



# TOWN OF PALM BEACH

Town Manager's Office

## TOWN COUNCIL MEETING

TOWN HALL  
COUNCIL CHAMBERS-SECOND FLOOR  
360 SOUTH COUNTY ROAD

### AGENDA

MAY 10, 2016

9:30 AM

### Welcome!

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

#### I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio  
Michael J. Pucillo, President  
Richard M. Kleid, President Pro Tem  
Bobbie Lindsay  
Danielle H. Moore  
Margaret A. Zeidman

#### II. INVOCATION AND PLEDGE OF ALLEGIANCE

#### III. APPROVAL OF AGENDA (SEE NOTE 5)

#### IV. RECOGNITIONS

- A. Recognition of Rachel Lorentzen, Landmarks Preservation Commission, from May 2014 through March 2016
- B. Recognition of Stephen D. Hall, Recreation Advisory Commission, From April 2008 Through April 2016

#### V. PRESENTATIONS

- A. Scholarship Provided by the Palm Beach Country Club Foundation  
*Arthur Loring, President, Palm Beach Country Club Foundation*
- B. Scholarship Provided by the Palm Beach Civic Association and the Citizens' Association of Palm Beach

*Ned Barnes, Palm Beach Civic Association and Roberta Mambrino and  
Bernard Panfel, Citizens' Association of Palm Beach*

- C. Presentation by Chief Deputy Property Appraiser  
*Dorothy Jacks*
- D. Clean Water in the Everglades  
*Eric Eikenberg, President of Everglades Foundation*
- E. Flagler Memorial Bridge Update  
*Geoffrey Parker, New Millennium Engineering*

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

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

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

**IX. APPROVAL OF CONSENT AGENDA (SEE NOTE 6)**

**A. MINUTES**

- 1. MINUTES: MARCH 8, 2016 Page 11  
Approval of the Minutes of the Regular Town Council Meeting  
*Susan A. Owens, MMC, Town Clerk*
- 2. MINUTES: MARCH 9, 2016 Page 27  
Approval of the Minutes of the Regular Town Council Meeting  
*Susan A. Owens, MMC, Town Clerk*
- 3. MINUTES: MARCH 9, 2016 Page 43  
Approval of the Minutes of the Local Planning Agency Meeting  
*Susan A. Owens, MMC, Town Clerk*
- 4. MINUTES: APRIL 12, 2016 Page 47  
Approval of the Minutes of the Regular Town Council Meeting  
*Susan A. Owens, MMC, Town Clerk*
- 5. MINUTES: APRIL 13, 2016 Page 65  
Approval of the Minutes of the Regular Town Council Meeting  
*Susan A. Owens, MMC, Town Clerk* Page 80
- 6. Approval of Major Matters Considered by the Architectural Commission at  
its Meeting of April 27, 2016  
*John S. Page, Director of Planning, Zoning and Building*

**B. RESOLUTIONS**

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- 1. RESOLUTION NO. 49-2016 A Resolution of the Town Council of the  
Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase  
Order for Design and Bid Phase Engineering Services to A.D.A.  
Engineering, Inc., in an Amount of \$66,050 for the North County Road  
Improvements from Wells Road to Miraflores Avenue, and Establishing a  
Design and Bid Phase Budget of \$73,000.  
*H. Paul Brazil, P.E., Director of Public Works* Page 113
- 2. RESOLUTION NO. 63-2016 A Resolution of the Town Council of the

Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-29 and Approving a Construction Contract to Murray Logan Construction, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase II, in the Amount of \$246,800, and Establishing a Construction Phase Budget of \$272,000.

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

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3. RESOLUTION NO. 64-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for the D-12 Storm Water Pump Station Electrical Improvements Phase II to Kimley-Horn & Associates, Inc., in the Amount of \$45,300, and Establishing a Construction Phase Engineering Services Budget of \$50,000.

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

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4. RESOLUTION NO. 65-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-13 and Approving a Construction Contract to Fast-Dry Courts, Inc., for the Phipps Ocean Park Tennis Center Improvements, in the Amount of \$172,300.01 and Establishing a Construction Phase Budget of \$189,530.01 to be Funded from the Recreation Department Fiscal Year 2016 Budget (\$115,000) and from the Town's Recreation Enterprise Fund Contingency (\$74,530.01).

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

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5. RESOLUTION NO. 66-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute Easement and Use Agreements with the Property Owners of 142 North County Road and 151 North County Road and the Town of Palm Beach for Installation, Access and Maintenance of the Foundations, Mast Arms, and Associated Signal Equipment.

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

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6. RESOLUTION NO. 68-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase of \$80,001 to Purchase Order No. 160819 to GRM Information Management Services of Miami LLC, for a New Total of \$105,000; and an Increase of \$40,001 to Purchase Order No. 151600 to Municipal Code Corporation, for a New Total of \$65,000 for Document Scanning Services.

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

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7. RESOLUTION NO. 71-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Mock, Roos and Associates, Inc., in an Amount of \$10,000 for the Southland Road Drainage Improvements, and Establishing a Design and Bid Phase Budget of \$12,000.

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

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8. RESOLUTION NO. 72-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Lenovo Desktops, Laptops and Servers Through TCPN Contract R5110 From GovConnection, Inc. in the Amount of \$61,729.25 and the Purchase of Servers Through the State of Florida Contract

43211500-WSCA-15-ACS From PCMG, Inc. in the Amount of \$72,556.40; Establishing a Budget of \$138,000.00 for Said Purchases in Fiscal year 2016; and Authorizing the Town Manager to Execute Said Purchases on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

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9. RESOLUTION NO. 77-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-04, and Approving a Disaster Debris Removal Contract to Bergeron Emergency Services, Inc., for First Pass, Cut and Toss Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

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

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10. RESOLUTION NO. 78-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-03 and Approving a Disaster Debris Removal and Disposal Services Contract to Ash Britt Inc., Bergeron Emergency Services, Inc., and Phillips & Jordan Inc., and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

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

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11. RESOLUTION NO. 81-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-05 and Approving a Disaster Debris Monitoring Services Contract to Witt O'Briens LLC., and Rostan Solutions LLC., and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

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

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12. RESOLUTION NO. 79-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-24 and Approving a Maintenance Contract to Batallan Enterprises DBA Property Works, for the Worth Avenue Commercial District Maintenance Program not to Exceed the Amount of \$162,553.70, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

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

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13. RESOLUTION NO. 80-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract Extension to Universal Electric of Florida, Inc., and C.R. Dunn, Inc., for Electrical Maintenance and Repair Services in a Cumulative Total Amount Not-to-Exceed \$174,000.

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

## **C. OTHER**

Page 200

1. Grant Writing Report and Recommendations  
*Jay Boodheshwar, Deputy Town Manager*

2. Consideration of Fourth on Flagler Donation Request From the City of West Palm Beach in the Amount of \$12,000.

*Thomas G. Bradford, Town Manager*

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3. Approval of the Selection Committee's Recommendation for RFP No. 2016-22 Tennis Professional for the Town of Palm Beach Tennis Program to DM Tennis Enterprise, LLC. Page 210

*Beth Zickar, Director of Recreation*

4. Request to Authorize the Ordinances, Rules and Standards Committee to Study the Potential Implementation of Zone Parking Regulations on Worth Avenue. Page 216

*Jay Boodheshwar, Deputy Town Manager*

## **X. BOARD/COMMISSION ANNUAL REPORT**

- A. Annual Report - Code Enforcement Board Page 220

*James M. Ballentine, Jr., Chair*

- B. Annual Report - Planning and Zoning Commission Page 227

*Martin Klein, Chair*

## **XI. COMMITTEE REPORTS**

- A. Report of the Finance and Taxation Committee Meeting of March 30, 2016 Page 232

*Michael J. Pucillo, Chair*

Page 237

- B. Report of the Ordinances, Rules, & Standards Committee Meeting of April 7, 2016

*Bobbie Lindsay, Chair*

## **XII. REGULAR AGENDA**

### **A. Old Business**

Page 243

1. Pension and Retirement Matters.  
*Jane Struder, Director of Finance*

**TIME CERTAIN: 10:30 AM**

a. Review of Actuarial Study for Scenarios 1 and 2 and the Florida Retirement System (FRS)

b. RESOLUTION NO. 47-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Statement of Overall Investment Objectives and Policy for the Town of Palm Beach Retirement System Pursuant To Section 82-57(l) of the Code of Ordinances of the Town of Palm Beach, and Providing an Effective Date. (Assumed Investment Rate of Return Will Decrease From 7.5% to 7.0% by 10 Basis Points per Year Until the Investment Rate of Return Reaches 7.0%).

*Deferred from the April 12, 2016, Town Council Meeting*

*William B. Hanes, Pension Administrator*

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2. Staff Report, Relative to Budget, Schedule and Grant Impacts Due to Potential Addition of Staircase on the South Side of Memorial Fountain.

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

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3. RESOLUTION NO. 55-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract

to Hedrick Brothers Construction, Inc., in the Amount of \$1,238,433, for the Police Department HVAC Retrofit Project and Establishing a Construction Phase Budget of \$1,362,000.

*Deferred from the April 12, 2016, Town Council Meeting*

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

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4. RESOLUTION NO. 56-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., for the Police Department HVAC Retrofit Project in the Amount of \$78,916 and Establishing a Construction Phase Engineering Services Budget of \$83,000 Including Contingency. *Deferred from the April 12, 2016, Town Council Meeting*

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

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5. Townwide Underground Utilities Project  
*Thomas G. Bradford, Town Manager*

a. ORDINANCE NO. 09-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing A Underground Utility Project Fund; In Order to Transfer Excess Funds From the General Fund Reserves to the Underground Utility Project Fund to Fund the Initial Engineering Costs; Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2015, Providing An Effective Date.

b. RESOLUTION NO. 82-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn And Associates, Inc., For Task 1 of the Town-Wide Underground Utilities Program in the Amount of \$2,165,759.

c. Update on Underground Utilities Task Force Project Reporting Format and Recommendation to Town Council on Telecommunication Services.

## **B. New Business**

1. Consideration of an Ordinance Banning Smoking on Town Beaches  
*Thomas G. Bradford, Town Manager*  
Page 376
2. Lobbyist Assignments and Funding Allocations  
*Thomas G. Bradford, Town Manager*  
Page 378
3. Coastal Update:  
*H. Paul Brazil, P.E., Director of Public Works*  
Page 382

a. Shoreline Condition Update

b. RESOLUTION NO. 73-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for Construction Phase Professional Services for the Phipps Ocean Park/Reach 7 Beach Nourishment Project to Applied Technology & Management, Inc., in an Amount Not-To-Exceed \$40,000, to Increase the Established Construction Phase Professional Services Budget from \$336,000 to \$376,000 to Cover the Additional Sea Turtle

4. Building Board of Adjustment and Appeals (BBAA) Consideration of Jurisdictional Transfer; Request for Proposed Subject to be Considered by the Ordinances, Rules and Standards Committee of the Town Council.

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

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5. Request for the Public Works Committee of the Town Council to Meet on June 13, 2016 or June 16, 2016, for the Purpose of Reviewing an Update on the Status of the 2013 Accelerated Capital Improvement Plan II (ACIP II).

*Thomas G. Bradford, Town Manager*

**C. Matters Pulled From Consent Agenda: If needed**

**XIII. ORDINANCES**

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**A. Second Reading**

1. ORDINANCE NO. 07-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 90, Public Improvements; at Article II, Special Assessments; Division 2, General Provisions; Section 90-49, Correction of Errors and Omissions; by Amending Paragraph (c), to Include Provision Allowing for the Appeal of the Decision of the Town Manager in Regard to Alleged Errors in Applying the Assessment Apportionment Method to any Particular Property; 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**

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1. ORDINANCE NO. 08-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 14, Aviation; Article II - Aircraft; to Include a New Section 14-35, "Drones; Model Aircraft", Providing for Purpose, Definition, Prohibition, Exemptions, and Requirements for a Permit; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

*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.

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

### **PROCEDURES FOR PUBLIC PARTICIPATION**

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

#### **PUBLIC HEARINGS:**

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

#### **COMMUNICATIONS FROM CITIZENS:**

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

#### **OTHER AGENDA ITEMS:**

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

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

**Town of Palm Beach  
Meeting Schedule**

**5/4/16**

|                                |                                                        |                         |
|--------------------------------|--------------------------------------------------------|-------------------------|
| <b>Tue 05/10/2016 09:30 AM</b> | <b>Town Council Meeting</b>                            | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Wed 05/11/2016 09:30 AM</b> | <b>Town Council Meeting-Development Review</b>         | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Wed 05/18/2016 09:30 AM</b> | <b>Landmarks Preservation Commission (LPC) Meeting</b> | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Thu 05/19/2016 02:00 PM</b> | <b>Code Enforcement Board Meeting</b>                  | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Fri 05/20/2016 09:00 AM</b> | <b>Retirement Board of Trustees Meeting</b>            | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Fri 05/20/2016 02:30 PM</b> | <b>Investment Advisory Committee Meeting</b>           | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Wed 05/25/2016 09:00 AM</b> | <b>Architectural Commission Meeting (ARCOM)</b>        | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Mon 05/30/2016 04:00 AM</b> | <b>MEMORIAL DAY</b>                                    | <b>TOWN HALL CLOSED</b> |
| <hr/>                          |                                                        |                         |
| <b>Tue 06/07/2016 09:00 AM</b> | <b>Underground Utilities Task Force (UTF) Meeting</b>  | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Mon 06/13/2016 09:30 AM</b> | <b>Landmarks Preservation Commission (LPC) Meeting</b> | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Tue 06/14/2016 09:30 AM</b> | <b>Town Council Meeting</b>                            | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Wed 06/15/2016 09:30 AM</b> | <b>Town Council Meeting-Development Review</b>         | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |
| <b>Thu 06/16/2016 02:00 PM</b> | <b>Code Enforcement Board Meeting</b>                  | <b>Council Chambers</b> |
| <hr/>                          |                                                        |                         |

|                         |                                                 |                  |
|-------------------------|-------------------------------------------------|------------------|
| Tue 06/21/2016 09:30 AM | Planning and Zoning Commission Meeting          | Council Chambers |
| Wed 06/22/2016 09:00 AM | Architectural Commission Meeting (ARCOM)        | Council Chambers |
| Mon 07/04/2016 04:00 AM | FOURTH OF JULY                                  | Town Hall Closed |
| Tue 07/05/2016 09:00 AM | Underground Utilities Task Force (UUTF) Meeting | Council Chambers |
| Tue 07/12/2016 09:30 AM | Town Council Meeting                            | Council Chambers |
| Wed 07/13/2016 09:30 AM | Town Council Meeting-Development Review         | Council Chambers |
| Tue 07/19/2016 09:30 AM | Planning and Zoning Commission Meeting          | Council Chambers |
| Wed 07/20/2016 09:30 AM | Landmarks Preservation Commission (LPC) Meeting | Council Chambers |
| Thu 07/21/2016 02:00 PM | Code Enforcement Board Meeting                  | Council Chambers |
| Wed 07/27/2016 09:00 AM | Architectural Commission Meeting (ARCOM)        | Council Chambers |
| Tue 08/02/2016 09:00 AM | Underground Utilities Task Force (UUTF) Meeting | Council Chambers |
| Tue 08/16/2016 09:30 AM | Town Council Meeting                            | Council Chambers |
| Tue 08/16/2016 09:30 AM | Town Council Meeting                            |                  |

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Minutes

## Agenda Title

MINUTES: MARCH 8, 2016

Approval of the Minutes of the Regular Town Council Meeting

## Presenter

Susan A. Owens, MMC, Town Clerk

## Supporting Documents

- [Minutes of the Town Council Meeting Held on March 8, 2016](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING  
HELD ON TUESDAY, MARCH 8, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The regular Town Council meeting was called to order on Tuesday, March 8, 2016, 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. APPROVAL OF AGENDA**

The following changes were made to the Agenda:

Council President Pucillo spoke regarding Item No. XI.B.8. Time Extension - 1290 North Ocean Boulevard, which was on the Agenda for today, because it was improperly noticed by the applicant for this date. It was also on the Agenda for the Town Council meeting tomorrow, and when that item came up today, consideration for deferral until tomorrow would be made.

**TIME CERTAIN:** Item No. XI.B.6, County Infrastructure Surtax Proposal, was set for an 11:00 a.m. time certain

**PULLED FROM CONSENT AGENDA:** Item No. VIII.B.2, Resolution No. 28-2016, was pulled from the consent agenda and placed at the end of new business, as Item XI.C.1.

**ADDITIONAL BACK-UP WAS PROVIDED FOR:** Item Nos. XI.A.2.a, Consideration of Appeals Process, and XI.B.6, County Infrastructure Surtax Proposal.

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



IV. PRESENTATIONS

A. Town Beautification Project

*Alexander C. Ives, President of the Preservation Foundation of Palm Beach*

Alexander Ives provided an overview of the proposed Project.

Discussion ensued about the various phase levels of the Town Beautification project including public vs. private funding, specific areas of improvement, a parking structure underneath Bradley Park, bicycle traffic routes, a water taxi/boat docking area, disruption to surrounding streets, moving of the pump station, and the involvement of all stake holders.

**It was the consensus of the Town Council to conceptually approve the project, authorize the Preservation Foundation to work with Staff to finalize plans, and requested the Preservation Foundation report back with further project details as they become available.**

A. Presentations by Applicants for Architectural Commission

The following applicants provided a presentation to the Town Council:

- John David Corey
- Alexander Ives
- Betsy Shiverick
- Michael Small
- Maisie Grace - absent

B. Presentations by Applicants for Landmarks Preservation Commission

The following applicants provided a presentation to the Town Council:

- Jackie Albarran
- Anne Fairfax
- Page Lee Hufty
- Gene Pandula
- Rene Silvin

C. Presentations by Applicants for Retirement Board of Trustees

The following applicants provided a presentation to the Town Council:

- Brad Kaufman
- Jeffrey Amling – Absent

**V. COMMENTS OF MAYOR GAIL L. CONIGLIO**

Mayor Coniglio recognized the retirement of Nancy Boyer, Public Works Department, acknowledged Congresswoman Frankel for her success on the FEMA retroactive reimbursement, reminded everyone that the Boat Show traffic would change the opening times of the Flagler Memorial Bridge, and urged everyone to vote in the March 15, 2016, election.

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

Council President Pro Tem Kleid stated that he would like to make a public service announcement with respect to voting in the March 15, 2016, Presidential Preference Primary; that anyone registered as an Independent was still entitled to vote on the Town of Palm Beach referendum issue, and there would be a separate ballot for the use of any voter registered as an Independent.

Council President Pro Tem Kleid acknowledged the passing of Susan McAllister, a prominent citizen of the Town of Palm Beach.

Council President Pucillo reminded everyone that early voting had begun.

Council Member Lindsay related an incident of theft that occurred at her home, and reminded people that times are different and to please lock cars and homes.

Town Manager Bradford and Deputy Town Manager Jay Boodheshwar presented a surprise award for the Fit Bit Work Week Hustle Program to Council Member Moore.

**VII. COMMUNICATIONS FROM CITIZENS**

Maryanne Beyl, 2840 S. Ocean Blvd., spoke regarding the undergrounding assessments, and suggested that the Town Council review the values of property for residents in the south end; she maintained that the assessments were not fair.

Council Member Kleid responded that the Town Council did consider these points, but also considered one Town and one plan, and had decided that a referendum would be held so that each individual person could make a considered vote.

*(Clerk's Note: The Following Public Comment was Received at the Conclusion of New Business.)*

Gerry Frank, 2784 South Ocean Blvd., spoke regarding the undergrounding project, and some of the misinformation circulating regarding the project.

**VIII. APPROVAL OF CONSENT AGENDA**

The following changes were made to the Consent Agenda:

**PULLED FROM CONSENT:** Item No. VIII.B.2, Resolution No. 28-2016, was pulled from the Consent Agenda and placed at the end of New Business.

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

A. MINUTES

1. MINUTES: FEBRUARY 9, 2016

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

2. MINUTES: FEBRUARY 10, 2016

Approval of the Minutes of the Special Town Council Meeting  
*Susan A. Owens, MMC, Town Clerk*

3. Approval of Major Matters Considered by the Architectural Commission at its Meeting of February 24, 2016

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

B. RESOLUTIONS

1. RESOLUTION NO. 27-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$177,953 to Rechten International Trucks, Inc., for the Purchase of One (1) International Durastar Cab and Chassis With a Peterson RS3 Crane Body on Florida Sheriff's Association Contract No. 15-13-0904, and Establishing an Overall Budget of \$178,500.

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

2. RESOLUTION NO. 28-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$20,320, to Burkhardt Construction, Inc., for Pre-Construction Management Services for the Lake Trail Pavement Improvements Project and Establishing a Pre-Construction Phase Budget of \$26,000.

*H. Paul Brazil, P. E., Director of Public Works – Item was pulled from Consent*

3. RESOLUTION NO. 29-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Tax Collector of Palm Beach County for Services and

Costs Associated with the Non-Ad Valorem Assessments to be Implemented for the Nightingale/La Puerta Way Underground Utilities Assessment Area and Authorizing the Mayor to Execute the Agreements on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

4. RESOLUTION NO. 30-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Tax Collector of Palm Beach County for Services and Costs Associated with the Non-Ad Valorem Assessments to be Implemented for the Lake Towers Underground Utilities Assessment Area and Authorizing the Mayor to Execute the Agreements on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

5. RESOLUTION NO. 31-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Agreement with the Palm Beach County Property Appraiser and an Agreement with the Tax Collector of Palm Beach County for Services and Costs Associated with the Non-Ad Valorem Assessments to be Implemented for the Town Hall Square Historic District Assessment Area and Authorizing the Mayor to Execute the Agreements on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

6. RESOLUTION NO. 32-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Department of Public Works, Engineering Division, Standards Applicable to Public Rights-of-Way, Amending Chapter XII-Miscellaneous Provisions Regarding Construction Parking; Providing an Effective Date.

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

7. RESOLUTION NO. 33-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Terminating the Agreement with Evolvtec; and Awarding an Agreement to Auxis, LLC in the Amount of \$120,000 for the Provision of Information Technology Support Services for the Office of Information Technology, as Outlined in RFQ No. 19-2016; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

8. RESOLUTION NO. 34-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Extension of an Agreement Between the Town of Palm Beach and AT&T in the Amount of \$1,644.50 per Month, for a Maximum of 24 Months, for

the Provision of Telephone Service Circuits and Related Service Components for the Town's Cisco Phone System; and Authorizing the Town Manager to Execute Said Agreement on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

C. OTHER

1. Request to Consider Ordinance No. 4-2016 Prior to 5:00 p.m. at a Public Hearing

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

2. Retirement Board of Trustees Appointments

*William P. Hanes, Pension Administrator*

3. Town Square - Acceptance of Donation-Accelerated Capital Improvement Program - Phase 2

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

**IX. BOARD/COMMISSION ANNUAL REPORT**

- A. Landmarks Preservation Commission Annual Report

*Edward Austin Cooney, Chair*

Chair Cooney provided an overview of the Annual Report for the 2015 calendar year for the Landmarks Preservation Commission.

**It was the consensus of the Town Council to accept the Landmarks Preservation Commission Annual Report.**

**X. COMMITTEE REPORTS**

- A. Report of the Finance and Taxation Committee Meeting of February 8, 2016

*Michael J. Pucillo, Chair*

Chair Pucillo provided an overview of the Report.

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to accept the Report of the Finance and Taxation Committee Meeting. On roll call, the motion carried unanimously.**

- B. Report of the Ordinances, Rules, & Standards Committee Meeting of February 4, 2016

*Danielle H. Moore, Co-Chair*

Co-Chair Moore provided an overview of the Report.

Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to accept the Report of the Ordinances, Rules, & Standards Committee Meeting, as amended on page 3, line 15, to read, "...subject to". On roll call, the motion carried unanimously.

**XI. REGULAR AGENDA**

**A. Old Business**

1. Consideration of Request to Expand the Area to be Provided with Tabby Sidewalks North and South of the Town Square Historic District along South County Road

*Patti Sans, Greater South County Road Association*

Patti Sans provided an overview of the request.

Discussion ensued regarding ownership of sidewalks in two areas, preliminary cost estimates for two stand-alone sidewalk construction projects, the opportunity for Florida Department of Transportation (FDOT) to replace sidewalks in those areas within their right of way, enhancements to the tabby sidewalks, and staff direction as to working with FDOT.

Leslie Evans, owner of 214 Brazilian, commented that the Greater South County Road Association did not represent all of the tenants in the area, and suggested that the Town coordinate a meeting of all of the property owners.

**It was the consensus of the Town Council to direct staff to prepare cost estimates, requested Greater South County Road Association (GSCRA) meet with all property owners in the proposed improvement areas to determine their interest in the project and in financing it, and requested GSCRA report back to the Town Council on their findings.**

2. Proposed Townwide Underground Utilities Project

*Thomas G. Bradford, Town Manager*

- a. Consideration of an Appeals Process

Town Manager Bradford reported that, at the last Town Council meeting, it was the consensus that an appeal process should be created that would go beyond the Town Manager, and that would bring the Town Council into the process. He referred to the



1 proposed ordinance setting forth the appeal process, that had been  
2 modified to allow a petitioner to file an appeal to the Town  
3 Council within ten (10) days from the date of the written decision  
4 of the Town Manager, and the appeal would need to be considered  
5 by the Town Council within forty-five (45) days of the appeal.  
6

7 Discussion ensued regarding the appeal process  
8

9 **It was the consensus of the Town Council to direct staff to bring the proposed**  
10 **ordinance forward at the April 12, 2016, meeting, subject to passage of the March**  
11 **15, 2016, Undergrounding Referendum.**  
12

- 13  
14 b. Ratification of the Selection Committee's Recommendation for  
15 RFQ No. 2016-07 Professional Engineering Services for the  
16 Town-Wide Undergrounding of Utilities Program  
17 *H. Paul Brazil, P.E., Director of Public Works*  
18

19 Town Manager Bradford advised that if the Referendum did not  
20 pass on March 15, 2016, there would be no action taken regarding  
21 engineering services for the undergrounding program.  
22

23 Director Brazil provided an overview of the Selection Committee's  
24 process, and the Committee's recommendation to award the  
25 contract to Kimley-Horn & Associates.  
26

27 **Motion was made by Council Member Moore, and seconded by Council Member**  
28 **Lindsay, to accept the recommendation of the Selection Committee for RFQ No.**  
29 **2016-07, to award the contract to Kimley-Horn & Associates. On roll call, the**  
30 **motion carried unanimously.**  
31

- 32 c. Approval of Engagement of Peter Brandt, Esq., for Negotiation of  
33 Engineering Services Contract and Funding Allocation Request  
34

35 Town Manager Bradford reported that the Town Council accepted  
36 the recommendation of the Underground Utilities Task Force  
37 (UUTF) to use a third-party negotiator. He recommended the  
38 engagement of Peter Brandt, Esq. for that purpose, and  
39 authorization of a general fund contingency of \$35,000 to negotiate  
40 the contract, however, staff would not incur any costs or execute  
41 the contract until the outcome of the Referendum was known.  
42

43 **Motion was made by Council Member Zeidman, and seconded by Council Member**  
44 **Moore, to approve the recommendation of Peter Brandt, Esq. for negotiation of the**  
45 **Engineering Services Contract and to authorize the funding allocation request,**  
46 **subject to the passage of the Referendum on March 15, 2016. On roll call, the**

1        **motion carried unanimously.**

- 2  
3                    d.        Communications Update  
4                                *Rick Asnani, Cornerstone Solutions, Inc.*

5  
6                                Rick Asnani provided an update on the Communication Program.

7  
8                                *(Luncheon Recess was taken at 12:45 p.m. and the meeting was*  
9                                                *reconvened at 2:49 p.m.)*

10  
11        B.        New Business

- 12  
13                    1.        Appointments to the Architectural Commission  
14                                *John S. Page, Director of Planning, Zoning and Building*

15  
16                                *(Clerk's Note: The motion to appoint members of Architectural Commission,*  
17                                                *Landmarks Preservation Commission and Retirement Board of Trustee was*  
18                                                *made in one motion).*

19  
20        **Motion was made by Council President Pro Tem Kleid, and seconded by Council**  
21        **Member Moore, to ratify the appointments of Alexander Ives and Michael Small as**  
22        **regular members of the Architectural Commission, and John David Corey, Betsy**  
23        **Shiverick and Maisie Grace, as alternate members of the Architectural**  
24        **Commission; to ratify the appointments of Jackie Albarran, Page Lee Hufty, and**  
25        **Rene Silvin as regular members of the Landmarks Preservation Commission, and**  
26        **Ann Fairfax as alternate member of the Landmarks Preservation Commission; to**  
27        **ratify the appointments of Brad Kaufman and Jeffrey Amling to the Retirement**  
28        **Board of Trustees. On roll call, the motion carried unanimously.**

- 29  
30                    2.        Appointments to the Landmarks Preservation Commission  
31                                *John S. Page, Director of Planning, Zoning and Building*

32  
33        ***Please see above.***

- 34  
35                    3.        Review of Mercer Report on Compensation and Benefits for Public Safety  
36                                Personnel  
37                                *Gary Lawson, The Mercer Group, Inc.*

38  
39                                J. Patterson Cooper, Treasurer of the Civic Association, provided an  
40                                                overview of the status of the Mercer Report.

41  
42        **It was the consensus of the Town Council to defer this matter to the April 12, 2016,**  
43        **Town Council meeting.**

- 44  
45                    4.        Designation of Voting Delegate & Alternate(s) to the Palm Beach County  
46                                League of Cities, Inc.  
47                                *Thomas G. Bradford, Town Manager*



Mayor Coniglio provided information regarding the designation of voting delegate and alternate(s) to the Palm Beach County League of Cities, Inc.

**It was the consensus of the Town Council to approve the designation of Mayor Coniglio as voting delegate and all Town Council Members as alternates. Mayor Coniglio was further authorized to assign which alternate shall vote on her behalf, as needed.**

5. Coastal Update  
*H. Paul Brazil, P.E., Director of Public Works*

a. Shoreline Condition Update

Coastal Coordinator Weber provided an update on shoreline conditions.

Discussion ensued regarding the sand in the system, the staging at Angler Ave., and the potential of trucking sand from Reach 1 to Reach 2.

6. Palm Beach County Infrastructure Surtax Proposal  
*Gail L. Coniglio, Mayor (Set for Agenda Time Certain at 11:00 p.m.)*

Mayor Coniglio commented about the need for a consensus and the need to inform the community regarding the Palm Beach County Infrastructure Surtax Proposal, so that some recommendations could be made that she could carry forward. She provided information regarding the scope of the proposal, the proposed revenue distribution, and the funding that would be required.

Deputy Town Manager Jay Boodheshwar reviewed the dollar amounts that would be involved with the current proposal of a one cent sales tax increase, with a ten-year sunset. There was an April 15, 2016, deadline for a decision. He referred to the list of projects being contemplated through this increase.

Mayor Coniglio added that one reason the proposal was moving forward at such alarming speed is that there were now competing interests to get on the ballot. The members of the Board of County Commissioners were the decision makers as to what would ultimately go on the ballot.

Michael Scharf, 225 Dunbar Road, asked if the information from Mayor Coniglio was informational only. Mayor Coniglio responded that she would like to carry forward a position from the Town Council. Mr. Scharf

1 thanked the Mayor for her contributions to the Town.

2  
3 Carla Cove, 2860 South Ocean Blvd, member of the Town of Palm Beach  
4 County Budget Task Force, stated that the Task Force had met several  
5 times, specifically about the sales tax and discussed the details of that  
6 information set forth at those meetings, noting that the proposal had  
7 morphed into a bigger issue. She commented that the Town of Palm Beach  
8 County Budget Task Force had discussed uncoupling the revenue  
9 distribution, and would continue to review the proposal, and would  
10 welcome any comments.

11  
12 Jerry Zenko, 232 Tangier Avenue, stated that she agreed with everything  
13 that had been said, and thanked the Mayor for her pro-active position in  
14 this matter.

15  
16 Bobby Horwich, 2860 South Ocean Blvd, commented regarding the  
17 proposal, specifically as it related to new parks.

18  
19 Jack Borland, 244 Plantation Road, underlined the Mayor's comments that  
20 the list of projects was filled with a lot of "nice to haves," but should  
21 represent "must haves."

22  
23 Nancy Murray, 249 Monterey Road, stated that the list of projects lacked  
24 substantial criteria and that much of the information on the list had nothing  
25 to do with infrastructure.

26  
27 Discussion ensued regarding the proposal, the various requests entailed  
28 within it, any communications from the Mayor regarding this proposal  
29 going to the Town Manager, and looking for opportunities to form  
30 relationships with those of like mind.

31  
32 **It was the consensus of the Town Council to authorize Mayor Coniglio**  
33 **to continue to press Palm Beach County Commissioners to vet the**  
34 **proposed project list, and make sure that all projects are necessary**  
35 **and would benefit the entire County, to recommend bond funding for**  
36 **infrastructure projects where possible, and to recommend that the**  
37 **School Board's surtax proposal be uncoupled from the County's.**

- 38  
39  
40  
41  
42 7. Consideration of Funding the Design of the Proposed North County Road  
43 Tree Initiative (NCRTI) \$12,500.  
44 *Thomas G. Bradford, Town Manager*

45  
46 Town Manager Bradford provided an overview of the Initiative and its

funding.

John David Corey, 226 Brazilian Ave., provided information regarding the proposed plan for a streetscape project on North County Road from Royal Poinciana Way northward to Park Avenue on the west and to Sunrise Avenue on the east.

Ned Barnes, on behalf of the Palm Beach Civic Association, commented in support of the concept, and would present it to the Association's Executive Committee to discuss a fund drive for the trees.

Discussion ensued regarding tree placement, notice to property owners, and contacting property owners to see whether they wanted to participate in the program.

**Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve the request for a general contingency fund allocation of \$12,500 for the design concept. On roll call, the motion carried unanimously.**

8. Time Extension - 1290 North Ocean Boulevard  
*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 defer the time extension request for 1290 North Ocean Boulevard to the March 9, 2016, Town Council meeting. On roll call, the motion carried unanimously.**

9. Consideration of Formal Solicitation for Sale of Approximately 5.9 Acres of the 28.5 Acres of Town Property Located at 5976 Okeechobee Blvd.  
*Jay Boodheshwar, Deputy Town Manager*

Deputy Town Manager Boodheshwar provided an overview of solicitations for Town-owned properties, and requested direction from the Town Council as to whether offers should be considered.

Discussion ensued regarding plans for future uses of Town owned properties, consideration of formal offers for Town owned properties, actively marketing the properties, and the appreciation of the properties involved.

**It was the consensus of the Town Council to direct staff to follow the previous direction of the Town Council for staff to evaluate any unsolicited offers and communicate same to the Mayor and Town Council.**

- C. Matters Pulled From Consent Agenda:

1. RESOLUTION NO. 28-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$20,320, to Burkhardt Construction, Inc., for Pre-Construction Management Services for the Lake Trail Pavement Improvements Project and Establishing a Pre-Construction Phase Budget of \$26,000.

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

Council President Pucillo spoke regarding the use of construction management services, and that the Lake Trail Pavement Improvements Project may not be complex enough to require construction management services.

Director Brazil replied that staff had put together a good bid package and had only received one bid. The bid had been rejected, and the next logical approach was to use construction management services, which would allow staff to reduce the amount of time and effort spent with the staff design engineer. The project was relatively small, and the only other alternative remaining was to re-package the project and go back out for bid.

**Motion was made by Council Member President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 28-2016. On roll call, the motion carried unanimously.**

## **XII. ORDINANCES**

### **A. Second Reading**

1. ORDINANCE NO. 01-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 90 of the Town of Palm Beach Code of Ordinances, Titled "Public Improvements" by Amending Section 90-104 of the Town of Palm Beach Code of Ordinances Titled "Powers of the District" to Clarify the Palm Beach Municipal Services Special District's Authority With Regard to Ad Valorem Taxation; Amending Section 90-141, Titled "Taxing Power Not Pledged" to Provide That Assessments Imposed Pursuant to the Provisions of Chapter 90 to Fund Project Cost of Local Improvements May be Used by the Town to Pay and Secure General Obligation Bonds, Notes or Other Obligations of the Town Issued Under Chapter 166 of the Florida Statutes, the Florida Constitution, and Other Provisions of Florida Law to Fund Project Cost of Local Improvements; Providing for Codification; Providing for Full Force and Effect; and Providing an Effective Date.

*John C. Randolph, Town Attorney*

1       **Motion was made by Council Member Moore, and seconded by Council Member**  
2       **Zeidman, to adopt Ordinance No. 01-2016, on second and final reading. On roll**  
3       **call, the motion carried unanimously.**  
4

- 5               2.       ORDINANCE NO. 02-2016 An Ordinance of the Town Council of the  
6               Town of Palm Beach, Palm Beach County, Florida, Amending the Town  
7               Code of Ordinances at Chapter 102, Solid Waste; Article II Collection;  
8               Division 3, Rates, Charges, Billing Procedure; at Section 102-103  
9               Collection of Delinquent Charges; and Section 102-105, Billing for  
10              Charges; Notice of Delinquency; Providing for Severability; Providing for  
11              Repeal of Ordinances in Conflict; Providing for Codification; Providing  
12              an Effective Date.

13              *Jane Struder, Director of Finance*  
14

15       **Motion was made by Council Member Moore, and seconded by Council Member**  
16       **Zeidman, to adopt Ordinance No. 02-2016, on second and final reading. On roll**  
17       **call, the motion carried unanimously.**  
18

- 19              3.       ORDINANCE NO. 03-2016 An Ordinance of the Town Council, of the  
20              Town of Palm Beach, Palm Beach County, Florida, Granting to Florida  
21              Public Utilities Company, its Successors and Assigns, a Non-Exclusive  
22              Franchise for a Period of 25 Years to Sell, Distribute, Transport, and  
23              Transmit Natural or Mixed Gas in the Town of Palm Beach, Florida;  
24              Prescribing the Terms and Conditions Under Which Said Franchise May  
25              be Exercised; Making Findings; Providing Severability; Providing an  
26              Effective Date Upon Final Passage; and Repealing Prior Ordinances.

27              *Thomas G. Bradford, Town Manager*  
28  
29

30       **Motion was made by Council Member Zeidman, and seconded by Council Member**  
31       **Moore, to adopt Ordinance No. 03-2016, on second and final reading. On roll call,**  
32       **the motion carried unanimously.**  
33

34       B.       First Reading  
35

- 36              1.       ORDINANCE NO. 05-2016 An Ordinance of the Town Council of the  
37              Town of Palm Beach, Palm Beach County, Florida, Amending the Town  
38              Code of Ordinances at Chapter 78, Peddlers and Solicitors; Article III,  
39              Charitable Solicitations; Division 2, Permit, Section 78-105, Fees, to  
40              Provide an Exemption Provision for Organizations Which Receive  
41              Financial Support From the Town Through its Budgeting Process;  
42              Providing for Severability; Providing for Repeal of Ordinances in  
43              Conflict; Providing for Codification; Providing an Effective Date.

44              *Susan A. Owens, MMC, Town Clerk*  
45

46       **Motion was made by Council Member Zeidman, and seconded by Council Member**

Lindsay, to approve Ordinance No. 05-2016, on first reading. On roll call, the motion carried unanimously.

2. ORDINANCE NO. 06-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 10, Animals; Article I, In General; Section 10-10, Temporary Permits; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification: Providing an Effective Date.

*Jay Boodheshwar, Deputy Town Manager*

Motion was made by Council Member Zeidman, and seconded by Council Member Lindsay, to approve Ordinance No. 06-2016, on first reading. On roll call, the motion carried unanimously.

**XIII. ANY OTHER MATTERS**

**XIV. ADJOURNMENT**

There being no further business, the March 8, 2016, regular Town Council meeting was adjourned at 3:56 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 10, 2016

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## Section of Agenda

Minutes

## Agenda Title

MINUTES: MARCH 9, 2016

Approval of the Minutes of the Regular Town Council Meeting

## Presenter

Susan A. Owens, MMC, Town Clerk

## Supporting Documents

- [Minutes of the Town Council Meeting Held on March 9, 2016](#)



**MINUTES OF THE REGULAR TOWN COUNCIL MEETING  
HELD ON WEDNESDAY, MARCH 9, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The regular Town Council meeting was called to order on Wednesday, March 9, 2016, at 9:47 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

*(Clerk's Note: Invocation and Pledge of Allegiance had been conducted at the Local Planning Agency meeting held just previously to this meeting.)*

**III. RECOGNITIONS**

Mayor Coniglio recognized John Lehr, Florida Power & Light (FP&L) representative, who was available to address any undergrounding issues.

Discussion took place regarding whether an underground system would be more or less reliable than an overhead system.

Mr. Lehr suggested reaching out to other municipalities that had proceeded with undergrounding in order to obtain information on the reliability of their systems; the thought process of FP&L was that as more circuits were placed underground, the more reliable the service. Data indicated that was true regardless of whether the service was on the mainland or a barrier island.

**IV. COMMENTS OF MAYOR GAIL L. CONIGLIO**

Mayor Coniglio spoke regarding an e-mail from former Councilman Wildrick, encouraging the Town Council to maintain a close watch on Town assets.

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

Council Member Zeidman commented regarding the safety of overhead electrical lines, and provided statistics regarding calls received by the Public Safety Department regarding downed power lines and power poles with the present overhead system.



She stated that these were items that needed to be kept in mind in making an informed decision as to undergrounding or keeping the current overhead system

**VI. COMMUNICATIONS FROM CITIZENS – 3 MINUTES LIMIT PLEASE – None**

**VII. APPROVAL OF AGENDA**

The following items were deferred to the April 13, 2016, Town Council meeting:

- Item No. VIII.B.1.a.Site Plan Review #8-2015 with Variance
- Item No.VIII.B.1.c.Special Exception #33-2015 with Site Plan Review and Variances
- Item No. VIII.B.2.d. Special Exception #08-2016 with Site Plan Review and Variances

The following items were added to the Agenda:

- Special Exception #04-2016 with Site Plan Review, 608 Island Drive, as Item No. VIII.B.1.d.
- Reconsideration of Resolution No. 32-2016, as Item X.A.

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

**VIII. DEVELOPMENT REVIEWS**

Town Clerk Owens administered the oath to all those who would be providing testimony on any matters on the agenda.

**A. Time Extensions and Waivers**

1. Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237, 1290 N. Ocean Blvd  
*John S. Page, Director of Planning, Zoning and Building*

Ex-parte communications were declared by Mayor Coniglio via emails and conversations with neighboring property owners, Council President Pucillo via emails and letters, Council President Pro Tem Kleid via emails and letters, Council Member Lindsay via emails and conversations with neighboring property owners, Council Member Zeidman via emails.

Town Attorney Randolph confirmed that all emails were included in the back-up material for the meeting.

Christian Thomas, Christian Thomas Construction, reviewed the history of 1290 N. Ocean and explained why the time extension was needed.

Director of Planning, Zoning, and Building John Page provided an overview of the time extension request, noting that a six month time extension was being requested. Building Official William Bucklew verified the statements of the applicant, noted that the project had an abnormal number of 18 revisions, and verified that the contractor had run into many issues with the project.

Discussion ensued regarding the lack of workmen on the project, revision turnaround time, issues not being the fault of the contractor, time delays because of the scope of the revisions, deterioration of the structure, owners financial plan for all of the revisions, length of time necessary for the time extension, concerns of the neighbors, replacement of the hedge that was removed, that the beach house was not currently in the scope of work and should be repaired, the hot tub needs repair, and the former gate should be put back in place.

**Motion was made by Council President Pro Tem Kleid, seconded by Council Member Moore, to grant a four (4) month time extension, subject to replacement of the gate and hedge, taking care of the pool and wall of the beach house, and a daily fine of \$500 to begin tolling following the time extension if the project is unfinished at that time. Applicant was further directed to coordinate replacement of the hedge with the respective neighbor.**

**After further information was provided by Director Page regarding work hours, Council President Pro Tem Kleid amended the motion to include the requirement that the applicant will be in conformance with all rules, regulations, and codes. The amended motion was seconded by Council Member Moore.**

**Council Member Lindsay requested that the applicant coordinate replacement of the hedge with the respective neighbor.**

**On roll call, the motion carried unanimously.**

#### **B. Variances, Special Exceptions, and Site Plan Reviews**

##### **1. Old Business**

- a. **SITE PLAN REVIEW #8-2015 WITH VARIANCE** The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as **201 Debra Ln.**, described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with

a setback of 6.25 feet in lieu of the 15 foot minimum required.  
[Attorney: M. Timothy Hanlon]  
[Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 5-2.]

*Deferred from the December 9, 2015, January 13, 2016, and February 10, 2016, Town Council Meetings.*

**Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated March 2, 2016, from M. Timothy Hanlon.**

*John S. Page, Director of Planning, Zoning & Building – Item was Deferred to the April 13, 2016, Town Council meeting*

b. **MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES**

Request for Waiver Construction Hours and Proposed Construction Management Agreement for Tunnel Project at 1520 South Ocean Boulevard.  
[Attorney: Francis X.J. Lynch]

*Deferred from the February 10, 2016, Town Council Meeting.*

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

Ex-parte communications were declared by Council Member Moore via phone message left by Attorney Lynch, however, they did not speak; Council President Pucillo, Council Member Lindsay also were left phone messages but did not speak; Council President Pro Tem Kleid spoke with Attorney Lynch who advocated the position of his client.

Attorney Lynch, on behalf of the applicant, noted that the applicant had indicated that he intended to live in this house as a residence. Also present were representatives from Hedrick Brothers Construction, the contractor on the project. It was the intention to construct 24 hours per day, with the intent that once the road cut was done, the hole dug, the tunnel put in place, the hole was filled, and then repave over that. The idea was to get this done as quickly as possible with as little interruption to neighbors as possible. The project would be manned 24 hours with police officers and certified flag people; it would also be monitored for noise and vibration.

Zoning Administrator Castro clarified that the plan was to work 24/7 for a 24-day period, until the road could be re-opened. He noted that if the hours of construction were approved, then the Construction Management Agreement could proceed forward as drafted.

**Motion was made by Council President Pro Tem Kleid, seconded by Council Member Moore, to grant an extension of work hours subject to the condition that all**

1 of the work be performed during the months of July and August 2016. On roll call,  
2 the motion carried unanimously.

3  
4 Zoning Administrator Castro addressed the Construction  
5 Management Agreement, which had been modified and agreed  
6 upon by the applicant, as contained in the back-up material for the  
7 meeting today; the 24 hour work schedule would now need to be  
8 inserted back into the Agreement. He requested that a reference be  
9 made in the Agreement to the Maintenance of Traffic (MOT) Plan,  
10 which identifies in aerial form how they plan to close one lane of  
11 traffic and work within the construction area. The Agreement  
12 would also need to be modified as to the months of work, which  
13 would now be between the months of July and August 2016. All  
14 modifications to the Agreement were agreed to by the applicant.

15  
16 **Motion was made by Council President Pro Tem Kleid, seconded by Council**  
17 **Member Zeidman, to accept the Construction Management Agreement as amended.**  
18 **On roll call the motion carried unanimously.**

- 19  
20 c. **SPECIAL EXCEPTION #33-2015 WITH SITE PLAN**  
21 **REVIEW AND VARIANCES** The application of Robert and  
22 Denise Benedickson; relative to property commonly known as **222**  
23 **Seaspray Ave.**, described as lengthy legal description on file;  
24 located in the R-B Zoning District. The Applicant is requesting a  
25 Special Exception with Site Plan Review approval to demolish an  
26 existing 2,444 square foot residence with a 800 square foot garage  
27 and build it back in the same location with a proposed total square  
28 footage of 3,802 on a non-conforming platted lot which is 50 feet in  
29 width in lieu of the 100 foot minimum required and 6,125 square  
30 feet in area in lieu of the 10,000 minimum required in the R-B  
31 Zoning District. The following variances are being requested: to  
32 allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot  
33 minimum required in the R-B Zoning District for a one story  
34 section of the house; to allow a west side yard setback of 8.33 feet  
35 in lieu of the 12.5 foot minimum required for the proposed covered  
36 entry for the front door; to allow an east side yard setback of 9.67  
37 feet in lieu of the 15 foot minimum required for the proposed  
38 second story of the house; and to allow a lot coverage to be 31% in  
39 lieu of the 30% maximum allowed; to allow a cubic content ratio to  
40 be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura  
41 Ziska, Esq.] [Architectural Commission Recommendation:  
42 Deferred the project to the January 27th meeting. Carried 7-0]  
43 *Deferred from the February 10, 2016, Town Council Meeting.*  
44 **Request for Deferral to the April 13, 2016, Town Council**  
45 **Meeting Per Letter Dated February 19, 2016, from Maura A.**  
46 **Ziska.**

*John S. Page, Director of Planning, Zoning & Building - Item was Deferred to the April 13, 2016, Town Council meeting*

***The Following Item was Deferred from the February 10, 2016, Town Council meeting to the March 9, 2016, Town Council meeting, but was Inadvertently Left Off the March 9, 2016, Agenda and Subsequently Added Back on Under Approval of the Agenda:***

d. **SPECIAL EXCEPTION #04-2016 WITH SITE PLAN REVIEW**

The application of Denis P. Coleman and Annabelle G. Coleman; relative to property commonly known as 608 Island Dr., described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 7,815 sq. ft. two-story single family residence on a portion of a platted lot which is 95 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District.[Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Deferred project to the March 23, 2018, ARCOM meeting carried 7-0]

*John S. Page, Director of Planning, Zoning & Building  
Deferred from the February 10, 2016, Town Council meeting in order to refer the item to the Architectural Commission for their review.*

**This item was deferred from the February 10, 2016, Town Council meeting to the March 9, 2016, Town Council meeting, but was inadvertently left off the March 9, 2016, agenda.**

**This item was added to the agenda as Item No. VIII. B.1.d.**

There were no ex-parte communications declared.

Zoning Administrator Castro explained that the Town Council had deferred this item to this date, and everyone at the last meeting would know that this item would be heard today. The Agenda was published as of Friday of last week, and the notice requirements in the Code were met.

Attorney Ziska, on behalf of the applicant, provided an overview of the applicant's request. The application had not yet been approved by the Architectural Commission (ARCOM); however the changes recommended by ARCOM were elevation changes and would not change the Site Plan. She explained that the house met code, on a nonconforming lot. The Site Plan could be approved today; and, the applicant would not have to return next month.

Zoning Administrator Castro clarified that the footprint of the

building was not changing, and it was the Council's discretion as to approval, however, the applicant would still need to go back before ARCOM for approval.

**Motion made by Council Member Moore, seconded by Council Member Zeidman, that Special Exception #04-2016 shall be granted based upon the finding that such grant will not adversely affect the public interest, and the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.**

2. New Business

- a. **SITE PLAN REVIEW #02-2016** The application of Palm Beach Property LP (Samantha P. David, Agent); relative to property commonly known as **340 Poinciana Way**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is seeking to modify the previously approved site plan approvals to correct the gross leasable area (GLA) of the Plaza; and thus the parking calculation of the Royal Poinciana Plaza. The 1979 Agreement and subsequent 1982 Fact Sheet Addendum represents that the Royal Poinciana Plaza has 141,187 SF of office and retail space, as well as several restaurant uses. The 1979 Agreement further stipulates that retail and office square footage shall be calculated at 1 parking space per 300 SF of GLA and restaurants are calculated at 1 parking space per 3 seats. Several changes have occurred since 1979 that have affected the overall square footage at the Plaza, including changes to the Slat House, common areas, and precise technology that allows property owners to accurately survey and calculate square footage. The applicant had a survey done of the property in 2015 and independent verification will confirm survey results to finalize the actual square footage for the Royal Poinciana Plaza. The correct square footage for office/retail GLA is 112,085 Sq. Ft. This does not include restaurant or theater requirements. [Attorney: Maura Ziska, Esq.]

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

The following ex-parte communications were declared:

Council Member Lindsay via speaking with the owners and the prospective tenant; Council Member Moore via meeting with Ms. David's staff, and the gentleman from Sant Ambroeus; Council President Pucillo via meeting with the owners and prospective tenant, and with Mr. Taylor, as well as read a number of emails and letters received, had spoken with one or two neighbors in connection with the property; Council President Pro Tem Kleid declared that he had read the letters from Mr. Taylor, and emails, met with Ms. David and the owner of the proposed restaurant, and

1 had several telephone conversations with interested parties;  
2 Council Member Zeidman via speaking and meeting with Ms.  
3 David, neighbors in the area, Dimitri Pauli, read letters submitted  
4 by residents, spoken to and read the letter from Mr. Taylor.

5  
6 Town Attorney Randolph advised that any Council Member who  
7 had met with neighbors and those that had telephone conversations  
8 should, as part of the ex-parte communication, reveal what the  
9 nature of those conversations were.

10  
11 Council President Pro Tem Kleid clarified that his conversations  
12 had been related to opposition to the application; Council Member  
13 Zeidman clarified that the nature of the conversations she had with  
14 neighbors in the Royal Poinciana Plaza, were concerns as to how  
15 the new restaurant might impact current businesses. Council  
16 President Pucillo clarified that he had spoken with some people  
17 from The Towers Condominium, who had spoken in favor of the  
18 project. Council Member Lindsay clarified that she had spoken  
19 with some neighbors on Royal Poinciana Way, who were  
20 concerned about parking and impact.

21  
22 Attorney Ziska, on behalf of the Royal Poinciana Plaza, provided  
23 an overview of the applicant's request. She clarified that the first  
24 request was more housekeeping, essentially to correct the record  
25 with regard to the gross leasable area (GLA) at the Royal Poinciana  
26 Plaza.

27  
28 Zoning Administrator Castro pointed out that when the 1979  
29 Agreement was approved there were not as many restaurants in the  
30 Plaza. At that time, the theater, the Celebrity Room, and the Hibel  
31 Museum site were included. Staff had requested that two buildings  
32 be surveyed by Calvin Giordano & Associates – the main building,  
33 as well as the Slat House. He recommended that, for those two  
34 buildings, that the number be memorialized at 111,574 sq. ft. of  
35 gross leasable area (GLA), excluding the restaurants that exist in  
36 both of those buildings. He clarified that number would not include  
37 the old Hibel Museum building, the Celebrity Room, the theater,  
38 the restaurants that exist on the property, and the proposed Sant  
39 Ambroeus. Mr. Castro stated that the staff recommendation was to  
40 approve the Calvin Giordano & Associates re-surveyed number for  
41 both the main building and the Slat house building at 111,574 sq.ft.  
42 of gross leasable area, excluding the restaurants and the proposed  
43 restaurant.

44  
45 Simon Taylor, 234 Oleander Ave., spoke regarding his objections  
46 to the gross leaseable area (GLA), and suggested that this item

1 should be deferred, as he maintained that there had not been the  
2 ability for the citizens to understand the issue.

3  
4 Zoning Administrator Castro clarified that notices went out over  
5 two weeks ago. Public records were available for anyone to  
6 review.

7  
8 Attorney Ziska clarified that there were two studies done; one was  
9 done on behalf of the Plaza, by a company called Existing  
10 Conditions, who had laser measured, resulting in approximately  
11 112,000 sq. ft. Then, the Town hired their own consultant to re-  
12 laser measure, resulting in approximately the same amount.

13  
14 Mr. Taylor spoke regarding the availability of various documents  
15 and background material.

16  
17 Town Attorney Randolph asked Zoning Administrator Castro how  
18 long the particular plans relating to the measurement had been  
19 available for review by the public.

20  
21 Mr. Castro replied that they were submitted over 30 days ago and  
22 had been in the Town offices. The notices for these applications  
23 being considered went out over 15 days prior to this meeting, and  
24 there were two legal notices placed in the newspaper prior to the  
25 meeting. All of the Town records were on file for review at any  
26 time. He noted that the applicant had paid for the Town requested  
27 re-survey by Calvin Giordano & Associates.

28  
29 Town Attorney Randolph clarified that the Power of Attorney  
30 mentioned as a document by Mr. Taylor had nothing to do with  
31 today's applications. The Power of Attorney was between the  
32 parties – between Mr. Spiegel and the applicant to whom he granted  
33 the Power of Attorney. It had nothing to do with the Town  
34 Council, or what the Town Council's obligations were.

35  
36 Mr. Taylor replied that he disagreed, and that it was an unnecessary  
37 Power of Attorney, and that people needed to have the opportunity  
38 to review the survey.

39  
40 Council President Pucillo spoke regarding the issue of notice and  
41 opportunity to comment, and noted that Mr. Castro had testified  
42 that this has been a matter of public record available for inspection  
43 for more than 15 days.

44  
45 **Motion was made by Council President Pro Tem Kleid, seconded by Council**  
46 **Member Moore, to approve the correct square footage for office/retail gross**



leaseable area (GLA) and to memorialize it at 111,574 sq. ft., which does not include restaurants, theater, Celebrity Room, or the Hibbel Museum, and direct that said square footage be made part of the Site Plan. On roll call, the motion carried unanimously.

- b. **SPECIAL EXCEPTION #06-2016** The application of Sant Ambroeus (Dimitri Pauli); relative to property commonly known as **340 Royal Poinciana Way, Suite 304**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is requesting a Special Exception approval to operate a 5,973 square foot, 120 seat restaurant which will feature upscale Italian cuisine. The proposed restaurant will be located in the northeast corner of the Plaza where a restaurant was previously approved; however, the proposed restaurant will have less square footage and less seats. The proposed hours of operation are to be: Sunday through Thursday – Breakfast, Lunch and Dinner – 8:00 a.m. to 10:00 p.m. Friday and Saturday – Breakfast, Lunch and Dinner – 8:00 a.m. to 11:00 p.m. \*\*The proposed restaurant is not to be open for lunch on the days that the theater has matinees\*\* [Attorney: Maura Ziska, Esq.]

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

Attorney Ziska, on behalf of the applicant, provided an overview of the application, noting that she was accompanied by Dimitri Pauli, owner of Sant Ambroeus, and Samantha David, on behalf of the Royal Poinciana Plaza. She provided an explanation of the parking requirements in the Royal Poinciana Plaza, and the Declaration of Use Agreement agreed to be entered into by Palm Beach Property LP. She noted that she had also prepared a Declaration of Use Agreement that the Town would have plenty of time to review before the next Town Council meeting. She thanked Mr. Castro and Mr. Page for the time spent researching the Royal Poinciana Plaza history, and the community for the outpouring of support for Sant Ambroeus.

Dimitri Pauli, owner of Sant Ambroeus, provided additional information on the application, and the history of the restaurant.

Samantha David, Up Markets, provided additional general information regarding the project and the Royal Poinciana Plaza.

Director of Planning, Zoning, and Building John Page provided Staff's comments, noting that there was a provision in the 1979 Agreement that allowed for the theater to be used for lectures, and other special events, and there was no limitation on the days of the week or the numbers of those types of events. Because of that, when the theater was open, the Plaza was deficient in terms of

1 parking. Using the principle of equivalency in the zoning  
 2 ordinance, staff determined that the new restaurant being proposed  
 3 was 27 parking spaces shy of the necessary requirement. The  
 4 applicant was proposing to decrease the number of seats in the  
 5 theater to make up for those 27 spaces. According to staff  
 6 calculations, that would require the elimination of 135 seats in the  
 7 theater. If that was the action chosen by the Town Council, staff  
 8 requested that would be memorialized in a Declaration of Use  
 9 Agreement that would need to be finalized after this meeting date.

10  
 11 Discussion ensued regarding the provisions of the 1979 Agreement,  
 12 and addendum thereto; the reduction of seats in the theater in order  
 13 to allow the restaurant to be opened for breakfast, lunch, and  
 14 dinner.

15  
 16 Mr. Simon Taylor expressed his concerns regarding:

- 17
- 18 • the decrease in the number of seats in the theater and the
- 19 opportunity to have a multi-use cultural community social
- 20 venue/club with a theater, special events, and daytime
- 21 lectures,
- 22 • the future development of the Royal Poinciana Plaza,
- 23 • the regulations regarding the proposed parking
- 24 requirements,
- 25 • the prospect of the Plaza being sold,
- 26 • the 1979 Agreement, and the 2007 Court Order,
- 27 • the permitted uses of the theater and the Celebrity Room.
- 28

29 Robert Moore, 318 Bunker Ranch Rd., spoke regarding the  
 30 American with Disabilities Act (ADA) requirements that the  
 31 building would need to meet when it re-opens, which would require  
 32 the elimination of some of the theater seats. He suggested that  
 33 Staff's recommendation was appropriate.

34  
 35 Allen Wyett, 1145 N. Lake Way, spoke regarding the discussions  
 36 that had taken place regarding the theater since 1969, his concerns  
 37 as a resident that the wrong emphasis is being put on the site, the  
 38 opportunity and necessity to restore the viability of the Royal  
 39 Poinciana Plaza, and the need for another good restaurant in the  
 40 area.

41  
 42 **Motion was made by Council President Pro Tem Kleid, seconded by Council**  
 43 **Member Zeidman, to grant Special Exception #06-2016, based upon the finding that**  
 44 **such grant would not adversely affect the public interest and the applicable criteria**  
 45 **set forth in Section 134-229 of the Town Code had been met, provided that there is**  
 46 **an Agreement to reduce the number of seats in the theater to a maximum of 725,**

1        **and that said reduction would be memorialized in a Declaration of Use Agreement**  
 2        **to come before the Town Council at its April 13, 2016, meeting. On roll call, the**  
 3        **motion carried 4-0, as Council Member Moore was absent.**

4  
 5                Zoning Administrator Castro clarified that the Declaration of Use  
 6                Agreement would be coming back to the Town Council in April, for  
 7                consideration and approval.

8  
 9        *(Clerk's Note: The Town Council recessed briefly at 11:58 a.m., and reconvened the*  
 10        *meeting at 12:06 p.m.)*

11  
 12                c.        **SPECIAL EXCEPTION #05-2016 WITH SITE PLAN**  
 13                **REVIEW** The application of Alex Gilmurray, CFO of The  
 14                Breakers Palm Beach, Inc.; relative to property commonly known  
 15                as **1 S. County Rd.**, described as lengthy legal description on file;  
 16                located in the PUD-A Zoning District. The Applicant is requesting  
 17                a Special Exception with Site Plan Review approval to demolish  
 18                Building #4 (2,726 sf) in The Breakers maintenance complex near  
 19                the west end of the Pine Walk and replace it with a new building of  
 20                3,581 sf. The building, which serves as the carpentry shop, will  
 21                physically resemble the other buildings in the maintenance  
 22                complex. [Attorney: James M. Crowley, Esq.]  
 23                *John S. Page, Director of Planning, Zoning & Building*

24  
 25                Ex-parte communications were declared by Council Member  
 26                Lindsay with The Breakers staff with very brief discussion of  
 27                Special Exception #05-2016, by Council President Pucillo, Council  
 28                President Pro Tem Kleid, and Council Member Zeidman with The  
 29                Breakers staff; however, Special Exception #05-2016 was not part  
 30                of the discussion.

31  
 32                Attorney James Crowley, Gunster Law Firm, on behalf of The  
 33                Breakers, provided an overview of the application.

34  
 35                Zoning Administrator Paul Castro advised that there were no Staff  
 36                comments or concerns relative to this application.

37  
 38        **Motion was made by Council Member Zeidman, seconded by Council Member**  
 39        **Lindsay, to grant Special Exception 05-2016, based upon the finding that such grant**  
 40        **will not adversely affect the public interest, and the applicable criteria set forth in**  
 41        **Section 134-229 of the Town Code have been met. On roll call, the motion carried 4-**  
 42        **0, with Council Member Moore absent.**

43  
 44                d.        **SPECIAL EXCEPTION #08-2016 WITH SITE PLAN**  
 45                **REVIEW AND VARIANCES** The application of 280 NCR, LLC;  
 46                relative to property commonly known as **280 N. County Rd.**,

described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.] [Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 7-0]

**Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 29, 2016, from Guy Rabideau.**

*John S. Page, Director of Planning, Zoning & Building – Item was Deferred to the April 13, 2016, Town Council Meeting*

## IX. ORDINANCES

### A. First Reading

1. **ORDINANCE NO. 4-2016** 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 IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134- 446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134- 893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134- 1729, Generators And Swimming Pool Equipment,

To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

**Motion was made by Council President Pro Tem Kleid, seconded by Council Member Zeidman, to approve Ordinance No. 04-2016, on first reading, amended as follows by the Local Planning Agency (LPA):**

**Amended the following sections: "...Concrete ~~block~~ masonry finished..."**

- **SECTION 134-1729(1)d. – Page 8**
- **SECTION 134-1729(2)d. – Page 9**
- **SECTION 134-1728(c) – Page 11**

**On roll call, the motion carried 4-0, with Council Member Moore absent.**

## **IX. ANY OTHER MATTERS**

### **A. Reconsideration of Resolution No. 32-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION, STANDARDS APPLICABLE TO PUBLIC RIGHTS-OF-WAY AND EASEMENTS, AT CHAPTER XII, MISCELLANEOUS PROVISIONS, RELATING TO CONSTRUCTION PARKING; AMENDING APPENDIX C, PUBLIC WORKS RIGHT-OF-WAY PERMIT FEE SCHEDULE RELATING TO NON-METERED SPACE (EXCLUDES WORTH AVENUE); PROVIDING AN EFFECTIVE DATE.

Town Attorney Randolph stated that the Town Clerk had called his attention to the fact that Resolution No. 32-2016, which had been on the Consent Agenda for

1 the March 8, 2016, Town Council meeting, did not have the proper whereas  
2 language, and he had now modified the resolution to incorporate the substantive  
3 changes. He requested a motion for re-consideration for Resolution No. 32-2016,  
4 and then a motion to adopt the modified Resolution No. 32-2016.

5  
6 **Motion was made by Council President Pro Tem Kleid, seconded by Council**  
7 **President Pucillo, to reconsider Resolution No. 32-2016. On roll call, the motion**  
8 **carried 4-0, with Council Member Moore absent.**

9  
10 **Motion was made by Council President Pro Tem Kleid, seconded by Council**  
11 **Member Zeidman, to rescind the previously adopted Resolution No. 32-2016, and**  
12 **adopt the modified version of Resolution No. 32-2016. On roll call, the motion**  
13 **carried 4-0, with Council Member Moore absent.**

14  
15 **X. ADJOURNMENT**

16  
17 There being no further business, the March 9, 2016, regular Town Council meeting was  
18 adjourned at 12:13 p.m.

19  
20  
21 APPROVED:

22  
23  
24  
25 \_\_\_\_\_  
26 Michael J. Pucillo  
27 Town Council President

28 ATTEST:

29  
30  
31 \_\_\_\_\_  
32 Susan A. Owens, MPA, MMC  
33 Town Clerk

34  
35 \_\_\_\_\_  
Date

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Minutes

## Agenda Title

MINUTES: MARCH 9, 2016

Approval of the Minutes of the Local Planning Agency Meeting

## Presenter

Susan A. Owens, MMC, Town Clerk

## Supporting Documents

- [Minutes of the Local Planning Agency Meeting Held on March 9, 2016](#)

**MINUTES OF THE LOCAL PLANNING AGENCY MEETING  
HELD ON WEDNESDAY, MARCH 9, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The Local Planning Agency meeting was called to order at 9:30 a.m. on Wednesday, March 9, 2016, in the Town Council Chambers. On roll call, all of the members were found to be present.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

Town Clerk Owens gave the invocation. Agency Chair Pucillo led the Pledge of Allegiance.

**III. COMMUNICATIONS FROM CITIZENS**

Janice Conroy, 266 Colonial Ln., spoke in opposition to proposed Ordinance No. 4-2016.

Agency Chair Pucillo urged Ms. Conroy to attend the next meeting of the Planning and Zoning Commission on March 22, 2016.

**IV. ORDINANCE NO. 4-2016 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 IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729,**



**Generators And Swimming Pool Equipment, To Require A Concrete ~~Block~~ Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete ~~Block~~ Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; 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. 4-2016.**

Zoning Administrator Castro spoke regarding issues that were brought forward by the public this morning, noting that the actual change to the nonconforming section of the Code was making the Code more flexible in regard to demolition and renovation. He noted that the Staff is asking for one change to the ordinance related to generators; the recommendation had been to have a concrete block wall between neighboring properties, and staff believed that the language could be more flexible by striking the word “block,” so that it could be a concrete masonry finish stucco wall instead of block.

In reference to the portion of the proposed ordinance related to Town Council consideration of a site plan review and/or special exception or variance, Zoning Administrator Castro explained that in all of the multi-family districts, to build a single family home on a non-conforming lot in a multi-family district is a variance. In all of the single family districts, on a non-conforming lot, it was a special exception and/or site plan review. Under the current Code, they come to the Town Council and do not go to the Architectural Commission (ARCOM) first. Under the proposed ordinance, it would now go to ARCOM first, and get approved, before coming to the Town Council. He further explained that only the variance related to building on a non-conforming lot in a multi-family district would go to ARCOM first; any other variance would not go to ARCOM first, and would follow the normal process.

**Motion was made by Agency Member Kleid, and seconded by Agency Member Moore, to amend Ordinance No. 4-2016 by removing the work “block” before any references to “masonry”, and to recommend that the Town Council approve Ordinance No. 4-2016, as amended. On roll call, the motion carried unanimously.**

V. ADJOURNMENT

There being no further business, the Local Planning Agency meeting of Wednesday, March 9, 2016, was adjourned at 9:45 a.m.

APPROVED:

\_\_\_\_\_  
Michael J. Pucillo  
Chair

ATTEST:

\_\_\_\_\_  
Susan A. Owens, MPA, MMC  
Town Clerk

\_\_\_\_\_  
Date

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Minutes

## Agenda Title

MINUTES: APRIL 12, 2016

Approval of the Minutes of the Regular Town Council Meeting

## Presenter

Susan A. Owens, MMC, Town Clerk

## Supporting Documents

- [Minutes of the Town Council Meeting Held on April 12, 2016](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING  
HELD ON TUESDAY, APRIL 12, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The regular Town Council meeting was called to order on Tuesday, April 12, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all of the elected officials were found to be present.

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**III. APPROVAL OF AGENDA**

The following change was made to the Consent Agenda:

- Item No. IX. B.7., Resolution No. 44-2016, was amended to read as follows:

Page 79, Paragraph 3, – “Royal ~~Palm~~ Poinciana Way...”

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

**IV. RECOGNITIONS**

- A. Recognition of Harris S. Fried, Code Enforcement Board, from April 2006 through April 2016.

Mayor Coniglio recognized Mr. Fried for his service.

- B. Recognition of Kenn Karakul, Architectural Commission, from March 2006 through March 2016.

Mayor Coniglio recognized Mr. Karakul for his service.

- C. Recognition of Robert J. Vila, Architectural Commission, from March 2008 through March 2016.

Mayor Coniglio recognized Mr. Vila for his service.

V. **PRESENTATIONS**

- A. Legislative Session Update  
*The Honorable Jeff Clemens, Florida Senate, District 27*

Senator Clemens provided an update on the Legislative Session, spoke regarding recent bills that passed and items that will be appearing on the August and November ballot, the redistricting process, announced the new district senate representative, and his disappointment about no longer representing the Town of Palm Beach.

- B. Introduction of Mark Bannon, Executive Director, Palm Beach County Commission on Ethics

Mark Bannon, Palm Beach County Commission on Ethics, introduced himself and staff member Christie Kelley as the Town's liaisons for the Commission, spoke about the free services they provide that are paid for by the County's ad valorem taxes, and advised the Council Members to contact their office if there is anything they need.

- C. All Aboard Florida  
*Ali Soule and Adrian Share, Brightline*

Ali Soule, Public Affairs Manager for All Aboard Florida, provided an update on the All Aboard Florida project that will be taking place on Okeechobee Boulevard in mid-May and spoke about the road closures, project schedules, detours, and public outreach efforts.

Lyle Tower, Archer Weston, spoke regarding the project's scope and timeline.

- D. Code Enforcement Board Presentations by Applicants

The following applicants provided presentations to the Town Council:

Robert Donnelly  
Jay Nisberg

- E. Investment Advisory Committee Presentations by Applicants

The following applicant provided a presentation to the Town Council:

Andrew Fraser

F. Recreation Advisory Commission Presentations by Applicants

The following applicants provided presentations to the Town Council:

Nicholas Coniglio (*Clerk's Note: Carrissa Coniglio provided comments on her husband's behalf*)

Matthew Smith

Leslie Wyrzes

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

Mayor Coniglio stated that she hopes residents can find common ground with the Underground Utilities Project despite its opposition and spoke regarding her concerns with Palm Beach County's infrastructure surtax.

Discussion ensued regarding the Palm Beach County surtax proposal.

Deputy Town Manager Jay Boodheshwar reported his findings from the Palm Beach County League of Cities on the Resolution of support document and interlocal agreement, and stated that no action is necessary at this time.

Discussion ensued regarding the decision to delay signing the interlocal agreement.

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

Council Member Zeidman spoke regarding the Zika virus and mosquito control.

Discussion ensued regarding Palm Beach County's recommendations for mosquito control and the Town's plans to issue a press release regarding the matter.

Council Member Moore expressed how pleased she was to see a big crowd in Council Chambers and announced that any interested residents who wish to receive weekly e-mail updates on Town Hall meetings can leave her a note with their e-mail address.

Council Member Lindsay echoed Council Member Zeidman's earlier comment about the Zika virus and stated that it's a good opportunity for the Palm Beach Civic and Citizens' Associations to publish a to-do list for residents before they leave for the summer so that they can monitor standing water on their properties while they are away.

**VIII. COMMUNICATIONS FROM CITIZENS**

Bill Bone, Palm Beach Centennial Commission, requested that the Town Council add consideration of the addition of stairs to the south side of the Memorial Fountain to the May 10, 2016, Town Council Meeting agenda.

Council President Pro Tem Kleid requested that Staff investigate the cost, potential timeline, and any possible impacts the addition may have to the existing grant agreement, and report back at the May 10, 2016, Town Council meeting.

Allen Wyett, 1145 North Lake Way, spoke about the proposed street light project for the South End of Palm Beach and asked that Staff pay close attention to the improvement of the street lights at the North End during the Underground Utilities Project.

Steve Salvi, Founder of Ohio Jobs and Justice Political Committee, suggested that the Town pass an ordinance that requires contractors who do business in the Town to use the E-Verify Program and spoke about the benefits of using E-Verify.

Charles Hickman, 242 List Rd., spoke about his opposition to the Underground Utilities Project and stated his opinion on the misrepresentation of facts that were given to the residents with respect to the advertising, benefits, and cost of the Project.

Marianne Beyl, 2840 South Ocean Blvd., spoke about her opposition to the residents of Nightingale Trail, La Puerta Way, and Everglades Avenue being allowed to vote in the referendum and stated that she believes one of the Council Members might have interfered with the voting process.

## IX. APPROVAL OF CONSENT AGENDA

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

### A. MINUTES

1. Approval of Major Matters Considered by the Architectural Commission at its Meeting of January 27, 2016  
*John S. Page, Director of Planning, Zoning & Building*

### B. RESOLUTIONS

1. RESOLUTION NO. 36-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing and Approving a Purchase Order to Citation Communications, Inc. for the Purchase of Dispatch Consoles and Software Upgrades in the Amount of \$61,717.55; and Establishing a Total Budget of \$70,000; and Providing an Effective Date.  
*Kirk W. Blouin, Director of Public Safety*
2. RESOLUTION NO. 37-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving Agreements with the Palm Beach County Property Appraiser and the Tax

Collector of Palm Beach County for Services and Costs Associated with the Non-Ad Valorem Assessments to be Implemented for the Town-wide Underground Utilities Assessment Area and Authorizing the Mayor to Execute Said Agreements on Behalf of the Town.

*Jay Boodheshwar, Deputy Town Manager*

3. RESOLUTION NO. 38-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 54-90 so as to Amend the Name of the "Town Hall Square Historic District" to the "Town Square Historic District"; Providing That All Other Provisions of Resolution No. 54-90 Remain Intact; Providing an Effective Date.

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

4. RESOLUTION NO. 41-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Seacoast Embroidery, Inc., Through the City of Delray Beach Bid No. 2016-012, in the Amount of \$37,578.38 for the Purchase of Uniforms for the Palm Beach Fire Rescue Department; Establishing an Annual Budget Not to Exceed \$55,260.

*Kirk W. Blouin, Director of Public Safety*

5. RESOLUTION NO. 42-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Providing Authorization for a Contract Extension for Tree Trimming and Pruning Services to Zimmerman Tree Service, in an Amount Not-to-Exceed \$176,116 for Tree Trimming and Pruning Services, and Establishing a Project Budget of \$185,000.

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

6. RESOLUTION NO. 43-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to A.D.A. Engineering, Inc., for Preliminary Analysis and Design Services for the D-2 and D-9 Drainage Basins in the Amount of \$82,340 and Establishing a Total Engineering Budget of \$90,000.

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

7. RESOLUTION NO. 44-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Increasing the Contract Amount to Christmas Designers, Inc., in the Amount of \$2,100 for Rental of Palm Tree Lighting on Royal Poinciana Way, and Establishing a New Project Budget of \$91,600.

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

8. RESOLUTION NO. 46-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an



Increase to Purchase Order No. 160345 to Coach Comp America, in the Amount of 10,500 for a New Total of \$35,000.  
*Danielle Olson, Director of Human Resources*

**C. OTHER**

1. Appointments to Investment Advisory Committee  
*Jane Struder, Director of Finance*
2. Appointments to Code Enforcement Board  
*Kirk W. Blouin, Director of Public Safety*
3. Appropriation Request in the Amount of \$29,110.83 from FY 2016 Equipment Replacement Program Contingency for the Replacement of a Patrol Vehicle  
*Kirk W. Blouin, Director of Public Safety*

**X. CERTIFICATION OF ELECTION RESULTS**

- A. RESOLUTION NO. 35-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Declaring the Results of the Bond Referendum, Held in Conjunction with the Presidential Preference Primary, on the 15th Day of March, 2016.  
*Susan A. Owens, MMC, Town Clerk*

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 35-2016. On roll call, the motion carried unanimously.**

**XI. BOARD/COMMISSION ANNUAL REPORT**

- A. Annual Report – Architectural Commission (ARCOM)  
*Ann L. Vanneck, Chair*

Chair Vanneck provided an overview of the Architectural Commission's Annual Report.

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

**XII. PUBLIC HEARINGS**

- A. RESOLUTION NO. 45-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating, Abandoning, and Rededicating a Portion of an Existing Private Right-of-Way Known as Blossom Way, in the Town of Palm Beach, Florida.

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

2  
3 **Motion was made by Council Member Zeidman, and seconded by Council Member**  
4 **Moore, to defer Resolution No. 45-2016 to the April 13, 2016, Development Review**  
5 **Meeting.**

6  
7 **XIII. REGULAR AGENDA**

8  
9 **A. Old Business**

- 10  
11 1. Pavement Markings / Passing Lanes – North Ocean Boulevard

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

13  
14 Director of Public Works Brazil stated that North Ocean Boulevard should  
15 not be a passing zone for safety reasons.

16  
17 **It was the consensus of the Town Council to prohibit the return of the passing lane**  
18 **on North Ocean Blvd.**

19  
20 **B. New Business**

- 21  
22 1. Appointments to the Recreation Advisory Commission

23 *Beth Zickar, Director of Recreation*

24  
25 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**  
26 **Member Moore, to ratify the following Recreation Advisory Commission**  
27 **appointments:**

- 28  
29 • **Regular Members: Matthew Smith and Leslie Wyrzes**  
30 • **Alternate Members: Linda Wartow and Nick Coniglio**

31  
32 **On roll call, the motion carried unanimously.**

- 33  
34 2. Adoption of Town Manager Goals

35 *Thomas G. Bradford, Town Manager*

36  
37 Town Manager Bradford provided an overview of the Town Manager's  
38 2016 annual goals that were selected by the Town Council Members.

39  
40 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**  
41 **Member Moore, to adopt the Town Manager's Goals for 2016. On roll call, the**  
42 **motion carried unanimously.**

- 43  
44 3. Discussion of August Meeting Dates

45 *Thomas G. Bradford, Town Manager*

- 1 a. Consolidation of the 2016 August Town Council Meeting Into One  
2 Meeting

3  
4 Discussion ensued regarding the merging of the August Town Council  
5 meetings.

- 6  
7 b. Consideration of Holding August Town Council Meeting on August  
8 16, 2016

9  
10 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**  
11 **Member Zeidman, to hold the August Town Council meetings on August 16, 2016.**  
12 **On roll call, the motion carried unanimously.**

13  
14 **Motion was made by Council Member Zeidman, and seconded by Council Member**  
15 **Moore, to consolidate the regular Town Council meeting and Development Review**  
16 **meeting, and to hold them on August 16, 2016.**

- 17  
18 4. Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended  
19 September 30, 2015.

20 *Jane Struder, Director of Finance*

21  
22 Ron Bennet, Nowlen, Holt, and Miner, provided an overview of the  
23 Comprehensive Annual Financial Report.

24  
25 Discussion ensued about public pension plans.

26  
27 **Motion was made by Council President Pro Tem Kleid, and seconded by Council**  
28 **Member Moore, to accept the Comprehensive Annual Financial Report of**  
29 **September 30, 2015. On roll call, the motion carried unanimously.**

- 30  
31 5. Pension and Retirement Matters  
32 *Jane Struder, Director of Finance*  
33 **TIME CERTAIN 11:00 AM**

- 34  
35 a. Consideration of the Mercer Police and Fire-Rescue Compensation  
36 and Benefits Survey Underwritten by the Palm Beach Civic  
37 Association and the Palm Beach Police Foundation and the  
38 Recommendations of the Finance and Taxation Committee Pertaining  
39 to the Same. (*Deferred from the March 8, 2016, Town Council*  
40 *Meeting*)

41 *Heidi Gobetz, Mercer Group*

42  
43 Heidi Gobetz, Mercer Group, provided an overview of the Police and  
44 Fire-Rescue Compensation and Benefits Survey and the  
45 recommendations of the Finance and Taxation Committee.

1 Discussion ensued regarding public safety employee benefits.

2  
3 Council President Pucillo provided an overview on the Finance and  
4 Taxation Committee's meeting and addressing of the Public Safety  
5 employee retention issue, where they are in the process, the possible  
6 scenarios to review, and stated that the three areas that are being  
7 looked at are the multiplier, retirement age, and employee  
8 contribution.

9  
10 Finance Director Struder presented four possible pension scenarios to  
11 the Town Council.

12  
13 Discussion ensued about the scenarios and how they compare to the  
14 Florida Retirement System.

15  
16 Allen Wyatt, 1145 North Lake Way, commented on bond returns and  
17 suggested that the Town Council make the Public Safety departments  
18 competitive.

19  
20 Anne Pepper, 333 Seaspray Ave, spoke regarding public safety  
21 employee retention.

22  
23 Tim Moran, 272 Dunbar Rd., Palm Beach Police Foundation, spoke  
24 regarding the report and his recommendations.

25  
26 Discussion ensued regarding the recommendation made by Tim Moran  
27 and the comment made by Anne Pepper.

28  
29 Pension Administrator Hanes addressed some of the questions that  
30 were asked by the Town Council Members.

31  
32 David Rosow, 1460 N Lake Way, stated that getting more data isn't  
33 going to resolve the retention problem, spoke about his interviews with  
34 the Town's public safety employees, and advocated for a 2.75 percent  
35 multiplier with a 10 percent contribution from employees, and a  
36 retirement age of 56.

37  
38 Discussion ensued regarding Mr. Rosow's interviews with public  
39 safety employees and his recommendations.

40  
41 John Scarpa, Palm Beach Police Foundation, stated that the retention  
42 and pension issue is taking too long and suggested that the Town  
43 Council vote on a scenario today.

44  
45 A discussion ensued on the timeliness of the decision.  
46

Pat Cooper, 265 Orange Grove Rd., spoke regarding the importance of going through the data in order to determine the risk and suggested that the Town Council Members review pages 27-28 of the survey.

*(Clerk's Note: Town Council recessed for lunch at 1:30 p.m., and reconvened at 2:48 p.m.)*

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to allocate an amount not-to-exceed \$16,000 for an actuarial study of scenarios 1 and 2 and the Florida Retirement System. On roll call, the motion carried unanimously.**

- b. RESOLUTION NO. 47-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, FL Approving an Amendment to the Statement of Overall Investment Objectives and Policy for the Town of Palm Beach Retirement System Pursuant to Section 82-57(I) of the Code of Ordinances of the Town of Palm Beach, and Providing an Effective Date. (assumed Investment Rate of Return Will Decrease From 7.5% to 7.0% by 10 Basis Points per year Until the Investment Rate of Return Reaches 7.0%).

*William B. Hanes, Pension Administrator*

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to defer Resolution No. 47-2016, to the May 10, 2016, Town Council meeting. On roll call, the motion carried unanimously.**

6. Construction Sequencing and Traffic Management Plan for Summer 2016  
*H. Paul Brazil, P.E., Director of Public Works*

Director of Public Works Brazil provided an overview of the proposed Plan.

Discussion ensued regarding the schedule and timeline for the various projects, extended construction hours, better communication, and a construction map to be published on the Town's website.

7. RESOLUTION NO. 48-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Mock Roos & Associates, Inc., in the Amount of \$181,590 for the Street Lighting Upgrade on South Ocean Boulevard from Sloan's Curve to Lake Avenue, and Establishing a Design and Bid Phase Budget of \$195,000.  
*H. Paul Brazil, P.E., Director of Public Works*

Discussion ensued regarding the timing of the street light upgrade in relation to the Undergrounding Project and the missing language regarding

the street light upgrades to the Southern Boulevard Bridge area.

Staff was directed to revise Resolution No. 48-2016 and bring it back to Town Council at the April, 13, 2016, Town Council meeting.

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to defer Resolution No. 48-2016 to the April 13, 2016, meeting. On roll call, the motion carried unanimously.**

*(Clerk's Note: A revised Resolution No. 48-2016 was actually presented, and subsequently approved by the Town Council, later in the meeting under Item No. XV.b. As such, said resolution ended up not being deferred to the April 13, 2016, Town Council meeting.)*

*(Clerk's Note: Resolution Nos. 50-2016 and 51-2016 were heard in reverse order.)*

8. RESOLUTION NO. 50-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order in the Amount of \$149,500, to Mock Roos & Associates, Inc., for Construction Phase Engineering Services for the Town-Wide Street Light Replacement Project, and Establishing a Construction Phase Budget of \$165,000.

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

Discussion ensued regarding the permitting process.

**Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Resolution No. 50-2016. On roll call, the motion carried unanimously.**

9. RESOLUTION NO. 51-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-12 and Approving a Construction Contract to PowerCore, Inc., for the Town-Wide Street Light Replacement Project, in the Amount of \$2,320,605, and Establishing a Construction Phase Budget of \$2,550,000.

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

Public Works Director Brazil, spoke regarding the conversations that have taken place between Staff and the consultants for this Project, funding, timing, and the possibility of the Project extending into season.

**Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve Resolution No. 51-2016. On roll call, the motion carried unanimously.**

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to waive Sections 42-196 through 42-199 and Sections 42-226 through 42-229 of the Town Code of Ordinances as they relate to this Project. On roll call, the motion carried unanimously.**

10. RESOLUTION NO. 52-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to A.D.A. Engineering, Inc., for the Ocean Outfall Abandonment Project in the Amount of \$87,540 and Establishing a Design and Bid Phase Budget of \$100,000.

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

Public Works Director Brazil spoke regarding the outfalls that need to be abandoned, the Town's obligation to eliminate them, and the plan to execute the Project.

**Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve Resolution No. 52-2016. On roll call, the motion carried unanimously.**

11. RESOLUTION NO. 53-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Kimley-Horn and Associates, Inc., for the Pump Station A-7 Roof Replacement in the Amount of \$61,200 and Establishing a Design and Bid Phase Budget of \$70,000.

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

A discussion ensued regarding the necessity and fiscal responsibilities for carrying out the Project.

Council President Pro Tem Kleid suggested that Director Brazil contact the neighboring residents and recommend alternative vegetation options.

**By consensus of the Town Council, Resolution No. 53-2016 was tabled to an undetermined future meeting.**

12. RESOLUTION NO. 54-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-10 and Approving a Purchase Order to Johnson-Davis, Inc., for Ridgeview Drive, Cherry Lane, and West Indies Drive Paving and Drainage Improvements, in the Amount of \$1,844,815 and Establishing a Construction Phase Budget of \$2,000,000.

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

Public Works Director Brazil spoke regarding the necessity of the drainage improvements.

Discussion ensued regarding the coordination of the project in conjunction with the other construction projects in the area in order to minimize redundancy and traffic impacts.

**Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to approve Resolution No. 54-2016. On roll call, the motion passed unanimously.**

13. RESOLUTION NO. 55-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Hedrick Brothers Construction, Inc., in the Amount of \$1,238,433, for the Police Department HVAC Retrofit Project and Establishing a Construction Phase Budget of \$1,362,000.

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

Public Works Director Brazil spoke about the existing condition of the building's HVAC system, the engineering study, recommendation to continue utilizing a cooling tower vs. an air cooling system, building deficiencies and upgrades required by Florida Building Code, the scope of work involved, project budget, and the method of delivery.

Discussion ensued regarding Project cost and scope.

Kevin Schanen, Kimley Horn & Associates, explained the project scope, operating costs, the benefits of a cooling system, and discussed a phased construction schedule.

A discussion ensued regarding the use of a water cooling system versus a conventional heat pump AC system.

**Motion was made by Council President Pro Tem Kleid, and seconded by Council President Pucillo, to defer Resolution No. 55-2016 to the May 10, 2016, Town Council Meeting. On roll call, the motion carried 4-1, with Council Member Moore dissenting.**

**It was the consensus of the Town Council to direct Staff to report back on this item at the May 10, 2016, Town Council meeting and provide the Town Council with an engineering study, photos, and cost comparisons.**

14. RESOLUTION NO. 56-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., for the Police Department HVAC Retrofit Project in the



Amount of \$78,916 and Establishing a Construction Phase Engineering Services Budget of \$83,000.

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

**Motion was made by Council President Pro Tem Kleid, and seconded by Council President Pucillo, to defer Resolution No. 56-2016 to the May 10, 2016, Town Council Meeting. On roll call, the motion carried 4-1, with Council Member Moore dissenting.**

15. Coastal Update

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

a. Shoreline Protection Update

Coastal Coordinator Weber provided an update on shoreline conditions.

Discussion ensued regarding the Reach 3 and Reach 8 Projects, status of the sand placement on Reach 2 and the sea oats proposal.

Council Member Zeidman thanked Coastal Coordinator Weber for taking her out on the dredge in order to get a better understanding of the Reach 1 Project.

The Town Council thanked Staff and the engineers for the excellent job on the Reach 7/Phipps Ocean Beach Project.

b. RESOLUTION NO. 12-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Contract to Earth Balance, for Dune Planting Within the Mid-Town Beach Renourishment and Phipps Ocean Park/Reach 7 Beach Nourishment Project Areas in the Amount of \$57,700.20 and Establishing a Task Budget of \$75,000.

Director Brazil provided an overview of the contract.

Discussion ensued regarding project costs and how to coordinate the maintenance of the dune plantings with the property owners.

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 12-2016. On roll call, the motion carried unanimously.**

16. Approval for Use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves, for Multiple Proposed Projects, in an Amount Not to Exceed \$116,600.

*Beth Zickar, Director of Recreation*

Director Zickar provided an overview of the cost and scope of work for the upgrades and improvements.

Discussion ensued regarding the Town's agreement with the restaurant for capital improvement projects and whether or not the Town should be responsible for the upgrades.

Council President Pucillo requested Town Attorney Randolph review the lease agreement and that the item be deferred to the April 13, 2016, Town Council meeting in the meantime.

**By consensus of the Town Council, this item was deferred to the April 13, 2016, Town Council meeting to allow Town Attorney Randolph time to review the Par 3 lease agreement.**

17. Telephonic Meeting Attendance for Boards and Commissions  
*Richard M. Kleid, Council President Pro Tem*

Council President Pro Tem Kleid requested this item be withdrawn.

**By consensus of the Town Council, this item was withdrawn.**

#### **XIV. ORDINANCES**

##### **A. Second Reading**

1. ORDINANCE NO. 05-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permit, Section 78-105, Fees, to Provide an Exemption Provision for Organizations Which Receive Financial Support From the Town Through its Budgeting Process; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.  
*Susan A. Owens, MMC, Town Clerk*

**Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to adopt Ordinance No. 05-2016, on second and final reading. On roll call, the motion carried unanimously.**

2. ORDINANCE NO. 06-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 10, Animals; Article I, In General; Section 10-10, Temporary Permits; Providing for Severability; Providing for

Repeal of Ordinances in Conflict; Providing for Codification: Providing an Effective Date.

*Jay Boodheshwar, Deputy Town Manager*

**Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to adopt Ordinance No. 06-2016, on second and final reading. On roll call, the motion carried unanimously.**

**B. First Reading**

1. ORDINANCE NO. 07-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 90, Public Improvements; at Article II, Special Assessments; Division 2, General Provisions; Section 90-49, Correction of Errors and Omissions; by Amending Paragraph (c), to Include Provision Allowing for the Appeal of the Decision of the Town Manager in Regard to Alleged Errors in Applying the Assessment Apportionment Method to any Particular Property; Providing for Severability; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

*John C. Randolph, Town Attorney*

Discussion ensued regarding amending the proposed appeal process.

**Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve Ordinance No. 07-2016, on first reading. On roll call, the motion carried unanimously.**

**XV. ANY OTHER MATTERS**

- A. Anita Seltzer, 44 Cocoanut Row, spoke about her concerns with the opposition to the referendum and requested clarification on why the requirements for the Underground Utility Task Force members differ from other Town boards and commissions with regard to the terms, requirements, and number of allowed absences.

Discussion ensued about the requirements for the Underground Utility Task Force members and why they differ from the other boards and commissions.

*(Clerk's Note: The following item was discussed and deferred to the April 12, 2016, Town Council meeting under Item No. XIII.B.7.; however, Staff was able to make the amendments requested by the Town Council prior to the conclusion of this meeting and the Town Council chose to hear the revised resolution at this time instead.)*

- B. RESOLUTION NO. 48-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for

Design and Bid Phase Engineering Services to Mock Roos & Associates, Inc., in an Amount of \$181,590 for the Street Lighting Upgrade on South Ocean Boulevard from Sloan's Curve to Lake Avenue and From the Southern Boulevard Relief Bridge East to Just Past the Roundabout, and Establishing a Design and Bid Phase Budget of \$195,000.

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

**Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to approve revised Resolution No. 48-2016. On roll call, the motion carried unanimously.**

C. Mayor Coniglio spoke about a conversation she had with a member of the Palm Beach Civic Association, who suggested that the Town Attorney write a letter to the Attorney General's office requesting an advisory opinion on the legality of the ballot language that would include the Cultural Council in the County's 1% surtax and whether or that language falls under the column of Economic Development.

A discussion ensued about the appropriateness of the letter to the Attorney General and if other municipalities are sending letters with the same question.

**By consensus of the Town Council, Town Attorney Randolph and Town Manager Bradford were directed to inquire with other municipalities to determine if they are interested in joining the proposed Town of Palm Beach letter to the Attorney General regarding the proposed Palm Beach County 1% surtax.**

**XVI. ADJOURNMENT**

There being no further business, the April 12, 2016, regular Town Council meeting was adjourned at 5:37 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 10, 2016

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## Section of Agenda

Minutes

## Agenda Title

MINUTES: APRIL 13, 2016

Approval of the Minutes of the Regular Town Council Meeting

## Presenter

Susan A. Owens, MMC, Town Clerk

## Supporting Documents

- [Minutes of the Town Council Meeting Held on April 13, 2016](#)

**MINUTES OF THE REGULAR TOWN COUNCIL MEETING  
HELD ON WEDNESDAY, APRIL 13, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The regular Town Council meeting was called to order on Wednesday, April 13, 2016, 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**

Recording Secretary Nancy Roedel gave the invocation. Council President Pucillo led the Pledge of Allegiance

**III. RECOGNITIONS – *None***

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

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

Council Member Moore wished Council President Pro Tem Kleid a very Happy Birthday.

Council President Pucillo announced that the August Town Council meeting would be moved to Tuesday, August 16, 2016. At that time, the regular Town Council meeting and Development Review Town Council meeting would be combined.

**VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE – *None***

**VII. APPROVAL OF AGENDA**

The following item was added to the Agenda:

- Approval for use of Par 3 Golf Course Clubhouse Maintenance and Improvement Reserves for multiple proposed projects in an amount not to exceed \$116,000 (Deferred from April 12, 2016) added under Item XII. Any Other Matters.

The following items were withdrawn from the Agenda:

- Item No. X.B.1.a. Site Plan Review #8-2015 with Variance
- Item No. X.B.1.c. Special Exception #33-2015 with Site Plan Review and Variance

The following item was deferred to the May 11, 2016, Town Council meeting:

- Item No. X.B.2.a. Special Exception #09-2016 with Site Plan Review

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

### **VIII. PUBLIC HEARINGS**

Recording Secretary Nancy Roedel administered the oath to all those who would be providing testimony.

- A. RESOLUTION NO. 57-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination of The Landmarks Preservation Commission That The Property Known As 215 Garden Road Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV of The Code of Ordinances of The Town of Palm Beach; And Designating Said Property As A Town of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV of The Code of Ordinances of The Town of Palm Beach.

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

Director of Planning, Zoning, and Building Page explained that Town Attorney Randolph could not represent the Town in this instance, because of a professional conflict, and for that reason, Attorney Tim Hanlon would be serving as legal counsel for this item. He also noted that the Landmarks Preservation Commission (LPC) had met on March 16, 2016, and had voted 4/3 to recommend designation of the home at 215 Garden Road as a Town of Palm Beach landmark. The owners, however, opposed the designation.

Historical Preservation Consultant Emily Stillings provided an overview of the Designation Report, and responded to questions from the Town Council.

Larry Alexander, 215 Garden Road, spoke to request that the house not be landmarked.

Ted Cooney, Chairman of LPC, spoke in regard to the process of landmarking, and in agreement of the consultant's report.

Director of Planning, Zoning, and Building Page explained the process of improvements made to landmarked homes.

Ex-parte communications were declared by Council Member Lindsay with LPC members Mr. Cooney, Ms. Hufty, Mr. Zukov, Ms. Fairfax, and property owner Mr. Alexander. Council Member Moore listened to the LPC hearing and spoke with Mr. and Mrs. Alexander; Mayor Coniglio spoke with Mr. and Mrs. Alexander and with LPC member Ms. Wyett; Council President Pucillo spoke with Mr. Alexander, and Mr. Zukov and went by the house to look at it; Council President Pro Tem Kleid went by the house to look at it and spoke with Mr. Alexander and Mr. Zukov; Council Member Zeidman attended the LPC hearing spoke with Mr. and Mrs. Alexander, and went by the house.

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

**Motion was made by Council Member Lindsay to modify the designation to landmark the front façade only. The motion died for lack of a second.**

**Motion was made by Council Member Zeidman, and seconded by Council Member Moore, to deny landmark ratification of 215 Garden Road. On roll call, the motion carried 4-1, with Council Member Lindsay dissenting.**

## IX. RESOLUTIONS

- A. RESOLUTION NO. 58-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 330 Island Road, And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V of The Code of Ordinances of The Town of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

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

Director of Planning, Zoning, and Building John Page provided an overview of Resolution No. 58-2016.

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Zeidman, to approve Resolution No. 58-2016. On roll call, the motion carried unanimously.**

- B. RESOLUTION NO. 59-2016 A Resolution of The Town Council of The Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For 350 Worth Avenue, The Everglades Club (Main Hall Foundation Renovation) And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V of The Code of Ordinances of The Town of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."

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



Director of Planning, Zoning, and Building John Page provided an overview of Resolution No. 59-2016.

**Motion was made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 59-2016. On roll call, the motion carried unanimously.**

**X. DEVELOPMENT REVIEWS**

**A. Time Extensions and Waivers**

1. Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 18-237, 1071 N. Ocean Boulevard  
*John S. Page, Director of Planning, Zoning & Building*

There were no ex-parte communications declared.

Director of Planning, Zoning & Building John Page provided an overview of the request.

Hugh Davis, general contractor, spoke regarding the project and the need for an extension of the time schedule for completion of construction.

Martin Klein, 1060 N. Ocean Blvd., resident directly across the street from the subject property, distributed photographs and spoke regarding restoration of his property to its original condition. Mr. Davis agreed that all such restoration would be completed.

**Motion was made by Council Member Lindsay, and seconded by Council Member Moore, to approve an extension of the time schedule for completion of construction at 1071 N. Ocean Blvd. to be no later than August 19, 2016. On roll call, the motion carried unanimously.**

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

1. Old Business

- a. SITE PLAN REVIEW #8-2015 WITH VARIANCE The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as 201 Debra Ln., described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street

side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon] [Architectural Commission Recommendation: Deferred the project to the April 27th meeting. Carried 7-0.]

*Deferred from the December 9, 2015, January 13, 2016, February*

*10, 2016, and March 9, 2016, Town Council Meetings.*

Request for Withdrawal Per Letter Dated April 4, 2016, from M. Timothy Hanlon.

*John S. Page, Director of Planning, Zoning & Building – **Item was Withdrawn***

- b. SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of 280 NCR, LLC; relative to property commonly known as 280 N. County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which have a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0]

*Deferred from the March 9, 2016, Town Council Meeting.*

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

There were no ex-parte communications declared.

Attorney Guy Rabideau, on behalf of the applicant, provided an overview of the request.

Zoning Administrator Paul Castro provided Staff's comments.

Discussion ensued regarding the late delivery of the plans to the Town, the recommendation from the Architectural Commission

(ARCOM), and the need to re-advertise the addition that was placed on the plans after the application was submitted.

**Motion was made by Council Member Moore, and seconded by Council Member Zeidman, to defer the project to the May 11, 2016, Town Council meeting, in order for the applicant to provide the new information to ARCOM prior to that time. On roll call, the motion carried unanimously.**

- c. SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES The application of Robert and Denise Benedickson; relative to property commonly known as 222 Seaspray Ave., described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Denied deferral request by the applicant and removed the item from the agenda. Carried 5-2 with Messrs. Gruss and Sammons opposed.]  
*Deferred from the February 10, 2016, and March 9, 2016, Town Council Meetings*  
Request for Withdrawal Per Letter Dated March 24, 2016 from Maura A. Ziska.  
*John S. Page, Director of Planning, Zoning & Building – **Item was Withdrawn***

2. New Business

- a. SPECIAL EXCEPTION #09-2016 WITH SITE PLAN REVIEW The application of Patrick and Lisa McGowan; relative to property commonly known as 250 Esplanade Way, described as lengthy legal description on file; located in the R-B Zoning District. The

Applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 3,700 sq.ft. two-story, single family residence on a portion of a platted lot which is 88 feet in width in lieu of the 100 foot minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the April 27th meeting. Motion carried 7-0.] **Request for Deferral to the May 11, 2016 Town Council Meeting pending Architectural Commission Approval.**

*John S. Page, Director of Planning, Zoning & Building – Deferred to the May 11, 2016, meeting.*

- b. VARIANCE #03-2016 The application of Hunter and Melissa Beebe; relative to property commonly known as 1050 No. Ocean Blvd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant's property is bounded by three streets: North Ocean Blvd., Via Marila and Laurian Ln. The property is 33,598 sq ft in total and is two platted buildable lots. The applicant has no immediate plans to divide the property but wants to build on the west half with a residence that would meet code as if it was a single lot (except for the accessory structures proposed on the east half which includes a swimming pool, deck and one story cabana). In order to achieve this plan, the following variances are being requested: a west side setback of 15.08 feet in lieu of the 28 foot minimum required for a lot with a width of 201.06 feet, and, a rear street yard setback of 15.2 feet for the garage and 18.7 feet for the playroom in lieu of the 35 foot minimum required for a lot in excess of 20,000 sq.ft and with a depth of 164.81 feet. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed west side yard variance will cause negative architectural impacts to the subject property. Carried 4-3 with Messrs. Sammons, Small and Ives opposed. Implementation of the proposed rear variance will not cause negative architectural impacts to the subject property. Carried 5-2 with Mr. Sammons and Ms. Grace opposed.]

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

There were ex-parte communications declared by Council Member Lindsay with the owner and Attorney Ziska; by Council Member Moore with Attorney Ziska and the owner who both advocated for their positions; Mayor Coniglio spoke with the owner, who advocated his position; Council President Pucillo met with the owner and Attorney Ziska who both advocated for the variances, also spoke with Mr. Klein, the neighbor; Council President Pro Tem Kleid spoke to the owner and Attorney Ziska who both advocated their positions; Council Member Zeidman spoke with the owner and

Attorney Ziska, who both advocated for their positions.

Attorney Maura Ziska presented an overview of the project. Also present was the architect for the project, Roger Janssen.

Zoning Administrator Castro provided Staff's comments.

Discussion ensued regarding the hardship, the size of the home fitting well within the area, the side setbacks, and keeping construction parking traffic and materials on the lot.

Martin Klein, 1060 N. Ocean Blvd., spoke regarding the effect on his privacy with the proposed second story, the placement of appropriate screening, and his concern with the functional utility of his home being impaired.

Keith Williams, landscaper for the project, spoke confirming that screening would be provided with trees and palms placed on the property of Martin Klein, as suggested.

**Motion made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to approve Variance 03-2016, finding in support thereof that all of the criteria applicable to this application, as set forth in Section 134-201(a), Items 1-7 have been met, with the condition that Palm trees will be planted on the neighboring property located at 1060 N. Ocean Blvd. On roll call, the motion carried unanimously.**

- c. VARIANCE #05-2016 The application of Joseph and Susan Meyer; relative to property commonly known as 225 Seaspray Ave., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to demolish a 706 sq. ft. one story guest house in the rear of the landmarked property and construct a new 819 square foot two story garage addition to the main house in the same general location. The following variances are being requested: a rear yard setback of 4.5 feet in lieu of the 1.1 foot existing setback and the 15 foot minimum required in the R-b Zoning district for a two story structure; and, a west side yard setback of 7 feet in lieu of the 6.31 existing setback and the 15 foot minimum required for a two story structure. [Attorney: Maura Ziska] [Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 5-2 with Mr. Silvin and Ms. Hufty opposed.]  
*John S. Page, Director of Planning, Zoning & Building*

Ex-parte communication was declared by Council Member



1 Lindsay with Attorney Ziska.

2  
3 Attorney Maura Ziska, on behalf of the applicant, presented an  
4 overview of the project. She was accompanied by the architect for  
5 the project, Pat Segraves.

6  
7 Discussion ensued regarding the back building, and the side and  
8 rear setbacks.

9  
10 Zoning Administrator Castro provided Staff's comments, and  
11 recommended that a condition be placed on the approval that the  
12 pergola would need to remain or would need to be attached to the  
13 house in perpetuity.

14  
15 **Motion made by Council Member Moore, seconded by Council Member Zeidman to**  
16 **approve Variance #05-2016, with the condition that the connecting structure remain**  
17 **a permanent structure in perpetuity, and finding in support thereof that all of the**  
18 **criteria applicable to this application as set forth in Section 134-201(a), Items 1-7**  
19 **have been met. On roll call, the motion carried unanimously.**

20  
21 3. Other

- 22  
23 a. Proposed Declaration of Use Agreement for Royal Poinciana Plaza  
24 Related to Special Exception #6-2016, Proposed Sant Ambroeus  
25 Restaurant, 340 Royal Poinciana Way  
26 *John S. Page, Director of Planning, Zoning & Building*

27  
28 Planning, Building, and Zoning Director John Page provided an  
29 overview of the request

30  
31 Attorney Maura Ziska, on behalf of Sant Ambroeus restaurant in  
32 the Royal Poinciana Plaza, confirmed that the Declaration of Use  
33 Agreement, as amended by Staff, was agreeable to the owners.

34  
35 Mr. Simon Taylor provided documents to the Clerk for distribution  
36 to the Town Council, and spoke regarding public participation, a  
37 pending Administrative Appeal he filed, the due process  
38 procedure, and the filing of appropriate affidavits along with the  
39 Declaration of Use Agreement being considered.

40  
41 Zoning Administrator Castro spoke regarding the Declaration of  
42 Use Agreement, and the notice provided.

43  
44 Discussion ensued regarding Mr. Taylor's objections to the  
45 Declaration of Use Agreement, including an affidavit to be  
46 included in the Declaration of Use Agreement indicating that there

would be no further development possibilities.

Attorney Ziska clarified that the restaurant was approved last month, and that there was a condition of approval with regard to the seats and the parking. The Declaration of Use Agreement was being presented today, and there was no objection to filing an Affidavit that there was no intent to increase future development.

Town Attorney Randolph advised that proper notice had been provided, and there was no stay in effect regarding the Declaration of Use Agreement and that it could be considered by the Town Council, notwithstanding the filing of the Administrative Appeal last Friday. If it was determined that the Administrative Appeal was a valid appeal, then all work on the premises would be stayed until the appeal had been determined. That did not mean that the Town Council could not continue to hear a matter that was referred to them from last month's meeting in regard to the Declaration of Use Agreement which was before the Council today.

Janet Gordon, West Palm Beach, spoke regarding the loss of seats in the theater, the possibility of destruction of the theater, the parking availability for restaurants, the revival of the theater, the refurbishment of the theater, and making the project all part of a 501(3)(c) organization.

Council President Pucillo commented that the Town Council is very mindful of concerns that had been expressed by the community with regard to the Playhouse. Today the Declaration of Use Agreement would be considered, which staff tells us is proper and has been resolved, and our Town Attorney tells us that there is no impediment to us considering it.

**Motion was made by Council President Pro Tem Kleid and seconded by Council Member Moore, to adopt the Declaration of Use Agreement as submitted, conditioned upon submitting the appropriate affidavits with respect to the 1979 Agreement. On roll call, the motion carried unanimously.**

- b. VARIANCE #04-2016 The application of Blossom Way Holdings, LLC; relative to property commonly known as Blossom Way, described as lengthy legal description on file; located in the R-AA Zoning District. A request for a variance in conjunction with a proposed partial abandonment of the Blossom Way cul-de-sac. The proposed partial abandonment would relocate the cul-de-sac to the north of its existing location and is proposed to have a radius of 40 feet in lieu of the 50 foot minimum required. [Attorney: Maura Ziska, Esq.]

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

Ex-parte communication was declared by Council Member Lindsay with Attorney Ziska regarding the project.

Zoning Administrator Castro provided Staff's comments.

Attorney Maura Ziska, on behalf of the applicant, provided an overview of the request.

**Motion was made by Council Member Moore and seconded by Council Member Zeidman, to grant Variance 04-2016, finding in support thereof that all of the criteria applicable to this application as set forth in Section 134-201(a) Items 1-7, have been met. On roll call, the motion carried unanimously.**

- (i) Subdivision Modification-Request by Maura Ziska, Attorney for Blossom Way Holdings, LLC, Property Owner for Lots 104, Replat of Blossom Estate Subdivision, to Approve a Proposed Sixth Amendment to the Blossom Estate Subdivision Agreement

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

**Motion was made by Council Member Moore, and seconded by Council Member Lindsay, to approve the subdivision modification. On roll call, the motion carried unanimously.**

**Motion made by Council Member Moore, and seconded by Council Member Zeidman, to approve access onto South Ocean Blvd., in accordance with the subdivision modification agreement. On roll call, the motion carried unanimously.**

- (ii) RESOLUTION NO. 45-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Vacating, Abandoning, and Rededicating a Portion of an Existing Private Right-of-Way Known as Blossom Way, in the Town of Palm Beach, Florida.

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

**Motion made by Council President Pro Tem Kleid, and seconded by Council Member Moore, to approve Resolution No. 45-2016. On roll call, the motion carried unanimously.**

## **XI. ORDINANCES**

### **A. Second Reading**

- 1. ORDINANCE NO. 4-2016 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 IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements- Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134- 948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134- 2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

**Motion was made by Council Member Moore, and seconded by Council President Pro Tem Kleid, to adopt Ordinance No. 04-2016. On roll call, the motion carried unanimously.**

## **XII. ANY OTHER MATTERS**

*(Clerk's Note: The Following Item was Deferred from the April 12, 2016, Meeting.)*

A. APPROVAL FOR USE OF PAR 3 GOLF COURSE CLUBHOUSE MAINTENANCE AND IMPROVEMENT RESERVES FOR MULTIPLE PROPOSED PROJECTS IN AN AMOUNT NOT TO EXCEED \$116,600

*Beth Zickar, Director of Recreation*

Director of Recreation Zickar spoke regarding the funding of the proposed maintenance and improvement projects, noting that Staff proposed the use of the Par 3 Clubhouse maintenance and improvement (M & I) fund for the projects. Reimbursement for improvements to the old Clubhouse, in the amount of \$20,000 would be provided by the Par 3 Foundation.

Town Attorney Randolph provided an overview of the Food and Beverage Services Agreement, and described sections applicable to the Town or to the restaurant tenant.

Discussion ensued regarding the replacement of the exterior wind screening on verandas, and that the restaurant had offered to pay \$10,000 to repair them; an alternative would be to completely replace the windscreens by a capital improvement of \$40,000. The restaurant would then provide \$10,000 towards the replacement. The restaurant tenant had also agreed to purchase the eight (8) ceiling fans, however, the fans could not be installed without the upgrade of the electric.

Discussion ensued regarding the long term benefits of repairs versus replacement of the exterior wind screening, the unanticipated high success of the restaurant, and the responsibilities of the current restaurant tenant for certain of the improvements and maintenance.

Council Member Moore requested clarity in the preparation of future maintenance fund agreements, so that all responsibilities would be clearly defined.

**Motion was made by Council Member Lindsay, and seconded by Council President Pro Tem Kleid, to approve funding, with a 10% contingency, from the Par 3 Clubhouse M & I Fund for replacing the counter tops in the men's and women's restrooms, replacing the pinewood floors on the first and second floors of the clubhouse with porcelain stone wood, and improvements and screening for the exterior of the old clubhouse. On roll call, the motion carried unanimously.**

1 **XIII. ADJOURNMENT**

2  
3 There being no further business, the April 13, 2016, regular Town Council meeting was  
4 adjourned at 1:12 p.m.  
5

6  
7 APPROVED:  
8

9  
10  
11  
12 \_\_\_\_\_  
13 Michael J. Pucillo  
14 Town Council President

15 ATTEST:

16  
17  
18  
19 \_\_\_\_\_  
20 Susan A. Owens, MPA, MMC  
21 Town Clerk  
22

23  
24 \_\_\_\_\_  
25 Date

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Minutes

## Agenda Title

Approval of Major Matters Considered by the Architectural Commission  
at its Meeting of April 27, 2016

## Presenter

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

## Supporting Documents

- [ARCOM Meeting Minutes of April 27, 2016](#)



# TOWN OF PALM BEACH

## PLANNING, ZONING AND BUILDING DEPARTMENT

### MINUTES OF THE REGULAR ARCHITECTURAL COMMISSION MEETING HELD ON WEDNESDAY, APRIL 27, 2016

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](http://www.townofpalmbeach.com).

#### I. CALL TO ORDER

The meeting was called to order at 9:00 a.m. by Mr. Sammons

#### II. ROLL CALL

|                                    |                                         |
|------------------------------------|-----------------------------------------|
| Richard Sammons, Chairman          | PRESENT (left the meeting at 1:08 p.m.) |
| Ann L. Vanneck, Vice Chairman      | PRESENT                                 |
| Peter I. C. Knowles, Member        | PRESENT                                 |
| Martin D. Gruss, Member            | PRESENT                                 |
| Robert N. Garrison, Member         | PRESENT                                 |
| Alexander C. Ives, Member          | ABSENT (excused)                        |
| Michael B. Small, Member           | PRESENT                                 |
| Maisie Grace, Alternate Member     | PRESENT                                 |
| John David Corey, Alternate Member | PRESENT                                 |
| Betsy Shiverick, Alternate Member  | PRESENT                                 |

Staff Members present were:

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

John Lindgren, Planning Administrator

Kelly Churney, Secretary to the Architectural Review Commission

#### III. PLEDGE OF ALLEGIANCE

Mr. Sammons led the Pledge of Allegiance.

#### IV. APPROVAL OF THE MINUTES FROM THE MARCH 23, 2016 MEETING

**Motion made by Ms. Vanneck and seconded by Mr. Garrison to approve the minutes from the March 23, 2016 meeting. Motion carried with all in favor.**

#### V. APPROVAL OF THE AGENDA

Ms. Vanneck stated that there was a request to remove the project B-122-2015 from the agenda at the attorney's request.

**Motion made by Mr. Small and seconded by Mr. Garrison to approve the agenda as amended. Motion carried with all in favor.**

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

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

At this time, Mr. Page went on record to indicate that Mr. Sammons did declare a conflict for the project at 515 N. County Rd. and has correctly completed the 8B form in accordance of State Law.

**VII. PROJECT REVIEW**

**A. MAJOR PROJECTS-OLD BUSINESS**

B-114-2015 New Residence

Address: 204 Via Del Mar

Applicant: Via Del Mar, LLC

Architect: Smith and Moore Architects/Peter Papadopoulos

Project Description: New two story Mediterranean Revival residence with detached pool cabana on vacant lot. Final landscape and hardscape. At the October meeting this project was deferred to the December meeting at the architect's request. At the December meeting, this project was deferred to January for further study. At the January meeting, the Commission approved the architecture and landscaping presented with the caveat they return in February with different proportions and scale for the front door and windows above the front door. At the February meeting, this project was deferred to the March meeting. This project was again deferred to the April meeting per the applicant's request.

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

Mr. Papadopoulos presented the amended plans to the project which include a new front door and correcting a few drafting errors.

Commissioners Comments: Some of the members felt the changes were a big improvements.

**Motion made by Mr. Garrison and seconded by Mr. Small to approve the project as presented. Motion carried 6-1 with Mr. Sammons opposed.**

B-116-2015 2015 Addition/Modifications

Address: 425 & 431 Chilean Ave.

Applicant: Lorraine S. Charman

Architect: SKA Architects, Patrick Segraves

Project Description: On the south side, remove bedroom and 1 balcony (27 sq. ft.) and enlarge front balcony at bedroom #2 and exercise room (95 sq. ft.). On the west side, remove west garage gate and close with 6 ft. wall, remove driveway and garage

door and reduce area 45 sq. ft. Driveway area to become patio and landscaping. Curb cuts will be eliminated. Change windows in breakfast area, demolish existing pool and replace with new pool, replace and relocate windows on second floor in proposed bedroom 1, closet and bath 3. On the north side, convert family rooms to open loggia (675 sq. ft.). On the east side, remove existing pool, remove all windows on east wall of first floor. Replace and relocate windows on proposed closet. On the east side, remove existing pool, and remove all windows on east wall of first floor. Replace and relocate windows on proposed closet and add 262 sq. ft. addition to northeast corner, to enlarge living room. At the November meeting, a motion carried to defer this project to the December meeting to accommodate the notification process. A motion carried at the December meeting to defer this project to January for further study. A motion carried at the January meeting to defer this project to February. A motion carried at the February meeting to defer this project to April at the architect's request.

Call for disclosure of ex parte communication: The Commission did not disclose any ex parte communication at this time.

Tom Kirchoff, architect for the owner, stated the project was almost completely approved but the owner decided to change architects. Now that he is the architect, he would like to convince his client to tear down the home. The client is out of town and Mr. Kirchoff would like time with his client to discuss all of the options. He stated he would like to return to the Commission in June.

**Motion made by Mr. Small and seconded by Mr. Garrison to defer the project until June. Motion carried with all in favor.**

[B-122-2015 New Residence](#)

Address: 201 Debra Lane

Applicant: 201 Debra Lane, LLC

Architect: Dailey Janssen Architects/ Roger P. Janssen

Attorney: Tim Hanlon

Project Description: Construction of a new two story residence, pool, landscape and hardscape. At the December meeting a motion carried to defer this project to the January meeting for restudy. At the January meeting a motion carried to defer this project to the February meeting for restudy. At the February meeting, a motion carried to defer to the March meeting for further study.

**This item was withdrawn at the approval of the agenda.**

[B-001-2016 New Residence](#)

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)\*

Address: 280 North County Rd.

Applicant: 280 NCR, LLC

Architect: SKA Architect + Planner/Patrick Segraves

Landscape Architect: Steven West/Parker-Yannette

Project Description: New two story classical style home to be approximately 7,100 square feet. Home will consist of 5 bedrooms, 7 bathrooms, powder room, living room, dining room, kitchen, family room, loggia, and a three car garage with guest suite above. Final landscaping will be included. At the February meeting, a motion carried to defer to the March meeting for a restudy. At the March meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impacts to the subject property. A second motion carried to defer this project for further study to the April meeting.

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

Ms. Vanneck stated that this project was at Town Council in April for a variance approval and was deferred until May.

Mr. Segraves stated he was in front of the Commission before asking for three variances. He has revised the home significantly which required him to go back to Town Council and re-advertise because the variances have changed. Now he is asking for a side yard setback for the first and second story of the home and has five letters of support from the neighbors.

Mr. Segraves presented the modified plans for the home. Mr. West presented the landscape and hardscape plans.

Commissioners Comments: Some Commission members were upset that specific details were not included in the mini-sets. Many Commission members questioned the sideyard set back.

**Motion made by Mr. Small and seconded by Mr. Garrison that the implementation of the proposed variance will not cause negative architectural impacts to the subject property.**

Discussion occurred regarding the possibility of angling the house instead of getting a variance as well as clarifying the need for the requested variance.

**Motion failed 3-4 with Messrs. Knowles, Gruss and Sammons and Ms. Grace opposed.**

Mr. Lindgren asked the Commission to give the Town Council a recommendation on the variance requested.

**A second motion made by Ms. Vanneck and seconded by Mr. Garrison that the proposed project can be designed in an architecturally suitable manner which conforms to our code of ordinances without the need for a variance.**

Discussion occurred regarding the recommendation to Town Council.



Paul Castro, Zoning Administrator, explained why the Commission is charged with looking at the projects and making a recommendation on the variances before the Town Council sees the projects.

Commission Comments: Some liked the style of the house but not the shape in relationship to the variances that it also requires.

**Ms. Vanneck withdrew her motion.**

More discussion continued between the Commissioners and Mr. Segraves regarding the site plan for the project.

**Motion made by Ms. Vanneck and seconded by Mr. Gruss to defer variance and the architecture for one month with the recommendation that the house is too wide and large for the lot.**

Mr. Castro further explained what the Town Council is looking for from the Commissioners. More discussion continued between the Commissioners.

Commission Comments: It was suggested to look at the streetscape instead of just looking at the individual lot. The Commission liked the house but need more details in the plans.

**Motion passes 6-1 with Mr. Small opposed.**

Ms. Vanneck recommended that Mr. Segraves get in touch with the Commissioners before next month's meeting.

#### [B-004-2016 Demolition/New Residence](#)

Address: 608 Island Dr.

Applicant: Denis P. and Annabelle G. Coleman

Architect: Dailey Janssen Architects/Roger Janssen and Jason Skinner

Landscape Architect: Dustin Mizell/Environment Design Group

Project Description: Demolition of existing residence and construction of a new 2 story residence, pool, hardscape and landscape. At the February meeting, a motion carried to approve the demolition. Another motion carried to defer the new residence project to the March meeting for further study. At the March meeting, a motion carried to defer this for April for further study.

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

Mr. Skinner presented the modified plans, including changes to the one story wing on the north and the covered loggia.

Commission Comments: Many like the new design of the loggia.

Mr. Mizell spoke to the question raised about the 12 foot hedge on the property and while it will not be removed, he agreed to cut it back around the driveway on Island Road.

Mr. Janssen spoke with the neighbor's (to the north) attorney regarding both driveways on Island Road and he explained that the driveways will be offset and agreed to use more landscaping or to install a sliding gate if need be.

Commissions Comments: Many of the Commission members like the driveways on the site plan. Some feel the curb cuts are too large and would like to see them smaller.

Mr. Mizell presented the landscape on Island Road and Island Drive.

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

[B-009-2016 Demolition/New Residence](#)

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)\*

Address: 1050 N Ocean Blvd

Applicant: E. Hunter Beebe

Architect: Roger P. Janssen/Dailey Janssen Architects

Landscape Architect: Keith Williams/Nievera Williams Design

Project Description: Demolition of an existing one story single family residence, one story guest house and pool. Construction of a new, two-story residence, 2 (two) one story accessory buildings, pool, landscape and hardscape. At the March meeting, several motions were made. A motion carried that the implementation of the proposed west side variance would cause negative architectural impacts to the subject property. A motion carried that the implementation of the proposed rear variance would not cause negative architectural impacts to the subject property. A motion carried to defer this project to April for further study.

Ms. Vanneck stated that both variances were approved at the April Town Council meeting.

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

Mr. Janssen presented the architectural plans for the home.

Commission Comments: The Commission appreciated all of the details that were provided in the plans. Many liked the design of the house and the folly in the details. Some questioned the brick rather than stucco. Suggestions were made to widen the picture window.

Mr. Williams presented the landscape and hardscape plans.

Commission Comments: Many of the Commission liked the landscape plans. One recommendation was made to include more palms to beef up the landscaping on the east wing on the front façade.

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

At this time, a short break was taken at 10:30 a.m. The meeting resumed at 10:45 p.m. Chairman Sammons passed the gavel to Vice Chair Vanneck and stated he would have to leave later in the meeting. Ms. Vanneck asked to move to projects up in the agenda due to the presenters' time constraints. She asked that project B-021-2016 would be heard first. **Motion made by Mr. Garrison and seconded by Mr. Gruss to move project B-021-2016 Demolition up in the agenda.** Ms. Vanneck asked to next hear project A-018-2016 Additions/Modifications. **A second motion made by Mr. Garrison and seconded by Mr. Knowles to move the projects in the agenda. Motions carried with all in favor.**

[B-021-2016 Demolition](#)

Address: 561 Island Drive

Applicant: 561 Island Drive, LLC

Architect: Michael Perry/MP Design and Architecture, Inc.

Landscape Architect: Keith Williams/Nievera Williams Design

Project Description: Demolition of existing residence.

Call for disclosure of ex parte communication: Disclosure by Mr. Garrison and Mses. Vanneck and Shiverick.

Mr. Perry presented the plans for the demolition and residence. He also presented to the Commission the landscaping would remain after the demolition. Mr. Perry stated he would sod and irrigate after the demolition.

Commission Comments: There was a question about the removal of the four Seagrape trees on the property.

Mr. Williams stated the Seagrape trees will be removed. He offered to try to sell the trees.

**Motion made by Mr. Garrison and approved by Mr. Gruss to approve the project as presented. Motion carried with all in favor.**

[A-018-2016 Additions/Modifications](#)

Address: 390 N. Lake Way

Applicant: 390 NLWPB, LLC

Architect: Katherine Field

Attorney: Maura Ziska

Project Description: Minor additions to paving around pool, new stone paving on concrete base at pool and driveway, relocation of pool equipment, new outdoor gas fireplace, new fountain bubblers near pool, new wall along street, decorative lighting in pavers around pool.

Call for disclosure of ex parte communication: Disclosure by Ms. Vanneck and Mr. Knowles.

Ms. Vanneck asked Ms. Fields if she is a licensed landscape architect in the State of FL and Ms. Fields stated she does have a temporary license.

Ms. Fields presented the plans for the project including all of the landscape and hardscape.

Commissions Comments: It was suggested the landscape is too green and need more color. It was also asked if Ms. Fields would be replacing the dead palm tree. She said she would be replacing the palm. The Commission would also like to see the hibiscus stay in the landscaping. Many of the Commission thought there were too many lights in the pool area.

A discussing ensued regarding how much lighting was appropriate and wattage versus lumens when considering LED lights.

**Motion made by Mr. Garrison and seconded by Mr. Small that the project is approved as presented with the caveat that the hibiscus remains. Motion carried with all in favor.**

*Mr. Corey suggested that staff study the wattage for LED lights vs incandescent lights for future projects. Mr. Page said he would make a note of this for further study.*

#### B-011-2016 New Residence

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION W/ SITE PLAN REVIEW\*

Address: 250 Esplanade Way

Applicant: Mr. and Mrs. Patrick McGowan

Architect: Patrick W. Segraves/SKA Architect + Planner

Landscape Architect: Steven West/Parker-Yannette

Project Description: New two-story island-style home to be approximately 3,800 square feet. Home will consist of 4 bedrooms, 4 bathrooms, powder room, living room, dining room, kitchen, family room, loggia, and a two-car garage. Final landscaping will be included. At the March meeting, a motion carried to defer this project to the April meeting for further study.

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

Mr. Segraves stated he did not present this project yet to the Town Council. This project does not require any variances other than it is a conforming house on a non-conforming lot. Mr. Segraves presented the modified plans for the residence.

Commission Comments: Many thought this home was too tall and the eaves needed to be reduced. Also the Commission wanted more details on the plans for this project. It was suggested that the windows were not in the same proportions. Some felt that some of the changes that were made were positive.

**Motion made by Mr. Garrison and seconded by Ms. Grace for a one month deferral for restudy. Motion carried by all in favor.**

Bill and Anne Metzger – 277 Esplanade Way, stated their concerns for the size of the house compared to the lot size.

B. MAJOR PROJECTS-NEW BUSINESS

B-012-2016 Addition/Modification

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCES(S)\*

Address: 240 Banyan Rd.

Applicant: M. Timothy Hanlon/Trustee of the 240 Banyan Land Trust Agreement

Attorney: Bill Atterbury/Alley, Maass, Rogers & Lindsay, P.A.

Architect: Mark Marsh/Bridges, Marsh & Associates, Inc.

Landscape Architect: Jorge Sanchez & Brian Vertesch/SMI Landscape Architecture

Project Description: Construction of one-story guest house containing approximately 950 square feet. The architectural style and colors of the guest house are to match those of the main house. The applicant is requesting to move the one-story guest house containing approximately 950 square feet with (i) a front yard setback of 20 feet in lieu of the 35 feet minimum required and (ii) an angle of vision of 134 degrees in lieu of 110 degrees maximum permitted, ten feet closer (east) to the main house.

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

Mr. Atterbury spoke to the variance that is being requested by the applicant. Mr. Marsh presented the architectural plans for the project. The project includes moving the previously approved cabana closer to the main home. Mr. Marsh said the surrounding neighbors are in support of the change.

Mr. Vertesch presented the landscape and hardscape plans for the property, including raising the seawall.

**Motion made by Mr. Small and seconded by Mr. Garrison that the implementation of the proposed variances will not cause negative architectural impacts to the subject property. Motion carried with all in favor.**

Commission Comments: It was suggested that this building is not visually pleasing and thought the limiting angle of vision and building height plane could partially be the problem. It was also suggested the entry way needed restudy. The Commission felt that the site plan and architecture could work but needs some restudy.

Mr. Lindgren clarified the angle of vision and building height plane terminology for the Commission.

**A second motion made by Mr. Small and seconded by Mr. Garrison to defer the project for one month for restudy. Motion carried with all in favor.**

[B-013-2016 New Residence](#)

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCES(S)\*

Address: 250 Ocean Terrace

Applicant: David G. Lambert as Trustee of the David G. Lambert Revocable Trust

Architect: Tom Kirchhoff/Kirchhoff & Associates

Landscape Architect: Keith Williams/Nievera Williams Design

Attorney: Maura Ziska

Project Description: New one story residence with landscape, hardscape and pool.

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

Ms. Ziska explained the variance that the applicant is seeking and also stated she had a letter of support from one of the neighbors.

Mr. Kirchhoff presented the architectural plans for the project.

Commission Comments: Many of the Commission liked the design of the home and thought the massing was appropriate.

Mr. Williams presented the landscape and hardscape for the project.

Commission Comments: It was suggested the landscaping it too minimal and open and needs to be beefed up to create a buffer between the house and the street.

Mr. Williams suggested he could change the heights of the palms on the front of the house to add interests.

**Motion made by Ms. Grace and seconded by Mr. Gruss that the implementation of the proposed variance will not cause negative architectural impacts to the subject property. Motion carried 5-2 with Mr. Sammons and Ms. Vanneck opposed.**

**A second motion made by Ms. Grace and seconded by Mr. Garrison to approve the architectural plans but to defer the landscaping for one month for restudy. Motion carried with all in favor.**

B-014-2016 Additions/Modifications

Address: 225 Worth Avenue, Suite B

Applicant: J. McLaughlin/Burton Handelsman

Architect: Stephen L. Griss/Stephen Griss Associates

Project Description: Change of color of existing aluminum storefront framing from medium bronze to white at the existing J. McLaughlin clothing store. It also includes the change of color of the existing store sign lettering from dark bronze to green and the two existing planters from dark green to a lighter green.

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

Mr. Griss presented the changes the client is seeking to the property which include changing colors of the awnings, signage and planters.

Commission comments: Some of the Commission members felt that changing all three items would be too much color. It was suggested changing the planters and awnings only. It was suggested the green would make the signage look dated.

**Motion made by Mr. Sammons and seconded by Mr. Small to approve the project as presented with the exception of keeping the signage as is. Motion carried 6-1 with Mr. Knowles opposed. *Please note that Mr. Corey voted in the absence of Mr. Gruss.***

B-015-2016 Demolition and New Residence

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION W/ SITE PLAN REVIEW\*

Address: 125 Gulfstream Road

Applicant: Louis M. Cohen as Trustee of the Schar Family Trust dated December 26, 2012

Architect: Huy Nguyen and Benjamin Schreier/Affiniti Architects

Attorney: Maura Ziska

Project Description: Demolition of existing site elements only. (Currently a vacant lot) Construction of a new two-story 4511 total SF residence with detached outdoor living area, swimming pool and associated landscape/hardscape.

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

Ms. Ziska explained the special exception with site plan review that the applicant is seeking recommendation on from the Commission.

Mr. Nguyen presented the plans for the new residence and pool house.

Commission Comments: Some of the members felt the details are not in scale with a Mediterranean home. Many felt this home was a bad design and the plan was non-redeemable.

**Motion made by Mr. Sammons and seconded by Mr. Garrison to deny the projected as presented. Motion carried with all in favor.**

B-016-2016 Additions/Modifications

Address: 548 N. County Road

Applicant: Mr. & Mrs. Nelson Peltz

Architect: Roger Janssen/Dailey Janssen Architects

Landscape Architect: Steven West/Parker-Yannette

Project Description: Relocate and replace the existing cooling tower; new CBS equipment screen walls, new landscape; removal of existing cooling tower, equipment and screen walls.

Call for disclosure of ex parte communication: Disclosure by Mr. Sammons and Mses. Vanneck and Grace.

Mr. Janssen presented the plans for the new chiller unit on the west side of the property.

Mr. West presented the landscaping for the new area for the chiller unit.

**Motion made by Mr. Sammons and seconded by Mr. Garrison to approve the project as presented.**

B-017-2016 Addition/Modification

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCES(S)\*

Address: 7 Lagomar Road

Applicant: Mathieu Roskinsky

Architect: Mario Nievera

Attorney: Maura Ziska

Project Description: Driveway addition modifications and associated landscaping.

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

Ms. Ziska explained the three variances requested by the applicant.

Mr. Williams presented the proposed landscape and hardscape plans for the project as well as photos of the existing area.

Commission Comments: Many of the Commission members did not feel the solution to the applicant's parking problem was a successful one.



**Motion made by Mr. Gruss and seconded by Ms. Grace to defer the project for one month for a restudy of the parking arrangement and hedge. Motion carried 6-1 with Ms. Vanneck opposed.**

At this time, the meeting took a lunch break at 1:08 p.m. and resumed at 2:04 p.m. Mr. Sammons did not return to the meeting and Mr. Corey voted in his absence.

**B-018-2016 Demolition and New Residence**

**\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCES(S)\***

Address: 261 Seminole Avenue

Applicant: Debra M. Payne Trust

Architect: Patrick Segraves/SKA Architect + Planner

Landscape Architect: Steven West/Parker-Yannette

Project Description: Demolition of existing two-story home. Construction of new two-story Mediterranean Revival-style home to be approximately 3,600 square feet including a two-car garage. Final landscaping will also be included.

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

Mr. Segraves presented photos of the existing home that is to be demolished. Mr. West stated that all of the existing landscape and hardscape currently on site will be removed. Mr. West did note that he will offer the landscape to sell to other landscapers in the event it can be saved and moved.

Ms. Vanneck wanted to note that Mr. Sammons was fully against removing this home.

**Motion made by Mr. Small and seconded by Mr. Garrison to approve the demolition as presented with the caveats to sod and irrigate within 30 days. Motion carried 4-3 with Mr. Garrison and Ms. Vanneck and Grace opposed.**

Mr. Segraves presented the plans for the new, Mediterranean residence that is proposed. Mr. West presented the hardscape and landscape for the new residence.

Commission Comments: Many of the Commission members thought the design was good and in harmony with what is on the street. There was a comment that there was not enough detail on the plans. There was a question about the window sizes on the second story on the west elevation. Many of the Commission members like the walkway from the front door to the street. It was also suggested that the ceiling height was should be lowered, especially on the first floor.

**A second motion made by Mr. Small and seconded by Mr. Garrison that the implementation of the proposed variance will not cause negative architectural impacts to the subject property. Motion carried 6-1 with Ms. Grace opposed.**

**A third motion made by Mr. Garrison and seconded by Mr. Small to approve the project as presented with the caveat that the house is reduced on the first floor by 1 foot and on the second floor by 6 inches. Motion carried 6-1 with Mr. Grace opposed.**

[B-019-2016 Addition/Modification](#)

\*ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCES(S)\*

Address: 218 Seaspray Avenue

Applicant: Richard M. Pollock

Architect: Roger Hansrote/Architectural Consultants, Inc.

Project Description: New addition to the existing structure. At the ground floor 73 sq. ft. of new building footprint will be added off the existing dining room on the west elevation. On the second floor an existing area of flat roof will be filled in with 130 sq. ft. new a/c living space. The new roof will align with the existing roof fascia and be a flat roof.

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

Mr. Hansrote presented the minor additions to the home, which include the extension of the dining room, first floor sunroom and a second floor addition.

Commission Comments: The Commission were happy with the changes.

Mr. Lindgren read the variances that the applicant is seeking for the project.

**Motion made by Mr. Garrison and seconded by Mr. Small that the implementation of the proposed variances will not cause negative architectural impacts to the subject property. Motion carried with all in favor.**

**Motion made by Mr. Garrison and seconded by Mr. Small that the project be approved as presented.** Discussion ensued between the Commission members regarding the new zoning changes on the SeaStreets. **Motion carried 6-1 with Mr. Gruss opposed.**

[B-022-2016 Additions/Modifications](#)

Address: 641 N. County Rd.

Applicant: Oceanside Palms Estate Corp.

Architect: Stephen Roy & Dale Posey/Roy & Posey Architects

Project Description: Construction of a new one story garage.

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

Mr. Roy presented the plans for a one story free standing garage and modification to the existing motor court.

Mr. Posey presented proposed changes to the landscape and hardscape.

Mr. Roy stated the new garage will mirror the elevations of the existing garage.

**Motion made by Ms. Grace and seconded by Mr. Gruss to approve the project as presented. Motion carried with all in favor.**

[B-023-2016 New Residence](#)

Address: 430 N. Lake Way

Applicant: Mr. and Mrs. Jack Levy

Architect: Daniel Kahan and Billie Tsien/Smith and Moore Architects

Landscape Architect: Mario Nievera/Nievera Williams Design

Project Description: A new one-story residence in a modern style. Final landscape, hardscape and pool.

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

Mr. Kahan presented the site plan for the new residence and spoke to the history of modern homes in relation to Palm Beach. He also presented a brief floor plan to the home. Ms. Tsien spoke about the materials that will be used in the new residence.

Commission Comments: Many of the Commission members thought this was a wonderful house. It was suggested to limit the hedge in the front so that others passing by could enjoy the view. There was some discussion as to whether this home is too dissimilar to its surroundings.

Mr. Nievera presented the landscape for the project.

Commission Comments: It was suggested to shape the trees in the front to give more interest. It was also suggested that the trees in the front be spaced apart to enhance the front of the home.

**Motion made by Mr. Garrison and seconded by Ms. Grace to approve the architecture as presented and defer the landscape for one month for further study. Motion passed 6-1 with Mr. Small opposed.**

[B-024-2016 Additions/Modifications](#)

Address: 150 Worth Avenue, Suite 119-125

Applicant: Wilson 150 Worth LLC

Architect: Jerome I. Baumohl

Project Description: Modification and replacement of storefront incorporating a new entrance on Worth Avenue including signage. Note: All finishes for new impact storefront, including signage, are the same as their existing boutique (Suite 113 A).

Call for disclosure of ex parte communication: Disclosure by Messrs. Knowles and Small and Ms. Shiverick.

Mr. Baumoehl presented the proposed changes to the storefront, including colors and signage.

There was a brief discussion regarding the signage.

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

C. MINOR PROJECTS - OLD BUSINESS

A-053-2015 Addition/Modification

Address: 100 El Bravo Way

Applicant: Ken Tropin as Trustee of the Kenneth G. Tropin Trust

Architect: Brooks & Falotico Associates, Inc./Chuck Willette

Landscape Architect: Scott Hyman/Gregory Lombardi Desgin

Project Description: Addition of office and side entry along with driveway and landscape alterations on El Bravo Way. Modifications to doors, hardscape and landscape, alterations along South Ocean Boulevard. Various additions and modifications in the courtyard and rear of the house below existing roof lines.

At the October meeting, a motion carried to defer this project to the November meeting. At the November meeting, a motion carried to approve the landscaping as presented, with the exception of the gate design and the relocation of the Venetian well head; these items were deferred to the December meeting. At the December meeting this project was deferred to the January meeting at the request of the owner's attorney. At the January meeting a motion carried to defer this project to the February meeting at the applicant's request. At the February meeting, a motion carried to defer this project to the March meeting for further study. At the March meeting, a motion carried to defer this project to the April meeting for further study.

Call for disclosure of ex parte communication: Disclosure by Ms. Shiverick

Mr. Hyman presented the previously approved plan and the changes that are now proposed.

Commission Comments: It was noted that the new chain link fence should be black vinyl and not cloth covered.

**Motion by Mr. Gruss and seconded by Mr. Small to approve the project as presented. Motion carried with all in favor.**

D. MINOR PROJECTS-NEW BUSINESS

A-013-2016 Additions/Modifications

Address: 1475 N. Lake Way

Applicant: Nicholas Coleman

Architect: Don Skowron

Project Description: Revisions to previously approved project B-042-2016. Revisions include modification of driveway, removal of plant material, addition of plant material.

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

Ms. Vanneck stated that the changes to be presented have already been completed.

Mr. Skowron presented the history of the project as well as the proposed landscaping.

Commission Comments: Some of the members were upset that the changes were not brought to the Commission before they were made.

A discussion ensued between Ms. Vanneck and Mr. Skowron about the possible landscape choices that would be successful on the property.

Mr. Skowron presented the proposed driveway for the residence.

**Motion made by Mr. Corey and seconded by Mr. Garrison to approve the project as presented. Motion carried 6-1 with Mr. Knowles opposed.**

[A-014-2016 Additions/Modifications](#)

Address: 224 Atlantic Avenue

Applicant: 224 Atlantic LLC

Architect: Andres Paradelo

Attorney: Maura Ziska

Project Description: New plant material.

Call for disclosure of ex parte communication: Disclosure by Ms. Vanneck.

Mr. Paradelo stated that the owner did renovations to the existing landscape without obtaining an approval and he was here to present the landscape changes. Mr. Paradelo provided pictures of the streetscape and of the improvements. He stated he is seeking approval of the completed changes.

Rich Shankman, President of the Palm Beach Atlantic Association and neighbor to the applicant, stated his association is in litigation with the applicant for the construction and modifications to the property. He stated his opposition to the landscaping presented.

Ms. Ziska stated the reasons for the changes that were made prior to approval.

Commission Comments: It was noted that the landscape presented lacks appeal and design. The Commission wanted to see more of a fully developed landscape plan for the property.

**Motion made by Mr. Garrison and seconded by Mr. Gruss to defer this project for one month for restudy. Motion passed with all in favor.**

[A-015-2016 Additions/Modifications](#)

Address: 1900 S. Ocean Blvd.

Applicant: Keith Frankel

Architect: Mark Marsh/Bridges, Marsh & Associates, Inc.

Project Description: Minor changes to the Guest House fenestration and roof and a minor window change to the main house.

Call for disclosure of ex parte communication: Disclosure by Ms. Vanneck.

Mr. Marsh presented the change to the roof of the guest house as well as a window change to the main house.

Commission Comments: Many of the Commission members thought the proposed changes were better.

**Motion made by Mr. Small and seconded by Mr. Small to approve the project as presented. Motion approved with all in favor.**

[A-016-2016 Additions/Modifications](#)

Address: 1 S. County Rd. (Breakers Spray Cottage)

Applicant: Breakers Palm Beach, Inc.

Architect: Rene Tercilla/Harvard Jolly Architecture

Project Description: Demolition of Chimney stack above the roof line due to structural safety conditions that occurred during the project.

Call for disclosure of ex parte communication: Disclosure by Ms. Vanneck.

Mr. Tercilla presented the history of the project at the Breakers cottage and the need to take down the chimney that was structurally unsafe.

**Motion made by Mr. Garrison and seconded by Mr. Small to approve as presented.** Discussion ensued among the Commission.

Commission Comments: Many of the Commission members were upset that the chimney was not being replaced, especially for such an old structure.

Mr. Garrison withdrew his motion. Mr. Lindgren stated the Commission could either approve the project as presented or ask them to rebuild the fireplace.

**Motion made by Mr. Garrison and seconded by Mr. Corey to rebuild the chimney back to how it looked in the photograph presented and the other chimney in the photograph be repaired and restored to look like the new chimney. Motion carried 6-1 with Mr. Knowles opposed.**

[A-017-2016 Additions/Modifications](#)

Address: 135 Gulfstream Rd.

Applicant: Michael Bickford

Architect: Daniel Kahan/Smith and Moore Architects, Inc.

Project Description: Replace existing concrete tile roof with new wood shake roof.

Change existing railings to new aluminum Chippendale style. Other associated minor changes as presented.

Call for disclosure of ex parte communication: Disclosure by Ms. Shiverick.

Mr. Kahan presented the proposed changes to the property, which include a change in roof material, a change in the exterior railings and modifications to an exterior structure.

Commission Comments: The Commission liked the new railings but questioned the new material for the roof.

**Motion made by Ms. Grace and seconded by Mr. Gruss to approve the project as presented. Motion carried 6-1 with Ms. Vanneck opposed.**

[A-020-2016 Additions/Modifications](#)

Address: 642 N. County Rd.

Applicant: ABMF PB LLC

Architect: Alexis Lugo & Hector Daza/Scott Snyder, Inc.

Contractor: Greg Davies/Davies General Contractors

Project Description: Remove existing piers, lanterns and partial site wall on east of building. Modify stucco cornice and banding on entry pediment and building perimeter. Remove oversized columns on west elevation and replace with quoins on pilasters.

Call for disclosure of ex parte communication: Disclosure by Ms. Vanneck and Shiverick.

Mr. Lugo presented the proposed changes to the exterior of the home.

Commission Comments: Some of the Commission members questioned why all of the detail from the house was being removed. Some of the members liked the removal of the piers in the front of the property. There was also concern about making the cornice out of stucco rather than stone.

Mr. Daza stated they are trying to simplify the details on the home. Mr. Davies talked about the plans of the roof and the cornice.

Mr. Daza stated if they do need to put in a third column, they could use a quoin column. Mr. Garrison did not like that idea. Mr. Lindgren suggested that if they need a third column for support, he would coordinate a staff approval with Mr. Garrison so he could provide his input.

**Motion by Mr. Garrison and seconded by Mr. Corey to approve the project as presented with the caveat that the top coping be a stone coping with flashing and that the center column be submitted if necessary to staff for staff approval. Motion carried with all in favor.**

[A-021-2016 Additions/Modifications](#)

Address: 870 S. Ocean Blvd.

Applicant: Invest Komfort FL LLC

Architect: Randall Stofft/Randall Stofft Architects, P.A.

Project Description: Change all exterior windows & doors including necessary changes to openings for a consistent top of window elevation. Re-roof to flat cement tile roof.

Call for disclosure of ex parte communication: Disclosure by Ms. Vanneck.

Mr. Stofft presented the proposed changes for the home, including fenestration changes.

Commission Comments: Many of the Commission thought the fenestration changes on the south elevation were not appropriate. The Commission also questioned whether this should be a minor or major project. It was stated that the Commission would like to see detail regarding soffits, eaves, gutters and downspouts. The Commission thought that all of the charm had been taken off of the house in the proposed plans.

Mr. Lindgren stated that he could change this project to a minor with notice.

**Motion made by Mr. Garrison and seconded by Mr. Corey to defer this project for one month so that it can be changed to a minor project with notice and also so the applicant can supply the requested details in the plans.**

[A-022-2016 Additions/Modifications](#)

Address: 1233 N. Ocean Way

Applicant: Alonso & Associates, Inc.

Architect: Patrick Segraves/SKA Architect + Planner

Project Description: Modification of previously approved elevations (B-084-2015). West elevation-second story windows reduced 6" in height. East elevation-second story windows reduced 12" in height and fixed glass panel inserted between



previously approved windows on the first floor. North elevation-two smaller windows replace previously approved large window on second floor. South elevation-two smaller windows replace previously approved large window on second floor.

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

Mr. Segraves presented the proposed window changes in the project.

Commission Comments: It was suggested the larger proposed window on the east elevation needs a larger header. It was also suggested to use a bay window on the east elevation rather than the large window presented.

**Motion by Mr. Gruss to approve the north and south elevation but not the east elevation that was presented. Motion failed for lack of a second.**

**Motion by Mr. Garrison and seconded by Mr. Small to approve the project as presented with the caveat that the kitchen window on the east elevation is changed to a bay window, similar to what is on the front of the house. Motion carried with all in favor.**

#### **VIII. OTHER BUSINESS**

None

#### **IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE)**

None

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

Mr. Small requests that ARCOM discuss a specific agenda item in May regarding the demolition permit application process so that the Commission can be prepared to discuss Skip Randolph's memorandum dated February 13, 2014. Mr. Page confirmed with the Commission that they were comfortable with the topic for discussion.

Mr. Garrison also started the discussion regarding the lack of details being submitted in the plans from the architects. Mr. Lindgren stated that he would update the application form as well as provide a one page addendum to add to the application that clearly states what details the Commission will be looking for in the plans. If the details are not submitted in the future, the applicant will be deferred for one month without being heard by the Commission.

Ms. Vanneck requested that all of the variances requested for each project to be listed in the agenda so that the Commission can understand what the applicants are requesting.

Ms. Grace asked the question about having a lighting standard for LED and incandescent fixtures. Mr. Page addressed this topic and stated this is a project that is currently being worked on in the department.

Ms. Grace requested to see more details on the minor changes being presented.

Ms. Grace also requested more discussion regarding the issue of homes being similar versus dissimilar in the surrounding 200 feet. Mr. Page stated he will ask Mr. Randolph to address this at the next meeting.

**XI. ADJOURNMENT**

**Motion made by Mr. Knowles and seconded by Mr. Garrison to adjourn the meeting at 5:31 p.m. Motion carried with all in favor.**

The next meeting will be held on Wednesday, April 27, 2016 at 9:00 a.m. in the Town Council Chambers, 2<sup>nd</sup> floor, Town Hall, 360 S County Rd.

Respectfully Submitted,

Richard Sammons, Chairman  
**ARCHITECTURAL COMMISSION**

kmc

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 49-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to A.D.A. Engineering, Inc., in an Amount of \$66,050 for the North County Road Improvements from Wells Road to Miraflores Avenue, and Establishing a Design and Bid Phase Budget of \$73,000.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 12, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 49-2016](#)
- [A.D.A. Proposal](#)

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: May 10, 2016

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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 Design and Bid Phase Engineering Services for the North County Road Improvements from Wells Road to Miraflores Avenue Accelerated Capital Improvement Program-Phase 2  
**Resolution No. 49-2016**

DATE: April 12, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 49-2016, approving a purchase order for design and bid phase engineering services to A.D.A. Engineering, Inc. (ADA) for the North County Road Improvements from Wells Road to Miraflores Avenue in the amount of \$66,050 and establishing a design and bid phase engineering services budget of \$73,000.

## **GENERAL INFORMATION**

There is continual rutting of the grass medians and short duration flooding along North County Road from Wells Road to Miraflores Avenue. The scope of services will develop alternatives for protecting the grass medians and improving the drainage. As this corridor is a historic vista, the scope of services also includes planning and preparing the necessary documentation for the Landmarks Preservation Commission.

The submitted proposal from ADA is to develop and evaluate alternatives and prepare plans and specifications for the recommended improvements and enhancements of North County Road. We have negotiated an Engineering Design and Bid Phase Services contract with ADA in the amount of \$66,050. Staff recommends a Design and Bid Phase Services contingency of ten percent (10%), resulting in a total budget of \$73,000.

## **FUNDING/FISCAL IMPACT**

Funding for the North County Roadway Improvements from Wells Road to Miraflores Avenue design and bid phases is 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.

### Attachments

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

**RESOLUTION NO. 49-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO A.D.A. ENGINEERING, INC., IN AN AMOUNT OF \$66,050 FOR THE NORTH COUNTY ROAD IMPROVEMENTS FROM WELLS ROAD TO MIRAFLORES AVENUE, AND ESTABLISHING A DESIGN AND BID PHASE BUDGET OF \$73,000.

\* \* \* \* \*

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 A.D.A Engineering, Inc., in an amount of \$66,050 for Design and Bid Phase Engineering Services for the North County Road Improvements from Wells Road to Miraflores Avenue project, and establishes a design and bid phase budget of \$73,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, 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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



West Palm Beach Office  
1800 Old Okeechobee Rd,  
Suite 202  
West Palm Beach, FL 33409  
PH: 561.615.8880  
www.adaeng.net

April 12, 2016

William K. Francis, P.E.  
Town Engineer  
Town of Palm Beach  
951 Old Okeechobee Rd, Suite A  
West Palm Beach, Florida 33401

**RE: MEDIAN AND CURB ENHANCEMENTS ON NORTH COUNTY ROAD**

Dear Mr. Francis:

Per your request, A.D.A. Engineering, Inc. (ADA) is pleased to submit this Task Order proposal for professional engineering services associated with the preparation of construction contract documents for the modification of curbing and the medians along North County Road between Wells Road and Miraflores Drive. The contractual framework of this Task Order is based on the Professional Services Agreement between the Town and ADA, dated December 2015. This Task Order defines the scope of work, schedule, exclusions, and compensation for the professional engineering services associated with this project.

**I. SCOPE OF WORK**

The Scope of Work is comprised of the following essential tasks:

- Task 1 – Preliminary Design Services
- Task 2 – Design Development (30% Design)
- Task 3 – Contract Documents (60% Design)
- Task 4 – Contract Documents (90% Design)
- Task 5 – Contract Documents (100% Design)
- Task 6 – Bid and Award Services

Below is a description of the level of effort associated with each of these tasks.

**Task 1 – Preliminary Design Services**

**1.0 - Client Kickoff and Coordination**

ADA will attend a project kickoff meeting with Town staff to identify goals and objectives for the project, and obtain specific directions from the Town regarding the potential fixes that would be appropriate for each location. Prior to the kickoff meeting, ADA will prepare a conceptual sketch of the proposed improvements to be used for discussion purposes at the kickoff meeting. At the kickoff meeting, ADA will describe the proposed



curbing along the median and at any other locations. Other topics will include tree root issues, drainage and operational concerns specific to maintenance of traffic during repair. In addition to the technical information presented at the kickoff meeting, the Project Management Plan for the effort will be presented to Staff.

For the purposes of this proposal, ADA will utilize an electronic copy of the AutoCAD files from an available topographic survey of the project area (Betsy Lindsay, 2012). In addition to this survey, ADA will obtain additional topographic information as outlined below. As part of this task, ADA will perform a field reconnaissance for a detailed assessment of the project limits to ensure that the necessary information is obtained to support the design services outlined in Tasks 2-5. This assessment will also help to determine the most efficient and cost effective design for the Town, as well as identifying potential areas of concern.

### ***1.1 - Survey Services***

ADA will utilize Brown & Phillips, Inc (B&P) to obtain the necessary topographic information within the project limits to support the design effort outlined in Tasks 2-5. The key elements of the topographic survey will include:

- Utilizing Global Positioning System (GPS) with Real Time Kinematic (RTK) to obtain (x, y) values on each drainage structure to establish horizontal project control (NAD 83/90 Adjustment)
- A level run will be performed onsite using the benchmarks shown on the Betsy Lindsay, Inc. Specific Purpose Survey to establish vertical control (NAVD 88)
- As needed, establish or reestablish historical baseline according to existing R/W maps
- Location and elevation data will be gathered for the drainage inlets located within along North County Road between Wells Rd and Miraflores Dr. Elevation data will include grate, sump and pipe inverts. All pipe sizing and orientation will be identified.

### ***1.2 - Professional Arborist and Landscape Architecture Services***

In order to construct some of the curbing and drainage improvements anticipated, it may be necessary to perform root pruning which must be done with significant care to minimize the potential for damage to the trees. ADA will work with the Town's Arborist to evaluate the existing condition of the tree canopy and root system of the banyan trees along North County Road in the project area. The recommendations of the Town's Arborist will be incorporated into the design of all curbing and drainage improvements.

ADA will also retain SMI Landscape Architect (SMI) as a sub-consultant to review the proposed modifications and make recommendations as to the impact on the existing vegetation and the aesthetic of the corridor. SMI will also prepare a rendering of the improvements along the corridor for presentation to Staff and stakeholders.



## **Task 2 – Design Development (30% Design)**

Based on the information collected as part of Task 1, ADA will prepare 30% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 30% Cover and Drawing Index
2. 30% General Notes & Summary of Quantities
3. 30% Survey Control Plan
4. 30% Maintenance of Traffic Plan (1 sheet for Typical Detail)
5. 30% Grading and Drainage Plans (5 sheets at 1"=20' scale)
6. 30% Stormwater Pollution Prevention Plans (2 sheets at 1"=50' scale)
7. 30% Roadway Details (1 sheets)

ADA will also include an outline of relevant technical specifications. ADA will submit three (3) sets of the 30% draft construction contract documents (11" x 17" plan size) and one (1) electronic set (including PDF and CAD files) for review and comment by the Town. Once the review is complete, ADA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

## **Task 3 – Contract Documents (60% Design)**

Based on comments from Town Staff on the 30% contract documents, ADA will prepare 60% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 60% Cover and Drawing Index
2. 60% General Notes & Summary of Quantities
3. 60% Survey Control Plan
4. 60% Maintenance of Traffic Plan (1 sheet for Typical Detail)
5. 60% Grading and Drainage Plans (5 sheets at 1"=20' scale)
6. 60% Stormwater Pollution Prevention Plans (2 sheets at 1"=50' scale)
7. 60% Roadway Details (1 sheet)

The submittal will include a draft of all relevant technical specifications. As part of the 60% submittal a draft outline of information relevant to presentation to the Landmarks Preservation Commission will be prepared and provided to Town staff for review as part of the 60% submittal package.

ADA will submit three (3) sets of the 60% draft construction contract documents (11" x 17" plan size) and one (1) electronic set (including PDF and CAD files) for review and comment by the Town. Once the review is complete, ADA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

#### **Task 4 – Contract Documents (90% Design)**

Based on comments from Town Staff on the 60% contract documents, ADA will prepare 90% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 90% Cover and Drawing Index
2. 90% General Notes & Summary of Quantities
3. 90% Survey Control Plan
4. 90% Maintenance of Traffic Plan (1 sheet for Typical Detail)
5. 90% Grading and Drainage Plans (5 sheets at 1"=20' scale)
6. 90% Stormwater Pollution Prevention Plans (2 sheets at 1"=50' scale)
7. 90% Roadway Details (1 sheet)

ADA will also prepare a Construction Schedule and Engineer's Opinion of Probable Construction Costs. The submittal will also include revisions to the technical specifications. ADA will submit three (3) sets of the 90% draft construction contract (11" x 17" plan size) documents and one (1) electronic set (including PDF and CAD files) for review and comment by the Town.

The 90% plans will also be submitted for review by the Landmarks Preservation Commission. For the purposes of this effort, it is assumed that a maximum of two meetings will be held the Commission. Prior to the meetings, a notice will be provided to all residents within 250-feet of the project (roughly 70 homes). The renderings of the corridor and the proposed improvements prepared by SMI will be presented along with the technical plans. SMI will support the review process through recommendations and meeting attendance as needed.

Once all reviews are completed, ADA will meet with Town staff to review the comments and discuss any necessary modifications or revisions.

#### **Task 5 – Contract Documents (100% Design)**

Based on comments from Town Staff and stakeholders on the 90% contract documents, ADA will prepare 100% construction plans and specifications for the proposed improvements. The construction plans submitted will include the following sheets.

1. 100% Cover and Drawing Index
2. 100% General Notes & Summary of Quantities
3. 100% Survey Control Plan
4. 100% Sheet Layout Plan
5. 100% Maintenance of Traffic Plan (1 sheet for Typical Detail)
6. 100% Grading and Drainage Plans (5 sheets at 1"=20' scale)
7. 100% Stormwater Pollution Prevention Plans (2 sheets at 1"=50' scale)
8. 100% Roadway Details (1 sheet)

ADA will prepare a final Estimated Construction Schedule and Engineer's Opinion of Probable Construction Costs. The submittal will include the final Contract Documents with technical specifications. ADA will submit one (1) set of reproducible construction contract documents (11" x 17" plan size) and one (1) electronic set (including PDF and CAD files).

## **Task 6 – Bid & Award Services**

It is assumed that the Town will be responsible for reproducing construction contract documents and advertising to solicit bids from qualified contractors. It is assumed that the Town will distribute construction contract documents during the bid and advertisement period. ADA will attend up to one Pre-Bid Conference, will provide responses for up to two (2) Requests for Information from prospective bidders, and will prepare and issue a maximum of one (1) Addenda. ADA will review and evaluate the bid tabulations and bid forms once submitted and prepare a recommendation of award letter.

Construction phase services are not included as part of this scope of work.

## **II. SCHEDULE**

We are prepared to initiate our work within one week of receiving your written authorization of this proposal. ADA will complete the work outlined in the Scope of Work based on the following timeline starting with issuance of the notice to proceed.

| <b>Task</b>                     | <b>Weeks from NTP</b> |
|---------------------------------|-----------------------|
| 1 – Preliminary Design Services | 4                     |
| 2 – 30% Design                  | 8                     |
| 3 – 60% Design                  | 10                    |
| 4 – 90% Design                  | 12                    |
| 5 – 100% Design                 | 16                    |
| 6 – Bid & Award Support         | 24                    |

## **III. EXCLUSIONS**

The services outlined below are not included as part of the scope of work, although additional service agreements can be executed to assist the Town with these services if necessary:

- Detailed Hydrologic/Hydraulic engineering analyses
- Pavement condition analysis
- Landscaping or lighting analysis

Mr. William K. Francis  
RE: Median and Curb Enhancements on North County Road  
Page 6

- Permitting (to be handled by Contractor)
- Construction contract document reproduction
- Advertisement to solicit bids from qualified contractors

#### **IV. COMPENSATION**

ADA will be compensated for the services described above on a time and material basis with a not to exceed fee of **\$66,050.00**. Payment will be made in accordance with the Professional Services Agreement between the Town and ADA, dated December 2015. The attached fee estimate shows the costs associated with each of the tasks outlined in the scope of work.

We look forward to assisting the Town on this important project assignment. If you have any questions or need additional information, please do not hesitate to contact me at (561) 227-9113.

**A.D.A. ENGINEERING, INC.**



Brent Whitfield, P.E.  
Associate Vice President

Enclosures: Fee Estimate

cc. Mike Roach, PE (Town of Palm Beach)  
Jeff Vollat, PE (ADA Engineering)  
Alex Vazquez, PE (ADA Engineering)

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 63-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-29 and Approving a Construction Contract to Murray Logan Construction, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase II, in the Amount of \$246,800, and Establishing a Construction Phase Budget of \$272,000.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 11, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 63-2016](#)
- [Bid Tab Sheet](#)



# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Award Bid No. 2016-29 and Approve a Construction Contract for the D-12 Storm Water Pump Station Electrical Improvements Phase II  
**Resolution No. 63-2016**

DATE: April 11, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 63-2016 awarding Bid No. 2016-29 and approving a construction contract to Murray Logan Construction, Inc., for the D-12 Storm Water Pump Station Electrical Improvements Phase II in the amount of \$246,800 and establishing a construction phase budget of \$272,000.

## **GENERAL INFORMATION**

The D-12 Pump Station is approximately 14 years old. Prior to last summer's Phase I Electrical Improvements that consisted of replacement of the main power conductors and the installation of new pumps, the pump station had a variety of issues that caused individual pumps within the station to operate irregularly or fail to operate. The pump failures consisted of moisture seal compromises, high temperature failures, and failures in the windings and electrical components. The winding and electrical components were found to have been burned due to high current surges which are caused by voltage drops in the wiring. Staff had performed preliminary testing on the main electrical conductors from the control building to the wet-well and found the readings to be lower than acceptable tolerances for the conductors to properly operate the equipment. Public Works solicited Kimley-Horn and Associates, Inc. (KHA), to evaluate the pumps, controls, and wiring from the wet-well to the control building and provide a summary of their findings.

KHA found that the main conductors from the control building to the pump disconnects were producing lower than acceptable tolerances resulting in irregular power to the pumps and eventual failures. KHA also noted that many of the electrical components in the controls showed deterioration and were brittle which reduces the station run reliability over time.

KHA's recommendation and main focus was to replace the main power conductors from the control building to the wet-well immediately and install four (4) new high capacity storm water pumps in order to get the storm water pump station back on line as soon as possible. Due to their long lead time for production, replacing the controls was recommended as a second phase to be scheduled for this summer (May 2016). The replacement of the main power conductors and the

installation of the four (4) high capacity pumps were completed in September of 2015 under the D-12 Storm Water Pump Station Electrical Improvements Phase I.

The D-12 Storm Water Pump Station Electrical Improvements Phase II scope of work includes furnishing and installing new controls at both the wet-well and at the control building. The phase II project scope also includes furnishing and installing one (1) low capacity duty pump.

Since the project scope of work is contained within the D-12 control building located on Seminole Avenue and at the wet-well located at the end of Everglades Avenue, construction impacts to traffic will be minor due to delivery of the equipment.

The Town received one (1) bid from the Town pre-qualified pump station contractors on April 4, 2016. The bid from Murray Logan Construction, Inc. in the amount of \$246,800 was significantly lower than the engineer's opinion of cost \$307,000. Staff recommends awarding the contract to Murray Logan Construction, Inc., and establishing a Construction Phase Budget of \$272,000.

### **FUNDING/FISCAL IMPACT**

Funding for the design, bid, and construction of this project is contained within the Town's Public Works General Capital Improvements Fund (Pay-As-You-Go).

### **PURCHASING REVIEW**

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

### **TOWN ATTORNEY REVIEW**

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

### **Attachments**

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

**RESOLUTION NO. 63-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING BID NO. 2016-29 AND APPROVING A CONSTRUCTION CONTRACT TO MURRAY LOGAN CONSTRUCTION, INC., FOR THE D-12 STORM WATER PUMP STATION ELECTRICAL IMPROVEMENTS PHASE II, IN THE AMOUNT OF \$246,800, AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$272,000.

\* \* \* \* \*

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. 2016-29 and approves a construction contract to Murray Logan Construction, Inc., in the amount of \$246,800, for the D-12 Storm Water Pump Station Electrical Improvements Phase II, and establishes a construction phase budget of \$272,000.

Section 2. The Town Manager is hereby authorized 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 to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member





# **TOWN OF PALM BEACH**

**Bid No. 2016-29**

## **D-12 Storm Water Pump Station Phase 2 Electrical Improvements TABULATION**

| Vendor:      |                                                         | Murray Logan Construction |      | Hinterland     |              |
|--------------|---------------------------------------------------------|---------------------------|------|----------------|--------------|
| Address:     |                                                         | 313 65th Trail N          |      | NO BID         |              |
| Telephone:   |                                                         | West Palm Beach, FL 33413 |      |                |              |
| Fax:         |                                                         | 561-686-3948              |      | 321-633-4066   |              |
| Contact:     |                                                         | David Logan               |      | Andi Sharpe    |              |
| Line         | Description                                             | Est. Qty                  | Unit | Price Per Unit | Total        |
| 1            | Mobilization/Demobilization                             | 1                         | LS   |                | NO BID       |
| 2            | Performance/Payment Bond, Insurance and Indemnification | 1                         | LS   |                | NO BID       |
| 3            | Electrical Vault Hatch Improvements                     | 1                         | LS   |                | NO BID       |
| 4            | Electrical Building Door Hardware                       | 1                         | LS   |                | NO BID       |
| 5            | Remove Existing Duty Pump and Discharge Piping          | 1                         | LS   |                | NO BID       |
| 6            | Furnish and Install Flygt Duty Pump and Tube            | 1                         | LS   |                | NO BID       |
| 7            | Furnish and Install Wetwell Control Panel               | 1                         | LS   |                | NO BID       |
| 8            | Misc. Electrical Improvements                           | 1                         | LS   |                | NO BID       |
| 9            | Electrical Demolition                                   | 1                         | LS   |                | NO BID       |
| 10           | Site Restoration                                        | 1                         | LS   |                | NO BID       |
| 11           | General Contingency                                     | Allowance                 |      |                | \$ 10,000.00 |
| <b>Total</b> |                                                         |                           |      | \$             | 246,800.00   |
|              |                                                         |                           |      |                | NO BID       |

Vendor submitted a "No Bid" due to their current work load and availability.

Tabulated by Angel Lopez on 04/05/2016

Bid opening 2pm on 04/04/2016

Opened by: Angel Lopez ; Witnessed by: Ilyse Triestman

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 64-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services for the D-12 Storm Water Pump Station Electrical Improvements Phase II to Kimley-Horn & Associates, Inc., in the Amount of \$45,300, and Establishing a Construction Phase Engineering Services Budget of \$50,000.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 14, 2016, from H. Paul Brazil, P.E., Director of Public Work](#)
- [Resolution No. 64-2016](#)
- [Kimley-Horn Proposal](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Approving a Purchase Order for Construction Phase Engineering Services for the  
D-12 Storm Water Pump Station Electrical Improvements Phase II  
**Resolution No. 64-2016**

DATE: April 14, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 64-2016, approve a purchase order for construction phase engineering services to Kimley-Horn & Associates, Inc., (KHA) for the D-12 Storm Water Pump Station Electrical Improvements Phase II in the amount of \$45,300 and establishing a construction phase engineering services budget of \$50,000.

## **GENERAL INFORMATION**

The D-12 Pump Station is approximately 14 years old. Prior to last summer's Phase I Electrical Improvements that consisted of replacement of the main power conductors and the installation of new pumps, the pump station had a variety of issues that caused individual pumps within the station to operate irregularly or fail to operate. The pump failures consisted of moisture seal compromises, high temperature failures, and failures in the windings and electrical components. The winding and electrical components were found to have been burned due to high current surges which are caused by voltage drops in the wiring. Staff had performed preliminary testing on the main electrical conductors from the control building to the wet-well and found the readings to be lower than acceptable tolerances for the conductors to properly operate the equipment. Public Works solicited KHA, to evaluate the pumps, controls, and wiring from the wet-well to the control building and provide a summary of their findings.

KHA found that the main conductors from the control building to the pump disconnects were producing lower than acceptable tolerances resulting in irregular power to the pumps and eventual failures. KHA also noted that many of the electrical components in the controls showed deterioration and were brittle which reduces the station run reliability over time.

KHA's recommendation and main focus was to replace the main power conductors from the control building to the wet-well immediately and install four (4) new high capacity storm water pumps in order to get the storm water pump station back on line as soon as possible. Due to their long lead time for production, replacing the controls was recommended as a second phase to be scheduled for this summer (May 2016). The replacement of the main power conductors and the installation of the four (4) high capacity pumps were completed in September of 2015 under the D-12 Storm Water Pump Station Electrical Improvements Phase I.

The D-12 Storm Water Pump Station Electrical Improvements Phase II scope of work includes furnishing and installing new controls at both the wet-well and at the control building. The Phase II Project Scope also includes furnishing and installing one (1) low capacity duty pump.

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

Staff has negotiated a Construction Phase Engineering Services contract with KHA in the amount of \$45,300. Staff also recommends a contingency of \$4,700 for a total Construction Phase Budget of \$50,000.

### **FUNDING/FISCAL IMPACT**

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

### **PURCHASING REVIEW**

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

### **TOWN ATTORNEY REVIEW**

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

Attachment

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

**RESOLUTION NO. 64-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE D-12 STORM WATER PUMP STATION ELECTRICAL IMPROVEMENTS PHASE II TO KIMLEY-HORN & ASSOCIATES, INC., IN THE AMOUNT OF \$45,300, AND ESTABLISHING A CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$50,000.

\* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order for the construction phase engineering services for D-12 Storm Water Pump Station Electrical Improvements Phase II, to Kimley-Horn & Associates, Inc., in the amount of \$45,300, and establishes a construction phase engineering services budget of \$50,000.

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 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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



March 16, 2016

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

**RE: *Construction Phase Services Proposal – Phase 2 Electrical Improvements at D-12 Stormwater Pump Station***

Dear Mike,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "CONSULTANT") is pleased to submit this proposal to The Town of Palm Beach ("TOWN" or "CLIENT") for providing professional engineering services during the construction phase of the Phase 2 Electrical Improvements at D-12 Storm Water Pump Station in the Town of Palm Beach. Our project understanding, scope of services, and fee follows.

**Project Understanding**

The Town of Palm Beach is currently in the bid phase of the Phase 2 Electrical Improvements at D-12 Stormwater Pump Station. Kimley-Horn has been requested by the Town to provide construction phase services for the project. The project is expected to begin in June 2016 and have a duration of approximately 5 months due to equipment lead times. It is anticipated that the actual field work will be completed over a 4 month duration (18 weeks).

**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.

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

**Visits to Site and Observation of Construction.** Kimley-Horn will provide on-site construction observation services during the construction phase. Kimley-Horn will periodically visit the site during the expected four (4) month construction duration in order to observe the progress of the Work (up to 36 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot



checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work. Kimley-Horn will also provide field assistance during start up and testing for each of the owner furnished stormwater pumps.

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

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

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

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

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

**Inspections and Tests.** Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. We anticipate providing a review of the following items during the course of the construction:



- Review megger test reports for the conductors provided by Contractor for the Duty Pump
- Duty Pump Start-up test reports provided by the OEM representative and coordinated by the Contractor.

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

**Applications for Payment.** Based on its observations and on review of applications for payment and accompanying supporting documentation, Kimley-Horn will determine the amounts that Kimley-Horn recommends the Contractor be paid. It is anticipated that six (6) 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 \$45,300 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, which are incorporated by reference. As used in the Agreement, the term "CONSULTANT" shall refer to Kimley-Horn and Associates, Inc., and the term "TOWN" or "CLIENT" shall refer to The Town of Palm Beach.

We appreciate the opportunity to propose these services to you.

Very truly yours,

**KIMLEY-HORN AND ASSOCIATES, INC.**



---

By: Kevin Schanen, P.E.  
Vice President

Attachment

K:\WPB\_Civil\General\Lee\Proposals\Palm Beach\D-12 Phase 2 Construction Phase\D-12 Phase 2 Electrical Improvements - Construction Phase ServicesKMS.docx

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 65-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding Bid No. 2016-13 and Approving a Construction Contract to Fast-Dry Courts, Inc., for the Phipps Ocean Park Tennis Center Improvements, in the Amount of \$172,300.01 and Establishing a Construction Phase Budget of \$189,530.01 to be Funded from the Recreation Department Fiscal Year 2016 Budget (\$115,000) and from the Town's Recreation Enterprise Fund Contingency (\$74,530.01).

## Presenter

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

## Supporting Documents

- [Memorandum dated April 5, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 65-2016](#)
- [Bid Tab Sheet](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Award of Bid No. 2016-13 and Approve a Construction Contract for the Phipps Ocean Park Tennis Center Improvements  
**Resolution No. 65-2016**

Date: April 5, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 65-2016 awarding Bid No. 2016-13 and approving a construction contract to Fast-Dry Courts, Inc., for the Phipps Ocean Park Tennis Center Improvements in the amount of \$172,300.01 including the alternate item, and establishing a construction phase budget of \$189,530.01. As this project exceeds the amount appropriated in the FY16 budget, staff is also requesting a Recreation Enterprise Fund contingency allocation of \$74,530.01.

## **GENERAL INFORMATION**

The Phipps Ocean Park Tennis Facility is located adjacent to the beach in Phipps Ocean Park. The park is in a highly corrosive environment. The fencing at the facility was installed in three (3) phases; three (3) courts and the maintenance area were installed in 2002, one (1) court was installed in 2004, and the final two (2) courts were installed in 2005. All of the tennis court fences are in need of replacement as, due to corrosion, many of the fence posts are failing. Recreation staff has regularly performed maintenance such as cleaning, scraping, and spot painting, in an effort to extend the useful life of the existing fence, however, at this time, the maintenance work is no longer feasible and the fence needs to be replaced.

Most of the fence post corrosion at Phipps Ocean Park Tennis Facility occurs at the base of the posts where they are in contact with the clay surface. To eliminate this specific corrosion issue, the contractor will use the same design concept from the Seaview Tennis Courts by installing the fence post inside a PVC sleeve that extends two (2) inches above the clay surface. This will ensure the fence posts are not in contact with the highly corrosive clay playing surface. The contractor will also use similar hardware and construction concepts used at Seaview Tennis Center to create a consistency between the two (2) facilities.

Also, included in the project scope is the resurfacing of all six (6) courts. The clay courts have not been resurfaced since their initial construction. The clay courts are designed with a 1-inch thick playing surface. Over time, the clay playing surface has been worn down by the wind, rain, and general play. In order to maintain the high quality surface, the manufacturer of the playing surface, Har-Tru, recommends the courts be resurfaced and regraded every seven (7) years. The resurfacing entails adding additional Har-Tru clay material and laser grading the courts to ensure proper court thickness. The courts are also properly graded to prevent ponding.

The Purchasing Division publicly advertised Invitations to Bid and received two (2) bids. The low bid submitted by Fast Dry Courts has been determined to be responsive and responsible and the prices are deemed to be fair and reasonable as they are in line with the Engineer's Opinion of Probable Cost. Staff recommends awarding the Bid and issuing a contract in the amount of \$172,300.01 to Fast-Dry Courts, Inc., and establishing a construction phase budget of \$189,530.01 including contingency included.

### **FUNDING/FISCAL IMPACT**

Funding for this project is partially contained in the Recreation Department Fiscal Year 2016 Budget (\$115,000) with the balance of \$74,530.01 to be funded from the Town's Recreation Enterprise Fund contingency which currently has a balance of \$285,300.

### **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: Beth Zickar, Director of Recreation  
Jane Struder, Director of Finance  
William K. Francis, P.E., Town Engineer  
Michael A. Roach, P.E., Project Engineer  
Adis Pedraza, Purchasing Manager  
Rod Gardiner, Assistant Director of Recreation

**RESOLUTION NO. 65-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED BID NO. 2016-13 AND APPROVING A CONSTRUCTION CONTRACT TO FAST-DRY COURTS, INC., FOR THE PHIPPS OCEAN PARK TENNIS CENTER IMPROVEMENTS, IN THE AMOUNT OF \$172,300.01 AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$189,530.01 TO BE FUNDED FROM THE RECREATION DEPARTMENT FISCAL YEAR 2016 BUDGET (\$115,000) AND FROM THE TOWN'S RECREATION ENTERPRISE FUND CONTINGENCY (\$74,530.01)

\* \* \* \* \*

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. 2016-13 and approves a construction contract to Fast-Dry Courts, Inc., in the amount of \$172,300.01, for the Phipps Ocean Park Tennis Center Improvements and establishes a construction phase budget of \$189,530.01, funded from the Recreation Department Fiscal Year 2016 Budget (\$115,000) and the Town's Recreation Enterprise Fund contingency (\$74,530.01).

Section 2. The Town Manager is hereby authorized 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 to take such further actions as may be necessary to effectuate the completion of the said project work, including any necessary change order work as recommended by the Public Works Director.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member





# **TOWN OF PALM BEACH**

**Bid No. 2016-13**  
**Phipps Ocean Park Tennis Center**  
**Improvements**  
**TABULATION**

Due: 3/29/16 @ 2 p.m.

|                   |                         |                                      |
|-------------------|-------------------------|--------------------------------------|
| <b>Vendor:</b>    | <b>Fast Dry Courts</b>  | <b>Welch Tennis Courts, Inc</b>      |
| <b>Address:</b>   | 1400 NW 13th Ave        | 4501 Old US Highway 41 / PO Box 7770 |
| <b>Telephone:</b> | Pompano Beach, FL 33069 | Sun City, FL 33586-7770              |
| <b>Fax:</b>       | (954) 979-3111          | (813) 641-7787                       |
| <b>Contact:</b>   | (954) 978-8479          | (813) 641-7795                       |
|                   | Stephen Dettor          | Roger Hammon                         |

| Item No. | Description | Qty | Unit | Price per Unit | Total | Price per Unit | Total |
|----------|-------------|-----|------|----------------|-------|----------------|-------|
|----------|-------------|-----|------|----------------|-------|----------------|-------|

## **GENERAL CONDITIONS**

|                                 |                                                |   |      |    |             |    |             |
|---------------------------------|------------------------------------------------|---|------|----|-------------|----|-------------|
| 1                               | Mobilization/Demobilization/General Conditions | 1 | L.S. |    | \$ 2,000.00 |    | \$ 1,500.00 |
| 2                               | Bonds and Insurance                            | 1 | L.S. |    | \$ 3,000.00 |    | \$ 2,850.00 |
| <b>GENERAL CONDITIONS TOTAL</b> |                                                |   |      | \$ | 5,000.00    | \$ | 4,350.00    |

## **SITE CIVIL**

|                                        |                                                |           |      |    |              |    |              |
|----------------------------------------|------------------------------------------------|-----------|------|----|--------------|----|--------------|
| 3                                      | Double Tennis Court Battery 1 (Courts 1 & 2)   | 1         | L.S. |    | \$ 35,666.67 |    | \$ 46,700.00 |
| 4                                      | Double Tennis Court Battery 2 (Courts 3 & 4)   | 1         | L.S. |    | \$ 31,666.67 |    | \$ 43,500.00 |
| 5                                      | Double Tennis Court Battery 3 (Courts 5 & 6)   | 1         | L.S. |    | \$ 31,666.67 |    | \$ 43,500.00 |
| 6                                      | Exterior Fencing and Gates                     | 1         | L.S. |    | \$ 9,000.00  |    | \$ 20,420.00 |
| 7                                      | Resurfacing of Har-Tru Courts (6 courts total) | 1         | L.S. |    | \$ 40,000.00 |    | \$ 42,060.00 |
| 8                                      | General Contingency                            | ALLOWANCE |      |    | \$ 7,500.00  |    | \$ 7,500.00  |
| <b>SITE CIVIL TOTAL</b>                |                                                |           |      | \$ | 155,500.01   | \$ | 203,680.00   |
| <b>BASE BID TOTAL (Items 1 thru 8)</b> |                                                |           |      | \$ | 160,500.01   | \$ | 208,030.00   |

## **ALTERNATE and OPTIONAL ITEMS**

|        |                                                                                   |   |      |  |              |  |             |
|--------|-----------------------------------------------------------------------------------|---|------|--|--------------|--|-------------|
| ALT1*  | Furnish New Windscreen                                                            | 1 | L.S. |  | \$ 11,800.00 |  | \$ 8,220.00 |
| OPT1** | Furnish and Install additional Har-Tru Hydroblend clay, 80 lb. bags, as necessary | 1 | EA   |  | \$ 18.00     |  | \$ 20.00    |

\*Alternate Item – This item may be awarded at the Town's discretion.

\*\* Optional Item 1 may be awarded at the Town's discretion.

**Opened by: Angel Lopez**

**Witnessed by: Dora Dixon**

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 66-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing the Mayor to Execute Easement and Use Agreements with the Property Owners of 142 North County Road and 151 North County Road and the Town of Palm Beach for Installation, Access and Maintenance of the Foundations, Mast Arms, and Associated Signal Equipment.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 11, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 66-2016](#)
- [Easement and Use Agreement](#)



# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization to Execute Easement and Use Agreements for the Signalization and Mast Arm Improvements on North County Road at Sunrise Avenue  
**Resolution No. 66-2016**

Date: April 11, 2016

---

## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 66-2016 authorizing the Mayor to execute an Easement and Use Agreement between the Town of Palm Beach and the private property owners at 142 North County Road, Saint Edwards Church, and at 151 North County Road, Green's Pharmacy, for the construction and permanent location of the foundations, mast arms, and associated signal equipment.

## **GENERAL INFORMATION**

Staff has requested an Easement and Use Agreement from 142 North County Road, Saint Edwards Church and 151 North County Road, Green's Pharmacy because of the lack of available right-of-way. The Easement and Use Agreements are required to allow the construction and permanent location of the foundations, mast arms, and associated signal equipment.

Green's Pharmacy located at 151 North County Road has submitted their executed Easement and Use Agreements. Staff has spoken with representatives from Saint Edwards located at 142 North County Road. They have indicated the Easement and Use Agreements are being executed and will be mailed immediately after execution.

Staff recommends that Town Council authorize the Mayor to execute the Easement and Use Agreements Easement, upon finalization of the documentation by all parties.

## **FUNDING/FISCAL IMPACT**

There is no fiscal impact to the Town.

## **TOWN ATTORNEY REVIEW**

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

### Attachments

cc: Jane Struder, Director of Finance  
Eric B. Brown, P.E., Assistant Director of Public Works  
William K. Francis, P.E., Town Engineer  
John C. Randolph, Town Attorney  
Adis Pedraza, Purchasing Agent

**RESOLUTION NO. 66-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE EASEMENT AND USE AGREEMENTS WITH THE PROPERTY OWNERS OF 142 NORTH COUNTY ROAD AND 151 NORTH COUNTY ROAD AND THE TOWN OF PALM BEACH FOR INSTALLATION, ACCESS, AND MAINTENANCE OF THE FOUNDATIONS, MAST ARMS, AND ASSOCIATED SIGNAL EQUIPMENT.

\* \* \* \* \*

WHEREAS, the Town of Palm Beach has requested the execution of Easement and Use Agreements with the property owners of 142 North County Road and 151 North County Road; and

WHEREAS, the parties mutually recognize the need to execute the Agreements setting forth the responsibilities of each party.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The Mayor is hereby authorized to execute the Easement and Use Agreements for the signal mast arms, foundations, and associated signal equipment between the property owners of 142 North County Road and 151 North County Road, and the Town of Palm Beach.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

## **EASEMENT AND USE AGREEMENT**

This Easement and Use Agreement (the "Agreement") is entered as of this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between **Rensor Realty Corp Beach**, ("Grantor") with an address at 151 N. County Road, Palm Beach, Florida, 33480 and the **Town of Palm Beach**, a municipality existing under the laws of the State of Florida, with an address at 360 South County Road, Palm Beach, Florida 33480 (the "Grantee").

### **RECITALS**

**WHEREAS**, Grantor is the fee simple owner of certain real property more particularly described on Exhibit "A," attached hereto and by this reference incorporated herein (the "Property"); and

**WHEREAS**, Grantor is desirous of granting a non-exclusive easement on the Property to Grantee, solely for Grantee's use and operation of a Signal Mast Arm, Foundation, Control Cabinets, Pedestrian Signal and Pole, and electrical/communication wiring as described on Exhibit "A" attached hereto and by this reference made a part hereof as it will exist and will be situated, consistent with Grantee's governmental obligations and responsibilities and directly relating to the maintenance and operation of the Signal Mast Arm and equipment; and,

**WHEREAS**, Grantee is desirous of obtaining said easement; and,

**WHEREAS**, the parties hereto are desirous of memorializing the terms of the easement,

**NOW, THEREFORE**, in consideration of the mutual promises contained herein and other good and valuable consideration to which the parties acknowledge receipt of, the parties agree as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein by reference.

2. Grant of Easement:

Grantor grants to Grantee a non-exclusive easement in favor of Grantee for the purposes stated above (the "Easement"). The Easement granted herein shall run with the land and be binding upon Grantor, its successors, and assigns for so long as the Signal Mast Arm, Foundation, Control Cabinets, Pedestrian Signal and Pole, and electrical/communication wiring remains on the Property, reserving unto Grantor the full right and use of its area within the Easement for purposes that do not conflict or interfere with the rights conveyed to Grantee herein. Grantor hereby covenants, warrants, and represents that: it is lawfully seized of said Property in fee simple; that the Property is free and clear of all encumbrance; except those encumbrances of record in the Public Records of Palm Beach County, Florida; that Grantor has good right and lawful authority to convey this Easement; and Grantor fully warrants and defends the title to the Easement hereby conveyed against the lawful claims of all persons whomsoever.

3. Easement Area Maintenance Costs: Grantor acknowledges that the Signal Mast Arm,

Foundation, Control Cabinets, Pedestrian Signal and Pole, and electrical/communication wiring are owned by Grantee. Grantee acknowledges that its sole use of the Signal Mast Arm, Foundation, Control Cabinets, Pedestrian Signal and Pole, and electrical/communication wiring will be to maintain and operate the signals within the Sunrise Avenue and North County Road intersection currently as situated and exists for so long as the intersection needs to be signalized and operational, without any repair, modification, maintenance or replacement that will in any way affect the Property or impede the use of the Property by its owner. Should the Signal Mast Arm, Foundation, Control Cabinets, Pedestrian Signal and Pole, and electrical/communication wiring require any repair or maintenance, said repair or maintenance must be performed by Grantee, at Grantee's expense.

4. Damage: Grantee shall be responsible for any damage caused within the Easement, the Property and/or to the Signal Mast Arm, Foundation, Control Cabinets, Pedestrian Signal and Pole, and electrical/communication wiring, and Grantee shall, immediately upon notification of such damage, begin the repair of such damage and diligently complete such repairs as soon as reasonably possible. If Grantee should fail to complete such repairs in accordance with the terms of this paragraph, after giving Grantee notice and reasonable opportunity to cure, Grantor shall have the right, but not the obligation, to cause such repairs to be made and Grantee shall pay on demand all of Grantor's costs in connection therewith (including, without limitation, attorney's fees and other costs of collection) together with interest thereon at an annual rate of twelve percent (12%) accruing from and after the date of such expenditure until the date Grantor receives full payment.

5. Indemnification: Each party to this agreement shall be liable for its own actions and negligence and, to the extent permitted by law, Grantor shall indemnify, defend and hold harmless Grantee against any actions, claims or damages arising out of the Grantor's negligence in connection with this Agreement; and, to the extent allowed by law, Grantee shall indemnify, defend and hold harmless the Grantor against any actions, claims or damages arising out of the negligence of Grantee in connection with this Agreement. The foregoing indemnification shall not constitute a waiver of Grantee's sovereign immunity beyond the limits set forth at Sec. 768.28, *Florida Statutes*. In no case shall such limits for Grantee extend beyond \$100,000 for any one person or beyond \$200,000 for any judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. These provisions shall not be construed to constitute agreement by either party to indemnify the other for such other's negligent, willful or intentional acts or omissions.

6. Not a Public Dedication. Nothing contained herein shall be deemed to be a gift or dedication of any portion of the easement area to the general public or for any public use or purpose whatsoever.

7. Non-Waiver: The failure of any party to insist upon strict performance of any of the terms, covenants or conditions hereof shall not be deemed a waiver of any rights or remedies which that party may have hereunder or at law or equity and shall not be deemed a waiver of any subsequent breach or default in any of such terms, covenants or conditions.

8. Successors in Interest: All provisions of the Agreement are binding upon and shall inure to the benefit of, and are enforceable by and against, the successors and assigns of each party hereto.

9. Entire Agreement: The Agreement contains the entire agreement between the parties with respect to the subject matter hereof and no statement or representation of any party, their agents or employees, shall form any part hereof or be binding upon the other party.

10. Effective Date: The term "effective date" or "date of the Agreement" shall mean the latest date the Agreement is executed by the parties.

11. Signatures: This Agreement may be executed in multiple counterparts which together shall have the same force and effect as if this single instrument were executed by both parties hereon.

*[Signatures and acknowledgments appear on the following pages]*

Signed, sealed and delivered in  
our presence:

Gregory F. Schreiner  
Witness  
Print Name: Gregory F. Schreiner

Shalina Yassin  
Witness  
Print Name: Shalina Yassin

NEW YORK  
STATE OF ~~FLORIDA~~ )  
WESTCHESTER )  
COUNTY OF ~~PALM BEACH~~ )

The foregoing instrument was acknowledged before me this 8 day of April, 2016  
by GERALD SIMON as a CFO Rensor Realty Corporation, owners of  
151 N. County Road, Palm Beach, Florida, who ☐ is personally known to me or ☒ has  
produced the following as identification: Drivers License

(seal)

**RACHEL E CARAFOTES**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**WESTCHESTER COUNTY**  
**LIC. #01CA6304868**  
**COMMISSION EXPIRES 06/02/2018**

GRANTOR:

Rensor Realty Corporation., owner of 151 N.  
County Road, palm Beach Florida 33401

Gerald Simon  
By: GERALD SIMON  
Title: CFO

Rachel E. Carafotes  
Notary Public in and for the State and  
County aforesaid  
Commission Number: 01CA6304868  
My Commission Expires: 06-02-2018  
Print Notary Name: Rachel E Carafotes

[signatures continue on following page]

Signed, sealed and delivered in  
our presence:

\_\_\_\_\_  
Witness

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Witness

Print Name: \_\_\_\_\_

Approved as to legal form and sufficiency:

\_\_\_\_\_  
Town Attorney

STATE OF FLORIDA            )  
                                          )  
COUNTY OF PALM BEACH    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016  
by Gail L. Coniglio as a Mayor of the Town of Palm Beach, a municipal corporation existing  
under the laws of the State of Florida, who ☐ is personally known to me or ☐ has produced the  
following as identification: \_\_\_\_\_.

(seal)

GRANTEE:

TOWN OF PALM BEACH,, a municipal  
corporation existing under the laws of the  
State of Florida

\_\_\_\_\_  
By: Gail L. Coniglio

Title: Mayor

\_\_\_\_\_  
Notary Public in and for the State and  
County aforesaid

Commission Number: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Print Notary Name: \_\_\_\_\_



EXHIBIT "A"  
LEGAL DESCRIPTION OF EASEMENT

LEGAL\16020792\1

**SKETCH AND DESCRIPTION  
UTILITY EASEMENT**  
PORTION OF LOT 13, SUNRISE AVENUE ADDITION No.1 TO PALM BEACH  
(P.B. 7, PG. 62, P.B.C.R.)  
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

**LAND DESCRIPTION:**

A portion of Lot 13, SUNRISE AVENUE ADDITION No.1 TO PALM BEACH, according to the Plot thereof as recorded in Plot Book 7, Page 62, of the Public Records of Palm Beach County Florida; being described as follows:

BEGIN at the intersection of the East line of the West 10 feet of Lot 13 and the North Right-of-Way line of Sunrise Avenue, thence N02°14'31"W, along the East Right-of-Way line of North County Road, a distance of 22.00 feet; thence N88°09'17"E, a distance of 8.46 feet; thence S01°50'37"E, 5.82 feet; thence N88°59'43"E, 9.26 feet; thence S01°21'44"E, 16.83 feet to a point on the North Right-of-Way line of Sunrise Avenue; thence N89°16'01"W, along said North Right-of-Way line, a distance of 17.44 feet to the POINT OF BEGINNING.

Said lands lying in the Town of Palm Beach, Palm Beach County, Florida and containing 339 square feet, more or less.

**SURVEY NOTES:**

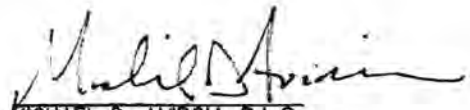
1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the surveyor.
4. Bearings shown hereon are assumed based on the North Right-of-Way line of Sunrise Avenue having a bearing of N89°16'01"W.
5. Data shown hereon was compiled from instruments(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: Conc. = Concrete; L.B.= Licensed Business; P.B.= Plat Book; P.B.C.R.= Palm Beach County Records; PCN = Parcel Control Number; PG(s).= Page(s); P.L.S.= Professional Land Surveyor; P.O.B.= Point of Beginning; P.O.C.= Point Of Commencement; R/W = Right of Way.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached SKETCH & DESCRIPTION of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this SKETCH & DESCRIPTION meets the Minimum Technical Standards set forth in Chapter 5J-17.05, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 2/02/16

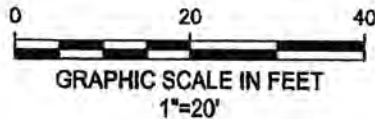
NOT VALID WITHOUT  
SHEETS 1 AND 2

  
MICHAEL D. AVIROM, P.L.S.  
Florida Registration No. 3268  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300

|           |                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                   |                |
|-----------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| REVISIONS |  | <b>AVIROM &amp; ASSOCIATES, INC.</b><br><b>SURVEYING &amp; MAPPING</b><br>50 S.W. 2nd AVENUE, SUITE 102<br>BOCA RATON, FLORIDA 33432<br>TEL. (561) 392-2594, FAX (561) 394-7125<br>www.AVIROMSURVEY.com<br>©2016 AVIROM & ASSOCIATES, INC. all rights reserved.<br>This sketch is the property of AVIROM & ASSOCIATES, INC.<br>and should not be reproduced or copied without written permission. | JOB #: 9929-9B |
|           |                                                                                     | SCALE: 1" = 20'                                                                                                                                                                                                                                                                                                                                                                                   |                |
|           |                                                                                     | DATE: 01/25/2016                                                                                                                                                                                                                                                                                                                                                                                  |                |
|           |                                                                                     | BY: KSB                                                                                                                                                                                                                                                                                                                                                                                           |                |
|           |                                                                                     | CHECKED: M.D.A.                                                                                                                                                                                                                                                                                                                                                                                   |                |
|           |                                                                                     | F.B. — PG. —                                                                                                                                                                                                                                                                                                                                                                                      |                |
|           |                                                                                     | SHEET: 1 OF 2                                                                                                                                                                                                                                                                                                                                                                                     |                |

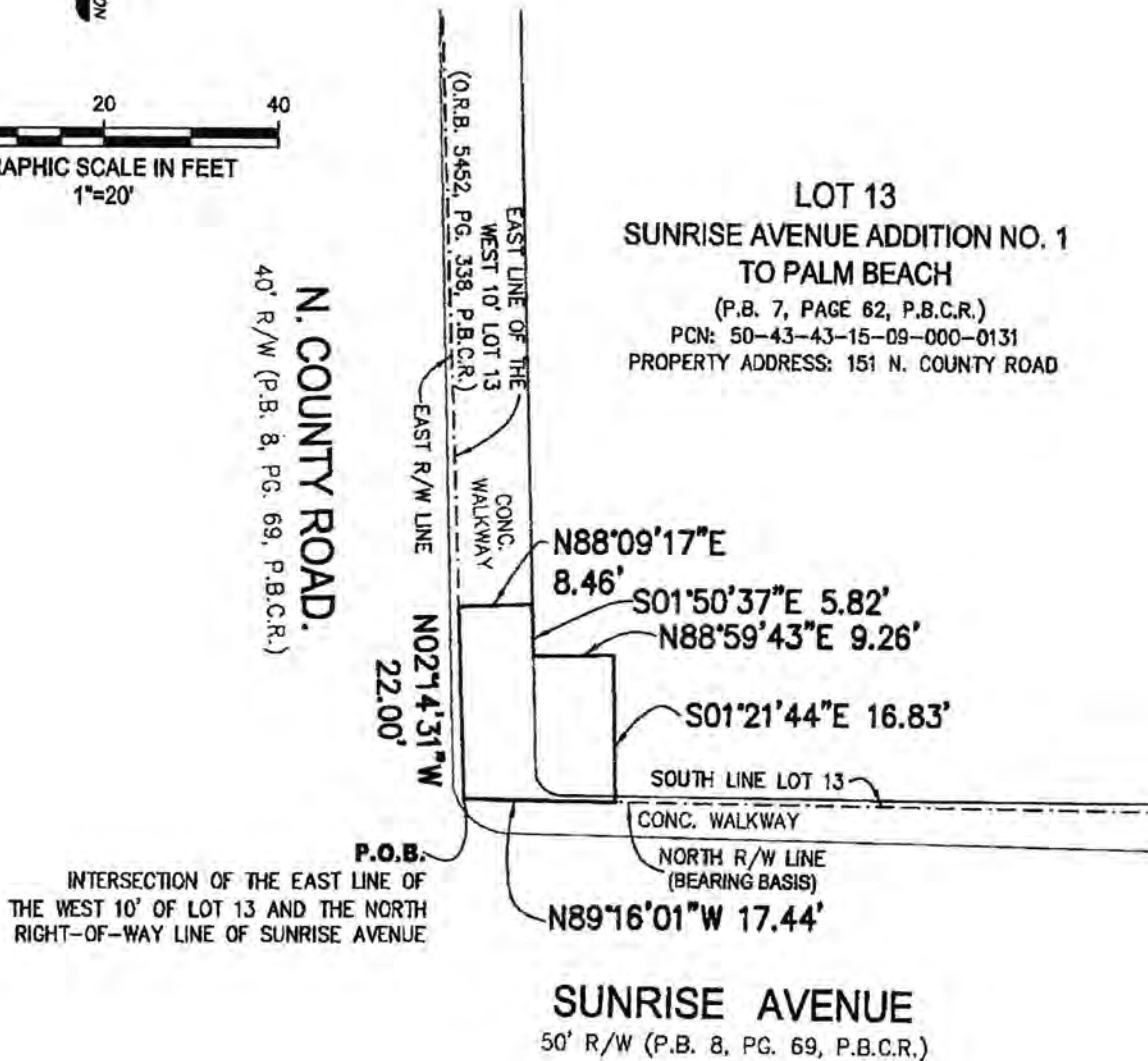
**SKETCH AND DESCRIPTION  
UTILITY EASEMENT**

PORTION OF LOT 13, SUNRISE AVENUE ADDITION No.1 TO PALM BEACH  
(P.B. 7, PG. 62, P.B.C.R.)  
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



N. COUNTY ROAD.  
40' R/W (P.B. 8, PG. 69, P.B.C.R.)

**LOT 13  
SUNRISE AVENUE ADDITION NO. 1  
TO PALM BEACH**  
(P.B. 7, PAGE 62, P.B.C.R.)  
PCN: 50-43-43-15-09-000-0131  
PROPERTY ADDRESS: 151 N. COUNTY ROAD



NOT VALID WITHOUT  
SHEETS 1 AND 2

**REVISIONS**

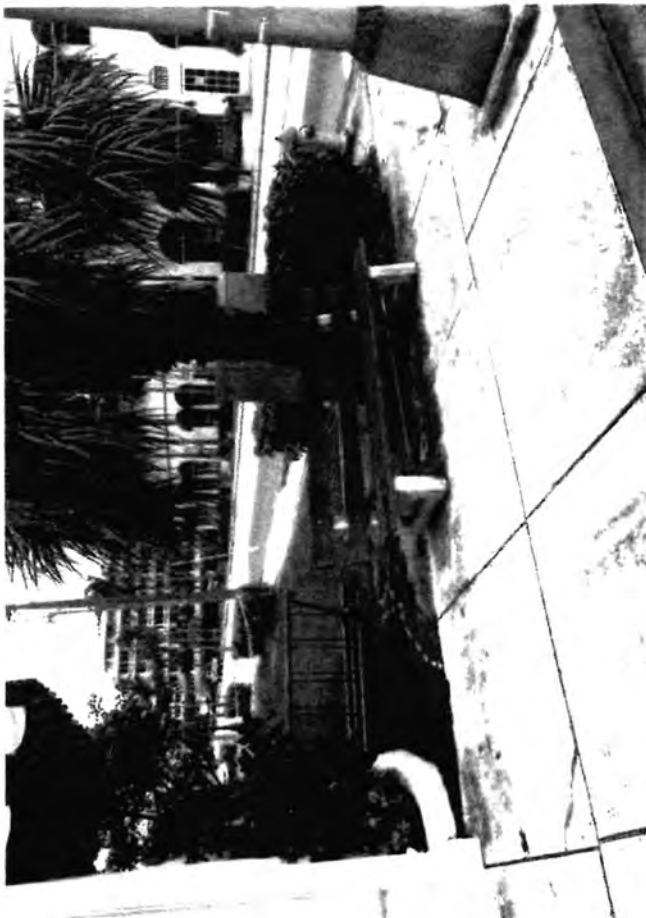
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BOCA RATON, FLORIDA 33432  
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|          |            |
|----------|------------|
| JOB #:   | 9929-9B    |
| SCALE:   | 1" = 20'   |
| DATE:    | 01/25/2016 |
| BY:      | KSB        |
| CHECKED: | M.D.A.     |
| F.B.     | PG.        |
| SHEET:   | 2 OF 2     |



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

---

## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 68-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing an Increase of \$80,001 to Purchase Order No. 160819 to GRM Information Management Services of Miami LLC, for a New Total of \$105,000; and an Increase of \$40,001 to Purchase Order No. 151600 to Municipal Code Corporation, for a New Total of \$65,000 for Document Scanning Services.

## Presenter

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

## Supporting Documents

- [Memorandum Dated April 27, 2016 from John S. Page, Director of Planning, Zoning and Building](#)
- [Resolution No. 68-2016](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization to Increase Purchase Order Amounts for Document Scanning Projects  
**Resolution No. 68-2016**

Date: April 27, 2016

---

## **STAFF RECOMMENDATION**

Staff recommends that the Town Council approve Resolution No. 68-2016 authorizing change orders to increase Purchase Order No. 160819 by \$80,001, and Purchase Order No. 151600 by \$40,001 for scanning services of archived documents.

## **GENERAL INFORMATION**

Purchase Order No. 160819 was issued in the amount of \$24,999 to GRM Information Management Services of Miami for scanning services, piggybacking on the Greater Orlando Aviation Authority contract No. 07-14. The Purchasing Division reviewed this contract and determined that it fulfilled the Town's piggybacking requirements.

The Planning, Zoning & Building Department has determined that this vendor has performed to expectations and can handle larger volumes of work. They also provide special research services as per the existing contract in addition to standard document scanning services. Additional scanning services from this vendor will assist the Department in addressing its goal of scanning the backlog of documents currently in the Department and in storage. Therefore, the Department wishes to allocate an additional \$80,001 to this vendor at this time for a total of \$105,000.

Purchase Order No. 151600 was issued in the amount of \$24,999 to Municipal Code Corporation for scanning services, piggybacking on the National Cooperative Purchasing Alliance RFP No. 07-13. The Purchasing Division has reviewed this contract and determined that it fulfills the Town's piggybacking requirements.

The Planning, Zoning & Building Department has determined that this vendor, although not as large a company, has performed to expectations, and can also assist the Department in addressing its goal of scanning the backlog of documents currently in the Department and in storage. Therefore the Department wishes to allocate an additional \$40,001 to this vendor at this time, for a total of \$65,000.

### **FUNDING/FISCAL IMPACT**

Funding is available for this project within the Planning, Zoning & Building Department's FY16 Budget.

### **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.

cc: Veronica Close, Assistant Director  
Adis Pedraza, Purchasing Manager  
Jane Struder, Finance Director

## RESOLUTION NO. 68-2016

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING AN INCREASE OF \$80,001 TO PURCHASE ORDER NO. 160819 TO GRM INFORMATION MANAGEMENT SERVICES OF MIAMI LLC, FOR A NEW TOTAL OF \$105,000; AND AN INCREASE OF \$40,001 TO PURCHASE ORDER NO. 151600 TO MUNICIPAL CODE CORPORATION, FOR A NEW TOTAL OF \$65,000 FOR DOCUMENT SCANNING SERVICES.**

\* \* \* \* \*

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 an increase to Purchase Order No. 160819 for GRM Information Management Services of Miami LLC, from \$24,999 to a not-to-exceed amount of \$105,000, representing an increase of \$80,001 for Scanning Services.

Section 2. The Town Council of the Town of Palm Beach hereby authorizes an increase to Purchase Order No. 151600 for Municipal Code Corporation, from \$24,999 to a not-to-exceed amount of \$65,000, representing an increase of \$40,001 for Scanning Services.

Section 3. The Town Manager is hereby authorized to execute change orders on behalf of the Town of Palm Beach for the additional costs referenced above.

Section 4. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the provision of additional services.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May, 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret Zeidman, Town Council Member



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

---

## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 71-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Design and Bid Phase Engineering Services to Mock, Roos and Associates, Inc., in an Amount of \$10,000 for the Southland Road Drainage Improvements, and Establishing a Design and Bid Phase Budget of \$12,000.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 21, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 71-2016](#)
- [Mock Roos Proposal](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May10, 2016

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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 a Design and Bid Phase Engineering Services  
Contract for the Southland Road Drainage Improvements  
Accelerated Capital Improvement Program - Phase 2  
**Resolution No. 71-2016**

DATE: April 21, 2016

---

## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 71-2016 approving a purchase order to Mock, Roos and Associates, Inc. (MRA), for engineering design and bid phase services in the amount of \$10,000 for Southland Road Drainage Improvements and establishing an Engineering Design and Bid Phase Services budget of \$12,000 including contingency.

## **GENERAL INFORMATION**

In a continued effort to improve roadway drainage within the Town, a portion of Southland Road has been identified as having significant ponding and drainage issues. While many of the streets throughout the island experience some flooding and ponding during rainfall, this street has been identified as having some of the more severe flooding issues during even moderate rainfall.

Since underground utility construction is not currently scheduled for Southland Drive in the near future, residences will continue to experience the significant impacts of poor drainage and deficient pavement. It would be beneficial to address these pavement and drainage concerns with similar projects scheduled for the upcoming construction season.

The proposed scope of the project includes replacement and adjustment of curbing and driveway aprons, as well as reconstruction and regrading of the road (milling and resurfacing) to ensure that water travels to existing drainage structures.

Town staff has secured a proposal from MRA to conduct surveying, field reviews of the drainage issues and standing water on Southland Road. The Consultant will prepare plans, specifications, and a construction estimate to resolve the drainage and standing water issues.

We have negotiated a design and bid phase services contract with MRA in the amount of \$10,000 for the scope of services identified in their proposal. Staff recommends a total design

and bid phase services budget of \$12,000 which includes \$2,000 in general contingency.

**FUNDING/FISCAL IMPACT**

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

**PURCHASING REVIEW**

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

**TOWN ATTORNEY REVIEW**

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

Attachments

cc: Eric Brown, P.E., Assistant Director of Public Works  
Jane Struder, Director of Finance  
William K. Francis, P.E., Town Engineer  
Patricia Strayer, P.E., Senior Project Engineer  
Jeffrey Sanon, P.E., Project Engineer  
Douglas Terry, Water Resources Division Manager  
Adis Pedraza, Purchasing Manager

**RESOLUTION NO. 71-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR DESIGN AND BID PHASE ENGINEERING SERVICES TO MOCK, ROOS AND ASSOCIATES, INC., IN AN AMOUNT OF \$10,000 FOR THE SOUTHLAND ROAD DRAINAGE IMPROVEMENTS, AND ESTABLISHING A DESIGN AND BID PHASE BUDGET OF \$12,000.

\* \* \* \* \*

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 Mock, Roos and Associates, Inc., in an amount of \$10,000 for Design and Bid Phase Engineering Services for the Southland Road Drainage Improvements, and establishes a design and bid phase budget of \$12,000.

Section 2. The Town Manager is hereby authorized to execute a purchase order on behalf of the Town of Palm Beach for these improvements, and is authorized to approve additional tasks, as necessary, within budget.

Section 3. The Town Manager, or his designee, is hereby authorized to take such further actions as may be necessary to effectuate the completion of the said project, 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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

**MOCK • ROOS**  
ENGINEERS • SURVEYORS • PLANNERS

April 21, 2016

Mr. Jeff Sanon  
Project Engineer  
Town of Palm Beach  
P.O. Box 2029  
Palm Beach, FL 33480-2029

Ref. No.: B6015.00  
Subject: Southland Road Drainage Improvements  
Professional Design Phase Services

Dear Mr. Sanon:

We are submitting the attached *Proposal to Provide Design Phase Services for Southland Road Drainage Improvements*. Please review the attached documents and return one signed copy of the *Proposal* to our office as our authorization to proceed with the Scope of Services outlined in the proposal.

We will provide the Scope of Services on an hourly basis, plus reimbursable expenses. We anticipate the total fee to provide the Scope of Services will be \$10,000.

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

Sincerely,

MOCK, ROOS & ASSOCIATES, INC.

Garry G. Gruber, P.E.  
Vice President

GGG:jeh  
Enclosure  
Copies: Bookkeeping

L:\mk\B6015.00\Southland Scope.doc

**Mock, Roos & Associates, Inc.**

5720 Corporate Way, West Palm Beach, Florida 33407-2066, (561) 683-3113, fax 478-7248

## **Proposal to Provide Design for Southland Road Drainage Improvements**

**Services to be provided by:** Mock•Roos

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

**Proposal Date:** April 21, 2016

### **Proposal Terms**

#### **A. Scope of Services**

In a continued effort to improve roadway drainage within the Town, a portion of Southland Road has been identified as having significant ponding and drainage issues. While many of the streets throughout the Island experience some flooding and ponding during rainfall, this street has been identified as having some of the more severe flooding issues during even moderate rainfall.

The proposed scope of the projects includes replacement and adjustment of curbing and driveway aprons, as well as reconstruction and regrading of the road (milling and resurfacing) to ensure that water travels to existing drainage structures.

Mock•Roos will provide services as follows:

1. Perform topographic field survey tasks:
  - a. Perform research and calculations to prepare the field control sheet to recover and/or re-establish the horizontal and vertical control for each street.
  - b. Recover and/or reset horizontal and vertical control. Elevations will be based upon National Geodetic Vertical Datum 1929.
  - c. Field locate, using conventional survey, roadway centerline and edge of pavement at 100-foot intervals, and at major ground elevation changes to depict existing ground profile at proposed project area. Cross-sections will generally consist of top or face of curb, edge of pavement, centerline, edge of pavement, top or face of curb and extend up to 10 feet beyond the existing right-of-way.
  - d. Prepare a topographic base drawing for use in preparing contract drawings.

2. Conduct field review(s) and note any areas that require special preparation prior to design and paving work. Incorporate all information from the field review to the base drawings. Perform site meeting with Town to review potential improvements.
3. Prepare Preliminary Engineering Plan for improvements that will determine the proposed improvements. The preliminary plan will be reviewed with Town staff prior to commencement with Contract Documents preparation.
4. Prepare Contract Documents for bidding and construction of the improvements.
5. Provide the Town with progress submittal at approximately 90% completion for review and comments. Incorporate any comments.
6. Prepare Engineer's Opinion of Probable Construction Costs for the improvements.
7. Finalize Bid Documents with technical specifications, as necessary, and Bid Form items, along with measurement and payment provisions for bidding by the Town. It is anticipated that the Town will receive bids from one of its existing pre-approved contractors. One (1) electronic version of the Contract Bid Documents will be provided to the Town for bidding purposes.
8. Regulatory Agency Permitting will not be required, as the project is considered facility maintenance with no increase of impervious area created and no significant changes proposed to underground drainage or utility systems.

**B. Additional Services:**

1. Bid Phase Services are not included in this proposal.
2. Any services not included in the Scope of Services will be considered Additional Services.
3. Additional Services can be provided upon Mock•Roos receiving a revised scope of services and approved change order from the Town.

**C. Fees and Rates:**

1. The total fee to provide the Scope of Services on an hourly basis with a not to exceed fee of \$10,000.
2. Mock•Roos can provide Additional Services at the Mock•Roos hourly rates in effect at that time, plus any reimbursable expenses, or for an agreed upon lump sum fee.

**D. Conditions:**

1. All terms become valid upon Mock•Roos receiving one complete copy of this proposal.
2. In case of discrepancies, the terms of this proposal supersede those of previous agreements.

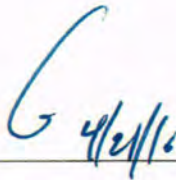
**E. Acceptance and Authorization to Proceed:**

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

MOCK•ROOS

Signed:

Name: Garry G. Gruber, P.E.



Title: Vice President

Date: April 21, 2016



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

### Agenda Title

RESOLUTION NO. 72-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving the Purchase of Lenovo Desktops, Laptops and Servers Through TCPN Contract R5110 From GovConnection, Inc. in the Amount of \$61,729.25 and the Purchase of Servers Through the State of Florida Contract 43211500-WSCA-15-ACS From PCMG, Inc. in the Amount of \$72,556.40; Establishing a Budget of \$138,000.00 for Said Purchases in Fiscal year 2016; and Authorizing the Town Manager to Execute Said Purchases on Behalf of the Town.

### Presenter

Jay Boodheshwar, Deputy Town Manager

### Supporting Documents

- [Memorandum Dated April 29, 2016, from Jim Palmer, Acting Information Technology Manager](#)
- [Resolution No. 72-2016](#)
- [Proposal Dated April 18, 2016, from GovConnection, Inc.](#)
- [Proposal Dated April 28, 2016, from PCMG, Inc.](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

Via: Jay Boodheshwar, Deputy Town Manager

From: Jim Palmer, Acting Information Technology Manager

Re: Approval of Purchase of Lenovo Desktops and Laptops on TCPN Contract R5110 and Servers on State of Florida Contract 43211500-WSCA-15-ACS  
**Resolution No. 72-2016**

Date: April 29, 2016

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## **STAFF RECOMMENDATION**

Staff recommends adoption of Resolution No. 72-2016, approving the following purchases:

- Replacement Lenovo desktops and laptops via the Cooperative Purchasing Network (TCPN) contract #R5110 from GovConnection, Inc. in the amount of \$61,729.25.
- Replacement servers via the State of Florida Contract 43211500-WSCA-15-ACS to PCMG, Inc. in the amount of \$72,556.40.

Staff also recommends approval of a total budget of \$138,000 for the replacement of these items to include \$3,714.35 of contingency. Approval of said resolution will authorize the Town Manager to sign the requisition and expend the funds from the annual budget for these purchases.

## **GENERAL INFORMATION**

The Office of Information Technology created the specifications for the replacement of desktops and laptops to be purchased under TCPN contract #R5110 and servers under State of Florida Contract 43211500-WSCA-15-ACS, following Purchasing's guidelines for major purchases and to provide the Town with the best competitive prices for this equipment. The contract quotes included all the computers that are required and need to be replaced in fiscal year 2016. These desktops, laptops, and servers are replacements for existing items on the Information Technology replacement schedule.

## **PURCHASING REVIEW**

The Purchasing Division has reviewed the contract documents and found them in compliance

with piggybacking requirements. This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and award is hereby recommended to GovConnection, Inc. and PCMG, Inc.

### **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**

This purchase will come from the Office of Information Technology FY2016 budget. The award is for \$61,729.25 to GovConnection, Inc. and \$72,556.40 to PCMG, Inc. and will allow for the Town to purchase the designated replacement equipment. The proposed expenditure of \$134,285.65 is less than the funds allocated in the FY2016 budget for these replacements.

Attachments

cc: Jane Struder, Finance Director  
Adis Pedraza, Purchasing Manager

**RESOLUTION NO. 72-2016**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING THE PURCHASE OF LENOVO DESKTOPS, LAPTOPS AND SERVERS THROUGH TCPN CONTRACT R5110 FROM GOVCONNECTION, INC. IN THE AMOUNT OF \$61,729.25 AND THE PURCHASE OF SERVERS THROUGH THE STATE OF FLORIDA CONTRACT 43211500-WSCA-15-ACS FROM PCMG, INC. IN THE AMOUNT OF \$72,556.40; ESTABLISHING A BUDGET OF \$138,000.00 FOR SAID PURCHASES IN FISCAL YEAR 2016; AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID PURCHASES ON BEHALF OF THE TOWN.**

\* \* \* \* \*

**WHEREAS**, staff recommends approval of the purchase of Lenovo desktops and laptops on TCPN contract R5110 to GovConnection, Inc. in the amount of \$61,729.25 and the purchase of Lenovo servers on State of Florida Contract 43211500-WSCA-15-ACS to PCMG, Inc. in the amount of \$72,556.40 and establishing a budget of \$138,000 for purchases in fiscal year 2016 and authorizing the Town Manager to execute said purchases.

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

Section 1: The foregoing recitals are hereby ratified and confirmed.

Section 2: The approval for the purchase of Lenovo desktops and laptops through TCPN contract R5110 in the amount of \$61,729.25, servers through State of Florida Contract 43211500-WSCA-15-ACS in the amount of \$72,556.40 and establishing a budget of \$138,000.00 is hereby approved and the Town Manager is authorized to execute said purchases on behalf of the Town.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

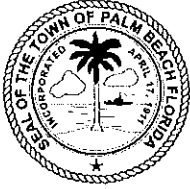
\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret Zeidman, Town Council Member



**TOWN OF PALM BEACH  
REQUEST FOR QUOTATION  
RFQ No. 69-2016**

**Notebooks & Desktops**

**INTENT AND SCOPE**

It is the intent to obtain pricing, in accordance with The Cooperative Purchasing Network (TCPN) Contract No. R5110, 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 TCPN Contract No. R5110 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 |      | 4. QUOTATION VALID UNTIL |                     |
| Net 30   |                                                                                                                                                       | DESTINATION |  | VIA        |      |                          |                     |
| Item     | Description /Specifications                                                                                                                           |             |  | Qty        | Unit | Unit Cost                | Extended Cost       |
| 1        | 20AN00DEUS - TopSeller ThinkPad T440p Core i5-4210M 2.6GHz / 4GB / 500GB / DVD+RW / bgn / BT / WC / 14" HD / W7P64-W8.1P Lenovo Commercial Systems    |             |  | 25         | EA   | \$ <u>775.00</u>         | \$ <u>19,375.00</u> |
| 2        | 0B47381 - 8GB PC3-12800 204-pin DDR3 SDRAM SODIMM Lenovo Memory                                                                                       |             |  | 25         | EA   | \$ <u>118.00</u>         | \$ <u>2,950.00</u>  |
| 3        | PCCDC00024 - Simple Memory Install Wilmington Config SVC                                                                                              |             |  | 25         | EA   | \$ <u>6.50</u>           | \$ <u>162.50</u>    |
| 4        | 5WS0F31384 - TopSeller Services 3-year Onsite NBD Upgrade from 1-year Depot / CCI Lenovo Thinkpad Protection/services                                 |             |  | 25         | EA   | \$ <u>128.00</u>         | \$ <u>3,200.00</u>  |
| 5        | 40A20090US - ThinkPad Ultra Dock, 90W Lenovo Features and Options                                                                                     |             |  | 25         | EA   | \$ <u>212.00</u>         | \$ <u>5,300.00</u>  |
| 6        | 30AT000GUS - TopSeller ThinkStation P310 Tower Xeon QC E3-1245 v5 3.5GHz / 8GB / 256GB SSD OPAL / DVD+RW / GbE / W7P64-W10P Lenovo Commercial Systems |             |  | 5          | EA   | \$ <u>895.00</u>         | \$ <u>4,475.00</u>  |
| 7        | 4X70K09921 - 8GB PC4-17000 288-pin DDR4 SDRAM UDIMM Lenovo Memory                                                                                     |             |  | 15         | EA   | \$ <u>110.00</u>         | \$ <u>1,650.00</u>  |

|    |                                                                                                                                                  |                           |    |                     |                     |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----|---------------------|---------------------|
| 8  | 4XB0F18667 - *** STORAGE DRIVE **** 2TB ThinkStation SATA 6Gb / s 7.2K RPM 3.5" Internal Hard Drive - 64MB Cache Lenovo Features and Options     | 5                         | EA | \$ <u>143.00</u>    | \$ <u>715.00</u>    |
| 9  | CT500MX200SSD1 - **** MAIN DRIVE *** 500GB MX200 SATA 6Gb/s 2.5" 7mm Internal Solid State Drive Micron Consumer Products Group Inc               | 5                         | EA | \$ <u>142.00</u>    | \$ <u>710.00</u>    |
| 10 | MB082SP - EZ-FIT PRO DUAL 2.5" to 3.5" Hard Drive & Solid State Drive Bracket Icy Dock                                                           | 5                         | EA | \$ <u>8.75</u>      | \$ <u>43.75</u>     |
| 11 | PCCDC00026 - Hardware Installation Wilmington Config SVC                                                                                         | 5                         | EA | \$ <u>13.00</u>     | \$ <u>65.00</u>     |
| 12 | 30A7000WUS - TopSeller ThinkStation P500 Tower Xeon 6C E5-1650 v3 3.5GHz/8GB/1x256GB SSD OPAL/DVD-RW/W7P64-W8.1P Lenovo Commercial Systems       | 1                         | EA | \$ <u>1,835.00</u>  | \$ <u>1,835.00</u>  |
| 13 | 4X70G78061 - 8GB PC4-17000 288-pin DDR4 SDRAM RDIMM for ThinkStation P500, P700, P900 Lenovo Memory                                              | 3                         | EA | \$ <u>220.00</u>    | \$ <u>660.00</u>    |
| 14 | 4XB0F18668 - 3TB ThinkStation SATA 6Gb / s 7.2K RPM 3.5" Internal Hard Drive - 64MB Cache Lenovo Features and Options                            | 1                         | EA | \$ <u>190.00</u>    | \$ <u>190.00</u>    |
| 15 | PCCDC00026 - Hardware Installation Wilmington Config SVC                                                                                         | 1                         | EA | \$ <u>13.00</u>     | \$ <u>13.00</u>     |
| 16 | 10AM000VUS - TopSeller ThinkCentre M83 SFF Pro Core i5-4590 3.3GHz / 4GB / 500GB / HD4600 / DVD SM / GbE / W7P64-W8.1P Lenovo Commercial Systems | 30                        | EA | \$ <u>555.00</u>    | \$ <u>14,650.00</u> |
| 17 | 0A65730 - 8GB PC3-12800 DDR3 SDRAM UDIMM for Select ThinkStation, ThinkCentre Models Lenovo Memory                                               | 30                        | EA | \$ <u>118.00</u>    | \$ <u>3,540.00</u>  |
| 18 | PCCDC00024 - Simple Memory Install Wilmington Config SVC                                                                                         | 30                        | EA | \$ <u>6.50</u>      | \$ <u>195.00</u>    |
|    |                                                                                                                                                  | Grand Total (Line 1 – 18) |    | \$ <u>61,729.25</u> |                     |

REMARKS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Company Name: Giov Connection Authorized Signature: 

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: Gov Connection, Inc

\*Signature:  Name/Title: Robert Marini VP

Address: 732 Milford Rd Merrimack, NH Zip: 03054

Federal ID#: 52-1837891

Telephone Number: (800) 986-2259 Fax: (603) 683-0427

Date: 4/18/16

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

Name of Bidder's Contact Person: Scott Little

Address: 732 Milford Rd Merrimack, NH 03054

Phone Number: 800-986-2259 Fax Number: 603-683-0427

E Mail Address: FL@Govconnection.com

**ORDERING INFORMATION**

**Contract Name: TCPN**

**Contract #R5110**

**Contract Expiration: 31 October 2016**

|                                                                |
|----------------------------------------------------------------|
| <b>Please contact your account manager with any questions.</b> |
|----------------------------------------------------------------|

**Ordering Address**  
GovConnection, Inc.  
732 Milford Road  
Merrimack, NH 03054

**Remittance Address**  
GovConnection, Inc.  
Box 536477  
Pittsburgh, PA 15253-5906

*Please reference the Contract # on all purchase orders.*

**TERMS & CONDITIONS**

|                           |                                     |
|---------------------------|-------------------------------------|
| Payment Terms:            | NET 30 (subject to approved credit) |
| FOB Point:                | DESTINATION (within Continental US) |
| Maximum Order Limitation: | NONE                                |
| FEIN:                     | 52-1837891                          |
| DUNS Number:              | 80-967-8782                         |
| CEC:                      | 80-068888K                          |
| Cage Code:                | OGTJ3                               |
| Business Size:            | LARGE                               |

**WARRANTY:** *Manufacturer's Standard Commercial Warranty*

*Important Notice: --- THIS QUOTATION IS SUBJECT TO THE FOLLOWING Terms of Sale: All purchases from GovConnection, Inc. are subject to the Terms and Conditions of our TCPN Contract #R5110. Any Order accepted by GovConnection for the items included in this Quotation is expressly limited to those Terms and Conditions; any other terms and conditions referenced or appearing in your Purchase Order are considered null and void. No other terms and conditions shall apply without the written consent of GovConnection, Inc. Please refer to our Quote Number in your order.*

If you require a hard copy invoice for your credit card order, please visit the link below and click on the Proof of Purchase/Invoice link on the left side of the page to print one:  
<https://www.govconnection.com/web/Shopping/ProofOfPurchase.htm>

|                                                    |
|----------------------------------------------------|
| Please forward your Contract or Purchase Order to: |
|----------------------------------------------------|

|                                                                          |
|--------------------------------------------------------------------------|
| <a href="mailto:SLEDOPS@GovConnection.com">SLEDOPS@GovConnection.com</a> |
|--------------------------------------------------------------------------|

|                              |
|------------------------------|
| QUESTIONS: Call 800-800-0019 |
|------------------------------|

|                   |
|-------------------|
| FAX: 603.683.0374 |
|-------------------|



# SALES QUOTE

GovConnection, Inc.  
732 Milford Road  
Merrimack, NH 03054

Account Executive: Scott Little  
Phone: (800) 986-2259  
Fax: (603) 683-0427  
Email: slittle@govconnection.com

# 24067492.08-W1

PLEASE REFER TO THE ABOVE  
QUOTE # WHEN ORDERING

Date: 4/18/2016  
Valid Through: 5/18/2016  
Account #: 11501608/13978205

Account Manager:  
Phone:  
Fax:  
Email:

Customer Contact: Kris Kittisupt  
Email: kkittisupt@townofpalmbeach.com

Phone: (561) 227-6317  
Fax:

|                                                                                                                                                                       |                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>QUOTE PROVIDED TO:</b><br>AB#: 11501557<br>TOWN OF PALM BEACH<br>ACCOUNTS PAYABLE<br>951 OLD OKEECHOBEE RD<br>STE D<br>WEST PALM BEACH, FL 33401<br>(561) 227-6310 | <b>SHIP TO:</b><br>AB#: 13978205<br>TOWN OF PALM BEACH<br>KRIS KITTISUPT<br>360 S COUNTY ROAD, 3RD FLOOR<br>PALM BEACH, FL 33480<br>(561) 227-6317 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|

| DELIVERY        | FOB         | SHIP VIA              | SHIP WEIGHT  | TERMS  | CONTRACT ID# |
|-----------------|-------------|-----------------------|--------------|--------|--------------|
| 5-30 Days A/R/O | Destination | UPS Ground Commercial | 1,086.00 lbs | NET 30 | R5110        |

Important Notice: --- THIS QUOTATION IS SUBJECT TO THE FOLLOWING Terms of Sale: All purchases from GovConnection, Inc. are subject to the Terms and Conditions of our TCPN Contract # R5110. Any Order accepted by GovConnection for the items included in this Quotation is expressly limited to those Terms and Conditions; any other terms and conditions referenced or appearing in your Purchase Order are considered null and void. No other terms and conditions shall apply without the written consent of GovConnection, Inc. Please refer to our Quote Number in your order.

| * Line # | Qty | Item #   | Mfg. Part #    | Description                                                                                                                                 | Mfg.                                | Price     | Ext          |
|----------|-----|----------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------|--------------|
| 1        | 25  | 18743478 | 20AN00DEUS     | TopSeller ThinkPad T440p Core i5-4210M 2.6GHz / 4GB / 500GB / DVD+RW / bgn / BT / WC / 14" HD / W7P64-W8.1P<br>Lenovo Commercial Systems    | Lenovo Commercial Systems           | \$ 775.00 | \$ 19,375.00 |
| 2        | 25  | 15976410 | 0B47381        | 8GB PC3-12800 204-pin DDR3 SDRAM SODIMM<br>Lenovo Memory                                                                                    | Lenovo Memory                       | \$ 118.00 | \$ 2,950.00  |
| 3        | 25  | 16964568 | PCCDC00024     | Simple Memory Install<br>Wilmington Config SVC                                                                                              | Wilmington Config SVC               | \$ 6.50   | \$ 162.50    |
| 4        | 25  | 16613194 | 5WS0F31384     | TopSeller Services 3-year Onsite NBD Upgrade from 1-year Depot / CCI<br>Lenovo Thinkpad Protection/services                                 | Lenovo Thinkpad Protection/services | \$ 128.00 | \$ 3,200.00  |
| 5        | 25  | 16051865 | 40A20090US     | ThinkPad Ultra Dock, 90W<br>Lenovo Features and Options                                                                                     | Lenovo Features and Options         | \$ 212.00 | \$ 5,300.00  |
| 6        |     |          |                | *****<br>*****                                                                                                                              | *****                               |           | \$ -         |
| 7        | 5   | 30898798 | 30AT000GUS     | TopSeller ThinkStation P310 Tower Xeon QC E3-1245 v5 3.5GHz / 8GB / 256GB SSD OPAL / DVD+RW / GbE / W7P64-W10P<br>Lenovo Commercial Systems | Lenovo Commercial Systems           | \$ 895.00 | \$ 4,475.00  |
| 8        | 15  | 30895968 | 4X70K09921     | 8GB PC4-17000 288-pin DDR4 SDRAM UDIMM<br>Lenovo Memory                                                                                     | Lenovo Memory                       | \$ 110.00 | \$ 1,650.00  |
| 9        | 5   | 16900231 | 4XB0F18667     | *** STORAGE DRIVE ***<br>2TB ThinkStation SATA 6Gb/s 7.2K RPM 3.5" Internal Hard Drive - 64MB Cache<br>Lenovo Features and Options          | Lenovo Features and Options         | \$ 143.00 | \$ 715.00    |
| 10       | 5   | 18466301 | CT500MX200SSD1 | *** MAIN DRIVE ***<br>500GB MX200 SATA 6Gb/s 2.5" 7mm Internal Solid State Drive<br>Micron Consumer Products Group Inc                      | Micron Consumer Products Group Inc  | \$ 142.00 | \$ 710.00    |
| 11       | 5   | 13709131 | MB082SP        | EZ-FIT PRO DUAL 2.5" to 3.5" Hard Drive & Solid State Drive Bracket<br>Icy Dock                                                             | Icy Dock                            | \$ 8.75   | \$ 43.75     |
| 12       | 5   | 17059527 | PCCDC00026     | Hardware Installation<br>Wilmington Config SVC                                                                                              | Wilmington Config SVC               | \$ 13.00  | \$ 65.00     |
| 13       |     |          |                | *****                                                                                                                                       |                                     |           | \$ -         |

## SALES QUOTE

GovConnection, Inc.  
732 Milford Road  
Merrimack, NH 03054

Account Executive: Scott Little  
Phone: (800) 986-2259  
Fax: (603) 683-0427  
Email: slittle@govconnection.com

# 24067492.08-W1

PLEASE REFER TO THE ABOVE  
QUOTE # WHEN ORDERING

Date: 4/18/2016  
Valid Through: 5/18/2016  
Account #: 11501608/13978201

Account Manager:  
Phone:  
Fax:  
Email:

Customer Contact: Kris Kittisupt  
Email: kkittisupt@townofpalmbeach.com

Phone: (561) 227-6317  
Fax:

|                                                                                                                                                                       |                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>QUOTE PROVIDED TO:</b><br>AB#: 11501557<br>TOWN OF PALM BEACH<br>ACCOUNTS PAYABLE<br>951 OLD OKEECHOBEE RD<br>STE D<br>WEST PALM BEACH, FL 33401<br>(561) 227-6310 | <b>SHIP TO:</b><br>AB#: 13978205<br>TOWN OF PALM BEACH<br>KRIS KITTISUPT<br>360 S COUNTY ROAD, 3RD FLOOR<br>PALM BEACH, FL 33480<br>(561) 227-6317 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|

| DELIVERY        | FOB         | SHIP VIA              | SHIP WEIGHT  | TERMS  | CONTRACT ID# |
|-----------------|-------------|-----------------------|--------------|--------|--------------|
| 5-30 Days A/R/O | Destination | UPS Ground Commercial | 1,086.00 lbs | NET 30 | R5110        |

Important Notice: --- THIS QUOTATION IS SUBJECT TO THE FOLLOWING Terms of Sale: All purchases from GovConnection, Inc. are subject to the Terms and Conditions of our TCPN Contract # R5110. Any Order accepted by GovConnection for the items included in this Quotation is expressly limited to those Terms and Conditions; any other terms and conditions referenced or appearing in your Purchase Order are considered null and void. No other terms and conditions shall apply without the written consent of GovConnection, Inc. Please refer to our Quote Number in your order.

| * Line # | Qty | Item #   | Mfg. Part # | Description                                                                                                                            | Mfg.                        | Price                 | Ext          |
|----------|-----|----------|-------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------|--------------|
| 14       | 1   | 17789837 | 30A7000WUS  | TopSeller ThinkStation P500 Tower Xeon 6C E5-1650 v3 3.5GHz/8GB/1x256GB SSD OPAL/DVD-RW/W7P64-W8.1P<br>Lenovo Commercial Systems       | Lenovo Commercial Systems   | \$ 1,835.00           | \$ 1,835.00  |
| 15       | 3   | 18118349 | 4X70G78061  | 8GB PC4-17000 288-pin DDR4 SDRAM RDIMM for ThinkStation P500, P700, P900<br>Lenovo Memory                                              | Lenovo Memory               | \$ 220.00             | \$ 660.00    |
| 16       | 1   | 16935118 | 4XB0F18668  | 3TB ThinkStation SATA 6Gb / s 7.2K RPM 3.5" Internal Hard Drive - 64MB Cache<br>Lenovo Features and Options                            | Lenovo Features and Options | \$ 190.00             | \$ 190.00    |
| 17       | 1   | 17059527 | PCCDC00026  | Hardware Installation<br>Wilmington Config SVC                                                                                         | Wilmington Config SVC       | \$ 13.00              | \$ 13.00     |
| 18       |     |          |             |                                                                                                                                        |                             |                       | \$ -         |
| 19       |     |          |             |                                                                                                                                        |                             |                       | \$ -         |
| 20       | 30  | 18573472 | 10AM000VUS  | TopSeller ThinkCentre M83 SFF Pro Core i5-4590 3.3GHz / 4GB / 500GB / HD4600 / DVD SM / GbE / W7P64-W8.1P<br>Lenovo Commercial Systems | Lenovo Commercial Systems   | \$ 555.00             | \$ 16,650.00 |
| 21       | 30  | 14387980 | 0A65730     | 8GB PC3-12800 DDR3 SDRAM UDIMM for Select ThinkStation, ThinkCentre Models<br>Lenovo Memory                                            | Lenovo Memory               | \$ 118.00             | \$ 3,540.00  |
| 22       | 30  | 16964568 | PCCDC00024  | Simple Memory Install<br>Wilmington Config SVC                                                                                         | Wilmington Config SVC       | \$ 6.50               | \$ 195.00    |
|          |     |          |             |                                                                                                                                        |                             | Subtotal              | \$ 61,729.25 |
|          |     |          |             |                                                                                                                                        |                             | Fee                   | \$ 0.00      |
|          |     |          |             |                                                                                                                                        |                             | Shipping and Handling | \$ 0.00      |
|          |     |          |             |                                                                                                                                        |                             | Tax                   | Exempt!      |
|          |     |          |             |                                                                                                                                        |                             | Total                 | \$ 61,729.25 |

\*Lease for as low as: \$1,838.91/Mo.



**TOWN OF PALM BEACH  
REQUEST FOR QUOTATION  
RFQ No. 65-2016**

**Server Refresh, VM Updates & Migration**

**INTENT AND SCOPE**

It is the intent to obtain pricing, in accordance with the State of Florida Contract No. 43211500-WSCA-15-ACS, 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 State of Florida Contract No. 43211500-WSCA-15-ACS 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<br>Net 30 |                                                  | 2. F.O.B.<br>DESTINATION |  | 3.SHIPMENT<br>VIA |      | 4. QUOTATION VALID UNTIL |               |
| Item               | Description /Specifications                      |                          |  | Qty               | Unit | Unit Cost                | Extended Cost |
| 1                  | 70D40025UX SERVER TS RD650 E52620V3 RAID         |                          |  | 3                 | EA   | \$3,221.00               | \$9,663.00    |
| 2                  | 4X70F28590 16GB MEM DDR4-2133MHZ 2RX4 RDIMM      |                          |  | 18                | EA   | \$233.00                 | \$4,194.00    |
| 3                  | 4XB0G45734 HDD_BO G5 3.5400G EP SAS 12GBPS HS    |                          |  | 6                 | EA   | \$1,695.00               | \$10,170.00   |
| 4                  | 4XB0G45718 HDD_BO G5 3.53TB 7.2K ES SAS 6GBPS HS |                          |  | 24                | EA   | \$498.00                 | \$11,952.00   |
| 5                  | 4XC0F28740 NET BO LTS I350-T4 ANYFABRIC          |                          |  | 3                 | EA   | \$87.00                  | \$261.00      |
| 6                  | 4XC0F28731 NET BO LTS I350-T4 PCIE               |                          |  | 3                 | EA   | \$332.00                 | \$996.00      |
| 7                  | 4XF0G45867 MECH_BO SYSTEM MANAGER PREMIUM        |                          |  | 3                 | EA   | \$85.00                  | \$255.00      |
| 8                  | 4X90F92980 CABLE_BO DISPLAYPORT TO VGA DONGLE    |                          |  | 3                 | EA   | \$26.00                  | \$78.00       |
| 9                  | 4X70F28593 MEM BO LTS 32GB SD CARD               |                          |  | 3                 | EA   | \$67.00                  | \$201.00      |



|    |                                                    |    |    |             |             |
|----|----------------------------------------------------|----|----|-------------|-------------|
| 10 | 4XF0G45865 THINKSERVER SDHC FLASH ASSEMBLY MOD     | 3  | EA | \$28.00     | \$84.00     |
| 11 | 5WS0G89951 WARRANTY TSS 3YR OS 24X7X4+PRI(RD650)   | 3  | EA | \$597.00    | \$1,791.00  |
| 12 | 4XB0G45734 HDD_BO G5 3.5400G EP SAS 12GBPS HS      | 2  | EA | \$1,695.00  | \$3,390.00  |
| 13 | 4XB0G45718 HDD_BO G5 3.53TB 7.2K ES SAS 6GBPS HS   | 8  | EA | \$498.00    | \$3,984.00  |
| 14 | 4XC0F28740 NET BO LTS I350-T4 ANYFABRIC            | 1  | EA | \$87.00     | \$87.00     |
| 15 | 4XC0F28731 NET BO LTS I350-T4 PCIE                 | 1  | EA | \$332.00    | \$332.00    |
| 16 | 4X90F92980 CABLE_BO DISPLAYPORT TO VGA DONGLE      | 1  | EA | \$26.00     | \$26.00     |
| 17 | 4X70F28593 MEM BO LTS 32GB SD CARD                 | 1  | EA | \$67.00     | \$67.00     |
| 18 | 4XF0G45865 THINKSERVER SDHC FLASH ASSEMBLY MODULE  | 1  | EA | \$28.00     | \$28.00     |
| 19 | WM UPDATE & MIGRATION SERVICES & SERVER CONFIG     | 1  | EA | \$10,000.00 | \$10,000.00 |
| 20 | 70D00025UX TS RD650 X/2.4 8C 8GB RAID 720IX NO OS  | 1  | EA | \$2,132.00  | \$2,132.00  |
| 21 | 4X70F28589 8GB MEM DDR4-2133MHZ 1RX4 RDIMM         | 4  | EA | \$125.00    | \$500.00    |
| 22 | 4XB0F28696 HD LTS RAID 720I 1GB FL + SC            | 1  | EA | \$377.00    | \$377.00    |
| 23 | 4XB0G88711 2TB SATA 3GBPS RDX CARTRIDGE            | 2  | EA | \$632.00    | \$1,264.00  |
| 24 | 4XF0G45890 M.2 KIT - RD550 3.5"/RD650 W/ RAID720IX | 1  | EA | \$32.90     | \$32.90     |
| 25 | 4XB0G88715 GEN5 3.5" 6TB 7.2K ENT SAS 12GBPS HS HD | 12 | EA | \$827.00    | \$9,924.00  |
| 26 | 4XC0F28730 NET_BO LTS I350-T2 PCIE                 | 1  | EA | \$158.00    | \$158.00    |
| 27 | 4X20F28577 PWR ADP_BO LTS GEN 5 1100W PLATINUMPSU  | 1  | EA | \$350.00    | \$350.00    |
| 28 | 4XF0G45867 MECH_BO SYSTEM MANAGER PREMIUM          | 1  | EA | Seed Promo* | \$0.00      |
| 29 | 4X90F92980 CABLE_BO DISPLAYPORT TO VGA DONGLE      | 1  | EA | \$24.50     | \$24.50     |
| 30 | 5PS0G90035 PROTECTION TSS 3YR KYD-MD + PRI (RD650) | 1  | EA | \$152.00    | \$152.00    |

|                           |                                                  |   |    |             |              |
|---------------------------|--------------------------------------------------|---|----|-------------|--------------|
| 31                        | 70D40025UX SERVER TS RD650 E52620V3 RAID         | 1 | EA | Seed Promo* | \$0.00       |
| 32                        | 4X70F28590 16GB MEM DDR4-2133MHZ 2RX4 RDIMM      | 6 | EA | Seed Promo* | \$0.00       |
| 33                        | 4XF0G45867 MECH_BO SYSTEM MANAGER PREMIUM        | 1 | EA | \$83.00     | \$83.00      |
| 34                        | 5WS0G89951 WARRANTY TSS 3YR OS 24X7X4+PRI(RD650) | 1 | EA | Seed Promo* | \$0.00       |
| Grand Total (Line 1 – 34) |                                                  |   |    |             | \$ 72,556.40 |

REMARKS: \_\_\_\_\_

Company Name: PCMG, INC Authorized Signature: J-L B

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: PCMG, INC

\*Signature: J-L B Name/Title: JISHNU BANERJEE / SALES MGR

Address: 1940 E. MARIPOSA AVENUE, CA, USA Zip: 90245

Federal ID#: 33-0964088

Telephone Number: (800) 625-5468 Fax: (310) 630-6434

Date: 04/28/2016

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

Name of Bidder's Contact Person: BLOSSOM STEPHENS

Address: 1940, E. MARIPOSA AVENUE, CA, USA, 90245

Phone Number: 800 625 5468 / 38529 Fax Number: 310-630-6434

E Mail Address: BLOSSOM.STEPHENS@PCMG.COM



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 77-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-04, and Approving a Disaster Debris Removal Contract to Bergeron Emergency Services, Inc., for First Pass, Cut and Toss Services, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 26, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 77-2016](#)
- [Final Ranking](#)
- [Selection Committee Ratings](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratify and Approve a Contract for Disaster Debris Removal Contract – First Pass,  
Cut and Toss - RFP No. 2016-04  
**Resolution No. 77-2016**

DATE: April 26, 2016

---

## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 77-2016 to ratify the selection committee recommendation, award RFP No. 2016-04, and approve a disaster debris removal contract for first pass, cut and toss services to Bergeron Emergency Services, Inc., and authorizing the Town Manager to execute that contract when approved by the Town Attorney.

## **GENERAL INFORMATION**

The current disaster debris removal contracts are expiring, and Town staff solicited for these services via Request for Proposal (RFP) 2016-04. The Town received four proposals for these first pass, cut and toss services and the selection committee met on March 22, 2016 to review the proposals. The selection committee consisted of the Public Works Director (Paul Brazil), the Assistant Public Works Director (Eric Brown), the Town Engineer (Bill Francis), the Assistant Finance Director (Cheryl Somers), the Public Works Services Division Manager (Chester Purves), and the Risk Manager (Karen Temme). Based on the evaluation criteria and the scoring of the selection committee members, the recommendation of the committee is to award a contract to Bergeron Emergency Services, Inc.

Entering into a contract with the contractor does not obligate the Town to authorize any work with the contractor, since the contract is based on “standby” requirements to be used in the event of a natural disaster or emergency declaration as needed. The proposed initial term of the contract will be for one year, with the option to renew annually for up to four (4) additional years.

## **FUNDING/FISCAL IMPACT**

Fiscal impact is unknown and is dependent on the magnitude of the disaster or emergency circumstances. Funding for any tasks issued under this contract would be the subject of a future Town Council approval. If no tasks are issued, then no monies would be expended.

### **PURCHASING REVIEW**

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

### **TOWN ATTORNEY REVIEW**

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. Review and approval by the Town Attorney of the proposed contracts for legal form and sufficiency will be sought prior to the execution of the contracts by the Town Manager.

### **Attachments**

cc: Jay Boodheshwar, Deputy Town Manager  
Jane Struder, Director of Finance  
Eric Brown, P.E., Assistant Director of Public Works  
William K. Francis, P.E., Town Engineer  
Adis Pedraza, Purchasing Manager



**RESOLUTION NO. 77-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFP NO. 2016-04, AND APPROVING A DISASTER DEBRIS REMOVAL CONTRACT TO BERGERON EMERGENCY SERVICES, INC., FOR FIRST PASS, CUT AND TOSS SERVICES, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFP No. 2016-04 and approves a disaster debris removal contract to Bergeron Emergency Services, Inc. for first pass, cut and toss services.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



## TOWN OF PALM BEACH

### MEMORANDUM

DATE: March 23, 2016

TO: H. Paul Brazil, Public Works Director

FROM: Adis Pedraza, Purchasing Manager 

SUBJECT: Final Ranking - RFP No. 2016-04 – Disaster Debris Removal – First-Pass, Cut and Toss

The Selection Committee met on March 22, 2016. All members of the committee listed below were present:

Karen Temme – Risk Manager  
Cheryl Somers – Assistant Finance Director  
Bill Francis – Town Engineer  
Eric Brown – Assistant Public Works Director  
Chet Purves – Services Manager (Non-Voting)  
Paul Brazil – Public Works Director (Non-Voting)  
Adis Pedraza – Purchasing Manager (Non-Voting)  
John Cmar – Purchasing Coordinator (Non-Voting)

The Town received four (4) proposals. One (1) was considered Non-Responsive and not rated. After thorough consideration of the remaining three (3) proposals submitted, the Selection Committee arrived at the following ranking:

1. Bergeron Emergency Services, Inc.
2. Custom Tree Care, Inc.
3. DRC Emergency Services, LLC

It is the recommendation of the Selection Committee to award contracts to the top ranked firm for the Disaster Debris Removal – First-Pass, Cut and Toss:

Bergeron Emergency Services, Inc.

Cc: File: RFQ No. 2016-04  
John Randolph, Town Attorney  
Selection Committee Members

SELECTION COMMITTEE RATINGS

| Committee Member |                                   | Karen Temme | Cheryl Somers | Bill Francis | Eric Brown | Total          |
|------------------|-----------------------------------|-------------|---------------|--------------|------------|----------------|
| Company          |                                   | Rating      | Rating        | Rating       | Rating     | Average Rating |
| 1                | Bergeron Emergency Services, Inc. | 4.75        | 4.63          | 3.75         | 4.28       | 4.35           |
| 2                | Custom Tree Care, Inc.            | 2.93        | 2.85          | 2.65         | 2.35       | 2.69           |
| 3                | DRC Emergency Services, LLC       | 3.00        | 3.25          | 2.15         | 2.20       | 2.65           |
| 4                | TAG Grinding Services, Inc.*      | 0.00        | 0.00          | 0.00         | 0.00       | 0.00           |

\*Non-Responsive/Not Rated

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 78-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-03 and Approving a Disaster Debris Removal and Disposal Services Contract to Ash Britt Inc., Bergeron Emergency Services, Inc., and Phillips & Jordan Inc., and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 26, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 78-2016](#)
- [Final Ranking Memo](#)
- [Selection Committee Ratings](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratify and Approve a Contract for Disaster Debris Removal and Disposal Services  
RFP No. 2016-03  
**Resolution No. 78-2016**

DATE: April 26, 2016

---

## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 78-2016 to ratify the selection committee recommendation, award RFP No. 2016-03, and approve a disaster debris removal and disposal services contract to Ash Britt Inc., Bergeron Emergency Services, Inc., and Phillips & Jordan, Inc. and authorizing the Town Manager to execute those contracts when approved by the Town Attorney.

## **GENERAL INFORMATION**

The current disaster debris removal and disposal services contracts are expiring, and Town staff solicited for these services via Request for Proposal (RFP) 2016-03. The Town received eight proposals for these services and the selection committee met on March 22, 2016 to review the proposals. The selection committee consisted of the Public Works Director (Paul Brazil), the Assistant Public Works Director (Eric Brown), the Town Engineer (Bill Francis), the Assistant Finance Director (Cheryl Somers), the Public Works Services Division Manager (Chester Purves), and the Risk Manager (Karen Temme). Based on the evaluation criteria and the scoring of the selection committee members, the recommendation of the committee is to award a contract to the top three ranked contractors: (1) Ash Britt Inc., (2) Bergeron Emergency Services Inc., and (3) Phillips & Jordan Inc. In a disaster event the contractors would typically be activated in the order of ranking, subject to availability, workload and severity of the resulting damage from the disaster.

Entering into a contract with these contractors does not obligate the Town to authorize any work with the contractor, since the contract is based on “standby” requirements to be used in the event of a natural disaster or emergency declaration as needed. The proposed initial term of the contracts will be for one year, with the option to renew annually for up to four (4) additional years.

## **FUNDING/FISCAL IMPACT**

Fiscal impact is unknown and is dependent on the magnitude of the disaster or emergency circumstances. Funding for any tasks issued under these contracts would be the subject of a future Town Council approval. If no tasks are issued, then no monies would be expended.

### **PURCHASING REVIEW**

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

### **TOWN ATTORNEY REVIEW**

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. Review and approval by the Town Attorney of the proposed contracts for legal form and sufficiency will be sought prior to the execution of the contracts by the Town Manager.

### **Attachments**

cc: Jay Boodheshwar, Deputy Town Manager  
Jane Struder, Director of Finance  
Eric Brown, P.E., Assistant Director of Public Works  
William K. Francis, P.E., Town Engineer  
Adis Pedraza, Purchasing Manager

**RESOLUTION NO. 78-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFP NO. 2016-03 AND APPROVING A DISASTER DEBRIS REMOVAL AND DISPOSAL SERVICES CONTRACT TO ASH BRITT INC., BERGERON EMERGENCY SERVICES, INC., AND PHILLIPS & JORDAN INC., AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFP No. 2016-03 and approves a disaster debris removal and disposal services contract to Ash Britt Inc., Bergeron Emergency Services, Inc. and Phillips & Jordan Inc.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member





## TOWN OF PALM BEACH

### MEMORANDUM

DATE: March 23, 2016

TO: H. Paul Brazil, Public Works Director

FROM: Adis Pedraza, Purchasing Manager *AP*

SUBJECT: Final Ranking - RFP No. 2016-03 – Disaster Debris Removal and Disposal Services

The Selection Committee met on March 22, 2016. All members of the committee listed below were present:

Karen Temme – Risk Manager  
Cheryl Somers – Assistant Finance Director  
Bill Francis – Town Engineer  
Eric Brown – Assistant Public Works Director  
Chet Purves – Services Manager (Non-Voting)  
Paul Brazil – Public Works Director (Non-Voting)  
Adis Pedraza – Purchasing Manager (Non-Voting)  
John Cmar – Purchasing Coordinator (Non-Voting)

The Town received eight (8) proposals. Two (2) were considered Non-Responsive and not rated. After thorough consideration of the remaining six (6) proposals submitted, the Selection Committee arrived at the following ranking:

1. AshBritt, Inc.
2. Bergeron Emergency Services, Inc.
3. Phillips & Jordan, Incorporated
4. Ceres Environmental Services, Inc.
5. DRC Emergency Services, LLC
6. Custom Tree Care, Inc.

It is the recommendation of the Selection Committee to award contracts to the top three (3) ranked firms for the Disaster Debris Removal and Disposal Services:

AshBritt, Inc.  
Bergeron Emergency Services, Inc.  
Phillips & Jordan, Incorporated

Cc: File: RFQ No. 2016-03  
John Randolph, Town Attorney  
Selection Committee Members



## SELECTION COMMITTEE RATINGS

| Committee Member |                                    | Karen Temme | Cheryl Somers | Bill Francis | Eric Brown | Total          |
|------------------|------------------------------------|-------------|---------------|--------------|------------|----------------|
| Company          |                                    | Rating      | Rating        | Rating       | Rating     | Average Rating |
| 1                | AshBritt, Inc.                     | 4.73        | 4.55          | 4.40         | 3.85       | 4.38           |
| 2                | Bergeron Emergency Services, Inc.  | 4.15        | 4.28          | 3.03         | 3.88       | 3.83           |
| 3                | Ceres Environmental Services, Inc. | 3.43        | 3.83          | 2.73         | 3.30       | 3.32           |
| 4                | CrowderGulf Joint Venture, Inc.*   | 0.00        | 0.00          | 0.00         | 0.00       | 0.00           |
| 5                | Custom Tree Care, Inc.             | 2.75        | 3.03          | 2.60         | 3.30       | 2.92           |
| 6                | DRC Emergency Services, LLC        | 2.90        | 3.83          | 2.15         | 2.93       | 2.95           |
| 7                | Phillips & Jordan, Incorporated    | 4.20        | 3.88          | 3.40         | 3.15       | 3.66           |
| 8                | TAG Grinding Services, Inc.*       | 0.00        | 0.00          | 0.00         | 0.00       | 0.00           |

\* Non-Responsive/Not Rated

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 81-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-05 and Approving a Disaster Debris Monitoring Services Contract to Witt O'Briens LLC., and Rostan Solutions LLC., and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 26, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 81-2016](#)
- [Final Ranking](#)
- [Selection Committee Ratings](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratify and Approve a Contract for Disaster Debris Monitoring Services Contract - RFP No. 2016-05  
**Resolution No. 81-2016**

DATE: April 26, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 81-2016 to ratify the selection committee recommendation, award RFP No. 2016-05, and approve a disaster debris monitoring services contract to Witt O'Briens LLC, and Rostan Solutions LLC, and authorizing the Town Manager to execute those contracts when approved by the Town Attorney.

## **GENERAL INFORMATION**

The current disaster debris monitoring services contracts are expiring, and Town staff solicited for these services via Request for Proposal (RFP) 2016-05. The Town received two proposals for these services and the selection committee met on March 22, 2016 to review the proposals. The selection committee consisted of the Public Works Director (Paul Brazil), the Assistant Public Works Director (Eric Brown), the Town Engineer (Bill Francis), the Assistant Finance Director (Cheryl Somers), the Public Works Services Division Manager (Chester Purves), and the Risk Manager (Karen Temme). Based on the evaluation criteria and the scoring of the selection committee members, the recommendation of the committee is to award a contract to both the contractors ranked as follows: (1) Witt O'Briens LLC, and (2) Rostan Solutions LLC. In a disaster event the contractors would typically be activated in the order of ranking, subject to availability, workload and severity of the resulting damage from the disaster.

Entering into a contract with these contractors does not obligate the Town to authorize any work with the contractor, since the contract is based on "standby" requirements to be used in the event of a natural disaster or emergency declaration as needed. The proposed initial term of the contracts will be for one year, with the option to renew annually for up to four (4) additional years.

## **FUNDING/FISCAL IMPACT**

Fiscal impact is unknown and is dependent on the magnitude of the disaster or emergency circumstances. Funding for any tasks issued under these contracts would be the subject of a future Town Council approval. If no tasks are issued, then no monies would be expended.

### **PURCHASING REVIEW**

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

### **TOWN ATTORNEY REVIEW**

This resolution has been reviewed and approved by the Town Attorney for legal form and sufficiency. Review and approval by the Town Attorney of the proposed contracts for legal form and sufficiency will be sought prior to the execution of the contracts by the Town Manager.

### **Attachments**

cc: Jay Boodheshwar, Deputy Town Manager  
Jane Struder, Director of Finance  
Eric Brown, P.E., Assistant Director of Public Works  
William K. Francis, P.E., Town Engineer  
Adis Pedraza, Purchasing Manager

**RESOLUTION NO. 81-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING RFP NO. 2016-05 AND APPROVING A DISASTER DEBRIS MONITORING SERVICES CONTRACT TO WITT O'BRIENS LLC., AND ROSTAN SOLUTIONS LLC., AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFP No. 2016-05 and approves a disaster debris monitoring services contract to Witt O'Briens LLC, and Rostan Solutions LLC.

Section 2. The Town Manager is hereby authorized to execute these contracts on behalf of the Town of Palm Beach for these services.

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



## TOWN OF PALM BEACH

### MEMORANDUM

DATE: March 23, 2016

TO: H. Paul Brazil, Public Works Director

FROM: Adis Pedraza, Purchasing Manager 

SUBJECT: Final Ranking - RFP No. 2016-05 – Disaster Debris Monitoring Services

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The Selection Committee met on March 22, 2016. All members of the committee listed below were present:

Karen Temme – Risk Manager  
Cheryl Somers – Assistant Finance Director  
Bill Francis – Town Engineer  
Eric Brown – Assistant Public Works Director  
Chet Purves – Services Manager (Non-Voting)  
Paul Brazil – Public Works Director (Non-Voting)  
Adis Pedraza – Purchasing Manager (Non-Voting)  
John Cmar – Purchasing Coordinator (Non-Voting)

The Town received two (2) proposals. After thorough consideration, the Selection Committee arrived at the following ranking:

1. Witt O'Brien's, LLC
2. Rostan Solutions, LLC

It is the recommendation of the Selection Committee to award contracts to both firms for the Disaster Debris Monitoring Services.

Cc: File: RFQ No. 2016-05  
John Randolph, Town Attorney  
Selection Committee Members

SELECTION COMMITTEE RATINGS

| Committee Member |                       | Karen Temme | Cheryl Somers | Bill Francis | Eric Brown | Total          |
|------------------|-----------------------|-------------|---------------|--------------|------------|----------------|
| Company          |                       | Rating      | Rating        | Rating       | Rating     | Average Rating |
| 1                | Rostan Solutions, LLC | 4.33        | 3.90          | 3.65         | 3.30       | 3.79           |
| 2                | Witt O'Brien's, LLC   | 4.55        | 4.83          | 4.90         | 4.15       | 4.61           |

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 79-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding RFP No. 2016-24 and Approving a Maintenance Contract to Batallan Enterprises DBA Property Works, for the Worth Avenue Commercial District Maintenance Program not to Exceed the Amount of \$162,553.70, and Authorizing the Town Manager to Execute the Same on Behalf of the Town.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 26, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 79-2016](#)
- [Final Ranking](#)
- [Vendor's Agreement](#)



# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Ratify and Approve a Contract for the Worth Avenue Commercial District Maintenance Program - RFP No. 2016-24  
**Resolution No. 79-2016**

DATE: April 26, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 79-2016 to ratify the selection committee recommendation, award RFP No. 2016-24, and approve a contract for the Worth Avenue Commercial District Maintenance Program in a not to exceed amount of \$162,553.70 to Batallan Enterprises DBA PropertyWorks, and authorizing the Town Manager to execute that contract when approved by the Town Attorney.

## **GENERAL INFORMATION**

The current maintenance program contract for Worth Avenue is expiring, and Town staff solicited for these services via Request for Proposal (RFP) 2016-24. Although several vendors attended the pre-proposal meeting, the Town received only one (1) proposal for these maintenance services. The selection committee met on April 8, 2016 to review the proposal. The selection committee consisted of the Deputy Town Manager (Jay Boodheshwar), the Assistant Public Works Director (Eric Brown), the Public Works General Maintenance Supervisor (Paul Colby), the Assistant Finance Director (Cheryl Somers), the Public Works Water Resources Division Manager (Doug Terry), the Public Works Facility Maintenance Division Manager (Brett Madison), and the Executive Secretary of the Worth Avenue Association (Robin Miller). Based on the evaluation criteria and the scoring of the Selection Committee members, the recommendation of the Committee is to award a contract to Batallan Enterprises DBA Property Works. This particular vendor has also successfully performed other grounds maintenance tasks throughout the Town.

The Selection Committee found PropertyWorks submittal to be satisfactory in response to the RFP and the not to exceed contract amount totals \$162,553.70. The annual cost will be \$133,725.70 and is based on unit pricing for certain packages offered in their proposal. These packages include pressure washing and sealing of the tabby sidewalk, weekly maintenance and cleaning of the common areas, and landscape and streetscape maintenance. Equipment and landscape replacement will be authorized on an as required basis. The proposed initial term of the contract will be for one year, with the option to renew annually for up to four (4) additional years.

### **FUNDING/FISCAL IMPACT**

The proposal of PropertyWorks falls within the adopted budget for this maintenance program, which includes the cost of utility services and a contingency in addition to the actual maintenance work contemplated by the RFP. The source of funding for the program is non-ad valorem assessments paid for by the benefitting property owners within the Worth Avenue Commercial District Assessment area.

### **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. Review and approval by the Town Attorney of the proposed contract for legal form and sufficiency will be sought prior to the execution of the contract by the Town Manager.

### **Attachments**

cc: Jay Boodheshwar, Deputy Town Manager  
Jane Struder, Director of Finance  
Eric Brown, P.E., Assistant Director of Public Works  
Adis Pedraza, Purchasing Manager  
Selection Committee Members

**RESOLUTION NO. 79-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDED RFP NO. 2016-24 AND APPROVING A MAINTENANCE CONTRACT TO BATALLAN ENTERPRISES DBA PROPERTY WORKS, FOR THE WORTH AVENUE COMMERCIAL DISTRICT MAINTENANCE PROGRAM NOT TO EXCEED THE AMOUNT OF \$162,553.70, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SAME ON BEHALF OF THE TOWN.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby awards RFP No. 2016-24 and approves a maintenance contract to Batallan Enterprises DBA PropertyWorks for the Worth Avenue Commercial District Maintenance Program in a not to exceed amount of \$162,553.70.

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

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

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



## TOWN OF PALM BEACH

### MEMORANDUM

DATE: April 11, 2016

TO: Paul Brazil – Public Works Director

FROM: Adis Pedraza - Purchasing Manager 

SUBJECT: Final Ranking - RFP No. 2016-24 – Worth Avenue Commercial District Maintenance Program

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The Selection Committee met on April 8, 2016. All members of the committee listed below were present except for Mr. Colby:

Brett Madison – Facilities Manager  
Doug Terry – WRD Manager  
Cheryl Somers – Assistant Finance Director  
Jay Boodheshwar – Deputy Town Manager  
Robin Miller – Worth Avenue Association (Non-Voting)  
Eric Brown – Assistant Public Works Director (Non-Voting)  
Paul Colby – Maintenance Supervisor (Non-Voting)  
Adis Pedraza – Purchasing Manager (Non-Voting)  
John Cmar – Purchasing Coordinator (Non-Voting)

After thorough consideration of the only proposal submitted, the Selection Committee recommended negotiation of a contract and awarding a purchase order to Batallan Enterprises DBA PropertyWorks.

cc: File: RFP No. 2016-24  
John Randolph, Town Attorney  
Selection Committee Members



# TOWN OF PALM BEACH

Purchasing Department

April 28, 2016

Batallan Enterprises  
DBA PropertyWorks  
Preston Searls  
1201 Roebuck Ct.  
West Palm Beach, FL 33401

Ref: RFP No. 2016-24 – Worth Avenue Commercial District Maintenance Program

Preston:

As a follow-up to our negotiation meeting held on April 20, 2016, please indicate your acceptance of the changes discussed as follows:

**A -PRESSURE WASHING – Items 1 thru 8**

1. Pressure washing is .12 per foot. Any room for a lower price?

No

2. Tabby sealing – Bid document states twice a year – Perform once a year

Yes. [Saving \$17,665]

**Total for Pressure Washing - \$31,792.20**

**B - WEEKLY MAINTENANCE and CLEANING – Items 9 thru 15**

**Total - \$81,536.00**

**C - LANDSCAPE AND STREETScape MAINTENANCE – Items 16 thru 24**

1. Line 16 - Bougainvillea trimming monthly – \$2,200 - Yes

2. Lines 20 and 21 – Flowering annual replacement and Holiday planting - \$6,350 - Yes

3. Lines 22 thru 24 – Bermuda Grass cutting and topdressing - \$8,430 – Yes

**Total for Landscape and Streetscape Maintenance - \$17,450**

**D - EQUIPMENT REPLACEMENT – Items 25 thru 28**

**Total - \$2,947.50**

**E - LANDSCAPE REPLACEMENT – Items 29 thru 47**

1. On an as needed basis

**F - ADDITIONAL ITEM – Item 48**

1. Debris vacuuming - \$425 per visit. Can you lower the price? Yes – New Price \$325

**Total - \$325 per visit/day**

**G - RENEWAL OF CONTRACT**

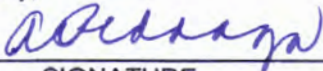
The contract shall be awarded for an initial term of twelve (12) months, with the option to renew the contract for up to four (4) additional twelve (12) month terms. Option for renewal will only be exercised upon written mutual agreement and with all original terms, conditions, and pricing. Price adjustments may be considered upon renewal and shall be based on the percent change in the Consumer Price Index. The Consumer Price Index shall be based upon All Urban Consumers, for the Miami-Fort Lauderdale Region, from June to June of each prior and renewal year respectively, as published by the United States Department of Labor.

Please advise by signature below, if these items are acceptable.

Page 1

Please, complete and return this form to the Purchasing Division by no later than 2:00 PM on April 29, 2016.  
Your response may be faxed to 561-835-4688 or emailed to [apedraza@townofpalmbeach.com](mailto:apedraza@townofpalmbeach.com).

Respectfully,

  
SIGNATURE

4/28/16  
DATE

Adis Pedraza, Purchasing Manager  
NAME (PRINT)

---

  
SIGNATURE

4/28/16  
DATE

JASON BATALLAN  
NAME (PRINT)

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Resolutions

## Agenda Title

RESOLUTION NO. 80-2016 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 20, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 80-2016](#)

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: May 10, 2016

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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. 80-2016**

DATE: April 20, 2016

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## **STAFF RECOMMENDATION**

Town staff recommends that the Town Council approve Resolution No. 80-2016 to authorize the third 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., (Universal Electric) and C.R. Dunn, Inc., (C.R. Dunn) 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 FY16 and proposed FY17 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: Jane Struder, Director of Finance  
Eric Brown, P.E., Assistant Director of Public Works  
Brett Madison, Facilities Division Manager  
Adis Pedraza, Purchasing Manager

## **RESOLUTION NO. 80-2016**

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 third 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 (12) months, beginning June 24, 2016 and ending June 23, 2017.

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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Consent - Other

## Agenda Title

Grant Writing Report and Recommendations

## Presenter

Jay Boodheshwar, Deputy Town Manager

## Supporting Documents

- [Memorandum Dated May 3, 2016, From Jay Boodheshwar, Deputy Town Manager](#)
- [Listing of Eligible Grant Opportunities](#)

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Grant Writing Report and Recommendations

Date: May 3, 2016

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## **STAFF RECOMMENDATION**

Staff recommends Town Council approve the attached list of grant opportunities and direct staff to coordinate with the Town's contractual grant writers, In Rem Solutions, Inc., to prepare the necessary applications when appropriate.

## **GENERAL INFORMATION**

At the February 9, 2016, Town Council meeting, Resolution No. 22-2016 was approved and a contract was awarded to In Rem Solutions, Inc. (In Rem) for the provision of grant writing and administration services.

On February 18, 2016, representatives from In Rem met individually with each Town Department, as well as the Town Manager's Office. The purpose of said meeting was to ascertain the needs of each department, relative to funding of planned (and unplanned) projects in the upcoming years and prepare a needs assessment. Subsequent to the completion of the needs assessment, In Rem prepared a list of viable grant opportunities they recommend the Town should pursue. Attached to this memo is the referenced list.

## **FUNDING/FISCAL IMPACT**

At the February 9, 2016, Town Council meeting an appropriation of \$25,000 was approved as seed money to fund the needs assessment and grant writing services for the initial applications. The hourly rate for all related services provided by In Rem Solutions is \$150. A balance of \$18,925 is still available from the original \$25,000 appropriation, so no additional funds are being requested at this time. Staff will determine if additional appropriations will be required and return to future meetings if necessary.

Attachment

cc: Department Directors

| CFDA                                         | Project Needs                                   | Program title                                           | Granting Agency                                                                                           | Eligibility                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Program Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Total Allocation             | Award Ceiling                             | Required Match                                | Deadline | Contact Info/Website                                                                                                |
|----------------------------------------------|-------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------|-----------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------|
| <b>Town of Palm Beach Projects</b>           |                                                 |                                                         |                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                              |                                           |                                               |          |                                                                                                                     |
| <b>Property Management</b>                   |                                                 |                                                         |                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                              |                                           |                                               |          |                                                                                                                     |
|                                              | <b>Historic Preservation</b>                    | Historic Preservation - Special Category Grants Program | Florida Department of State, Division of Historical Resources                                             | Departments or agencies of the State of Florida, units of county, municipal, or other local governments, or any Florida not-for-profit organization, corporation, or institution                                                                                                                                                                                                                                                                                                                                    | The purpose of the special category grants program is to provide funding to assist major local, regional, and state-wide efforts to preserve significant historical structures and archeological sites, to assist major archaeological excavations, and assist in the development of major museum exhibits that will promote knowledge and appreciation of the history of Florida. Projects eligible for funding include: 1. Acquisition of historical properties or archaeological sites; 2. Development activities, including: restoration, rehabilitation, preservation, reconstruction, and site-specific planning required for these activities; 3. Archaeological excavation projects; and 4. Museum exhibit projects for Florida History Museums.                                                                                                                                                | N/A                          | \$50,000-\$350,000                        | 50%                                           | December | <a href="http://www.flheritage.com/grants/">http://www.flheritage.com/grants/</a>                                   |
| <b>Parks, Open Space, Beaches and Marina</b> |                                                 |                                                         |                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                              |                                           |                                               |          |                                                                                                                     |
|                                              | <b>Tree Mapping</b>                             | Urban and Community Forestry Grant                      | Florida Dept of Agriculture                                                                               | Local Governments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | The purpose is to provide funding to enhance local urban and community forestry programs and improve the urban environment within the State of Florida. It is not to enhance beautification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Determined after submission. | \$30,000                                  | 50/50 match                                   | 31-Mar   |                                                                                                                     |
|                                              | <b>Recreation Element Improvements</b>          | Land and Water Conservation Fund Program                | Department of Environmental Protection on behalf of the Department of the Interior, National Park Service | All local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public.                                                                                                                                                                                                                                                                                                                                                 | Provides grants for acquisition or development of land for public outdoor recreation use. Sport Fields, Lighting, General park and playground improvements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A                          | \$200,000                                 | 50%                                           | March    | <a href="http://www.dep.state.fl.us/parks/bdrrs/default.htm">http://www.dep.state.fl.us/parks/bdrrs/default.htm</a> |
|                                              | <b>Piling Restoration</b>                       | Boating Infrastructure Grant Program (BIG)              | Florida Fish & Wildlife Conservation Commission                                                           | Funds are available to counties, municipalities, and other governmental entities in Florida. Funds are also available to privately-owned facilities that the in-water slips are operated on submerged sovereign lands, or public waters, with all facilities opened to the public on a first-come, first-service basis with no qualifying requirements such as club membership, stock ownership, or equity interest, with no longer than one-year rental terms, and with no automatic renewal rights or conditions. | To construct, renovate, and maintain boating infrastructure facilities for transient, nontrailerable recreational vessels 26 feet in length or longer. Projects completed using BIG funds must provide public access, but may be publicly or privately owned. A project is eligible for funding if it proposes to: 1. Construct, renovate, and maintain either publicly or privately owned boating infrastructure tie-up facilities; 2. Do one-time only dredging, to give transient vessels safe channel depths between the tie-up facility and maintained channels or open water; 3. Install navigational aids, limited to giving transient vessels safe passage between the tie-up facility and maintained channels or open water; 4. Apply funds to grant administration; 5. Fund preliminary costs; 6. Produce information and education materials such as charts, cruising guides, and brochures. | \$6,000,000 Nationally       | Tier I = \$100,000;<br>Tier II = no limit | 25%                                           | April    | <a href="http://myfwc.com/about/grants/big/">http://myfwc.com/about/grants/big/</a>                                 |
| 15.622                                       | <b>Transient Boater Facility BIG P (\$500k)</b> | Florida Boating Improvement Grant Program (FBIP)        | Florida Fish & Wildlife Conservation Commission                                                           | Tier I = county governments and municipalities of the State of Florida. Municipalities in the counties that have unmet needs in counties with populations of 100,000 or less and Unmet needs in coastal counties with a high level of boating-related activities from individuals residing in other counties. Eligible participants for Tier II = county governments, municipalities, and other governmental entities of the State of Florida.                                                                      | FBIP – Tier I is established in accordance with ss. 206.606(1)(b)3., F.S., to fund local projects for recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local boating-related activities through a competitive grants program. FBIP – Tier II is established in accordance with section 327.47, F.S., to fund projects through a competitive grant program for the construction and maintenance of publicly owned boat ramps, piers and docks, boater education and economic development initiatives that promote boating in the state. In addition, FBIP – Tier II includes a competitive grants program for public launching facilities established in accordance with section 328.72(15), F.S.                                                       | \$2,435,400 FY12             | \$586,362 per most recent annual report   | "A Share" doesn't indicate what the share is. | April    | <a href="http://myfwc.com/about/grants/bip/">http://myfwc.com/about/grants/bip/</a>                                 |

|                |                                                   |                                                                 |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                 |                                                                                                                                                                                             |                                                                                             |                                          |                                                                                                                                                   |
|----------------|---------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
|                | Boating safety on Intracoastal Waterway           | Waterways Assistance Grant                                      | Florida Inland Navigation District                                               | Eligible Federal, State and Regional Governments may apply for assistance funding through the District's Cooperative Assistance Program.                                                                                                                                                                                                                                    | Through the 27 years of this program, the District has provided over \$193 million in funding assistance to local governments within our District to perform waterways improvement projects. Project types eligible for funding include public navigation, public waterway access facilities, public recreation, inlet management, beach re-nourishment, environmental education and boating safety projects directly related to the waterways. The District has some limited grant eligibility for land acquisition which includes opportunities for waterway access. Generally, ineligible costs include project maintenance, landscaping, in-house staff and recurring fees. Please see the program rules for more details on project eligibility. | The funding level of this year's program will be determined in July based upon the availability of funding and the quality and number of applications received. |                                                                                                                                                                                             |                                                                                             | 1-Apr                                    | <a href="http://www.aicw.org">http://www.aicw.org</a>                                                                                             |
|                | Recreational Elements Funding                     | Florida Recreation Development Assistance Grant Program (FRDAP) | Florida Department of Environmental Protection                                   | Municipal and county governments or other legally constituted entities with the legal responsibility to provide public outdoor recreation                                                                                                                                                                                                                                   | A proposed FRDAP project must be for one of the three following categories: acquisition of land for public outdoor recreational purposes, development and/or renovation of land for public outdoor recreational purposes, or construction and/or renovation of a public recreational trail. If an acquisition project receives a FRDAP grant, the applicant must develop the acquired site for public outdoor recreation use within three years.                                                                                                                                                                                                                                                                                                      | N/A                                                                                                                                                             | \$200,000                                                                                                                                                                                   | (Total project cost) <\$50,000 = 0; \$50,001 - \$150,000 = 25%; \$150,001 - \$400,000 = 50% | August                                   | <a href="http://www.dep.state.fl.us/barks/OIRS/default.htm">http://www.dep.state.fl.us/barks/OIRS/default.htm</a>                                 |
|                | Beach Access and Shoreline Protection             | Coastal Partnership Initiative                                  | Florida Department of Environmental Protection                                   | Florida's 35 coastal counties and all municipalities within their boundaries that are required to include a coastal element in their comprehensive plan. Florida's public colleges, universities, regional planning councils, national estuary programs and nonprofit groups may also apply, provided that an eligible local government agrees to participate as a partner. | To promote the protection and effective management of Florida's coastal resources in four areas: 1) Resilient Communities: to help coastal communities prepare for and respond to the effects of climate change, natural hazards and disasters, 2) Coastal Resource Stewardship: promote stewardship and appreciation of fragile coastal resources, applicants may request funds for community-based projects that involve citizens, volunteers and the local government, 3) Access to Coastal Resources: accommodate public access to coastal and marine resources while protecting fragile and overused environments, 4) Working Waterfronts: to revitalize, renew and promote interest in waterfront districts.                                    | N/A                                                                                                                                                             | \$10,000 - \$30,000 for construction projects, habitat restoration, invasive exotic plant removal or land acquisition; \$10,000 - \$15,000 for planning, design and coordination activities | 100%                                                                                        | TBD                                      | <a href="http://www.dep.state.fl.us/comp/grants/">http://www.dep.state.fl.us/comp/grants/</a>                                                     |
|                | Marina Pump Equipment                             | Florida Clean Vessel Act                                        | Florida Department of Environmental Protection thru US Fish and Wildlife Service | To receive CVA funds, facilities must provide public access to pump out equipment. It does not matter if the facility is private. If the public has access to and is welcome to use the facility's pump out equipment, it is eligible to apply for funding.                                                                                                                 | Grants are available through the Florida Department of Environmental Protection (DEP) for the purchase, installation, repair, and maintenance of stationary pump out equipment, portable pump out equipment, pump out boats and dump stations. Grants are also available for the repair and maintenance of pump out equipment and for educational, outreach and public awareness programs.                                                                                                                                                                                                                                                                                                                                                            | N/A                                                                                                                                                             | N/A - Cost ranges for each budget item are provided                                                                                                                                         | 25%                                                                                         | Application accepted on an ongoing basis | <a href="http://www.dep.state.fl.us/cleanmain/a/cva/grant_requirements.htm">http://www.dep.state.fl.us/cleanmain/a/cva/grant_requirements.htm</a> |
| Transportation |                                                   |                                                                 |                                                                                  |                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                 |                                                                                                                                                                                             |                                                                                             |                                          |                                                                                                                                                   |
| 20.513         | Traffic Safety: Pedestrian, bikes, motor vehicles | MAP-21 - Transportation Alternatives Program (TAP)              | Florida Department of Transportation                                             | Transit agencies, regional transportation authorities, and local governments are among the eligible entities that may apply for TAP funds.                                                                                                                                                                                                                                  | Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). And Construction, planning, and design of infrastructure-related projects that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities.                                                                                                                                                                                                                     |                                                                                                                                                                 | \$250,000 - \$750,000                                                                                                                                                                       | TBD                                                                                         | 1-Apr                                    | <a href="http://www.dot.state.fl.us/emo/enhancement/shim">http://www.dot.state.fl.us/emo/enhancement/shim</a>                                     |

|                             |                                                |                                                                    |                                                |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           |                                                                             |                                                                         |                                             |                                                                                                                                                                                                                                               |
|-----------------------------|------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | Lake Trail Improvements                        | Recreational Trails Grant Program (RTP)                            | Florida Department of Environmental Protection | Municipal or county governments, state or federal governmental agencies, recognized state and federal Indian tribal governments, and organizations approved by the State. | Financial assistance under RTP may be for development or maintenance of recreational trails; purchase of trail construction or maintenance equipment; and if funds are available, for trail education projects. Project proposals may address the following recreational trail interests: motorized recreation, nonmotorized recreation, mixed-use projects (either motorized or nonmotorized), or projects that provide for innovative corridor sharing with motorized and nonmotorized recreation, construction and maintenance equipment. A recreational trail means: A thoroughfare or track across land or water, used for recreational purposes such as bicycling, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, roller skating, in-line skating, running, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive, all terrain off-road vehicles, or dune buggies. | N/A                                       | Non-Motorized = \$200,000<br>Mixed-Use = \$200,000<br>Motorized = \$660,000 | Typically 20% though there is variance.                                 | April                                       | <a href="http://www.dep.state.fl.us/gwt/grants/">http://www.dep.state.fl.us/gwt/grants/</a>                                                                                                                                                   |
| <b>Emergency Management</b> |                                                |                                                                    |                                                |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           |                                                                             |                                                                         |                                             |                                                                                                                                                                                                                                               |
| 20.513                      | Underground Electric Lines/Disaster Mitigation | Pre-disaster Grant Program (PDM)                                   | Florida Division of Emergency Management       | State Agencies, Local Governments/Agencies, Special/Regional Districts                                                                                                    | For pre-disaster mitigation planning and projects primarily addressing natural hazards. This program promotes implementation of activities designed to reduce injuries, loss of life, and damage and destruction to property from natural hazards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                           | N/A                                                                         | N/A                                                                     | N/A                                         | <a href="https://www.cdfa.ca.gov/index?c=prog&amp;id=1&amp;mode=form&amp;tab=step1&amp;id=140000659367a5964363ca15da3114">https://www.cdfa.ca.gov/index?c=prog&amp;id=1&amp;mode=form&amp;tab=step1&amp;id=140000659367a5964363ca15da3114</a> |
|                             | Disaster Mitigation                            | Hazard Mitigation Grant Program (HMGP)                             | Florida Division of Emergency Management       | Any state, general purpose local government, private nonprofits, Indian Tribes, and special district entity is eligible to apply for assistance.                          | The objectives of the Hazard Mitigation Grant Program are: 1) To prevent future losses of lives and damage to property due to disasters; 2) To implement state or local hazard mitigation plans; 3) To enable mitigation measures to be implemented during immediate recovery from a disaster; and 4) To provide funding for previously identified mitigation measures that benefit the disaster area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                           | TBD                                                                         | 25%                                                                     | After the date of declaration of a disaster | <a href="http://www.floridadisaster.org/Mitigation/Hazard/forms.htm">http://www.floridadisaster.org/Mitigation/Hazard/forms.htm</a>                                                                                                           |
| <b>Fire Department</b>      |                                                |                                                                    |                                                |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           |                                                                             |                                                                         |                                             |                                                                                                                                                                                                                                               |
|                             | Firefighter Training and Equipment             | Assistance to Firefighters Grant (AFG)                             | U.S. Department of Homeland Security, FEMA     | Fire departments, national, regional, state, and local organizations, Native American tribal organizations                                                                | The primary goal of the Assistance to Firefighters Grant (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations. Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | FY 2012: \$265,625,000; No FY 13 estimate | \$2,750,000                                                                 | 20%                                                                     | TBD                                         | <a href="http://www.fema.gov/welcome-assistance-firefighters-grant-program">http://www.fema.gov/welcome-assistance-firefighters-grant-program</a>                                                                                             |
| 97.08                       | EMS Equipment                                  | Emergency Medical Services Grant (EMS)                             | Florida Dept of Health                         | Emergency medical services providers, first responders and other EMS-related organizations are eligible for the matching grant program.                                   | Emergency medical services providers, first responder organizations, and other emergency medical service related organizations can receive funds for projects to acquire, repair, improve, or upgrade emergency medical services systems, or equipment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                           |                                                                             | The state pays 75% of approved budgets.                                 | April                                       | 850.245.4440<br><a href="mailto:alan.vanlewen@flhealth.gov">alan.vanlewen@flhealth.gov</a>                                                                                                                                                    |
| <b>Police Department</b>    |                                                |                                                                    |                                                |                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                           |                                                                             |                                                                         |                                             |                                                                                                                                                                                                                                               |
| Police                      | Police Equipment/Surveillance System           | Edward Byrne Memorial Justice Assistance Grant Program (UAG)-Local | Bureau of Justice Assistance                   | Units of local government in areas that have been approved for formula funding                                                                                            | Provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                           |                                                                             | Recruitment and retention of volunteer firefighters under this program. |                                             | <a href="https://www.bia.gov/ProgramDetails.aspx?ProgramID=59">https://www.bia.gov/ProgramDetails.aspx?ProgramID=59</a>                                                                                                                       |



|                           |                                                      |                                                                                       |                                                                       |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                                      |                 |                                                                                 |                                                                                 |
|---------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------|-----------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
|                           | <b>Police Equipment/<br/>Surveillance<br/>System</b> | Smart Policing<br>Initiative                                                          | BJA - Edward<br>Byrne Memorial<br>Justice Assistance<br>Grant Program | Applicants are limited to state,<br>local, and tribal law enforcement<br>agencies or a governmental<br>non-law enforcement agency<br>acting as fiscal agent for the<br>applicant.                                                                                                      | This FY 2015 Smart Policing Initiative (SPI) grant program seeks to build<br>upon analysis-driven, evidence-based policing by encouraging state, local,<br>and tribal law enforcement agencies to develop effective, economical, and<br>innovative responses to crime within their jurisdictions.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$5,000,000                        | \$700,000 max<br>award. Avg<br>award is<br>\$625,000 | no cost sharing |                                                                                 |                                                                                 |
| 16,738                    | <b>Updated Police<br/>Reporting System</b>           |                                                                                       | National Highway<br>Traffic Safety<br>405C                            | Use of grant funds. Grant funds<br>awarded under this section shall be<br>used to make quantifiable,<br>measurable progress<br>improvements in the accuracy,<br>completeness, timeliness,<br>uniformity, accessibility or<br>integration of data in a core<br>highway safety database. | Grants to States to develop and implement effective programs that improve<br>the timeliness, accuracy, completeness, uniformity, integration, and<br>accessibility of State safety data needed to identify priorities for Federal,<br>State, and local highway and traffic safety programs, evaluate the<br>effectiveness of such efforts, link State data systems, including traffic records<br>and systems that contain medical, roadway, and economic data, improve the<br>compatibility and interoperability of State data systems with national data<br>systems and the data systems of other States, and enhance the agency's<br>ability to observe and analyze national trends in crash occurrences, rates,<br>outcomes, and circumstances. |                                    |                                                      |                 |                                                                                 |                                                                                 |
| <b>Arts &amp; Culture</b> |                                                      |                                                                                       |                                                                       |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                    |                                                      |                 |                                                                                 |                                                                                 |
|                           | <b>Arts &amp; Culture</b>                            | ArtWorks (2<br>deadlines) and Our<br>Town programs                                    | National<br>Endowment for<br>the Arts                                 | Arts nonprofits and local<br>governments. Our Town requires<br>partnership with local government<br>and arts nonprofit organization                                                                                                                                                    | ArtWorks: Multi-disciplinary arts programming; Our Town-Multi-disciplinary<br>Creative Placemaking projects, especially Design projects combined with<br>Public Engagement in the process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$103 million total grants<br>2015 | ArtWorks<br>\$100,000; Our<br>Town \$200,000         | 1 to 1 match    | ArtWorks-<br>February & July<br>deadlines; Our<br>Town-<br>August/Septem<br>ber | <a href="http://www.arts.gov">www.arts.gov</a>                                  |
|                           | <b>Cultural Facilities</b>                           | Cultural Facilities<br>with 50% or more<br>of hosted events in<br>the arts/humanities | Florida Division of<br>Cultural Affairs                               | Arts & Culture Nonprofit<br>Organizations and Local<br>Governments                                                                                                                                                                                                                     | Renovation & Construction of Cultural Facilities, some acquisition projects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$20 million in 2015               | \$500,000                                            | 2 to 1 match    | 1-Jun                                                                           | <a href="http://dos.myflorida.com/cultural">dos.myflorida.com/<br/>cultural</a> |

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Consent - Other

## Agenda Title

Consideration of Fourth on Flagler Donation Request From the City of West Palm Beach in the Amount of \$12,000.

## Presenter

Thomas G. Bradford, Town Manager

## Supporting Documents

- [Memorandum dated April 28, 2016, from Thomas G. Bradford, Town Manager](#)
- [Letter dated March 29, 2016, from Cinde Martin, City of West Palm Beach](#)
- [Sponsorship Benefits](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

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

Date: April 28, 2015

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council authorize the expenditure of \$12,000 from the General Fund Contingency for the Town to once again be an official sponsor of the City of West Palm Beach's Fourth on Flagler July 4<sup>th</sup> Celebration.

## **GENERAL INFORMATION**

Attached is a letter dated March 29, 2016, from Cinde Martin, Marketing Consultant for the City of West Palm Beach, requesting that the Town be an official sponsor of the Fourth on Flagler event. The attachment to Ms. Martin's letter identifies benefits of sponsorship.

The Town has previously sponsored this event, including last year for \$12,000. Since many Palm Beach residents enjoy the Fourth on Flagler fireworks, we believe this Town sponsorship is fair, provides a public benefit, and is good intergovernmental relations all in celebration of our Nation's independence. Therefore, staff recommends Town Council approval of this request.

## **FUNDING/FISCAL IMPACT**

If Town sponsorship of the Fourth on Flagler event is approved by the Town Council, the \$12,000 cost for this sponsorship will be expended from the General Fund Contingency Account.

Attachments

TGB:cek

cc: Jane Struder, Director of Finance



*"The Capital City of the Palm Beaches"*

March 29, 2016

Mr. Thomas Bradford  
Town of Palm Beach  
Correspondence via e-mail

Dear Mr. Bradford,

We are so grateful to have had The Town of Palm Beach's past support for the City of West Palm Beach's 4<sup>th</sup> on Flagler celebration.

It's our 28<sup>th</sup> Anniversary this year and we are respectfully requesting the Town of Palm Beach again serve as a sponsor and donate \$ 12,000.00 to the event. As you know, we serve as the County's largest Fireworks display on the 4<sup>th</sup> of July.

I've attached an outline of the benefits you will receive. Let me know if you have any other requests. We look forward to working with you on this year's 4<sup>th</sup> on Flagler!

Sincerely,

Cinde A. Martin  
Marketing Consultant

*"An Equal Opportunity Employer"*



**OFFICIAL SPONSORSHIP**  
**Town of Palm Beach**

**SATURDAY, JULY 4, 2016**

Attendance approximately 120,000+

Join the City Of West Palm Beach for South Florida's largest and best Fourth of July Celebration. Celebrating our 28<sup>th</sup> year, 4<sup>th</sup> on Flagler has become the largest, free community celebration in Palm Beach County. This year we will be celebrating Palm Beach County in a BIG way. We invite the Town of Palm Beach to join us in providing this community service for all residents.

The celebration is heavily promoted on television – we are again working with WPBF-TV 25 again and we welcome our radio partners, Alpha Media USA which includes 97.9 WRMF, WIRK 103.1, SUNNY 107.9 and X 102.3 with The Palm Beach Post supplying our print ads. This year's National Acts will be announced soon. With two stages, a kids area, an art area, delicious food and drink, and of course the grand star – the fireworks – this event is slated for good ole' Americana fun!

***Benefits include:***

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

**PACKAGE VALUE - \$ 20+K ANNUALLY**

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Consent - Other

## Agenda Title

Approval of the Selection Committee's Recommendation for RFP No. 2016-22 Tennis Professional for the Town of Palm Beach Tennis Program to DM Tennis Enterprise, LLC.

## Presenter

Beth Zickar, Director of Recreation

## Supporting Documents

- [Memorandum Dated April 28, 2016 From Beth Zickar, Director of Recreation](#)
- [Final Ranking](#)
- [RFP No. 2016-22 Selection Committee Ratings](#)
- [RFP 2016-22 Selection Committee Ratings Short List](#)

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Beth Zickar, Director of Recreation

Re: Approval of the Selection Committee's Recommendation for RFP N. 2016-22 Tennis Professional for the Town of Palm Beach Tennis Program to DM Tennis Enterprises, LLC.

Date: April 28, 2016

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council (1) approve the recommendation of the selection committee's ranking of tennis professional service providers responding to the Town's request for proposals, with DM Tennis Enterprise, LLC., being the highest ranked proposer, and (2) authorize staff negotiations with the highest ranked firm by the Selection Committee.

## **GENERAL INFORMATION**

The need for a year-round contractual tennis professional program to provide lessons, clinics, coaching and other tennis related services at Seaview Park and Phipps Tennis Center continues to be high priority within the Recreation Department. Staff prepared an RFP and advertised the same on March 6, 2016. The submittal deadline was April 6, 2016. A Selection Committee was created consisting of Beth Zickar, Director of Recreation, Cheryl Somers, Assistant Director of Finance, Pam McIver, Chairperson, Recreation Advisory Commission and Ken Thompson, Director of Tennis, The Breakers. The Selection Committee met on April 14, 2016, to review the submittals and conduct initial rankings. Oral interviews were held on April 28, 2016.

The Selection Committee's final rankings are attached. The Selection Committee ranked the firm DM Tennis Enterprise, LLC as the highest based on their submittal in response to the RFP. The specific areas that were evaluated included experience and qualifications of tennis professional and staff, business management plan and compensation proposal. Negotiations with this firm will include, but are not limited to, services, staffing, hours of operation, and compensation. Should these negotiations be unsuccessful staff will proceed to the second ranked firm.

We plan to complete these negotiations during May and to have a resolution awarding this contract on the agenda for Town Council consideration on June 14, 2016.

### **FUNDING/FISCAL IMPACT**

The proposal submitted by DM Tennis Enterprise, LLC. is expected to result in approximately \$90,000 of annual revenue to the Town.

### **PURCHASING REVIEW**

This procurement has been reviewed and approved by the Purchasing Division of the Finance Department and contract negotiations are hereby recommended with DM Tennis Enterprise LLC, as recommended by the Selection Committee.

cc: Adis Pedraza, Purchasing Manager  
Selection Committee Members





## TOWN OF PALM BEACH

### MEMORANDUM

DATE: April 28, 2016

TO: Beth Zickar, Recreation Director

FROM: Ilyse Triestman – Assistant Purchasing Manager *IT*

SUBJECT: Final Ranking - RFP No. 2016-22 – Tennis Professional for the Town of Palm Beach Tennis Program

The Selection Committee met on April 14, 2016. All members of the committee listed below were present:

Beth Zickar – Director, Recreation  
Cheryl Somers – Assistant Director, Finance  
Ken Thompson – Director of Tennis, The Breakers  
Pam McIver – Chairperson, Recreation Advisory Commission  
Ilyse Triestman – Assistant Manager, Purchasing (Non-Voting)  
Dora Dixon – Buyer, Purchasing (Non-Voting)  
John Cmar – Purchasing Coordinator (Non-Voting)

The Town received two (2) proposals. The Committee agreed by consensus to interview both firms. On April 28, 2016, the Selection Committee heard presentations and interviews by both companies. All members of the Committee were present. After thorough consideration, the Selection Committee arrived at the following ranking:

1. DM Tennis Enterprise, LLC
2. NETRESULTS - All American Tennis, LLC

It is the recommendation of the Selection Committee to award a contract to DM Tennis Enterprise, LLC for RFP No. 2016-22 – Tennis Professional for the Town of Palm Beach Tennis Program.

Cc: File: RFQ No. 2016-22  
John Randolph, Town Attorney  
Selection Committee Members

RFP No. 2016-22 - Tennis Professional for the Town of Palm Beach Tennis Program  
- INTERVIEWS -  
April 28, 2016

SELECTION COMMITTEE RANKINGS

| Committee Member |                                       | Beth Zickar | Cheryl Somers | Ken Thompson | Pam McIver | Total          |
|------------------|---------------------------------------|-------------|---------------|--------------|------------|----------------|
| Company          |                                       | Rating      | Rating        | Rating       | Rating     | Average Rating |
| 1                | DM Tennis Enterprise, LLC             | 4.30        | 4.23          | 4.73         | 4.98       | 4.56           |
| 2                | NETRESULTS - All American Tennis, LLC | 4.00        | 3.70          | 4.64         | 4.35       | 4.17           |

Short Listing - April 14, 2016

**SELECTION COMMITTEE RATINGS**

| Committee Member                        | Beth Zickar | Cheryl Somers | Ken Thompson | Pam McIver | Total          |
|-----------------------------------------|-------------|---------------|--------------|------------|----------------|
| Company                                 | Rating      | Rating        | Rating       | Rating     | Average Rating |
| 1 DM Tennis Enterprise, LLC             | 4.05        | 3.53          | 4.64         | 4.00       | 4.05           |
| 2 NETRESULTS - All American Tennis, LLC | 3.85        | 3.73          | 4.46         | 3.61       | 3.91           |

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Consent - Other

## Agenda Title

Request to Authorize the Ordinances, Rules and Standards Committee to Study the Potential Implementation of Zone Parking Regulations on Worth Avenue.

## Presenter

Jay Boodheshwar, Deputy Town Manager

## Supporting Documents

- [Memorandum Dated May 2, 2016, From Jay Boodheshwar, Deputy Town Manager](#)
- [Letter Dated March 22, 2016, from Worth Avenue Property Owners Association](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jay Boodheshwar, Deputy Town Manager

Re: Request to Authorize Ordinance, Rules and Standards Committee to Study the Potential Implementation of Zone Parking Regulations on Worth Avenue

Date: May 2, 2016

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## **STAFF RECOMMENDATION**

Staff recommends Town Council authorize the Ordinance, Rules and Standards (ORS) Committee of the Town Council to study the potential implementation of zone parking regulations on Worth Avenue in response to a request received from the Worth Avenue Property Owners Association (WAPOA).

## **GENERAL INFORMATION**

The attached letter dated March 22, 2016, from Mr. Ed Kassatly of the WAPOA, was received by the Town. The internal parking committee has reviewed Mr. Kassatly's request to consider implementing zone parking on Worth Avenue to address the ongoing challenges with employees parking on the street.

Town Council had previously considered implementing zone parking in the context of broader discussions about Town-wide parking challenges but chose not to implement at the time. Staff is in the process of verifying that its parking enforcement software can manage the enforcement of zone parking. If Council approves referral of this item to ORS, staff will present its findings and invite the WAPOA and the Worth Avenue Association to attend the next ORS meeting.

Attachment

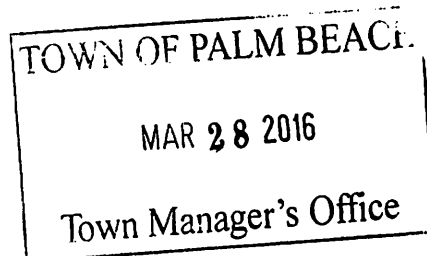
cc: John C. Randolph, Town Attorney  
Kirk Blouin, Director of Public Safety  
H. Paul Brazil, Director of Public Works  
John Page, Director of Planning, Zoning and Building

*Worth Avenue Property Owners Association*

250 Worth Avenue | Palm Beach, FL 33480

March 22, 2016

Mr. Jay Boodheshwar  
Deputy Town Manager  
365 South County Road  
Palm Beach, FL 33480



RE: Worth Avenue paid parking

Dear Jay:

On behalf of the Worth Avenue Property Owners Association, I am writing to you with a request concerning the continuing problem we experience on Worth Avenue with our parking space deficits.

Following my correspondence to Mr. Bradford on January 21<sup>st</sup>, I have noted that the two hour parking limit on the Avenue has not been enforced judiciously. Further, since the problem with employee parking is the main reason for the deficit of parking spaces available to customers, the POA would like to request that the Town consider a "zoned" parking system on Worth Avenue.

By creating a necessity for employees to move their vehicles from one block to another after two hours, we believe that it might alleviate some of the problem by getting those employees to work with the parking lots for paid parking, or with the Town with placard parking.

I stand available to speak with your concerning this.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Kassatly".

Ed Kassatly  
Worth Avenue Property Owners Association

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Yin, H. and J. Yang, 2000. *Statistical Analysis of Data from Experiments*. Wiley, New York.

1. The first of these is the fact that the majority of the population of the United States is of European descent. This is a fact which has been recognized by the government and the people of the United States for many years. It is a fact which has been recognized by the government and the people of the United States for many years. It is a fact which has been recognized by the government and the people of the United States for many years.

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan of action. This involves identifying the steps that need to be taken to solve the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the solution. Once the problem has been solved, the final step is to evaluate the results and determine if the solution was effective. This involves comparing the results of the solution to the original problem and determining if the solution was successful. If the solution was successful, the final step is to document the results and share the information with others who may be facing a similar problem. If the solution was not successful, the final step is to identify the reasons for the failure and determine if a different solution is needed.

10-10-1964

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# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Board/Commission Annual Report

## Agenda Title

Annual Report - Code Enforcement Board

## Presenter

James M. Ballentine, Jr., Chair

## Supporting Documents

- [Memorandum dated April 27, 2016, from Kirk W. Blouin, Director of Public Safety](#)
- [Annual Report Fines List](#)



# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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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 27, 2016

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council hear the presentation of the Annual Report for 2015/2016 by James M. Balletine, Chair 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. Benjamin Alma, Code Enforcement Manager, is prepared to answer any questions from the Town Council.

The Code Enforcement Board consists of 9 members (7 regular members and 2 alternates). James M. Balletine was elected as Chair at the April 2016 meeting and Madelyn Greenberg was elected as Vice Chair. The remaining regular members are Cynthia Van Buren, Robert Donnelley, Matthew Natale, Scotch Peloso and Jay N. Nisberg. There are currently two alternate vacancies on the Board.

From May 2015 through April 2016, the Code Enforcement Board heard 66 new code violation cases, 22 fine consideration cases, 15 requests for fine reductions and 1 case as old business. During this same period of time, the Town of Palm Beach collected \$128,105.00 in fines ordered by the Code Enforcement Board and \$8,025.00 in Code Enforcement administrative fees.

As of April 27, 2016, there are 7 properties with daily running fines which total \$1,592,250.00, 19 properties with non-running fines totaling \$522,677.84 and 21 non-property owners with non-running fines totaling \$6,850.00. Liens in favor of the Town have been filed against property owners where applicable.

Information for Town Council Meeting: 5/10/16  
April 27, 2016  
Page 2

Notice of Code Violation Citations written and collected from May 2015 to April 2016 in which the violator admits to guilt and pays the fine, totaled \$ 41,000.00

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 resigned in November 2015.

Code enforcement staff handled 1,140 complaints from May 1, 2015 through April 27, 2016 of which 502 were self-initiated by the code enforcement officers. There were 1,978 inspections completed, 483 code violation written warnings, 292 notice of violation letters issued, 133 Notice of Violation Citations issued and 103 Board Orders issued. Staff also wrote 47 Right of Way violations for construction parking incidents.

Attached is a list of all properties with current outstanding code enforcement fines.

Attachment

KWB/ba

## Code Enforcement Board Costs and Fines as of 4/27/2016

| 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                    |
|------------|--------------------------------------------------------|-----------------------------|------------------|-----------|------------------|--------------------|----------------------------------------|-----------------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 07-2073    | Robert & Beverly Lowden                                | 129 Chilean Ave.            | 3/15/2007        | \$150.00  | \$477.84         | \$250.00           | 3/14/2007                              | 7/31/2007                         | \$35,377.84  | \$150 CEB Cost 3/15/07;\$250/day start 3/14/07, and 7/31/07; Adv fee \$477.84                                                                                                                  | Homesteaded/Cannot Foreclose                    |
| 07-2277    | Susan Gibson                                           | 226 Pendleton Ave.          | 9/20/2007        | \$150.00  |                  | \$250.00           | 9/29/2007                              | 3/20/2008                         | \$43,400.00  | \$150 CEB 9/20/07; \$250/day start 9/29/07, end 3/20/08 (sewer)                                                                                                                                | Homesteaded/Cannot Foreclose                    |
| 07-2277    | Susan Gibson                                           | 226 Pendleton Ave.          | 9/20/2007        |           |                  | \$250.00           | 10/17/2007                             | 4/27/2016                         | \$778,750.00 | \$250/day start 10/17/07 (doors and windows)                                                                                                                                                   | Homesteaded/Cannot Foreclose                    |
| 08-2497    | 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 |
| 08-2498    | 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 |
| 08-2499    | 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 |
| 08-2500    | 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 |
| 10-2706    | Susan C. Lee                                           | 287 Pendleton Ave.          | 4/15/2010        | \$150.00  |                  | \$250.00           | 4/10/2010                              | 4/27/2016                         | \$552,400.00 | \$250/day;start 4/10/10                                                                                                                                                                        | Non-Homesteaded; Owner Occupied                 |
| CE 10-182  | Florida Capital Management                             | 237 Brazilian Ave.          | 8/19/2010        | \$150.00  |                  | \$250.00           | 8/3/2010                               | 3/10/2011                         | \$54,750.00  | CEB costs paid on 8/2/10; \$250/day;start 8/3/10, ended 3/10/11; reduction by board of \$30,000.00 on 4/21/11; to be paid by 6/15/11 or returns to original amount; paid \$150 admin on 8/2/10 | Not Homesteaded/fine reduction hearing 4/21/11  |
| CE 11-1241 | Fiori                                                  | 350 S. County Rd., Ste. 100 | 9/15/2011        | \$150.00  |                  |                    | 9/15/2011                              | 9/15/2011                         | \$150.00     | \$150 CEB on 9/15/11                                                                                                                                                                           | Not Homesteaded/commercial property             |
| CE 11-1629 | Reynco Inc.                                            | 242 Colonial Lane           | 1/19/2012        | \$150.00  | \$125.00         |                    | 1/19/2012                              | 1/19/2012                         | \$275.00     | \$150 CEB on 1/19/12 and \$125 fine                                                                                                                                                            | Not Homesteaded                                 |
| CE 12-16   | Robert & Beverly Lowden                                | 129 Chilean Ave.            | 3/22/2012        | \$150.00  | \$0.00           | \$250.00           | 4/7/2012                               | 6/18/2015                         | \$291,900.00 | \$150 CEB on 3/22/12 and \$250 fine start 4/7/12; fine stopped 6/18/15                                                                                                                         | Homesteaded                                     |
| CE 12-86   | Armenta Landscape AKA Armenta Earch & Stone Enterprise | 2875 S. Ocean Blvd.         | 3/22/2012        | \$150.00  | \$250.00         |                    | 3/22/2012                              | 3/22/2012                         | \$400.00     | \$150 CEB on 3/22/12 and \$250 fine                                                                                                                                                            | violator not property owner                     |
| CE 12-389  | Christopher & Andrea Kaufmann                          | 434 Seaspray Ave.           | 5/17/2012        | \$150.00  | \$0.00           |                    | 5/17/2012                              | 5/17/2012                         | \$150.00     | \$150 CEB on 5/17/12                                                                                                                                                                           | Homesteaded                                     |
| CE 12-729  | Tucker's Tree Service                                  | 1080 N. Ocean Blvd.         | 6/21/2012        | \$150.00  | \$125.00         |                    | 6/21/2012                              | 6/21/2012                         | \$275.00     | \$150 CEB on 6/21/12 and \$125 fine                                                                                                                                                            | violator not property owner                     |
| CE 13-63   | Sandell Corp.                                          | 111 Atlantic Ave.           | 2/21/2013        | \$150.00  | \$0.00           | \$0.00             | 2/21/2013                              | 2/21/2013                         | \$150.00     | \$150 CEB on 2/21/13                                                                                                                                                                           | Not Homesteaded                                 |
| CE 13-249  | Jennifer 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                     |

## Code Enforcement Board Costs and Fines as of 4/27/2016

| Case #     | Name                                            | Address                           | Date Board Order | CEB costs | Non-Running Fine | Daily Running Fine | Date Costs or Fine Assessed or started | Current Date or Date Fine Stopped | Total Due   | Comments                                                                                                                                                | Homestead/Foreclosure Status     |
|------------|-------------------------------------------------|-----------------------------------|------------------|-----------|------------------|--------------------|----------------------------------------|-----------------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| CE 13-481  | Jennifer Condie                                 | 100 Block of Bradley Pl.          | 6/20/2013        | \$150.00  | \$250.00         | \$0.00             | 6/20/2013                              | 6/20/2013                         | \$400.00    | \$150 CEB on 6/20/13 and \$250 CEB Fine                                                                                                                 | violator not property owner      |
| CE 13-575  | Gayle P. Petersen Tr.                           | 151 Reef Rd.                      | 7/18/2013        | \$150.00  | \$125.00         | \$0.00             | 7/18/2013                              | 7/18/2013                         | \$125.00    | \$150 CEB on 7/18/13 and \$125 CEB Fine; paid admin costs only 8/14/13                                                                                  | Homesteaded                      |
| CE 13-765  | Sandell Corp.                                   | 111 Atlantic Ave.                 | 8/15/2013        | \$150.00  | \$2,500.00       | \$0.00             | 8/15/2013                              | 8/15/2013                         | \$2,650.00  | \$150 CEB on 8/15/13 and \$1,250.00 fine on 8/15/13                                                                                                     | Not Homesteaded                  |
| CE 13-815  | 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      |
| 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 is not a property owner |
| 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    |
| 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    |
| 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              |
| CE 14-1150 | Morgan T. McDonald                              | Clarke Beach                      | 11/20/2014       | \$150.00  | \$125.00         | \$0.00             | 11/20/2014                             | 11/20/2014                        | \$175.00    | \$150 CEB and \$125 fine on 11/20/14; partial payment \$50 on 1/5/15; partial payment \$50 on 5/8/15                                                    | violator not a property owner    |

## Code Enforcement Board Costs and Fines as of 4/27/2016

| Case #     | Name                                                     | Address              | Date Board Order        | CEB costs | Non-Running Fine | Daily Running Fine | Date Costs or Fine Assessed or started | Current Date or Date Fine Stopped | Total Due    | Comments                                                                                                           | Homestead/Foreclosure Status  |
|------------|----------------------------------------------------------|----------------------|-------------------------|-----------|------------------|--------------------|----------------------------------------|-----------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------|
| CE 14-1212 | 160 Royal Palm LLC                                       | 160 Royal Palm Way   | 12/18/2014              | \$150.00  | \$0.00           | \$250.00           | 1/10/2015                              | 4/27/2016                         | \$118,400.00 | \$150 CEB on 12/18/14; \$250/day fine start 1/10/15 per 1/15/15 BO                                                 | Commercial property           |
| 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 |
| 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                              | 6/9/2015                          | \$25,650.00  | \$150 CEB on 2/19/15; \$250/day starting 2/27/15 per 3/19/15 BO; debris removed on 6/9/15 - fine stopped           | Homesteaded                   |
| 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                         | \$200.00     | \$150 CEB Admin on 1/15/15 and \$125 fine on 1/15/15; received \$75 toward this outstanding amount on 3/28/16      | violator not property owner   |
| CE 15-57   | 224 Atlantic LLC                                         | 224 Atlantic Ave.    | 3/19/2015               | \$150.00  | \$0.00           | \$250.00           | 4/11/2015                              | 4/27/2016                         | \$95,650.00  | \$150 CEB on 3/19/15; \$250/day start 4/11/15 per 4/16/15 BO                                                       | Not Homesteaded               |
| CE 15-429  | Key to Life Therapies Inc. & 270 South County Road Corp. | 270 S. County Rd.    | 7/16/2015               | \$150.00  | \$0.00           | \$0.00             | 7/16/2015                              | 7/16/2015                         | \$150.00     | \$150 CEB on 7/16/15                                                                                               | Commercial property           |
| CE 15-459  | Paul Pomfret                                             | 168 Reef Rd.         | 9/17/2015               | \$150.00  | \$0.00           | \$50.00            | 8/31/2015                              | 9/24/2015                         | \$1,200.00   | \$150 CEB on 8/20/15, paid on 9/16/15; \$50/day start 8/31/15 per BO dated 9/17/15; fine stop 9/24/15              | Not Homesteaded               |
| CE 15-461  | Karin Jack                                               | 1047 S. Ocean Blvd.  | 7/16/2015               | \$150.00  | \$0.00           | \$100.00           | 7/28/2015                              | 4/27/2016                         | \$27,550.00  | \$150 CEB on 7/16/15; \$100/day start 7/28/15                                                                      | Not Homesteaded               |
| CE 15-471  | Arij Gasinassen                                          | 260 Clarke Ave.      | 7/16/2015               | \$150.00  | \$0.00           | \$0.00             | 7/16/2015                              | 7/16/2015                         | \$150.00     | \$150 CEB on 7/16/15; came into compliance on 7/17/15                                                              | Homesteaded                   |
| CE 15-780  | Steve Demetro & Crown PDR & Collision Center LLC         | 515 N. Lake Way      | 8/20/2015               | \$150.00  | \$250.00         | \$0.00             | 8/20/2015                              | 8/20/2015                         | \$400.00     | \$150 CEB and \$250 fine on 8/20/15                                                                                | violator not property owner   |
| CE 15-781  | Steve Adams & Crown PDR & Collision Center LLC           | 515 N. Lake Way      | 8/20/2015               | \$150.00  | \$250.00         | \$0.00             | 8/20/2015                              | 8/20/2015                         | \$400.00     | \$150 CEB and \$250 fine on 8/20/15                                                                                | violator not property owner   |
| CE 15-964  | Matthew Gabelli                                          | 1157 N. Lake Way     | 11/19/2015              | \$150.00  | \$0.00           | \$0.00             | 11/19/2015                             | 11/19/2015                        | \$150.00     | \$150 CEB Admin on 11/19/15, owes alarm fees                                                                       | Not Homesteaded               |
| CE 15-978  | Scott Derrin & Rhona Liebersohn                          | 250 Seminole Ave. #4 | 11/19/2015              | \$150.00  | \$0.00           | \$100.00           | 12/15/2015                             | 4/14/2016                         | \$12,100.00  | CEB fine \$100/day start 12/15/15 per BO dated 11/19/15; \$150 Admin costs paid on 11/17/15; compliance on 4/14/16 | Not Homesteaded               |
| CE 15-987  | Florida Capital Management                               | 237 Brazilian Ave.   | 11/19/2015 and 12/17/15 | \$150.00  | \$0.00           | \$100.00           | 12/4/2015                              | 4/27/2016                         | \$14,650.00  | \$150 CEB admin on 11/19/15; \$100/day fine start 12/4/15 per BO dated 12/17/15                                    | commercial property           |
| CE 15-1058 | Sheldon Kramer & Savecard Advertising                    | 302 S. County Rd.    | 12/17/2015              |           | \$250.00         | \$0.00             | 12/17/2015                             | 12/17/2015                        | \$250.00     | \$150 CEB admin and \$250 CEB fine on 12/17/15; called to advise he would just pay, admission of guilt.            | violator not property owner   |

Code Enforcement Board Costs and Fines as of 4/27/2016

| Case #     | Name                                          | Address               | Date Board Order    | CEB costs | Non-Running Fine | Daily Running Fine | Date Costs or Fine Assessed or started | Current Date or Date Fine Stopped | Total Due             | Comments                                                                                                                                 | Homestead/Foreclosure Status      |
|------------|-----------------------------------------------|-----------------------|---------------------|-----------|------------------|--------------------|----------------------------------------|-----------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| CE 15-1074 | The Sweet Spot Inc. & Milton Partnership LTD  | 302 S. County Rd.     | 12/17/2015          | \$150.00  | \$1,900.00       | \$0.00             | 12/17/2015                             | 12/17/2015                        | \$1,750.00            | Admin Costs and fine were paid, check bounced, added back to list, admin costs paid 3/28/16; partial payment of \$150 on fine on 4/15/16 | Commercial property               |
| CE 15-1166 | Fatemeh & Niaz Nazarian                       | 1556 N. Ocean Blvd.   | 2/18/2016 & 3/17/16 | \$150.00  | \$0.00           | \$100.00           | 3/11/2016                              | 4/27/2016                         | \$4,850.00            | \$150 CEB admin costs on 2/18/16; \$100/day fine on 3/17/16                                                                              | Not Homesteaded                   |
| CE 16-7    | The Sweet Spot Inc.                           | 100 Blk. Chilean Ave. | 1/21/2016           | \$150.00  | \$125.00         | \$0.00             | 1/21/2016                              | 1/21/2016                         | \$275.00              | \$150 CEB admin costs and \$125 fine on 1/21/16                                                                                          | violator not property owner       |
| CE 16-120  | Joshua & Celeste Leader                       | 232 Cherry Ln.        | 4/21/2016           | \$150.00  | \$0.00           | \$250.00           | 2/25/2016                              | 3/10/2016                         | \$3,650.00            | \$150 CEB admin costs on 4/21/16 & \$250 a day for 14 days out of compl (2/25-3/10)                                                      | Not Homesteaded                   |
| CE 16-138  | Carlyle House Assoc. Inc.                     | 2773 S. Ocean Blvd.   | 4/21/2016           | \$150.00  | \$0.00           | \$0.00             | 4/21/2016                              | 4/21/2016                         | \$150.00              | \$150 CEB admin costs on 4/21/16                                                                                                         | Condo common area/not homesteaded |
| CE 16-181  | CP 400 Royal Palm Way & Whalou Properties LLC | 400 Royal Palm Way    | 4/21/2016           | \$150.00  | \$0.00           | \$0.00             | 4/21/2016                              | 4/21/2016                         | \$150.00              | \$150 CEB admin costs on 4/21/16 & pay outstanding alarm fines/fees                                                                      | Commercial property               |
|            |                                               |                       |                     |           |                  |                    |                                        |                                   | <b>\$2,121,777.84</b> |                                                                                                                                          |                                   |

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Board/Commission Annual Report

## Agenda Title

Annual Report - Planning and Zoning Commission

## Presenter

Martin Klein, Chair

## Supporting Documents

- [Memorandum Dated April 29, 2016 From John S. Page, Director of Planning, Zoning and Building](#)
- [EXHIBIT A, PLANNING AND ZONING COMMISSION ACTIVITIES](#)

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Annual Report - Planning and Zoning Commission

Date: April 29, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council hear and accept the Planning and Zoning Commission Annual Report for 2015-2016.

## **GENERAL INFORMATION**

Attached Exhibit A is a summary of the activities of the Planning and Zoning Commission for the past year, as well as several pending items. 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.

Attachment

cc: Planning and Zoning Commissioners  
Jay Boodheshwar, Deputy Town Manager  
John C. Randolph, Town Attorney  
Veronica B. Close, AICP, Assistant Director  
Paul W. Castro, AICP, Zoning Administrator  
John Lingdren, AICP, Planning Administrator  
zf



## **EXHIBIT A**

### **PLANNING AND ZONING COMMISSION ACTIVITIES**

- Studied changes to allow parks as a permitted use in the C-TS zoning district.  
*Adopted Commission recommendation by Ordinance #13-2015.*
- Studied 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.  
*Adopted Commission recommendation by Ordinance #25-2015.*
- Studied changes to the Zoning Code allowing more flexibility for the placement of accessory structures such as childrens play equipment, swing sets and basketball hoops, etc. on private residential property.  
*Adopted in revised form by Ordinance #26-2015.*
- Studied proposed zoning changes regarding sign regulations related to recent Supreme Court decision regarding the content of signs.  
*Adopted in revised form by Ordinance #31-2015.*
- Studied the site plan review, special exception and variance approval requirements for building new single-family homes on nonconforming lots (make this an administrative task). Note: The intent is to eliminate the requirement for Council approval of new homes on nonconforming lots unless there are variances required (setbacks, lot coverage, landscape open space, height).  
*Adopted more restrictive requirements by Ordinance #4-2016.*
- Studied regulations for solar panels to allow more coverage on roofs if panels cannot be seen.  
*Accepted Commission recommendations to the LPA and Town Council to make no changes.*
- Studied a provision requiring “masonry” walls around cooling towers and generators in required setbacks. Also reviewed generator “siting” requirements.  
*Adopted Commission recommendation by Ordinance #4-2015.*
- Studied a proposed modification to the nonconforming building/structure provisions, and related code sections, to clarify that vacant property cannot be divided from abutting land in the same ownership when a property split would create or increase nonconformities to a building or structure.  
*Accepted Commission recommendation to the LPA and Town Council to make no changes.*
- Studied the 50% cubic footage demolition provision to add clarifying language that demolition which cumulatively exceeds 50% has to meet all Code provisions.  
*Adopted Commission recommendation by Ordinance #4-2016.*

- Studied the sign lighting requirements to specify when lighting may be allowed and when prohibited, including necessary approval process.  
*Adopted Commission recommendation by Ordinance #4-2016.*
- Studied swimming pool setback requirements to determine if changes should be recommended.  
*Accepted Commission recommendation to the LPA and Town Council to make no changes to setbacks and adopted Commission recommendation on landscape maintenance by Ordinance #4-2016..*
- Studied possible changes that would allow parapets as architectural features on homes with pitched roofs, and related building height calculations.  
*Adopted Commission recommendation by Ordinance #4-2015.*
- Studied varying side yard setback requirements and possible related Zoning Code requirements on smaller lots on Seaview Avenue, Seaspray Avenue and Seabreeze Avenue in the R-B zoning district for consistency and appropriateness. Also provided draft language for limiting the maximum lot size on the “Sea Streets” to prevent the combination of existing lots in order to build larger homes.  
*Commission recommendation to be considered by the Town Council on May 11, 2016.*
- Studied the point of measurement requirements to determine if the measurement of height, overall height, building height plane, and cubic content ratio (R-B District) should be measured from the natural grade of a lot rather than the highest street elevation in front of a lot.  
*Commission recommendation to be considered by the Town Council on May 11, 2016.*
- Studied language governing maximum linear building dimensions and lot coverage to prevent same from applying to underground structures in sub-basements not visible aboveground.  
*Commission recommendation to be considered by the Town Council on May 11, 2016.*
- Studied minimum landscaped open space requirements, clarifying how same is to be calculated when “greenspace” exists above underground structures.  
*Commission recommendation to be considered by the Town Council on May 11, 2016.*
- Studied revisions to the Zoning Code to require transformers for underground electric utilities and all other essential service boxes to be screened from the street.  
*Commission recommendation to be considered by the Town Council on May 11, 2016.*
- Considered application by The Breakers Palm Beach, Inc., to amend the PUD by extending the lease on the Pine Walk Transfer Station, the development of the remaining undeveloped phases and the possible transfer of development rights for 149 dwelling units.  
*Commission recommendation to be considered by the Town Council May 11, 2016.*

Pending Items on the Commission agenda include the following:

- Study the existing schedule of off-street parking spaces for various land use types to determine if adjustments should be made to the minimum number of required spaces.
- Complete the evaluation and appraisal process of the Town's Comprehensive Plan and make recommendation to the Local Planning Agency and Town Council.

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Committee Reports

## Agenda Title

Report of the Finance and Taxation Committee Meeting of March 30, 2016

## Presenter

Michael J. Pucillo, Chair

## Supporting Documents

- [Report of the Finance and Taxation Committee Meeting of March 30, 2016](#)

**REPORT OF THE FINANCE AND TAXATION COMMITTEE  
MEETING HELD ON MONDAY, MARCH 30, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The Finance and Taxation Committee meeting was called to order on March 30, 2016, at 2:00 p.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

**II. PLEDGE OF ALLEGIANCE**

Chair Pucillo led the Pledge of Allegiance.

**III. COMMUNICATIONS FROM CITIZENS – None**

**IV. APPROVAL OF AGENDA**

**Motion was made by Committee Member Kleid, and seconded by Chair Pucillo, to approve the Agenda. On call for a vote, the motion carried unanimously.**

**V. DISCUSSION REGARDING THE POTENTIAL REFUNDING OF THE 2010 REVENUE BONDS. [Jane Struder, Finance Director]**

Finance Director Struder stated that presentations would be heard from Jay Glover, Managing Director – Public Financial Management, along with Michael Hole, Managing Director – Citigroup Global Markets, Inc.

Jay Glover, Managing Director - Public Financial Management, provided a presentation regarding potential refunding of the 2010 Revenue Bonds.

Discussion ensued regarding the information presented.

**It was the consensus of the Committee to recommend to the Town Council not to proceed with refunding of the 2010 Revenue Bonds at this time, and to continue monitoring interest rates.**

**VI. CONSIDERATION OF PUBLIC SAFETY PENSION MATTERS**

a. **PRESENTATION OF COMPENSATION STUDY RESULTS [Gary Lawson, Mercer Group]**

Introductions were made of members of the Mercer Group that were present today; LaCinda Glover, Gary Lawson, and Heidi Gobetz.

Chair Pucillo thanked the Palm Beach Civic Association and the Palm Beach Police Foundation for funding the report.

Members of the Mercer Group presented an overview of the results of the survey done regarding compensation and core benefit programs.

Discussion took place regarding the results of the peer survey and the peer practices as compared to the Town of Palm Beach and recommendations of the Palm Beach Civic Association and Palm Beach Police Foundation.

Chair Pucillo called for public comment.

Tim Moran, 257 Dunbar Rd., Palm Beach Police Foundation, spoke in support of increasing the multiplier to 2.75%.

Ned Barnes, President Palm Beach Civic Association, thanked the Mercer Group for their work, and noted that the Civic Association was not prepared to make recommendations today; the intent of the Mercer Report was to provide information for today's meeting.

Dan McDonnell, 2784 S. Ocean Blvd, commented that public safety was a young person's job, and also commented regarding the problems with not being able to collect pensions until 65 years old, trainees leaving for better benefits elsewhere, the interaction of residents with public safety personnel, and the sense of security in the Town.

Discussion took place regarding the letter received from David Rosow regarding investment returns in Defined Contribution (DC) and Defined Benefit (DB) plans, how employees assign value to DC plans, and the concept of taking the money being put into the DC plan, or perhaps less than that amount, and re-route that money into the DB plan.

Chair Pucillo stated that it is a very difficult task to come up with something fiscally responsible, cash flow neutral or better, recognizing that DB plans have inherent risks long term, while also recognizing that there is a problem in public safety employee retention and hiring.

b. **DISCUSSION OF POTENTIAL OPTIONS FOR DEFINED BENEFIT PLAN FOR PUBLIC SAFETY EMPLOYEES**

Finance Director Struder provided a presentation entitled Public Safety Pension Scenarios, and noted that the analyses had been updated using a September 30, 2015, valuation.

Discussion ensued regarding comparing funding levels with market peers, comparison with the Florida Retirement System,

**It was the consensus of the Committee to recommend to the Town Council obtaining actuarial evaluations, with all kinds of variations, to include:**

- **Using the DC money to provide benefit increases in the DB plan, to include 2 Scenarios:**
  - **Scenario 1) 2.75% Multiplier, Age 56 and 10% employee Contribution,**
  - **Scenario 2) 3% Multiplier, Age 55, and 10% employee contribution,**
- **How the Town's unfunded liability compares with its peers,**
- **Obtain an analysis of the cost of joining the Florida Retirement System (FRS) (per the request of Town Manager Bradford).**

Discussion took place regarding other variables in benefits such as Cost of Living Adjustment (COLA), and subsidized survivorship benefits.

Gerald Frank, 2784 S. Ocean Blvd., spoke regarding the importance of the consideration of public safety employee retention and benefits as a priority.

Chair Pucillo commented regarding the reality that there were two different market places between general employees and public safety employees, and that most municipalities have different retirement systems for general employees and public safety employees.

## **VII. ANY OTHER MATTERS – *None***

**VIII. ADJOURNMENT**

There being no further business, the Finance and Taxation Committee meeting of Wednesday, March 30, 2016, was adjourned at 4:28 p.m.

APPROVED:

\_\_\_\_\_  
Michael J. Pucillo  
Chair

ATTEST:

\_\_\_\_\_  
Susan A. Owens, MPA, MMC  
Town Clerk

\_\_\_\_\_  
Date



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Committee Reports

## Agenda Title

Report of the Ordinances, Rules, & Standards Committee Meeting of  
April 7, 2016

## Presenter

Bobbie Lindsay, Chair

## Supporting Documents

- [Report of the Ordinances, Rules, & Standards Committee Meeting of April 7, 2016](#)

**REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE  
MEETING HELD ON THURSDAY, APRIL 7, 2016**

**I. CALL TO ORDER AND ROLL CALL**

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on April 7, 2016, at 9:30 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

**II. APPROVAL OF AGENDA**

**Motion was made by Committee Member Moore, and seconded by Chair Lindsay, to approve the Agenda. On call for a vote, the motion carried unanimously.**

**III. COMMUNICATIONS FROM CITIZENS – *None***

**IV. REGULAR AGENDA**

**A. Old Business**

**1. Potential Regulation of Drones (*Nicholas Caristo, Police Lieutenant*)**

Lieutenant Caristo provided an overview of the need for drone regulations and the revised ordinance.

Discussion ensued regarding former Committee Chair Townsend's environmental concerns, the Federal Aviation Administration's (FAA) regulations for personal use of drones, the need for an expedited permit process for time sensitive incidents, how long the permits will be good for, drone operation requirements, and the ability to operate drones at night.

Chair Lindsay made the following recommendations:

- Move Sec. 14-35(f) out of Section 1 of the ordinance
- Add a provision for expedited permits
- Add verbiage addressing how long the permit will be open
- Add restrictions for operating a drone at night

- Add, “*May only be operated at Federal Aviation Administration approved altitudes.*” to Section 14-35(d) and the fourth bullet point under Section 14-35(e)

Discussion ensued regarding Staff moving forward and presenting the ordinance to the Town Council with the changes noted above.

**It was the consensus of the Committee to recommend Town Council approval of the proposed ordinance, as amended above.**

2. Proposed Changes to Smart Irrigation Regulations (*John Page, Director of Planning, Zoning and Building*)

Deputy Boodheshwar presented a short video on the Smart Irrigation System that was installed on Worth Avenue.

Building Official Bucklew provided an overview of Staff’s proposed changes to the smart irrigation regulations and discussed the additional components of the regulations that require further study.

Discussion ensued regarding the costs and benefits for converting to a Smart Irrigation system.

Chair Lindsay noted that she would like to spend more time on the non-technical aspects of the ordinance, propose some small changes, and discuss the need to simplify the approval process for both Staff and residents.

Discussion ensued regarding the inclusion of Smart Irrigation in the comprehensive review of Chapter 66.

**It was the consensus of the Committee to defer this item to the May 5, 2016, ORS Committee meeting, and include it in the Town’s review of Chapter 66.**

3. Proposed Exterior Lighting Standards (*John Page, Director of Planning, Zoning and Building*)

Building Official Bucklew provided an overview of the need for exterior lighting standards and the proposed standards.

Discussion ensued regarding holiday lighting, light trespassing, lighting requirements for charitable or special events, where the proposed standards came from, security spotlights and motion detectors, and having the Police Department review the standards before they are finalized.

**It was the consensus of the Committee to recommend Town Council approval of the**

1       **proposed exterior lighting standards.**

2  
3       **Chair Lindsay requested to review the final resolution before it is placed on the**  
4       **Town Council agenda.**

- 5  
6               4.       Concerns Regarding Grass Protectors in Right-of-Way (*Nicholas*  
7                       *Caristo, Police Lieutenant*)

8  
9               Code Enforcement Manager Alma provided an overview of the concerns  
10              regarding grass protectors in rights-of-ways and Staff's  
11              recommendation.

12  
13              Discussion ensued regarding incidents related to grass protectors, the  
14              aesthetics of grass protectors, and whether or not to maintain the status  
15              quo.

16  
17       **It was the consensus of the Committee to recommend that the Town Council**  
18       **maintain the status quo regarding grass protectors.**

19  
20       B.       New Business

- 21  
22              1.       Potential Regulation of Kiteboarding (*Nicholas Caristo, Police*  
23                       *Lieutenant*)

24  
25              Deputy Town Manager Boodheshwar provided an overview of the  
26              kiteboarding issue.

27  
28              Code Enforcement Manager Alma provided an overview of Staff's  
29              research and the potential regulations.

30  
31              James Brennan, 2850 S. Ocean Blvd., expressed his concerns regarding  
32              kiteboarding.

33  
34              Discussion ensued regarding where the private and public beaches begin  
35              and end near the Bellaria.

36  
37              Greg Silvi, Palm Beach, spoke regarding how the Town Code addresses  
38              kiteboarding and suggested the addition of signage and buoys.

39  
40              Deputy Town Manager Boodheshwar spoke regarding the Town Code's  
41              references to guarded beaches and restricted zones, Mr. Brennan's  
42              unique situation, the public wanting access to the waterline for sports  
43              activities, Kreusler Park, and requested that the matter be deferred.

44  
45              William Wedge, 4429 Palm Breeze Trl., spoke regarding the property  
46              lines and Mr. Brennan's encroachment on the public's ability to use the

beach.

Discussion ensued regarding the need for Mr. Brennan's beach property to be resurveyed, differences between the high water mark and erosion control line, safety concerns, communication, investigating the use of buoys, signage, and regulating public beaches by the Town Code.

**It was the consensus of the Committee to direct Staff to enhance signage notifying the public that kitesurfing is prohibited on public guarded beaches, and to recommend that the Town Council maintain the status quo regarding kitesurfing.**

2. Review Proposed ORS Meeting Schedule for the Period of May to December 2016 (*Jay Boodheshwar, Deputy Town Manager*)

Discussion ensued regarding the meeting schedule for the remainder of the year.

**It was the consensus of the Committee to wrap up all pending items in May and June, to cancel the July 7, 2016, and August 4, 2016, ORS Committee meetings, and return in September to discuss any new issues.**

Deputy Town Manager Boodheshwar recommended meeting on the 8<sup>th</sup> or 13<sup>th</sup> of September, 2016.

**It was the consensus of the Committee to tentatively schedule the following meeting dates:**

- September 8, 2016
- October 6, 2016
- November 3, 2016
- December 8, 2016

**V. ANY OTHER MATTERS – *None***

**VI. ADJOURNMENT**

There being no further business, the Ordinances, Rules, and Standards Committee meeting of Thursday, April 7, 2016, was adjourned at 11:26 a.m.

APPROVED:

\_\_\_\_\_  
Bobbie Lindsay  
Chair

ATTEST:

\_\_\_\_\_  
Susan A. Owens, MPA, MMC  
Town Clerk

\_\_\_\_\_  
Date

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Pension and Retirement Matters.

*Jane Struder, Director of Finance*

**TIME CERTAIN: 10:30 AM**

a. Review of Actuarial Study for Scenarios 1 and 2 and the Florida Retirement System (FRS)

b. RESOLUTION NO. 47-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving an Amendment to the Statement of Overall Investment Objectives and Policy for the Town of Palm Beach Retirement System Pursuant To Section 82-57(I) of the Code of Ordinances of the Town of Palm Beach, and Providing an Effective Date. (Assumed Investment Rate of Return Will Decrease From 7.5% to 7.0% by 10 Basis Points per Year Until the Investment Rate of Return Reaches 7.0%).

*Deferred from the April 12, 2016, Town Council Meeting*

*William B. Hanes, Pension Administrator*

## Presenter

## Supporting Documents

- [a. Memorandum dated May 2, 2016, from Jane Struder, Director of Finance](#)
- [Actuarial Reports](#)
- [b. Memorandum dated April 12, 2016, from William P. Hanes, Pension Administrator](#)
- [Resolution No. 47-2016](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Additional Actuarial Information for Proposed Pension Modifications

Date: May 2, 2016

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## **STAFF RECOMMENDATION**

Staff is providing requested information and is seeking guidance from the Town Council.

## **GENERAL INFORMATION**

The following 10-Year Projection Scenarios (based on State Mortality tables beginning in FY2018) have been provided by Gabriel Roeder Smith (GBS) for Police Officers and Firefighters as requested by Council at the April 12, 2016 Town Council meeting:

- 7%, 5% and 1% Proj. Market Rate of Return|Retirement Age 55|3.00% Multiplier
- 7%, 5% and 1% Proj. Market Rate of Return|Retirement Age 56|2.75% Multiplier

In addition, GBS has provided a supplemental valuation (based on State Mortality tables beginning in FY2018) illustrating the effect on the System of transferring current active members to the Florida Retirement System.

Copies of the actuarial reports are attached, along with summary pages prepared by staff. The following assumptions, based on the current benefit structure (with and without the 4% Employer Discretionary Match) and a 7% investment return, were used for the Hybrid Plan forecast:

- Defined Benefit – 1.25% multiplier, Age 65 Retirement Age and a 2.47% Employee Contribution|4.82% Firefighter Union Employee Contribution – State mortality tables were used in the calculation beginning in FY2018
- Defined Contribution – 4% Employee Contribution|2% Firefighter Union Employee Contribution|4% Employer Match |4% Employer Discretionary Match

Brad Armstrong, with Gabriel Roeder Smith and Company will be present to answer any questions the Town Council may have regarding the reports.



### **FUNDING FISCAL IMPACT**

The fiscal impact to the Town, shown on the summary page of the results, would begin in FY17.

Attachment  
jls

**Town of Palm Beach**  
**Public Safety Actuarial Study Results as of April 29, 2016**  
**Town Contributions**

| Scenario 1 | 2.75% Multiplier, Age 56, 10% EE Contribution |                   |                   |                    | Hybrid Plan 8%           |                         | Hybrid Plan 4%           |                         |
|------------|-----------------------------------------------|-------------------|-------------------|--------------------|--------------------------|-------------------------|--------------------------|-------------------------|
|            | FY                                            | 7% Return         | 5% Return         | 1% Return          | Hybrid Plan<br>7% Return | Difference<br>7% Return | Hybrid Plan<br>7% Return | Difference<br>7% Return |
|            | 2017                                          | 5,439,743         | 5,439,743         | 5,439,743          | 5,601,292                | 161,549                 | 5,418,001                | (21,742)                |
|            | 2018                                          | 6,569,917         | 6,594,038         | 6,643,035          | 6,690,130                | 120,213                 | 6,503,356                | (66,561)                |
|            | 2019                                          | 6,916,328         | 6,990,959         | 7,138,273          | 7,086,950                | 170,622                 | 6,894,573                | (21,755)                |
|            | 2020                                          | 7,353,745         | 7,507,487         | 7,801,949          | 7,556,496                | 202,751                 | 7,361,233                | 7,488                   |
|            | 2021                                          | 7,802,087         | 8,063,802         | 8,557,214          | 8,037,479                | 235,392                 | 7,837,882                | 35,795                  |
|            | 2022                                          | 8,101,643         | 8,503,417         | 9,245,245          | 8,370,910                | 269,267                 | 8,166,004                | 64,361                  |
|            | 2023                                          | 8,409,463         | 8,958,659         | 9,950,451          | 8,699,586                | 290,123                 | 8,487,999                | 78,536                  |
|            | 2024                                          | 8,698,743         | 9,404,791         | 10,646,354         | 9,028,071                | 329,328                 | 8,809,121                | 110,378                 |
|            | 2025                                          | 9,026,236         | 9,897,542         | 11,389,302         | 9,358,226                | 331,990                 | 9,131,657                | 105,421                 |
|            | 2026                                          | 9,335,400         | 10,381,496        | 12,121,839         | 9,690,982                | 355,582                 | 9,456,528                | 121,128                 |
|            | 2027                                          | 9,651,134         | 10,733,387        | 12,534,891         | 10,034,621               | 383,487                 | 9,792,008                | 140,874                 |
|            | <b>Total</b>                                  | <b>87,304,439</b> | <b>92,475,321</b> | <b>101,468,296</b> | <b>90,154,744</b>        | <b>2,850,305</b>        | <b>87,858,362</b>        | <b>553,923</b>          |

| Scenario 2 | 3.00% Multiplier, Age 55, 10% EE Contribution |                   |                   |                    | Hybrid Plan 8%           |                         | Hybrid Plan 4%           |                         |
|------------|-----------------------------------------------|-------------------|-------------------|--------------------|--------------------------|-------------------------|--------------------------|-------------------------|
|            | FY                                            | 7% Return         | 5% Return         | 1% Return          | Hybrid Plan<br>7% Return | Difference<br>7% Return | Hybrid Plan<br>7% Return | Difference<br>7% Return |
|            | 2017                                          | 5,556,294         | 5,556,294         | 5,556,294          | 5,601,292                | 44,998                  | 5,418,001                | (138,293)               |
|            | 2018                                          | 6,700,089         | 6,724,578         | 6,773,516          | 6,690,130                | (9,959)                 | 6,503,356                | (196,733)               |
|            | 2019                                          | 7,036,795         | 7,111,653         | 7,258,604          | 7,086,950                | 50,155                  | 6,894,573                | (142,222)               |
|            | 2020                                          | 7,480,427         | 7,634,299         | 7,929,394          | 7,556,496                | 76,069                  | 7,361,233                | (119,194)               |
|            | 2021                                          | 7,930,890         | 8,193,250         | 8,687,179          | 8,037,479                | 106,589                 | 7,837,882                | (93,008)                |
|            | 2022                                          | 8,249,918         | 8,651,862         | 9,394,906          | 8,370,910                | 120,992                 | 8,166,004                | (83,914)                |
|            | 2023                                          | 8,540,965         | 9,091,882         | 10,086,127         | 8,699,586                | 158,621                 | 8,487,999                | (52,966)                |
|            | 2024                                          | 8,853,281         | 9,561,849         | 10,806,777         | 9,028,071                | 174,790                 | 8,809,121                | (44,160)                |
|            | 2025                                          | 9,149,702         | 10,024,442        | 11,520,945         | 9,358,226                | 208,524                 | 9,131,657                | (18,045)                |
|            | 2026                                          | 9,481,658         | 10,530,387        | 12,278,619         | 9,690,982                | 209,324                 | 9,456,528                | (25,130)                |
|            | 2027                                          | 9,795,537         | 10,881,766        | 12,690,808         | 10,034,621               | 239,084                 | 9,792,008                | (3,529)                 |
|            | <b>Total</b>                                  | <b>88,775,556</b> | <b>93,962,262</b> | <b>102,983,169</b> | <b>90,154,744</b>        | <b>1,379,188</b>        | <b>87,858,362</b>        | <b>(917,194)</b>        |



Town of Palm Beach

Public Safety Actuarial Study Results as of April 29, 2016

Unfunded Actuarial Accrued Liability (UAAL)

| Scenario 1 | 2.75% Multiplier, Age 56, 10% EE Contribution |             |            | Hybrid DB Plan |            |             |
|------------|-----------------------------------------------|-------------|------------|----------------|------------|-------------|
|            | FY                                            | 1% Return   | 5% Return  | 7% Return      | Hybrid DB  | Difference  |
|            | 2015                                          | 60,340,452  | 60,340,452 | 60,340,452     | 58,126,229 | (2,214,223) |
|            | 2016                                          | 78,371,658  | 77,477,248 | 77,030,042     | 74,290,538 | (2,739,504) |
|            | 2017                                          | 82,019,666  | 79,344,948 | 77,980,512     | 75,453,627 | (2,526,885) |
|            | 2018                                          | 88,453,396  | 83,122,225 | 80,347,664     | 77,687,341 | (2,660,323) |
|            | 2019                                          | 96,209,101  | 87,361,453 | 82,664,857     | 79,833,426 | (2,831,431) |
|            | 2020                                          | 102,231,328 | 89,032,595 | 81,793,557     | 78,842,615 | (2,950,942) |
|            | 2021                                          | 107,699,233 | 90,240,528 | 80,543,717     | 77,252,246 | (3,291,471) |
|            | 2022                                          | 112,655,549 | 91,051,639 | 78,720,438     | 75,143,783 | (3,576,655) |
|            | 2023                                          | 117,069,066 | 91,455,176 | 76,414,614     | 72,500,916 | (3,913,698) |
|            | 2024                                          | 120,882,141 | 91,405,911 | 73,588,806     | 69,323,186 | (4,265,620) |
|            | 2025                                          | 124,100,899 | 90,912,967 | 70,258,463     | 65,614,322 | (4,644,141) |

| Scenario 2 | 3.00 Multiplier, Age 55, 10% EE Contribution |             |            | Hybrid DB Plan |            |             |
|------------|----------------------------------------------|-------------|------------|----------------|------------|-------------|
|            | FY                                           | 1% Return   | 5% Return  | 7% Return      | Hybrid DB  | Difference  |
|            | 2015                                         | 60,689,719  | 60,689,719 | 60,689,719     | 58,126,229 | (2,563,490) |
|            | 2016                                         | 78,894,065  | 77,999,670 | 77,552,473     | 74,290,538 | (3,261,935) |
|            | 2017                                         | 82,441,889  | 79,766,214 | 78,401,712     | 75,453,627 | (2,948,085) |
|            | 2018                                         | 88,906,105  | 83,570,135 | 80,794,160     | 77,687,341 | (3,106,819) |
|            | 2019                                         | 96,697,240  | 87,838,509 | 83,136,943     | 79,833,426 | (3,303,517) |
|            | 2020                                         | 102,766,557 | 89,545,273 | 82,385,632     | 78,842,615 | (3,543,017) |
|            | 2021                                         | 108,284,683 | 90,786,220 | 81,069,107     | 77,252,246 | (3,816,861) |
|            | 2022                                         | 113,316,042 | 91,649,499 | 79,285,815     | 75,143,783 | (4,142,032) |
|            | 2023                                         | 117,798,115 | 92,092,856 | 77,004,275     | 72,500,916 | (4,503,359) |
|            | 2024                                         | 121,722,812 | 92,120,967 | 74,236,754     | 69,323,186 | (4,913,568) |
|            | 2025                                         | 125,058,423 | 91,706,954 | 70,960,834     | 65,614,322 | (5,346,512) |

Town of Palm Beach  
 Actuarial Study Results as of April 29, 2016  
 Comparison of FRS versus Town Hybrid Plan DB and DC  
 Public Safety Options

| FY    | Options      |            |             | Hybrid Plan 8% | Hybrid Plan 4% |
|-------|--------------|------------|-------------|----------------|----------------|
|       | 2.75% Age 56 | 3% Age 55  | FRS         | 7% Return      | 7% Return      |
| 2017  | 5,439,743    | 5,556,294  | 7,607,486   | 5,601,292      | 5,418,001      |
| 2018  | 6,569,917    | 6,700,089  | 8,731,217   | 6,690,130      | 6,503,356      |
| 2019  | 6,916,328    | 7,036,795  | 8,959,465   | 7,086,950      | 6,894,573      |
| 2020  | 7,353,745    | 7,480,427  | 9,296,782   | 7,556,496      | 7,361,233      |
| 2021  | 7,802,087    | 7,930,890  | 9,643,510   | 8,037,479      | 7,837,882      |
| 2022  | 8,101,643    | 8,249,918  | 9,768,228   | 8,370,910      | 8,166,004      |
| 2023  | 8,409,463    | 8,540,965  | 9,875,118   | 8,699,586      | 8,487,999      |
| 2024  | 8,698,743    | 8,853,281  | 9,974,660   | 9,028,071      | 8,809,121      |
| 2025  | 9,026,236    | 9,149,702  | 10,067,130  | 9,358,226      | 9,131,657      |
| 2026  | 9,335,400    | 9,481,658  | 10,155,380  | 9,690,982      | 9,456,528      |
| 2027  | 9,651,134    | 9,795,537  | 10,248,137  | 10,034,621     | 9,792,008      |
| Total | 87,304,439   | 88,775,556 | 104,327,113 | 90,154,744     | 87,858,362     |



**Town of Palm Beach**

**Actuarial Study Results as of April 29, 2016**

**Comparison of FRS versus Town Hybrid Plan DB and DC**

**All Employee Groups**

| FY    | Florida Retirement System |            |                        |            |                                 |  | Town Total<br>Contribution -<br>Hybrid | Difference<br>between<br>Hybrid and<br>FRS |
|-------|---------------------------|------------|------------------------|------------|---------------------------------|--|----------------------------------------|--------------------------------------------|
|       | Firefighters              | Police     | Total Public<br>Safety | General    | Total All<br>Employee<br>Groups |  |                                        |                                            |
| 2017  | 3,879,916                 | 3,727,570  | 7,607,486              | 3,084,807  | 10,692,293                      |  | 8,940,242                              | 1,752,051                                  |
| 2018  | 4,436,914                 | 4,294,303  | 8,731,217              | 3,598,879  | 12,330,096                      |  | 10,603,800                             | 1,726,296                                  |
| 2019  | 4,554,886                 | 4,404,579  | 8,959,465              | 3,720,308  | 12,679,773                      |  | 11,201,751                             | 1,478,022                                  |
| 2020  | 4,718,851                 | 4,577,931  | 9,296,782              | 3,905,309  | 13,202,091                      |  | 11,899,075                             | 1,303,016                                  |
| 2021  | 4,885,089                 | 4,758,421  | 9,643,510              | 4,087,871  | 13,731,381                      |  | 12,599,982                             | 1,131,399                                  |
| 2022  | 4,943,977                 | 4,824,251  | 9,768,228              | 4,138,666  | 13,906,894                      |  | 13,089,960                             | 816,934                                    |
| 2023  | 4,993,831                 | 4,881,287  | 9,875,118              | 4,181,223  | 14,056,341                      |  | 13,565,501                             | 490,840                                    |
| 2024  | 5,040,701                 | 4,933,959  | 9,974,660              | 4,223,910  | 14,198,570                      |  | 14,061,199                             | 137,371                                    |
| 2025  | 5,085,222                 | 4,981,908  | 10,067,130             | 4,261,926  | 14,329,056                      |  | 14,558,959                             | (229,903)                                  |
| 2026  | 5,126,854                 | 5,028,526  | 10,155,380             | 4,295,284  | 14,450,664                      |  | 15,041,695                             | (591,031)                                  |
| 2027  | 5,168,614                 | 5,079,523  | 10,248,137             | 4,335,493  | 14,583,630                      |  | 15,560,957                             | (977,327)                                  |
| Total | 52,834,855                | 51,492,258 | 104,327,113            | 43,833,676 | 148,160,789                     |  | 141,123,121                            | 7,037,668                                  |

May 2, 2016

Mr. Michael J. Pucillo  
Town Council President  
Town of Palm Beach  
P.O. Box 211  
Palm Beach, Florida 33480

**Re: Town of Palm Beach Retirement System – Supplemental Valuation**

Dear Mr. Pucillo:

As requested by the Town, we are enclosing a supplemental valuation, including 10-year projections, illustrating the impact of potential plan changes for the Town of Palm Beach Retirement System. The results are based on census and asset data as of September 30, 2015.

This supplemental valuation illustrates the effect on the System of transferring current active members to the Florida Retirement System (FRS). The System would effectively close to new hires, who would participate in the FRS. For the purposes of this supplemental, 100% of active employees as of September 30, 2015, who are not grandfathered into the current plan, were assumed to enroll in the FRS Pension Plan. Grandfathered members were assumed to remain with the Town's Retirement System.

We have prepared 10-year projections showing the projected impact of the proposed plan changes. Throughout these projections, new members are assumed to be hired each year to replace the active members who are expected to leave employment. New employees are assumed to have the same average demographic characteristics (age, gender, and salary – adjusted each year for inflation) at their dates of employment as those of current active members. All current active members were assumed to become fully vested in Plan B and have their Plan B benefit frozen prior to transferring to the FRS. The liabilities associated with these benefits, along with the current retired, deferred, Plan A Frozen benefits, and grandfathered active members were assumed to remain with the Town of Palm Beach Retirement System.

Since the System would close to new entrants, the payroll growth assumption used in the amortization of the unfunded liabilities was set to 0% (i.e., level-dollar amortization method). Lowering this rate to 0% causes the amortization payment on the Unfunded Actuarial Accrued Liability to initially increase. Changes in the actuarial accrued liability due to the proposed provisions were amortized over a closed 30-year period.

**Summary of Results**

Projected results for the Police Officers and Firefighters are compared to the "Scenario" Projections provided to the Town on April 29, 2016, as well as the current plan. Results in the table labeled "Retirement Age 55| 3% Multiplier" show the Town's dollar contribution for the scenario where the normal retirement age is 55, the benefit multiplier is 3.00%, and employee contributions are 10%. Please refer to the supplemental valuation provided to the Town and dated March 3, 2016 for the assumptions used in valuing these benefit scenarios. No similar scenarios were done for the General Employees.



The projected results shown in the following exhibits use the FRS mortality tables and a 7% investment return assumption to value the Systems liabilities beginning with the September 30, 2016 valuation (which affects the fiscal year 2018 contribution), and thereafter.

The required contribution to the Florida Retirement System for the fiscal year ending June 30, 2017 on behalf of special risk class employees is 22.57% and 7.52% on behalf of regular class employees. For the purposes of the projections, these contribution rates were assumed to stay level for the entire projection period. The FRS contribution rates are likely to vary in the future due to several factors, including but not limited to: plan experience, changes in assumptions and/or methods, and applicable laws.

### **Recommended Assumptions/Methods for Closed Pension Plans**

After a pension plan is closed, the number of active employees participating in the plan (and their covered payroll) will decline, and for Palm Beach there may immediately be no active employees remaining. To lessen shifting the costs associated with current employees' benefits to future generations of taxpayers, it is highly recommended that steps be taken to accelerate funding of the plan on a conservative basis.

Over time, the investments will likely be invested more conservatively to preserve the funded status of the plan when there are no active employees remaining. This may necessitate reductions in the investment return assumption, which will, in turn, cause required Town contributions to increase. We have not illustrated this potential impact.

### **Disclosures**

This report was prepared at the request of the Town of Palm Beach and is intended for use by the Town and those designated or approved by the Town. This report may be provided to parties other than the Town only in its entirety and only with the permission of the Town.

The purpose of this report is to describe the financial effect of closing the System to new entrants and transferring all non-grandfathered active members to the FRS. In doing so, it has been assumed that all retired, deferred, Plan A/B Frozen benefits and grandfathered members remain in the current plan. This report should not be relied on for any other purpose than the purpose described above.

The calculations in this report are based upon information furnished by the Plan Administrator for the September 30, 2015 Actuarial Valuation concerning Pension Fund benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We reviewed this information for internal and year-to-year consistency, but did not audit the data. We are not responsible for the accuracy or completeness of the information provided by the Plan Administrator.

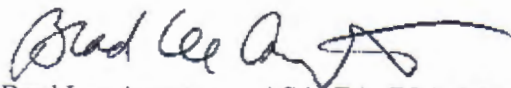
The calculations are based upon assumptions regarding future events, which may or may not materialize. Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: System experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the additional cost or contribution requirements based on the Pension Fund's funded status); and changes in plan provisions or applicable law. If you have reason to believe the assumptions used are unreasonable, that the plan provisions are incorrectly described, or that conditions have changed since the calculations were made, you should contact the authors of the report prior to relying on information in the report.

Brad Lee Armstrong and Jeffrey T. Tebeau are Members of the American Academy of Actuaries (MAAA) and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. The undersigned actuaries are independent of the plan sponsor.

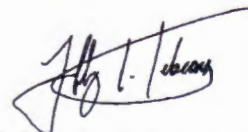
This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly represents the actuarial position of the Plan as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

Please contact us if you have any questions or comments.

Respectively submitted,



Brad Lee Armstrong, ASA, EA, FCA, MAAA



Jeffrey T. Tebeau, ASA, MAAA

BLA:sc

Enclosures

cc: Board of Trustees  
Richard M. Kleid, Town Council President Pro Tem  
Tom Bradford, Town Manager  
Jane Struder, Finance Director  
William Hanes, Pension Administrator



**Town of Palm Beach Retirement System - Public Safety**  
**Summary of Combined Results**  
**Retirement Age 55 | 3.00% Multiplier | 10% EE Contribution**

| Valuation Year | Contribution Fiscal Year | 7% Projected Market RoR |              |  | 5% Projected Market RoR |              |  | 1% Projected Market RoR |              |  |
|----------------|--------------------------|-------------------------|--------------|--|-------------------------|--------------|--|-------------------------|--------------|--|
|                |                          | Dollar Contribution     | Funded Ratio |  | Dollar Contribution     | Funded Ratio |  | Dollar Contribution     | Funded Ratio |  |
| 2015           | 2017                     | \$ 5,556,294            | 67.2%        |  | \$ 5,556,294            | 67.2%        |  | \$ 5,556,294            | 67.2%        |  |
| 2016           | 2018                     | 6,700,089               | 61.4%        |  | 6,724,578               | 61.2%        |  | 6,773,516               | 60.7%        |  |
| 2017           | 2019                     | 7,036,795               | 61.2%        |  | 7,111,653               | 60.5%        |  | 7,258,604               | 59.2%        |  |
| 2018           | 2020                     | 7,480,427               | 60.4%        |  | 7,634,299               | 59.0%        |  | 7,929,394               | 56.4%        |  |
| 2019           | 2021                     | 7,930,890               | 59.7%        |  | 8,193,250               | 57.4%        |  | 8,687,179               | 53.1%        |  |
| 2020           | 2022                     | 8,249,918               | 60.6%        |  | 8,651,862               | 57.2%        |  | 9,394,906               | 50.9%        |  |
| 2021           | 2023                     | 8,540,965               | 61.8%        |  | 9,091,882               | 57.2%        |  | 10,086,127              | 49.0%        |  |
| 2022           | 2024                     | 8,853,281               | 63.2%        |  | 9,561,849               | 57.4%        |  | 10,806,777              | 47.3%        |  |
| 2023           | 2025                     | 9,149,702               | 64.7%        |  | 10,024,442              | 57.7%        |  | 11,520,945              | 45.9%        |  |
| 2024           | 2026                     | 9,481,658               | 66.3%        |  | 10,530,387              | 58.2%        |  | 12,278,619              | 44.8%        |  |
| 2025           | 2027                     | 9,795,537               | 68.2%        |  | 10,881,766              | 58.9%        |  | 12,690,808              | 43.9%        |  |

RoR = Rate of Return

# Town of Palm Beach Retirement System - Public Safety

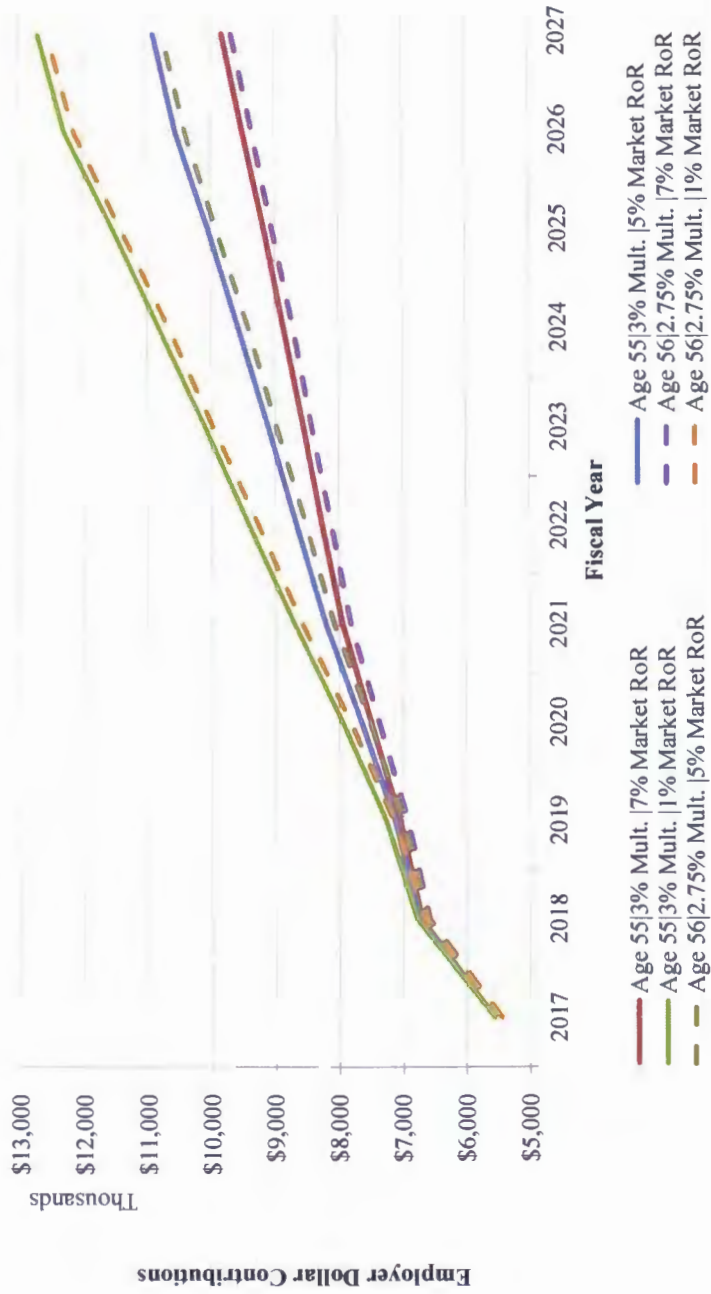
## Summary of Combined Results

Retirement Age 56 | 2.75% Multiplier | 10% EE Contribution

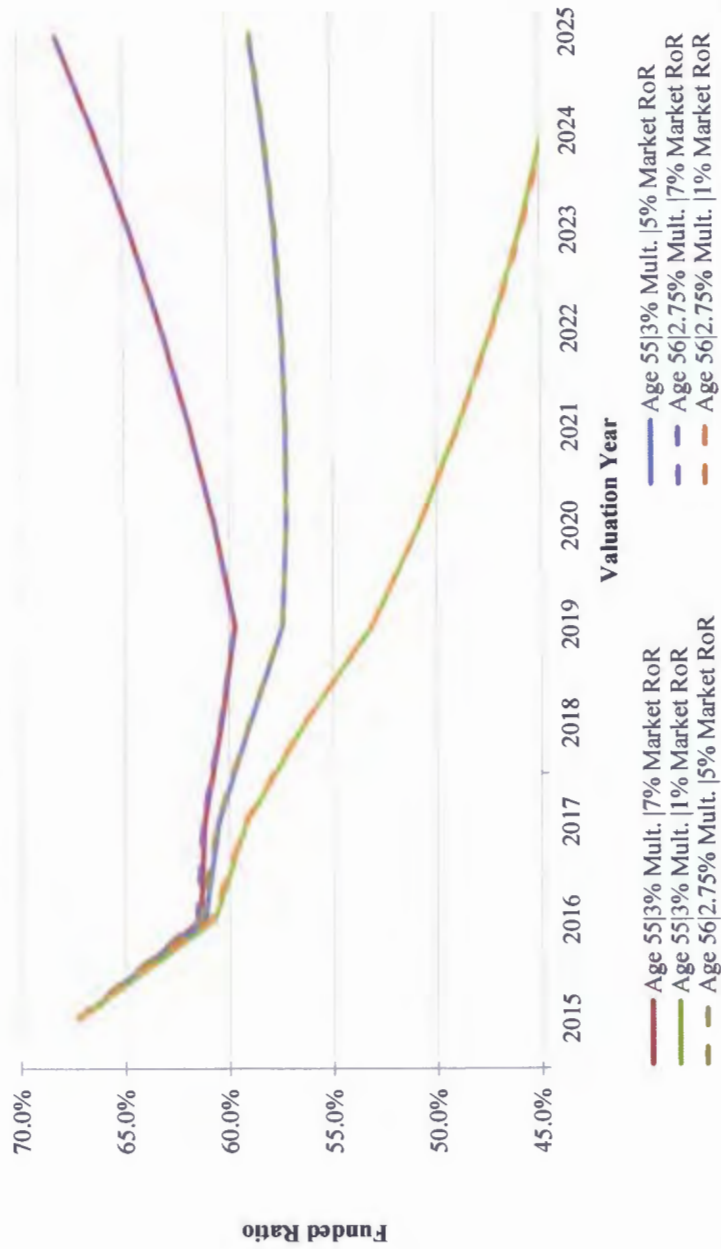
| Valuation Year | Contribution Fiscal Year | 7% Projected Market RoR |              |  | 5% Projected Market RoR |              |  | 1% Projected Market RoR |              |  |
|----------------|--------------------------|-------------------------|--------------|--|-------------------------|--------------|--|-------------------------|--------------|--|
|                |                          | Dollar Contribution     | Funded Ratio |  | Dollar Contribution     | Funded Ratio |  | Dollar Contribution     | Funded Ratio |  |
| 2015           | 2017                     | \$ 5,439,743            | 67.3%        |  | \$ 5,439,743            | 67.3%        |  | \$ 5,439,743            | 67.3%        |  |
| 2016           | 2018                     | 6,569,917               | 61.6%        |  | 6,594,038               | 61.3%        |  | 6,643,035               | 60.9%        |  |
| 2017           | 2019                     | 6,916,328               | 61.3%        |  | 6,990,959               | 60.6%        |  | 7,138,273               | 59.3%        |  |
| 2018           | 2020                     | 7,353,745               | 60.4%        |  | 7,507,487               | 59.0%        |  | 7,801,949               | 56.4%        |  |
| 2019           | 2021                     | 7,802,087               | 59.7%        |  | 8,063,802               | 57.4%        |  | 8,557,214               | 53.1%        |  |
| 2020           | 2022                     | 8,101,643               | 60.7%        |  | 8,503,417               | 57.2%        |  | 9,245,245               | 50.9%        |  |
| 2021           | 2023                     | 8,409,463               | 61.8%        |  | 8,958,659               | 57.2%        |  | 9,950,451               | 48.9%        |  |
| 2022           | 2024                     | 8,698,743               | 63.1%        |  | 9,404,791               | 57.4%        |  | 10,646,354              | 47.2%        |  |
| 2023           | 2025                     | 9,026,236               | 64.6%        |  | 9,897,542               | 57.7%        |  | 11,389,302              | 45.8%        |  |
| 2024           | 2026                     | 9,335,400               | 66.3%        |  | 10,381,496              | 58.2%        |  | 12,121,839              | 44.7%        |  |
| 2025           | 2027                     | 9,651,134               | 68.2%        |  | 10,733,387              | 58.8%        |  | 12,534,891              | 43.8%        |  |

RoR = Rate of Return

## Town of Palm Beach Public Safety



## Town of Palm Beach Public Safety



**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: 7% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 55 | 3.00% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial            |                              | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|----------------------|------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     | Accrued<br>Liability | Actuarial Value<br>of Assets |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 91,931,932        | \$ 63,672,679                | 69.3%           | 2017           | 70.61%                      | \$ 2,727,347  |
| 2016                  | 52              | 3,767,244    | 6,476,701           | 100,366,445          | 63,721,950                   | 63.5%           | 2018           | 82.63%                      | 3,277,721     |
| 2017                  | 52              | 3,910,746    | 6,528,161           | 101,333,295          | 64,236,093                   | 63.4%           | 2019           | 83.25%                      | 3,428,107     |
| 2018                  | 52              | 4,064,896    | 6,450,020           | 102,523,041          | 64,210,204                   | 62.6%           | 2020           | 85.29%                      | 3,650,548     |
| 2019                  | 52              | 4,204,609    | 6,389,991           | 103,914,264          | 64,387,690                   | 62.0%           | 2021           | 87.41%                      | 3,869,878     |
| 2020                  | 52              | 4,356,259    | 6,340,491           | 105,493,097          | 66,340,743                   | 62.9%           | 2022           | 87.72%                      | 4,023,674     |
| 2021                  | 52              | 4,485,541    | 6,565,001           | 106,977,107          | 68,475,569                   | 64.0%           | 2023           | 87.91%                      | 4,152,060     |
| 2022                  | 52              | 4,634,486    | 6,792,981           | 108,357,297          | 70,724,880                   | 65.3%           | 2024           | 88.02%                      | 4,295,300     |
| 2023                  | 52              | 4,800,660    | 6,973,008           | 109,675,014          | 73,143,799                   | 66.7%           | 2025           | 87.98%                      | 4,447,290     |
| 2024                  | 52              | 4,982,998    | 7,172,751           | 110,910,477          | 75,723,844                   | 68.3%           | 2026           | 87.92%                      | 4,613,058     |
| 2025                  | 52              | 5,115,518    | 7,481,911           | 111,944,987          | 78,349,609                   | 70.0%           | 2027           | 88.00%                      | 4,740,049     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.



**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: 5% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 55 | 3.00% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Total Employer Contribution |                 |               |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|------------------------------|-----------------|-----------------------------|-----------------|---------------|
|                       |                 |              |                     |                                   |                              |                 | Fiscal<br>Year              | % of<br>Payroll | Dollar Amount |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 91,931,932                     | \$ 63,672,679                | 69.3%           | 2017                        | 70.61%          | \$ 2,727,347  |
| 2016                  | 52              | 3,767,244    | 6,476,701           | 100,366,445                       | 63,491,948                   | 63.3%           | 2018                        | 82.95%          | 3,290,415     |
| 2017                  | 52              | 3,910,746    | 6,528,161           | 101,333,295                       | 63,532,441                   | 62.7%           | 2019                        | 84.19%          | 3,466,815     |
| 2018                  | 52              | 4,064,896    | 6,450,020           | 102,523,041                       | 62,775,462                   | 61.2%           | 2020                        | 87.15%          | 3,730,159     |
| 2019                  | 52              | 4,204,609    | 6,389,991           | 103,914,264                       | 61,953,240                   | 59.6%           | 2021                        | 90.48%          | 4,005,795     |
| 2020                  | 52              | 4,356,259    | 6,340,491           | 105,493,097                       | 62,628,187                   | 59.4%           | 2022                        | 92.27%          | 4,232,381     |
| 2021                  | 52              | 4,485,541    | 6,565,001           | 106,977,107                       | 63,429,610                   | 59.3%           | 2023                        | 93.97%          | 4,438,279     |
| 2022                  | 52              | 4,634,486    | 6,792,981           | 108,357,297                       | 64,297,559                   | 59.3%           | 2024                        | 95.57%          | 4,663,733     |
| 2023                  | 52              | 4,800,660    | 6,973,008           | 109,675,014                       | 65,294,769                   | 59.5%           | 2025                        | 96.98%          | 4,902,230     |
| 2024                  | 52              | 4,982,998    | 7,172,751           | 110,910,477                       | 66,418,231                   | 59.9%           | 2026                        | 98.32%          | 5,158,734     |
| 2025                  | 52              | 5,115,518    | 7,481,911           | 111,944,987                       | 67,556,487                   | 60.3%           | 2027                        | 98.49%          | 5,305,084     |

*Uses 3.5% wage growth assumption.*

*For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.*

*We have not determined any additional possible impact due to F.S. 112.64(5).*

*Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.*

*The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.*

*Total employer contributions should not expect any reduction from Chapter 185 monies.*

*Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.*

**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: 1% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 55 | 3.00% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Accrued<br>Liability | Actuarial<br>Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|----------------------|---------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     |                      |                                 |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 91,931,932        | \$ 63,672,679                   | 69.3%           | 2017           | 70.61%                      | \$ 2,727,347  |
| 2016                  | 52              | 3,767,244    | 6,476,701           | 100,366,445          | 63,031,944                      | 62.8%           | 2018           | 83.58%                      | 3,315,405     |
| 2017                  | 52              | 3,910,746    | 6,528,161           | 101,333,295          | 62,152,177                      | 61.3%           | 2019           | 86.03%                      | 3,542,583     |
| 2018                  | 52              | 4,064,896    | 6,450,020           | 102,523,041          | 60,016,648                      | 58.5%           | 2020           | 90.71%                      | 3,882,533     |
| 2019                  | 52              | 4,204,609    | 6,389,991           | 103,914,264          | 57,364,404                      | 55.2%           | 2021           | 96.26%                      | 4,261,691     |
| 2020                  | 52              | 4,356,259    | 6,340,491           | 105,493,097          | 55,769,740                      | 52.9%           | 2022           | 100.67%                     | 4,617,685     |
| 2021                  | 52              | 4,485,541    | 6,565,001           | 106,977,107          | 54,338,122                      | 50.8%           | 2023           | 104.90%                     | 4,954,512     |
| 2022                  | 52              | 4,634,486    | 6,792,981           | 108,357,297          | 53,027,111                      | 48.9%           | 2024           | 108.84%                     | 5,311,298     |
| 2023                  | 52              | 4,800,660    | 6,973,008           | 109,675,014          | 51,914,522                      | 47.3%           | 2025           | 112.39%                     | 5,681,188     |
| 2024                  | 52              | 4,982,998    | 7,172,751           | 110,910,477          | 51,006,871                      | 46.0%           | 2026           | 115.66%                     | 6,068,543     |
| 2025                  | 52              | 5,115,518    | 7,481,911           | 111,944,987          | 50,197,431                      | 44.8%           | 2027           | 115.97%                     | 6,246,630     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.



## Town of Palm Beach Retirement System - Firefighters

**10-Year Projection: 7% Projected Market Rate of Return Each Year Beginning in 2016  
Retirement Age 55 | 3.00% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial            |                              | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|----------------------|------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     | Accrued<br>Liability | Actuarial Value<br>of Assets |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 49              | \$ 3,242,811 | \$ 5,601,576        | \$ 93,211,357        | \$ 60,780,891                | 65.2%           | 2017           | 82.85%                      | \$ 2,828,947  |
| 2016                  | 49              | 3,394,512    | 7,534,152           | 100,515,822          | 59,607,844                   | 59.3%           | 2018           | 95.75%                      | 3,422,368     |
| 2017                  | 49              | 3,539,394    | 7,182,130           | 100,650,903          | 59,346,393                   | 59.0%           | 2019           | 96.83%                      | 3,608,688     |
| 2018                  | 49              | 3,673,259    | 6,846,167           | 101,249,897          | 58,768,574                   | 58.0%           | 2020           | 99.02%                      | 3,829,879     |
| 2019                  | 49              | 3,812,168    | 6,518,674           | 102,304,307          | 58,693,938                   | 57.4%           | 2021           | 101.17%                     | 4,061,012     |
| 2020                  | 49              | 3,955,155    | 6,203,863           | 103,801,938          | 60,568,660                   | 58.4%           | 2022           | 101.48%                     | 4,226,243     |
| 2021                  | 49              | 4,100,917    | 6,316,845           | 105,315,954          | 62,748,385                   | 59.6%           | 2023           | 101.64%                     | 4,388,905     |
| 2022                  | 49              | 4,255,968    | 6,471,339           | 106,803,885          | 65,150,487                   | 61.0%           | 2024           | 101.71%                     | 4,557,981     |
| 2023                  | 49              | 4,390,829    | 6,665,754           | 108,219,175          | 67,746,115                   | 62.6%           | 2025           | 101.71%                     | 4,702,412     |
| 2024                  | 49              | 4,550,031    | 6,808,989           | 109,608,765          | 70,558,644                   | 64.4%           | 2026           | 101.62%                     | 4,868,600     |
| 2025                  | 49              | 4,732,141    | 6,942,140           | 110,985,182          | 73,619,726                   | 66.3%           | 2027           | 101.46%                     | 5,055,488     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 175 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.



## Town of Palm Beach Retirement System - Firefighters

**10-Year Projection: 5% Projected Market Rate of Return Each Year Beginning in 2016**

**Retirement Age 55 | 3.00% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Actuarial    |                     |                      |                              |                 | Total Employer Contribution |                 |               |
|-----------------------|-----------------|--------------|---------------------|----------------------|------------------------------|-----------------|-----------------------------|-----------------|---------------|
|                       |                 | Payroll      | Benefit<br>Payments | Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year              | % of<br>Payroll | Dollar Amount |
| 2015                  | 49              | \$ 3,242,811 | \$ 5,601,576        | \$ 93,211,357        | \$ 60,780,891                | 65.2%           | 2017                        | 82.85%          | \$ 2,828,947  |
| 2016                  | 49              | 3,394,512    | 7,534,152           | 100,515,822          | 59,390,649                   | 59.1%           | 2018                        | 96.08%          | 3,434,163     |
| 2017                  | 49              | 3,539,394    | 7,182,130           | 100,650,903          | 58,685,543                   | 58.3%           | 2019                        | 97.80%          | 3,644,838     |
| 2018                  | 49              | 3,673,259    | 6,846,167           | 101,249,897          | 57,427,341                   | 56.7%           | 2020                        | 100.94%         | 3,904,140     |
| 2019                  | 49              | 3,812,168    | 6,518,674           | 102,304,307          | 56,426,822                   | 55.2%           | 2021                        | 104.32%         | 4,187,455     |
| 2020                  | 49              | 3,955,155    | 6,203,863           | 103,801,938          | 57,121,575                   | 55.0%           | 2022                        | 106.12%         | 4,419,481     |
| 2021                  | 49              | 4,100,917    | 6,316,845           | 105,315,954          | 58,077,231                   | 55.1%           | 2023                        | 107.77%         | 4,653,604     |
| 2022                  | 49              | 4,255,968    | 6,471,339           | 106,803,885          | 59,214,124                   | 55.4%           | 2024                        | 109.30%         | 4,898,116     |
| 2023                  | 49              | 4,390,829    | 6,665,754           | 108,219,175          | 60,506,564                   | 55.9%           | 2025                        | 110.79%         | 5,122,213     |
| 2024                  | 49              | 4,550,031    | 6,808,989           | 109,608,765          | 61,980,075                   | 56.5%           | 2026                        | 112.12%         | 5,371,653     |
| 2025                  | 49              | 4,732,141    | 6,942,140           | 110,985,182          | 63,666,728                   | 57.4%           | 2027                        | 111.92%         | 5,576,682     |

*Uses 3.5% wage growth assumption.*

*For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.*

*We have not determined any additional possible impact due to F.S. 112.64(5).*

*Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.*

*The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.*

*Total employer contributions should not expect any reduction from Chapter 175 monies.*

*Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.*

# **Town of Palm Beach Retirement System - Firefighters**

**10-Year Projection: 1% Projected Market Rate of Return Each Year Beginning in 2016**

**Retirement Age 55 | 3.00% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Accrued<br>Liability | Actuarial<br>Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|----------------------|---------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     |                      |                                 |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 49              | \$ 3,242,811 | \$ 5,601,576        | \$ 93,211,357        | \$ 60,780,891                   | 65.2%           | 2017           | 82.85%                      | \$ 2,828,947  |
| 2016                  | 49              | 3,394,512    | 7,534,152           | 100,515,822          | 58,956,258                      | 58.7%           | 2018           | 96.75%                      | 3,458,110     |
| 2017                  | 49              | 3,539,394    | 7,182,130           | 100,650,903          | 57,390,132                      | 57.0%           | 2019           | 99.71%                      | 3,716,021     |
| 2018                  | 49              | 3,673,259    | 6,846,167           | 101,249,897          | 54,850,185                      | 54.2%           | 2020           | 104.63%                     | 4,046,861     |
| 2019                  | 49              | 3,812,168    | 6,518,674           | 102,304,307          | 52,156,924                      | 51.0%           | 2021           | 110.25%                     | 4,425,488     |
| 2020                  | 49              | 3,955,155    | 6,203,863           | 103,801,938          | 50,758,738                      | 48.9%           | 2022           | 114.71%                     | 4,777,221     |
| 2021                  | 49              | 4,100,917    | 6,316,845           | 105,315,954          | 49,670,256                      | 47.2%           | 2023           | 118.84%                     | 5,131,616     |
| 2022                  | 49              | 4,255,968    | 6,471,339           | 106,803,885          | 48,818,029                      | 45.7%           | 2024           | 122.63%                     | 5,495,480     |
| 2023                  | 49              | 4,390,829    | 6,665,754           | 108,219,175          | 48,181,552                      | 44.5%           | 2025           | 126.31%                     | 5,839,757     |
| 2024                  | 49              | 4,550,031    | 6,808,989           | 109,608,765          | 47,789,559                      | 43.6%           | 2026           | 129.62%                     | 6,210,076     |
| 2025                  | 49              | 4,732,141    | 6,942,140           | 110,985,182          | 47,674,315                      | 43.0%           | 2027           | 129.33%                     | 6,444,177     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 175 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.



**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: 7% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 56 | 2.75% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     |                                   |                              |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 91,772,971                     | \$ 63,672,679                | 69.4%           | 2017           | 69.06%                      | \$ 2,667,477  |
| 2016                  | 52              | 3,776,068    | 6,475,150           | 100,125,874                       | 63,726,254                   | 63.6%           | 2018           | 80.88%                      | 3,215,818     |
| 2017                  | 52              | 3,929,523    | 6,523,769           | 101,021,979                       | 64,120,958                   | 63.5%           | 2019           | 81.58%                      | 3,375,469     |
| 2018                  | 52              | 4,070,583    | 6,447,416           | 102,130,185                       | 64,034,179                   | 62.7%           | 2020           | 83.61%                      | 3,583,648     |
| 2019                  | 52              | 4,221,730    | 6,386,984           | 103,432,251                       | 64,135,632                   | 62.0%           | 2021           | 85.69%                      | 3,809,177     |
| 2020                  | 52              | 4,361,434    | 6,337,983           | 104,911,523                       | 66,009,897                   | 62.9%           | 2022           | 86.00%                      | 3,949,465     |
| 2021                  | 52              | 4,516,551    | 6,549,403           | 106,303,255                       | 68,069,133                   | 64.0%           | 2023           | 86.17%                      | 4,098,015     |
| 2022                  | 52              | 4,649,858    | 6,767,507           | 107,592,114                       | 70,259,734                   | 65.3%           | 2024           | 86.30%                      | 4,225,334     |
| 2023                  | 52              | 4,826,650    | 6,947,219           | 108,810,524                       | 72,603,556                   | 66.7%           | 2025           | 86.27%                      | 4,384,460     |
| 2024                  | 52              | 5,001,594    | 7,143,872           | 109,937,703                       | 75,110,466                   | 68.3%           | 2026           | 86.16%                      | 4,537,584     |
| 2025                  | 52              | 5,170,487    | 7,426,958           | 110,882,465                       | 77,681,481                   | 70.1%           | 2027           | 86.15%                      | 4,690,264     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: 5% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 56 | 2.75% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     |                                   |                              |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 91,772,971                     | \$ 63,672,679                | 69.4%           | 2017           | 69.06%                      | \$ 2,667,477  |
| 2016                  | 52              | 3,776,068    | 6,475,150           | 100,125,874                       | 63,496,243                   | 63.4%           | 2018           | 81.19%                      | 3,228,144     |
| 2017                  | 52              | 3,929,523    | 6,523,769           | 101,021,979                       | 63,417,123                   | 62.8%           | 2019           | 82.51%                      | 3,413,948     |
| 2018                  | 52              | 4,070,583    | 6,447,416           | 102,130,185                       | 62,599,783                   | 61.3%           | 2020           | 85.46%                      | 3,662,942     |
| 2019                  | 52              | 4,221,730    | 6,386,984           | 103,432,251                       | 61,702,858                   | 59.7%           | 2021           | 88.74%                      | 3,944,758     |
| 2020                  | 52              | 4,361,434    | 6,337,983           | 104,911,523                       | 62,301,598                   | 59.4%           | 2022           | 90.54%                      | 4,157,960     |
| 2021                  | 52              | 4,516,551    | 6,549,403           | 106,303,255                       | 63,031,822                   | 59.3%           | 2023           | 92.17%                      | 4,383,359     |
| 2022                  | 52              | 4,649,858    | 6,767,507           | 107,592,114                       | 63,846,629                   | 59.3%           | 2024           | 93.80%                      | 4,592,541     |
| 2023                  | 52              | 4,826,650    | 6,947,219           | 108,810,524                       | 64,775,800                   | 59.5%           | 2025           | 95.19%                      | 4,837,797     |
| 2024                  | 52              | 5,001,594    | 7,143,872           | 109,937,703                       | 65,834,755                   | 59.9%           | 2026           | 96.50%                      | 5,082,136     |
| 2025                  | 52              | 5,170,487    | 7,426,958           | 110,882,465                       | 66,929,379                   | 60.4%           | 2027           | 96.50%                      | 5,253,749     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.



**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: 1% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 56 | 2.75% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     |                                   |                              |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 91,772,971                     | \$ 63,672,679                | 69.4%           | 2017           | 69.06%                      | \$ 2,667,477  |
| 2016                  | 52              | 3,776,068    | 6,475,150           | 100,125,874                       | 63,036,223                   | 63.0%           | 2018           | 81.82%                      | 3,253,193     |
| 2017                  | 52              | 3,929,523    | 6,523,769           | 101,021,979                       | 62,037,316                   | 61.4%           | 2019           | 84.35%                      | 3,490,081     |
| 2018                  | 52              | 4,070,583    | 6,447,416           | 102,130,185                       | 59,843,364                   | 58.6%           | 2020           | 89.01%                      | 3,815,100     |
| 2019                  | 52              | 4,221,730    | 6,386,984           | 103,432,251                       | 57,119,504                   | 55.2%           | 2021           | 94.49%                      | 4,200,363     |
| 2020                  | 52              | 4,361,434    | 6,337,983           | 104,911,523                       | 55,454,013                   | 52.9%           | 2022           | 98.92%                      | 4,542,803     |
| 2021                  | 52              | 4,516,551    | 6,549,403           | 106,303,255                       | 53,959,445                   | 50.8%           | 2023           | 103.00%                     | 4,898,405     |
| 2022                  | 52              | 4,649,858    | 6,767,507           | 107,592,114                       | 52,605,966                   | 48.9%           | 2024           | 106.99%                     | 5,238,337     |
| 2023                  | 52              | 4,826,650    | 6,947,219           | 108,810,524                       | 51,438,403                   | 47.3%           | 2025           | 110.47%                     | 5,614,366     |
| 2024                  | 52              | 5,001,594    | 7,143,872           | 109,937,703                       | 50,481,684                   | 45.9%           | 2026           | 113.71%                     | 5,988,494     |
| 2025                  | 52              | 5,170,487    | 7,426,958           | 110,882,465                       | 49,645,821                   | 44.8%           | 2027           | 113.73%                     | 6,191,801     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 185 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

**Town of Palm Beach Retirement System - Firefighters**  
**10-Year Projection: 7% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 56 | 2.75% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Accrued<br>Liability | Actuarial<br>Value<br>of Assets | Funded<br>Ratio | Fiscal<br>Year | Total Employer Contribution |               |
|-----------------------|-----------------|--------------|---------------------|----------------------|---------------------------------|-----------------|----------------|-----------------------------|---------------|
|                       |                 |              |                     |                      |                                 |                 |                | % of<br>Payroll             | Dollar Amount |
| 2015                  | 49              | \$ 3,242,811 | \$ 5,601,576        | \$ 93,021,051        | \$ 60,780,891                   | 65.3%           | 2017           | 81.19%                      | \$ 2,772,266  |
| 2016                  | 49              | 3,394,512    | 7,534,148           | 100,238,270          | 59,607,848                      | 59.5%           | 2018           | 93.84%                      | 3,354,099     |
| 2017                  | 49              | 3,539,394    | 7,182,107           | 100,296,590          | 59,217,099                      | 59.0%           | 2019           | 95.01%                      | 3,540,860     |
| 2018                  | 49              | 3,682,491    | 6,842,908           | 100,817,703          | 58,566,045                      | 58.1%           | 2020           | 97.23%                      | 3,770,097     |
| 2019                  | 49              | 3,814,983    | 6,514,672           | 101,786,725          | 58,418,487                      | 57.4%           | 2021           | 99.40%                      | 3,992,910     |
| 2020                  | 49              | 3,956,010    | 6,203,465           | 103,185,398          | 60,203,467                      | 58.3%           | 2022           | 99.68%                      | 4,152,178     |
| 2021                  | 49              | 4,101,173    | 6,317,702           | 104,589,527          | 62,279,932                      | 59.5%           | 2023           | 99.84%                      | 4,311,448     |
| 2022                  | 49              | 4,250,977    | 6,467,147           | 105,964,063          | 64,576,005                      | 60.9%           | 2024           | 99.94%                      | 4,473,409     |
| 2023                  | 49              | 4,410,531    | 6,643,625           | 107,278,154          | 67,070,508                      | 62.5%           | 2025           | 99.95%                      | 4,641,776     |
| 2024                  | 49              | 4,562,449    | 6,778,205           | 108,566,463          | 69,804,894                      | 64.3%           | 2026           | 99.87%                      | 4,797,816     |
| 2025                  | 49              | 4,723,653    | 6,919,697           | 109,820,681          | 72,763,202                      | 66.3%           | 2027           | 99.74%                      | 4,960,870     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 175 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.



**Town of Palm Beach Retirement System - Firefighters**  
**10-Year Projection: 5% Projected Market Rate of Return Each Year Beginning in 2016**  
**Retirement Age 56 | 2.75% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Total Employer Contribution |                 |               |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|------------------------------|-----------------|-----------------------------|-----------------|---------------|
|                       |                 |              |                     |                                   |                              |                 | Fiscal<br>Year              | % of<br>Payroll | Dollar Amount |
| 2015                  | 49              | \$ 3,242,811 | \$ 5,601,576        | \$ 93,021,051                     | \$ 60,780,891                | 65.3%           | 2017                        | 81.19%          | \$ 2,772,266  |
| 2016                  | 49              | 3,394,512    | 7,534,148           | 100,238,270                       | 59,390,653                   | 59.2%           | 2018                        | 94.17%          | 3,365,894     |
| 2017                  | 49              | 3,539,394    | 7,182,107           | 100,296,590                       | 58,556,498                   | 58.4%           | 2019                        | 95.98%          | 3,577,010     |
| 2018                  | 49              | 3,682,491    | 6,842,908           | 100,817,703                       | 57,225,980                   | 56.8%           | 2020                        | 99.15%          | 3,844,545     |
| 2019                  | 49              | 3,814,983    | 6,514,672           | 101,786,725                       | 56,154,665                   | 55.2%           | 2021                        | 102.54%         | 4,119,044     |
| 2020                  | 49              | 3,956,010    | 6,203,465           | 103,185,398                       | 56,762,728                   | 55.0%           | 2022                        | 104.32%         | 4,345,457     |
| 2021                  | 49              | 4,101,173    | 6,317,702           | 104,589,527                       | 57,620,432                   | 55.1%           | 2023                        | 105.95%         | 4,575,300     |
| 2022                  | 49              | 4,250,977    | 6,467,147           | 105,964,063                       | 58,657,909                   | 55.4%           | 2024                        | 107.51%         | 4,812,250     |
| 2023                  | 49              | 4,410,531    | 6,643,625           | 107,278,154                       | 59,857,702                   | 55.8%           | 2025                        | 108.95%         | 5,059,745     |
| 2024                  | 49              | 4,562,449    | 6,778,205           | 108,566,463                       | 61,263,500                   | 56.4%           | 2026                        | 110.31%         | 5,299,360     |
| 2025                  | 49              | 4,723,653    | 6,919,697           | 109,820,681                       | 62,860,800                   | 57.2%           | 2027                        | 110.17%         | 5,479,638     |

Uses 3.5% wage growth assumption.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.

Total employer contributions should not expect any reduction from Chapter 175 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

## Town of Palm Beach Retirement System - Firefighters

**10-Year Projection: 1% Projected Market Rate of Return Each Year Beginning in 2016**

**Retirement Age 56 | 2.75% Multiplier | 10% Member Contribution**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial Value<br>of Assets | Funded<br>Ratio | Total Employer Contribution |                 |               |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|------------------------------|-----------------|-----------------------------|-----------------|---------------|
|                       |                 |              |                     |                                   |                              |                 | Fiscal<br>Year              | % of<br>Payroll | Dollar Amount |
| 2015                  | 49              | \$ 3,242,811 | \$ 5,601,576        | \$ 93,021,051                     | \$ 60,780,891                | 65.3%           | 2017                        | 81.19%          | \$ 2,772,266  |
| 2016                  | 49              | 3,394,512    | 7,534,148           | 100,238,270                       | 58,956,263                   | 58.8%           | 2018                        | 94.84%          | 3,389,842     |
| 2017                  | 49              | 3,539,394    | 7,182,107           | 100,296,590                       | 57,261,587                   | 57.1%           | 2019                        | 97.89%          | 3,648,193     |
| 2018                  | 49              | 3,682,491    | 6,842,908           | 100,817,703                       | 54,651,128                   | 54.2%           | 2020                        | 102.82%         | 3,986,849     |
| 2019                  | 49              | 3,814,983    | 6,514,672           | 101,786,725                       | 51,890,371                   | 51.0%           | 2021                        | 108.46%         | 4,356,851     |
| 2020                  | 49              | 3,956,010    | 6,203,465           | 103,185,398                       | 50,411,580                   | 48.9%           | 2022                        | 112.89%         | 4,702,441     |
| 2021                  | 49              | 4,101,173    | 6,317,702           | 104,589,527                       | 49,234,104                   | 47.1%           | 2023                        | 116.99%         | 5,052,047     |
| 2022                  | 49              | 4,250,977    | 6,467,147           | 105,964,063                       | 48,294,662                   | 45.6%           | 2024                        | 120.82%         | 5,408,018     |
| 2023                  | 49              | 4,410,531    | 6,643,625           | 107,278,154                       | 47,581,209                   | 44.4%           | 2025                        | 124.35%         | 5,774,936     |
| 2024                  | 49              | 4,562,449    | 6,778,205           | 108,566,463                       | 47,140,345                   | 43.4%           | 2026                        | 127.67%         | 6,133,345     |
| 2025                  | 49              | 4,723,653    | 6,919,697           | 109,820,681                       | 46,956,426                   | 42.8%           | 2027                        | 127.53%         | 6,343,090     |

*Uses 3.5% wage growth assumption.*

*For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.*

*We have not determined any additional possible impact due to F.S. 112.64(5).*

*Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for certain decrement rates, which were as shown in the Supplemental valuation dated March 3, 2016. The FRS mortality tables and 7% investment return assumption were used in the 9/30/2016 valuation and thereafter.*

*The market value of assets as of 9/30/2015 was used as the starting point for the projected asset values.*

*Total employer contributions should not expect any reduction from Chapter 175 monies.*

*Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.*



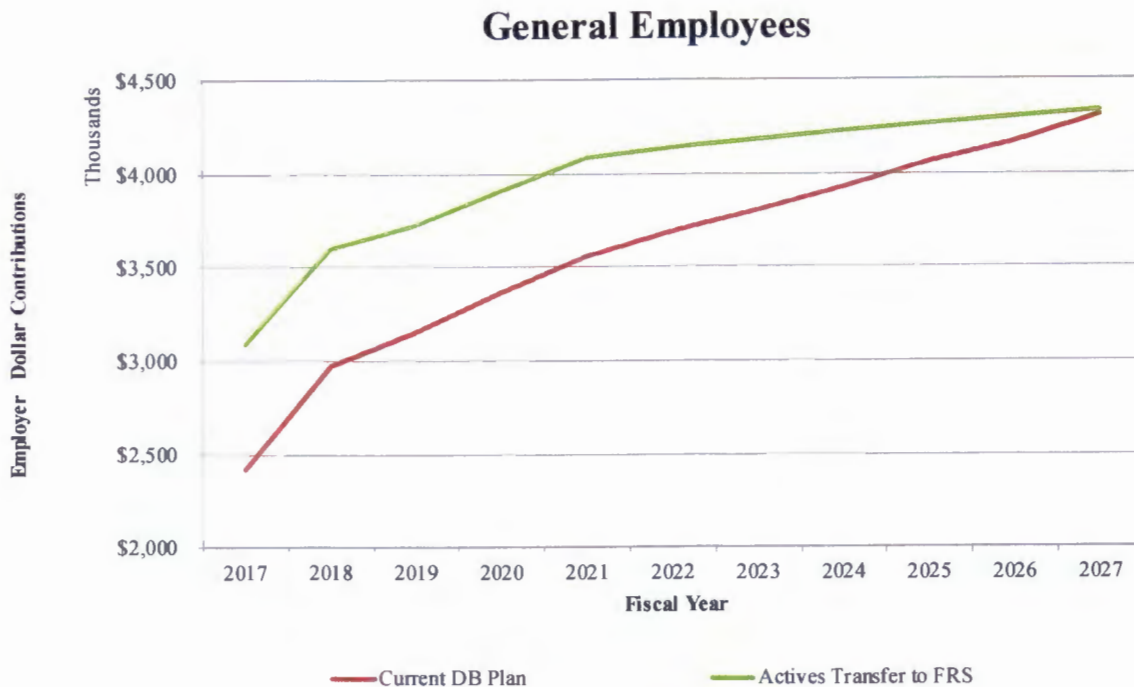
# Town of Palm Beach Retirement System

## Summary of Projected Employer Contributions

### General Employees

| Current DB Plan |    |                              |
|-----------------|----|------------------------------|
| Fiscal Year     |    | Employer Dollar Contribution |
| 2017            | \$ | 2,414,960                    |
| 2018            |    | 2,972,125                    |
| 2019            |    | 3,145,009                    |
| 2020            |    | 3,358,240                    |
| 2021            |    | 3,556,312                    |
| 2022            |    | 3,686,094                    |
| 2023            |    | 3,799,285                    |
| 2024            |    | 3,929,379                    |
| 2025            |    | 4,058,573                    |
| 2026            |    | 4,168,806                    |
| 2027            |    | 4,303,299                    |

| Actives Transfer to FRS |    |                              |
|-------------------------|----|------------------------------|
| Fiscal Year             |    | Employer Dollar Contribution |
| 2017                    | \$ | 3,084,807                    |
| 2018                    |    | 3,598,879                    |
| 2019                    |    | 3,720,308                    |
| 2020                    |    | 3,905,309                    |
| 2021                    |    | 4,087,871                    |
| 2022                    |    | 4,138,666                    |
| 2023                    |    | 4,181,223                    |
| 2024                    |    | 4,223,910                    |
| 2025                    |    | 4,261,926                    |
| 2026                    |    | 4,295,284                    |
| 2027                    |    | 4,335,493                    |



*The required contribution to the Florida Retirement System for the fiscal year ending June 30, 2017 on behalf of special risk employees is 22.57% and 7.52% on behalf of regular risk employees. For the purposes of the projections, these contribution rates were assumed to stay level for the entire projection period.*

**Town of Palm Beach Retirement System - General Employees**  
**10-Year Projection: Transfer Active Members to the Florida Retirement System (FRS)**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial<br>Value of<br>Assets | Funded<br>Ratio | Employer Contribution to the<br>TPB Retirement System |               | Employer Contribution to the<br>Florida Retirement System |              |                      |                        |                              |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|---------------------------------|-----------------|-------------------------------------------------------|---------------|-----------------------------------------------------------|--------------|----------------------|------------------------|------------------------------|
|                       |                 |              |                     |                                   |                                 |                 | Fiscal Year                                           | Dollar Amount | Active<br>Count                                           | Payroll      | Contribution<br>Rate | Dollar<br>Contribution | Total Dollar<br>Contribution |
| 2015                  | 159             | \$ 9,714,116 | \$ 6,433,630        | \$ 97,168,791                     | \$ 75,318,502                   | 77.5%           | 2017                                                  | \$ 2,351,209  | 154                                                       | \$ 9,264,669 | 7.52%                | \$ 733,598             | \$ 3,084,807                 |
| 2016                  | 4               | 362,067      | 6,994,552           | 103,918,414                       | 75,477,864                      | 72.6%           | 2018                                                  | 2,820,675     | 155                                                       | 9,827,991    | 7.52%                | 778,203                | 3,598,879                    |
| 2017                  | 3               | 296,897      | 6,944,214           | 104,019,702                       | 74,670,453                      | 71.8%           | 2019                                                  | 2,903,061     | 156                                                       | 10,321,074   | 7.52%                | 817,247                | 3,720,308                    |
| 2018                  | 2               | 229,584      | 6,926,010           | 104,169,644                       | 73,506,371                      | 70.6%           | 2020                                                  | 3,050,856     | 157                                                       | 10,790,948   | 7.52%                | 854,453                | 3,905,309                    |
| 2019                  | 1               | 135,311      | 6,885,872           | 104,374,586                       | 72,321,964                      | 69.3%           | 2021                                                  | 3,199,947     | 158                                                       | 11,213,654   | 7.52%                | 887,923                | 4,087,871                    |
| 2020                  | 1               | 105,421      | 6,834,055           | 104,638,920                       | 72,994,031                      | 69.8%           | 2022                                                  | 3,216,519     | 158                                                       | 11,645,860   | 7.52%                | 922,147                | 4,138,666                    |
| 2021                  | 1               | 68,358       | 7,002,429           | 104,738,880                       | 73,820,284                      | 70.5%           | 2023                                                  | 3,228,534     | 158                                                       | 12,031,591   | 7.52%                | 952,690                | 4,181,223                    |
| 2022                  | 0               | 30,714       | 7,172,251           | 104,660,611                       | 74,610,529                      | 71.3%           | 2024                                                  | 3,234,767     | 159                                                       | 12,491,957   | 7.52%                | 989,142                | 4,223,910                    |
| 2023                  | 0               | 15,385       | 7,358,802           | 104,377,051                       | 75,330,614                      | 72.2%           | 2025                                                  | 3,238,967     | 159                                                       | 12,919,021   | 7.52%                | 1,022,958              | 4,261,926                    |
| 2024                  | 0               | 8,479        | 7,544,214           | 103,878,951                       | 75,948,848                      | 73.1%           | 2026                                                  | 3,243,256     | 159                                                       | 13,286,153   | 7.52%                | 1,052,029              | 4,295,284                    |
| 2025                  | 0               | 3,482        | 7,745,377           | 103,136,400                       | 76,414,087                      | 74.1%           | 2027                                                  | 3,248,376     | 159                                                       | 13,729,282   | 7.52%                | 1,087,117              | 4,335,493                    |

Uses 3.5% wage growth assumption to project active member payroll.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for the wage inflation for amortizing the unfunded liabilities, which was 0%. The FRS mortality tables, 7% investment return assumption were used for the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for our projected asset values.

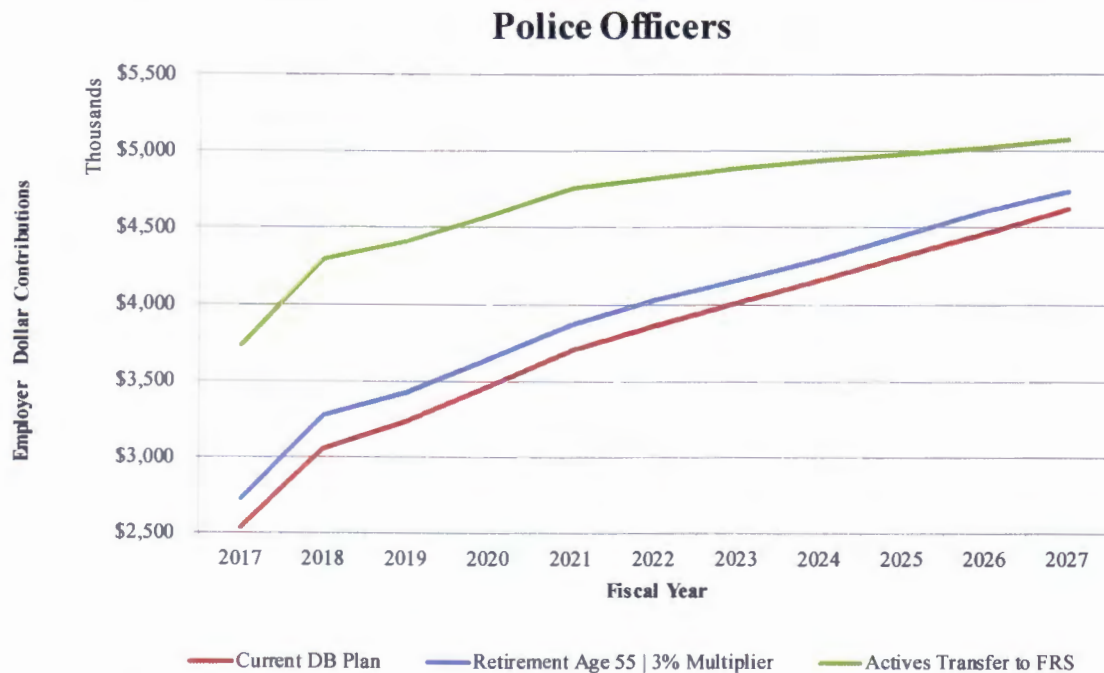
Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

The fiscal year 2017 contribution to the FRS for regular class employees is 7.52% of covered payroll. For purposes of this projection, this rate is assumed to remain constant for 10 years. Active Grandfathered members were assumed to remain in the Town of Palm Beach Retirement System. 100% of non-grandfathered members were assumed to transfer to the FRS.

## Town of Palm Beach Retirement System Summary of Projected Employer Contributions

### Police Officer's Retirement System

| Current DB Plan |                              | Retirement Age 55   3% Multiplier |                              | Actives Transfer to FRS |                              |
|-----------------|------------------------------|-----------------------------------|------------------------------|-------------------------|------------------------------|
| Fiscal Year     | Employer Dollar Contribution | Fiscal Year                       | Employer Dollar Contribution | Fiscal Year             | Employer Dollar Contribution |
| 2017            | \$ 2,531,902                 | 2017                              | \$ 2,727,347                 | 2017                    | \$ 3,727,570                 |
| 2018            | 3,054,244                    | 2018                              | 3,277,721                    | 2018                    | 4,294,303                    |
| 2019            | 3,232,277                    | 2019                              | 3,428,107                    | 2019                    | 4,404,579                    |
| 2020            | 3,461,974                    | 2020                              | 3,650,548                    | 2020                    | 4,577,931                    |
| 2021            | 3,696,856                    | 2021                              | 3,869,878                    | 2021                    | 4,758,421                    |
| 2022            | 3,854,359                    | 2022                              | 4,023,674                    | 2022                    | 4,824,251                    |
| 2023            | 4,007,294                    | 2023                              | 4,152,060                    | 2023                    | 4,881,287                    |
| 2024            | 4,158,935                    | 2024                              | 4,295,300                    | 2024                    | 4,933,959                    |
| 2025            | 4,310,873                    | 2025                              | 4,447,290                    | 2025                    | 4,981,908                    |
| 2026            | 4,463,346                    | 2026                              | 4,613,058                    | 2026                    | 5,028,526                    |
| 2027            | 4,623,146                    | 2027                              | 4,740,049                    | 2027                    | 5,079,523                    |



*The required contribution to the Florida Retirement System for the fiscal year ending June 30, 2017 on behalf of special risk employees is 22.57% and 7.52% on behalf of regular risk employees. For the purposes of the projections, these contribution rates were assumed to stay level for the entire projection period.*



**Town of Palm Beach Retirement System - Police Officers**  
**10-Year Projection: Transfer Active Members to the Florida Retirement System (FRS)**

| Year<br>Ended<br>9/30 | Active<br>Count | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial<br>Value of<br>Assets | Funded<br>Ratio | Employer Contribution to the<br>TPB Retirement System |               |                 | Employer Contribution to the<br>Florida Retirement System |                      |                        | Total Dollar<br>Contribution |
|-----------------------|-----------------|--------------|---------------------|-----------------------------------|---------------------------------|-----------------|-------------------------------------------------------|---------------|-----------------|-----------------------------------------------------------|----------------------|------------------------|------------------------------|
|                       |                 |              |                     |                                   |                                 |                 | Fiscal Year                                           | Dollar Amount | Active<br>Count | Payroll                                                   | Contribution<br>Rate | Dollar<br>Contribution |                              |
| 2015                  | 52              | \$ 3,668,289 | \$ 5,232,053        | \$ 89,489,348                     | \$ 63,672,679                   | 71.2%           | 2017                                                  | \$ 2,855,792  | 52              | \$ 3,668,289                                              | 22.57%               | \$ 871,777             | \$ 3,727,570                 |
| 2016                  | 0               | -            | 6,459,445           | 96,766,824                        | 63,379,261                      | 65.5%           | 2018                                                  | 3,390,246     | 52              | 3,804,113                                                 | 22.57%               | 904,056                | 4,294,303                    |
| 2017                  | 0               | -            | 6,489,222           | 96,742,995                        | 62,891,289                      | 65.0%           | 2019                                                  | 3,457,390     | 52              | 3,985,608                                                 | 22.57%               | 947,189                | 4,404,579                    |
| 2018                  | 0               | -            | 6,392,018           | 96,863,353                        | 62,400,208                      | 64.4%           | 2020                                                  | 3,589,609     | 52              | 4,158,689                                                 | 22.57%               | 988,322                | 4,577,931                    |
| 2019                  | 0               | -            | 6,314,064           | 97,100,004                        | 61,928,761                      | 63.8%           | 2021                                                  | 3,729,846     | 52              | 4,328,068                                                 | 22.57%               | 1,028,575              | 4,758,421                    |
| 2020                  | 0               | -            | 6,243,799           | 97,435,053                        | 63,107,110                      | 64.8%           | 2022                                                  | 3,755,542     | 52              | 4,496,942                                                 | 22.57%               | 1,068,709              | 4,824,251                    |
| 2021                  | 0               | -            | 6,431,923           | 97,598,917                        | 64,434,242                      | 66.0%           | 2023                                                  | 3,772,217     | 52              | 4,666,774                                                 | 22.57%               | 1,109,070              | 4,881,287                    |
| 2022                  | 0               | -            | 6,610,356           | 97,589,647                        | 65,753,143                      | 67.4%           | 2024                                                  | 3,784,190     | 52              | 4,838,031                                                 | 22.57%               | 1,149,769              | 4,933,959                    |
| 2023                  | 0               | -            | 6,731,678           | 97,454,192                        | 67,104,018                      | 68.9%           | 2025                                                  | 3,790,863     | 52              | 5,011,709                                                 | 22.57%               | 1,191,044              | 4,981,908                    |
| 2024                  | 0               | -            | 6,861,196           | 97,175,229                        | 68,456,741                      | 70.4%           | 2026                                                  | 3,795,506     | 52              | 5,188,335                                                 | 22.57%               | 1,233,020              | 5,028,526                    |
| 2025                  | 0               | -            | 7,079,396           | 96,650,933                        | 69,692,076                      | 72.1%           | 2027                                                  | 3,802,045     | 52              | 5,375,407                                                 | 22.57%               | 1,277,478              | 5,079,523                    |

Uses 3.5% wage growth assumption to project active member payroll.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for the wage inflation for amortizing the unfunded liabilities, which was 0%. The FRS mortality tables, 7% investment return assumption were used for the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for our projected asset values.

Total employer contributions should not expect any reduction from Chapter 185 monies.

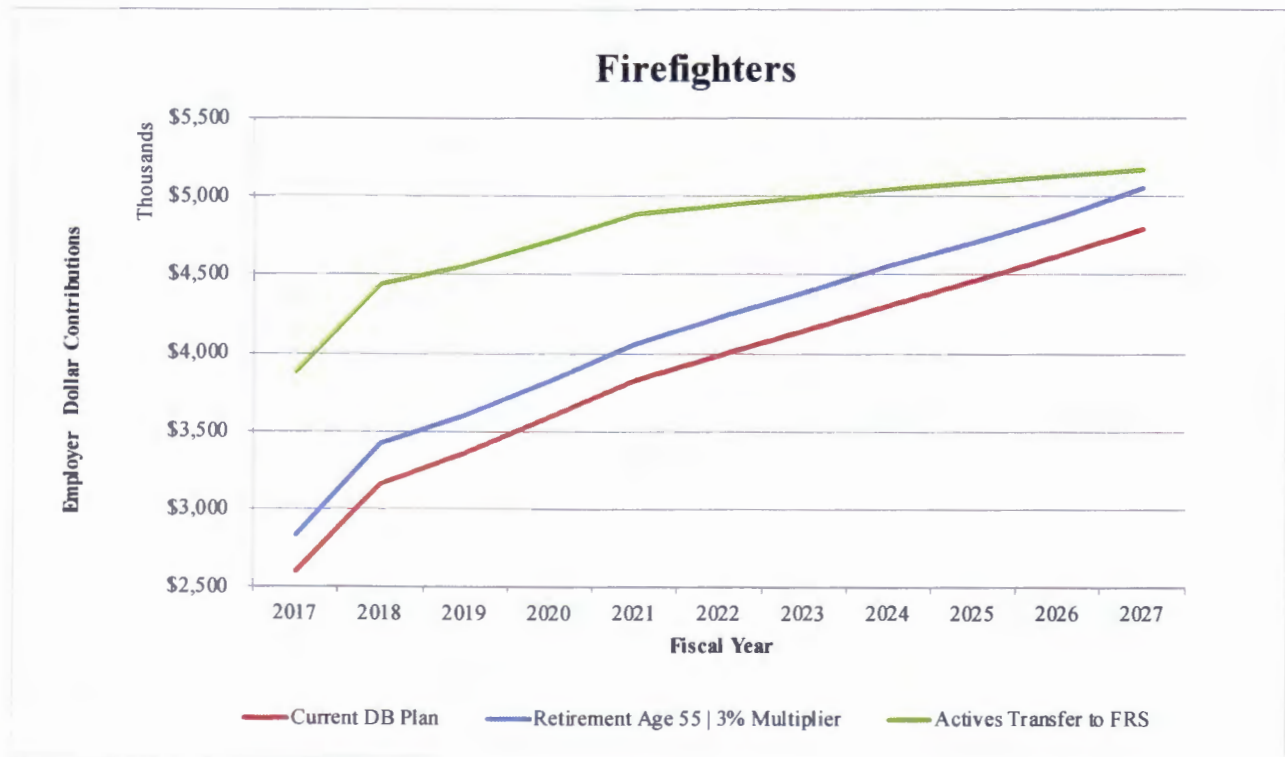
Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

The fiscal year 2017 contribution to the FRS for special risk class employees is 22.57% of covered payroll. For purposes of this projection, this rate is assumed to remain constant for 10 years. Active Grandfathered members were assumed to remain in the Town of Palm Beach Retirement System. 100% of non-grandfathered members were assumed to transfer to the FRS.

## Town of Palm Beach Retirement System Summary of Projected Employer Contributions

### Firefighters

| Current DB Plan |                              | Retirement Age 55   3% Multiplier |                              | Actives Transfer to FRS |                              |
|-----------------|------------------------------|-----------------------------------|------------------------------|-------------------------|------------------------------|
| Fiscal Year     | Employer Dollar Contribution | Fiscal Year                       | Employer Dollar Contribution | Fiscal Year             | Employer Dollar Contribution |
| 2017            | \$ 2,598,466                 | 2017                              | \$ 2,828,947                 | 2017                    | \$ 3,879,916                 |
| 2018            | 3,156,014                    | 2018                              | 3,422,368                    | 2018                    | 4,436,914                    |
| 2019            | 3,360,405                    | 2019                              | 3,608,688                    | 2019                    | 4,554,886                    |
| 2020            | 3,592,840                    | 2020                              | 3,829,879                    | 2020                    | 4,718,851                    |
| 2021            | 3,827,804                    | 2021                              | 4,061,012                    | 2021                    | 4,885,089                    |
| 2022            | 3,990,091                    | 2022                              | 4,226,243                    | 2022                    | 4,943,977                    |
| 2023            | 4,148,669                    | 2023                              | 4,388,905                    | 2023                    | 4,993,831                    |
| 2024            | 4,306,595                    | 2024                              | 4,557,981                    | 2024                    | 5,040,701                    |
| 2025            | 4,465,236                    | 2025                              | 4,702,412                    | 2025                    | 5,085,222                    |
| 2026            | 4,625,261                    | 2026                              | 4,868,600                    | 2026                    | 5,126,854                    |
| 2027            | 4,788,137                    | 2027                              | 5,055,488                    | 2027                    | 5,168,614                    |



*The required contribution to the Florida Retirement System for the fiscal year ending June 30, 2017 on behalf of special risk employees is 22.57% and 7.52% on behalf of regular risk employees. For the purposes of the projections, these contribution rates were assumed to stay level for the entire projection period.*

**Town of Palm Beach Retirement System - Firefighters**  
**10-Year Projection: Transfer Active Members to the Florida Retirement System (FRS)**

| Year<br>Ended<br>9/30 | Employer Contribution to the<br>TPB Retirement System |              |                     |                                   |                                 |                 | Employer Contribution to the<br>Florida Retirement System |              |                      |                        | Total Dollar<br>Contribution |
|-----------------------|-------------------------------------------------------|--------------|---------------------|-----------------------------------|---------------------------------|-----------------|-----------------------------------------------------------|--------------|----------------------|------------------------|------------------------------|
|                       | Active<br>Count                                       | Payroll      | Benefit<br>Payments | Actuarial<br>Accrued<br>Liability | Actuarial<br>Value of<br>Assets | Funded<br>Ratio | Active<br>Count                                           | Payroll      | Contribution<br>Rate | Dollar<br>Contribution |                              |
| 2015                  | 49                                                    | \$ 3,242,811 | \$ 5,601,576        | \$ 90,960,365                     | \$ 60,780,891                   | 66.8%           | 49                                                        | \$ 3,242,811 | 22.57%               | \$ 770,662             | \$ 3,879,916                 |
| 2016                  | 0                                                     | -            | 7,516,356           | 97,196,438                        | 59,294,419                      | 61.0%           | 49                                                        | 3,417,270    | 22.57%               | 812,122                | 4,436,914                    |
| 2017                  | 0                                                     | -            | 7,150,807           | 96,452,264                        | 58,138,770                      | 60.3%           | 49                                                        | 3,579,808    | 22.57%               | 850,750                | 4,554,886                    |
| 2018                  | 0                                                     | -            | 6,800,570           | 96,100,103                        | 57,190,832                      | 59.5%           | 49                                                        | 3,735,242    | 22.57%               | 887,689                | 4,718,851                    |
| 2019                  | 0                                                     | -            | 6,461,342           | 96,123,375                        | 56,574,522                      | 58.9%           | 49                                                        | 3,887,596    | 22.57%               | 923,896                | 4,885,089                    |
| 2020                  | 0                                                     | -            | 6,132,428           | 96,505,046                        | 57,766,820                      | 59.9%           | 49                                                        | 4,039,458    | 22.57%               | 959,987                | 4,943,977                    |
| 2021                  | 0                                                     | -            | 6,234,138           | 96,808,197                        | 59,181,699                      | 61.1%           | 49                                                        | 4,192,847    | 22.57%               | 996,440                | 4,993,831                    |
| 2022                  | 0                                                     | -            | 6,368,827           | 96,993,200                        | 60,634,423                      | 62.5%           | 49                                                        | 4,348,290    | 22.57%               | 1,033,381              | 5,040,701                    |
| 2023                  | 0                                                     | -            | 6,526,655           | 97,027,837                        | 62,085,168                      | 64.0%           | 49                                                        | 4,506,551    | 22.57%               | 1,070,992              | 5,085,222                    |
| 2024                  | 0                                                     | -            | 6,624,706           | 96,963,452                        | 63,573,510                      | 65.6%           | 49                                                        | 4,667,560    | 22.57%               | 1,109,257              | 5,126,854                    |
| 2025                  | 0                                                     | -            | 6,715,909           | 96,800,200                        | 65,085,309                      | 67.2%           | 49                                                        | 4,831,926    | 22.57%               | 1,148,318              | 5,168,614                    |

Uses 3.5% wage growth assumption to project active member payroll.

For the Share accounts, DROP accounts and Employer Contribution Reserve, 40% of the total was included in the benefit payments in 2016, 30% in 2017, 20% in 2018 and 10% in 2019.

We have not determined any additional possible impact due to F.S. 112.64(5).

Actuarial assumptions and methods for year ended 9/30/2015 were those used for the 9/30/2015 valuation, except for the wage inflation for amortizing the unfunded liabilities, which was 0%. The FRS mortality tables, 7% investment return assumption were used for the 9/30/2016 valuation and thereafter.

The market value of assets as of 9/30/2015 was used as the starting point for our projected asset values.

Total employer contributions should not expect any reduction from Chapter 175 monies.

Future experience was assumed to be consistent with the aforementioned actuarial assumptions and methods. If experience differs from the actuarial assumptions or if the Board adopts different assumptions or methods, future results could be significantly different from the projected results above.

The fiscal year 2017 contribution to the FRS for special risk class employees is 22.57% of covered payroll. For purposes of this projection, this rate is assumed to remain constant for 10 years.

Active Grandfathered members were assumed to remain in the Town of Palm Beach Retirement System. 100% of non-grandfathered members were assumed to transfer to the FRS.

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 12, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: William P. Hanes, Pension Administrator

Re: Approving an Amendment to the Statement of Overall Investment Objectives and Policy for the Town of Palm Beach Retirement System  
**Resolution No. 47-2016**

Date: April 12, 2016

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## **BOARD RECOMMENDATION**

The Town of Palm Beach Retirement System Board of Trustees recommends that Town Council adopt Resolution No. 47-2016, approving the change in the investment earnings assumption that was unanimously adopted by the Board of Trustees on March 7, 2016. The current investment earnings assumption is 7.5%. The Board of Trustees recommends that effective with the September 30, 2016 Actuarial Valuation, the assumed rate of investment return will decrease to 7.4%, and will further decrease by 10 basis points each year until the assumed rate of investment return reaches 7.0% effective with the September 30, 2020 Actuarial Valuation. Because the assumed investment rate of return is contained in the Statement of Overall Investment Objectives and Policy for the Town of Palm Beach Retirement System, which was most recently approved by Town Council in Resolution No. 112-2013, an amendment to the Statement of Overall Investment Objectives and Policy is necessary.

## **GENERAL INFORMATION**

The Town of Palm Beach Retirement System Board of Trustees adopted a motion to change the investment earnings assumption at the quarterly meeting of March 7, 2016, pursuant to its authority under Section 82-57 of the Code of Ordinances. The change in the investment earnings assumption is intended to implement a more realistic rate of return, and will have a gradual impact on the Town's budget by reducing the assumed rate of return by 10 basis points per year over a five year period. The first reduction, from 7.5% to 7.4%, will be effective with the September 30, 2016 actuarial valuation, which will establish the Town's retirement contributions for the 2018 fiscal year. The assumed rate will be reduced by 10 basis points each year thereafter until the rate reaches 7.0% effective with the September 30, 2020 actuarial valuation, which will establish the Town's retirement contributions for the 2022 fiscal year.

## **TOWN ATTORNEY REVIEW**

The Resolution No. 47-2016 has been reviewed and approved by the Town of Palm Beach

Retirement System Board Attorney Jim Linn for legal form and sufficiency.

Attachment

cc: Danielle Olson, Director of Human Resources  
Jane Struder, Director of Finance



**RESOLUTION NO. 47-2016**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE STATEMENT OF OVERALL INVESTMENT OBJECTIVES AND POLICY FOR THE TOWN OF PALM BEACH RETIREMENT SYSTEM PURSUANT TO SECTION 82-57(I) OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, AND PROVIDING AN EFFECTIVE DATE.**

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

WHEREAS, the Board of Trustees manages the Town of Palm Beach Retirement System for the benefit of the general employees, police employees, fire employees and lifeguards; and

WHEREAS, Section 82-57(i)(1) of the Code of Ordinances of the Town of Palm Beach authorizes the Board of Trustees to adopt and revise an investment policy for the Retirement System, subject to the approval of Town Council; and

WHEREAS, the Statement of Overall Investment Objectives and Policy for the Town of Palm Beach Retirement System was most recently approved by Town Council in Resolution No. 112-2013; and

WHEREAS, Section IV (D) of the current Statement of Overall Investment Objectives and Policy contains an investment earnings assumption of 7.50%; and

WHEREAS, the Board of Trustees at its March 7, 2016 meeting voted unanimously to change the investment earnings assumption effective with the September 30, 2016 actuarial valuation to 7.4%, and to further decrease the investment earnings assumption by 10 basis points each year until the assumed rate reaches 7.0% effective with the September 30, 2020 actuarial valuation; and

NOW, THEREFORE, it is resolved:

Section 1. The forgoing recitals are hereby ratified and confirmed.

Section 2. That an amendment to Section IV(D) of the Statement of Overall Investment Objectives and Policy Investment Policy for the Town of Palm Beach Retirement System, last approved by Town Council in Resolution No. 112-2013, is hereby approved to read as follows:

1. Actuarial Assumption:

Over a complete market cycle, the total Plan performance has a goal of outperforming an average annual absolute return of 7.5%. Effective with the September 30, 2016 actuarial valuation, the assumed rate of investment return will be decreased to 7.4%, and will further decrease by 10 basis points each year thereafter until the assumed rate reaches 7.0% effective with the September 30, 2020 actuarial valuation.

\* \* \*

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND RESOLVED in a regular session on this 12th day of April, 2016

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret Zeidman, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Staff Report, Relative to Budget, Schedule and Grant Impacts Due to Potential Addition of Staircase on the South Side of Memorial Fountain.

## Presenter

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

## Supporting Documents

- [Memorandum dated April 26, 2016, from H. Paul Brazil, P.E., Director of Public Work](#)
- [Memorandum dated May 2, 2016, from Jay Boodheshwar, Deputy Town Manager](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [Letter dated May 4, 2016, from Orator Woodward](#)
- [Letter dated May 5, 2016, from John K. Volk](#)

## **TOWN OF PALM BEACH**

### **Information for Town Council Meeting on: May 10, 2016**

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TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Information Regarding the Memorial Fountain South End Stairs at Town Square

DATE: April 26, 2016

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#### **STAFF RECOMMENDATION**

This is for information purposes only as requested by Town Council at the April 12, 2016 meeting.

#### **GENERAL INFORMATION**

At the April 12, 2016 Town Council meeting, Town Council requested that staff provide information concerning the possibility of adding stairs on the south side of the Memorial Fountain, as previously discussed prior to the construction of the Town Hall Square project. At the May 14, 2014 Town Council meeting, staff requested confirmation from the Town Council of project scope and design of the Town Hall Square project including any additional direction. The discussion at the meeting included the stairs at the south end of the Memorial Fountain.

At the June 10, 2014 Town Council meeting, staff presented for approval Burkhardt Construction's Guaranteed Maximum Price (GMP) of \$5,630,336.44 for the construction of the Town Hall Square project. The GMP was based on Kimley-Horn Associates (KHA) 90% plans that included the south end stairs. Upon further review of the project, Town Council directed staff to resubmit the project to the Landmarks Preservation Commission, deferring Resolutions 84-2014, 85-2014, and 89-2014 to a later Town Council meeting.

At the July 15, 2014 Town Council meeting, the Town Hall Square Project scope of work was reduced for Phase 1 to restoration of the fountain and the associated work at the reflecting pool. The project also included all mechanical and electrical improvements necessary for the fountain and reflecting pool to operate properly, and the minimum hardscape work necessary to restore areas disturbed by the work on the fountain, reflecting pool, and mechanical/electrical elements.

At the October 14, 2014 Town Council meeting, Town Council discussed the possibility of completing the remaining elements of the overall Town Hall Square project per KHA's plans. Staff isolated the proposed elements of the project, based on community support for landscape and restoration improvements within the Memorial Park and south end stairs, including drainage, landscape and streetscape improvements outside the Memorial Park. Staff presented to Town Council those elements listed above that could be isolated and performed as stand-alone projects along with an anticipated order of magnitude cost. Town Council directed staff to proceed forward with a modified scope that included all of the remaining elements with the exception of the addition

of perimeter park parking and south end stairs. Additionally, no changes were to be made to the outside existing street parking and traffic flow.

As part of the October 14, 2014 Town Council meeting backup, staff had presented an order of magnitude cost of \$400,000 from Burkhardt Construction (Burkhardt) to construct the south end stairs as part of the Town Hall Square Phase II project. Staff has confirmed with Burkhardt, that the order of magnitude would need to be adjusted to \$450,000 to account for the material increases, changes in the building code, and modifications in the landscaping. Construction of the south end steps would take ninety (90) days. As a result of this timing, the construction of the south end stairs as part of Phase II B, is only remotely possible. Staff would need to return to Town Council in June 2016 for engineering services in order to design the proposed stairs to meet the 2014 Building Code. The south end stairs would need to be presented to the August Landmarks Preservation Commission for Certificate of Appropriateness. The earlier July Landmarks Preservation Commission meeting is not possible as per town code requirement of thirty (30) days public notification. If Landmarks approves the southend stairs, staff would return to Town Council in October 2016 with a Change Order request to Burkhardt's construction contract to secure additional funding. The contractor in mid to late October would be focusing their efforts on the east side of South County Road installing the electrical components, the irrigation, and removing the sidewalk, and curbs.

The southend stairs could be constructed as a standalone project. The order of magnitude cost would increase another \$25,000 to \$475,000 for the construction. The increase is for mobilization, maintenance of traffic, management, and any unforeseen landscape and irrigation impacts which would otherwise be handled in conjunction of Phase II-B of the project. Construction of the stairs would take ninety (90) days.

Should Town Council consider extending Burkhardt's contract to construct the south end stairs, the order of magnitude cost would be between \$450,000 to \$475,000. Construction of the stairs would then occur in season. The impact into season would depend on when Town Council approved the funding and construction.

#### **FUNDING/FISCAL IMPACT**

There are no funding impacts at this time.

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



# TOWN OF PALM BEACH

Office of the Town Manager

## Memo

To: H. Paul Brazil, Director of Public Works

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager  
John Page, Director of Planning, Zoning and Building

Date: 5/2/2016

Re: Restrictive Covenants of Grants Received for Improvements to Memorial Park

---

Attached for your reference, in consideration of the potential addition of stairs on the south side of Memorial Fountain, is a copy of the executed grant received by the Town for the restoration of Memorial Park and Addison Mizner's Plaza.

The Town was actually awarded two \$350,000 grants from the State of Florida's Division of Historical Resources. The first grant (SC517) was specific to the restoration of Memorial Fountain and the restrictive covenant of said grant only applied to a 22.04'x22.02'x22.04'x22.02' area around the fountain itself. See attached Exhibit A. The second grant (MP512) was specific to the improvements associated with Town Square Phase IIA, which included the restoration of the remaining landscaping and hardscape in Memorial Park. Also included in this phase was the improvement to the area between the Fountain and Town Hall. Phase IIA was completed in January, 2016, and reimbursement of the \$350,000 grant is forthcoming. See attached Exhibit B.

The restrictive covenant for MP512 included the entire Memorial Park area, including the added greenspace between Town Hall and the Fountain with the exception of the Fountain area specifically addressed in the restrictive covenant of the first grant (SC517). Per the MP512 covenant, if the Town chooses to add stairs south of the fountain or make any other modifications to the park, we would need approval from the State of Florida. Specifically, we cannot make changes to the plans that were approved for second grant, without advance review and approval of the plans and specifications by the State's Bureau of Historic Preservation. This requirement is valid for 10 years from the date the covenant was recorded (08-27-2015). If the restrictions are violated within the 10-year period, the State shall be reimbursed on the following schedule:

- Violations within first 5 years requires reimbursement of entire \$350,000 grant
- Violations after the first 5 years requires reimbursement of the entire \$350,000 grant, less 10% for each year past the first 5. For example, if the violation occurs after the 6<sup>th</sup> anniversary but before the 7<sup>th</sup>, 80% (\$280,000) reimbursement would be required.

Please let me know if you have any other questions regarding this matter.



RECORD AND RETURN TO:  
John C. Randolph, Esquire  
Jones, Foster, Johnston & Stubbs, P.A.  
Post Office Box 3475, WPB, FL, 33402-3475  
**WILL CALL #85**

CFN 20140461699  
OR BK 27220 PG 0663  
RECORDED 12/15/2014 15:35:18  
Palm Beach County, Florida  
Sharon R. Bock, CLERK & COMPTROLLER  
Pgs 0663 - 667; (5pgs)

PREPARED BY: Grant Gelhardt  
Florida Department of State  
Bureau of Historic Preservation  
500 South Bronough Street  
Tallahassee, FL 32399

1 of 2

### RESTRICTIVE COVENANTS

Project Name: Restoration of Addison Mizner's Memorial Fountain  
Grant Number: SC517

THESE COVENANTS are entered into this 8<sup>th</sup> day of December, 2014, by the Town of Palm Beach, hereinafter referred to as the Owner, and shall be effective for a period of ten years from the date of recordation by the Clerk of the Circuit Court of Palm Beach County, Florida.

WHEREAS, the Owner is the fee simple titleholder of the Property located at **Memorial Park, South County Road, Palm Beach, Palm Beach County, Florida**, as described in Exhibit A, attached to and made a part hereof and

WHEREAS, the Owner is a grant recipient and is to receive State Historic Preservation Grant assistance funds administered by the State of Florida, Department of State, Division of Historical Resources, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, hereinafter referred to as the Department, in the amount of \$350,000, to be used for the preservation of the property of the Owner as described in Exhibit A, and

WHEREAS, said State funds have been or will be expended for the purpose of preserving the historic qualities of the property or contributing to the historic character of the district in which the property is located,

Now THEREFORE, as part of the consideration for the State grant, the Owner hereby make and declare the following restrictive covenants which shall run with the title to said Property and be binding on the Owner and its successors in interest, if any, for a period stated in the preamble above:

1. The Owner agree to maintain the property in accordance with good preservation practices and the Secretary of the Interior's Standards for Rehabilitation.
2. The Owner agree that no modifications will be made to the Property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Department's Bureau of Historic Preservation.
3. The Owner agree that every effort will be made to design any modifications to the Property in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation.
4. The Owner agree that the Department, its agents and its designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether the conditions of the Grant Award Agreement and these covenants are being observed.
5. The Owner agree that these restrictions shall encumber the property for a period of ten years from the date of recordation, and that if the restrictions are violated within the ten year period, the Department shall be entitled to liquidated damages pursuant to the following schedule:
  - a. If the violation occurs within the first five years of the effective date of these covenants, the Department shall be entitled to return of the entire grant amount.
  - b. If the violation occurs after the first five years, the Department shall be entitled to return of the entire grant amount, less 10% for each year past the first five. For instance, if the violation occurs after the sixth anniversary of the effective date of these covenants, but prior to the seventh anniversary, the Department shall be entitled to return of 80% of the original grant amount.
6. The Owner agrees to file these covenants with the Clerk of the Circuit Court of Palm Beach County, Florida, and shall pay any and all expenses associated with their filing and recording.
7. The Owner agree that the Department shall incur no tax liability as a result of these restrictive covenants.



IN WITNESS WHEREOF, the Owner has read these Restrictive Covenants and has hereto affixed their signature.

WITNESSES:

Cheyl Bleen  
Witness Signature

Cheyl Bleen  
Witness Name Typed/Printed

Anne Bayles  
Witness Signature

Anne Bayles  
Witness Name Typed/Printed

The State of Florida  
County of PAUM BEACH

Peter B. Elwell  
OWNER  
PETER B. ELWELL  
TOWN MANAGER  
360 South County Road  
Owner's Address

Palm Beach, Florida 33480  
City State Zip

I certify that on this date before me, an officer duly authorized in the state and county named above to take acknowledgments, that PETER B. ELWELL personally  
(Name)

appeared as TOWN MANAGER for TOWN OF PALM BEACH  
(Officer) (Name of Corporation/Partnership)

known to me to be or who proved to my satisfaction that he/she is the person described in and who executed the foregoing instrument.

Type of Identification Produced \_\_\_\_\_

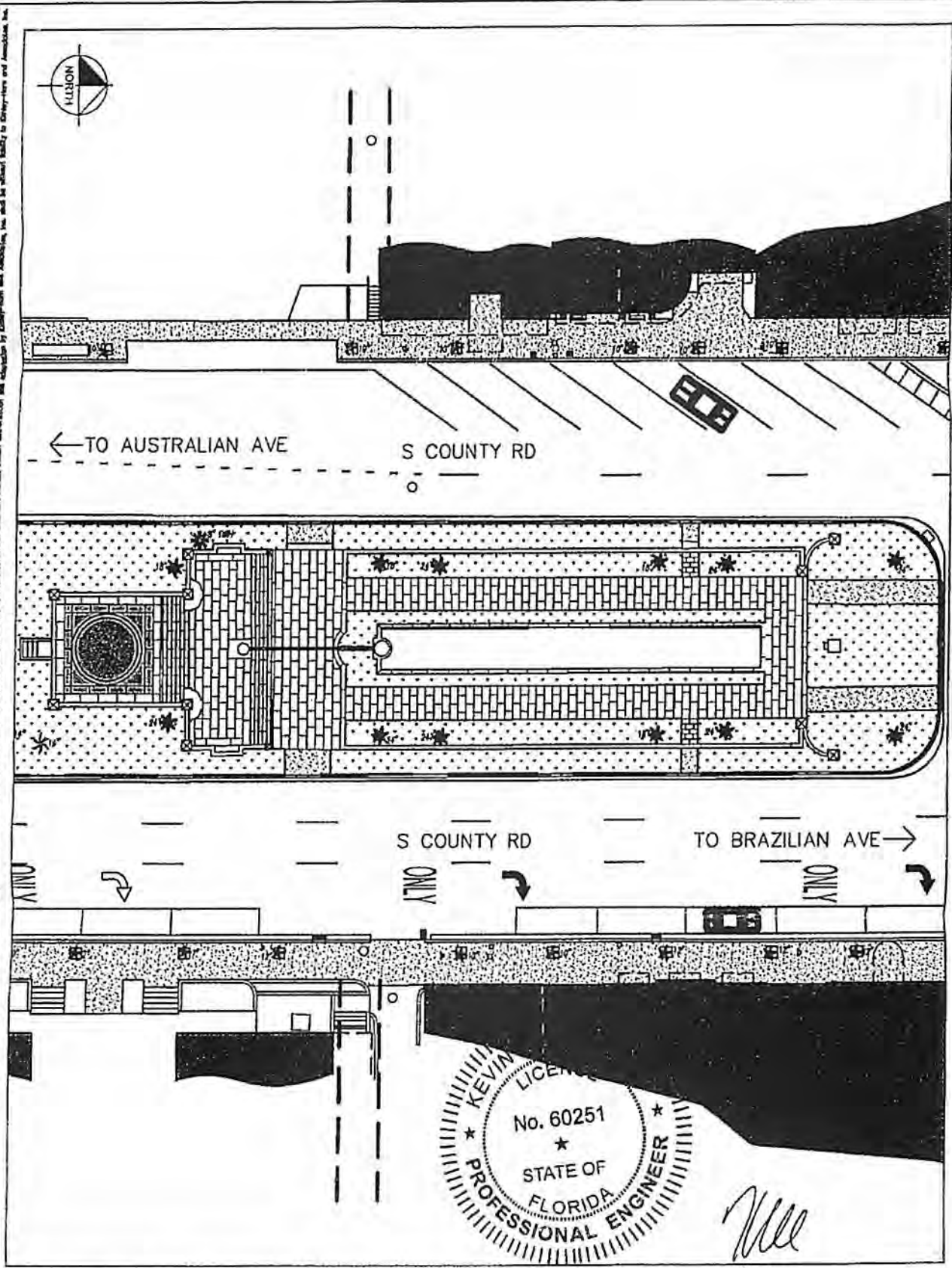
Executed and sealed by me at PAUM BEACH Florida on 9th DECEMBER 2014  
Patricia Gayle-Gordon  
Notary Public in and for

The State of FLORIDA

My commission expires: \_\_\_\_\_



[SEAL]



Drawing name: K:\WPB\_Civil\044063162 - Town Hall Square\Grant Information\2014\_0919\_Grant\UnitPlan.dwg 01 Sep 19, 2014 1:06pm by: brent.johnson  
 This document, together with the exhibits and design presented herein, is the intellectual property of Kimley-Horn and Associates, Inc. and shall be retained solely by Kimley-Horn and Associates, Inc.

|             |     |                                                                                                                                                                                                                                                                            |                          |                                                           |                                                                                     |                       |
|-------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------|
| SCALE       | NTS |  <p>© 2014 KIMLEY-HORN AND ASSOCIATES, INC.<br/>1920 NOVOA WAY SUITE 200, WEST PALM BEACH, FL 33411<br/>PHONE (561) 842-0665 FAX (561) 863-8173<br/>WWW.KIMLEY-HORN.COM CA 00000596</p> | 09/19/2014               | MIZNER FOUNTAIN<br>SPECIAL CATEGORY GRANT<br>PROJECT AREA | DESIGN ENGINEER:<br>KEVIN M. SCHANEN, P.E.<br>FLORIDA P.E. LICENSE NUMBER:<br>60251 | SHEET NUMBER<br><br>1 |
| DESIGNED BY |     |                                                                                                                                                                                                                                                                            | PROJECT NO.<br>044063162 |                                                           | DATE:                                                                               |                       |
| DRAWN BY    |     |                                                                                                                                                                                                                                                                            |                          |                                                           |                                                                                     |                       |
| CHECKED BY  |     |                                                                                                                                                                                                                                                                            |                          |                                                           |                                                                                     |                       |

SKETCH & DESCRIPTION FOR:  
**TOWN HALL SQUARE FOUNTAIN**

LYING WITHIN THE RIGHT-OF-WAY OF SOUTH COUNTY ROAD  
REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA (PLAT BOOK 4, PAGE 1, P.B.C.R.)  
TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA

**LAND DESCRIPTION:**

A portion of land lying within the right-of-way of South County Road, also know as Poinciana Drive, as shown on the REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the Plat thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida, described as follows:

COMMENCE at the northeast corner of Block "G", of said REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA; thence S01°07'12"W, along the east line of said Block "G", 224.03 feet; thence S89°01'38"E, 68.83 feet to the POINT OF BEGINNING; thence S89°01'38"E, 22.04 feet; thence S01°09'03"W, 22.02 feet; thence N89°01'38"W, 22.04 feet; thence N01°09'03"E, 22.02 feet to the POINT OF BEGINNING, the preceding four courses and distances being along the grout line of an existing fountain.

Said lands situate and being in Palm Beach County, Florida, containing 485 square feet, more or less.

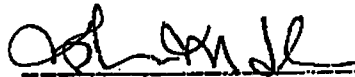
**SURVEYOR'S NOTES:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Bearings shown hereon are assumed based on the east line of Block "G", REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, having a bearing of S01°07'12"W.
5. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
6. Abbreviation Legend: L.B. = Licensed Business; (P) = Per plat of record; P.O.B. = Point of Beginning; P.O.C. = Point of Commencement; P.S.M. = Professional Surveyor & Mapper; R/W = Right-of-Way.

**CERTIFICATION:**

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Date: 9/16/14

  
MARISHA M. KREITMAN, P.S.M.  
Florida Registration No. 6555  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300

**REVISIONS**

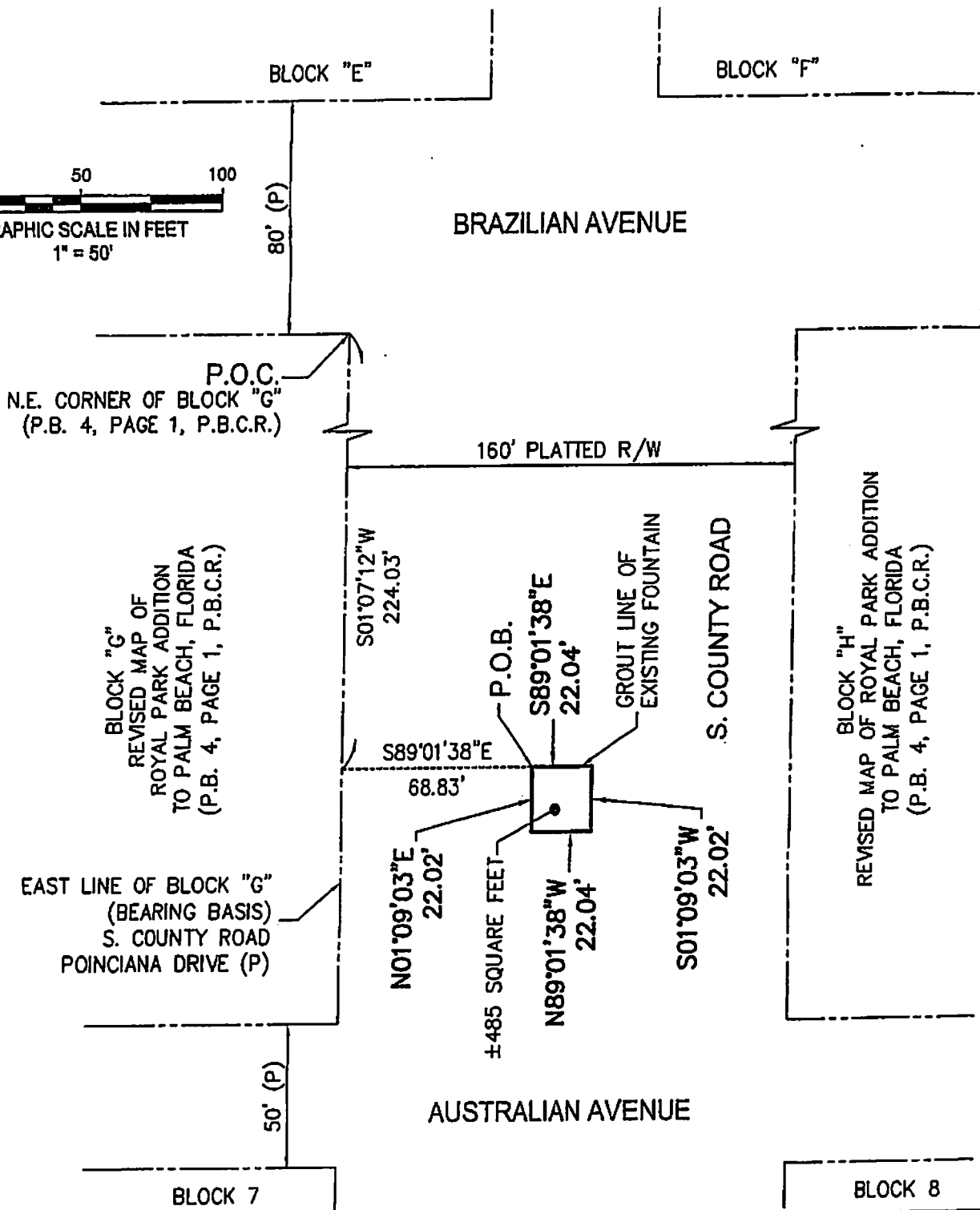
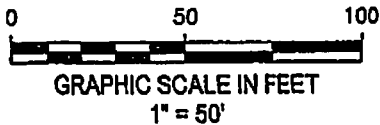


**AVIROM & ASSOCIATES, INC.**  
**SURVEYING & MAPPING**  
50 S.W. 2ND AVENUE, SUITE 102  
BOCA RATON, FLORIDA 33432  
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|          |            |
|----------|------------|
| JOB #:   | 9660-1     |
| SCALE:   | 1" = 50'   |
| DATE:    | 09/16/2014 |
| BY:      | M.M.K.     |
| CHECKED: |            |
| F.B.     | N/A        |
| PG.      | N/A        |
| SHEET    | 1 OF 2     |

# SKETCH & DESCRIPTION FOR: **TOWN HALL SQUARE FOUNTAIN**

LYING WITHIN THE RIGHT-OF-WAY OF SOUTH COUNTY ROAD  
 REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA (PLAT BOOK 4, PAGE 1, P.B.C.R.)  
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA



## REVISIONS

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|          |             |
|----------|-------------|
| JOB #:   | 9660-1      |
| SCALE:   | 1" = 50'    |
| DATE:    | 09/16/2014  |
| BY:      | M.M.K.      |
| CHECKED: |             |
| F.B.     | N/A PG. N/A |
| SHEET    | 2 OF 2      |



**AGREEMENT BETWEEN  
THE STATE OF FLORIDA, DEPARTMENT OF STATE  
AND  
TOWN OF PALM BEACH**

RECEIVED  
DEPARTMENT OF STATE  
2015 AUG 25 A 10:21

This Agreement is by and between the State of Florida, Department of State, Division of Historical Resources hereinafter referred to as the "Division," and the Town of Palm Beach hereinafter referred to as the "Grantee."

The Grantee has been awarded a Special Category Grant (CSFA 45.032) by the Division, grant number MP512 for the project "Restoration of Memorial Park/Addison Mizner's Plaza," in the amount of \$350,000. Funds for this grant have been appropriated in the FY 2014-2015 General Appropriations Act on line 3113A. The Division has the authority to administer this grant in accordance with Section 267.0617, *Florida Statutes*.

In consideration of the mutual covenants and promises contained herein, the parties agree as follows:

- 1. Grant Purpose.** This grant shall be used exclusively for the "Restoration of Memorial Park/Addison Mizner's Plaza," the public purpose for which these funds were appropriated.

- a) The Grantee shall perform the following **Scope of Work**:

The project will restore the stone flatwork at Mizner Plaza and will include: repair of stone flatwork. All tasks associated with the restoration, as outlined in the Project Description (See Attachment A), will be performed by June 30, 2016. All project work will be completed under the supervision of a licensed architect or licensed contractor.

- b) The Grantee agrees to provide the following **Deliverables** and **Performance Measures** related to the Scope of Work for payments to be awarded.

Payment 1, Deliverable/ Task 1:

- Payment 1 will be cost reimbursement. The Grantee will have completed at least 30 percent of the project prior to this payment. The performance measure documenting satisfactory completion of Deliverables will be a completed Application and Certificate for Payment (AIA Document G702) and Schedule of Contract Values (AIA Document G703), or its equivalent, showing at least 30 percent of the project completed.

Payment 2, Deliverable/ Task 2:

- Payment 2 will be cost reimbursement. The Grantee will have completed at least 60 percent of the project prior to this payment. The performance measure documenting satisfactory completion of Deliverables will be a completed Application and Certificate for Payment (AIA Document G702) and Schedule of Contract Values (AIA Document G703), or its equivalent, showing at least 60 percent of the project completed.

Payment 3, Deliverable/ Task 3:

- Payment 3 will be cost reimbursement. The Grantee will have completed 100 percent of the project prior to this payment. The performance measure documenting satisfactory completion of Deliverables will be a completed Application and Certificate for Payment (AIA Document G702), Schedule of Contract Values (AIA Document G703), and a Certificate of Substantial Completion (AIA Document G704), or its equivalent, showing 100 percent of the project completed, including all retainage amounts paid. The performance measure documenting satisfactory completion of Deliverables will also be submission and acceptance of a Final Project Progress Report form that certifies that all project funds have been expended and the project has been closed out.
  - c) The Grantee has provided an Estimated Project Budget (which is incorporated as part of this Agreement and entitled Attachment B). All expenditures for this agreement shall be in accordance with this budget (Attachment B).
  - d) **Change Orders.** Should grant expenditures exceed the budgeted grant amount for any work item by more than 20%, the Grantee shall be required to submit a proposal for revision of the Project Budget with a written explanation for the reason(s) for deviation(s) from the original Project Budget to the Division for review and written approval.
2. **Length of Agreement.** This Agreement shall begin on **July 1, 2014**, and shall end **June 30, 2016**, unless terminated in accordance with the provisions of Section 34 of this Agreement. Contract extensions will not be granted unless Grantee is able to provide substantial written justification and the Division approves such extension. The Grantee's written request for such extension must be submitted to the Division no later than thirty (30) days prior to the termination date of this Agreement.
3. **Contract Administration.** The parties are legally bound by the requirements of this agreement. Each party's contract manager, named below, will be responsible for monitoring its performance under this Agreement, and will be the official contact for each party. Any notice(s) or other communications in regard to this agreement shall be directed to or delivered to the other party's contract manager by utilizing the information below. Any change in the contact information below should be submitted in writing to the contract manager within 10 days of the change.

**For the Division of Historical Resources:**

Grant Gelhardt  
Florida Department of State  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399  
Phone: 850.245.6341  
Email: grant.gelhardt@dos.myflorida.com

**For the Grantee:**

Contact: Jay Boodheshwar  
Address: 360 South County Road, Palm Beach, FL 33480  
Phone: 561.838.5410  
Email: jboodheshwar@townofpalmbeach.com

- 4. Grant Payments.** All grant payments are requested by submitting Application and Certificate for Payment (AIA Document G702) and Schedule of Contract Values (AIA Document G703), or its equivalent. The total grant award shall not exceed \$350,000 which shall be paid by the Division in consideration for the Grantee's minimum performance as set forth by the terms and conditions of this Agreement. The grant payment schedule is outlined below:
- a) The first payment will be cost reimbursement. Payment will be made in accordance with the completion of Deliverable 1.
  - b) The second payment will be cost reimbursement. Payment will be made in accordance with the completion of Deliverable 2.
  - c) The third payment will be cost reimbursement. Payment will be made in accordance with the completion of the Deliverable 3.
- 5. Electronic Payments.** The Grantee can choose to use electronic funds transfer (EFT) to receive grant payments. All grantees wishing to receive their award through electronic funds transfer must submit a Direct Deposit Authorization form to the Florida Department of Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts. To download this form visit [www.myfloridacfo.com/Division/AA/Forms/DFS-A1-26E.pdf](http://www.myfloridacfo.com/Division/AA/Forms/DFS-A1-26E.pdf). This page also includes tools and information that allow you to check on payments.
- 6. Florida Substitute Form W-9.** A completed Substitute Form W-9 is required from any entity that receives a payment from the State of Florida that may be subject to 1099 reporting. The Department of Financial Services (DFS) must have the correct Taxpayer Identification Number (TIN) and other related information in order to report accurate tax information to the Internal Revenue Service (IRS). To register or access a Florida Substitute Form W-9 visit [flvendor.myfloridacfo.com/](http://flvendor.myfloridacfo.com/). **A copy of the Grantee's Florida Substitute Form W-9 must be submitted with the executed Agreement.**
- 7. Amendment to Contract.** Either party may request modification of the provisions of this Agreement by filing a Contract Details Amendment Request form with the Division. Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement. If changes are implemented without the Division's written approval, the organization is subject to noncompliance, and the grant award is subject to reduction, partial, or complete refund to the State of Florida and termination of this agreement. The Contract Details Amendment Request form is available on the Division's website at [www.flheritage.com/grants/categories/special.cfm](http://www.flheritage.com/grants/categories/special.cfm).
- 8. Financial Consequences.** The Department shall apply the following financial consequences for failure to perform the minimum level of services required by this Agreement in accordance with Sections 215.971 and 287.058, *Florida Statutes*.
- a) First payment will be withheld if Deliverable 1 is not satisfactorily completed.



- b) Second payment will be withheld if Deliverable 2 is not satisfactorily completed.
- c) Third payment will be withheld if Deliverable 3 is not satisfactorily completed.

The Division shall reduce total grant funding for the Project in direct proportion to match contributions not met by the end of the Grant Period. This reduction shall be calculated by dividing the actual match amount by the required match amount indicated in the Historic Grant Award Agreement and multiplying the product by the grant award amount indicated in the Historic Grant Award Agreement. Pursuant to Section 19, Grantee shall refund to the Division any excess funds paid out prior to a reduction of total grant funding.

## 9. Development Projects.

- a) All project work must be in compliance with the **Secretary of the Interior's Standards and Guidelines** available online at [www.nps/tps/standards.htm](http://www.nps/tps/standards.htm).
- b) The Grantee shall provide photographic documentation of the restoration activity. Guidelines regarding the photographic documentation is available online at [www.flheritage.com/grants/categories/special.cfm](http://www.flheritage.com/grants/categories/special.cfm).
- c) Architectural Services
  - 1. All projects shall require contracting for architectural/engineering services.
  - 2. The Grantee may request a waiver of this requirement from the Division if they believe that the architectural/engineering services are not needed for the project. The Division shall make a recommendation to the Grantee after review of the proposed project.
- d) Architectural Documents and Construction Contracts

The Grantee shall submit the architectural services contract to the Department for review and approval prior to final execution. In addition, pursuant to *Section 267.031(5)(i), Florida Statutes*, the Grantee shall submit architectural planning documents to the Department for review and approval at the following stages of development:

- 1. Upon completion of **schematic design**;
  - 2. Upon completion of **design development and outline specifications**; and
  - 3. Upon completion of **100% construction documents and project manual**, prior to execution of the construction contract.
- e) For the construction phase of a project, in addition to the review submissions indicated above, a copy of the construction contract must be submitted to the Department for review and approval prior to final execution. Department review and approval of said contracts shall not be construed as acceptance by or imposition upon the Department of any financial liability in connection with said contracts.

f) For projects involving ground disturbance (examples include: historic building or structure relocation, grading and site work, installation of sewer and water lines, subgrade foundation repairs or damp proofing, construction of new foundations and installation of landscape materials), the Grantee shall ensure that the following requirements are included in all contracts for architectural and engineering services:

1. Ground disturbance around historic buildings or elsewhere on the site shall be minimized, thus reducing the possibility of damage to or destruction of significant archaeological resources.
2. If an archaeological investigation of the Project site has not been completed, the architect or engineer shall contact the Department for assistance in determining the actions necessary to evaluate the potential for adverse effects of Project ground disturbing activities on significant archaeological resources.
3. Significant archaeological resources shall be protected and preserved in place whenever possible. Heavy machinery shall not be allowed in areas where significant archaeological resources may be disturbed or damaged.
4. When preservation of significant archaeological resources in place is not feasible, a mitigation plan shall be developed in consultation with and approved by the Department's Compliance Review Section (contact information available online at [www.flheritage.com](http://www.flheritage.com)). The mitigation plan shall be implemented under the direction of an archaeologist meeting the Secretary of the Interiors' Professional Qualification Standards for Archeology.
5. Documentation of archaeological investigation and required mitigation actions shall be submitted to the Compliance Review Section for review and approval. This documentation shall conform to the *Secretary of the Interior's Standards for Archaeological Documentation*, and the reporting standards of the Compliance Review Section set forth in *Chapter 1A-46, Florida Administrative Code*.

**10. Credit Line(s) to Acknowledge Grant Funding.** Pursuant to Section 286.25, *Florida Statutes*, all construction projects shall display a project identification sign in a prominent location at the Project site and shall maintain said sign while work is in progress. The sign must be a minimum of eight (8) square feet in area, be constructed of plywood or other durable material, and shall contain the following acknowledgment of grant assistance:

- a) "This project is sponsored in part by the Department of State, Division of Historical Resources and the State of Florida."
- b) Any variation in the above specifications must receive prior approval in writing by the Department. The cost of preparation and erection of the project identification sign are allowable project costs. Routine maintenance costs of project signs are not allowable project costs.

**11. Restrictive Covenant.** For all grant-assisted projects involving real property, except as exempted below, Restrictive Covenants, available online at [www.flheritage.com/grants/categories/special.cfm](http://www.flheritage.com/grants/categories/special.cfm) must be recorded with the deed. By recording the referenced Restrictive Covenants, the Grantee agrees



to the continued maintenance, repair and administration of the property receiving grant assistance in a manner satisfactory to the Department for a period of ten (10) years from the date of recordation. The Grantee shall have the Restrictive Covenants fully executed and duly recorded by the Clerk of the Circuit Court in the county in which the property is located. No grant funds will be released prior to Department receipt of a recorded copy of the Restrictive Covenants. Exceptions to this requirement are real properties owned by the State of Florida or the Federal Government, museum exhibits, archaeological sites, and movable historic objects such as locomotives, railcars, marine vessels and aircraft.

**12. Preservation Agreement.** For all grant-assisted projects involving property other than real property (e.g., locomotives, railcars, marine vessels, aircraft and other movable objects) execution of the Preservation Agreement, available online at [www.flheritage.com/grants/](http://www.flheritage.com/grants/), is required. By executing the referenced Preservation Agreement, the Grantee agrees to the continued maintenance, repair and administration of the property receiving grant assistance in a manner satisfactory to the Department for a period of ten (10) years from the date of execution. For projects involving property other than real property, no grant funds will be released prior to Department receipt of two completed and signed copies of the Preservation Agreement.

**13. Encumbrance of Funds.** The Grantee shall execute a binding contract for at least a part of the approved Scope of Work by **September 30, 2015**. All grant funds must be encumbered under the terms of a binding contractual agreement by **December 30, 2015**, except as allowed below.

- a) **Extension of Encumbrance Deadline:** The encumbrance deadline indicated above may be extended by written approval of the Division. To be eligible for this extension, the Grantee must demonstrate to the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by the end of the requested extended encumbrance period. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Department no later than fifteen (15) days prior to the encumbrance deadline indicated above. The maximum extension of the encumbrance period shall be thirty (30) days.
- b) **Encumbrance Deadline Exception:** For projects not involving contract services the Grantee and the Department shall consult on a case-by-case basis to develop an acceptable encumbrance schedule.

**14. Grant Reporting Requirements.** The Grantee must submit the following reports to the Division, using the Project Progress Report form. The Project Progress Report form is available on the Division's website at [www.flheritage.com/grants/categories/special.cfm](http://www.flheritage.com/grants/categories/special.cfm).

- a) **First Project Progress Report** is due by January 31, 2016, for the period ending December 31, 2015.
- b) **Final Report.** The Grantee must submit a Final Report to the Division by June 30, 2016.

**15. Matching Funds.** The Grantee is not required to provide a match.

**16. Grant Completion Deadline.** The grant completion deadline is **June 30, 2016**. The Grant Completion Deadline is the date when the project is 100% complete and all grant and matching funds have been paid out in accordance with the work described in the Scope of Work, detailed in the Estimated Project Budget. If the Grantee finds it necessary to request an extension of the Grant Completion Deadline, the extension may not exceed 120 days, unless the Grantee can demonstrate extenuating circumstances as described in Section 17 of this Agreement.

**17. Extension of the Grant Completion Deadline.** An extension of the completion date must be requested at least thirty (30) days prior to the end of the grant period and may not exceed 120 days, unless the Grantee can clearly demonstrate extenuating circumstances. An extenuating circumstance is one that is beyond the control of the Grantee, and one that prevents timely completion of the project such as a natural disaster, death or serious illness of the individual responsible for the completion of the project, litigation related to the project, or failure of the contractor or architect to provide the services for which they were contracted to provide. An extenuating circumstance does not include failure to read or understand the administrative requirements of a grant or failure to raise sufficient matching funds. Prior written approval is required for extensions.

**18. Non-allowable Grant Expenditures.** The Grantee agrees to expend all grant funds received under this agreement solely for the purposes for which they were authorized and appropriated. Expenditures shall be in compliance with the state guidelines for allowable project costs as outlined in the Department of Financial Services' Reference Guide for State Expenditures, which are incorporated by reference and are available online at [www.myfloridacfo.com/aadir/reference\\_guide/](http://www.myfloridacfo.com/aadir/reference_guide/). In addition, the following are not allowed as grant or matching expenditures:

- a) Expenditures for work not included in the Approved Scope of Work;
- b) Costs of goods and services not procured in accordance with procurement procedures set forth in the Historic Preservation Grant Award Agreement;
- c) Expenses incurred or obligated prior to or after the grant period;
- d) Expenditures for work not consistent with the applicable preservation standards (see subsection 1A-39.002(31), F.A.C.);
- e) Expenditures for Furniture and Equipment, unless specifically authorized as a part of a grant project;
- f) Expenses associated with lobbying or attempting to influence federal, state, or local legislation, the judicial branch, or any state agency;
- g) Private entertainment, food, beverages, plaques, awards, or gifts;
- h) Costs or value of donations or in-kind contributions not documented in accordance with the provisions of the Historic Preservation Grant Award Agreement;
- i) Indirect costs, except indirect costs for Statewide Special Projects and grants providing technical assistance to the statewide Florida Main Street Program, which shall be considered on a case-by-case basis but shall not exceed 20% of the grant award amount;
- j) Project Administrative Expenditures, whether grant expenditures or match contributions, which in aggregate exceed 10% of the grant award amount;
- k) Costs for projects having as their primary purpose the fulfillment of federal or state historic preservation regulatory requirements, specifically, costs of consultation and mitigation measures required under Section 106 of the *National Historic Preservation Act of 1966*, as amended through 2006, or under Section 267.031, F.S.;



- l) Projects which are restricted to private or exclusive participation, which shall include restricting access on the basis of sex, race, color, religion, national origin, disability, age, handicap, or marital status;
- m) Grantee operational support (i.e., organization salaries, travel, supplies) (Note: project-specific travel costs shall be allowed if requested in the application, included in the Project Budget and clearly demonstrated by the applicant to be essential to completion of the proposed project);
- n) Vehicular circulation and parking (Exception: provision of code-required handicapped parking pad);
- o) Sidewalks, landscape features, planting, irrigation systems and site lighting (Exception: sidewalk required to link code-required handicapped parking pad to the accessible entry, planting required to halt erosion, and limited site lighting required for security, if included in the Approved Scope of Work);
- p) Capital improvements to non-historic properties (except as approved for Museum Exhibit projects);
- q) Capital improvements to the interior of religious properties (Exception: repairs to primary elements of the structural system. Examples include: foundation repairs, repairs to columns, load bearing wall framing, roof framing, masonry repairs, and window and exterior door repairs);
- r) Code-required accessibility improvements for religious properties;
- s) Insurance costs (Exception: costs for builder's risk, workers compensation and contractor's liability insurance); and
- t) Purchase of equipment (other than equipment incorporated as capital improvements into a historic building during restoration or rehabilitation, and equipment required for a museum exhibit). If special equipment is required for completion of the Project and said equipment is included in the Approved Scope of Work for the Project as an eligible grant expense, it shall be rented for the grant term. If the value of special equipment is to be used as a match contribution, the value of the match contribution shall be limited to the cost of rental for the grant period at the market rate for such rental in the region.

**19. Unobligated and Unearned Funds and Allowable Costs.** In accordance with Section 215.971, *Florida Statutes*, the Grantee shall refund to the State of Florida any balance of unobligated funds which has been advanced or paid to the Grantee. In addition, funds paid in excess of the amount to which the recipient is entitled under the terms and conditions of the agreement must be refunded to the state agency. Further, the recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period. Expenditures of state financial assistance must be in compliance with the laws, rules, and regulations applicable to expenditures of State funds, including, but not limited to, the *Reference Guide for State Expenditures*.

**20. Repayment.** All refunds or repayments to be made to the Department under this agreement are to be made payable to the order of the "Department of State" and mailed directly to the following address: Florida Department of State, Attention: Grant Gelhardt, Division of Historical Resources, 500 South Bronough Street Tallahassee, FL 32399. In accordance with Section 215.34(2), *Florida Statutes*, if a check or other draft is returned to the Department for collection, Recipient shall pay to the Department a service fee of \$15.00 or five percent (5%) of the face amount of the returned check or draft, whichever is greater.

- 21. Single Audit Act.** Each grantee, other than a grantee that is a State agency, shall submit to an audit pursuant to Section 215.97, *Florida Statutes*. See Attachment C for additional information regarding this requirement.
- 22. Retention of Accounting Records.** Financial records, supporting documents, statistical records, and all other records including electronic storage media pertinent to the Project shall be retained for a period of five (5) years after the close out of the grant. If any litigation or audit is initiated, or claim made, before the expiration of the five-year period, the records shall be retained until the litigation, audit, or claim has been resolved.
- 23. Obligation to Provide State Access to Grant Records.** The Grantee must make all grant records of expenditures, copies of reports, books, and related documentation available to the Division or a duly authorized representative of the State of Florida for inspection at reasonable times for the purpose of making audits, examinations, excerpts, and transcripts.
- 24. Obligation to Provide Public Access to Grant Records.** The Division reserves the right to unilaterally cancel this Agreement in the event that the Grantee refuses public access to all documents or other materials made or received by the Grantee that are subject to the provisions of Chapter 119, *Florida Statutes*, known as the *Florida Public Records Act*. The Grantee must immediately contact the Division's Contract Manager for assistance if it receives a public records request related to this Agreement.
- 25. Noncompliance with Grant Requirements.** Any applicant that has not submitted required reports or satisfied other administrative requirements for other Division of Historical Resources grants or grants from any other Office of Cultural, Historical, and Information Programs (OCHIP) Division will be in noncompliance status and subject to the OCHIP Grants Compliance Procedure. (OCHIP Divisions include the Division of Cultural Affairs, the Division of Historical Resources, and the Division of Library and Information Services.) Grant compliance issues must be resolved before a grant award agreement may be executed, and before grant payments for any OCHIP grant may be released.
- 26. Accounting Requirements.** The Grantee must maintain an accounting system that provides a complete record of the use of all grant funds as follows:
- a) The accounting system must be able to specifically identify and provide audit trails that trace the receipt, maintenance, and expenditure of state funds;
  - b) Accounting records must adequately identify the sources and application of funds for all grant activities and must classify and identify grant funds by using the same budget categories that were approved in the grant application. If Grantee's accounting system accumulates data in a different format than the one in the grant application, subsidiary records must document and reconcile the amounts shown in the Grantee's accounting records to those amounts reported to the Division.

- c) An interest-bearing checking account or accounts in a state or federally chartered institution may be used for revenues and expenses described in the Scope of Work and detailed in the Estimated Project Budget.
- d) The name of the account(s) must include the grant award number;
- e) The Grantee's accounting records must have effective control over and accountability for all funds, property, and other assets; and
- f) Accounting records must be supported by source documentation and be in sufficient detail to allow for a proper pre-audit and post-audit (such as invoices, bills, and canceled checks).

**27. Availability of State Funds.** The State of Florida's performance and obligation to pay under this Agreement are contingent upon an annual appropriation by the Florida Legislature. In the event that the state funds upon which this Agreement is dependent are withdrawn, this Agreement will be automatically terminated and the Division shall have no further liability to the Grantee, beyond those amounts already expended prior to the termination date. Such termination will not affect the responsibility of the Grantee under this Agreement as to those funds previously distributed. In the event of a state revenue shortfall, the total grant may be reduced accordingly.

**28. Independent Contractor Status of Grantee.** The Grantee, if not a state agency, agrees that its officers, agents and employees, in performance of this Agreement, shall act in the capacity of independent contractors and not as officers, agents, or employees of the state. The Grantee is not entitled to accrue any benefits of state employment, including retirement benefits and any other rights or privileges connected with employment by the State of Florida.

**29. Grantee's Subcontractors.** The Grantee shall be responsible for all work performed and all expenses incurred in connection with this Agreement. The Grantee may subcontract, as necessary, to perform the services and to provide commodities required by this Agreement. The Division shall not be liable to any subcontractor(s) for any expenses or liabilities incurred under the Grantee's subcontract(s), and the Grantee shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under its subcontract(s). The Grantee must take the necessary steps to ensure that each of its subcontractors will be deemed to be "independent contractors" and will not be considered or permitted to be an agents, servants, joint venturers, or partners of the Division.

**30. Liability.** The Division will not assume any liability for the acts, omissions to act, or negligence of, the Grantee, its agents, servants, or employees; nor may the Grantee exclude liability for its own acts, omissions to act, or negligence, to the Division.

- a) The Grantee shall be responsible for claims of any nature, including but not limited to injury, death, and property damage arising out of activities related to this Agreement by the Grantee, its agents, servants, employees, and subcontractors. The Grantee shall indemnify and hold the Division harmless from any and all claims of any nature and shall investigate all such claims at its own expense. If the Grantee is governed by Section 768.28, *Florida Statutes*, it shall only be obligated in accordance with this Section.



- b) Neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity, or increases the limits of its liability, by entering into this Agreement.
- c) The Division shall not be liable for attorney fees, interest, late charges or service fees, or cost of collection related to this Agreement.
- d) The Grantee shall be responsible for all work performed and all expenses incurred in connection with the project. The Grantee may subcontract as necessary to perform the services set forth in this Agreement, including entering into subcontracts with vendors for services and commodities; and provided that it is understood by the Grantee that the Department shall not be liable to the subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

**31. Strict Compliance with Laws.** The Grantee shall perform all acts required by this Agreement in strict conformity with all applicable laws and regulations of the local, state and federal law.

**32. No Discrimination.** The Grantee may not discriminate against any employee employed under this Agreement, or against any applicant for employment because of race, color, religion, gender, national origin, age, handicap or marital status. The Grantee shall insert a similar provision in all of its subcontracts for services under this Agreement.

**33. Breach of Agreement.** The Division will demand the return of grant funds already received, will withhold subsequent payments, and/or will terminate this agreement if the Grantee improperly expends and manages grant funds, fails to prepare, preserve or surrender records required by this Agreement, or otherwise violates this Agreement.

**34. Termination of Agreement.** The Division will terminate or end this Agreement if the Grantee fails to fulfill its obligations herein. In such event, the Division will provide the Grantee a notice of its violation by letter, and shall give the Grantee fifteen (15) calendar days from the date of receipt to cure its violation. If the violation is not cured within the stated period, the Division will terminate this Agreement. The notice of violation letter shall be delivered to the Grantee's Contract Manager, personally, or mailed to his/her specified address by a method that provides proof of receipt. In the event that the Division terminates this Agreement, the Grantee will be compensated for any work completed in accordance with this Agreement, prior to the notification of termination, if the Division deems this reasonable under the circumstances. Grant funds previously advanced and not expended on work completed in accordance with this Agreement shall be returned to the Division, with interest, within thirty (30) days after termination of this Agreement. The Division does not waive any of its rights to additional damages, if grant funds are returned under this Section.

**35. Preservation of Remedies.** No delay or omission to exercise any right, power, or remedy accruing to either party upon breach or violation by either party under this Agreement, shall impair any such right, power or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default, or any similar breach or default.

- 36. Non-Assignment of Agreement.** The Grantee may not assign, sublicense nor otherwise transfer its rights, duties or obligations under this Agreement without the prior written consent of the Division, which consent shall not unreasonably be withheld. The agreement transferee must demonstrate compliance with the requirements of the project. If the Division approves a transfer of the Grantee's obligations, the Grantee shall remain liable for all work performed and all expenses incurred in connection with this Agreement. In the event the Legislature transfers the rights, duties, and obligations of the Division to another governmental entity pursuant to Section 20.06, *Florida Statutes*, or otherwise, the rights, duties, and obligations under this Agreement shall be transferred to the successor governmental agency as if it was the original party to this Agreement.
- 37. Required Procurement Procedures for Obtaining Goods and Services.** The Grantee shall provide maximum open competition when procuring goods and services related to the grant-assisted project in accordance with Section 287.057, *Florida Statutes*.
- 38. Conflicts of Interest.** The Grantee hereby certifies that it is cognizant of the prohibition of conflicts of interest described in Sections 112.311 through 112.326, *Florida Statutes*, and affirms that it will not enter into or maintain a business or other relationship with any employee of the Department of State that would violate those provisions. The Grantee further agrees to seek authorization from the General Counsel for the Department of State prior to entering into any business or other relationship with a Department of State Employee to avoid a potential violation of those statutes.
- 39. Binding of Successors.** This Agreement shall bind the successors, assigns and legal representatives of the Grantee and of any legal entity that succeeds to the obligations of the Division of Historical Resources.
- 40. No Employment of Unauthorized Aliens.** The employment of unauthorized aliens by the Grantee is considered a violation of Section 274A (a) of the Immigration and Nationality Act. If the Grantee knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement.
- 41. Severability.** If any term or provision of the Agreement is found to be illegal and unenforceable, the remainder will remain in full force and effect, and such term or provision shall be deemed stricken.
- 42. Americans with Disabilities Act.** All programs and facilities related to this Agreement must meet the standards of Sections 553.501-553.513, *Florida Statutes*, and the Americans with Disabilities Act of 1990.
- 43. Governing Law.** This Agreement shall be construed, performed, and enforced in all respects in accordance with the laws and rules of Florida. Venue or location for any legal action arising under this Agreement will be in Leon County, Florida.
- 44. Entire Agreement.** The entire Agreement of the parties consists of the following documents:
- a) This Agreement
  - b) Project Description (Attachment A)
  - c) Estimated Project Budget (Attachment B)
  - d) Single Audit Act Requirements and Exhibit I (Attachment C)

In acknowledgment of Grant Number MP512 provided for from funds appropriated in the FY 2014-2015 General Appropriation Act in the amount of \$350,000, I hereby certify that I have read this entire Agreement, and will comply with all of its requirements.

**Department of State:**

By: Robert F. Bendus  
Robert F. Bendus, Division Director

\_\_\_\_\_  
Typed name and title

\_\_\_\_\_  
Witness

9/8/15  
Date

**Grantee:**

By: Thomas G. Bradford  
Thomas G. Bradford, Town Manager

Cheryl Kileen, Executive Asst.  
Typed name and title

Cheryl Kileen  
Witness

August 19, 2015  
Date

**\*If the authorizing official signing above on behalf of the grantee organization is not the chief executive officer or equivalent, then another authorized official must sign below.**

On behalf of the governing body of the Grantee organization, I hereby acknowledge awareness of, and agree to comply with all of the requirements of this Grant Agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Typed name and title

\_\_\_\_\_  
Date

## ATTACHMENT A

### **Project Description**

The Town of Palm Beach has developed design for a second phase (Phase 2) of improvements in the Town Hall Historic District. These improvements include streetscaping, landscaping, restoration of the Mizner Memorial Fountain, and general infrastructure improvements on South County Road between Chilean Avenue and Brazilian Avenue in the Town. This area includes Memorial Park which contains the Mizner Memorial Fountain.

Phase 1 of the project included the restoration of the main fountain sculpture at the south end of Memorial Park, which was partially funded by a grant from the State of Florida. A portion of the Phase 2 plan of improvements includes restoration, repair, and replication of deteriorated and damaged portions of the Mizner Memorial Fountain stone work that surround both the main fountain sculpture and linear fountain elements. Plans and specifications for this element of the work have been developed by the same team of professionals and historic preservationist consultants that prepared the repair design for the main fountain sculpture, which has provided for consistency in how the damaged and deteriorated stone elements will be addressed.

The specific stone repair elements included in Phase 2 of the project are more specifically and graphically described in the plans and specifications for the project. At this time, it is anticipated that the stone work elements adjacent to the reflecting pool, which is funded by this grant, will carry a line item cost of \$375,800 when performed concurrently with the rest of the project.

## ATTACHMENT B

### Estimated Project Budget

| Budget Item Number | Description    | Grant Funds | Cash Match | In-Kind Match | Total     |
|--------------------|----------------|-------------|------------|---------------|-----------|
| 1                  | Stone Flatwork | \$350,000   | \$25,800   | \$0           | \$375,800 |
|                    |                |             |            |               |           |
|                    |                |             |            |               |           |
|                    |                |             |            |               |           |
|                    |                |             |            |               |           |
|                    | TOTAL          | \$350,000   | \$25,800   | \$0           | \$375,800 |



## ATTACHMENT C

### FLORIDA SINGLE AUDIT ACT REQUIREMENTS

#### AUDIT REQUIREMENTS

The administration of resources awarded by the Department of State to the Grantee may be subject to audits and/or monitoring by the Department of State as described in this Addendum to the Grant Award Agreement.

#### MONITORING

In addition to reviews of audits conducted in accordance with 2 CFR Part 200, Subpart F -- Audit Requirements, and Section 215.97, *Florida Statutes*, monitoring procedures may include, but not be limited to, on-site visits by Department of State staff, limited scope audits as defined by 2 CFR §200.328, and/or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of State. In the event the Department of State determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department of State staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer or Auditor General.

#### AUDITS

##### **PART I: FEDERALLY FUNDED**

This part is applicable if the recipient is a State or local government or a non-profit organization that has received federal funds awarded through the Department of State. EXHIBIT 1 to this attachment indicates whether federal resources have been awarded through the Department of State by this agreement.

##### **2 CFR §200.501 Audit Requirements**

(a) *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

(b) *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with 2 CFR §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

(c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of

the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with 2 CFR §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) *Exemption when Federal awards expended are less than \$750,000.* A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

(e) *Federally Funded Research and Development Centers (FFRDC).* Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.

(f) *Subrecipients and Contractors.* An auditee may simultaneously be a recipient, a subrecipient, and a contractor. Federal awards expended as a recipient or a subrecipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Subrecipient and contractor determinations should be considered in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.

(g) *Compliance responsibility for contractors.* In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

(h) *For-profit subrecipient.* Since this part does not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient should describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

The Internet web address listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

U.S. Government Printing Office  
[www.ecfr.gov](http://www.ecfr.gov)



## PART II: STATE FUNDED

This part is applicable if the recipient is a nonstate entity as defined by Section 215.97(2)(l), *Florida Statutes* and had received state funds awarded by the Department of State. EXHIBIT 1 to this attachment indicates whether state resources have been awarded by the Department of State by this agreement.

### Section 215.97 *Florida Statutes* Single Audit Requirements

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$500,000 in any fiscal year of such recipient, the recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, *Florida Statutes*; applicable rules of the Executive Office of the Governor and the Chief Financial Officer; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this agreement indicates state financial assistance awarded through the Department of State by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other nonstate entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a nonstate entity for Federal program matching requirements.
2. In connection with the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(7), *Florida Statutes*. This includes submission of a financial reporting package as defined by Section 215.97(2)(d), *Florida Statutes*, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, *Florida Statutes*, is not required. In the event that the recipient expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, *Florida Statutes*, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

The Internet web addresses listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

State of Florida Department Financial Services (Chief Financial Officer)  
[www.fldfs.com/](http://www.fldfs.com/)

State of Florida Legislature (Statutes, Legislation relating to the Florida Single Audit Act)  
[www.leg.state.fl.us/](http://www.leg.state.fl.us/)

### **PART III: REPORT SUBMISSION**

1. Copies of reporting packages for audits conducted in accordance with 2 CFR §200.512, and required by PART I of this agreement shall be submitted, when required by 2 CFR §200.512, by or on behalf of the recipient directly to each of the following:

- A. The Department of State at the following address:

Office of Inspector General  
Florida Department of State  
R. A. Gray Building, Room 114A  
500 South Bronough St.  
Tallahassee, FL 32399-0250

- B. The Federal Audit Clearinghouse electronically at [harvester.census.gov/sac/](http://harvester.census.gov/sac/) as designated in 2 CFR §200.512

- C. Other Federal agencies and pass-through entities in accordance with 2 CFR §200.513

2. In the event that a copy of the reporting package for an audit required by PART I of this agreement and conducted in accordance 2 CFR §200.501 Audit Requirements, is not required to be submitted to the Department of State for the reasons pursuant to 2 CFR §200.501, the recipient shall submit the required written notification pursuant to 2 CFR §200.501 (d) and a copy of the recipient's audited schedule of expenditures of Federal awards directly to the following:

Office of Inspector General  
Florida Department of State  
R. A. Gray Building, Room 114A  
500 South Bronough St.  
Tallahassee, FL 32399-0250

3. Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the recipient directly to the following:

- A. The Department of State at the following address:

Office of Inspector General  
Florida Department of State  
R. A. Gray Building, Room 114A  
500 South Bronough St.  
Tallahassee, FL 32399-0250

B. The Auditor General's Office at the following address:

Auditor General's Office  
Room 401, Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

4. Any reports, management letter, or other information required to be submitted to the Department of State pursuant to this agreement shall be submitted timely in accordance with 2 CFR Part 200, Subpart F—Audit Requirements, Section 215.97, *Florida Statutes*, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), *Rules of the Auditor General*, as applicable.
5. Recipients, when submitting financial reporting packages to the Department of State for audits done in accordance with 2 CFR Part 200, Subpart F or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), *Rules of the Auditor General*, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

#### **PART IV: RECORD RETENTION**

1. The recipient shall retain sufficient records demonstrating its compliance with the terms of this agreement for a period of five years from the date the audit report is issued, and shall allow the Department of State, or its designee, Chief Financial Officer, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of State, or its designee, Chief Financial Officer, or Auditor General upon request for a period of three years from the date the audit report is issued, unless extended in writing by the Department of State.

## **EXHIBIT 1**

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT  
CONSIST OF THE FOLLOWING:

Not Applicable.

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED  
PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

Not Applicable.

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT  
CONSIST OF THE FOLLOWING:

MATCHING RESOURCES FOR FEDERAL PROGRAMS:

Not Applicable.

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

Florida Department of State Special Category Grant, CSFA Number 45.032  
Award Amount: \$350,000

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED  
PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

As contained in the Compliance Supplement to CSFA Number 45.032. **APPENDIX 1**

**RESOLUTION NO. 102-2015**

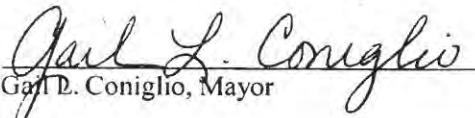
**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SPECIAL LEGISLATIVE APPROPRIATION GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE TOWN OF PALM BEACH IN THE AMOUNT OF \$350,000.00 FOR THE RESTORATION OF MEMORIAL PARK/ADDISON MIZNER'S PLAZA - PHASE 2 (A); AND AUTHORIZING THE TOWN MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE TOWN.**

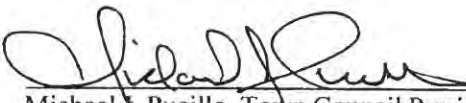
**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

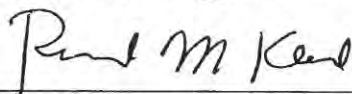
Section 1: The foregoing recitals are hereby ratified and confirmed.

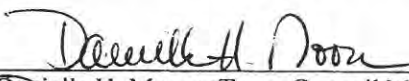
Section 2: The approval of the special legislative appropriation grant agreement between the State of Florida and the Town of Palm Beach for \$350,000.00 for the restoration of Memorial Park/Addison Mizner's Plaza - Phase 2 (A), attached hereto as Exhibit A, is hereby approved and the Town Manager is authorized to execute said agreement on behalf of the Town.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11<sup>th</sup> day of August 2015.

  
Gail L. Coniglio, Mayor

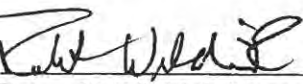
  
Michael J. Pucillo, Town Council President

  
Richard M. Kleid, Council President Pro Tem

  
Danielle H. Moore, Town Council Member

  
Penelope D. Townsend, Town Council Member

  
Susan A. Owens, MMC, Town Clerk

  
Robert N. Wildrick, Town Council Member

This instrument prepared by:  
Grant Gelhardt  
Florida Department of State  
Bureau of Historic Preservation  
500 South Bronson Street  
Tallahassee, FL 32399

CFN 20150319396  
OR BK 27764 PG 1877  
RECORDED 08/27/2015 09:10:37  
Palm Beach County, Florida  
AMT  
Sharon R. Bock  
CLERK & COMPTROLLER  
Pgs 1877-1880; (4Pgs)

1 of 2

#### RESTRICTIVE COVENANTS

Project Name: Restoration of Memorial Park/Addison Mizner's Plaza  
Grant Number: MP512

THESE COVENANTS are entered into this 18th day of August, 2015, by the Town of Palm Beach, hereinafter referred to as the Owner, and shall be effective for a period of ten years from the date of recordation by the Clerk of the Circuit Court of Palm Beach County, Florida.

WHEREAS, the Owner is the fee simple titleholder of the Property located at Memorial Park, South County Road, Palm Beach, Palm Beach County, Florida, as described in Exhibit A, attached to and made a part hereof and

WHEREAS, the Owner is a grant recipient and is to receive State Historic Preservation Grant assistance funds administered by the State of Florida, Department of State, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, hereinafter referred to as the Department, in the amount of \$350,000, to be used for the preservation of the property of the Owner as described in Exhibit A, and

WHEREAS, said State funds have been or will be expended for the purpose of preserving the historic qualities of the property or contributing to the historic character of the district in which the property is located,

Now THEREFORE, as part of the consideration for the State grant, the Owner hereby make and declare the following restrictive covenants which shall run with the title to said Property and be binding on the Owner and its successors in interest, if any, for a period stated in the preamble above:

- 1 The Owner agree to maintain the property in accordance with good preservation practices and the Secretary of the Interior's Standards for Rehabilitation
- 2 The Owner agree that no modifications will be made to the Property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Department's Bureau of Historic Preservation
- 3 The Owner agree that every effort will be made to design any modifications to the Property in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation
- 4 The Owner agree that the Department, its agents and its designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether the conditions of the Grant Award Agreement and these covenants are being observed
- 5 The Owner agree that these restrictions shall encumber the property for a period of ten years from the date of recordation, and that if the restrictions are violated within the ten year period, the Department shall be entitled to liquidated damages pursuant to the following schedule:
  - a If the violation occurs within the first five years of the effective date of these covenants, the Department shall be entitled to return of the entire grant amount
  - b If the violation occurs after the first five years, the Department shall be entitled to return of the entire grant amount, less 10% for each year past the first five. For instance, if the violation occurs after the sixth anniversary of the effective date of these covenants, but prior to the seventh anniversary, the Department shall be entitled to return of 80% of the original grant amount
- 6 The Owner agrees to file these covenants with the Clerk of the Circuit Court of Palm Beach County, Florida, and shall pay any and all expenses associated with their filing and recording
- 7 The Owner agree that the Department shall incur no tax liability as a result of these restrictive covenants



IN WITNESS WHEREOF, the Owner has read these Restrictive Covenants and has hereto affixed their signature.

WITNESSES:

Cheryl Klean  
Witness Signature

Thomas G. Bradford  
OWNER (Town of Palm Beach)

Cheryl Klean  
Witness Name Typed/Printed

Thomas G. Bradford, Town Manager  
Name/Title

Kathleen Dominguez  
Witness Signature

360 South County Road  
Owner's Address

Kathleen Dominguez  
Witness Name Typed/Printed

Palm Beach, Florida 33480  
City State Zip

The State of Florida  
County of Palm Beach

I certify that on this date before me, an officer duly authorized in the state and county named above to take

acknowledgments, that THOMAS G. BRADFORD personally  
(Name)

appeared as TOWN MANAGER for TOWN OF PALM BEACH  
(Officer) (Name of Corporation/Partnership)

known to me to be or who proved to my satisfaction that he/she is the person described in and who executed the foregoing instrument.

Type of Identification Produced \_\_\_\_\_

Executed and sealed by me at Palm Beach Florida on August 19, 2015, 2015.

Patricia Gayle-Gordon  
Notary Public in and for

The State of \_\_\_\_\_

My commission expires: \_\_\_\_\_



[SEAL]



EXHIBIT "A"

A portion of the Memorial Park in the Town of Palm Beach lying within the 160 foot wide Right of Way corridor for State Road A-1-A a/k/a South County Road f/k/a Polyclona Drive per the plat of REVISED MAP OF ROYAL PARK ADDITION, according to the plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida lying in Sections 23 and 26, Township 43 South, Range 43 East, Palm Beach County, Florida, said portion lying between Blocks "G" and "H" of said plat and being more particularly described as follows:

Commence at the Southeast Corner of Lot 32, Block "G"; thence South 88°52'20" East along the Easterly extension of the South line of said Lot 32, a distance of 49.38 feet to the POINT OF BEGINNING; thence North 01°08'17" East, a distance of 31.54 feet to a point on a curve concave Southeasterly, having a chord bearing of North 46°04'36" East; thence Northeasterly along said curve, having a radius of 15.00 feet, through a central angle of 89°52'37" and an arc distance of 23.53 feet to the end of said curve; thence South 88°59'06" East, a distance of 31.13 feet to a point on a curve concave Southwesterly, having a chord bearing of South 43°57'24" East; thence Southeasterly along said curve, having a radius of 14.50 feet, through a central angle of 90°03'24" and an arc distance of 22.79 feet to the end of said curve; thence South 88°04'18" West, a distance of 254.45 feet to a point on a curve concave Northwesterly, having a chord bearing of South 46°05'42" West; thence Southwesterly along said curve, having a radius of 18.00 feet, through a central angle of 90°02'48" and an arc distance of 28.29 feet to the end of said curve; thence North 88°52'54" West, a distance of 24.93 feet to a point on a curve concave Northeasterly, having a chord bearing of North 43°52'18" West; thence Northwesterly along said curve, having a radius of 18.00 feet, through a central angle of 90°01'11" and an arc distance of 28.28 feet to the end of said curve; thence North 01°08'17" East, a distance of 222.35 feet to the POINT OF BEGINNING.

Containing 17,206 square feet, more or less.

All containing 0.771 acres, more or less.

I hereby certify that to the best of my knowledge and belief the attached legal descriptions for the Town Hall/Firehouse and Memorial Park as shown on the Right of Way Parcel Sketch for State Road No. A-1-A, Item/Segment No. 2297491, Section No. 93060-2526 are true, accurate and were prepared under my direction.

I further certify that said legal description is in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers pursuant to Section 472.027 Florida Statutes.

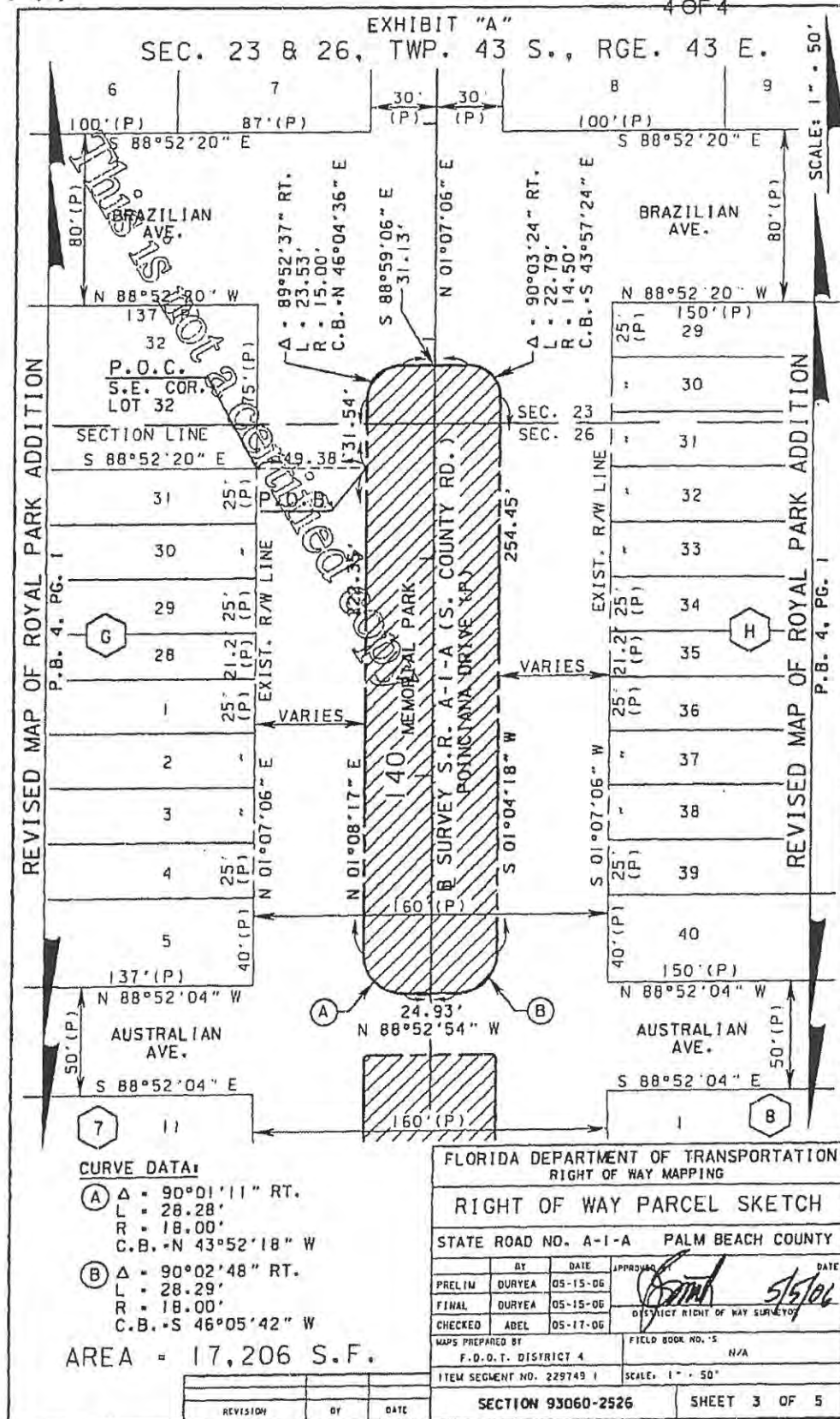
  
Jeffrey D. Smith  
Florida Surveyor and Mapper No. 4805  
Date: 5/5/06  
Florida Department of Transportation

Florida Department of Transportation  
District Four Right of Way  
3400 W. Commercial Boulevard  
FL Lauderdale, Florida 33309-3421

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| REVISION | BY | DATE |

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|--------------------------------------------------------------|--------|-------------------------|--------------------------------------------------------------------------------------------------------------|
| FLORIDA DEPARTMENT OF TRANSPORTATION<br>RIGHT OF WAY MAPPING |        |                         |                                                                                                              |
| RIGHT OF WAY PARCEL SKETCH                                   |        |                         |                                                                                                              |
| STATE ROAD NO. A-1-A                                         |        | PALM BEACH COUNTY       |                                                                                                              |
| PRELIM                                                       | DURVEA | 05-15-06                | APPROVED:  DATE: 5/5/06 |
| FINAL                                                        | DURVEA | 05-15-06                |                                                                                                              |
| CHECKED                                                      | ABEL   | 05-17-06                | DISTRICT RIGHT OF WAY SURVEYOR                                                                               |
| MAPS PREPARED BY<br>F.D.O.T. DISTRICT 4                      |        | FIELD BOOK NO.'S<br>N/A |                                                                                                              |
| ITEM SEGMENT NO. 229749 1                                    |        | SCALE: N/A              |                                                                                                              |
| SECTION 93060-2526                                           |        | SHEET 5 OF 5            |                                                                                                              |

TIMS: rwmapping/survey/rwpstopb.dgn



TIMS: rwmapping/survey/rwpstopb.dgn

**RESTRICTIVE COVENANTS**

**Project Name: Restoration of Memorial Park/Addison Mizner's Plaza**  
**Grant Number: MP512**

THESE COVENANTS are entered into this **18th day of August, 2015**, by the Town of Palm Beach, hereinafter referred to as the Owner, and shall be effective for a period of ten years from the date of recordation by the Clerk of the Circuit Court of Palm Beach County, Florida.

WHEREAS, the Owner is the fee simple titleholder of the Property located at **Memorial Park, South County Road, Palm Beach, Palm Beach** County, Florida, as described in Exhibit A, attached to and made a part hereof and

WHEREAS, the Owner is a grant recipient and is to receive State Historic Preservation Grant assistance funds administered by the State of Florida, Department of State, Division of Historical Resources, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, hereinafter referred to as the Department, in the amount of **\$350,000**, to be used for the preservation of the property of the Owner as described in Exhibit A, and

WHEREAS, said State funds have been or will be expended for the purpose of preserving the historic qualities of the property or contributing to the historic character of the district in which the property is located,

Now THEREFORE, as part of the consideration for the State grant, the Owner hereby make and declare the following restrictive covenants which shall run with the title to said Property and be binding on the Owner and its successors in interest, if any, for a period stated in the preamble above:

1. The Owner agree to maintain the property in accordance with good preservation practices and the Secretary of the Interior's Standards for Rehabilitation.
2. The Owner agree that no modifications will be made to the Property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Department's Bureau of Historic Preservation.
3. The Owner agree that every effort will be made to design any modifications to the Property in a manner consistent with the Secretary of the Interior's Standards for Rehabilitation.
4. The Owner agree that the Department, its agents and its designees shall have the right to inspect the Property at all reasonable times in order to ascertain whether the conditions of the Grant Award Agreement and these covenants are being observed.
5. The Owner agree that these restrictions shall encumber the property for a period of ten years from the date of recordation, and that if the restrictions are violated within the ten year period, the Department shall be entitled to liquidated damages pursuant to the following schedule:
  - a. If the violation occurs within the first five years of the effective date of these covenants, the Department shall be entitled to return of the entire grant amount.
  - b. If the violation occurs after the first five years, the Department shall be entitled to return of the entire grant amount, less 10% for each year past the first five. For instance, if the violation occurs after the sixth anniversary of the effective date of these covenants, but prior to the seventh anniversary, the Department shall be entitled to return of 80% of the original grant amount.
6. The Owner agrees to file these covenants with the Clerk of the Circuit Court of **Palm Beach County**, Florida, and shall pay any and all expenses associated with their filing and recording.
7. The Owner agree that the Department shall incur no tax liability as a result of these restrictive covenants.

Recorded Electronically **ORB 27764**  
 ID **CFN 20150319396** page **1877**  
 County **PALM BEACH**  
 Date **8/27/15** Time **09:10:37**  
 CSC eRecording 855-200-1150

IN WITNESS WHEREOF, the Owner has read these Restrictive Covenants and has hereto affixed their signature.

**WITNESSES:**

Cheryl Klean  
Witness Signature

Thomas G. Bradford  
OWNER (Town of Palm Beach)

Cheryl Klean  
Witness Name Typed/Printed

Thomas G. Bradford, Town Manager  
Name/Title

Kathleen Dominguez  
Witness Signature

360 South County Road  
Owner's Address

Kathleen Dominguez  
Witness Name Typed/Printed

Palm Beach, Florida 33480  
City State Zip

The State of Florida  
County of PALM BEACH

I certify that on this date before me, an officer duly authorized in the state and county named above to take acknowledgments, that THOMAS G. BRADFORD personally  
(Name)

appeared as TOWN MANAGER for TOWN OF PALM BEACH  
(Officer) (Name of Corporation/Partnership)

known to me to be or who proved to my satisfaction that he/she is the person described in and who executed the foregoing instrument.

Type of Identification Produced \_\_\_\_\_

Executed and sealed by me at PALM BEACH Florida on AUGUST 19, 2015, 2015.

Patricia Gayle-Gordon  
Notary Public in and for

The State of \_\_\_\_\_

My commission expires: \_\_\_\_\_



[SEAL]



# EXHIBIT "A"

A portion of the Memorial Park in the Town of Palm Beach lying within the 160 foot wide Right of Way corridor for State Road A-1-A a/k/a South County Road f/k/a Poinclana Drive per the plat of REVISED MAP OF ROYAL PARK ADDITION, according to the plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida lying in Sections 23 and 26, Township 43 South, Range 43 East, Palm Beach County, Florida, said portion lying between Blocks "G" and "H" of said plat and being more particularly described as follows:

Commence at the Southeast Corner of Lot 32, Block "G"; thence South 88°52'20" East along the Easterly extension of the South line of said Lot 32, a distance of 49.38 feet to the POINT OF BEGINNING; thence North 01°08'17" East, a distance of 31.54 feet to a point on a curve concave Southeasterly, having a chord bearing of North 46°04'36" East; thence Northeasterly along said curve, having a radius of 15.00 feet, through a central angle of 89°52'37" and an arc distance of 23.53 feet to the end of said curve; thence South 88°59'06" East, a distance of 31.13 feet to a point on a curve concave Southwesterly, having a chord bearing of South 43°57'24" East; thence Southeasterly along said curve, having a radius of 14.50 feet, through a central angle of 90°03'24" and an arc distance of 22.79 feet to the end of said curve; thence South 01°04'18" West, a distance of 254.45 feet to a point on a curve concave Northwesterly, having a chord bearing of South 46°05'42" West; thence Southwesterly along said curve, having a radius of 18.00 feet, through a central angle of 90°02'48" and an arc distance of 28.29 feet to the end of said curve; thence North 88°52'54" West, a distance of 24.93 feet to a point on a curve concave Northeasterly, having a chord bearing of North 43°52'18" West; thence Northwesterly along said curve, having a radius of 18.00 feet, through a central angle of 90°01'11" and an arc distance of 28.28 feet to the end of said curve; thence North 01°08'17" East, a distance of 222.35 feet to the POINT OF BEGINNING.

Containing 17,206 square feet, more or less.

All containing 0.771 acres, more or less.

I hereby certify that to the best of my knowledge and belief the attached legal descriptions for the Town Hall/Firehouse and Memorial Park as shown on the Right of Way Parcel Sketch for State Road No. A-1-A, Item/Segment No. 2297491, Section No. 93060-2526 are true, accurate and were prepared under my direction.

I further certify that said legal description is in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers pursuant to Section 472.027 Florida Statutes.

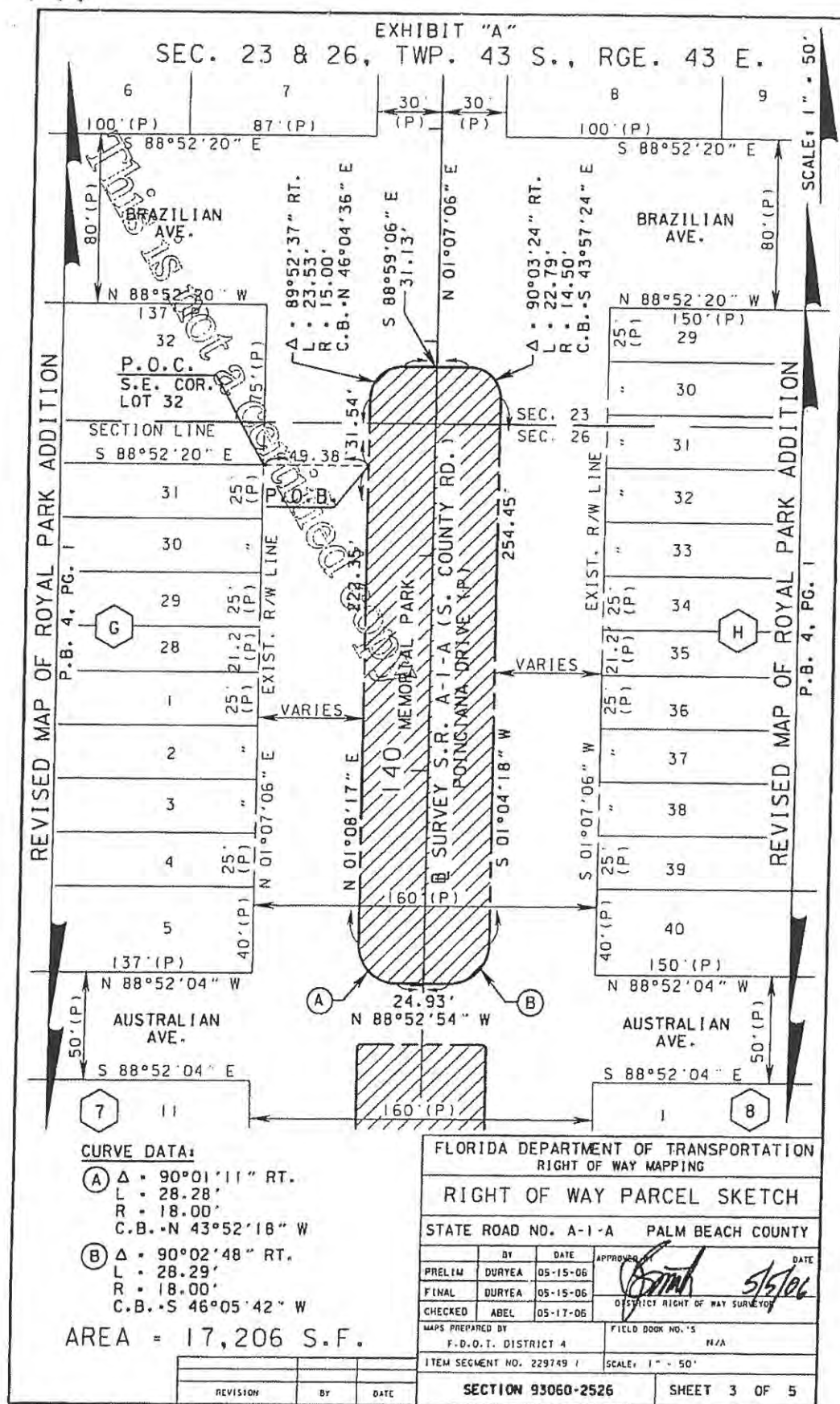
*Jeffrey D. Smith*  
 Jeffrey D. Smith  
 Florida Surveyor and Mapper No. 4805  
 Date: 5/5/06  
 Florida Department of Transportation

Florida Department of Transportation  
 District Four Right of Way  
 3400 W. Commercial Boulevard  
 Ft. Lauderdale, Florida 33309-3421

| REVISION | BY | DATE |
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|--------------------------------------------------------------|-----------|-------------------------|-----------------------------------------|
| FLORIDA DEPARTMENT OF TRANSPORTATION<br>RIGHT OF WAY MAPPING |           |                         |                                         |
| RIGHT OF WAY PARCEL SKETCH                                   |           |                         |                                         |
| STATE ROAD NO. A-1-A                                         |           | PALM BEACH COUNTY       |                                         |
| PRELIM                                                       | BY DURYEA | DATE 05-15-06           | APPROVED <i>[Signature]</i> DATE 5/5/06 |
| FINAL                                                        | BY DURYEA | DATE 05-15-06           | DISTRICT RIGHT OF WAY SURVEYOR          |
| CHECKED                                                      | BY ABEL   | DATE 05-17-06           |                                         |
| MAPS PREPARED BY<br>F.O.D.T. DISTRICT 4                      |           | FIELD BOOK NO.'S<br>N/A |                                         |
| ITEM SEGMENT NO. 229749 1                                    |           | SCALE: N/A              |                                         |
| SECTION 93060-2526                                           |           | SHEET 5 OF 5            |                                         |

TIMS: rwmapping/survey/rwpstopb.dgn



TIMS: rwmapping/survey/rwpstopb.dgn



## State of Florida

Chief Financial Officer  
Department of Financial Services  
Bureau of Accounting  
200 East Gaines Street  
Tallahassee, FL 32399-0354  
Telephone: (850) 413-5519 Fax: (850) 413-5550

### Substitute Form W-9

In order to comply with Internal Revenue Service (IRS) regulations, we require Taxpayer Identification information that will be used to determine whether you will receive a Form 1099 for payment(s) made to you by an agency of the State of Florida, and whether payments are subject to Federal withholding. The information provided below must match the information that you provide to the IRS for income tax reporting. Federal law requires the State of Florida to take backup withholding from certain future payments if you fail to provide the information requested.

**Taxpayer Identification Number (FEIN):** 59-6000402

**IRS Name:** TOWN OF PALM BEACH

**Address:** 360 S COUNTY RD  
PALM BEACH, FL  
33480-0000

**Business Designation:** Government Entity

#### Certification Statement:

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer information **AND**
2. I **am not** subject to backup withholding because:
  - (a) I am exempt from backup withholding **or**
  - (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of failure to report all interest or dividends, **or**
  - (c) the IRS has notified me that I am no longer subject to backup withholding **AND**
3. I am a U.S. citizen or other U.S. person (including U.S. resident alien)

Preparer's Name: JANE STRUDER  
Preparer's Title: FINANCE DIRECTOR  
Phone: 561-838-5400  
Email: jstruder@townofpalmbeach.com

Date Submitted: 08/25/2011



MAY 05 2016

Town Manager's Office

251 EL BRAVO WAY  
PALM BEACH, FL. 33480  
561 655 0100  
[oratorw@yahoo.com](mailto:oratorw@yahoo.com)

May 4, 2016

Mayor and Town Council  
Town of Palm Beach

Re: Mizner Memorial Plaza Town Hall Square

Ladies and Gentlemen:

\$7,900,000 dollars; that is a lot of money.

Does the landscaping really look like it could have cost millions of dollars? Many people think not. A lot of money went into someone's pocket. It is your responsibility to make an inquiry into where all this money went.

Did we get our moneys worth? The Fountain restoration is well done, but the landscaping and the French inspired park at the rear of the Mizner Fountain, are less impressive. In fact one must ask: where did all the money go?

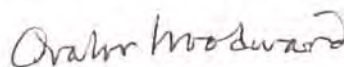
Why was there no competitive bidding? Why does the same Architectural firm get all the Town's jobs? These are questions to be looked into.

The park to the south of the Fountain is not in the same style as the Mizner Plaza. It would be nicer if it had better tables and chairs, but it stands alone as is and would not be improved upon by adding steps to the rear of the Fountain. The park is a pleasant park but it does not, because of its style, have anything to do with the Italianesque style of the Mizner Plaza or rise to landmark status.

Adding steps to the rear of the Fountain is a destructive idea. The Mizner Fountain is a National and Town landmarked treasure. It must not be desecrated. Adding steps would violate the terms of the Town Charter and the grant agreement. It would cause the loss of the grant money. It would be a better idea to add trees in back of the Fountain, as Mizner had intended. I am enclosing a picture postcard showing how much better the Fountain and Plaza looked when it looked as Mizner had intended.

Please say no to steps.

Respectfully yours,



Orator Woodward





Mr. and Mrs. John K. Volk  
206 Phipps Plaza  
Palm Beach, Florida 33480

Dear Palm Beach Mayor and Town Council,

Charter specifically prohibits the addition of stairs to the Landmarked Mizner Memorial Fountain. It takes a referendum by the voters to cover any green space. The boundaries of the park are specified in the clerk of courts office. Any covering of green space requires a vote of the people. It doesn't matter that the street was added to the park parcel, the charter is specific.

On top of the fact that the Town lobbied and excepted Tallahassee historic preservation Grant funding to restore the fountain, in exchange signed a promise that the Town agreed not to deface the Town's own Landmarked Memorial Fountain by placing the steps at the back side of the fountain. There were other requirements to be followed as well. Now to consider resending or breaking the agreement under which the Grant funds were excepted for all intensive purposes, it give the appearance that the funds were excepted and used under false pretenses. This is truly sad, with all the funding cuts in Tallahassee specific to the grant cycle, that the Town excepted it funding of the fountain in. Preservation funding took a huge cut. Other communities went without their preservation Grant applications being funded. What message does this send to other communities from a wealthy community like Palm Beach ?

Also the Town is required to put Town projects out to bid as in an RFP !  
How or why is this requirement being ignored once again as it was with Phase I  
and most likely will be with Phase II of the fountain restoration project.

The Firm of Fernando Wong Landscaping gave a stunning landscape presentation before the Town Council and their proposal was at a fraction of the cost of what Mr. Sanchez's firm did it for. Yet, there was no bid process even considered as required. Instead the project was jut handed over to Mr. Sanchez's firm, Irregardless of the RFP requirements of the Town.

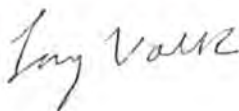
The cost of Phase I was well over 7 million dollars which is shameful with Royal Palms look like they are from the Kmart close out section, mixed matched reject palm. It is rare to pass a palm farm and not see Royals all planted at the same time standing in formation like the Queen Royal Guard ! Part of the argument for replacement of historic royals was that they were not uniform and they were old. So what is the excuse and why should the town except the the mess as planted ? Dead trees already, come on you name it is just a mess. Was the soil tested or condition were the live oaks were planted (trees don't belong there because of their root system and intolerance to salt air) not to mention that it is undoubtedly saturated in salt and most likely contaminates from the fuel tanks that were in place at that location for over 80 years.

Please rethink the mistakes of Phase I, and properly approach Phase II.  
Put all portions of the work schedule out for proper bid as required, per the Town Charter. Plus the Town can't build on the green space without going to a referendum.  
So, clearly the preposed \$2.2 million dollar addition of rear steps are out. Never mind if you take the stair question to the voters as required and prevailed, the town would have to admit and return the ill gotten funds to the preservation coffers in Tallahassee.

Please it is a new day with a predominantly new Town Council that can change the course of the mistakes that were made in Phase I. Consider carefully and within the confines of the Charter and rules incumbent of your body to uphold, as you deliberate please make informed sound decisions in regards to Phase II of the Landmarked Memorial Fountain project.

Best regards,

John and Lory Volk



TOWN OF PALM BEACH

MAY 05 2016

Town Manager's Office

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

RESOLUTION NO. 55-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Awarding a Contract to Hedrick Brothers Construction, Inc., in the Amount of \$1,238,433, for the Police Department HVAC Retrofit Project and Establishing a Construction Phase Budget of \$1,362,000.

*Deferred from the April 12, 2016, Town Council Meeting*

## Presenter

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

## Supporting Documents

- [Memorandum dated April 25, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 55-2016](#)
- [April 12, 2016 TC Memorandum](#)
- [Kimley Horn Study](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Award Contract for Police Department HVAC Retrofit Project  
**Resolution No. 55-2016**

DATE: April 25, 2016

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 55-2016 awarding a Construction Manager (CM) contract for the Police Department HVAC Retrofit Project, for an amount not to exceed \$1,238,433 and authorize the Town Manager to execute a contract with Hedrick Brothers Construction, Inc. The construction phase budget is established at \$1,362,000 to include the CM contract amount, and project contingency.

## **GENERAL INFORMATION**

The Town Council had requested additional information before deciding on the proposed contract award for this project. That supplemental information related to the engineering study and cost comparisons for the HVAC systems are provided as follows to assist in explaining the staff recommendation.

The engineering study conducted by Kimley Horn & Associates was conducted for the purpose of reviewing the existing water-sourced heat pump system using a cooling tower and associated water piping, versus the use of an air-cooled direct expansion system (split system) similar to those used at Town Hall or the Central Fire Station. The study looked at the efficiencies and costs of associated equipment, as well as the estimated useful life of the equipment, to determine which system would be the best choice. An energy load simulation was also conducted. The study concluded that the existing water-sourced heat pump system would be more economical over the life of the system, yielding an estimated 18% rate of return compared to the conversion option, and that the existing system type is more energy efficient than the air-cooled split systems for a building of this type. Based on the study results, staff requested approval from the Town Council to proceed with the design of the project, which was given at the September 11, 2102 Town Council meeting (Resolution 119-2012).

Since that preliminary study was not a detailed design estimate, it did not define all of the construction costs and other factors that would be involved in a conversion to a different system. It is not cost effective to design “parallel” systems and bid both systems due to the extra cost and effort, therefore, it is difficult to provide a cost comparison that is exact. However, in addition to not being the most economical solution, the factors that would be considered in the conversion to an air-cooled system would include:

- Additional roof penetrations through the roof deck

- Additional structural analysis for roof loading
- Additional curbing and supports for roof-top equipment
- Increased number and length of refrigerant lines/piping
- Increased electrical demand (new circuits/panels)
- Roof replacement cost due to significant alteration/demolition of existing flat roof
- Decreased life of cooling fins on condensing units exposed to salt-air environment
- Corrosion and shorter life of all roof-mounted equipment
- Increased risk of roof damage during windstorm events due to increased amount of rooftop equipment

During the design phase of the project in 2012-2013, the consultant also informed staff of the impact of numerous assumptions upon the project cost, which increased the overall cost of the work:

- Integration of two existing cooling zones into the new design (which had been added to the building during a previous Police Department expansion in 2001?)
- Temporary cooling costs during construction
- Construction phasing of the occupied building
- Ductwork and Firing Range exhaust system improvements
- Structural revisions necessary for cooling tower anchoring system changes required by building code
- Testing and balancing of system
- Contingency for unforeseen conditions
- Construction administration costs (consultant support during construction phase)

Due to the complexity of the project, the recommendation by staff was made to use the construction manager delivery method, to provide the most comprehensive and detailed oversight of the project. That was approved by the Town Council at the October 13, 2015 Town Council meeting (Resolution 166-2015). During the preparation of the cost proposal by the construction manager (Hedrick Brothers Construction), the consultant (Kimley Horn & Associates) was also updating the previous design to reflect not only building code revisions required due to the adoption of the 2014 Florida Building Code, but also to incorporate the results of the thorough building investigation and verification of actual as-built conditions found by Hedrick Brothers field personnel. The project team consisting of Town staff, the construction manager, and the consultant, met on numerous occasions to discuss the progress and to review the cost proposal. The cost proposal is comprised of work that can be summarized in the following general categories:

- HVAC Equipment Replacement – The work identified in the original scope includes replacing existing piping and mechanical equipment in kind. Existing air-cooled split systems for two (2) zones of the building (the 2001 additions) are also being replaced to provide a consistent, integrated system throughout the building. Cost = \$647K
- Building Code Revisions – The scope includes the code required upgrades, condensate water piping rerouting (also a code issue), lift station ventilation (also a code issue), reconfigured mechanical rooms to meet code required equipment clearance, and water heater replacement (code issue). Cost = \$364K
- Correction of Existing Building Deficiencies and Inefficiencies – The project scope includes basement level mechanical room sealing and ventilation improvements, enhanced ductwork for better occupant comfort (based upon complaints from building occupants), and also includes the work to correct the building exterior envelope deficiencies (soffit, ceiling, wall penetrations, etc. that are currently allowing outside moisture and humidity to enter the building). Cost = \$55K

- Construction Manager Fee – The contract includes a component for the staffing of the job with the construction manager team including a full-time project superintendent and general conditions requirements. Cost = \$172K

### **SPECIAL CONSIDERATIONS**

This project includes a phased construction schedule that has been coordinated with the Police Department staff. Some relocation of personnel is anticipated and will be accommodated by using alternative work areas across the street in the EOC area (3<sup>rd</sup> floor of Central Fire Station). The overall project is anticipated to be of 16 weeks duration. Even with phasing and relocation of personnel, temporary cooling is still required for the building and occupants.

### **FUNDING/FISCAL IMPACT**

Funding for this project is available within the Pay-As-You-Go Capital Improvement Program (307) Fund and the Public Works Building Maintenance Program (554) in the General Fund. The source of funds summary is provided below. This information is the same as described in last month's Town Council agenda item (that memo is also attached for reference).

| <u>Account</u>          | <u>Description</u>                              | <u>Amount</u> |
|-------------------------|-------------------------------------------------|---------------|
| 307.65.611.590.90.99.03 | Capital Fund Contingency                        | \$ 208,000    |
| 307.65.611.590.90.99.56 | Reserves Undesignated                           | \$ 560,211    |
| 307.45.611.521.30.33.36 | Police Facility Air Conditioning                | \$ 9,289      |
| 307.65.611.590.90.99.67 | Reserves Police Facility HVAC                   | \$ 22,500     |
| 307.65.611.590.90.99.69 | Reserves Facility Improvements                  | \$ 500,000    |
| Total                   | Pay-As-You-Go CIP Fund (307)                    | \$1,300,000   |
| General Fund            | Public Works Building Maintenance Program (554) | \$ 62,000     |
| Source of Funds Summary |                                                 | \$1,362,000   |

The overall project budget is established as follows:

|                                    |             |
|------------------------------------|-------------|
| Construction Contract              | \$1,238,433 |
| Owner Contingency*                 | \$ 61,567   |
| Pay-As-You-Go CIP (307)            | \$1,300,000 |
| PW Operating Budget Contribution** | \$ 62,000   |
| Total Project Budget               | \$1,362,000 |

\* This owner's contingency is 5% of the construction cost, and is provided for unforeseen conditions encountered that are not within the Construction Manager's responsibilities. An example of this would be for low voltage wiring and cabling that might be encountered in the building's walls or above ceilings. If that wiring needed to be relocated or modified, the owner's contingency could address that.

\*\* Public Works Department operating funds are also available and recommended to provide for those building deficiencies that are not directly related to the HVAC system retrofit but should be corrected. These might include, but are not limited to, unforeseen plumbing repairs when existing walls and ceilings are disturbed for HVAC 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: Jane Struder, Director of Finance  
Eric B. Brown, P.E., Assistant Director of Public Works  
William K. Francis, P.E., Town Engineer  
Brett Madison, Facilities Maintenance Division Manager  
Adis Pedraza, Purchasing Manager  
Erin Brodsky, Hedrick Brothers Construction, Inc.  
Kevin Schanen, Kimley Horn & Associates, Inc.

**RESOLUTION NO. 55-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AWARDING A CONTRACT TO HEDRICK BROTHERS CONSTRUCTION, INC., IN THE AMOUNT OF \$1,238,433, FOR THE POLICE DEPARTMENT HVAC RETROFIT PROJECT AND ESTABLISHING A CONSTRUCTION PHASE BUDGET OF \$1,362,000

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a contract and purchase order in the amount of \$1,238,433 to Hedrick Brothers Construction Inc., for Construction Manager (CM) services on the Police Department HVAC Retrofit Project for a not-to-exceed amount of \$1,238,433, and establishes a construction phase budget of \$1,362,000.

Section 2. The Town Manager is hereby authorized 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 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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

# TOWN OF PALM BEACH

Information for Town Council Meeting on: April 12, 2016

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TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

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

RE: Award Contract for Police Department HVAC Retrofit Project  
**Resolution No. 55-2016**

DATE: March 31, 2016

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## **STAFF RECOMMENDATION**

Town staff recommends that Town Council approve Resolution No. 55-2016 awarding a Construction Manager (CM) contract for the Police Department HVAC Retrofit Project, for an amount not to exceed \$1,238,433 and authorize the Town Manager to execute a contract with Hedrick Brothers Construction, Inc. The construction phase budget is established at \$1,362,000 as identified below, to include the CM contract amount, and project contingency.

## **GENERAL INFORMATION**

The Police Department facility was constructed in the 1980's and is about thirty (30) years old. The building's HVAC system utilizes a roof-top cooling tower and piping throughout the building for the condenser water that circulates between that tower and the individual HVAC units. Over the years, there have been failures of both piping (due to corrosion of the originally installed piping) and of individual pieces of equipment. Those repairs have been accomplished as the failures occurred. An assessment and study of the building's HVAC system was undertaken to determine the existing condition and to evaluate the best approach for the future. The study resulted in a finding that the overall system is in need of replacement due to the age and deterioration of the piping and equipment. One of the other outcomes of the study was a review of customer complaints ("hot and cold" issues) to assess if any system revisions were necessary. Another outcome was the decision to continue to use a water-cooled system rather than an air-cooled system, due to life cycle costs.

Based on the study results, a design was prepared by Kimley-Horn and Associates (KHA) to accomplish the full scope of work identified. This included not only the basic scope of work for replacing the piping, cooling tower and individual HVAC units, but also includes building upgrades required by the Florida Building Code as well as improvements required to reduce or eliminate the customers' "hot and cold" issues. After that design was completed, Town staff reviewed the various project delivery methods to perform the work, and due to the type of facility and complexity/coordination required, the best method was deemed to be Construction Manager (CM). On September 10, 2015, Town Council approved the ranking of the CM Selection Committee and Hedrick Brothers Construction, Inc. (Hedrick Brothers) was the top-ranked firm. They were subsequently awarded a pre-construction agreement by Resolution 166-2015 at the October 13, 2015 Town Council meeting, to develop a cost proposal for the proposed Police Department HVAC Retrofit Project using a CM approach. During their onsite inspections of the building and walk-through visits by many

subcontractors, Hedrick Brothers personnel also identified some deficiencies in the exterior envelope of the building that is allowing hot and humid outside air to infiltrate into the interior, and causing condensation and humidity issues in the building. The repairs necessary to fix these ceiling and wall deficiencies are beyond the original scope and would typically be funded from the operating budget for Public Works. Since they are considered necessary and prudent to perform, they were added to the construction plans, and are included in the project work.

Hedrick Brothers submitted a cost proposal to the Town on January 19, 2016 based on 90% plans for \$1,343,683. Staff worked with Kimley-Horn to review the draft cost proposal, and provide review comments back to Hedrick Brothers. Town staff (including representatives from Public Works, Purchasing, and Finance) negotiated a final amount with Hedrick Brothers that resulted in a lower cost proposal of \$1,238,433 which is \$105,250 less than the original proposal. Staff believes that the proposed fees are fair and reasonable based upon the scope of work. This amount exceeds the engineer's original estimated budget of \$520,800 that was presented in 2013. However, that project scope as presented in 2013 did not contemplate costs related to the building envelope deficiencies, or addressing code deficiencies that resulted from the 2014 Florida Building Code update, or the Construction Management fees, and significant cost increases in the construction labor and materials market since 2013.

Staff has worked with the Town Attorney and Risk Manager to develop contract documents. A complete copy of the final cost proposal is attached and a summary of the major components is as follows:

|                               |                     |
|-------------------------------|---------------------|
| Direct Construction Costs     | \$ 897,674          |
| General Conditions & CM Fee   | \$ 172,093          |
| Insurance/Bond Costs          | \$ 25,318           |
| Contractors Fee (OH & Profit) | \$ 85,581           |
| Construction Contingency      | \$ 57,767           |
| <b>Total Cost</b>             | <b>\$ 1,238,433</b> |

Note: The Construction Phase Engineering Services costs (\$83,000) are presented in a separate but related Town Council agenda item this month.

During the proposal negotiations, staff structured the scope of work to reflect the basic original requirements along with the various components that have been added during the last few years. The work identified in the original scope included replacing existing piping and mechanical equipment in kind. That scope did not include the code required upgrades, water heater replacement (code issue), condensate water piping rerouting (also a code issue), basement level mechanical room sealing and ventilation improvements, lift station ventilation (also a code issue), enhanced ductwork for better occupant comfort, reconfigured mechanical rooms to meet code required equipment clearance, and building exterior envelope deficiencies. Existing air-cooled split systems for two (2) zones of the building would also not have been replaced. The final scope also includes the work to correct the building envelope deficiencies (soffit, ceiling, wall penetrations, etc. that are currently allowing outside moisture and humidity to enter the building). Infiltration of that hot and moist air could cause mold/mildew problems if not resolved.

## **SPECIAL CONSIDERATIONS**

This project includes a phased construction schedule that has been coordinated with the Police Department staff. Some relocation of personnel is anticipated and will be accommodated by using alternative work areas across the street in the EOC area (3<sup>rd</sup> floor of Central Fire Station). The overall project is anticipated to be of 16 weeks duration, and would conclude by late summer. Even with phasing and relocation of personnel, temporary cooling is still required for the building and occupants.

## **FUNDING/FISCAL IMPACT**

Funding for this project is available within the Pay-As-You-Go Capital Improvement Program (307) Fund and the Public Works Building Maintenance Program (554) in the General Fund. The source of funds summary is provided below.

| <u>Account</u>          | <u>Description</u>                              | <u>Amount</u> |
|-------------------------|-------------------------------------------------|---------------|
| 307.65.611.590.90.99.03 | Capital Fund Contingency                        | \$ 208,000    |
| 307.65.611.590.90.99.56 | Reserves Undesignated                           | \$ 560,211    |
| 307.45.611.521.30.33.36 | Police Facility Air Conditioning                | \$ 9,289      |
| 307.65.611.590.90.99.67 | Reserves Police Facility HVAC                   | \$ 22,500     |
| 307.65.611.590.90.99.69 | Reserves Facility Improvements                  | \$ 500,000    |
| Total                   | Pay-As-You-Go CIP Fund (307)                    | \$1,300,000   |
| General Fund            | Public Works Building Maintenance Program (554) | \$ 62,000     |
| Source of Funds Summary |                                                 | \$1,362,000   |

The overall project budget is established as follows:

|                                    |             |
|------------------------------------|-------------|
| Construction Contract              | \$1,238,433 |
| Owner Contingency*                 | \$ 61,567   |
| Pay-As-You-Go CIP (307)            | \$1,300,000 |
| PW Operating Budget Contribution** | \$ 62,000   |
| Total Project Budget               | \$1,362,000 |

\* This owner's contingency is 5% of the construction cost, and is provided for unforeseen conditions encountered that are not within the Construction Manager's responsibilities. An example of this would be for low voltage wiring and cabling that might be encountered in the building's walls or above ceilings. If that wiring needed to be relocated or modified, the owner's contingency could address that.

\*\* Public Works Department operating funds are also available and recommended to provide for those building deficiencies that are not directly related to the HVAC system retrofit but should be corrected. These might include, but are not limited to, unforeseen plumbing repairs when existing walls and ceilings are disturbed for HVAC 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: Jane Struder, Director of Finance  
Eric B. Brown, P.E., Assistant Director of Public Works  
William K. Francis, P.E., Town Engineer  
Brett Madison, Facilities Maintenance Division Manager  
Adis Pedraza, Purchasing Manager  
Erin Brodsky, Hedrick Brothers Construction, Inc.  
Kevin Schanen, Kimley Horn & Associates, Inc.

July 17, 2011

■  
1920 Wekiva Way  
Suite 200  
West Palm Beach, Florida  
33411

Mr. Eric Brown, P.E.  
Town of Palm Beach  
951 Old Okeechobee Road, Ste. "A"  
West Palm Beach, FL 33401

Re: Project: Palm Beach Police Department HVAC Study  
KHA No.:044063095

Dear Mr. Brown:

In accordance with our agreement, Kimley-Horn and Associates, Inc. ("KHA") has conducted an evaluation of the air conditioning system at the Town of Palm Beach Police Department. The specific purpose of this evaluation was to prepare a comparative analysis of restoring the current system comprised of Water Source Heat Pumps (WSHP) with an alternative option of replacing the existing system with multiple Direct Expansion, Air-Cooled Split Systems (DX Split Systems).

### ***Background***

The subject property currently consists of a water source heat pump system comprised of a condenser water distribution system installed in 1985. Individual heat pumps were replaced in 1999. In 2001, the building underwent an expansion that included the addition of two (2) air-cooled split systems located on the west and south exposures. The building also includes a stand-alone Liebert air-conditioning system installed in 2005 for a computer equipment room.

In recent years the building has experienced pipe leaks and repairs to the condensing water system. With the heat pumps approaching the end of their expected service life, the opportunity presented itself to review the options available to replace the current system with like components or consider the alternative of installing an air cooled system comprised of individual split-systems.





### ***Observations***

As a part of the analysis, Mr. Robert Ketchum, PE, made a site visit on May 8, 2012 and reviewed the available building plans of the original installation and subsequent modifications. During the site visit the following observations were noted:

- The building consists of two stories above grade and one basement level below grade. The front elevation faces west (Photograph 1).
- The east elevation of the building faces a parking lot with a driveway to the basement level parking garage (Photograph 2).
- A fiberglass cooling tower is located on the roof. The unit was labeled as manufactured by Amcot in 2008 (Photograph 3).
- The roof mounted condenser water piping is comprised of black iron material with transitions to PVC at the cooling tower. The black iron piping is displaying corrosion (Photograph 4).
- The condenser water pumps are located in the basement mechanical room (Photograph 5).
- Within the interior of the building the condenser water piping is comprised of black iron with occasional transitions to copper piping at various equipment connections (Photograph 6).
- The heat pumps are located in mechanical plenum closets on each floor of the building. (Photograph 7, 8, and 9).
- The building's air conditioning system includes two (2) DX Split Systems that serve first floor expansion areas constructed in 2001. The units are 2.5 and 4.0 tons respectively. (Photograph 10 and 11).
- A Liebert conditioning system is currently serving a computer equipment room and utilizes a dedicated roof mounted condensing unit. The condensing unit was labeled as manufactured in 2005. (Photograph 12).

### ***Analysis***

The currently installed system is comprised of eleven (11) water source heat pumps (WSHP) and two (2) DX Split Systems. The WSHP are self-contained water-cooled packaged air conditioning units with reverse refrigerant cycles. Reversing valves are utilized on the refrigerant circuit during the heating season to permit the condenser to act as an evaporator, and the evaporator to act as a condenser. During the heating seasons, the units draw heat from the condenser water systems, while during the cooling seasons, the condenser water system rejects heat via the cooling tower. WSHP utilize a closed circuit refrigeration system consisting of the compressor, evaporator, and condensing heat exchanger all located within the WSHP cabinet. This places all the refrigeration components inside the building's mechanical closets. The only system components located outside the building is the cooling tower.



The two (2) existing DX Split Systems were installed in 2001 as part of the building expansion along the West and South elevations. These systems utilize ground level air-cooled condensing units. These existing systems are similar to the proposed alternative systems in that the condensing units are air-cooled with the compressors located in the condensing unit cabinets positioned outside of the building.

The advantages of the WSHP systems include:

- The compressor noise is contained within the mechanical rooms.
- High efficiencies due to the contribution of the condenser water's latent heat of vaporization.
- Condenser system components (i.e cooling tower, pumps and pipe mains) can be diversified to meet optimum building loads.
- Less roof mounted equipment.
- Less equipment exposed to the elements.
- Condenser systems (i.e. cooling towers) can be remotely located.

The disadvantages of the WSHP systems include:

- The cooling towers require make-up water.
- The condenser water system requires maintenance and water treatment.

The Advantages of the DX Split Systems include:

- Condensing units do not consume water.
- No water treatment system is needed.
- The compressor noise is located outside the building.
- Each system is stand alone and not dependent on a central condenser water system.

The disadvantages of the DX Split Systems include:

- More roof mounted equipment.
- Less efficiency (not able to diversify the centralized condenser water system).
- More equipment exposed to corrosion.
- Shorter equipment life expectancy.

To compare the economic advantages between replacing the current system with a similar WSHP system vs. replacing the systems with DX Split Systems, we conducted an energy load simulation. The simulation modeled the existing building's exterior envelope, roof, interior lighting, equipment heat loads and occupancies in order to analyze the electric energy consumption predicted by each of the proposed systems. For the purpose of the comparative analysis, the equipment was assumed to operate with a minimum Energy Efficiency Rate (EER) of 15. The buildings electric utility rates were based on recent billing data provided by the Town. The WSHP (base system) included the utilization of condenser water pumps with 70 feet of head (same as existing). Solar heat loads,



interior heat loads, and building thermodynamics were matched for each proposed system.

The economic comparison analysis indicated the water source heat pump systems would be more economical over the life of the system. Though the analysis included a higher installed and maintenance cost associated with the water cooled condensing system, the energy savings produced a 7 year payback and yielded an 18% rate of return over the life of the system.

The analysis was based on an estimated cost of replacing the existing system with similar sized components. Our conceptual opinion of probable construction cost to replace the WSHP system with a similar system is \$235,000. This included replacing the cooling tower, centrifugal pumps and condenser piping throughout the building. Our conceptual opinion of probable construction cost to replace the existing WSHP system with the alternative DX split system is \$210,000. This included removing the existing WSHP system and installing roof supports, electrical conductors and refrigerant tubing to the new roof mounted condensing units. In addition, an allowance for seacoast protective coatings was included. Both estimates included a budget for ceiling work to remove the existing condensing water piping and installation of the new piping/refrigerant tubing.

With the analysis based on a full replacement of the existing air conditioning system, additional savings could be further expected by extending the service of those existing components that have service life remaining.

### ***Conclusions***

Based on observation of the current conditions, review of the referenced documents, and provided analysis, we offer the following conclusions:

1. Replacing the current water source heat pump (WSHP) system will be more cost effective over the life of the system than converting the system to air-cooled split systems.
2. Replacing the current system with a similar WSHP system is anticipated to yield an estimated rate of return of 18% compared to converting to the alternative air-cooled split systems.
3. The WSHP systems are more energy efficient than the air-cooled split systems for a building of this type.
4. The energy savings of the WSHP system exceeds the estimated higher equipment and maintenance costs over the life of the system.



***Closure***

The opinions and conclusions expressed in this report are based on a review of the noted references. These opinions and conclusions are based on the information currently available and may be amended or supplemented should new information become available.

This report has been prepared in accordance with the applicable professional standard of care. No other warranties or guarantees, expressed or implied, are made or intended. This report has been prepared solely for the Town of Palm Beach for the purposes stated herein and should not be relied upon by any other party or for any other purpose.

Please call me at (407) 898-1511 if you have any questions.

Very Truly Yours,

KIMLEY-HORN AND ASSOCIATES, INC.  
CA 00000696

A handwritten signature in blue ink, appearing to read "Robert E. Ketchum".

Mr. Robert E. Ketchum, P.E.  
Florida License #48086



***References***

1. Site visit and photographs of Robert E. Ketchum, P.E. on May 5, 2012.
2. Mechanical Building Plans dated November 4, 1985.
3. Electrical and Mechanical Building plans dated May 10, 1994.
4. Electrical and Mechanical Building Plans dated March 12, 2001.
5. Architectural and Mechanical Plans dated May 21, 2001.
6. Equipment Specifications for Florida Heat Pumps.
7. Results of System Analyzer v 6.1.1.0.
8. Florida Power and Light electric statement dated June 5, 2012.
9. Means Mechanical Cost Data 2009.



**Photograph 1:** View of west elevation.



**Photograph 2:** View of east elevation.







**Photograph 3:** View of roof mounted cooling tower.



**Photograph 4:** View of roof mounted condenser water piping.







**Photograph 5;** View of the condenser water pumps and piping.



**Photograph 6:** View of condenser water piping.





**Photograph 7:** View of a heat pump located in a mechanical closet.



**Photograph 8:** View of a heat pump located in a mechanical closet.







**Photograph 9:** View of a heat pump located in a mechanical closet.



**Photograph 10:** View of the west condensing unit for the 2001 expansion.





**Photograph 11:** View of the south condensing unit for the 2001 expansion.



**Photograph 12:** View of the Liebert system condensing unit.





## **System Analyzer Data Reports**



# Title / Summary Report

Palm Beach Police Department

Location: West Palm Beach, Florida

|                          | Alternative - 1                         | Alternative - 2                        |
|--------------------------|-----------------------------------------|----------------------------------------|
| Alternative Description  | Alternative - 1 Water Source Heat Pumps | Alternate - 2 Split Systems            |
| Building Template        | 1-2 Story                               | 1-2 Story                              |
| Building Floor Area      | 22,270 ft²                              | 22,270 ft²                             |
| System #1                | Water Source Heat Pump                  | Same as Alt - 1                        |
| Max Ctg Load             | 68.7 ton                                |                                        |
| Max Htg Load             | 197.1 MBh                               |                                        |
| System #2                |                                         | Same as Alt - 1                        |
| Max Ctg Load             |                                         |                                        |
| Max Htg Load             |                                         |                                        |
| Opt Ventilation Ctg Load |                                         |                                        |
| Opt Ventilation Htg Load |                                         |                                        |
| Total Building Ctg Load  | 68.7 ton                                |                                        |
| Total Building Htg Load  | 197.1 MBh                               |                                        |
| Plant #1                 |                                         |                                        |
| Ctg Equipment Type #1    | Water Source HP - High Effic            | Light Commercial Rooftop<25 Ton-Scroll |
| Ctg Equipment Type #2    |                                         |                                        |
| Ctg Equipment Type #3    |                                         |                                        |
| Htg Equipment Type       | Default electric resistance             | Default electric resistance            |
| Plant #2                 |                                         |                                        |
| Ctg Equipment Type #1    |                                         |                                        |
| Ctg Equipment Type #2    |                                         |                                        |
| Ctg Equipment Type #3    |                                         |                                        |
| Htg Equipment Type       |                                         |                                        |
| MAU Plant #3             |                                         |                                        |
| Ctg Equipment Type #1    |                                         |                                        |
| Ctg Equipment Type #2    |                                         |                                        |
| Ctg Equipment Type #3    |                                         |                                        |
| Htg Equipment Type       |                                         |                                        |
| Building Ctg Coil Load   | 121,055 ton-hrs/year                    | 121,055 ton-hrs/year                   |
| Building Htg Coil Load   | -494 kBtu/year                          | -494 kBtu/year                         |
| Building Energy Usage    | 40,241 Btu/ft²-year                     | 40,842 Btu/ft²-year                    |
| Building Energy Cost     | 2.559 \$/ft²-year                       | 2.824 \$/ft²-year                      |

## Life Cycle Payback on Investment

|                                | Alt1 vs 2 |
|--------------------------------|-----------|
| Internal Rate of Return        | 18.5 %    |
| Life Cycle Cost Difference     | \$12,638  |
| Net Present Value of Cash Flow | \$12,638  |
| Life Cycle Payback on Invest.  | 7.2 yrs   |
| Simple Payback on Invest.      | 5.7 yrs   |

## Environmental Impact Analysis

|            | Alt 1              | Alt2               |
|------------|--------------------|--------------------|
| CO2 Impact | 1,119,014 lbm/year | 1,135,745 lbm/year |
| SO2 Impact | 4,759 gm/year      | 4,830 gm/year      |
| NOX Impact | 2,650 gm/year      | 2,690 gm/year      |

## Energy Star Building Label Benchmarking Tool

|                             | Alt - 1     | Alt - 2     |
|-----------------------------|-------------|-------------|
| Building Floor Area         | 22,270 ft²  | 22,270 ft²  |
| Weekly Operating Hours      | 68 hrs      | 68 hrs      |
| Number of Occupants         | 156 People  | 156 People  |
| Annual Electric Consumption | 262,573 kWh | 266,499 kWh |
| Annual Gas Consumption      | 0 therms    | 0 therms    |
| Annual Oil Consumption      | 0 therms    | 0 therms    |
| Annual Steam Consumption    | 0 therms    | 0 therms    |

# Echo Building Parameters Report

Palm Beach Police Department

## Weather Parameters

Location: West Palm Beach, Florida

Summer Dry Bulb: 92.3°F

Summer Wet Bulb: 79.2°F

Winter Dry Bulb: 45.0°F

## - Building Criteria -

Alt - 1

Alt - 2

Category: Office Buildings

Template: 1-2 Story

Length: 85.0 ft

Width: 131.0 ft

Floors: 2

Floor to Floor Height: 12.0 ft

Plenum Height: 2.0 ft

Perimeter depth: 12.0 ft

Orientation: North

Occupied Ctg Setpoint: 75.0 °F

Occupied Htg Setpoint: 72.0 °F

Unoccupied Ctg Setpoint: 90.0 °F

Unoccupied Htg Setpoint: 60.0 °F

Relative Humidity Setpoint: 50.0 %

### Envelope Loads

Front Glass Percentage: 35.0 %

Back Glass Percentage: 35.0 %

Left Glass Percentage: 35.0 %

Right Glass Percentage: 35.0 %

Skylight Glass Percentage: 0.0 %

Wall Type: 8" LW Block, 1" Ins

Wall U-Value: 0.1488 Btu/h-ft²-F

Glass Type: Double Clear 1/4"

Glass U-Value: 0.6000 Btu/h-ft²-F

Glass Shading Coefficient: 0.820

Roof Type: 4" LW Conc, 3" Ins

Same as Alternative 1

Roof U-Value: 0.0681 Btu/h-ft²-F

Skylight Type: Double Clear 1/4"

Skylight U-Value: 0.6000 Btu/h-ft²-F

Skylight Shading Coefficient: 0.820

### Internal Loads

People Type: General Office Space

People Density: 143.0 sq ft/person

People Sensible Energy Rate: 250.0 Btu/h

People Latent Energy Rate: 200.0 Btu/h

Lighting Type: Recessed fluorescent, not  
vented, 80% load to space

Lighting Energy Rate: 2.3 Watts/sq ft

Lighting % Load to Plenum: 20.0 %

Misc. Equipment Type: Std Office Equipment

Misc. Energy Rate: 0.50 Watts/sq ft

Misc Load to Room: 100 %

Misc Load to Plenum: 0 %

### Ventilation

Ventilation Type: General Office Space

Ventilation Ctg Rate: 20.00 cfm/person

Ventilation Htg Rate: 20.00 cfm/person

Infiltration Type: Neutral, Average Const.

Infiltration Ctg Rate: 0.60 air changes/hr

Infiltration Htg Rate: 0.60 air changes/hr

### Base Utilities

Base Utility Energy Rate: 0.08 kW

Base Utility Energy Type: Electricity

DHW Energy Rate: 0.00 Mwh

DHW Energy Type: Gas

DHW Entering Water Temp

DHW Leaving Water Temp

Built By: REK

Dataset Name: PB 7-15-12A

System Analyzer v 6.1.1.0 calculated on 7/13/2012 9:54:46AM

Echo Building Parameters Report Page 1 of 1



# Echo Plant Parameters Report

## - Clg Plant Criteria - Plant # 1

|                            | Alt - 1                      | Alt - 2                                  |
|----------------------------|------------------------------|------------------------------------------|
|                            | Water source heat pump       | Air-cooled unitary                       |
| Use Common Heating Plant   | No                           | No                                       |
| Secondary Dist Pump Type   | None                         | None                                     |
| Sec Dist Pump FL Rate      |                              |                                          |
| <b>Equipment - 1</b>       |                              |                                          |
| Cooling Equipment Type     | Water Source HP - High Effic | Light Commercial Rooftop -<25 Ton-Scroll |
| Sequencing Type            |                              |                                          |
| Clg Capacity               | 100.0 % Plant Capacity       | 100.0 % Plant Capacity                   |
| Full Load Energy Rate      | 0.800 kW/ton                 | 0.800 kW/ton                             |
| Primary Chw Pump Type      | Evap cond water pump         | None                                     |
| Primary Chw Pump FL Rate   | 70.0 ft water                | 0.0 kW                                   |
| Condenser Pump Type        | None                         | None                                     |
| Condenser Pump FL Rate     | 0.00 kW                      | 0.00 kW                                  |
| Heat Rejection Type        | Cooling Tower for WSHP       | Cond fan for Recip < 15ton               |
| Heat Rejection Energy Rate | 0.083 kW/ton                 | 0.128 kW/ton                             |
| Heat Recovery Capacity     | 10.9 Mbh/ton                 |                                          |
| Heat Recovery Energy Rate  | 0.064 kW/Mbh                 |                                          |
| Thermal Storage Type       | None                         | None                                     |
| Tank Size                  |                              |                                          |
| Tank Charging Capacity     |                              |                                          |
| Tank Charging Energy Rate  |                              |                                          |
| Max Chilled Water Reset    | 0.0 °F                       | 0.0 °F                                   |
| Free Cooling Type          | None                         | None                                     |
| Load Shedding Economizer   | No                           | No                                       |
| Evaporative Precooling     | No                           | No                                       |

# System Report

Palm Beach Police Department

## Monthly Coil Loads

|               | Alternative - 1                 |                              | Alternative - 2                 |                              |
|---------------|---------------------------------|------------------------------|---------------------------------|------------------------------|
|               | Cooling<br>Coil Load<br>ton-hrs | Heating<br>Coil Load<br>kBtu | Cooling<br>Coil Load<br>ton-hrs | Heating<br>Coil Load<br>kBtu |
| January       | 5,972                           | -258                         | 5,972                           | -258                         |
| February      | 5,446                           | -236                         | 5,446                           | -236                         |
| March         | 9,608                           | 0                            | 9,608                           | 0                            |
| April         | 9,648                           | 0                            | 9,648                           | 0                            |
| May           | 11,032                          | 0                            | 11,032                          | 0                            |
| June          | 12,760                          | 0                            | 12,760                          | 0                            |
| July          | 12,666                          | 0                            | 12,666                          | 0                            |
| August        | 14,280                          | 0                            | 14,280                          | 0                            |
| September     | 12,149                          | 0                            | 12,149                          | 0                            |
| October       | 11,033                          | 0                            | 11,033                          | 0                            |
| November      | 8,782                           | 0                            | 8,782                           | 0                            |
| December      | 7,679                           | 0                            | 7,679                           | 0                            |
| <b>Total:</b> | <b>121,055</b>                  | <b>-494</b>                  | <b>121,055</b>                  | <b>-494</b>                  |

## System Airflows

| System #1                        | Alternative - 1        | Alternative - 2        |
|----------------------------------|------------------------|------------------------|
| System Type                      | Water Source Heat Pump | Water Source Heat Pump |
| Outside Airflow                  | 3,115 cfm              | 3,115 cfm              |
| Cooling Supply Airflow           | 25,124 cfm             | 25,124 cfm             |
| Heating Supply Airflow           | 25,124 cfm             | 25,124 cfm             |
| <b>System #2</b>                 |                        |                        |
| System Type                      |                        |                        |
| Outside Airflow                  |                        |                        |
| Cooling Supply Airflow           |                        |                        |
| Heating Supply Airflow           |                        |                        |
| <b>Optional Ventilation Unit</b> |                        |                        |
| Cooling Supply Airflow           |                        |                        |
| Heating Supply Airflow           |                        |                        |

# Design Load Summary Report

Palm Beach Police Department

Location: West Palm Beach, Florida  
 Summer Design DB: 92.3 °F  
 Summer Design WB: 79.2 °F  
 Winter Design DB: 45.0 °F

|                              |  | Alternative - 1      |                      |                      | Alternative - 2      |                      |                      |
|------------------------------|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
|                              |  | Cooling Design Btu/h | Percent Of Total (%) | Heating Design Btu/h | Percent Of Total (%) | Cooling Design Btu/h | Percent Of Total (%) |
| <b>Envelope Loads</b>        |  |                      |                      |                      |                      |                      |                      |
| Skylight Solar               |  | 0                    | 0.0                  | 0                    | 0.0                  |                      |                      |
| Skylight Conduction          |  | 0                    | 0.0                  | 0                    | 0.0                  |                      |                      |
| Roof Conduction              |  | 33,895               | 4.1                  | -19,900              | 10.1                 |                      |                      |
| Glass Solar                  |  | 303,313              | 36.8                 | 0                    | 0.0                  |                      |                      |
| Glass Conduction             |  | 22,116               | 2.7                  | -59,269              | 30.1                 |                      |                      |
| Wall Conduction              |  | 23,991               | 2.9                  | -26,847              | 13.6                 |                      |                      |
| Infiltration                 |  | 0                    | 0.0                  | 0                    | 0.0                  |                      |                      |
| <b>Sub Total:</b>            |  | <b>383,316</b>       | <b>46.5</b>          | <b>-106,016</b>      | <b>53.78</b>         |                      |                      |
| <b>Internal Loads</b>        |  |                      |                      |                      |                      |                      |                      |
| Lights                       |  | 154,603              | 18.7                 | 0                    | 0.0                  |                      |                      |
| People                       |  | 67,280               | 8.2                  | 0                    | 0.0                  |                      |                      |
| Miscellaneous                |  | 36,186               | 4.4                  | 0                    | 0.0                  |                      |                      |
| <b>Sub Total:</b>            |  | <b>258,069</b>       | <b>31.3</b>          | <b>0</b>             | <b>0.0</b>           |                      |                      |
| <b>Ventilation Load **</b>   |  |                      |                      |                      |                      |                      |                      |
| Exhaust Heat                 |  | 182,879              | 22.2                 | -93,745              | 47.6                 |                      |                      |
| Reheat                       |  | -8,923               | -0.8                 | 2,638                | -1.3                 |                      |                      |
| Fan Heat                     |  | 7,447                | 0.9                  | 0                    | 0.0                  |                      |                      |
| User Oversizing              |  | 2                    | 0.0                  | 0                    | 0.0                  |                      |                      |
| <b>Grand Total:</b>          |  | <b>824,790</b>       | <b>100.0</b>         | <b>-197,123</b>      | <b>100.0</b>         |                      |                      |
| <b>Main Coil Capacities:</b> |  | <b>68.7 tons</b>     |                      | <b>-197 MBh</b>      |                      |                      |                      |
| <b>MAU Capacity:</b>         |  | <b>N/A</b>           |                      | <b>N/A</b>           |                      |                      |                      |
|                              |  |                      |                      |                      |                      | <b>-197 MBh</b>      | <b>N/A</b>           |

\*\* Includes the impact of optional ventilation

# Equipment Energy Consumption Report

Palm Beach Police Department

## Alternative - 1

|                              |        |       |        |        |        |        |        |        |        |        |        |        |         |
|------------------------------|--------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Lights                       | Jan    | Feb   | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Nov    | Dec    | Total   |
| MISC LD                      | 10,733 | 9,711 | 11,755 | 10,222 | 11,244 | 11,244 | 10,222 | 11,755 | 10,222 | 11,244 | 10,733 | 10,222 | 129,307 |
| Fans:                        | 2,128  | 1,925 | 2,331  | 2,027  | 2,229  | 2,229  | 2,027  | 2,331  | 2,027  | 2,229  | 2,128  | 2,027  | 25,636  |
| System 1                     | 1,157  | 1,048 | 1,273  | 1,114  | 1,225  | 1,231  | 1,141  | 1,296  | 1,144  | 1,237  | 1,172  | 1,117  | 14,166  |
| Elect(kWh)                   |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Cooling:                     |        |       |        |        |        |        |        |        |        |        |        |        |         |
| P1                           | 2,539  | 2,315 | 4,054  | 4,072  | 4,655  | 5,355  | 5,345  | 6,026  | 5,127  | 4,655  | 3,708  | 3,241  | 51,121  |
| Water Source HP - High Effic | 2,353  | 2,234 | 2,703  | 2,836  | 2,990  | 2,987  | 3,207  | 3,123  | 2,857  | 2,829  | 2,703  | 2,626  | 33,459  |
| Cooling Tower for WSP        | 625    | 599   | 718    | 753    | 794    | 796    | 862    | 830    | 759    | 752    | 718    | 698    | 8,893   |
| Cooling accessories          |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Elect(kWh)                   |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Heating:                     |        |       |        |        |        |        |        |        |        |        |        |        |         |
|                              |        |       |        |        |        |        |        |        |        |        |        |        |         |

## Utility Summary:

|                           |        |        |        |        |        |        |        |        |        |        |        |        |         |
|---------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Electrical Consumption    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Nov    | Dec    | Total   |
| Peak(kWh)                 | 0      | 0      | 0      | 0      | 11,233 | 11,456 | 10,556 | 12,247 | 10,551 | 0      | 0      | 0      | 56,082  |
| Mid Peak(kWh)             | 2,170  | 2,153  | 2,708  | 2,445  | 11,905 | 12,387 | 12,238 | 13,114 | 11,585 | 2,605  | 2,404  | 2,266  | 77,981  |
| Off Peak(kWh)             | 17,364 | 15,680 | 20,126 | 18,578 | 0      | 0      | 0      | 0      | 0      | 20,341 | 18,757 | 17,664 | 128,510 |
| Peak (kW)                 | 0      | 0      | 0      | 0      | 95     | 98     | 99     | 100    | 99     | 0      | 0      | 0      | 100     |
| Mid Peak (kW)             | 52     | 52     | 54     | 55     | 100    | 102    | 102    | 102    | 102    | 54     | 53     | 52     | 102     |
| Off Peak (kW)             | 92     | 92     | 98     | 100    | 0      | 0      | 0      | 0      | 0      | 100    | 96     | 95     | 100     |
| Water Consumption (kgals) | 23     | 21     | 38     | 38     | 43     | 50     | 50     | 56     | 48     | 43     | 34     | 30     | 475     |

## Alternative - 2

|                                 |        |       |        |        |        |        |        |        |        |        |        |        |         |
|---------------------------------|--------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Lights                          | Jan    | Feb   | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Nov    | Dec    | Total   |
| MISC LD                         | 10,733 | 9,711 | 11,755 | 10,222 | 11,244 | 11,244 | 10,222 | 11,755 | 10,222 | 11,244 | 10,733 | 10,222 | 129,307 |
| Fans:                           | 2,128  | 1,925 | 2,331  | 2,027  | 2,229  | 2,229  | 2,027  | 2,331  | 2,027  | 2,229  | 2,128  | 2,027  | 25,636  |
| System 1                        | 1,157  | 1,048 | 1,273  | 1,114  | 1,225  | 1,231  | 1,141  | 1,296  | 1,144  | 1,237  | 1,172  | 1,117  | 14,166  |
| Elect(kWh)                      |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Cooling:                        |        |       |        |        |        |        |        |        |        |        |        |        |         |
| P1                              | 3,536  | 3,183 | 5,925  | 6,156  | 7,098  | 8,532  | 8,635  | 9,790  | 8,225  | 7,072  | 5,457  | 4,702  | 78,311  |
| Light Commercial Rooftop<25 Ton | 893    | 813   | 1,445  | 1,459  | 1,670  | 1,944  | 1,936  | 2,184  | 1,854  | 1,670  | 1,323  | 1,154  | 18,346  |
| Cond fan for Recp < 18ton       | 42     | 40    | 48     | 51     | 53     | 54     | 57     | 56     | 51     | 51     | 48     | 47     | 598     |
| Cooling accessories             |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Elect(kWh)                      |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Heating:                        |        |       |        |        |        |        |        |        |        |        |        |        |         |
| P1                              | 76     | 69    | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 0      | 145     |
| Default electric resistance     |        |       |        |        |        |        |        |        |        |        |        |        |         |
| Elect(kWh)                      |        |       |        |        |        |        |        |        |        |        |        |        |         |

## Utility Summary:

|                        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Electrical Consumption | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Nov    | Dec    | Total   |
| Peak(kWh)              | 0      | 0      | 0      | 0      | 12,168 | 12,811 | 11,908 | 13,992 | 11,880 | 0      | 0      | 0      | 62,760  |
| Mid Peak(kWh)          | 1,770  | 1,756  | 2,416  | 2,202  | 11,352 | 12,424 | 12,109 | 13,420 | 11,643 | 2,345  | 2,060  | 1,821  | 75,327  |
| Off Peak(kWh)          | 16,795 | 15,034 | 20,361 | 18,827 | 0      | 0      | 0      | 0      | 0      | 21,147 | 18,801 | 17,449 | 128,413 |
| Peak (kW)              | 0      | 0      | 0      | 0      | 108    | 114    | 118    | 120    | 117    | 0      | 0      | 0      | 120     |
| Mid Peak (kW)          | 53     | 54     | 59     | 61     | 113    | 121    | 122    | 121    | 121    | 80     | 57     | 55     | 122     |
| Off Peak (kW)          | 98     | 98     | 105    | 114    | 0      | 0      | 0      | 0      | 0      | 113    | 109    | 105    | 114     |



# Utility Cost Summary Report

## Monthly Utility Costs

### Alternative - 1

|                      | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   | Total  |
|----------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Electric Consumption |       |       |       |       |       |       |       |       |       |       |       |       |        |
| On Pk (\$)           | 0     | 0     | 0     | 0     | 2,650 | 2,610 | 2,338 | 2,780 | 2,398 | 0     | 0     | 0     | 12,731 |
| Mid Pk (\$)          | 137   | 136   | 171   | 184   | 750   | 780   | 771   | 826   | 730   | 164   | 151   | 143   | 4,913  |
| Off Pk (\$)          | 712   | 643   | 825   | 762   | 0     | 0     | 0     | 0     | 0     | 834   | 769   | 724   | 5,269  |
| Sub Total (\$)       | 849   | 778   | 996   | 916   | 3,300 | 3,390 | 3,167 | 3,606 | 3,125 | 998   | 920   | 867   | 22,912 |
| Electric Demand      |       |       |       |       |       |       |       |       |       |       |       |       |        |
| On Pk (\$)           | 0     | 0     | 0     | 0     | 1,694 | 1,629 | 1,652 | 1,662 | 1,652 | 0     | 0     | 0     | 8,189  |
| Mid Pk (\$)          | 861   | 876   | 909   | 919   | 1,666 | 1,695 | 1,702 | 1,700 | 1,695 | 906   | 885   | 872   | 14,888 |
| Off Pk (\$)          | 1,540 | 1,541 | 1,607 | 1,667 | 0     | 0     | 0     | 0     | 0     | 1,664 | 1,607 | 1,584 | 11,210 |
| Sub Total (\$)       | 2,401 | 2,417 | 2,516 | 2,596 | 3,260 | 3,324 | 3,354 | 3,362 | 3,348 | 2,571 | 2,493 | 2,456 | 34,087 |
| Monthly Total (\$)   | 3,250 | 3,195 | 3,512 | 3,502 | 6,560 | 6,714 | 6,521 | 6,968 | 6,472 | 3,569 | 3,413 | 3,323 | 56,999 |

### Alternative - 2

|                      | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   | Total  |
|----------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Electric Consumption |       |       |       |       |       |       |       |       |       |       |       |       |        |
| On Pk (\$)           | 0     | 0     | 0     | 0     | 2,762 | 2,908 | 2,703 | 3,176 | 2,697 | 0     | 0     | 0     | 14,246 |
| Mid Pk (\$)          | 111   | 111   | 152   | 139   | 716   | 783   | 783   | 846   | 733   | 148   | 130   | 115   | 4,746  |
| Off Pk (\$)          | 689   | 616   | 835   | 772   | 0     | 0     | 0     | 0     | 0     | 867   | 771   | 715   | 5,265  |
| Sub Total (\$)       | 800   | 727   | 987   | 911   | 3,477 | 3,691 | 3,486 | 4,022 | 3,430 | 1,015 | 901   | 830   | 24,257 |
| Electric Demand      |       |       |       |       |       |       |       |       |       |       |       |       |        |
| On Pk (\$)           | 0     | 0     | 0     | 0     | 1,804 | 1,902 | 1,985 | 2,000 | 1,982 | 0     | 0     | 0     | 9,634  |
| Mid Pk (\$)          | 879   | 902   | 987   | 1,017 | 1,887 | 2,017 | 2,045 | 2,026 | 2,019 | 994   | 945   | 912   | 16,630 |
| Off Pk (\$)          | 1,638 | 1,642 | 1,757 | 1,896 | 0     | 0     | 0     | 0     | 0     | 1,885 | 1,812 | 1,748 | 12,378 |
| Sub Total (\$)       | 2,517 | 2,544 | 2,744 | 2,913 | 3,692 | 3,919 | 4,010 | 4,026 | 3,981 | 2,879 | 2,757 | 2,659 | 38,642 |
| Monthly Total (\$)   | 3,317 | 3,271 | 3,731 | 3,824 | 7,169 | 7,609 | 7,477 | 8,048 | 7,411 | 3,894 | 3,658 | 3,489 | 62,899 |

# Economic Comparison Report

## Cost Summary

| Alternative Number | Installed Cost | First Year Utility Cost | Final Year Utility Cost | First Year Maint. Cost | Final Year Maint. Cost | Life Cycle Cost |
|--------------------|----------------|-------------------------|-------------------------|------------------------|------------------------|-----------------|
| 1                  | \$ 235,000     | \$ 56,999               | \$ 97,488               | \$ 3,000               | \$ 5,131               | \$ 748,337      |
| 2                  | \$ 210,000     | \$ 62,899               | \$ 107,578              | \$ 1,500               | \$ 2,566               | \$ 760,975      |

## Alternative Comparison

Comparison Based on Lowest Cost Alternative

| Comparison | First Cost Difference | Life Cycle Cost Difference | Simple Payback | Net Present Value | Life Cycle Payback | Internal Rate of Return |
|------------|-----------------------|----------------------------|----------------|-------------------|--------------------|-------------------------|
| Alt 1 vs 2 | \$ 25,000             | \$ 12,638                  | 5.7 yrs        | \$ 12,638         | 7.2 yrs            | 18.5 %                  |

## Alt 1 vs 2

| Year | Cash Flow Difference \$ | Cumulative Cash Flow Difference \$ | Present Value of Cash Flow Difference \$ | Net Present Value \$ |
|------|-------------------------|------------------------------------|------------------------------------------|----------------------|
| 0    | -25,000                 | -25,000                            | -25,000                                  | -25,000              |
| 1    | 4,399                   | -20,601                            | 3,999                                    | -21,001              |
| 2    | 4,619                   | -15,982                            | 3,818                                    | -17,183              |
| 3    | 4,850                   | -11,131                            | 3,644                                    | -13,539              |
| 4    | 5,093                   | -6,039                             | 3,478                                    | -10,061              |
| 5    | 5,347                   | -692                               | 3,320                                    | -6,741               |
| 6    | 5,615                   | 4,923                              | 3,169                                    | -3,571               |
| 7    | 5,895                   | 10,819                             | 3,025                                    | -546                 |
| 8    | 6,190                   | 17,009                             | 2,888                                    | 2,342                |
| 9    | 6,500                   | 23,508                             | 2,756                                    | 5,098                |
| 10   | 6,825                   | 30,333                             | 2,631                                    | 7,729                |
| 11   | 7,166                   | 37,499                             | 2,512                                    | 10,241               |
| 12   | 7,524                   | 45,023                             | 2,397                                    | 12,638               |

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

RESOLUTION NO. 56-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc., for the Police Department HVAC Retrofit Project in the Amount of \$78,916 and Establishing a Construction Phase Engineering Services Budget of \$83,000 Including Contingency. *Deferred from the April 12, 2016, Town Council Meeting*

## Presenter

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

## Supporting Documents

- [Memorandum dated March 17, 2016, from H. Paul Brazil, P.E., Director of Public Work](#)
- [Resolution No. 56-2016](#)
- [Kimley-Horn Proposal](#)



# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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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 Police Department HVAC Retrofit Project  
**Resolution No. 56-2016**

DATE: March 17, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council approve Resolution No. 56-2016, approving a purchase order for Construction Phase Engineering Services to Kimley-Horn and Associates, Inc. (KHA), for the Police Department HVAC Retrofit Project in the amount of \$78,916 and establishing a construction phase engineering services budget of \$83,000 including contingency.

## **GENERAL INFORMATION**

The Police Department HVAC Retrofit Project is scheduled to be completed during the summer of 2016 contingent on the award of a Construction Manager contract to Hedrick Brothers Construction (see separate agenda item). Based upon established Capital Project Procedures, the third party oversight of various aspects of the work is required, and will be accomplished by KHA as the design consultant for this project.

KHA's scope of work will include engineering plan updates, shop drawing reviews, site visits, maintaining reports, progress photos, review of contractor pay-applications and change orders, attending meetings, assisting Town staff with onsite observations, inspections, and permit certification. Services will be billed based on actual hourly costs on an as-needed basis, not to exceed the proposal amount of \$78,916.

Staff has reviewed the KHA proposal and recommends approving a purchase order for Construction Phase Engineering Services with KHA, in the amount of \$78,916. Staff also recommends a contingency of \$4,084 (approximately 5%) for a total Construction Phase Engineering Services budget of \$83,000.

### **FUNDING/FISCAL IMPACT**

The funding for this project is within the Town's 307 "Pay-As-You-Go" Capital Improvement Program Fund.

### **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  
Major Dan Szarszewski, Deputy Chief of Police  
William K. Francis, P.E., Town Engineer  
Brett Madison, Facilities Maintenance Division Manager  
Adis Pedraza, Purchasing Manager  
Kevin Schanen, P.E., Kimley-Horn and Associates, Inc.

**RESOLUTION NO. 56-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER FOR CONSTRUCTION PHASE ENGINEERING SERVICES TO KIMLEY-HORN AND ASSOCIATES, INC., FOR THE POLICE DEPARTMENT HVAC RETROFIT PROJECT IN THE AMOUNT OF \$78,916 AND ESTABLISHING A CONSTRUCTION PHASE ENGINEERING SERVICES BUDGET OF \$83,000 INCLUDING CONTINGENCY.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Kimley-Horn and Associates, Inc. for Construction Phase Engineering Services in the amount of \$78,916, for the Police Department HVAC Retrofit Project, and establishes a Construction Phase Engineering Services budget of \$83,000 including contingency.

Section 2. The Town Manager is hereby authorized 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 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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



January 29, 2016

Mr. Eric Brown, P.E.  
Town of Palm Beach  
951 Old Okeechobee Road, Ste. "A"  
West Palm Beach, FL 33401

**RE: *Palm Beach Police Department HVAC Replacement – Construction Phase Services***

Dear Eric,

Kimley-Horn and Associates, Inc. ("KHA") is pleased to submit this proposal to The Town of Palm Beach ("TOWN") for providing construction phase services for the HVAC system replacement at the Palm Beach Police Department in the Town of Palm Beach. Our project understanding, scope of services, schedule, and fee follow.

**Project Understanding**

The Town has requested that KHA perform engineering services for the HVAC system replacement at the Palm Beach Police Department headquarters in the Town of Palm Beach. Kimley-Horn has prepared design plans and specifications and a GMP was developed by Hedrick Brothers Construction. The Town has requested that Kimley-Horn now provide construction phase services during the implementation of the project.

Based on this understanding, we offer the following Scope of Services.

**Scope of Services**

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

***Pre-Construction Conference.*** Kimley-Horn will attend the pre-construction conference conducted by the Town's Construction Manager.

***Progress Meetings.*** Kimley-Horn will attend weekly progress meetings during the sixteen (16) week project construction duration (up to 16 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 make visits to the site on an average basis of once per week during the expected sixteen (16) week construction duration in order to observe the progress of the Work (up to 16 total site visits). Such visits and observations by Kimley-Horn are not intended to be exhaustive or to extend to every aspect of Contractor's work in progress. Observations are to be limited to spot checking, selective measurement, and similar methods of general observation of the Work based on Kimley-Horn's exercise of professional judgment. Based on information obtained during such visits and such observations, Kimley-Horn will evaluate whether



Contractor's work is generally proceeding in accordance with the Contract Documents, and Kimley-Horn will keep the Town informed of the general progress of the Work.

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

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

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

**Post-Design Services.** Kimley-Horn has included an allowance to perform post-design services in the event unforeseen conditions are encountered and/or building repair needs are discovered. This allowance will not be used without prior consent from the Town. This allowance is not intended to be inclusive of any and all unforeseen conditions that may be encountered during the construction process. However, it will allow us to respond to unforeseen conditions of a minor nature quickly to keep the project on schedule. If an unforeseen condition or repair need is identified that will require effort over and above the allowance budgeted, we will notify the Town and make a mutually agreed upon decision regarding how to proceed.

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

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

**Inspections and Tests.** Kimley-Horn may require special inspections or tests of Contractor's work as Kimley-Horn deems appropriate, and may receive and review certificates of inspections within Kimley-Horn's area of responsibility or of tests and approvals required by laws and regulations or the Contract Documents. Kimley-Horn's review of such certificates will be for the purpose of determining that the



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

**Disagreements between Client and Contractor.** Kimley-Horn will, if requested by the Town, render written decision on all claims of the Town and Contractor relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the progress of Contractor's work. In rendering such decisions, Kimley-Horn shall be fair and not show partiality to the Town or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

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

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

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

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



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

**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 requested by the Town, will be considered additional services to this task and will be performed based on proposals approved prior to performance of the additional services.

### **Information and Services Provided By the Town**

Kimley-Horn assumes that all information provided by the Town can be relied upon in the performance of professional services. The following information shall be provided to Kimley-Horn and the following services will be performed by the Town.

- Access to the Site

### **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 \$78,916 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" shall refer to The Town of Palm Beach.

If you concur in all the foregoing and wish to direct us to proceed with the services, please notify us by providing a purchase order for the scope and fee described above.

We appreciate the opportunity to provide these services to you. Please contact me at (561) 840-0820 or [kevin.schanen@kimley-horn.com](mailto:kevin.schanen@kimley-horn.com) should you have any questions.

Sincerely,



By: Kevin Schanen, P.E.  
Vice President

#### Attachment

K:\WPB\_Civil\General\Schanen\Proposals\Palm Beach\Police Department HVAC\2015 Update\Const\Police HVAC Const prop.docx

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - Old Business

## Agenda Title

Townwide Underground Utilities Project

*Thomas G. Bradford, Town Manager*

a. ORDINANCE NO. 09-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Establishing A Underground Utility Project Fund; In Order to Transfer Excess Funds From the General Fund Reserves to the Underground Utility Project Fund to Fund the Initial Engineering Costs; Providing for an Amendment to the Town's Budgets Adopted for the Fiscal Year Commencing October 1, 2015, Providing An Effective Date.

b. RESOLUTION NO. 82-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order to Kimley-Horn And Associates, Inc., For Task 1 of the Town-Wide Underground Utilities Program in the Amount of \$2,165,759.

c. Update on Underground Utilities Task Force Project Reporting Format and Recommendation to Town Council on Telecommunication Services.

## Presenter

## Supporting Documents

- [a. Memorandum dated April 29, 2016, from Jane Struder, Director of Finance](#)
- [Ordinance No. 09-2016](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [b. Memorandum dated April 29, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [Resolution No. 82-2016](#)
- [Memorandum dated May 4, 2016, from Thomas G. Bradford, Town Manager](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Jane Struder, Director of Finance

Re: Amendment to the General Fund Budget and the Establishment of and Transfer to the  
Underground Utility Project Fund  
**Ordinance No. 09-2016**

Date: April 29, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council approve Ordinance No. 09-2016 on first reading, amending the General Fund budget to transfer monies from the unassigned fund balance to the Underground Utility Project Fund and establishing an initial project budget. Staff also recommends that the Town Council approve an allocation of \$180,000 from the Equipment Replacement Fund Contingency for the estimated first month costs of the engineering contract, if needed.

## **GENERAL INFORMATION**

The Town Council will consider the award of the engineering contract with Kimley Horn for engineering services for the underground utility project at the May 10, 2016 Town Council meeting. In order to award the contract, if approved, we need to establish a funding source for the contract amount.

The Town owns 37 parcels that will have an assessment as part of the underground utilities program. Staff is proposing that the Town prepay these assessments which amount to \$2,530,250 (Based on an estimated \$90 million project cost and other factors that could change). These funds can then be used as “seed funds” to begin to finance the project and fund the planning and design costs for the initial phases of the project.

Staff is proposing a budget amendment that will transfer funds from the General Fund unassigned fund balance (\$2,530,250) to a new fund that we are establishing for the Underground Utility Project. Since the budget amendment requires two readings, it will not be potentially finally approved until the June 14, 2016 Town Council meeting. Due to this circumstance, and in order to be able to allow Kimley Horn to start work immediately after contract approval at the May 10, 2016 Town Council meeting, on the underground utility planning and design, we are proposing to allocate a not to exceed amount of \$180,000 from the Equipment Replacement Fund contingency. If the budget amendment ordinance is

approved on second reading, we will not touch the \$180,000 from the Equipment Replacement Fund.

### **FUNDING/FISCAL IMPACT**

The Ordinance will amend the General Fund Budget in the amount of \$2,530,250 for the transfer of General Fund surplus unassigned fund balance to the Underground Utility Fund and establish a budget in this fund in the amount of \$2,530,250.

Fiscal year-end 2015 General Fund unassigned fund balance totaled \$22,267,051. This amount exceeds the minimum required by policy by \$6,292,273. The minimum unassigned fund balance required by Town policy is 25% of FY16 General Fund operating expenditures (\$15,974,778). Staff is proposing to use \$2,530,250 of this “excess” to fund the prepaid assessments for Town properties, leaving \$3,762,023 in “excess” fund balance.

The Equipment Replacement Fund Contingency Account is being used to fund the initial costs because the Town Council had authorized a portion of the reserves of this fund as the original “seed money” for the neighborhood undergrounding projects. The ERF contingency account has a balance of \$470,889 and Town Council action will appropriate \$180,000 for the initial engineering costs. Once the budget amendment is finally adopted, steps will be taken to charge the \$180,000 to the newly established Underground Utility Fund.

### **TOWN ATTORNEY REVIEW**

Ordinance No. 09-2016 has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachments

jls

cc: H. Paul Brazil, P.E., Director of Public Works  
John C. Randolph, Town Attorney  
Jay Boodheshwar, Deputy Town Manager

**ORDINANCE NO. 09-2016**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A UNDERGROUND UTILITY PROJECT FUND; IN ORDER TO TRANSFER EXCESS FUNDS FROM THE GENERAL FUND RESERVES TO THE UNDERGROUND UTILITY PROJECT FUND TO FUND THE INITIAL ENGINEERING COST OF THE TOWNWIDE UNDERGROUNDING PROJECT; PROVIDING FOR AN AMENDMENT TO THE TOWN'S BUDGETS ADOPTED FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2015, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it was necessary for the Town of Palm Beach to adopt budgets for the fiscal year commencing October 1, 2015; and

**WHEREAS**, the Town Council of the Town of Palm Beach, Florida, deems it necessary and appropriate to amend said budgets to provide appropriations adequate for the authorization of expenditures necessary for conducting Town operations for the fiscal year ending September 30, 2016; and

**WHEREAS**, the budget amendment is necessary to transfer excess funds from the General Fund reserves to a fund established for the Townwide Underground Utility Project to fund the initial engineering costs and the amount to be transferred represent the Town's estimated pre-pay amount for planned assessments for Town owned properties; and

**WHEREAS**, the budget amendment is necessary to appropriate funds for planning and engineering costs; and

**WHEREAS**, the Town Council must take action to put in place an ordinance to amend the budget.



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

**Section 1.** The foregoing recitals are hereby ratified and confirmed.

**Section 2.** There is hereby established an Underground Utility Project Fund for the town-wide underground utility project.

**Section 3.** The General Fund and the Underground Utility Fund budgets for the fiscal year commencing October 1, 2015, are hereby amended and adopted pursuant to the attached Exhibit “A” and “B”, attached hereto and made a part of this ordinance.

**Section 4.** Effective Date. This ordinance shall take effect immediately upon passage and approval as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 10th day of May, 2016, and for second and final reading on this 14th day of June, 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

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Michael J. Pucillo, Town Council President

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Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

**Town of Palm Beach, Florida**  
**General Fund Revenues and Expenditures**  
**Budget Amendment**  
**October 1, 2015 through September 30, 2016**

|                                          | <b>Adopted<br/>Budget<br/>FY2016</b> | <b>Ordinance<br/>No. 09-2016<br/>Amendment</b> | <b>Amended<br/>Budget<br/>FY2016</b> |
|------------------------------------------|--------------------------------------|------------------------------------------------|--------------------------------------|
| <b>Revenues</b>                          |                                      |                                                |                                      |
| Ad Valorem Taxes                         | 47,131,000                           |                                                | 47,131,000                           |
| Non Ad Valorem Taxes                     | 8,005,000                            |                                                | 8,005,000                            |
| Licenses & Permits                       | 7,103,320                            |                                                | 7,103,320                            |
| Intergovernmental                        | 1,135,537                            |                                                | 1,135,537                            |
| Charges for Services                     | 3,867,388                            |                                                | 3,867,388                            |
| Fines and Forfeitures                    | 1,284,000                            |                                                | 1,284,000                            |
| Investment Earnings                      | 700,000                              |                                                | 700,000                              |
| Miscellaneous Revenues                   | 323,500                              |                                                | 323,500                              |
| Interfund Transfers                      | 785,000                              |                                                | 785,000                              |
| Use of Undesignated Fund Balance         | 1,579,586                            | 2,530,250                                      | 4,109,836                            |
| <b>Total Revenues</b>                    | <b>71,914,331</b>                    | <b>2,530,250</b>                               | <b>74,444,581</b>                    |
| <b>Expenditures</b>                      |                                      |                                                |                                      |
| <b>Department</b>                        |                                      |                                                |                                      |
| Legislative                              | 95,600                               |                                                | 95,600                               |
| General Government                       | 807,300                              |                                                | 807,300                              |
| Town Manager                             | 769,306                              |                                                | 769,306                              |
| Advice and Litigation                    | 550,000                              |                                                | 550,000                              |
| Human Resources                          | 851,243                              |                                                | 851,243                              |
| Information Systems                      | 2,320,819                            |                                                | 2,320,819                            |
| Finance                                  | 2,028,839                            |                                                | 2,028,839                            |
| Planning/Building/Zoning                 | 4,050,642                            |                                                | 4,050,642                            |
| Library                                  | 315,777                              |                                                | 315,777                              |
| Fire-Rescue                              | 11,743,196                           |                                                | 11,743,196                           |
| Police                                   | 14,198,001                           |                                                | 14,198,001                           |
| Emergency Disaster Response              | 46,300                               |                                                | 46,300                               |
| Public Works                             | 14,767,345                           |                                                | 14,767,345                           |
| Transfer to Other Funds                  | 18,425,277                           | 2,530,250                                      | 20,955,527                           |
| Contingent Appropriations                | 944,686                              |                                                | 944,686                              |
| <b>Total Expenditures</b>                | <b>71,914,331</b>                    | <b>2,530,250</b>                               | <b>74,444,581</b>                    |
| <b>Revenue over/(under) Expenditures</b> | <b>\$0</b>                           | <b>\$0</b>                                     | <b>\$0</b>                           |

**Town of Palm Beach, Florida**  
**Underground Utility Project Fund**  
**Budget Amendment**  
**October 1, 2015 through September 30, 2016**

|                                    | <b>Adopted<br/>Budget<br/>FY2016</b> | <b>Ordinance<br/>No. 09-2016<br/>Amendment</b> | <b>Amended<br/>Budget<br/>FY2016</b> |
|------------------------------------|--------------------------------------|------------------------------------------------|--------------------------------------|
| <b>Revenues</b>                    |                                      |                                                |                                      |
| Investment Earnings                | -                                    |                                                | -                                    |
| Transfer from General Fund         | -                                    | 2,530,250                                      | 2,530,250                            |
| <b>Total Revenues</b>              | -                                    | 2,530,250                                      | 2,530,250                            |
| <b>Expenditures</b>                |                                      |                                                |                                      |
| Project Costs                      | -                                    | 2,530,250                                      | 2,530,250                            |
| Contingency                        | -                                    |                                                |                                      |
| <b>Total Expenditures</b>          | -                                    | 2,530,250                                      | 2,530,250                            |
| Revenues Over/(Under) Expenditures | -                                    |                                                | -                                    |
| Beginning Fund Balance             | -                                    |                                                | -                                    |

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Authorization for Town Manager to Enter into a Master Contract with Kimley-Horn and Associates, Inc. and Approve a Purchase Order for Task 1 of the Town-Wide Underground Utilities Program  
**Resolution No. 82-2016**

DATE: April 29, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that Town Council authorize the Town Manager to enter into a Master Contract with Kimley-Horn and Associates, Inc. (KHA), and approve Resolution No. 82-2016 approving a purchase order for task one (1) of the Town-Wide Underground Utilities Program in the amount of \$2,165,759.

## **GENERAL INFORMATION**

The Underground Utilities Task Force (UTF) held their first organizational meeting on June 25, 2015, and another meeting on July 7, 2015. At this time, staff was asked to provide information concerning design consultants, and construction delivery methods for the program. At their August 4, 2015 meeting, the UTF concurred with staff that they authorize a Selection Committee for Professional Engineering Services for the Town-Wide Undergrounding of Utilities Program. On September 10, 2015, Town Council approved the Selection Committee to evaluate the qualifications submitted by the firms who express an interest in the Town-Wide undergrounding of utilities.

The Town Council approved the selection of KHA for the Town-Wide Undergrounding Engineering Services at the March 8, 2016 meeting. On March 15, 2016, the residents of Palm Beach passed the referendum to finance the underground utility project by issuing general obligation bonds. As directed at the March 2016 Town Council meeting, staff initiated discussions with KHA to negotiate a master contract and secure a proposal for the first actions required to initiate the Town-Wide Undergrounding Project. Attorney, Peter Brandt, and staff have negotiated a master contract which includes terms and conditions, and establishes labor rates. The team also secured a proposal to perform the first phase of design and planning for this project.

The design and construction of the Town-Wide Undergrounding Program is anticipated to take six (6) to ten (10) years to complete. The program will be broken into several phases and is anticipated to begin in two (2) phases; one (1) at the north end of town, and the second at the south end of town. This first task order is for the design of the first two (2) phases of undergrounding and includes master planning for the first half of the overall program. This task order includes the following efforts:

- Conceptual Design and Master Planning for the First Assessment Area
- Detailed Design for the North End Project Area
- Detailed Design for the South End Project Area
- Permitting Assistance
- Bid Phase Assistance
- Public Outreach

The completed Phase 1 will not only prepare the Town for the first phases of construction to begin in May of 2017, but will also serve as a guide for future phases of the project.

Town staff and attorney, Peter Brandt, have negotiated the engineering services for the Master Planning Phase of the Town-Wide Utility Undergrounding with KHA for the amount of \$2,165,759.

#### **FUNDING/FISCAL IMPACT**

This request will be funded through the general obligation bonds. The Town's reserves provide the advanced funding of this initial work effort. A budget amendment will be necessary and will be addressed in a separate Town Council item at this meeting.

#### **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 K. Francis, P.E., Town Engineer  
Patricia Strayer, P.E., Senior Project Engineer  
Adis Pedraza, Purchasing Manager

**RESOLUTION NO. 82-2016**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER TO KIMLEY-HORN AND ASSOCIATES, INC., FOR TASK 1 OF THE TOWN-WIDE UNDERGROUND UTILITIES PROGRAM IN THE AMOUNT OF \$2,165,759.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order to Kimley-Horn and Associates, Inc. for Task 1 of the Town-Wide Underground Utilities Project in the amount of \$2,165,759.

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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member



# TOWN OF PALM BEACH

## Information for Town Council Meeting on May 10, 2016

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To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Underground Utilities Task Force (UUTF) Related Matters; Project Reporting Format, Recommendation for Project Related Telecommunications Service Providers, Funding of Non-UG Work in Kimley-Horn Proposal, Burial of Overhead Lines in City of Lake Worth

Date: May 4, 2016

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### **STAFF RECOMMENDATION**

Staff recommends the Town Council consider the information in regard to the UUTF reporting format being developed for their project oversight responsibilities. Staff recommends that the Town Council approve the UUTF recommendation to pursue alternative telecommunications service providers.

### **GENERAL INFORMATION**

#### *Townwide Underground Project Reporting Format*

The UUTF wanted a project reporting format that would facilitate their assigned citizen oversight role. UUTF member Donald Gulbrandsen volunteered his time and knowledge to help develop a reporting format. The UUTF consensus was have Mr. Gulbrandsen meet with staff to share his ideas for tracking underground project progress. Staff met with Mr. Gulbrandsen on April 18 and he shared his ideas with us and specifically what he calls his Four Executive Habits for discipline and focus, which are:

- 1) Focus on the wildly important goals (WIGS) and the pretty important goals (PIGS)
- 2) Act on lead measures
- 3) Keep a compelling scoreboard
- 4) Maintain a cadence of accountability by establishing regular report timing and structure involving all fields of endeavor to accomplish the underground project within a team structure.

We concluded that the core documents for project management on this scale are the Gantt chart that identifies the critical path with an identifying color to include such elements as budget, schedule, completion to date and balance to finish. It was suggested that we create a Master Gantt chart to cover the life cycle of the townwide project and consider other Gantt charts with a 2 to 3-year horizon.

Identifying assumptions may include risks, with identifying triggers and recognition of those risks that are out of one's control. Of course, budget is important and it should include items such as finance, easements, contractor's progress and the communications program.

It was tentatively determined that the Town's critical path item for project completion was easement acquisition. Lead measures to gauge progress include quality items such as the FPL monthly report on outages with a target for a 30% reliability increase. This is in reference to the FPL measurements Systems Average Interruption Duration Index (SAIDI) and Systems Average Interruption Frequency Index (SAIFI) as reported to the Florida Public Service Commission. Safety could be measured from the number of Fire-Rescue Department calls for downed wires, arching or electrical fires. These incidents are recorded on a regular basis by the Town's Fire – Rescue Department. Aesthetics could be measured by the number of poles removed versus the total poles currently in town; lines removed; screened transformers completed etc.

It was requested that the Town pursue the implementation of a dashboard that provides the reader with the status of all of the above at a glance. Software to link all of the relevant reporting documents necessary to accomplish the above does exist. In order to save time, it was recommended that the Town use exception reporting so that decision-makers only focus on that requiring attention. For example, a color-coded process could include green, amber and red. To the reader of a report green would mean that all is good and that there are no problems currently being encountered. An amber color would indicate to the reader that problems may be anticipated. Red would mean we have a problem and a solution must be expeditiously found.

We provided sample documents for the Task Force which were:

- Draft Gantt Chart
- Task list for Gantt Chart
- Proposed Budget Template
- Interest Rate Forecast Sheet
- Dashboard Samples

Staff's plan is to purchase off the shelf software available to provide the referenced dashboard that will allow the related report documents to be considered in a cohesive fashion to facilitate project information understanding to facilitate the UUTF's oversight role. I am pleased to report that the UUTF takes their assignment seriously.

### *Project Related Telecommunications Service Providers*

Without going into great detail, the UUTF, in a motion made by Wilbur Ross and seconded by Tom Parker, voted unanimously to recommend to the Town Council that the Town seek alternatives to telecom providers AT&T and Comcast for the purpose of instilling competition into the process in an effort to secure pricing most favorable to the citizens of Palm Beach for the conversion of overhead telecom facilities to underground service. There was some discussion that the appropriate first step may be to have the Town's Purchasing Division issue a request for information (RFI) to gain an understanding of what is available and gauge interest in gaining access to the Palm Beach telecom market. Another suggested alternative would be to secure telecommunications consultants used by other municipalities by piggybacking their contracts in order to provide advice to the Town in regard to this undertaking and to help in the development of the scope of services that the Town would need to secure the services of alternative telecommunications service providers. It is recommended that the Town Council approve the recommendation of the Underground Utilities Task Force to seek alternatives to telecom providers AT& T and Comcast for competitive purposes. We will work with the Purchasing Division and the Task Force in order to come up with the best and most efficient way to achieve this goal.

### *Funding of Non-Undergrounding Related Work in Kimley-Horn Proposal*

Task 2.2 of the Kimley-Horn UG proposal includes work labeled "Ibis Way PGD Improvements." This relates to drainage improvements and should not be a cost to be borne by the Townwide Underground Project. The work requested relating to drainage is \$14,583. Public Works has requested that this work be charged to the 2013 ACIP II Bond monies. Approval of this funding is requested by the Town Council.

### *Overhead Facilities in City of Lake Worth on South Ocean Blvd.*

This subject came up at the May 3 UUTF meeting. Kimley -Horn's proposal does not include converting to underground service those lines assumed to be FPL, AT&T or Comcast facilities running north/south along South Ocean Blvd. in the City of Lake Worth. This is that area of the City of Lake Worth that appears to split the area of the Town south of Sloan's Curve into two areas we often refer to as Reach 7 and Reach 8 in deference to the Coastal program. The UUTF wants staff to bring back the cost of designing and potentially burying these lines which we will do. It appeared as if most UUTF members felt these should be buried, subject to a reasonable cost. I suggested that it would look odd if this was not done. Any advice the Town Council wishes to offer in this regard will be appreciated.

cc: Jay Boodheshwar, Deputy Town Manager

H. Paul Brazil, P. E., Director of Public Works  
Jane Struder, Director of Finance  
Patricia Strayer P.E., Senior Projects Engineer

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Consideration of an Ordinance Banning Smoking on Town Beaches

## Presenter

Thomas G. Bradford, Town Manager

## Supporting Documents

- [Memorandum dated May 4, 2016, from Thomas G. Bradford, Town Manager](#)

# TOWN OF PALM BEACH

## Information for Town Council Meeting on May 10, 2016

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To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Consideration of an Ordinance Banning Smoking on Town Beaches

Date: May 4, 2016

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### **STAFF RECOMMENDATION**

Staff recommends the Town Council consider the information contained herein and take whatever action you collectively deem to be appropriate.

### **GENERAL INFORMATION**

Recently, effective January, 2014, the State of Hawaii banned smoking on all public beaches within the state. We have had inquiries from one or more residents about the Town doing the same. Our research has revealed the following.

The State of Florida regulates smoking by way of the Florida Clean Indoor Air Act, Chapter 386, Florida Statutes. Florida primarily regulates smoking in and around indoor spaces. More important for this discussion, Chapter 386.209 preempts smoking regulation to the state. Accordingly, without legislative amendments, the town is unable to regulate smoking on public beaches. Smoking on public beaches seems in conflict with the nature of being at the beach where one typically engages in healthy lifestyle activities. In addition, it contributes to the litter problem.

cc: John C. Randolph, Town Attorney  
Robert Weber, Coastal Coordinator



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Lobbyist Assignments and Funding Allocations

## Presenter

Thomas G. Bradford, Town Manager

## Supporting Documents

- [Memorandum dated May 4, 2016, from Thomas G. Bradford, Town Manager](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Selection of Professionals for Lobbying Services and Funding Same to Assist the Town with General Matters, Coastal Related Matters and Potential Litigation Associated with Deepening and Widening the Inlet

Date: May 4, 2016

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council take the necessary actions to select professionals and allocate funding for the Town's chosen lobbyists. The Town must remain diligent in our opposition to the proposed deepening and widening of the Lake Worth Inlet, preserve our recently realized placement of dredged sand from the Lake Worth Inlet onto the dry beach in Reach 1 and be prepared for issues that arise throughout the course of any given year for any issues of importance to the Town.

## **GENERAL INFORMATION**

It is recommended the following professional selections and funding recommendations be approved for the reasons stated below:

1. Ballard Partners be retained for the purpose of representing the Town before agencies and officials within the State of Florida for general representation. Ballard Partners was 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 \$60,000 be allocated for Ballard Partner services. It may be that we can reduce this amount of funding as the coastal portion of their work may not be needed. Current coastal lobbying efforts relate primarily to technical issues with DEP and the USACOE. However, I have not been able to discuss this with Mat Forrest of Ballard Partners at the time of agenda backup printing. \$20,000 for general and coastal services from Ballard Partners is budgeted for FY 2016 and is proposed for 2017. \$40,000 for coastal matters is needed at this time for annual services since this amount is funded by a special appropriation and not budgeted in the normal budget process.
2. Phil Bangert is currently independent, but may join a small Washington law firm in the near future. We wish to again 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 \$2,500 per month for the services of Mr. Bangert, \$30,000 annually. Mr. Bangert is used primarily for USACOE related issues in Washington. No funding is required for this service as it is budgeted in FY 2016 and will be proposed in FY 2017.

3. Greenberg Traurig is recommended to be retained for continued use for lobbying with USACE and litigation, if needed. For these services, Greenberg Traurig has a monthly retainer of \$2,500 with the Town for \$30,000 annually. No additional funding is needed at this time as these funds are budgeted in the FY 2016 budget and will be proposed again for 2017.
4. It is recommended that the Town continue to engage the firm of Foley & Lardner for pursuing the Town's opportunities for beach nourishment with the FDEP, USACOE, related Inlet dredging matters and for any coastal program related matters. The former Secretary of FDEP is located at the firm in the Jacksonville office which is also in close proximity to the USACOE Jacksonville District Office. The former Deputy Secretary of FDEP is under contract at the firm. Foley & Lardner played a major role in delivering the placement USACOE dredged Palm Beach Inlet sand on the dry beach in Reach 1 this year. It is recommended the firm of Foley & Lardner be engaged by the Town for a \$5,000 per month retainer requiring a \$60,000 funding allocation. Funding is needed now as these services were funded by special appropriation in May 2016.

The foregoing requested appropriations, if approved, amount to \$100,000, excluding any out-of-pocket expenses the lobbyist may incur which is rare. Currently, the Town budgets \$80,600, with the remainder coming from an annual General Fund Contingency allocation in May of each year to be approved by the Town Council. I do not see this cost stopping or decreasing in the foreseeable future. That being the case, the Town Council could begin to budget an additional \$100,000 in the FY 2017 budget to cover all costs of annual lobbying. However, if you wish to begin to properly budget for lobbying costs commencing with the 2017 budget there would still be a need for current funding from May 1 to September 30, 2016. An appropriation for the remainder of this fiscal year would be \$41,667. However, the \$41,667 reduced appropriation would be contingent upon the Town Council agreeing to budget an additional \$100,000 in the FY 2017 budget.

We will continue to work closely with the Everglades Law Center, the Coalition to Save Our Inlet and others in regard to the Port and the proposed deepening and widening of the Palm Beach Inlet and Harbor.

### **FUNDING/FISCAL IMPACT**

This recommendation entails:

1. A request for a funding allocation of \$40,000 to Ballard Partners by appropriation of FY 2016 General Fund Contingency.

2. A request for a funding allocation of \$60,000 from the FY2016 General Fund Contingency to Foley & Lardner for enhancing the Town's opportunities in coastal related matters.

Alternatively, the Town Council could provide an interim appropriation of \$41,667 (\$16,667 for Ballard and \$25,000 for Foley) which provides funding from May 1 to September 30 and, effective October 1, budget an additional \$100,000 for lobbying.

TGB:

cc: Jay Boodheshwar, Deputy Town Manager  
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 10, 2016

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Coastal Update:

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

a. Shoreline Condition Update

b. RESOLUTION NO. 73-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Purchase Order Increase for Construction Phase Professional Services for the Phipps Ocean Park/Reach 7 Beach Nourishment Project to Applied Technology & Management, Inc., in an Amount Not-To-Exceed \$40,000, to Increase the Established Construction Phase Professional Services Budget from \$336,000 to \$376,000 to Cover the Additional Sea Turtle Monitoring.

## Presenter

## Supporting Documents

- [b. Memorandum dated April 21, 2016, from H. Paul Brazil, P.E., Director of Public Works](#)
- [b. Resolution No. 73-2016](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

RE: Authorization to Increase the Purchase Order for Construction Phase Professional Services for Phipps Ocean Park Beach Nourishment  
**Resolution No. 73-2016**

DATE: April 21, 2016

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## **STAFF RECOMMENDATION**

Staff requests that Town Council approve Resolution No. 73-2016 authorizing an increase to Purchase Order No. 151633 to Applied Technology & Management, Inc. (ATM) for Construction Phase Professional Services for the Phipps Ocean Park Beach Nourishment Project. This authorization will increase the project construction phase professional services contingency by \$40,000, establishing a revised construction phase services budget of \$376,000.

## **GENERAL INFORMATION**

The Phipps Ocean Park/Reach 7 Beach Nourishment Project has included more than 1 million cubic yards of sand placed between Phipps Ocean Park and the Palm Worth Condominium just north of Kreusler Park. In addition to beach nourishment, the project also includes a stockpile area within Phipps Ocean Park for sand hauling to dune restoration areas in Reaches 3 and 8. The dune restoration efforts are ongoing.

As a condition of the Town's permits, additional night time sea turtle monitoring and turtle nest relocation is required when sea turtles begin nesting within the project limits. Nesting activity has occurred within certain project limits and Applied Technology & Management, Inc. (ATM) has appropriately notified the regulatory agencies that the required monitoring has been initiated. As sand continues to be hauled from Phipps Ocean Park to Reach 8, the night time sea turtle nesting monitoring must also continue.

While the Town does contract directly with the sea turtle nesting consultant for the annual monitoring required through the Beach Management Agreement, the project-related activities have been performed separately and through ATM as an element of project management. The cost of this service is more than originally planned because the scope of services required by the regulatory agencies is more than anticipated.



Town staff requests that a purchase order increase be authorized to ATM's Purchase Order No. 151633 in the amount of \$40,000 to cover the costs for the ongoing permit required work.

### **FUNDING/FISCAL IMPACT**

In June 2015, Town Council authorized the Phipps Ocean Park Beach Nourishment Project and awarded a contract to Great Lakes Dredge & Dock Company in the amount of \$15,879,950 through Resolution No. 78-2015. The resolution also established a construction phase budget of \$16,879,950. This budget included a \$1 million contingency. Although final billing has yet to be received by the Town, it is expected that nearly the entire contingency will be returned to the Coastal Protection Fund. Therefore, there are sufficient funds in the overall project budget.

Town staff requests that the established project contingency be utilized to fund the \$40,000 purchase order increase for the permit required sea turtle nesting activities. Should the entire \$40,000 not be necessary, Town staff will return unused funds to the Coastal Protection Fund.

### **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: Shore Protection Board  
Jane Struder, Director of Finance  
Robert Weber, Coastal Program Manager  
Adis Pedraza, Purchasing Manager

## RESOLUTION NO. 73-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A PURCHASE ORDER INCREASE FOR CONSTRUCTION PHASE PROFESSIONAL SERVICES FOR THE PHIPPS OCEAN PARK/REACH 7 BEACH NOURISHMENT PROJECT TO APPLIED TECHNOLOGY & MANAGEMENT, INC., IN AN AMOUNT NOT-TO-EXCEED \$40,000, TO INCREASE THE ESTABLISHED CONSTRUCTION PHASE PROFESSIONAL SERVICES BUDGET FROM \$336,000 TO \$376,000 TO COVER THE ADDITIONAL SEA TURTLE MONITORING.

\* \* \* \* \*

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

Section 1. The Town Council of the Town of Palm Beach hereby approves a purchase order increase for Construction Phase Professional Services for the Phipps Ocean Park/Reach 7 Beach Nourishment Project to Applied Technology & Management, Inc., in an amount not-to-exceed \$40,000, to increase the established construction phase professional services budget of \$336,000 to \$376,000 to cover the additional sea turtle monitoring.

Section 2. The Town Manager is hereby authorized 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 10th day of May 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

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Margaret A. Zeidman, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Building Board of Adjustment and Appeals (BBAA) Consideration of Jurisdictional Transfer; Request for Proposed Subject to be Considered by the Ordinances, Rules and Standards Committee of the Town Council.

## Presenter

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

## Supporting Documents

- [Memorandum Dated April 29, 2016 Fom John S. Page, Director of Planning, Zoning and Building](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Building Board of Adjustment and Appeals (BBAA)  
Consideration of Jurisdictional Transfer; Request for Proposed Subject to Be Considered  
by the Ordinances, Rules and Standards Committee of Town Council

Date: April 29, 2016

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council refer the following issue to its ORS Committee for review and return recommendation: Should the Town transfer oversight responsibility for the Building Board of Adjustment and Appeals to the Palm Beach County Building Code Advisory Board (BCAB)?

## **GENERAL INFORMATION**

The Town's Building Board of Adjustment and Appeals has long sat dormant. The Board's last meeting occurred 26 years ago in 1990. A recap of this Board's responsibilities follows:

- The Board shall have the power to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes (in much the same way as the Town Council has the authority to approve variances from the Zoning Code).
- The Board is to consist of seven members and two alternates, and be composed of individuals with knowledge and experience in the technical codes to include an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, etc.
- The Florida Building Code requires that a Board of this type exist to hear appeals and make interpretations when called upon. It cannot simply be eliminated.

The Board remains ready to meet on an as-needed basis, but that situation has not presented itself since 1990. Administrative over-sight is made difficult by its lack of activity. It has become awkward and an almost pointless exercise to recruit/reappoint members, and/or to keep the Board informed of Town policies.

Building Official Bill Bucklew was recently appointed to the Palm Beach County “Building Code Advisory Board” (BCAB). A few facts regarding the BCAB follow:

1. Its appointing authority is the Palm Beach County Board of County Commissioners.
2. It has 16 members consisting of local Building Officials from County municipalities, certified contractors from the different trades, an architect, and an engineer. The quality of these appointees meets or exceeds State requirement for a BBAA in my opinion.
3. Its function is to review and make recommendation to the County Commission and local governments on building related codes and standards. Its mission is to promote uniformity in the area of building regulations and inspection techniques. I believe its purpose is closely aligned with our BBAA needs.
4. The BCAB meets every other month.

Town Building Official Bill Bucklew recently spoke informally to County Building Official Doug Wise about our BBAA. Mr. Wise reacted positively to a general question about the BCAB acting as the Town’s BBAA. Both gentlemen saw a close alignment that could be of mutual benefit. Although preliminary, Mr. Wise expressed a willingness to present the concept to the full BCAB at the Town’s request. With a nod of approval from the Town Council, staff requests that the Council:

1. Direct this question to ORS for its consideration and recommendation(s); and
2. Simultaneously authorize the Town’s Building Official to formally introduce the topic of conversation at the next conveniently convened meeting of the County’s Building Code Advisory Board.

I believe that at minimum, a local Code change, and perhaps an Interlocal Agreement would be necessary to effectuate this idea. If endorsed as herein recommended, staff will pursue investigating the idea with the BCAB and will keep ORS posted with applicable news. If implemented, Mr. Bucklew would be obligated to recuse himself from any appeal regarding property in the Town of Palm Beach (due to professional conflict). Staff will also coordinate any and all necessary details with Town Attorney Randolph as this concept moves forward.

cc: John C. Randolph, Town Attorney  
Bill Bucklew, Building Official  
Doug Wise, Palm Beach County Building Official

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Regular Agenda - New Business

## Agenda Title

Request for the Public Works Committee of the Town Council to Meet on June 13, 2016 or June 16, 2016, for the Purpose of Reviewing an Update on the Status of the 2013 Accelerated Capital Improvement Plan II (ACIP II).

## Presenter

Thomas G. Bradford, Town Manager

## Supporting Documents

- [Memorandum dated May 5, 2016, from Thomas G. Bradford, Town Manager](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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To: Mayor and Town Council

From: Thomas G. Bradford, Town Manager

Re: Staff Request for the Public Works Committee to Meet to Receive an Update on the Status of the 2013 Accelerated Capital Improvement Plan II (ACIP II)

Date: May 5, 2015

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## **STAFF RECOMMENDATION**

Staff requests Town Council consider this request to authorize the Public Works Committee of the Town Council to receive an update on the 2013 Accelerated Capital Improvement Plan II (ACIP II).

## **GENERAL INFORMATION**

Section 2-61 of the Town Code of Ordinances states among other things that the duties of standing committees shall be to make investigations and reports on matters referred to it by the Town Council. Section 2-62 of the Town Code of Ordinances states among other things that all committees shall report to the town council upon matters referred to them at the next regular meeting.

It is requested that the Town Council authorize the Public Works Committee to meet to receive a staff update on the 2013 ACIP II program. If authorized, the meeting will be held at a time convenient to both members of the Committee.

cc: H. Paul Brazil, P.E., Director of Public Works  
Jane Struder, Director of Finance  
William Francis, P.E., Town Engineer



# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Ordinances - Second Reading

## Agenda Title

ORDINANCE NO. 07-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 90, Public Improvements; at Article II, Special Assessments; Division 2, General Provisions; Section 90-49, Correction of Errors and Omissions; by Amending Paragraph (c), to Include Provision Allowing for the Appeal of the Decision of the Town Manager in Regard to Alleged Errors in Applying the Assessment Apportionment Method to any Particular Property; 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

- [Ordinance No. 07-2016](#)

## **ORDINANCE NO. 07-2016**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 90, PUBLIC IMPROVEMENTS; AT ARTICLE II, SPECIAL ASSESSMENTS; DIVISION 2, GENERAL PROVISIONS; SECTION 90-49, CORRECTION OF ERRORS AND OMISSIONS; BY AMENDING PARAGRAPH (c), TO INCLUDE PROVISION ALLOWING FOR THE APPEAL OF THE DECISION OF THE TOWN MANAGER IN REGARD TO ALLEGED ERRORS IN APPLYING THE ASSESSMENT APPORTIONMENT METHOD TO ANY PARTICULAR PROPERTY; 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 90, Public Improvements; Article II, Special Assessments; Division 2, General Provisions; Section 90-49, Correction of Errors and Omissions, at subparagraph (c) to read as follows:

### **Sec. 90-49. - Correction of errors and omissions.**

- (a) No act of error or omission on the part of the property appraiser, tax collector, town manager, town council, their deputies, employees, or designees, shall operate to release or discharge any obligation for payment of an assessment imposed by the town council under the provision of this article.
- (b) When it shall appear that any assessment should have been imposed under this article against a lot or parcel of property specially benefited by the provision of a service, facility, program, or local improvement, but such property was omitted from the assessment roll, the town council may, upon provision of appropriate notice as set forth in this article, impose the applicable assessment for the fiscal year in which such error is discovered, in addition to the applicable assessment due for the prior two fiscal years. Such total assessment shall become delinquent if not fully

paid upon the expiration of 60 days from the date of the adoption of said resolution. The assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles and claims in and to or against the real property involved and may be collected as provided in division 6 hereof.

- (c) The town manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any assessed property, to correct any error in applying the assessment apportionment method to any particular property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction that reduces an assessment shall be considered valid ab initio and shall in no way affect the enforcement of the assessment imposed under the provisions of this article. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner in the manner described in sections 90-65 and 90-85 hereof, as applicable, providing the date, time and place that the town council will consider confirming the correction and offering the owner an opportunity to be heard. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the town manager and not, the property appraiser or tax collector. In the event the Town Manager, in response to a timely filed petition from the owner of any assessed property, fails to correct any alleged error applying the assessment apportionment method to any particular property, which correction would have reduced the assessment relating to that property, the petitioner may, within ten (10) days of the written decision of the Town Manager file in writing with the Town Clerk a notice of appeal setting forth the reasons for the appeal, whereupon the Town Council, within forty-five (45) days of the filing of the written notice, shall, at a duly noticed public hearing, consider and act upon the appeal.
- (d) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the town manager.

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 April, 2016, and for second and final reading on this 10th day of May, 2016.

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Gail L. Coniglio, Mayor

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Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Klein, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member

# TOWN OF PALM BEACH

Town Council Meeting on: May 10, 2016

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## Section of Agenda

Ordinances - First Reading

## Agenda Title

ORDINANCE NO. 08-2016 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 14, Aviation; Article II - Aircraft; to Include a New Section 14-35, "Drones; Model Aircraft", Providing for Purpose, Definition, Prohibition, Exemptions, and Requirements for a Permit; 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 2, 2016, From Jay Boodheshwar, Deputy Town Manager](#)
- [Ordinance No. 08-2016](#)

# TOWN OF PALM BEACH

Information for Town Council Meeting on: May 10, 2016

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TO: Mayor and Town Council

VIA: Thomas G. Bradford, Town Manager

FROM: Jay Boodheshwar, Deputy Town Manager

RE: Amendment to Town Code of Ordinances at Chapter 14, Aviation; Article II – Aircraft; to Include a new Section 14-35, “Drones; Model Aircraft”  
**Ordinance No. 08-2016**

DATE: May 2, 2016

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## **STAFF RECOMMENDATION**

Staff recommends Town Council approval of Ordinance No. 08-2016, amending the Town Code of Ordinances at Chapter 14, Aviation; Article II – Aircraft; to include a new Section 14-35, “Drones; Model Aircraft.”

## **GENERAL INFORMATION**

Approval of Ordinance No. 08-2016 would amend Chapter 14, Article II of the Town Code pertaining to aircrafts, to include a new Section 14-35 relating to drones and model aircraft. After several months of study by the Ordinances, Rules and Standards Committee approval of this ordinance will provide a definition for drone/model aircraft and regulations pertaining to same for operation within the Town of Palm Beach. In summary, drones and model aircrafts would be prohibited from being operated within the Town unless specifically exempted or permitted per this ordinance. For permitted uses, an application process will be required and a corresponding fee will apply. A companion resolution approving said fee will be presented for Town Council consideration at the second and final reading of this ordinance.

The language included in Ordinance No. 08-2016 was reviewed by a representative from the Federal Aviation Administration and no concerns were expressed.

## **TOWN ATTORNEY REVIEW**

Ordinance No. 08-2016 was prepared and approved by the Town Attorney.

Attachment

cc: John C. Randolph, Town Attorney  
Kirk Blouin, Director of Public Safety  
Nicholas Caristo, Police Lieutenant  
Benjamin Alma, Code Enforcement Manager



## ORDINANCE NO. 08-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 14, AVIATION; ARTICLE II - AIRCRAFT; TO INCLUDE A NEW SECTION 14-35, "DRONES; MODEL AIRCRAFT", PROVIDING FOR PURPOSE, DEFINITION, PROHIBITION, EXEMPTIONS AND REQUIREMENTS FOR A PERMIT; 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 14, Article II - Aircraft, to include a new Section 14-35, to read as follows:

### **Sec. 14-35. – Drones; Model Aircraft**

(a) Purpose.

As a result of the rapid implementation of drone and model aircraft technology, many issues arise from their use, such as invasion of privacy and concerns for public safety. Drones and model aircraft have the ability to carry wireless cameras that record data and/or transmit live streams of data. Without regulating the use of drones and model aircraft, they could be used to invade the privacy of Town residents who are enjoying the use of their property.

In addition, drones and model aircraft are defined as unmanned aerial systems (UAS's). They pose a public safety concern not only to other aircraft or objects in the air, but to the residents of the Town and their property. Some of these concerns include, but are not limited to, unexpected drone or aircraft malfunctions, loss of control, unforeseen incidents that can cause inability to sustain flight as intended, their ability to carry weapons and the potential for use in the planning and execution of a wide variety of criminal activity.

(b) Definition.

"Drone / Model Aircraft" is defined as a powered, aerial vehicle that:

- a) Is any contrivance used or designed to navigate or fly in the air;
- b) Does not carry a human;
- c) Uses aerodynamic forces to provide vehicle lift;
- d) Can fly autonomously or be piloted remotely;

- e) Can be expendable or recoverable
- f) Model aircraft of less than three pounds and which do not carry a camera are not included within this definition.

(c) Prohibition.

No person, entity, governmental unit or law enforcement agency may take off, fly or land a drone or model aircraft within the confines of the Town of Palm Beach unless specifically exempted or permitted in accordance with the terms of this ordinance.

(d) Exemptions.

The following shall be exempt from the prohibitions stated above subject to their meeting all applicable Federal Aviation Administration (FAA) rules regarding operation and registration.

- a) A law enforcement agency which has obtained a court approved warrant authorizing its use for investigations;
  - b) Where, upon approval of the Director of Public Safety it is determined that a drone or model aircraft is necessary to assist law enforcement, fire rescue or ocean rescue personnel in emergency situations where it is determined there is immediate danger, death or serious injury to any person or property;
  - c) Where the drone or aircraft is operated only within the boundaries of an individual's real property and where the drone or model aircraft operation for personal use.
- (e) Drone / Model Aircraft Operation Requirements Subject to Issuance of a Permit:

Drone/model aircraft operation used for educational, environmental or commercial purposes may be permitted by the Town subject to the requirements listed below: The drone or model aircraft

- Must weigh no more than 55 lbs;
- Must remain within the visual sight of the operator at all times;
- May not be operated over any person, gathering of persons or residences that would cause a hazardous or unsafe condition;
- May not be operated at an altitude that would create a hazardous condition and/or interfere with any plane, helicopter or other aircraft already in flight, as per FAA requirements;
- May not have an airspeed in excess of 100 mph;
- Must have a minimum weather visibility of 3 miles;
- Must be operated between sunrise and sunset;

- May not be operated in a careless or reckless manner;
- Operator must demonstrate that the person operating the drone has no physical or mental condition that would interfere with the safe operation of the drone;
- Applicant shall provide a minimum of \$1,000,000.00 of liability insurance for the use of drones and model aircraft;
- Operator and model aircraft equipment must meet all current FAA requirements for commercial UAV operations;
- Must be properly registered with the FAA according to FAA guidelines.

(f) Permit Application.

Permits for the operation of drone/model aircraft as provided herein shall be applied for with the Director of Public Safety at least thirty (30) days prior to the date upon which the drone or model aircraft is to be operated. In the event of an emergency or similar time sensitive situation in which it is impractical to apply thirty (30) days prior to the date upon which the drone or model aircraft is requested to be flown, the Director of Public Safety, for good cause shown, allow for an expedited application of less than 30 days prior to the event. The permit shall detail the specific reason for the need for the operation of the drone or model aircraft, the specific time and specific place the drone or model aircraft is to be operated. In the event the drone is to be used for commercial motion picture making, the applicant must comply with the provisions of Chapter 22 of the Town Code of Ordinances. However, commercial motion picture making shall not include videos made for purposes of monitoring, for environmental purposes or for aerial tours conducted in regard to real estate promotion or sales. The drone operator shall provide the Town proof of liability insurance for the use of drones and model aircraft in an amount not less than \$1,000,000.00 per incident. The permit will only be issued after being reviewed and approved by the Director of Public Safety or a representative designated by the Director of Public Safety and upon payment of a permit fee in an amount to be established by resolution.

(g) Penalty.

Any person or entity in violation of any of the provisions of this ordinance shall be subject to the code enforcement provisions relating thereto.

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 \_\_\_\_\_, 2016, and for second and final reading on this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

\_\_\_\_\_  
Michael J. Pucillo, Town Council President

\_\_\_\_\_  
Richard M. Kleid, President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Danielle H. Moore, Town Council Member

\_\_\_\_\_  
Susan A. Owens, MMC, Town Clerk

\_\_\_\_\_  
Margaret A. Zeidman, Town Council Member