant to 68A-6.0022 Florida Administrative Code as amended, and domesticated animals or livestock as defined herein or animals appropriate for a petting zoo such as ponies, may be permitted on any property:
 - i. Having a Club, Education, Institution, Museum or Public use and located within any residential zoning district, or
 - ii. Located within a PUD-A, B or C zoning district, or
 - iii. Located within any residential zoning district, or
 - iv. Located within any commercial zoning district.
- f. Class II wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, where all applicable state and town permit requirements have been met, and provided a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and all adjacent property residentially zoned, may be permitted on any property:
 - i. Having a Club, Education, Institution, Museum or Public use and located within any residential zoning district, or
 - ii. Located within a PUD-A, B or C zoning district, or
 - iii. Located within any commercial zoning district.

- g. A certificate of insurance naming the town as insured shall be provided for an amount of insurance not less than \$5,000,000.00 to indemnify the town against any and all liability relating to the presence of the animals in the town. A certificate of insurance shall not be required for events described in subsection (a)(2)e pertaining to Class III wildlife, wildlife not requiring a permit pursuant to 68A-6.0022, Florida Administrative Code, as amended and domesticated animals or livestock as defined herein and appropriate for a petting zoo such as ponies.
- h. Notwithstanding the requirements set forth in subsections c. and d., a permit may be allowed for animal displays used in conjunction with an educational wildlife exhibition if a state permit is required and the proposed exhibition will be overseen by a person or organization in possession of the applicable state permit authorizing such person or organization to exhibit such wildlife programs on town property and on public or private school property within the town. A permit may also be allowed for domesticated animals or for livestock as defined herein for animal displays used in conjunction with educational programs on town property and on public or private school property within the town.
- i. The applicant agrees to all written conditions issued by the town in conjunction with and requisite to the permit.
- (b) If a permit is denied by the town manager, the applicant may appeal the decision to the town council, which shall give consideration to the appeal at the next regular meeting of the town council subsequent to the denial of the permit.
- (c) If a special event or a private event is scheduled or held involving the display or possession of animals prohibited by this section, absent a permit as required under this section, the event may be terminated or dispersed by action of the code enforcement officer, fire rescue officer or by the police department.
- (d) The following animals, wildlife, reptiles and other species are not allowed for display at any special event or private event and shall not be permitted for same by the Town:
 - f. Class I wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state.
 - g. Class II wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state unless the person or organization overseeing the proposed display or public exhibition possesses a state permit for public exhibition of the animals, wildlife, reptiles or other species and all applicable permits required by the Town have been issued, subject to conditions and restrictions stated herein.
 - h. Conditional nonnative wildlife
 - i. Prohibited nonnative wildlife
 - j. Imperiled species
 - k. Conditional reptiles, snakes and lizards
 - l. Native and non-native venomous reptiles

Section 2 Severability

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable

Section 3 Repeal of Ordinances in Conflict

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed

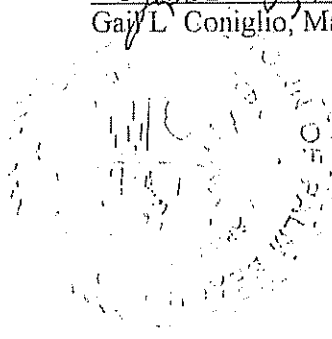
Section 4 Codification

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach

Section 5 Effective Date

This Ordinance shall take effect immediately upon its passage and approval, as provided by law

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of January, 2015, and for second and final reading this 10th day of February, 2015


Gail L. Coniglio
Gail L. Coniglio, Mayor

Michael J. Pucillo
Michael J. Pucillo, Town Council President

Richard M. Kleid
Richard M. Kleid, Council President Pro Tem

Danielle H. Moore
Danielle H. Moore, Town Council Member

Penelope D. Townsend
Penelope D. Townsend, Town Council Member

ATTEST:

Susan A. Owens
Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick
Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

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

Presenter

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

Supporting Documents

- [Memorandum dated April 28, 2015, from John S. Page, Director of Planning, Zoning and Building](#)
- [Ordinance No. 15-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Amendment of Business Tax Fees
Ordinance No. 15- 2015

Date: April 28, 2015

STAFF RECOMMENDATION

Staff recommends approval of the first reading of Ordinance 15-2015 amending Business Tax Fees and the Business Tax Program. It should be noted that approval of an increase in business taxes will require a majority plus one vote of the Town Council in order to become effective.

GENERAL INFORMATION

In FY15, the Town issued 1,539 business tax receipts (formerly known as occupational licenses) to local businesses. The number of tax receipts dropped from about 2,300 in previous years, due in large part to a change in the state code which exempted real estate licensees from the business tax receipt requirement effective in FY13.

Per state statute (F.S. Chapter 205), the Town may increase business tax fees every two years by an amount not to exceed 5%. The Town's business tax fees were last modified on June 11, 2013 for the next two fiscal years commencing October 1, 2013. Fees were also increased in 2011. In 2009, the Town Council elected not to increase fees.

Staff is recommending an increase in fees for FY16 by the allowed 5%. If approved, this modification would represent a potential increase in revenue of approximately \$32,000 in FY16, using this year's budgeted amount of \$640,500 as a base. Attached is Ordinance 15-2015, which includes the proposed rates.

If the Town Council approves first reading of Ordinance 15-2015, the ordinance will be placed on the June 9, 2015 Town Council agenda for second and final reading. If adopted, the revised fees will be incorporated into the renewal notices scheduled for issuance on or about July 1, 2015, for the new tax year commencing October 1, 2015.

FUNDING/FISCAL IMPACT

Business tax revenue collected as of March 31, 2015 are \$617,692 compared to budgeted revenue for this account of \$640,500. Revenue collected for this same period last year was \$587,553. Total revenue collected last year was \$640,362. The proposed fees will represent an increase in Business Tax Receipts of approximately \$32,000 annually, commencing in Fiscal Year 2016. This increase is reflected in the Town's Long Term Financial Plan.

TOWN ATTORNEY REVIEW

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

Attachments

cc: John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Jane Struder, Finance Director

ORDINANCE NO. 15 - 2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 114 TAXATION, ARTICLE II, LOCAL BUSINESS TAX, AT SECTION 114-43 SCHEDULE, SO AS TO AMEND THE FEES DELINEATED FOR EACH BUSINESS, PROFESSION OR OCCUPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 114 of the Town Code of Ordinances relating to Local Business Taxes, is hereby amended at Section 114-43, SCHEDULE, by increasing Business Taxes as set forth herein.

Sec. 114-43. Schedule.

A business tax is hereby levied upon and shall be collected from every person, firm or corporation exercising the privileges or carrying on or engaging in the business, professions or occupations hereinafter specifically enumerated, as fixed hereinafter; each of such amounts, unless otherwise specifically stated, being the amounts payable as a business tax for exercising such privilege or for carrying on or engaging in such business, profession or occupation mentioned, for each year.

A

ABSTRACTORS OF TITLE	\$	402.00
ACCOUNTANT, AUDITOR, C.P.A. FIRM (Includes One Professional)	\$	402.00
ACCOUNTANT, AUDITOR, C.P.A.	\$	402.00
ADULT ENTERTAINMENT	\$	1,160.00
ADMINISTRATIVE OFFICE	\$	326.00
ANSWER PHONE (Support Business Services)	\$	402.00
APARTMENTS, (See RENTAL DWELLINGS)		
ARCHITECT	\$	402.00
ART GALLERY, UP TO 400 SQ. FT	\$	170.00

ART GALLERY, 401 - 2,000 SQ. FT	\$ 402.00
ART GALLERY, 2,001 - 4,000 SQ. FT	\$ 464.00
ART GALLERY, 4,001 - 8,000 SQ. FT	\$ 927.00
ART GALLERY, OVER 8,000 SQ. FT	\$ 1,393.00
ARTIST	\$ 309.00
ASTROLOGER, PHRENOLOGIST, CRYSTAL READING, PALM READER, SOOTHSAYER, FORTUNE TELLER AND CLAIRVOYANT	\$ 421.00

B

BAKERY	\$ 201.00
BANK, TRUST COMPANY	\$ 1,162.00
BARBER	\$ 153.00
BARBER, SHOP (Includes One Barber)	\$ 153.00
BEAUTY SHOP (See COSMETOLOGY SALON)	
BICYCLE SHOP, RENTALS	\$ 153.00
BICYCLE SHOP, SALES (See MERCHANTS)	
BOAT DEALER (Yacht Broker)	\$ 309.00
BROADCASTING STATION (Radio Or TV)	\$ 447.00
BROKER	\$ 402.00
BROKERAGE/INVESTMENT COMPANY (Includes One Broker)	\$ 1,162.00
BUSINESS OFFICE ONLY (Two People Maximum)	\$ 201.00

C

CAR RENTAL AGENCY	\$ 618.00
CATERING	\$ 201.00
CHIROPRACTOR	\$ 402.00
COIN-OPERATED MACHINES (Inside, Exclusive Of Newsracks)	\$ 107.00
CONSULTANT	\$ 402.00
CONTRACTOR OFFICE (Construction)	\$ 447.00
COSMETOLOGIST, INDIVIDUAL	\$ 153.00
COSMETOLOGY SALON (Includes One Cosmetologist)	\$ 153.00

D

DANCE INSTRUCTOR	\$	201.00
DANCE STUDIO/SCHOOL	\$	402.00
DENTIST	\$	402.00
DINING ROOM, 40 CHAIRS OR LESS (Hotel, Business, Etc.)	\$	201.00
PLUS, FOR EACH CHAIR UP TO 40	\$	3.15
DINING ROOM, OVER 40 CHAIRS (Hotel, Business, Etc.)	\$	402.00
PLUS, FOR EVERY CHAIR	\$	3.15
DINING, CLUB (See DINING ROOM)		

E

ELECTRIC LIGHT COMPANY	\$	349.00
EMPLOYMENT AGENCY	\$	402.00
ENGINEER	\$	402.00

F

FACIALIST, REGISTERED (FA) OR SPECIALIST (FB)	\$	46.00
FULL SPECIALIST	\$	46.00
FULL REGISTRATION	\$	46.00

G

GAS COMPANY	\$	349.00
GOLF COURSE	\$	447.00

H

HEALTH STUDIO	\$	402.00
HOTEL, 10 ROOMS OR LESS	\$	61.00
HOTEL, MORE THAN 10 ROOMS	\$	61.00
PLUS EACH ADDITIONAL ROOM	\$	7.35

I

INSURANCE BROKER, COMPANY/AGENCY	\$	402.00
INSURANCE SALESPERSON	\$	201.00
INTERIOR DECORATOR	\$	402.00
INTERIOR DESIGNER	\$	402.00

J

JEWELER	\$	697.00
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L

LAW FIRM (Includes One Lawyer)	\$	402.00
LAWYER	\$	402.00

M

MASSAGE THERAPIST, INDIVIDUAL	\$	402.00
MASSAGE ESTABLISHMENT (Includes One Massage Therapist)	\$	402.00
MERCHANT, UP TO 400 SQ. FT.	\$	170.00
MERCHANT, 401 - 2,000 SQ. FT.	\$	402.00
MERCHANT, 2,001 - 4,000 SQ. FT.	\$	464.00
MERCHANT, 4,001 - 8,000 SQ. FT.	\$	927.00
MERCHANT, OVER 8,000 SQ. FT.	\$	1,393.00
MORTGAGE BROKER	\$	402.00
MORTGAGE COMPANY	\$	402.00
MOTOR SCOOTER AND MOTORCYCLE RENTAL	\$	1,256.00
MUSIC SERVICE	\$	402.00

N

NAIL REGISTRATION (FV) OR NAIL SPECIALIST (FT)	\$	46.00
NEWSPAPER - SEE PUBLISHER		
NIGHTCLUB WITH DANCE FLOOR	\$	1,160.00
NIGHTCLUB WITHOUT DANCE FLOOR	\$	759.00
NURSE	\$	402.00
NURSING AGENCY (Includes One Nurse)	\$	402.00

Q

OPTICIAN	\$	402.00
OPTOMETRIST	\$	402.00

P

PARKING GARAGE	\$	402.00
PARKING LOT (See Chapter 22, Article VI, Parking Lots For Further Provisions)	\$	201.00
PHARMACIST (Individual)	\$	402.00
PHARMACY (Includes One Pharmacist)	\$	402.00
PHOTOGRAPHER	\$	201.00
PHYSICIAN	\$	402.00
PRINTING COMPANY	\$	402.00
PROFESSION NOT LISTED	\$	402.00
PROPERTY MANAGEMENT	\$	201.00
PUBLIC RELATIONS	\$	402.00
PUBLISHER	\$	402.00

R

REAL ESTATE BROKER	\$	402.00
RENTAL DWELLINGS, PER UNIT (Minimum Two Units)	\$	39.00
REPAIR SHOP (Other Than Auto)	\$	402.00
RESTAURANT, 40 CHAIRS OR LESS	\$	201.00
PLUS, FOR EVERY CHAIR UP TO 40	\$	3.15
RESTAURANT, MORE THAN 40 CHAIRS	\$	402.00
PLUS, FOR EACH CHAIR	\$	3.15

S

SAVINGS AND LOAN ASSOCIATION	\$	1,162.00
SCHOOL, PRIVATE	\$	402.00
SECURITY AGENCY, PRIVATE (Includes One Security Officer)	\$	201.00
SECURITY OFFICER, PRIVATE	\$	30.00

SERVICE STATION (Includes Auto Repair)	\$	447.00
SERVICES, UNLISTED	\$	201.00
SWIMMING POOLS, PUBLIC	\$	402.00

T

TALENT AGENCY	\$	402.00
TAXICABS, EACH COMPANY OR STAND	\$	309.00
TELECOMMUNICATIONS COMPANY (Formerly Telegraph)	\$	349.00
TELEPHONE COMPANY	\$	349.00

Nothing in this chapter will be construed as requiring a license tax
for coin-operated telephones

THEATER	\$	1,393.00
PLUS EACH SEAT	\$	2.10
TRAVEL BUREAU/AGENCY	\$	402.00
TRUST AGENCY	\$	1,162.00

U

UNCLASSIFIED BUSINESS NOT LISTED	\$	326.00
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V

VETERINARIAN	\$	402.00
VETERINARIAN ESTABLISHMENT	\$	402.00

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of May, 2015, and for second and final reading on this 10th day of June, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: May 12, 2015

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 16-2015 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 106, Streets, Sidewalks and Other Public Places; at Article XIII, Moveable Fixtures in the Right-of-Way; at Section 106-291, Certificate of Compliance Required; at Section 106-292, Standards for Newsrack and Modular Newsracks Including Maintenance, Installation and Locations; at Section 106-293, Prohibited Locations; at Section 106-294, Insurance and Indemnification; at Section 106-296, Enforcement; at Section 106-297, Appeals; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

Jay Boodheshwar, Deputy Town Manager

Supporting Documents

- [Memorandum dated May 1, 2015 from Kirk W. Blouin, Director of Public Safety](#)
- [Ordinance No. 16-2015](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 12, 2015

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

From: Kirk W. Blouin, Director of Public Safety

Re: Amending Chapter 106, Regarding Moveable Fixtures in the Right of Way
Ordinance No. 16-2015

Date: May 1, 2015

STAFF RECOMMENDATION

Staff recommends Town Council adopt Ordinance No. 16-2015 as recommended by the Ordinances, Rules and Standards Committee at its meeting on April 2, 2015, to amend Chapter 106 of the Code of Ordinances, relative to news racks.

GENERAL INFORMATION

Staff considers this ordinance to be a housekeeping item as it addresses locations of news racks that are no longer in use and procedures that are no longer relevant. The ordinance also corrects the appeal process which was erroneously listed in the ordinance as the Code Enforcement Board as opposed to the Town Council. The Code Enforcement Board does not hear appeals of Town actions.

TOWN ATTORNEY REVIEW

This ordinance was approved by the Town Attorney for legal form and sufficiency.

cc: John C. Randolph, Town Attorney
Ann Marie Taylor, Police Captain
Raychel Houston, Code Enforcement Manager

Attachment

KWB/rh

ORDINANCE NO. 16-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; AT ARTICLE XIII, MOVEABLE FIXTURES IN THE RIGHT-OF-WAY; AT SECTION 106-291, CERTIFICATE OF COMPLIANCE REQUIRED; AT SECTION 106-292, STANDARDS FOR NEWSRACK AND MODULAR NEWSRACKS INCLUDING MAINTENANCE, INSTALLATION AND LOCATIONS; AT SECTION 106-293, PROHIBITED LOCATIONS; AT SECTION 106-294, INSURANCE AND INDEMNIFICATION; AT SECTION 106-296, ENFORCEMENT; AT SECTION 106-297, APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places; Section 106-291, Certificate of Compliance Required, at Section 106-292, Standards for newsrack and modular newsracks including maintenance, installation and locations, at Section 106-293, Prohibited Locations, at Section 106-294, Insurance and indemnification, at Section 106-296, Enforcement, at Section 106-297, Appeals to read as follows:

“Sec. 106-291 – Certificate of compliance required.

The controlling entity of any newspaper, written periodical or advertising circular distributed from any newsrack or modular newsrack location within a public right-of-way within the town shall notify the chief of police or his/her designee, in writing, of the location or change of location of any such newsrack or modular newsrack by filing a certificate of compliance in accordance with the provisions of this section no later than 14 days after the placement or relocation of the newsrack or modular newsrack. ~~All newsracks and modular newsracks currently located within town rights of way must be in compliance with the terms of this article. within 30 days of the date of its adoption, however, 90 days from the date of adoption shall be allowed for the requirement of replacement of modular units in place of newsracks.~~

- (1) *Reviewing and enforcement authority.* The authority responsible for reviewing the certificates of compliance to verify compliance with the ordinance provisions and enforcing the terms of this article shall be the chief of police or his/her designee.
- (2) *Certification.* The controlling entity shall file with the chief of police or his/her designee a written certificate of compliance which shall contain the following information:
 - a. The name, address and telephone number of the controlling entity, which is the owner and/or principal responsible for the newsrack(s) or modular newsrack(s).
 - b. The name, address and telephone number of a responsible person whom the town may notify or contact at any time concerning the controlling entity's newsrack(s) or modular newsrack(s), including notification for enforcement purposes.
 - c. The proposed location of the newsrack(s) or modular newsrack(s).
 - d. Names of newspapers or periodicals to be contained in each newsrack or modular newsrack.
 - e. A certification that the newsrack(s) or modular newsrack(s) is (are) installed in conformance with the provisions of this article in their entirety.
 - f. Executed indemnification agreement and insurance certificate in compliance with section 106-291

More than one newsrack or modular newsrack location may be included on a certificate of compliance.

- (3) *Denial of certificate of compliance.* If a certificate of compliance for a newsrack or modular newsrack location is incorrect, or the newsrack or modular newsrack is not located, maintained, or installed in conformity with the certification or this section, the certificate of compliance shall be deemed denied, and an order to correct the violation shall be issued pursuant to section 106-296.
- (4) *Fees.* The owner of any newsrack located on any right-of-way within the town shall pay to the town an annual administrative fee in an amount established by resolution adopted by the town council, as may be amended from time to time, for each newsrack located on the town right-of-way. Said fees shall be used for purposes of defraying the costs of administering this article and of inspection of newsracks and modular newsracks located within the town.

(Ord. No. 19-98, § 1, 3-9-99; Ord. No. 34-10, § 2, 1-11-11)

“Sec. 106-292 – Standards for newsrack and modular newsracks including maintenance, installation and locations.

(7) Locations.

- a. Newsracks and modular newsracks shall be located only in the following locations on town rights-of-way within the town in a manner and location directed by the chief of police or his designee:
 1. Sunrise Avenue, southeast corner of Sunrise and Bradley, south side of Sunrise. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of 12 newsracks shall be located within the enclosure provided by the town, and a maximum of 12 nonpaid publications may be located in a modular unit at this location.
 2. Sunset Avenue, northeast corner of Sunset and Bradley, north side of Sunset. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of nine newsracks shall be located within the enclosure provided by the town, and a maximum of six nonpaid publications may be located in a modular unit at this location.
 3. North County Road, south side of Sunrise, west of North County Road. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of eight newsracks shall be located within the enclosure provided by the town, and a maximum of eight nonpaid publications may be located in a modular unit at this location.
 4. South County Road in front of Mobil station, west side of street. All newsracks and/or modular units shall be placed in the enclosure provided by the town. A maximum of six newsracks shall be located within the enclosure provided by the town, and a maximum of

three nonpaid publications may be located in a modular unit at this location.

5. South County Road, west side of South County Road just north of Chilean Avenue. All newsracks and/or modular units shall be placed in the enclosure provided by the town. A maximum of five newsracks shall be located within the enclosure provided by the town.
6. South County Road between Worth Avenue and Peruvian, east side of street. Modular units only, no newsracks. A maximum of 21 publications may be located within modular units at this location.
7. Peruvian, southeast corner of Peruvian and Coconut, south side of street. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of eight newsracks shall be located within the enclosure provided by the town, and a maximum of seven nonpaid publications may be located in a modular unit at this location.
8. Hibiscus between Peruvian and Chilean Avenue, east side of street. At this location newsracks shall be located within the enclosure provided by the town. In addition, a modular newsrack may be located to dispense advertising circulars and/or other publications which do not require a coin-operated unit. A maximum of seven newsracks shall be located within the enclosure provided by the town, and a maximum of four nonpaid publications may be located in a modular unit at this location.
- ~~9. Worth Avenue, east end of the Esplanade, south side of street/100 block. Modular units only, no newsracks. A maximum of 18 publications may be located within modular units at this location.~~
- ~~10. South Ocean Boulevard, 2875 South Ocean Boulevard, east side of street. Modular units only, no newsracks. A maximum of 25 publications may be located within modular units at this location.~~

- (8) The color of the modular newsracks shall have forest green bases and forest green sides and doors. ~~A color sample is available in the office of the chief code compliance officer.~~
- (9) The controlling entity shall maintain each moveable fixture in a neat and clean condition, and in good repair at all times. Each moveable fixture shall be maintained so that:
 - a. It is free of graffiti.
 - b. It is reasonably free of dirt and grease.
 - c. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
 - d. It is reasonably free of rust and corrosion in the visible metal areas thereon.
 - e. The clear plastic or glass parts thereon, if any, through which the publications are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration.
 - f. The paper or cardboard parts or inserts thereof are reasonably free of tears, and are not peeling or tearing.
 - g. The structural parts are not broken or unduly misshapen.
 - h. The surrounding area upon which the newsrack or modular newsrack is placed will also be maintained in a neat and orderly condition.
- (10) The use of a bench for advertising purposes is strictly prohibited.
- (11) Any newsrack or modular newsrack being installed, placed or maintained on a public right-of-way, street or sidewalk or other public property shall be installed in a safe and secure manner so as to prevent the newsrack or the modular newsrack from being stolen or becoming a hazard in severe weather. At any time the total weight of the newsrack or modular newsrack and any weighting device shall not be less than 125 pounds.
- (12) In the event of the issuance of a hurricane warning by any entity with jurisdiction to issue such a warning, the newsrack shall be secured to the ground or placed in such a manner so that the newsrack is parallel to the ground.
- ~~(13) The controlling entity of a modular newsrack or newsrack shall not recover or collect, from entities placing for distribution publications in a newsrack, or modular newsrack payments in excess of the actual cost of the newsrack or modular newsrack, and the actual reasonable costs for maintenance. The cost of~~

~~the modular newsrack may be prorated in proportion to the size of the individual module in a modular newsrack. The cost of a modular newsrack or newsrack may be paid over a 36-month period, or less, in equal monthly installments. The annual maintenance costs may be also paid in equal monthly installments. In no event, however, shall a controlling entity collect payments over the actual costs referred to above, once recaptured. The controlling entity shall file a document with the chief code compliance officer illustrating the monthly cost computations.~~

(13) The town may order the removal of modular newsracks from public rights-of-way and town property in order to serve as a controlling entity of modular newsracks to ensure uniformity and compatibility of style.

(14) Modular newsracks shall not be placed in a manner to obstruct other modular newsracks.

(15) Moveable fixtures shall be installed and maintained by the controlling entity or their agent or designee in conformity with existing town ordinances. Any moveable fixture found to be in violation of the town ordinances is subject to the enforcement provisions of section 106-296 and subject to abandonment where indicated by section 106-295

(Ord. No. 19-98, § 1, 3-9-99; Ord. No. 34-10, § 3, 1-11-11)

“Sec. 106-293 – Prohibited locations

(a) Landscaped areas. Moveable fixtures shall not be placed or installed or erected on any landscaped area within an improved public right-of-way or public property. The landscaped areas include, but are not limited to, those areas in which the following ground cover material is placed:

- (1) Decorative plants; or
- (2) Native plants maintained to match the surrounding flora.

(b) Public utilities. Moveable fixtures shall not be placed, installed or erected to obstruct the use of any public utility pole or structure. These areas are designated as follows:

- (1) Drainage structures. Moveable fixtures shall not be physically attached, chained or bolted to any drainage structure, inlet pipe or other physical object meant to carry water for drainage purposes.

- (2) Utility poles. Moveable fixtures shall not be physically attached, chained or bolted to a utility pole.
- (3) Fire hydrants. Moveable fixtures shall not be located within 15 feet of a fire hydrant.
- (c) Traffic control devices. Moveable fixtures shall not be physically attached, chained, bolted or erected to obstruct the function of traffic signals, traffic signs or pavement markings. These areas shall be designated as follows:
 - (1) Traffic signals.
 - a. Moveable fixtures shall not be physically attached, bolted or chained to a traffic signal pole.
 - b. Moveable fixtures shall not be placed in such a manner which obstructs the free pedestrian flow to and from a pedestrian traffic signal push button. In order to allow for the free pedestrian flow, and handicap access, to and from pedestrian traffic signal push buttons, moveable fixtures shall be placed at least 36 inches away from such pedestrian traffic signal push buttons.
 - (2) Traffic signs. Moveable fixtures shall not be physically attached, bolted or chained to a traffic sign or post used for the support of a traffic sign or signs.
- (d) Paved surfaces. No moveable fixture shall be placed, installed or erected directly on a paved surface which is intended primarily for the use of motor vehicles.
- (e) Sidewalks. Moveable fixtures placed or maintained on a sidewalk shall leave a clear area for traffic of not less than 40 inches.
- (f) Clear zones. Moveable fixtures shall not be installed, placed or erected within clear zones as defined in this section. Clear zones are defined as follows:
 - (1) The area measured within four feet of the face of a six-inch high vertically faced curb. Where the four-foot minimum is impractical, the minimum may be reduced to two and one-half feet.
 - (2) In all other locations, the moveable fixture shall be located no less than ten feet away from the edge of the pavement. If there is not ten feet available, the moveable fixture shall be located as far away from the edge of the pavement as possible.
- (g) Sight areas. Moveable fixtures shall not be placed, attached, installed or erected within the sight areas defined in this section. For purposes of this section, sight areas extend vertically from a point commencing three feet above the pavement elevation, and encompass the

triangular area of property located at a corner formed by the intersection of two or more public rights-of-way, with two sides of the triangular area extending 25 feet from their point of intersection along the edge of pavement, and the third side being a line connecting the ends of the other two lines. (See Figure 1, attached to Ord. No. 19-98). All obstructions to the required sight distance shall be removed within the area shown in Figure 1.

- (h) Other areas. Moveable fixtures shall not be placed, installed or erected in any of the areas defined in this section.
 - (1) On any town property unless the location has been specifically designated by the town manager or any authorized representative.
 - a. ~~The town manager or the duly authorized town representative shall designate locations at town facilities for the placement of moveable fixtures.~~
 - b. ~~The town shall prepare a map for each town facility illustrating the designated locations for the placement of moveable fixtures. The location maps shall be available for inspection at the office of the town clerk.~~
 - (2) The area within the medians of a divided roadway.
 - (3) Newsracks or modular newsracks may not be placed in any location other than those locations specified within section 106-292 of this article. Where warranted by the quantity of newspaper sales, the chief code compliance officer of police or his or her designee may allow a double newsrack, not more than 40 inches wide, otherwise complying with the requirements of section 106-292
 - (4) Additional newsracks and modular newsracks at the locations described herein and locations in addition to those described herein may be added subject to the consent of the chief code compliance officer of police or his or her designee in the event warranted by evidence provided by the publishers and distributors. Application for additional newsracks and modular newsracks and additional locations shall be made with the ~~code compliance officer~~ chief of police or his or her designee and shall be acted upon by the ~~code compliance officer~~ enforcement manager within ten days of the date of the application. In the event the ~~code compliance officer~~ enforcement manager fails to act, or in the event the application is denied, an appeal may be taken to the town council, such appeal to be filed in writing within ten days of the ~~code compliance officer's~~ enforcement manager's actions or inaction. The town council shall act upon the appeal within 30

days of the filing of the notice of appeal with the town clerk. ~~Additional newsracks necessary as a result of extraordinary news events may be added at the locations described herein without application, however, in no event shall said newsrack be in place in excess of 14 days. This exemption from application shall apply only to coin-operated newsracks.~~

- (5) Moveable fixtures shall not be placed on any roadway, bike path or swale area in front of, to the rear of, or to the side of a single-family residence with in the town.

(Ord. No. 19-98, § 1, 3-9-99)

“Sec. 106-294 – Insurance and indemnification

- (a) Insurance. Every controlling entity other than a governmental entity or agency which places or maintains a newsrack or modular newsrack on a public right-of-way or public property shall provide to the ~~code compliance officer~~ enforcement manager a current certificate of insurance. The Town requires comprehensive general liability insurance coverage with limits of liability not less than \$1,000,000 each occurrence/aggregate. The Town of Palm Beach shall be endorsed as an additional insured under the general liability coverage. It shall be an affirmative obligation to advise the Town's risk manager within 24 hours or the next business day of cancellation, non-renewal or modification of any stipulated insurance and failure to do so shall be construed to be a violation of town ordinance. The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular service or change in service. The code enforcement manager shall submit the certificate of insurance to the Town's risk manager for review and approval. ~~naming the town as an additional insured in respect to the newsracks. Such insurance shall be comprehensive general liability or commercial general liability coverage on a form no more restrictive than the latest edition of the comprehensive general liability policy or commercial general liability filed by the insurance services office. Minimum limits of total coverage shall be \$300,000.00 per occurrence combined single limit for bodily injury liability and property damage liability with a thirty day notice of cancellation. Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance, subject to the approval of the town's risk coordinator. Insurance under this section shall run continuously with the presence of the applicant's newsrack(s) or modular newsrack(s) in the town's rights-of-way, and any termination or lapse of such insurance shall be a violation of this section, subject to the appropriate remedy by the code enforcement division pursuant to the town's code of ordinances and the enforcement provisions of this chapter.~~

- (b) Indemnification. Every controlling entity ~~other than a governmental entity or agency~~ which places or maintains a newsrack or modular newsrack on a public right-of-way, public sidewalk, street or swale in the town shall execute and deliver a written agreement under which it agrees to indemnify, hold harmless and defend the town, its officers, agents and employees from any loss, liability or damage sustained by any person as a result of the installation, use and/or maintenance of a modular newsrack or newsrack within the town. This shall not be construed to affect in any way the town's rights, privileges and immunities as set forth in F.S. § 768.28.

(Ord. No. 19-98, § 1, 3-9-99)

“Sec. 106-296 – Enforcement”

- (a) Correction of violation. Upon determination by a code ~~compliance~~ enforcement officer that a moveable fixture has been installed, used or maintained in violation of this chapter, an order to correct the violation shall be issued to the controlling entity. If a newsrack or modular newsrack is considered abandoned, it will be posted and an order will not be issued.
- (b) The order to correct the violation shall specifically describe the violation and may suggest actions necessary to correct the condition or violation. Such order shall be mailed by certified mail, return receipt requested, to the controlling entity.
- (c) Failure to properly correct the violation within 15 days of the receipt of the order shall result in the offending moveable fixture being removed by the town. Any moveable fixture removed by the town thereunder shall be stored at the controlling entity's expense for a period of 30 days. The moveable fixture shall be released upon a proper showing of ownership and payment of removal, administrative and storage charges. The administrative charge is \$55.00 and the storage charge is \$2.00 per day, up to a maximum of 30 days. In the event the moveable fixture is not claimed within the 30-day period, the moveable fixture may be sold at public auction and the proceeds applied first to removal, administrative and storage charges, and the remainder, if any, then paid into the general fund of the town.
- (d) If the moveable fixture is posted as abandoned and not removed within seven days from the date of posting, or the town is not contacted by the controlling entity within seven days from receipt of an order to correct the violation, the town may remove the moveable fixture immediately. The town shall store the moveable fixture for 30 days and if not claimed within that time, the town may dispose of the moveable fixture in any manner it deems appropriate. If the moveable fixture is claimed, the entity claiming the moveable fixture shall pay for

all removal, administrative and storage charges prior to release of the fixture. If the charges are not paid within 15 days of claim being made, the town may dispose of the moveable fixture.

- (e) At least ten days prior to the public auction, the town clerk shall publish a description of the moveable fixture, the location from where it was removed, and notice of the auction in a newspaper of general circulation in the town. Any publication may include multiple listings of moveable fixtures. The town shall also provide the controlling entity identified on the moveable fixture, or if otherwise known, with written notification of the auction by certified mail, return receipt requested. Provided, however, that the town manager, or his designee, may dispose of the moveable fixture in any manner he sees fit, including negotiating the release of the moveable fixture to the controlling entity for less than full payment of all storage charges if the town manager, or his designee, is of the opinion that such disposal will be more advantageous to the town than auctioning off the moveable fixture.

(Ord. No. 19-98, § 1, 3-9-99)

“Sec. 106-297 – Appeals.”

- (a) Any controlling entity aggrieved by any order, finding or determination taken under the provisions of this article other than abandonment of a newsrack or modular newsrack, (hereinafter an appellant) may file an appeal ~~with the~~ to the ~~code enforcement board for the town.~~ town council. The appellant must effect their appeal within 15 days after receipt of the order mailed to the appellant pursuant to this article. In order to effect the appeal, the appellant must deliver their letter of appeal, briefly stating the basis of their appeal, to the ~~code enforcement board.~~ town clerk. A hearing before the ~~code enforcement board~~ town council shall be scheduled on the appeal no later than ~~30~~ 45 days following the receipt of the letter of appeal, unless the parties mutually agree to an extension thereof. The appellant shall be given at least seven days written notice of the time and place of the hearing. The ~~board~~ town council shall give the appellant and any other interested party a reasonable opportunity to be heard in order to show cause why the fixture is not violating this article. At the conclusion of the hearing the ~~board~~ town council shall make a final and conclusive determination. ~~The determination shall be reduced to writing and signed by the board and filed in the office of the town clerk within 15 days of the hearing and a copy shall be sent to the appellant. The decision of the board shall be effective when rendered. The decision of the board may be appealed as provided for by law.~~

~~(b) Where the newsrack or modular newsrack is considered abandoned, the controlling entity may take an immediate appeal to the circuit court as provided by law.~~

(b) During the pendency of an appeal, the removal of the moveable fixture shall be stayed pending final disposition of the appeal, except if abandonment of the newsrack or modular newsrack occurs in violation of sections 106-295(a), (b), (d), (e) and adversely effects the distribution of newspapers, news periodicals or advertising circulars from that location.

(c) The town shall reimburse the controlling entity any storage charges in the event the decision on appeal is rendered in favor of the controlling entity.

(Ord. No. 19-98, § 1, 3-9-99)

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 12th day of May, 2015, and for second and final reading on this _____ day of _____, 2015.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member